



**Lebanese Republic
National Human Rights Commission
including the Committee
for the Prevention of Torture
NHRC-CPT**

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**Lebanon's National Committee for the Prevention of Torture - CPT
Report to the United Nations Subcommittee on Prevention of Torture - UNSPT**

Preliminary Remarks

1. In fulfillment of its mandate as Lebanon's independent National Preventive Mechanism (NPM), the National Committee for the Prevention of Torture - (CPT) operating under Lebanon's National Human Rights Commission submits this contribution to the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, in conjunction with their planned visit to Lebanon.
2. This contribution does not in itself provide a comprehensive picture on the Prevention of Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment in Lebanon, but rather focuses on areas that the CPT considers to be of particular importance. In addition to the main submission, this contribution comprises a summary of recommendations given by the CPT) in relation to the content of the report (Annex 1).

Priority Areas

3. In this report addressed to the UNSPT, CPT has selected four priority areas of particular relevance to the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Lebanon.

The thematic issues covered in this report are:

- I. Empowerment of Lebanon's NPM**
- II. Voluntary activities of Lebanon's NPM members and experts**
- III. Accountability of the implementation of anti-torture law and other ill-treatment in Lebanon**
- IV. Suggested amendments of Law no. 65 on "Punishing Torture and other Cruel, Inhuman or Degrading Treatment"**

Empowerment of Lebanon's NPM

4. During several reviews published under the Universal Periodic Review (UPR) and other international human rights treaties, Lebanon took several recommendations into consideration aiming at accelerating the establishment of the National Independent Human Rights Commission along with a permanent national committee dealing with the prevention of torture, in accordance with the Optional Protocol to the Convention against Torture. The National Human Rights Commission, consisting of 10 members, and including the Committee on the Prevention of Torture, was established in accordance with Law No. 62 of October 27, 2016, followed by the promulgation of the Presidential Decree No. 3267 on June 19, 2018. However, the government violated the OPCAT and failed to name the members of NPM in accordance with the Decree No. 3267, which led to a one-year delay in its formation. After continuous efforts in the regard, five members of the commission were appointed as members of the Committee for the Prevention of Torture in accordance with the Presidential Decree No. 5147 of July 5, 2019. Unfortunately, one of the members never participated in the voluntary activities of CPT and later resigned. Another NPM member suspended her membership; this left the NPM with only three active members engaged in the organization of the voluntary activities.
5. In accordance with the provisions of Article 5 of Law No. 62/2016, the members of the NHRC-CPT, were sworn in by the President on July 16, 2019 and August 14, 2019. In accordance with the provisions of Article 6 of Law No. 62/2016, and pursuant to the provisions of Chapter Three of Law No. 62/2016, especially in its Articles 15 to 20 implicitly, the NHRC-CPT elected the President and members of the NHRC board and assigned relevant commissioners on November 12, 2019.
6. In accordance with the provisions of Article 7 of Law No. 62/2016, the NHRC-CPT submitted the internal bylaws and fiscal system including detailed rules and regulations of the NHRC-CPT work mechanism to the Lebanese

government on October 15, 2019. The draft decree is still pending for approval by the Council of Ministers. It is to be noted that the Lebanese Cabinet was supposed to ratify the internal and bylaws and fiscal system on January 24, 2022, but unfortunately, the Ministry of Finance and Ministry of Justice suspended this ratification claiming that they have additional comments on the texts, knowing that the NHRC-CPT had previously presented the draft bylaws before the Lebanese State Shura Council and took its recommendations and feedback into consideration at that time, except for its objection on Article 17 of the internal bylaws stipulating the establishment of four standing committees including the International Humanitarian Law Committee. This Committee would deal with the proper implementation of all relevant International Humanitarian Law conventions, protocols, and customary rules to which Lebanon is a party, whether by ratification or accession. The Shura Council believes that this Committee as another ineffective ministerial committee like the one established years ago. NHRC-CPT considered this objection a violation of Law 62/2016 by which the Commission is fully mandated with the monitoring of IHL during and after conflicts, not to mention that the interference of both the Ministry of Finance and the Ministry of Justice in the content of bylaws is also considered as a violation of OPCAT and the autonomy of Lebanon's NPM.

7. In accordance with the provisions of Article 28 of Law No. 62/2016, NHRC-CPT submitted several annual draft budgets for the years 2019, 2021, 2022 to the Minister of Finance, in accordance with the Lebanese Decree No. 14969/1963 on Public Accounting. The proposed public budget for the year 2022 currently being discussed in the parliament allocates 7.6 billion LBP to the NHRC-CPT. **However, even if the parliament approves the proposed budget the Commission will not be able to benefit from the allocated budget unless if the Cabinet approves the organizational decrees of the NHRC-CPT.**
8. The Lebanese government failed to take serious, swift and effective actions allowing the NHRC-CPT to start its mission with the needed personnel and adequate funds. Meanwhile, the appointed NHRC-CPT members started working on voluntary basis including receiving complaints, monitoring, and visiting prisons, and they are still engaged in other jobs to secure their livelihood. In accordance with the provisions of article 4 of Law No. 62/2016, NHRC-CPT members shall be dedicated full-time to their duties and are not allowed to engage in any other work during their tenure. In accordance with the provisions of Article 30 of Law No. 62/2016, the President, Vice-President, and members of the NHRC-CPT shall receive a monthly lump-sum compensation as set forth in a decree issued by the Council of Ministers upon the proposal of the Minister of Justice. Unfortunately, the draft decree dated March 17, 2017 regulating this

compensation is still pending for approval by the Council of Ministers. At In this regard, the Ministry of Justice proposed amendments to this decree without consulting the NHRC-CPT members and not taking into consideration the economic crisis that led to a 24.96 percent inflation rate from 2008 until 2022, reaching an unprecedented increase of 239.69 percent in January 2022 compared to a record low of -4.67 percent in September 2015. Under the latest version of this decree, around 6 million Lebanese Lira (worth 222 USD) per month are allocated for NPM members. Unfortunately, this draft decree is still pending for another approval by the Minister of Justice and the Minister of Finance, before sending it to the Lebanese State Shura Council and later submitting it to the Council of Ministers for adoption. NHRC-CPT considers the failure of four Ministers of Justice to implement Article 30 of Law 62/2016 as a clear indicator of the Lebanese government's failure to take serious, swift and effective actions allowing the NHRC-CPT to start its mission with the needed personnel and adequate funds.

9. In accordance with the provisions of Article 30 of the 2020 budget law that was published in the Official Gazette on 5 March 2020, the Lebanese Parliament adopted the amendments to Article 28 of Law No. 62/2016, by which a chapter is dedicated for the Commission under the Prime Minister's Office section of the General Budget. Even though the NHRC-CPT has not yet requested GANHRI's accreditation, NHRC-CPT considered that the amendment to Article 28 contravenes the international standards governing the NHRIs. GANHRI General Observation 1.10 on adequate funding states that: "Government funding should be allocated to a separate budget line item that applies only to the NHRI. Such funding should be regularly released and in a manner that does not impact adversely on its functions, day-to-day management, and retention of staff". After a year and a half of lobbying, the parliament adopted on March 7, 2022 the Law No. 273 amending Articles 28 and 30 of Law No. 62/2016. The new law states that NHRC-CPT shall have an annual budget secured according to a chapter dedicated in the public budget, under a section for the independent national commissions, and it shall be sufficient to cover NHRC costs and activities. Paragraph (c) of Article 28 stating that the CPT budget shall be included as a separate item within NCHR budget, to cover all its expenses was removed. It shall constitute not less than one-quarter of the NCHR budget. Law No 273 also amended Article 30 of Law No. 62/2016. Consequently, a new paragraph (b) was added, stating that the mandate of the NHRC including the Committee for Prevention of Torture shall begin after the issuance of all regulating decrees governing the commission. Considering that the amendments are not clearly formulated, the NHRC-CPT decided to submit a new amendment to Law No. 62/2016 noting that the issuance of Law No. 273 is a big achievement countering

the attempt of the Ministry of Finance to jeopardize the autonomy of NHRC-CPT in a violation of the Paris Principles and OPCAT obligations.

10. Since June 2018, NHRC-CPT has been pushing towards adopting a decree that enables it to use a public building that was occupied in the mid-nineties by the Ministry of Agriculture and has been vacated for more than two decades. This building is located in Chiyah and consists of 12 floors. Unfortunately, the Ministry of Agriculture is refusing to abandon this building claiming that it is still using it. NHRC-CPT is seeking to convince the cabinet to adopt a decree that will grant all independent commissions and committees access and use of this building as soon as possible. This will reduce the public spending on renting fees for the national independent commissions struggling to start implementing their mission. During the period of negotiations with the International Monetary Fund, the Prime Minister offered the Anti-Corruption Commission several public buildings to be used in an effort to convince the international community that the government is willing to combat corruption, while it was actually disregarding matters related to torture and ignoring all the accidents and complaints against security agencies that were adopting systematic torture means during interrogations. NHRC-CPT would like to mention that Lebanon is violating Article 17 of the OPCAT that was ratified on December 22, 2008. Since Lebanon cannot benefit from Article 24 of the OPCAT, it cannot ask for additional time to consider the best ways to implement obligations set out under the United Nations Convention against Torture.

Voluntary activities of Lebanon's NPM members and experts

11. Lebanon exerted remarkable efforts towards establishing national, normative and institutional frameworks for the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment and their practical implementation. Nevertheless, torture and ill-treatment continue until date to be practiced with almost complete impunity, and victims of such abuse or their relatives never obtain the redress, reparation, and rehabilitation to which they are entitled under national and international law. Lebanese authorities must improve the penitentiary system implemented including the living conditions of prisoners while granting special attention to elaborating rehabilitation and social reintegration programs in addition to providing proper training for detention centers officials.
12. In fulfillment of its mandate as Lebanon's independent National Preventive Mechanism (NPM), the National Committee for the Prevention of Torture - (CPT) regularly conducts voluntary activities including visits to detention centers, while it is in dire need for support. CPT adopted the methodology of being not only

reactive but also proactive, and not only corrective but also restorative. Since its establishment in July 2019, CPT conducted 5 visits to civil and military prisons and detention centers. It also visited and conducted interviews in 2 other places where people are or may be deprived of their freedom.

13. On May 15, 2020, CPT received claims that there is ill-treatment in a temporary shelter established by the Philippine Embassy to Lebanon to secure the safety of Filipino workers that left their workplace during the COVID-19 pandemic. A visit was conducted on the same day to investigate the situation in the shelter taking into consideration the limitations on accessibility in light of the relevant provisions of international law, and in particular that of the 1961 Vienna Convention on Diplomatic Relations (done in Vienna on April 18, 1961) and the 1963 Vienna Convention on Consular Relations (done in Vienna on April 24, 1963). During the visit, CPT expert spoke with one of the diplomats and listened to the testimony of one of the victims. Given the heightened risk of contagion among those in custodial and other detention settings, the CPT urged the embassy to do the following:
 - (a) Conduct urgent assessments to identify individuals mostly at risk within the shelter, taking into account those suffering from a health condition and pregnant women.
 - (b) Address the overcapacity of the shelter based on a calculation of the square meter per person allowing social distancing as recommended by the WHO;
 - (c) Ensure that women in the shelter can send complaints to the CPT according to a clear, functional and effective mechanism.
 - (d) Abide by the minimum requirements for daily outdoor exercise, while also taking into account the necessary safety measures;
 - (e) Ensure that fundamental precautionary measures against ill-treatment, including the right of access to medical care, and legal assistance
 - (f) Provide appropriate psychological support to all women and staff who are affected by these restrictive measures;

The Embassy reassured us that they will take these recommendations into consideration and take swift and corrective measures. The Embassy later managed to safely fly back Filipino workers to their home country.

14. On May 26, 2020, CPT visited RAMCO (a Lebanese construction, facility, and waste management company) premises where the foreign workers were living in a poor hygiene environment. The visit was organized in cooperation with the Anti-Racism Movement (ARM), a grassroots movement created by young activists in Lebanon in collaboration with migrant community leaders. In early April 2020, some 400 RAMCO employees – mostly from Bangladesh and India –

took the unprecedented decision to go on a work strike until they obtain their late financial dues. . During the visit, RAMCO workers told CPT that although their contracts are in USD, the Company had been paying their salaries in LBP since November 2019, at the now-defunct official exchange rate of 1,500 LBP for one USD. The workers announced the strike on April 2. When RAMCO workers blocked roads outside the company premises on May 12 and prevented the garbage trucks from leaving, riot police were called in. Videos that went viral on social media showed the riot police launching tear gas and beating the workers. A small number of workers appear to have caused damage to some company properties. These workers highlighted an important issue which is the discrimination they are facing because of the Kafala (sponsorship) system that is making them prone to abuse and exploitation as their visas are directly related to their employers, i.e. they cannot leave or change jobs without their employer's consent. Moreover, CPT noticed that the Company does not secure a suitable and flexible working environment wo since workers are not allowed to leave the premises unless permitted by their manager once per week and for not more than 4 hours.

The visit generated the following conclusions:

- a) CPT reported abuse towards RAMCO workers, including delay or non-payment of wages, forced confinement, refusal to grant any days off, as well as verbal and physical abuse. We also noticed injuries in workers' arms and hands. Video images analyzed by CPT revealed severe bruises on a worker's face.
- b) An employee was arrested during the incident and remains in custody. CPT was informed that he was transferred to Ain Wazein Hospital due to his mental health conditions. Workers interviewed during the visit brought to light the mistreatment that he endured. The Bangladeshi worker, Enayet Ullah, who suffers from a mental illness was locked up underground for 3 days instead of receiving the proper care during the strike. While locked up, he was mentally and physically tortured which aggravated his mental problem.
- c) CPT urged the concerned persons at RAMCO to immediately stop the inhumane treatment of workers, including their deprivation from days off and the overcrowded living space, etc. Additionally, the Company should secure proper healthcare services to all workers including mental health assistance, noting that workers are forced to work in a high-risk unsanitary environment. The living and working conditions amidst the COVID-19 pandemic, the non-contractual salary-cuts, and the previously mentioned incidents must be considered as serious violations by RAMCO of international human rights, labor laws, and recent public health protocols.
- d) Lebanese authorities have arrested and deported migrants who engaged in organizing migrant worker rights. Such practices violate international human rights law that require all countries to abide by the rights of each person to live

freely on a given territory including freedom of association, without discrimination.

- e) The struggle of workers at RAMCO is only one reflection of the exploitative nature of the Kafala system which, due to the government's negligence, has left migrant workers at the mercy of employers and recruitment agencies in the absence of any labor law to protect them. Dismantling the Kafala system on an urgent basis is the only structural decision that will ensure the physical, mental, and financial safety of all migrant workers in Lebanon.

15. On July 24, 2020, CPT visited the detention centers of the Palais de Justice in Beirut, where 241 detainees were kept in a parking lot under President Elias Hrawi Bridge under a temperature as high as 33°C. Many places of detention in Lebanon are overcrowded, partially due to the high number of people being in pre-trial detention, but the detention centers of the Palais de Justice in Beirut are the worst example in comparison to other detention centers in the penitentiary system in Lebanon, due to the high rate of crime in the city and its surrounding. The first part of the visit was to the original detention center of Palais de Justice in Beirut located underground in the same building. The detention center was overcrowded but still, they were considered fortunate in comparison to other detainees that were kept in the temporary detention center under the same administration of Palais de Justice in Beirut named "under the Bridge detention center". The total number of detainees in both detention centers exceeded 300 during the day of the visit.

Conclusions from the visit were as follows:

- a) Living conditions in detention centers of the Palais de Justice in Beirut are horrific, they are not only marred by a lack of adequate facilities, services, and infrastructure but also the lack of proper application of the Standard Minimum Rules for the Treatment of Prisoners. The living environment for detainees is therefore unhealthy due to severe overcrowding, high humidity, lack of heating or cooling systems, and insufficient sunlight, causing diseases to prisoners such as respiratory, pulmonary and dermatological infections due to lack of exposure to direct sunlight and lack of natural light, not to mention violation of proper personal hygiene rights of prisoners.
- b) 44 detainees asked for some legal aid from the CPT members . CPT documented these requests and communicated them to the Bar Association of Beirut and the Bar Association of Tripoli where committees manage legal aid. Since trainee lawyers rather than experienced lawyers from the Bar Association are often assigned to cases where legal

assistance is requested, the quality of the representation provided to legal aid clients is jeopardized because these trainees often lack adequate training and supervision.

In civil cases, legal aid in Lebanon is mainly dependent on the financial situation of the party requesting legal aid. Chapter 7 of the Lebanese Code of Civil Procedure of 1983 offers the possibility for a party to apply for legal aid. The law is applicable to every Lebanese nationality holder, including residents in Lebanon, if the concerned person cannot afford the fees of holding a trial. The party may apply for legal aid in order to file a lawsuit in the first instance or appeal court. Further, aid may be sought for the purpose of initiating or defending a case, or file for an appeal.

- c) Out of the 240 detainees in the center, at least 25 percent are convicted in one trial and waiting for other trials before they are transferred to the central prison or any other prisons in the regions. An average of ten to fifteen people are obliged to stay in one small cell, without taking into account the type and seriousness of the committed offense, or the suspect.
 - d) Sunlight is completely blocked in this detention center; Even ISF members are working in difficult circumstances, just like detainees. There are people who have not been exposed to sunlight for more than fifteen months, as stated by officials in charge of the detention center. The place is filled with unpleasant odors, due to the passage of a drain of stagnant water adjacent to the cells, and it lacks proper ventilation. Detainees also suffer from poor nutrition. According to some of the detainees, they are not allowed to receive food from their families under the pretext that it is possible to smuggle drugs in food items in addition to the extra precautionary measures taken during the COVID-19 pandemic; Medical care is nonexistent ; There are many detainees suffering from skin diseases; Communication with the outside world and families is very limited, and internet access is banned.
 - e) The CPT stressed that further measures have to be taken to reduce the long-term negative impacts of the COVID-19 pandemic on detainees. It highlighted the importance of ensuring vaccination programs to people deprived of their liberty. The CPT urged the ISF to improve hygiene conditions, ensure accessibility of health care in the detention center, and take action to ensure that detainees whose mental health has been affected by COVID-19 receive adequate counseling and psychosocial support.
16. On 7 August 2020, the CPT conducted an emergency visit to the detention center of the Palais de Justice in Beirut located in the parking lot under President

Elias Herawi Bridge. The hotline of the CPT received several calls from families of detainees claiming that they were beaten and injured. The Lebanese security forces raided the detention center 2 hours after the famous Beirut blast following an alert from the detention center administration, saying that detainees were trying to escape due to damages caused by the explosion, aided by the damage that affected the internal and external doors of the detention center.

On 4 August 2020, a large amount of ammonium nitrate stored at the port of the city of Beirut, the capital of Lebanon, exploded, causing at least 218 deaths, 6,500 injuries, and damages in the Port area and its surroundings. . The Beirut Rapid Damage and Needs Assessment conducted by the World Bank estimated physical losses between US\$3.8 and US\$4.6 billion, in addition to US\$2.9 to US\$3.5 billion in economic losses.

The visit generated the following conclusions:

On the second visit, the detention center administration did not welcome the CPT delegation as it did the first time. It tried to delay its access to the detention center, claiming it needed approval from both the ISF administration and the judiciary. Lebanon's Public Prosecutor Ghassan Oueidate first reacted by banning the visit, claiming that all visits were suspended following the Declaration of State of Emergency in Beirut. As a response, the CPT had to remind Lebanon's public prosecutor that his decision was a violation of Law. 62/2016, Article (9), item (C), which states the following: " The executive branch in Lebanon may not decide to suspend or halt the work of the NHRC under any circumstances, including states of emergency and war". Hours after the CPT was willing to inform the media about the ban, Oueidate allowed the visit to the detention center.

- a) Both detainees with whom the CPT met and the detention center administration narrated the facts. The administration stated that the prosecutor investigated the incident and filed a case against 40 detainees involved in the unrest. The CPT documented that the raid resulted in 4 injuries, most of them being in the abdomen, as security forces fired kinetic impact projectiles such as rubber bullets, while special police forces deployed excessive quantities of tear gas.
- b) The CPT requested immediate care from the detention center doctor for 3 badly injured detainees, including a cancer patient who needed immediate medical help.
- c) The CPT recommended allowing family visits to all detainees immediately, explaining how this could help defuse the anger of the detainees' relatives

who were protesting outside the prison. Four detainees, however, were not allowed to receive visitors as a punishment from the administration.

- d) The investigation of the incident led to the conclusion that it was mainly due to the lack of security measures that the detainees were able to use thin handmade metal needles to open the lock minutes after the blast damaged external and internal doors. The incident is another proof that the prompt closure of this temporary detention center is needed.

17. On 31 March 2021, The CPT visited the Central Prison in Roumieh, the country's main penitentiary. The visit came in response to the demands of families to check out the situation of prisoners, following news about food shortages. A day before the visit, two prisoners called the CPT hotline to insist on the visit and to give some tips and information about the situation. Many prisoners in Roumieh use smuggled mobile phones and internet video chat programs to communicate with the outside world. Due to a lack of staff, the CPT delegation decided to limit the visit to "Building B" in the prison and the central kitchen. This building reportedly houses a number of high-profile terrorists. The Roumieh prison was originally built to absorb about 2,000 inmates. However, it is now home to about 3,250 prisoners. This overcrowding has prompted incidents of rioting, including those witnessed many times during the past ten years when prison officers lost control. The overcrowding also reflects the poor security control in the Roumieh prison, where attempts by groups of inmates to take over parts of the prison make it difficult for the security forces to maintain full control.

In Roumieh's Central Prison, food was generally served in generous quantities, and was cooked in the prison kitchen. While no special food diets are available for prisoners with chronic diseases (such as diabetes, hypertension, or lipid disorder), the prison authorities allowed prisoners to receive food prepared by their relatives with a limitation on cooked food due to the lack of resources to detect smuggled drugs. As for water supply, it is inadequate, unfit for drinking, and used for bathing and cleaning purposes. The drinking water in the prison is not of good quality, and it is not regularly tested. Water used for bathing and cleaning purposes is also not filtered and storing tanks on the rooftop of the building are dirty and contain worms. Detainees also claimed that they lacked regular hot bathing water, especially during winter.

Due to the economic crisis, the prison administration lowered the quantity of meat (Lamb and Chicken) served every week. This step vexed the prisoners who criticized the administration, and thought that this was going to leave them to starve.

The visit generated the following conclusions:

- a) All prisoners and detainees with whom the CPT met cited slow judicial procedures as the main factor behind a weak judiciary in Lebanon, with the inmate or detainee being the primary victim of these shortcomings.
- b) Detention conditions in Roumieh's Central Prison are far from acceptable. The overpractice of solitary confinement violates the human rights of prisoners. The prison administration should fully respect rules and procedures related to the reasons and period of practicing solitary confinement. The imposition of this punishment can amount to torture, and cruel, inhuman, or degrading treatment or punishment.
- c) The economic crisis, the coronavirus outbreak, and electricity rationing have threatened the lives of the inmates. They are suffering from severe power outages and water shortages amidst an immensely hot weather and overcrowded cells. Inmates spoke of soaring inflation in the prison shop, where they are allowed to purchase some of their necessities. Inmates also regularly barter by trading food and other goods. The electricity rationing has hit prisoners particularly hard given the absence of fans, the unavailability of refrigerators for food storage, and the to heat food using a microwave or any electrical appliance.
- d) The CPT discovered that the food was inedible. The bread has a pungent smell and inmates are limited to two loaves per day. Prison administrations are now incapable of providing all medicine and medical services to inmates. Some prisoners are forced to pay their own medical fees, particularly those who need to be operated on. According to prisoners with whom the CPT met, the quantity of food provided by the prison kitchen has decreased dramatically, and meat has disappeared. The prison administration denied this information, saying meat was still served twice a week. The CPT noticed that large amounts of food supplies were donated to the prison by Dar Al Fatwah (A government institution charged with issuing legal rulings specific to the Sunni community, administering religious schools, and overseeing mosques).
- e) Prisoners in block B disclosed that several of them had experienced skin infections and allergies. Some had their beds and sheets rot as a result of an increase in temperatures, high humidity, and bad ventilation. Prisoners also experienced an outbreak of scabies, a skin infestation caused by mites that can live on the skin for months if left untreated. Rats, a natural host for the microscopic mite that causes intense itching and rashes, were found in the block's water tanks, according to the prisoners. Prisoners also spoke of the skin allergies and itches that appear to be the result of the bad drinking water quality.

- f) Prisoners in block B disclosed that they renovated the building using their own money. The renovation revolved around painting some walls in the building and filling it with religious and political oriented sentences that violates the rules and law of prisons in Lebanon.
- 18. On 14 April 2022, the CPT visited two detention centers under the authority of the General Directorate of State Security, and the Presidency of the Council of Ministers. The visit covered the Central State Security Detention Center in Jnah-Beirut, (29 detainees) and the Directorate of VIP Protection (1 detainee). Moreover, the CPT met with the head of the Directorate of Central Investigation and other officers.

The visit generated the following conclusions:

- a) The Central State Security Detention Center in Jinnah- Beirut is not designed to serve as a detention center. Electrical installations are clear and visible, and the size of the cells and the common area violates the Minimum Standards for Detention Facilities, including the size, type, and design of the building and the site.
- b) The Officer in Charge of Human Rights in the State Security deems any potential incident of torture or ill-treatment as an isolated event from their commitment to implement the Convention against Torture. The officer gave the CPT delegation a printed copy of a newly adopted Code of Conduct for Lebanon's State Security Forces that sets out professional and ethical standards of behavior to guarantee respect for human rights and protection of public freedoms in accordance with Lebanon's Constitution and its human rights obligations.
- c) The CPT met with a detainee in the Central State Security Detention Center in Jinnah- Beirut. He claimed he was tortured in the State Security Detention Center in Dekwaneh, Mount Lebanon, before he was transferred to Beirut. The detainee did not give the delegation his consent to investigate his case alone, asking for an investigation of the detention center as a whole. The CPT gave the detainee the hotline number and asked him to inform his family and lawyer to call the NHRC to provide more details about his situation.
- d) The CPT noticed that surveillance cameras were located inside the cells. The delegation warned the officers that cameras were not allowed in the cells and bathrooms, only in the corridor of the rooms. The Detention Center Administration explained that this was a security issue that protected detainees against sexual misconduct, and that allowed it to catch a lot of offenders in the act. The CPT is willing to discuss this very alerting issue with prison and detention centers administrations on a political and administrative level.

19. On 29 April 2022, the CPT visited the Military Police Prison in Rihanieh, Mount Lebanon. The prison is run by the Ministry of National Defense (Army Command). The CPT delegation initially met with the head of the prison in order to communicate the scope of the inspection. It is worth highlighting the fact that the director of the inspected prison showed cooperation throughout the inspection.

After receiving the required information on the duty performance, the CPT delegation conducted private meetings with the persons deprived of liberty.

79 suspects and two prisoners are detained by a decision of the Office of the Military Prosecutor. Usually, the period of detention should be limited to 48 hours, which may be extended only once for a similar period, with the approval of the Office. The CPT met with detainees that were not referred to the competent court, some of whom were sentenced in one case but were still waiting for other sentences, the reason why they were detained for more than one year in the detention center and were never transferred to an officially recognized prison.

The visit generated the following conclusions:

- a) The Officer in charge reported to the CPT that all the detainees summoned to the Defense Ministry, were interrogated in the presence of a lawyer. He stated that Article 47 of the Code of Criminal Procedures was fully implemented in the Military Police Prison in Rihanieh. In fact, the 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 the arrest. Under Lebanese law, officers breaching the guarantees of Article 47 are liable for prosecution for unlawful detention.
- b) Signboards in Arabic outlining the rights of detainees have been placed in the prison. A box for filing complaints against officers is also placed in the prison with a template questionnaire that the prisoners can fill.
- c) Detainees are provided three times a day with the same food served to military personnel. During the month of Ramadan, prisoners who are fasting are served with their first meal after sunset. The drinking water supply in the prison comes from the Dbayeh water plant. It is regularly tested and is not the same as the water used for bathing and cleaning

purposes. Detainees are also provided with hot bathing water once every two days and otherwise as needed.

- d) The CPT discovered that cameras were located inside the cells. The delegation warned the officers that cameras were not allowed in the cells and bathrooms. They explained that this was a security issue that is normal in military prisons. The CPT is willing to discuss this very alerting issue with the Ministry of National Defense (Army Command).
 - e) Detainees related to the Beirut blast probe have been kept in this detention center for more than 20 months. The Lebanese judge leading the investigations was relieved of his duties after ex-ministers he had summoned for interrogation filed a lawsuit against him. The CPT submitted a complaint from two of those detainees to the NHRC to look into their case and investigate it, if it falls into one of these categories: Category I: If it is clearly impossible to invoke any legal basis justifying the deprivation of liberty; Category III: if the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.
20. From the inspections at prisons and detention centers mentioned above, it is observed that their capacity in space and in financial and human resources is insufficient, not only for cases of massive inflows but also for cases of gradual increase in the number of detainees in a short time. It was also observed that there are many challenges to be overcome - even in an emergency context. The prison administration should take immediate measures to maintain and update a list of translators for foreign inmates. It is also necessary to take immediate measures to maintain a doctor within a 24-hour-term, in order to treat inmates and detainees in conformity with the applicable legislation, with the aim to avoid undesirable situations. Measures to improve the hygiene-sanitary conditions and repair the toilets are also of utmost importance.
21. In order to fulfill its functions, the NHRC-CPT may have access to all information from relevant authorities concerning the content and progress of complaints, allegations or prosecutions of torture, and other cruel, inhuman, or degrading treatment or punishment before disciplinary or administrative authorities. On 20 January 2020, the CPT requested information from the State Prosecutor's Office and the Director-General of the ISF regarding the results of the investigation in the leaked video that shows ISF officers mistreating detained protesters while they reached El Helou Barrack. The mistreatment captured on video is only the tip of the iceberg since local and international organizations have been

documenting the torture and abuse of detainees in Lebanon for years. On 19 March 2020, the CPT received a letter from the ISF stating that 9 of its soldiers were subject to disciplinary sanctions due to this incident. The CPT considered that the results of the ISF internal investigation were not transparent or efficient especially since it was not handled by the ISF's committee for monitoring torture in prisons, custody suites, detention centers and investigation facilities.

22. During the latest governmental response to the COVID-19 pandemic, the CPT took action to promote and practice the recommendation mentioned in the advice of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) to State Parties and national preventive mechanisms relating to the COVID-19 pandemic (CAT/OP/10). On 22 March 2020, the CPT addressed a letter to the prime minister, asking him to provide the minimum support and capacity building to assure that members and experts of the National Preventive Mechanisms (NPM) can exercise their authority to visit places of quarantine and protect people against torture and cruel, degrading, and inhumane treatment. The Ministry of Public Health responded to the letter by noting that the places of quarantine prepared by the ministry were for emergency and were not yet used. At a later stage, the CPT was trying to visit hospitals that were used as places of quarantine. Unfortunately, the government didn't provide it with the needed personal protective equipment (PPE) to undertake this mission. In January 2021, the CPT was invited to participate in the meetings held by a committee established by the Ministry of Interior to tackle the COVID-19 pandemic in prisons and detention centers. According to the reports provided by this committee, the definition of "places of deprivation of liberty" was limited to prisons and detention centers only.
23. Law no. 62 adopted and copied the definition of "deprivation of liberty" from 4(2) of the Optional Protocol to the Convention against Torture (OPCAT). According to Article 22(B) of Law no. 62, "deprivation of liberty" means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority. Article 22(B) also gives some examples of the places of deprivation of liberty, which include, but are not limited to, prisons, places of detention, police stations, juvenile centers, ports, airports, hospitals and psychiatric institutions in Lebanon where persons are or may be deprived of their liberty. The same article also mentions the authorities that supervise these places as follows: the Directorate General of Internal Security Forces or the General Directorate of the General Security, the General Directorate of State Security, the Customs Administration, the Ministry of National

Defense or the Ministry of Justice. This also omits reference to consent or acquiescence by the public authority of some types of deprivation of liberty and it would thus limit the legal definition of the “deprivation of liberty” in Lebanon. The CPT considers that the OPCAT was intended to cover a broad range of places where people are deprived of their liberty, either at the instigation of a public authority or with their consent or acquiescence. Thus, interpreting Article 4 systematically as well as taking into consideration the object and purpose of the OPCAT leads to the conclusion that Article 4(2) of this protocol must be interpreted in the light of the broader definition set out in Article 4(1) of the same.

- a) On 25 May 2021, and in line with its mandate, the CPT adopted the following list of places of deprivation of liberty in Lebanon: Places of deprivation of liberty under the authority of the Directorate General of Internal Security Forces, Ministry of the Interior. These include prisons, pretrial detention facilities, police stations, disciplinary centers for minors, temporary detention facilities on border passages, airports, seaports, and investigation facilities of the ISF Information Department.
- b) Places of deprivation of liberty under the authority of the General Directorate of General Security, Ministry of the Interior. These include temporary detention facilities, administrative retention centers, refugee detention centers, shelters and safehouses for migrants and survivors of human trafficking, and temporary detention facilities on border passages, airports, and seaports.
- c) Places of deprivation of liberty under the authority of the General Directorate of State Security, the Presidency of the Council of Ministers, including temporary detention and investigation facilities.
- d) Places of deprivation of liberty under the authority of the General Directorate of Customs, Ministry of Finance, including temporary detention facilities on border passages, airports, and seaports.
- e) Places of deprivation of liberty under the authority of the Lebanese Army and the Ministry of National Defense. These include prisons and temporary detention centers and facilities, including military barracks, military police pretrial detention stations, and investigation facilities of the Military Intelligence.
- f) Places of deprivation and/or restriction of liberty under the authority of the Parliament Security Force, comprising the parliament police, the ISF, and the Lebanese Army. These include temporary detention and investigation facilities.
- g) Places of deprivation and/or restriction of liberty under the authority of governmental and non-governmental organizations, under the supervision or contractual status of the Ministry of Public health. These include hospitals and psychiatric institutions that treat persons with mental health conditions, places of quarantine, elderly centers, including those dedicated to dementia patients, drug

treatment centers, alcohol treatment centers, and any other treatment center that include deprivation of restriction or liberty.

- h) Places of deprivation and/or restriction of liberty under the authority of governmental and non-governmental organizations, under the supervision or contractual status of the Ministry of Social Affairs. They include orphanage centers and associations, boarding schools for persons with disabilities, shelters for gender-based violence survivors, shelters for human trafficking survivors, shelters for LGBTQ+ survivors of violence, and elderly centers and shelters.
 - i) Places of deprivation or restriction of liberty under the authority/jurisdiction of diplomatic missions in Lebanon. These include shelters for migrant domestic workers, gender-based violence survivors, human trafficking survivors, or other shelters established by embassies or consulates for migrant domestic workers inside or outside embassy premises and territorial jurisdiction.
 - j) Places of deprivation and/or restriction of liberty under the authority of governmental and non-governmental organizations, under the supervision or contractual status of the Ministry of Education and Higher Education. These include orphanage centers and associations and other types of boarding schools.
 - k) Places of deprivation of liberty under the authority of the Ministry of Justice or the authority of other governmental and non-governmental organizations. These include juvenile corrections and rehabilitation centers, disciplinary centers, and all other means of intervention with juvenile and minor facilities.
 - l) Places of deprivation or restriction of liberty under the authority of non-State actors.
24. On 10 December 2021, the NHRC-CPT received a complaint from the Lebanese citizen Mohamad Ali Rabih El-Haj, claiming that he was tortured on 9 December 2021 while he was interrogated by officers serving in Baabda Judicial Detachment in the Regional Criminal Investigation Department of the Judiciary Police Unit within the General Directorate of the Internal Security Forces. The NHRC-CPT accepted the complaint and investigated it. This included, in addition to interviewing the victim, providing a medical assistant and forensic checkup and assessment, and a legal assistant to submit his case to the court. On 24 April 2022, the investigating judge of Baabda accepted to register the case of Mohamad Ali Rabih El-Haj, while the appeal court prosecutor was willing to submit the case to the military court. The NHRC-CPT considered that the official follow-up of the complaint helped getting the case of Mohamad Ali Rabih El-Haj to reach the ordinary judiciary (Case Registration no.1707/2022).
25. The CPT, in its role of a National Preventive Mechanism (NPM) and with the support of the community policing in Lebanon project, funded by the European

Union and implemented by the International and Ibero-American Foundation for Administration and Public Policies - FIIAPP developed two guide books. The first is a reference guide for the NHRC-CPT, while the second is a complaint handling guide. The CPT also designed signboards on the rights against torture of persons deprived of their liberty that will be placed during its 2022 visits to prisons and detention centers.

26. UN agency representatives, diplomatic missions in Lebanon, and other international human rights organizations operating in Lebanon were reached out, with a view of updating information and coordinating action plans.

Accountability of the Implementation of Lebanon's Anti-Torture Law and other ill-treatment acts

27. Although five years have passed since the adoption of Lebanon's Anti-Torture Law no. 65/2017, the Lebanese judicial authorities still fail to investigate serious torture allegations made by victims. The prosecutor's failure to investigate these allegations underscores serious failings in how Lebanon's judiciary is handling torture complaints. The procedures in the anti-torture law are intended to provide accountability for the crime of torture. Yet five years on, we counted 18 cases in which authorities failed to follow the law.
28. The CPT reaffirms that all law enforcement officers, including the Internal Security Forces, the General Security Forces, and the army, are still not implementing the provisions of Law no. 65/2017, particularly in light of the current acts of the public prosecutor that is violating article 4 of this law. The ISF's Central Criminal Investigations Department, Lebanese Army Military Intelligence Directorate, and other state security agencies are still conducting investigations related to torture, although the Anti-Torture law prohibits security agencies from carrying out torture investigations. **An investigation by security agencies into actions committed by their own officers is neither independent nor impartial.**
29. The Military Prosecution summoned the case of 17 victims of torture due to the protests that started on 17 October 2019, in violation of Lebanese law, which states that torture cases against security officials should be heard in civilian, not military, courts. The claims of torture filed by protestors demand a thorough and fair investigation in the competent criminal courts. If their claims are true, the perpetrators should be held accountable and victims must be provided with adequate redress.

Suggested amendments of Law no. 65/2017 on “Punishing Torture and Other Cruel, Inhuman or Degrading Treatment” and other related legal instruments

30. Law no. 65/2017 does not meet the requirements of Article 7 of the International Covenant on Civil and Political Rights (ICCPR). In March 2022, the Human Rights Committee of the Parliament considered readopting the amendment of Law no. 65/2017 after the parliament failed to ratify the proposed amendments. The Law 65 fails to comply with the standards established in the UN Convention against Torture –ratified by Lebanon in 2000. The NHRC-CPT noted that the current law and several of its proposed amendments introduce the definition of torture in a limited way. Given that torture may as well occur outside this frame of definition, it is necessary to remove the relevant limitation.
31. Law no. 65/2017 introduces the definition of torture into the PC.4 The Human Rights Committee noted that the wording of the definition limits torture to situations of investigation, interrogation, judicial investigation, trial and punishment. Given that torture may as well occur outside the frame of these situations, for example as a punishment for another person’s offence, it is necessary to remove the relevant limitation. Further, we recommend that Article 2 (Special Provisions on Illegal Orders) of Law no. 65/2017 be amended to explicitly exclude exceptional circumstances, a state of war or a threat of war, internal political instability or any other public emergency, as a justification of torture (Article 2 of the Convention). In addition, as mentioned in the above-cited Concluding Observations of CAT, attention has to be paid to also excluding exceptional circumstances such as threats of terrorist acts or violent crimes, as well as armed conflict, be it international or non-international.
32. Law no. 65/2017 should be amended to criminalize inhuman or degrading treatment or punishment (IDT) as well. It is important to note that torture and IDT are both absolutely prohibited under Article 7 of the ICCPR, in addition to other international and regional treaty provisions and the customary international law. The distinction between protection against torture and CIDT stems from the requirements of the Convention against Torture (CAT), which laid down some specific State obligations with regard to torture – primarily with regard to the obligation to criminalize acts of torture and to apply the principle of universal jurisdiction in this regard. As for definitions, Article 1 of CAT defines torture as “any act which consists of the intentional infliction of severe pain or suffering (physical or mental), involving a public official (directly or at the instigation or

consent or with the acquiescence of a public official, or another person acting in an official capacity), and for a specific purpose (i.e. extracting a confession, obtaining information, punishment, intimidation, discrimination)”, and it has to be read in conjunction with Article 16, which requires State Parties to prevent “other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Article 1”. This article also defines torture as an aggravated form of cruel, inhuman or degrading treatment or punishment. Acts falling short of the definition in Article 1, where the inflicted pain is not severe, and particularly acts without the elements of intent or acts not carried out for the specific purposes outlined, may comprise cruel or inhuman treatment under Article 16 of the Convention while acts aimed at humiliating the victim constitute degrading treatment or punishment even where severe pain has not been inflicted.

33. By virtue of Article 3 of Law no. 65/2017 and Article 10 of the CPC, the crime of torture is subjected to a statute of limitations of 10 years, from the date of the victim’s release. The Human Rights Committee requested that the crime of torture not be subjected to a statute of limitation as statutes of deprive victims of torture-related redress, compensation, and rehabilitation. The same request was previously addressed by the CAT in its concluding observations. Accordingly, Law no. 65/2017 should be amended to explicitly state that the crime of torture should not be subject to a statute of limitation.
34. Law no. 65/2017 stipulates that the crime of torture – depending on its consequences for a victim - shall be sanctioned with imprisonment from one to ten years, and if the victim died due to torture, the perpetrator shall be imprisoned from ten to twenty years. The Committee considered that these sanctions do not reflect the gravity of the crime of torture. Accordingly, the sanctions should be adequately adjusted. As noted above, Law no. 65/2017 should also be amended to provide sanctions for cruel, inhuman or degrading treatment or punishment. It has to be noted that the Convention against Torture, Article 4.1, stipulates that that all acts of torture should be deemed as offences under national criminal laws.
35. Law no. 65/2017, Article 1.c prescribes that the “Court shall determine the adequate rehabilitation and personal compensation for victims of torture.” The Committee noted that this provision did not provide for effective remedies and reparation, and requested that the State ensures that victims have, in law and in practice, access to full reparation, including rehabilitation, adequate

compensation and the possibility of seeking civil remedies independent of criminal proceedings.

36. The CAT General Comment no. 3, which elaborates on the implementation of Article 14 of the Convention by States parties, provides useful guidance in this matter. It states *inter alia* that the term “redress” encompasses the concepts of “effective remedy” and “reparation”. The scope of the right to redress thus includes the following five forms of reparation: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Reparation must be adequate, effective and comprehensive. State parties are reminded that in the determination of redress and reparative measures provided or awarded to a victim of torture or ill-treatment, the specificities and circumstances of each case must be taken into consideration and redress should be tailored to the particular needs of the victim and be proportionate in relation to gravity of the violations committed against them. The CAT emphasizes that the provision of reparation has an inherent preventive and deterrent effect in relation to future violations.

The CPT makes the following recommendations:

I. Empowering Lebanon's NHRI and NPM

1. To ratify and publish all executive decrees of Law no. 62/2016, to fully implement articles 7 and 30, in order to fully respect Article 18 of the OPCAT and the principles relating to the Status of National Institutions (The Paris Principles) adopted by the General Assembly resolution 48/134 of 20 December 1993, and in reference to general observation 1.10 of the Global Alliance of National Human Rights Institutions (GANHRI) on adequate funding for NHRI's.
2. To allocate financial resources to the NHRC-CPT in the public annual budget (in a specified separate budget line), and to create functional classification in the public budget related to the promotion and protection of human rights and the prevention of torture.

II. Accountability of the implementation of the Anti-Torture Law and other ill-treatment, and the suggested amendments

3. To respect and fully implement the Anti-Torture Law no. 65/2017, and to have the allegations of torture investigated by a civil investigative judge not by security agencies, and to have the claims of torture investigated through a fair trial in a competent civil, and not military, court.
4. To amend Law no. 65/2017 to criminalize inhuman or degrading treatment and/or punishment (CIDT), and to explicitly state that the crime of torture should not be subject to a statute of limitation, and to provide sanctions for cruel, inhuman, or degrading treatment or punishment.