
LACK OF MEANS IS NO EXCUSE FOR LACK OF WILL



Alkarama joins Lebanese civil society in calling on the Subcommittee on Prevention of Torture and other UN experts for urgent action concerning the situation in Roumieh prison and other Lebanese detention centres.

Geneva, 26 December 2022

On 26 December 2022, Alkarama joined several Lebanese civil society organisations in reviewing the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) and relevant UN Special Procedure mandate holders with a call for urgent action concerning the situation in Roumieh prison and other Lebanese detention centres.

As access to food, clean water and minimal health care is becoming increasingly difficult for the prison population across the country, this considerably impacts those who are already the most vulnerable, including migrants and refugees.

The structural issue of overcrowding in Lebanon

One of the main contributors to the situation is the extreme overcrowding in detention centres across the country, mainly due to the overuse of pre-trial detention. According to a recent [declaration](#) of Lebanon's Prime Minister, at least 79% of individuals deprived of their liberty in the country are still awaiting trial. In the infamous Roumieh prison, the overcrowding rate is reaching unprecedented levels with up to 300%.

After their 2013 visit to Lebanon, in the context of an inquiry, members of the Committee Against Torture (CAT) identified overcrowding as a major issue, characterising as “appalling” the conditions of detention in Lebanese prisons, particularly in Roumieh.

In its latest concluding observations, the CAT [expressed](#) its concern “about the high number of persons held in pre-trial detention, many of them in prolonged pre-trial detention”. The CAT [recommended](#) that Lebanon “improve conditions of detention and alleviate the overcrowding of penitentiary institutions and other detention facilities, including through the application of non-custodial measures”.

However, and to date, the authorities have continuously failed to take any tangible steps to address overcrowding and implement the CAT's recommendations. After their last visit to Lebanon, the SPT members also [expressed their concern](#), “about the prolonged pre-trial detention, overcrowding and deplorable living conditions in places of deprivation of liberty”.

In this context, regular reports of death in detention due to torture, ill-treatment and denial of appropriate care and nutrition have been documented by civil society. None of these deaths in custody have led to an impartial, effective, and thorough investigation, in violation of the country's international obligations under the UNCAT.

A manifest lack of political will

The co-signing organisations stressed that this situation could have been addressed by the authorities if they had the political will to do so. Lebanon's National Preventive Mechanism (NPM) created in 2016 and established in 2018 is still not operational due to an absence of funding, a lack of actual means but also a lack of willingness from its members to effectively carry out its mission.

“This absence of accountability cannot be explained, nor justified, by a lack of means. Rather, it results from the government's constant lack of willingness to address the well-known causes of today's disastrous situation,” stated Rachid Mesli, legal director of Alkarama.

While civil society organisations have long documented the recurrent practice of torture and an entrenched culture of violence, humiliation and ill-treatment in detention, no significant step has been taken by the authorities to address these violations.

A Lack of Effective Accountability Mechanisms

The co-signing NGOs stressed that while Lebanese law provides that prison oversight shall be ensured by the Ministry of Justice's Prison Department, detention centres remain under the authority and control of the General Directorate of Security Forces.

Thus, and in the absence of an effective NPM, detainees are left with no other choice but to submit their complaints about acts of torture or ill-treatment to the same authorities that carried out or allowed such acts.

To date, recommendations issued by the CAT to transfer the management of the prison to the Ministry of Justice, have not been implemented to date. In this context, an effective remedy for victims of ill-treatment and torture has become nothing more than an illusion.

In practice, there is no place of detention in Lebanon which is effectively subjected to an independent judicial oversight.

Expectedly, human rights lawyers, civil society organisations, and victims of torture and ill-treatment in detention alike are facing a complete lack of transparency and accountability mechanisms from prison authorities.

Lebanese Civil Society's demands

In this regard, the co-signing organisations deplored the Lebanese government's refusal to make public the SPT's reports established after its 2010 and 2022 visits to the country. This refusal only impedes even more civil society's efforts to enhance transparency and accountability.

This is all the more important for Lebanese civil society that their eligibility to apply for grants under the Special Fund of the Optional Protocol to the Convention against Torture –established to support projects implementing recommendations of the SPT – is conditioned to the publication of these reports by the state. Thus, Lebanon's refusal to publish SPT reports is not only impeding accountability but also effectively depriving Lebanese CSOs of resources essential to carry out their activities.

In such circumstances, the civil society organisations condemned the authorities' failure to bring about any improvement, be it in terms of prevention, repression or rehabilitation, since the accession of Lebanon to the Optional Protocol in 2008.

They concluded that such failure to act has put the prison population in Lebanon in a situation that can only be described as another humanitarian emergency in which their most fundamental guarantees in detention remain virtually inexistent.

In light of the above, and given the gravity and urgency of the situation, the undersigned civil society organisations have requested the following:

Requests to the SPT:

- Schedule a follow-up visit in 2023 to the one carried out in May 2022, as allowed by article 13 (4) of the Optional Protocol.

Given that the mere establishment by law of an NPM without any means, or effective functioning, cannot be considered as satisfying the obligations contained in Article 17 of the Optional Protocol to "maintain, designate or establish", at the latest one year after its accession "one or several independent national preventive mechanisms for the prevention of torture at the domestic level".

-Sanction Lebanon's lack of compliance with its obligations under Article 17 of the Optional Protocol by including it in its public list of States parties whose compliance with article 17 of the Optional Protocol is overdue.

Requests to the Special Procedure mandate holders mentioned in the letter:

To jointly address the Lebanese authorities on the issues raised in this letter, and particularly:

- the absence of any measure of prevention of torture and ill-treatment in detention, in contravention with its obligations under both the UNCAT and its Optional Protocol,
- the effect of an over-reliance on pre-trial detention leading to severe overcrowding across the country's detention centres,
- the absence of any accountability measures or mechanisms in spite of numerous cases of death in detention due to torture, ill-treatment and denial of medical care and nutrition and,
- the heightened effect of such violations on vulnerable prison population including, inter alia, migrants, refugees and people living in poverty.

To call on the Lebanese authorities to:

- fully implement the CAT's recommendations under its last concluding observations and its recommendations made under its article 20 inquiry procedure,
- make public the report of the SPT following its 2022 visit to Lebanon,
- investigate effectively, thoroughly, and with impartiality into all cases of death in detention brought to their attention by civil society and UN experts and,
- in view of the lack of domestic accountability mechanisms, submit its overdue second periodic report to the CAT (due since February 2017) and accept the competence of the Committee under article 22 to receive individual communications.

Requests to the Lebanese authorities:

- immediately take action to reduce the prison population by releasing all individuals in pre-trial detention eligible to non-custodial measures,
- provide civil society with a transparent access to information and access to the Special Fund of the Optional Protocol to the Convention against Torture by making public the SPT's reports following its 2022 visit to Lebanon,
- endow the National Prevention Mechanism with effective means and power to carry out its mission unrestrained, in accordance with its international obligations under the Optional Protocol,
- carry out prompt, independent and thorough investigations into all deaths which occurred in custody across the country's detention centres, as well as into all complaints of torture and other cruel, inhuman or degrading treatment or punishment,
- transfer the management of all detention centres in the country from the Ministry of the Interior to the Ministry of Justice as provided by Lebanese law,
- submit its second periodic report, overdue since February 2017, to the Committee against Torture and,
- accept the Committee's competence under article 22 to receive individual communications.

Undersigned organisations:

