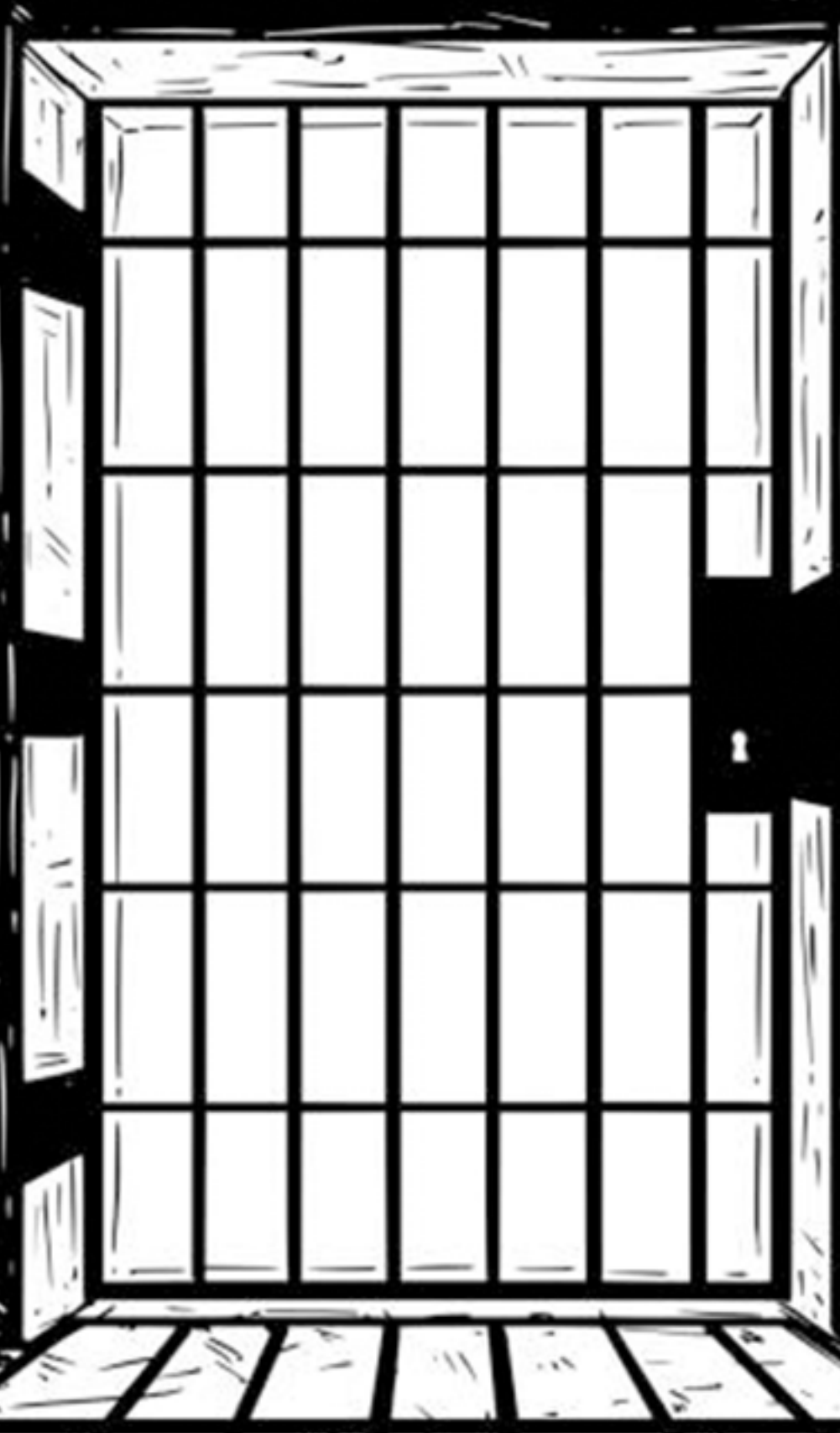


# Brief on the Conditions of Refugees Detained in Lebanon:

## Unfair Trials, Torture, and Ill-treatment

Lebanon: March 2022



The present brief is a simplified summary on the findings of Access Center for Human Rights (ACHR)'s research paper on **the conditions of Syrian refugees held by Lebanese authorities**, which explains the difficult conditions in places of detention and the methods of investigation and interrogation, as well as the results of trials that are not based on evidence, particularly cases of those who do not have the opportunity to hire defense lawyers at their own expense. The necessity of working on the research paper came to ACHR after releasing several reports in the past years on the human rights violations against Syrian refugees in Lebanon, as torture, ill-treatment and methods of arrest and detention are key priority issues ACHR is working on.

**Arbitrary arrest and detention** are some of the most prominent violations Syrians are subjected to in Lebanon, whether the arrests take place at:



ACHR recorded



**139**

individual cases of arbitrary arrest

In 2021



**25**

Cases of arbitrary arrest

In 2020

(which six are collective cases)



**In 2020 alone, Lebanon had 6,670 prisoners with a maximum official prison capacity of 3,500**



According to the World Prison Brief

Arbitrary arrest and detention constitute a critical threat to the judiciary's credibility in Lebanon, as it limits the effectiveness and strength of the justice system. In Lebanon's absence of transparency and a fair and independent judicial system, violations are widespread during preliminary investigations, trials, and detention. Moreover, legal violations are not limited to prison conditions only. Still, they include violations of the right to a fair trial, the right to contact an acquaintance or a lawyer, and even the right to hire a lawyer, among other rights.

According to the World Prison Brief, in 2020 alone, Lebanon had 6,670 prisoners with a maximum official prison capacity of 3,500,<sup>1</sup> making Lebanon among the top countries with overcrowded prisons and detention centers in the Middle East.<sup>2</sup> The problem of overcrowded prisons dates to before 2011.<sup>3</sup> It is caused by administrative, judicial, and legal obstructions, including lengthy trials that may take many months or even years.<sup>4</sup>

Moreover, the sanitary and public health conditions in most Lebanese prisons do not comply with international standards, as most prisons in Lebanon suffer from a shortage of doctors and essential medicines.<sup>5</sup> The economic crisis that Lebanon is facing, which has negatively affected most of the country's population, will negatively affect the conditions inside prisons, especially in terms of access to health care, as a result of the loss of some medicines in pharmacies. The economic crisis also prevented a significant number of refugees in Lebanon from being able to cover the cost of a legal representative to defend their cases, as some detained persons and/or their families expressed that there is no point in reaching out and reporting to the UNHCR protection department and/or relevant associations.



For example, in 2021, ACHR documented the case of a detainee who confessed to falsified charges brought against him due to the torture by the Lebanese Army intelligence and the Ministry of Defense during interrogations, after being refused the right to appoint a lawyer or even communicate with a legal entity that can represent him.<sup>6</sup>

ACHR also documented another case in 2021 of a detainee who was not brought before a judge and tried, even for more than a year after his arrest and detention in Roumieh prison. He was prevented from appointing a lawyer during the initial investigation period, as he was subjected to torture and beating by the Information Branch to extract a confession from him.<sup>7</sup>

In a similar case, which was also documented by ACHR during the year 2021, another person was detained in Roumieh prison for more than two years without any trial and without being appointed a lawyer. This person was subjected to torture during the interrogation to extract confessions from him until he finally admitted to the accusations against him due to the torture. In addition, he contracted a disease in the head and eye due to severe beatings until he needed a retinal detachment operation. Still, the prison administration refused to provide the necessary treatment for him.<sup>8</sup>

Thus, ACHR saw the need to shed light on the conditions of detainees in Lebanese prisons and the violations they are subjected to during investigation, trial, and detention. After monitoring the situation of Syrian refugees in Lebanese prisons, ACHR presents a research paper on the documentation findings of 2020 and 2021, entitled "The Conditions of Refugees Detained in Lebanon: Unfair Trials, Torture, and Ill-treatment" (2022). The paper aims to present substantive and reliable information about these situations and violations to the concerned authorities and increase advocacy efforts.



## About the Access Center for Human Rights (ACHR)

Access Center for Human Rights (ACHR) is a non-profit and non-governmental human rights organization based in Beirut and Paris, founded in 2017 in Lebanon re-established in France in 2020. It includes a group of activists with experience in law and local and international advocacy. ACHR launched its activities in Lebanon due to its belief in supporting refugee rights at a rise in grave violations against them. ACHR is specialized in observing the human rights refugee situation and publishes periodic publications on mass violations to raise awareness and international advocacy to ensure the right to human dignity in the countries of asylum until their voluntary, dignified, and safe return to their country of origin.

## Research findings on the conditions of detained refugees in Lebanon

Access Center for Human Rights (ACHR) monitors the conditions of refugees in Lebanon. During the year 2021, ACHR focused its efforts on monitoring the conditions of detained refugees and protesters, specifically cases of arbitrary arrest without reason or an explicit and clear charge based on official evidence or arrests relying on fabricated charges and confessions extracted under torture, as well as cases of unfair trials, torture, and ill-treatment during an investigation and/or detention, and the health conditions of detainees.

## The key findings of the monitoring and documentation activities carried out by ACHR on cases of arbitrary arrest and detention were:

### In 2020, ACHR recorded



19

individual arrests



6

mass arrests

arrests of Syrian refugees in Lebanon, mostly in camps and security barriers.<sup>9</sup>

### In 2021, ACHR recorded



139

arbitrary arrests

most of them from the camps, followed by arrests at security checkpoints, security branches, and official institutions.<sup>10</sup> It should be noted that at least 40 of them underwent ill-treatment of torture.<sup>11</sup>



ACHR presents real-life cases documented during 2020 and 2021 in the research paper "The Conditions of Refugees Detained in Lebanon: Unfair Trials, Torture and Ill-treatment," which ACHR is preparing to publish during the year 2022. The aim of presenting these cases is to highlight stories from reality on each of the violations discussed in the paper, raise awareness on human rights violations, shed light on the current conditions especially those of arbitrary detainees, and call for urgent action.

The total number of cases of arbitrary arrest and detention that ACHR followed up on:

**2020**



**19** individual cases  
**6** collective cases  
including one minor.

**2021**



**139** individual cases  
including ten cases  
of minors



## Notable places of detention:



6

individuals were arrested from the airport while traveling to Belarus.



21

individuals were arrested at temporary security checkpoints in Lebanon.



40

individuals and two mass cases were arrested during raids by army intelligence and the Information Branch of the Internal Security Forces (ISF).

## The conditions of detainees inside Lebanese prisons



**Five have medical conditions and did not receive treatment inside the prison.**

- Two have neurological diseases and need continuous treatment.
- One has AIDS patient who refrained from receiving medical treatment as a protest to the ill-treatment in prison.



**Five were handed over to the Syrian authorities and directly enrolled in compulsory military service.**



## What definitions does Access Center for Human Rights use in its work?

### Refugees:

Individuals demanding safe residency outside the borders of their homeland.



### Arbitrary detention:



The detention of individuals "without a legitimate reason or a legal justification." This includes:

1. The absence of a clear legal basis justifying the deprivation of liberty, such as keeping a person in detention even after the end of their sentence.
2. If the deprivation of liberty results from exercising the rights or freedoms guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
3. When it is caused by non-observance of some or all international rules relating to the right to a fair trial.

### Torture:



Any act intentionally inflicting severe pain or suffering, whether physical or mental, for specific purposes, provided that such pain or suffering is caused by, at the instigation of or with the consent of an official or any other person acting in an official capacity.<sup>12</sup>

Torture is an exaggerated form of inhumane treatment as a violation. Therefore, the actions are usually similar between them, except that they differ in the level and severity of the ill-treatment, considering the victim's helplessness as in the case of detention. In addition, ill-treatment does not presuppose the existence of a "certain objective," unlike torture, which has a specific objective, such as obtaining information, a confession, or for fear, or a discriminatory reason.<sup>13</sup>



## Relevant laws and conventions that ACHR relied on for the research paper:

Lebanon has signed and ratified the most prominent international conventions that protect the rights of individuals from arbitrary arrest, ill-treatment, and torture and specify the standards required for a fair trial and the Standard Minimum Rules for the Treatment of Prisoners. However, it remains to this day a non-signatory state to the 1951 Refugee Convention. However, Lebanon has numerous responsibilities and obligations to protect refugees and asylum seekers on Lebanese soil, both internationally and nationally.

### On an international level:

#### **The Universal Declaration of Human Rights:**

Article 5: "no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment". Article 10 stresses on the right of all persons deprived of liberty to humane and dignified treatment.

#### **The International Covenant on Civil and Political Rights (1966):**

Article 7: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

Article 9 gives everyone the right to liberty and security of person and forbids arbitrary arrest or detention or deprivation of liberty of any person, except for reasons stipulated by law and in accordance with legal procedures. This article also touched on some rights of the arrested person whose failure to respect makes the process of arrest or detention arbitrary, including the right to know the reason for the arrest and the accusation, to appear before a judge or an employee who is legally authorized to exercise judicial functions, trial within a reasonable time, and the right to compensation if the arrest or detention is illegal.

#### **The Convention against Torture (1984)**

Article 2 establishes the duty of each State party to take the necessary and effective action to prevent acts of torture. The State is prohibited from invoking any exceptional circumstances to justify torture, such as internal political instability or public emergencies. In the case of a person charged with acts of torture within the territory under its jurisdiction; the state must bring him/her to trial.

#### **The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela's rules),** General Assembly Resolution 70/175, adopted on 17 December 2015.

This includes the rule of decent treatment, far from inhumane, humiliating treatment or torture, the rule of non-discrimination, in addition to rules related to the places of detention such as no overcrowding, and the rule to provide all necessities including water, food, clothes and decent health services.



## On a national level:

The **Lebanese Constitution** is keen on protecting and safeguarding personal freedoms. Article 8 stipulates that: "Individual liberty is guaranteed and protected by law. No one may be arrested, imprisoned, or kept in custody except according to the provisions of the law. No offence may be established, or penalty imposed except by law."

The **Lebanese Penal Code**, specifically article 327, penalizes directors, correctional officers, correctional institutes, and employees with temporary hard labor if they arrest or imprison people in cases other than those stipulated by law. In addition, article 328 punishes them if they accept a person without a judicial warrant or judicial decision or retain him for more than the legally specified time.

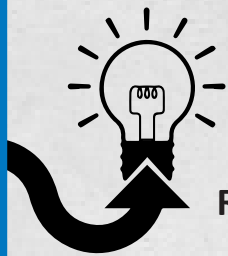
In this regard, Article 47 of the **Criminal Procedure Code** states the rights of the individual upon arrest, which are:

1. The detention period does not exceed 48 hours, renewable for a similar period based on the approval of the Public Prosecution.
2. Contact a family member, business owner, lawyer of his/her choice, or acquaintance.
3. Meet with a lawyer appointed by him/her with a written statement on the report.
4. Hire a sworn translator if he/she is not fluent in the Arabic language.

The Lebanese Code of Conduct for the **Lebanese General Security** stipulates that officers and staff must refrain from "performing, enticing or condoning any act of torture, cruel, inhuman or degrading treatment during investigations or carrying out any tasks assigned to them." It adds that "general security agents in detention centers must refrain from committing, abetting, ordering, aiding or condoning torture or any form of inhuman or degrading treatment. In addition, all forms of physical or psychological violence or harassment of detainees during their transfer to and from the detention center shall be prohibited. "

The **Code of Conduct of the Lebanese Armed Forces**, specifically article 7, requires members of the army during the performance of their duties to respect human rights and protect public freedoms. It stresses on the need to refrain from, incite or condone any act of torture, cruel, inhuman or degrading treatment. "

Article 11 also prohibits the use of any form of violence or cruel or degrading treatment.

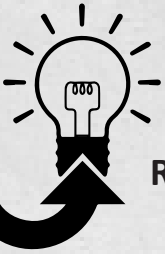


## Recommendations:

### To the Lebanese Authorities:

- Allow all Syrians in Lebanon the right to access legal residency without incapacitating conditions that prevent them from exercising this right.
- Repeal the decision of the Higher Defense Council No. 50 issued on 15 April 2019 and the decision of the General Director of the General Security No. 43830 issued on 13 May 2019 which seek to deport Syrian residents who entered Lebanon through informal crossing paths.
- Establish the necessary legal mechanisms to stop arbitrary arrests and detentions and ensure the right of detainees to contact their families and/or defense attorneys prior to the investigation processes.
- Ensure that human rights organizations have access to places of detention to verify the conditions of detainees.
- Take the immediate initiative to implement the State Council decision No. 421/2017-2018 issued on 8 February 2018, to ensure legitimacy and public order in Lebanon, and announcing the suspension of the procedures issued by the General Directorate of General Security in 2015 and their amendments regarding the conditions for entry and residency of Syrian citizens in Lebanon.
- Amend measures related to the registration of Syrians, their identification papers, and their legal status in the country, which in turn will contribute to facilitating and accelerating the work of humanitarian organizations in an orderly manner and reducing the risk of arrest for Syrians.
- Ensure that members of security institutions receive appropriate training to prevent torture and suspend the job of anyone allegedly responsible for torture and other cruel and degrading treatment pending publication of the outcome of an independent investigation into the allegations.
- Establish a mechanism to receive complaints from detainees in Lebanese detention centers.





## Recommendations:

### To the UN Refugee Agency:

- Increase the active role of the protection office by providing legal support and representation through lawyers affiliated with the commission or independent lawyers assigned by the commission to defend individual and collective refugee cases and follow up their cases in the courts to ensure fair, impartial, and transparent trials.
- Act in cases of official documents' confiscation and coordinate with the Lebanese authorities, to ensure that refugees receive protection, legal residency, and document personal status cases, in implementation of UNHCR priorities for the year 2020.
- Conduct a field study on the conditions of Syrians to determine the percentage of individuals with and without residency, which would enable them to work with General Security to settle their issues.



### To the International Community and Donors:

- Establish and activate a mechanism to monitor the restrictions, procedures and measures adopted by Lebanon against Syrian refugees and its violation to the international treaties and conventions, in addition to monitoring the violence, ill-treatment, arrests and harassment conducted by the Lebanese authorities against them.
- Contribute to pressuring Lebanon to respect and adhere to its commitments according to ratified international treaties and provide protection and security to all residents in Lebanon including Syrian refugees.
- Strengthen the capacities of civil society organizations and associations to enable them to influence government policy, participate in policy-making, and provide political and human rights consultations.



## Sources

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