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Report of the Committee against Torture

**Fifty-first session
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V. Activities of the Committee under article 20 of the Convention

A. General information

100. In accordance with article 20, paragraph 1, of the Convention, if the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State party, the Committee shall invite that State party to cooperate in the examination of the information and, to that end, to submit observations with regard to the information concerned.

101. In accordance with rule 75 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information which is, or appears to be, submitted for the Committee's consideration under article 20, paragraph 1, of the Convention.

102. No information shall be received by the Committee if it concerns a State party which, in accordance with article 28, paragraph 1, of the Convention, declared at the time of ratification of or accession to the Convention that it did not recognize the competence of the Committee provided for in article 20, unless that State party has subsequently withdrawn its reservation in accordance with article 28, paragraph 2, of the Convention.

103. The Committee's work under article 20 of the Convention continued during the period under review. In accordance with the provisions of article 20 and rules 78 and 79 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 20 of the Convention are confidential and all the meetings concerning its proceedings under that article are closed. However, in accordance with article 20, paragraph 5, of the Convention, the Committee may, after consultations with the State party concerned, decide to include a summary account of the results of the proceedings in its annual report to the States parties and to the General Assembly.

104. In the framework of the Committee's follow-up activities, the rapporteurs on article 20 continued to carry out activities aimed at encouraging States parties on which enquiries had been conducted and the results of such enquiries had been published, to take measures to implement the Committee's recommendations.

105. Further information on the procedure is available on the OHCHR website (www.ohchr.org/EN/HRBodies/CAT/Pages/InquiryProcedure.aspx).

B. Proceedings concerning the confidential inquiry on Lebanon

1. Introduction

106. Lebanon acceded to the Convention on 5 October 2000. At the time of accession the State party did not declare that it did not recognize the competence of the Committee against Torture provided for in article 20 of the Convention, as it could have under article 28 of the Convention. The inquiry procedure is, therefore, applicable to Lebanon.

2. Development of the procedure

107. On 28 October 2008, Alkarama for Human Rights (hereinafter, Alkarama), a non-governmental organization, submitted a communication and supporting documentation to the Committee containing allegations of systematic use of torture, in particular related to the Nahr al-Bared crisis in north Lebanon in mid-2007, and requested the Committee to

examine the situation in Lebanon under article 20 of the Convention. It further submitted additional reports and supplementary materials.

108. During its forty-fifth session, in November 2010, the Committee designated two of its members, Felice Gaer and Fernando Mariño Menéndez, to make a preliminary examination of the information in preparation for further discussion by the Committee at its subsequent session. The Committee examined the information in private meetings during its forty-sixth session, in May and June 2011. It appeared to the Committee that the information submitted to it under article 20 of the Convention was reliable and that it contained well-founded indications that torture was being systematically practised in the territory of Lebanon. In accordance with article 20, paragraph 1, of the Convention and rule 82 of its rules of procedure (CAT/C/3/Rev.5), the Committee decided to invite the State party to cooperate in the examination of the information and to submit observations in that regard. On 8 June 2011, the Chairperson of the Committee sent a letter to the Government of Lebanon reflecting that decision.

109. The responses provided by the Government of Lebanon on 4 August 2011 were considered by the Committee in closed meetings on 16 and 24 November 2011. Following their examination, the Committee found that the responses were not satisfactory and decided, at its forty-eighth session, to undertake a confidential inquiry in accordance with article 20, paragraph 2, of the Convention and rule 84 of its rules of procedure. For that purpose, the Committee designated three of its members, Essadia Belmir, Mr. Mariño Menéndez and Nora Sveaass. It also decided to invite the State party, in accordance with article 20, paragraph 3, of the Convention and rule 85 of its rules of procedure, to cooperate with the Committee in the conduct of the inquiry. Lastly, it decided to request the State party, pursuant to article 20, paragraph 3, of the Convention and rule 86 of its rules of procedure, to agree to a visit by the Committee between 21 January and 1 February 2013, in which a medical doctor would also participate.

110. On 14 November 2012 the State party requested the postponement of the visit as the dates proposed by the Committee did not allow enough time for it to prepare adequately. By note verbale, dated 14 December 2012, the State party informed the Committee that it accepted the Committee's request to visit and agreed that the visit could take place in April 2013.

3. Facilitation of the visit and cooperation

111. The Committee requested the cooperation of the State party in the conduct of the visit, in accordance with the following main principles: (a) freedom of movement; (b) unlimited access to all places where persons are or may be deprived of liberty; (c) full information about those places; (d) free contact with all authorities; (e) private contacts with NGOs and any other private persons; (f) full access to all documents; (g) assurances of non-reprisal; (h) appropriate security arrangements; and (i) immunity for all mission members.

112. The Committee appreciated the cooperation extended by the authorities prior to and during the visit, and thanked the Government for issuing letters of authorization providing the members of the delegation with unrestricted access to all detention facilities. The Committee noted, however, that it had not received the authorizations in advance and in the agreed format, as requested prior to the visit. The Committee took the opportunity to thank the General Prosecutor for authorizing visits to detention centres beyond working hours and at weekends. Nevertheless, it noted that it had not received a complete list of all places where persons might be deprived of their liberty. During the visit, the delegation was able to move freely and collect information relevant to the inquiry from a wide range of sources. It enjoyed unannounced and unimpeded access to places of detention, held private interviews with detainees and had access to documentation. The delegation had some

difficulty in gaining access to certain places of detention, such as the courthouse holding facilities in Tripoli and Beirut. Those difficulties were generally overcome thanks to the cooperation of the governmental focal points. Regrettably, the delegation was not allowed to consult the custody registers at the military intelligence detention facilities in Saida (South Region Command) nor at the Internal Security Forces Information Branch facilities in Tripoli (North Region Command).

4. Reprisals

113. Prior to the visit, the Committee received allegations of reprisal against Saadeddine Shatila, a representative of Alkarama in Lebanon. On 10 November 2011, the Committee transmitted an allegation letter to the Government, as Mr. Shatila was reportedly at risk of reprisals by members of the military intelligence services and the military police following the submission of information to the Committee by that NGO under the inquiry procedure. Such reprisals against Mr. Shatila and Alkarama would constitute a violation of article 13 of the Convention by the Lebanese authorities. On 5 March 2012 Alkarama informed the Committee that the investigative judge of the Military Court had issued a decision closing the investigation against Mr. Shatila, which was subsequently confirmed by the judge in the case. Further to the conclusion of the confidential inquiry proceedings, the Committee decided to make public the Chairperson's allegation letter to the State party on the matter.¹²

5. Publication of the inquiry report and summary account of the results of the proceedings

114. During its fifty-first session, the Committee adopted its report on Lebanon under article 20 of the Convention and, in accordance with paragraph 4 of the same article, decided to transmit the findings of the inquiry to the State party and invite it to inform the Committee, by 29 January 2014, of the measures taken with regard to those findings and in response to its recommendations. On 29 January 2014, the State party submitted its comments and observations on the Committee's report. In its communication, Lebanon indicated that it did not consent to the publication of the inquiry report.

115. On 22 May 2014, the Chairperson of the Committee met with the Permanent Representative of Lebanon to the United Nations Office in Geneva to discuss further the publication of the inquiry report along with the Government's comments and observations on the report. In view of the State party's reiterated opposition to the publication of the full report, the Committee decided, pursuant to article 20, paragraph 5, of the Convention, to include in its annual report to the General Assembly a summary account of the results of the proceedings (see annex XIII).

¹² Available from www.ohchr.org/EN/HRBodies/CAT/Pages/ReprisalLetters.aspx.

Annex XIII

Summary account of the results of the proceedings concerning the inquiry on Lebanon

A. Introduction

1. The confidential inquiry on Lebanon conducted in accordance with article 20 of the Convention began in May 2012 and ended in November 2013. The Committee's inquiry included an in situ visit to Lebanon, pursuant to paragraph 3 of the same article.^a Although the present summary account may not reflect all the findings included in the inquiry report, it contains the Committee's full conclusions and recommendations, as well as the State party's written replies.

2. The findings presented in the inquiry report were based largely on information brought to the attention of the mission of inquiry (hereafter "the mission") during the visit, which took place from 8 to 18 April 2013. In drafting the inquiry report, the Committee also studied the information provided by the authorities before and during the visit, as well as the information provided by human rights non-governmental organizations and other civil and political actors. Most of the allegations discussed in the inquiry report were gathered in the course of direct interviews with witnesses or persons who reported having personally suffered acts of torture or ill-treatment.

3. The visit was undertaken by the following members of the Committee: Essadia Belmir, Fernando Mariño Menéndez (acting as the head of the mission) and Nora Sveaass. The Committee members were accompanied by Hicham Benyaich, a forensic doctor, as the medical expert. In addition, the delegation was assisted by two human rights officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR), two United Nations security officers, five interpreters, and representatives of the OHCHR Regional Office for the Middle East. The Committee expresses its particular appreciation for the excellent support provided to the delegation.

4. During its visit to Lebanon, the mission visited the Beirut metropolitan area and the municipalities of Saida, Nabatieh, Tyre, Tripoli and Zahle. In Beirut, it had the opportunity to meet with the Minister of Justice, the Director General of the Ministry of Foreign Affairs, the General Prosecutor, the President of the Judicial Council, the Director of Military Intelligence, the Director General of the Internal Security Forces (ISF) of the Ministry of the Interior and Municipalities, the Director General of the General Security Office (GSO), and the Rapporteur of the Parliamentary Human Rights Committee. The delegation also held talks with the United Nations Office on Drugs and Crime Officer-in-Charge in Lebanon and the OHCHR Regional Representative for the Middle East (ad interim).

5. In addition, the delegation had meetings with representatives of several international and local non-governmental organizations and other civil society actors working in areas of concern to the Committee. In order to collect first-hand information on the practice of torture, the members of the delegation met with persons who themselves had allegedly been victims of torture and/or their legal representatives. The Committee wishes to thank them for the valuable information provided.

^a See chapter V, paras. 107–110, of the main body of the present report.

6. In the course of the visit, the delegation visited 20 detention centres throughout the country, including police stations, courthouse holding facilities, civilian prisons and other detention facilities under the authority of the ISF Information Branch and the Ministry of Defence. The mission also visited the GSO administrative detention centre for irregular migrants in the Adlieh district of Beirut. The visits were primarily, but not exclusively, for the purpose of meeting individual detainees. The mission also observed the conditions of detention and had discussions with law-enforcement officials, prison officers and medical personnel present in the detention centres visited. A total of 216 individual interviews were conducted over a period of 11 days.

B. Findings of the mission of inquiry

1. Information provided by the authorities

7. During meetings with the Committee's mission, executive authorities and their officials offered reassurances of the Government's commitment to human rights and its determination to address the problem of torture, emphasizing the importance of the legal changes under way and reiterating the authorities' wish to cooperate with the Committee. The mission was informed that a bill to amend the Penal Code and the Code of Criminal Procedure, which had been submitted to Parliament in December 2012, provided for the introduction of the crime of torture into the Lebanese penal system. It was also informed that a draft law to establish a national human rights institution, including a national preventive mechanism in accordance with article 17 of the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, had been endorsed by the Parliamentary Law Committee but had not yet been tabled for approval by the Parliament. The Lebanese authorities further reported that a draft national strategy on human rights had been launched in December 2012, which contained a chapter focusing specifically on torture and relevant sections on enforced disappearances, fair trials, prison conditions and the reform of the prison system.

8. The occurrence of torture and ill-treatment, often described as isolated incidents, was acknowledged by representatives of the authorities. Notably, the Prosecutor General indicated that most of the reported cases occurred in police stations and investigation centres. Nonetheless, the authorities were unable to provide comprehensive statistics on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment. They were also unable to provide information on redress and compensation measures, including the means of rehabilitation ordered by the courts and/or actually provided to the victims.

9. According to the information provided by the Lebanese authorities, the ISF anti-torture committee had carried out 46 visits to places of detention and investigated a total of 26 incidents in 2012. However, the information received contained scant information on the exact nature of the violations and the disciplinary sanctions meted out to perpetrators. The mission also received information on the training courses offered to ISF members on the handling of detainees and on non-violent investigation techniques. The mission requested but did not receive information about the evaluation of those training programmes and their effectiveness. It was also reported that training courses on the use of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) had been provided to judges and members of the ISF anti-torture committee in 2011 and 2012.

2. Information provided by human rights non-governmental organizations and other civil society actors

10. During the visit, the mission also received information and heard allegations from a wide range of civil society actors and victims themselves, who indicated that torture and ill-treatment took place mainly during arrest and interrogation in certain police stations as well as in detention facilities under the responsibility of ISF and the military intelligence services. Moreover, data from non-governmental organizations fully supported the allegations contained in the submission of Alkarama to the Committee. The mission was informed that those at particular risk of torture and ill-treatment included individuals who had been held in custody for investigation purposes, especially those accused of involvement in espionage or terrorism and other serious crimes. In addition, there were persistent reports of torture and ill-treatment of Syrian nationals, Palestinians, persons with limited financial means who were arrested for minor crimes and others held in police custody for alleged drug use, sex work or homosexuality, in particular by ISF members attached to the Drug Repression Bureau and personnel enforcing “morality-related” laws. The mission also received reports of unlawful arrest and torture by non-State actors, such as militias affiliated to Amal and Hizbullah, and the subsequent handing over of the victims to the Lebanese security agencies.

11. According to the information received, the methods of torture used by the various security agencies ranged from beatings to more severe and elaborate torture techniques, of which *ballanco* (hanging by the wrists, which are tied behind the back) and *farrouj* (suspension by the feet with the hands tied together to an iron bar passed under the knees) were said to be the most widely used. The sources also expressed concern over the use of solitary confinement in detention centres under the authority of the ISF and military intelligence services. In addition, the mission received information on the use of forced anal examinations on men arrested on charges of engaging in “sexual relations against nature”, which are criminalized under article 534 of the Lebanese Penal Code.^b

3. Information obtained in places of detention

12. The mission was able to visit two police stations in Beirut and Nabatieh; the courthouse holding facilities at the Palais de justice in Beirut, Nabatieh and Tripoli; three detention facilities under the authority of the ISF Information Branch, in Beirut, Saida and Tripoli; four detention facilities under the authority of the Ministry of Defence, in Beirut and Saida; six civil prisons, in Beirut, Nabatieh, Tripoli, Tyre and Zahle, including two women’s detention facilities, in Tripoli and Beirut; and the GSO administrative detention centre for irregular migrants in the Adlieh district of Beirut.

13. At the Hobeish police station in Beirut, the mission received numerous and consistent allegations of torture and ill-treatment of inmates by ISF officers, either upon arrest or later, in police custody during interrogation. Persons interviewed who were accused of drug-related offences alleged that some ISF officers and members of Hizbullah had beaten them up in the southern suburbs of Beirut while others videoed the beatings on their mobile phones. In various cases, torture and ill-treatment allegedly continued during transfer to police facilities and after arrival at the police station. Some of those statements were corroborated by forensic evidence collected by the mission’s forensic doctor.

^b Other issues raised by human rights non-governmental organizations and other civil society actors included, inter alia, the failure in practice to afford all detainees with all fundamental safeguards from the very outset of their deprivation of liberty; the impunity for acts of torture and ill-treatment; and the high levels of overcrowding in prisons.

14. The mission did not hear any allegations of torture or other forms of physical ill-treatment of persons deprived of their liberty at the courthouse facilities in Tripoli and Nabatieh. However, at the Palais de justice in Beirut, the mission heard several accounts of recent torture and ill-treatment of suspects by members of the military intelligence services, inflicted mostly during interrogation with a view to obtaining a confession.

15. As regards civil prisons, the Committee's mission heard only a few allegations of ill-treatment by prison staff, which referred to sanctions involving physical punishment and harsh conditions of detention in disciplinary cells. The mission, however, gathered testimonies from detainees indicating that torture and ill-treatment were common upon arrest and during interrogation. It documented numerous credible allegations of torture in police stations and other detention centres under the authority of ISF and the military intelligence services. Several detainees claimed that they had told the examining magistrate about the treatment to which they had allegedly been subjected while in custody and about their confessions having been made or signed under torture or ill-treatment, but their allegations had not been investigated. The mission also found that none of the inmates interviewed had been able to benefit from the presence and assistance of a lawyer during interrogation, and those who had access to counsel had met their lawyer for the first time when they went to court. The mission also found out that very few of them were aware of their right to request a medical examination.

16. In the course of the visits to prisons, it quickly became clear to the mission that there were no effective and functioning independent mechanisms for the submission of complaints of torture and ill-treatment.

17. At the Baabda women's prison, the medical personnel indicated that, on several occasions, the physical examinations conducted in that establishment had revealed clear signs of torture, including sexual violence. The mission was told that, in one case, the physical examination showed superficial injuries on the skin that could have resulted from the application of electrical current on the feet of one inmate.

18. At the Roumieh Central Prison in Beirut, the mission focused its attention on the situation of inmates who were arrested during and after the clashes between Fatah Al Islam members and Lebanese Armed Forces at the Nahr al-Bared camp in 2007. Almost half of the inmates interviewed in the Roumieh Prison B building alleged that they had been severely tortured by ISF and/or military interrogators. Allegations included threats against the inmates' relatives. It was explained that some of them continued to suffer from pain associated with the type of torture that they had been subjected to. The mission also received various allegations of torture and ill-treatment taking place in vehicles used for the transportation of inmates. Medical evidence consistent with some of those allegations was gathered by the mission's medical expert.

19. In that regard, during its visit to the Information Branch premises at the ISF Directorate-General in Ashrafieh in Beirut, the mission observed that the five interrogation rooms located on the seventh floor of the building and their contents (that is, an interrogation chair fixed to the floor and eye-bolts on the floor next to it, electrical connection boxes fitted into the floor, and small holes in the floor and the ceiling, among other things) matched the description received prior to its visit from alleged victims of torture held in Roumieh Central Prison, who claimed to have been subjected to torture while in detention under the authority of ISF. Although the interrogation rooms were fitted with one-way mirrors and audio/video recording equipment, the staff on duty were unable to explain the exact policy for the use and retention of recordings, or whether they had already been requested for or used in judicial proceedings. At the time of the visit two men were being held in the cells. One of them had been ill-treated during arrest and taken to hospital to have his injuries treated. In that case the victim's testimony was corroborated by forensic evidence. In addition, the members of the mission concluded that the medical

register of that detention facility was not authentic, which led them to believe that it had been prepared specifically for its visit. The members of the mission found in a storeroom a very low iron chair with a rounded, c-shape neck holder. Although they were told by the ISF personnel on duty that the chair had been used to take photographs of detainees, this type of chair matched the description given to the mission by an alleged victim, as well as the information provided by Alkarama in its first submission regarding an adjustable metal chair allegedly used to stretch the spine, putting severe pressure on the victim's neck and legs.

20. When the mission visited the military intelligence detention facilities in Saida, it was prevented from consulting the custody register by the Head of the Lebanese Armed Forces Intelligence Branch in the South Region Command. During the inspection of this facility, the mission found five empty cells in a basement level of the building, although it had been previously told that there was no holding area.

21. On the day of the mission's visit, the prison of the Directorate of Military Intelligence at the Ministry of Defence Headquarters in Al Yarze (Beirut) was empty. During the meeting with the mission, the Chief of Investigations acknowledged the existence of allegations of torture reportedly occurring in that detention centre. According to the forensic doctor accompanying the mission, the medical register was not properly kept and the prison doctor was not familiar with the Istanbul Protocol. The mission noted that there were several car battery units on the floor of the recording room adjacent to the interrogation room in the two-floor basement. The mission also found a wheelchair stored to the side of a corridor that, according to the explanation given by the military personnel on duty, was "to carry disabled people". In another corridor, the mission found two low benches and a broken wooden bar, but no one could explain their use.

22. At the GSO administrative detention centre for irregular migrants in the Adlieh district of Beirut, the mission received various allegations of ill-treatment of detainees by ISF and GSO officers. The mission noted that some of the detainees had expressed their fear of reprisals by staff for speaking with the mission, while others had been reluctant to speak about their experiences in detention.

4. Other issues of concern: material conditions of detention (accommodation, food and hygiene) and access to health care

23. As regards material conditions at the prison establishments visited, the inquiry report noted the Government's decision to construct three new prisons and refurbish the Roumieh Central Prison. However, the mission observed conditions of severe overcrowding in all prisons visited, with a number of establishments holding more than double their capacity. The excessive delays in the administration of justice and high rates of pretrial detention, as well as the frequent transfer of detainees from Roumieh Central Prison to other facilities, were found to be the primary causes for prison overcrowding. The conditions of detention in those establishments were appalling, especially the poor hygiene in detention areas, the limited access to medical services, including specialized health care, and the non-separation of pretrial and convicted prisoners. Furthermore, in some of the civil prisons visited self-government and inter-prisoner violence were an issue.

24. The appalling conditions observed in the GSO detention centre were exacerbated by the fact that most detainees were confined to their overcrowded cells, without proper ventilation or natural light, for 24 hours a day. Detainees interviewed by the mission complained about the poor quality of the food and water, skin rashes and the inadequate sanitation conditions in their cells, which were infested with insects. Some of them had been held in these conditions for over a year. With regard to health-care services, Caritas staff confirmed that detainees did not receive a medical examination upon arrival.

25. The majority of the holding cells in the police stations and courthouses visited by the mission were in a poor state of hygiene and repair, and access to natural light and ventilation was inadequate. At the Hobeish police station in Beirut and the Palais de justice in Beirut, conditions of detention were particularly appalling. The underground courthouse holding facility in Tripoli was also in a dilapidated condition.

C. Conclusions and recommendations

Conclusions

26. At the end of the inquiry procedure, the Committee reached the conclusions listed below.

“27. The Committee recalls that, in 1992, it defined the systematic practice of torture as appears below (A/48/44/Add.1, para. 39) and, since then, has applied that definition to all of its inquiries under article 20:

The Committee considers that torture is practised systematically when it is apparent that the torture cases reported have not occurred fortuitously in a particular place or at a particular time, but are seen to be habitual, widespread and deliberate in at least a considerable part of the territory of the country in question. Torture may in fact be of a systematic character without resulting from the direct intention of a Government. It may be the consequence of factors which the Government has difficulty in controlling, and its existence may indicate a discrepancy between policy as determined by the central Government and its implementation by the local administration. Inadequate legislation which in practice allows room for the use of torture may also add to the systematic nature of this practice.

28. The findings and conclusions of the Committee, which are predominantly based on its observations during the visit to Lebanon, have been assessed thoroughly in order to determine whether all the elements of the above-cited definition were met. Owing to word-limit constraints, only the most pertinent findings will be discussed in detail.

29. Torture in Lebanon is a pervasive practice that is routinely used by the armed forces and law enforcement agencies for the purpose of investigation, for securing confessions to be used in criminal proceedings and, in some cases for punishing acts that the victim is believed to have committed. Evidence gathered throughout the country during the course of the inquiry indicates a clear pattern of widespread torture and ill-treatment of suspects in custody, including individuals arrested for State security crimes and other serious crimes, as well as foreigners, especially Syrians and Palestinians, and individuals arrested in the course of civil policing, in particular lower-income individuals arrested for minor crimes.

30. In the course of the visit, the mission received a significant number of credible and consistent allegations of recent and past acts of torture and ill-treatment, and gathered strong forensic evidence corroborating the alleged victims' testimony. Of the 216 detainees interviewed by the mission, 99 stated that they had been subjected to acts of torture by law enforcement officials, especially members of ISF and of the military intelligence services. Almost all of the reported cases had occurred during arrest and the initial phase of detention, especially during interrogation sessions. Many of the detainees interviewed by the mission assumed that verbal and physical violence was standard procedure in relation to detainees.

31. Numerous persons, in particular detainees who had been held in solitary confinement, alleged that they had been subjected to torture on multiple occasions in various detention centres and by members of different security agencies. In this connection, the Committee notes with great concern the allegations received by the members of the mission with regard to unlawful arrests and torture by non-State actors, such as militias affiliated to Hizbullah and other armed militias, and the subsequent handover of the victims to the Lebanese security agencies. It should also be noted that the vast majority of Syrians interviewed by the mission reported that they had been subjected to torture. The mission detected that there was a general fear of being subjected to torture or ill-treatment in all places of detention visited, resulting in constant psychological stress for detainees.

32. This situation seems to a large extent to be the result of the deliberate disregard for fundamental legal safeguards for persons deprived of their liberty. The shortcomings in the practical implementation of the right to a lawyer from the outset of detention and the lack of independent medical examinations contribute to the impunity of perpetrators. Moreover, the brutality of the methods of torture used in numerous places around the country, the presence of non-standard items and even equipment specifically designed to inflict torture, and the heavy scarring on victims' bodies observed during medical examinations suggest the widespread use of torture and the impunity with which perpetrators can commit acts such as acts.

33. The penal justice system is dysfunctional. For example, procedural notifications are not processed on time, thus depriving detainees of the right to appeal decisions; related penal cases are not merged; lawyers are not present, especially during interrogation; the conduct of examining judges is often unprofessional; there are unjustified delays between the first and subsequent hearings; it is often difficult for detainees to be brought before a judge owing to a lack of transport; and there is a lack of coordination between judicial authorities, the police and military authorities.

34. Factors that contribute to the current impunity for perpetrators include the lack of an independent and effective complaints mechanism for receiving allegations of torture; the failure of the courts to order investigations into allegations that evidence has been obtained through torture; and the lack of ex officio investigations. It is of particular concern that the State party does not provide mandatory training programmes to ensure that all public officials, including law-enforcement officials, military personnel and members of the judiciary, are fully aware of the provisions of the Convention. Those factors result in the absence of investigation, prosecution and conviction of perpetrators of acts of torture, as well as the absence of redress for victims.

35. In the view of the Committee, the conditions of detention observed in most of the detention facilities are of serious concern and could be described as cruel, inhuman and degrading and even amounting to torture in some cases. In particular, the conditions observed in the GSO administrative detention centre were much worse than the conditions in prisons, despite the fact that those held there had not committed any criminal offence, but had merely breached administrative regulations.

36. The Committee notes that the Convention against Torture places an obligation on Lebanon to ensure that its provisions are enshrined in domestic law and observed in practice. Pursuant to article 2 of the Convention, the State party should have taken effective legislative, administrative, judicial and any other appropriate measures to prevent torture, end impunity for perpetrators of acts of torture and comply with all its relevant international obligations, particularly given that the Convention entered into force in the Lebanese domestic legal order over 12 years ago.

37. In the light of the above conclusions, the Committee considers that, in accordance with [the above-mentioned definition of systematic practice of torture] and its past practice, torture is, and has been, systematically practised in Lebanon, especially in the context of investigation and for the purpose of obtaining confessions.”

Recommendations

38. The recommendations made by the Committee to the State party at the end of the inquiry procedure are fully reproduced below:

“(a) Unambiguously reaffirm the absolute prohibition of torture, publicly condemn practices of torture and issue a clear warning that anyone committing such acts or otherwise complicit or participating in torture will be held personally responsible for such acts before the law and will be subject to criminal prosecution and appropriate penalties;

(b) Define and criminalize torture as a matter of priority and as a concrete demonstration of Lebanon’s commitment to combat the problem in accordance with articles 1 and 4 of the Convention against Torture;

(c) Amend its legislation to provide that an order from a superior officer or a public authority may not be invoked as a justification of torture, and to ensure that acts of torture are not subject to any statute of limitation;

(d) Strengthen the fundamental legal safeguards in the Code of Criminal Procedure and adopt effective measures to ensure that all detainees enjoy in practice all fundamental legal safeguards, including the right to have access to counsel at the time of arrest and to have their lawyer present during interrogation; to be assisted by an interpreter, if necessary; to be informed of the reasons for arrest and of any charges against them; to inform promptly a close relative or third party about their arrest; to be brought before a judge without delay; and to be examined by an independent physician without having to obtain prior authorization from the prosecutor;

(e) Take all necessary measures to ensure that the penal justice system functions efficiently to protect the fundamental rights of detainees during arrest and investigation, in pretrial detention and after conviction;

(f) Provide effective guarantees to all detainees enabling them to challenge the lawfulness of their detention before an independent court;

(g) Consider establishing a State-sponsored legal aid programme;

(h) Establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and ensure it has the resources needed to fulfil its mandate effectively;

(i) Ensure that the ISF anti-torture committee receives the necessary resources to fulfil its mandate, and ensure that it reports publicly on its activities on a regular basis, including on the results of its investigations;

(j) Ensure the scrupulous maintenance of custody registers and of a complaints register in every detention facility; and ensure that items that constitute evidence are labelled, recorded and kept in evidence storage units;

(k) Ensure that any evidence obtained as a result of torture is not used. Judges and prosecutors should routinely enquire how persons brought from police or military custody have been treated and, if there is any suspicion of torture or ill-

treatment, order an independent medical examination in accordance with the Istanbul Protocol, even in the absence of a formal complaint from the defendant;

(l) Ensure that confessions made by persons in custody without the presence of a lawyer and which are not confirmed before a judge are inadmissible as evidence;

(m) Ensure that interrogation sessions are recorded and that all persons present during the recording are identified. The practice of blindfolding and hooding should be explicitly forbidden;

(n) Ensure that any use of solitary confinement is limited to exceptional circumstances and subject to regular judicial supervision;

(o) Establish an independent complaints mechanism with the authority to investigate promptly, impartially and effectively all reported allegations of and complaints about acts of torture and ill-treatment. Complainants must be protected against reprisals;

(p) Undertake in-depth investigations into all allegations of torture and ill-treatment, especially of those arrested in 2007 in connection with the Nahr al-Bared conflict, and ensure that the alleged perpetrators are duly prosecuted and, if found guilty, handed down penalties commensurate with the grave nature of their acts;

(q) Entrust forensic investigations to independent doctors trained in documenting physical and psychological evidence of torture, in particular through the use of the Istanbul Protocol;

(r) Establish a list of independent doctors trained to conduct medical examinations in cases of allegations of torture and bring it to the attention of all legal professionals;

(s) Guarantee full respect for human dignity; seek alternatives, such as sonograms and imaging, to intrusive body searches; and prohibit anal searches or tests for men suspected of homosexuality and virginity tests for women;

(t) Complete the process of establishing or designating the national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture and in keeping with the guidelines on national preventive mechanisms (CAT/OP/12/5). The State party should ensure that the national preventive mechanism is endowed with sufficient resources to do its work effectively on a fully independent basis;

(u) Continue to provide mandatory training to all public officials, particularly ISF members and military personnel, to ensure that they are fully aware of the provisions of the Convention against Torture and that breaches are not tolerated but investigated and perpetrators brought to trial. The State party should continue to provide training on the handling of detainees and non-violent investigation techniques; assess the effectiveness and impact of training programmes and education on reducing the incidence of torture and ill-treatment; and support training on the use of the Istanbul Protocol for medical personnel in detention centres and hospitals and other officials involved in the investigation and documentation of cases of torture;

(v) Ensure that the conditions of detention in the country's prisons are compatible with the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). The State party should also ensure that different categories of inmates are accommodated in separate facilities or units, taking into account their gender, age and the reason for their imprisonment;

(w) Take action to remedy the poor conditions observed in detention facilities. The State party should conduct a nationwide audit of the material state of all detention facilities and establish a plan of action for the cleaning, renovation and refurbishment of facilities. The State party should also improve working conditions for prison staff;

(x) Increase efforts to remedy prison overcrowding, in particular by instituting alternatives to custodial sentences, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the Bangkok Rules. Discontinue the system of additional prison time for unpaid fines;

(y) Re-establish the full authority of the State in all prisons, especially in Roumieh Prison B building;

(z) Take steps to prevent inter-prisoner violence, including sexual violence, and investigate all such incidents so that the alleged perpetrators are brought to trial and victims protected;

(aa) Strengthen health services in prisons by providing medical supplies, drugs and qualified health personnel, including dentists and psychiatrists, establish a mechanism to monitor the health status of prisoners and integrate detention centres into national public health programmes. Ensure that medical and paramedical personnel in prisons are independent of the police and the army and, ideally, bring them under the supervision of the Ministry of Health;

(bb) Redouble efforts to conclude the transfer of the prison system from the Ministry of the Interior and Municipalities to the Ministry of Justice;

(cc) Authorize NGOs to undertake prison monitoring activities, and adopt all appropriate measures to enable them to carry out periodic visits;

(dd) Provide victims of torture and ill-treatment with redress, including fair and adequate compensation, and as full a rehabilitation as possible, taking due account of the Committee's general comment No. 3 (2012) on the implementation of article 14 of the Convention by States parties (CAT/C/GC/3). Ensure that appropriate rehabilitation programmes, including medical and psychological assistance, are provided to all victims of torture and ill-treatment;

(ee) Submit its initial report under article 19 of the Convention against Torture;

(ff) Compile disaggregated statistical information relevant to the monitoring of the Convention, including data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment;

(gg) Consider making the declaration under article 22 of the Convention;

(hh) Authorize the publication of the report on the 2010 visit to Lebanon of the Subcommittee on Prevention of Torture and the Government's response to the Subcommittee's recommendations."

39. The Committee invited the State party to authorize the publication of the inquiry report and provide for its wide dissemination, in the appropriate languages, and through official websites, the media and non-governmental organizations.

40. The Committee demanded urgent, strong and coordinated action by the State party to eradicate torture. Owing to the seriousness of the situation, the Committee considered that Lebanon should implement, as a matter of particular urgency, the recommendations contained in paragraph 77 (a), (d), (i), (t), (v), (y), (cc) and (ee) of the report.

41. In order to assess the implementation of those urgent recommendations, and progress with all the others, the Committee requested the State party to submit a follow-up report by 22 November 2014.

D. Comments and observations of Lebanon concerning the inquiry report adopted by the Committee

42. By communication dated 29 January 2014, Lebanon provided a reply to the findings and conclusions of the Committee.

43. The State party informed the Committee that the human rights committees of the Lebanese National Assembly had unanimously approved the project for a national preventive mechanism against torture and the establishment of a national human rights institution, indicating that the project featured on the agenda of the National Assembly.

44. According to the State party, the inquiry report did not take into consideration the challenges and difficulties that the country had faced and continued to face in a variety of spheres, as those were directly responsible for the failure of the country's officials to achieve their aspirations to strengthen the legal measures relating to detainees and prisoners and to develop the infrastructure of prisons and detention centres as quickly as desired. The State party further indicated that, within available resources, the State authorities concerned were doing their utmost, amid trying political, security and economic circumstances in the region's highly dangerous and sensitive atmosphere and in the shadow of terrorist threats affecting several areas of the country, to put in place appropriate legal provisions, review the rules of the handling of prisoners in detention centres and improve prison living conditions.

45. The State party indicated that the Ministry of Justice and the Ministry of the Interior and Municipalities and the Ministry of National Defence were making sustained efforts to investigate complaints submitted to them concerning allegations of torture or humiliation during interrogation. Those ministries had circulated to their relevant agencies the rules of conduct of investigation and interrogations and had formed special committees to monitor compliance.

46. The State party also informed the Committee that it had requested the authorities with jurisdiction over the places of detention where rights of detainees and prisoners were said to have been violated to conduct an urgent investigation and, in the event that the information was substantiated, to take the measures provided for in Lebanese law against the perpetrators and to work to prevent any future reoccurrence.

47. According to the reply, the State party concurred with the mission's comments about overcrowding, noting that the situation had worsened due to the increase in the number of prisoners and detainees, particularly those of Syrian nationality. It was emphasized that the authorities concerned were pursuing their efforts to address prison overcrowding in accordance with a multi-pronged plan to construct new prison buildings and speed up judicial decision-making. Furthermore, the National Assembly had approved Act No. 216 of 30 March 2012, which set the prison year at nine months.

48. The State party said that the cases of torture, the torture methods and the abuse of detainees and prisoners described in the inquiry report, if indeed any of them had occurred, were legally unacceptable acts, and that the Lebanese authorities had requested the entities concerned to investigate, prosecute and punish those acts in accordance with Lebanese law. The State party maintained that any proven violations of the rights of arrested, detained or imprisoned persons remained isolated cases.

49. The State party considered that the mission had treated with scepticism the information provided by the Lebanese authorities, while the majority of information obtained by the mission from non-governmental organizations and civil society actors had been heeded and accepted as trustworthy.

50. The State party claimed to be utterly astounded at the conclusions of the Committee. The Government also expressed great surprise at the logic employed by the mission in reaching the conclusions set out in the report, maintaining that the conclusions were based on statements and testimonies that had not been subjected to any close scientific or legal examination.

51. Finally, the State party took issue with the mission's view that torture was systematically practiced in Lebanon, and reaffirmed its disagreement with the view that the Committee's definition of [systematic] torture applied in the case of Lebanon.