

Amnesty International Annual Report: 2004

LEBANESE REPUBLIC

Head of state: Emile Lahoud

Head of government: Rafiq al-Hariri

Death penalty: retentionist

UN Women's Convention: ratified

Optional Protocol to UN Women's Convention: not signed

Scores of people, including prisoners of conscience, were arrested, many of them arbitrarily. Most were released within hours or days. Many were Islamist activists held in connection with alleged "terrorism"; some were held for alleged "collaboration" with Israel. Scores of civilians were tried before military courts, whose procedures fall short of international standards for fair trial. Curtailments of the activities of human rights defenders increased and there were restrictions on freedom of expression, but generally a high level of human rights debate and activity was allowed. There were reports of torture and ill-treatment of detainees; none was known to have been investigated. At least three people were sentenced to death; the *de factom* moratorium on executions – in force for five years – appeared fragile at the end of the year.

Background

Prime Minister Rafiq al-Hariri submitted the resignation of his government to the President in April. However, he stayed on as Prime Minister and formed a new cabinet with minor ministerial changes.

Major amendments were proposed to the Penal Code by the parliamentary justice committee. Human rights activists led a vigorous campaign against the proposals. If adopted, they could lead to serious restrictions on freedom of association and expression, and further erode the rights of women.

There were wide and lively discussions within the community of non-governmental organizations (NGOs) and human rights groups on issues of human rights and freedoms. Women's rights and violence against women were the subjects of media discussions as well as several national and regional meetings held in Lebanon during the year. In October, the Minister of Justice reiterated the commitment of

Lebanon to make its legislation compatible with the UN Women's Convention, which Lebanon ratified in 1996.

Thousands of Syrian troops were redeployed within Lebanon or back to Syria during the year. There were mixed reactions among Lebanese political circles to the Syria Accountability and Lebanese Sovereignty Restoration Act, which was adopted by the US Congress in November (see Syria entry). Exiled opposition leader General Michel Aoun, who testified before the US Congress on the draft Act, was charged by the Lebanese authorities in November with harming relations with a friendly state (Syria), among other offences.

Violence against women

Lebanese women's groups stepped up their campaigns against violence against women, such as "honour killings" and domestic violence including rape. Grave concerns were expressed by human rights activists and women's groups about the proposed revisions of the Penal Code. They feared that the revisions would further enhance the subjugation of women and perpetuate a culture of impunity for family crimes as the proposed Code would still allow for reduced sentences for men and women who commit murder in "honour crimes", and for women who kill their children born out of wedlock.

Unfair trials before military courts

Trials before military courts continued to fall short of international fair trial standards.

- On 6 May, Muhammad Ramiz Sultan, Khaled 'Umar Minawi, 'Abdallah Muhammad al-Muhtadi and a Saudi Arabian national, Ihab Husayn Dafa, were sentenced by the Military Court to three years in prison with hard labour for vaguely defined "terrorist" offences. Khaled 'Umar Minawi was reportedly tortured in 2002 while held at the Ministry of Defence detention centre at al-Yarze. There was no known investigation into the allegation.

- On 20 December, Khaled 'Ali and Muhammad Ka'aki were reportedly sentenced to 20 years' imprisonment by the Military Court for planning to bomb US and other "Western" targets in the country. The defendants were believed to be leaders of an alleged "terrorist" organization suspected of planning attacks on fast food restaurants in

Lebanon between the second half of 2002 and April 2003. Sixteen co-defendants in the case received prison sentences ranging between two months and 12 years. Some of the accused alleged in court that they had broken ribs as a result of torture; no investigation was ordered by the court. There were concerns that all were convicted as a result of "confessions" extracted under torture. Eight others were acquitted; all had spent eight months in pre-trial detention and were reportedly tortured.

Harassment of human rights defenders

Many human rights NGOs continued to operate freely, but there was an increase in harassment of human rights defenders with the aim of curtailing their rights to freedom of expression and association.

- Muhammad al-Mugraby, a lawyer and human rights defender, was arrested on 8 August for "impersonating a lawyer" and held for three weeks in Beirut. He was released on bail on 29 August. He had criticized sections of the judiciary and the Beirut Bar Association, and called for reforms of both. In January, the Beirut Bar Association had struck his name off the Association's register *in absentia*. However, the decision should become final only after appeal, which had yet to be concluded by the end of the year.
- Samira Trad, director of Frontiers, a human rights organization that defends refugees and marginalized people in Lebanon, was detained overnight on 10 September and questioned by the General Security about Frontiers' work and the legality of the organization. She was charged under Article 386 of the Penal Code with "harming the honour and integrity" of the Lebanese authorities, which carries a sentence of up to one year's imprisonment. The Director of General Security told AI representatives that Samira Trad did not follow proper legal procedures in notifying relevant government authorities about the formation and activities of Frontiers.

Restrictions on freedom of expression

Lively and critical debate continued in the media, but there were some incidents of restriction of the freedom of the press and publication.

- Adonis Akra, a philosophy professor, was forced to cancel a book-signing ceremony for the launch of his prison memoirs after being detained for seven hours. Several hundred copies of his book were seized and the authorities ordered the closure of the book's publishing company Dar al-Tali'ah.

- Tahsin Khayyat, the owner of a private television channel, NTV, was detained by military police for a day in December for allegedly having links with Israel. He was released without charge. NTV, other media organs and some politicians protested against his arrest, saying it was an attempt to exert pressure on the television channel. NTV had been banned from broadcasting at least once during 2003 apparently after airing a program about US military bases in Saudi Arabia.

Update

- In April, the Court of Cassation turned down appeals against a previous ruling to close down the opposition-oriented television station MTV and its sister radio station, *Radio Mont Liban*, for allegedly broadcasting unlicensed election advertisements. This followed an eight-month legal battle over an alleged contravention of Article 68 of the Parliamentary Election Law which revealed major errors in the legal process, suggesting that the closure was politically motivated.

Torture and ill-treatment

Torture and ill-treatment continued to be reported. The authorities refused to allow the International Committee of the Red Cross (ICRC) unfettered access to all prisons, especially those operated by the Ministry of Defence where civilians are held. This was despite a presidential decree in 2002 authorizing the ICRC such access. In October, at least one member of parliament, Saleh Honein, demanded a parliamentary investigation into why the ICRC was not allowed access to military prisons.

- On 17 January security forces reportedly used batons and tear gas in closed areas against 17 detainees refusing to attend a court hearing. Ihab al-Banna and Sa'id Minawi needed hospital treatment for serious injuries. The 17 detainees, all held in Rumieh Prison in connection with clashes with security forces in the Dhinniyyah plateau in February 2000, were subsequently held in solitary

confinement as punishment. However, in July the Public Prosecutor allowed the detainees to have access to facilities to practise religion, to exercise outside their cells and to grow beards.

- Husayn Ahmad al-Qarahani, who was acquitted in December of involvement in the bomb attacks on US restaurants, and earlier of the June attack on *al-Mustaqbal* TV station, stated that he was one of a number of detainees tortured while held incommunicado at the Ministry of Defence detention centre in al-Yarze. He told the Military Court in October that the *ballanco* method of torture (hanging by the wrists which are tied behind the back), and beatings were used against him and other detainees, apparently aimed at coercing them to "confess". No investigations were known to have been carried into his allegations or into other cases of torture reported in 2003.

Government responses

In September, in response to AI's reporting of alleged ill-treatment of detained foreign nationals, the government stated that foreign detainees were being treated well and in accordance with international standards. The same month the government criticized AI's report on the Dhinniyyah detainees (see below) for relying on "untrustworthy sources", and rejected the report's allegations of torture and lack of legal safeguards. AI remained concerned that no independent judicial investigation had yet been ordered into the alleged torture and ill-treatment of the Dhinniyyah detainees.

Death penalty

At least three people were sentenced to death. A *de facto* moratorium on executions since 1998 continued, but appeared under threat in December when it was reported that the President might soon sign the execution papers for 27 or more people convicted of murder in previous years.

Civilian killings

Civilians were victims of what may have been direct or indiscriminate attacks.

- Five-year-old 'Ali Nadir Yassin was killed on the night of 6 October when a missile apparently fired at Israeli military forces struck his family's house in the southern village of Hula. The UN Interim Force

in Lebanon (UNIFIL) said the missile was a Katyusha, a type typically used by Lebanese resistance groups. *Hizbullah* (Party of God), the Islamist group which occasionally launches attacks on Israeli forces stationed in the Israeli-occupied Sheba'a Farms territory, denied any connection with the killing.

- On 9 December, student Mahmoud Hadi and mechanic Khodr 'Arabi were shot dead in their car by Israeli troops near the village of Ghajar, which is split between Lebanon and the Israeli-occupied Syrian Golan Heights.

Refugees

Palestinian refugees

Palestinian refugees continued to face systematic discrimination, including wide prohibitions on the rights to work and own property, and on the freedom of movement. Draft legislation submitted to parliament to lift the ban on Palestinians owning property was withdrawn in October by the Parliamentary Speaker.

Other refugees

There were concerns that convoys organized by the Lebanese authorities to return Iraqis on a voluntary basis to Iraq may have included refugees and asylum-seekers who believed they were at risk of serious human rights violations if returned. A Memorandum of Understanding was signed in September by the Lebanese government and the UN High Commissioner for Refugees (UNHCR). It was seen to represent an important step in formalizing UNHCR's role in the protection of refugees and asylum-seekers in Lebanon.

However, there were concerns expressed about the Memorandum, including that it denies asylum-seekers access to refugee status determination procedures after a certain time limit, thereby excluding some people who need protection from being able to access it.

AI country reports/visits

Report

- Lebanon: Torture and unfair trial of the Dhinniyyah detainees (AI Index: MDE 18/005/2003)

Visits

AI delegates visited Lebanon in May/June. They participated in a regional conference on violence against women, investigated the situation of Palestinian refugees and other human rights issues, and met government officials, local human rights organizations and lawyers. Other meetings with government officials took place in October.