



# **Torture in Lebanon: Time to break the pattern**

## **Follow-up Report**

**Communication to the Committee Against Torture concerning  
the practice of torture in Lebanon**

**7 April 2009**

**1. Table of contents**

---

- 1. TABLE OF CONTENTS ..... 2**
- 2. INTRODUCTION ..... 3**
- 3. FURTHER REPORTED CASES OF TORTURE IN LEBANON..... 3**
  - 3.2 ALKARAMA SUBMISSIONS TO THE UN SPECIAL PROCEDURES..... 3
    - 3.2.1 *The “Group of 13”* ..... 3
    - 3.2.2 *The case of Mr Fadi Sabunah* ..... 5
    - 3.2.3 *The case of Mr Najji Hamdan – Lebanese national and US citizen* ..... 6
    - 3.2.4 *Nahr El Bared - 13 selected cases submitted to the Special Rapporteur on Torture* ..... 6
    - 3.2.5 *Cases recently received by Alkarama– Hashash brothers, arrested 16 November 2007* ..... 9
  - 3.3 OTHER SOURCES REPORTS OF TORTURE IN LEBANON ..... 9
    - 3.3.1 *Amnesty International Annual Report and US Department of State annual human rights report* . 9
- 4. FURTHER COMMENTS ON PURPOSE OF ARTICLE 20 OF CAT ..... 10**
- 5. CONCLUSION ..... 10**

## **2. Introduction**

---

This is a follow-up report for the Committee Against Torture ("CAT") to be considered alongside our original communication entitled, "Torture in Lebanon: Time to Break the Pattern" with annexures A - E, dated October 2008 ("Original Communication"). We understand our Original Communication and this follow-up report will be considered by the CAT during its 42<sup>nd</sup> session in Geneva, on 1 May 2009 during a closed session.

Alkarama strongly urges the Committee to find that reliable information has been received which contains well-founded information which indicates that torture is being systematically practice in Lebanon and the Committee should decide, according to Article 20(2) that a confidential enquiry be initiated. We also refer to our supplementary requests concerning Lebanon fulfilling its reporting obligations to the CAT and an urgent request concerning trials which include evidence which has been obtained by torture (see pages 36 – 37 of our Original Communication).

As set out in our original communication, although there is a return to increased political stability in Lebanon we respectfully remind the Committee that this must include meaningful incorporation and application of Lebanon's international obligations. Despite measures being taken regarding the Optional Protocol, Lebanon has still not submitted an initial report to the CAT – it being due in October 2001 –some 7 ½ years ago.

We submit that an article 20 enquiry should be viewed as a constructive approach to the entrenched problem of torture in Lebanon as it is intended to occur in a confidential manner with the cooperation of the State concerned. Furthermore, the use of article 20 is necessary in order for the CAT to have a clear framework in which it can independently monitor the serious human rights situation in this case, and provide its expertise to the Lebanese government via its comments and suggestions.

## **3. Further reported cases of torture in Lebanon**

---

In its Original Communication, Alkarama provided first-hand information regarding the practice of torture in Lebanon (Annex A) as well as compiled extensive reports on torture in Lebanon from 1993-2008 by other credible organizations (Annex B) and prepared a table of reported individual cases of torture in Lebanon from 1993 - 2008 (Annex C).

Cases of torture in Lebanon have continued to be reported since our Original Commuication in October 2008. We consider this further shows the necessity for the CAT to initiate an enquiry into the practice of torture in Lebanon.

### **3.2 Alkarama submissions to the UN Special Procedures**

Annex B, section 4 of our Original Communication provided copies of communications sent by Alkarama to the UN Special Rapporteur on Torture (SRT). We wish to provide the CAT our further communications submitted to the SRT since our Original Communication as follows:

#### **3.2.1 The "Group of 13"**

On 15 January 2009, Alkarama forwarded an Urgent Appeal to the SRT concerning 12 individuals in Lebanon who are part of the so-called "Group of 13". This is a high-profile case in Lebanon concerning individuals accused of having links to the Iraqi resistance and to al-Qaeda. They were arrested between 30 December 2005 and 16 January 2006, then detained incommunicado and tortured. They are all currently facing trial, with a final hearing expected on 24 April 2009.

These people were all arrested by members of the Directorate General of Internal Security Forces and are being subjected to legal proceedings before the Beirut Military Tribunal, even though they are not part of the military. Additionally, the facts with which they appear to be charged do not constitute military infractions.

All arrests took place without a judicial warrant and without a reason being given by members of Internal Security Forces dressed in civilian clothing. All were detained incommunicado and in isolation for 5 months in the quarters of the internal security services which operate under the authority of the Ministry of the Interior.

All report having suffered torture, insults and ill-treatment from the Lebanese security forces. Certain members still suffer from the consequences of these acts of torture. They were only able to have contact with their families or a lawyer two months after their arrest.

The detainees all report having been forced to sign declarations under torture which are now being used as incriminating evidence during their trial. If these 'confessions' are taken into account by the military tribunal, they will be used to sentence the victims to long prison sentences. A list of concerned individuals with their personal details were included in our submission to the SRT as follows:

*1. Amer Abdullah Hallak, 25 years old, Palestinian national from Lebanon, mechanical engineer, arrested on 30 December 2005 in Sidon, then detained at the Al Bastah police station before being transferred to the quarters of the intelligence services in Beirut for a period of 5 months. Following a hunger strike, he was transferred on 31 May 2006 to Roumieh prison*

*2. Bora Mohammed Fouad, 32 years old, Syrian, entrepreneur, living in Syria and Lebanon. He was arrested on 13 January 2006 in a public place in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison.*

*3. Faissal Asaad Hashim Akbar, 29 years old, Saudi student, arrested on 3 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison.*

*4. Fuad Ahmed Al Masir, 37 years old, Libyan salesperson, arrested on 30 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison. He was released on 4 September 2008.*

*5. Hani Hashim Al-Shanti, 26 years old, Lebanese of Jordanian origin, arrested on 1 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison.*

*6. Hassan Mohammed Nabah, 32 years old, Lebanese, graduate, arrested on 3 January 2006 and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison.*

*7. Moaz Abdelghani Shousha, 26 years old, Syrian living in Syria, clothes salesman, arrested on 4 January 2006 in Tripoli. He was detained at the Al Bastah police station before being transferred to the quarters of the intelligence services in Beirut where he was kept in isolation in the basement for a period of five months. He was then transferred to Roumieh prison. He fears being extradited to Syria and disappearing which is what happened to Mr Hammad Turkey Al Rda (case #12)).*

*8. Mohammed Abderrazzak Al-Wafael, 23 years old, Syrian student residing in Syria, arrested on 3 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison. He fears being extradited to Syria and disappearing as did Mr Hammad Turkey Al Rda.*

9. *Mohammed Ahmed Qoja*, 22 years old, Syrian student living in Syria, arrested on 3 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison. He fears being extradited to Syria and disappearing as did Mr Hammad Turkey Al Rda.

10. *Malik Mohammed Nabah*, 25 years old, Lebanese, salesperson, arrested on 3 January 2006 opposite his home in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison.

11. *Tareq Rajaa Nasser*, 30 years old, Syrian national living in Syria, arrested on 3 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison. He fears being extradited to Syria and disappearing as did Mr Hammad Turkey Al Rda.

12. *Hamad Turkey Al-Rda*, 33 years old, Syrian national living in Beirut, arrested on 16 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison. He was extradited to Syria and has since disappeared.

Alkarama contacted the Special Rapporteur on Torture to request him to firstly intervene with the Lebanese government to remind it of its obligations with regards the Convention Against Torture which it ratified on 11 October 1989, and to ensure that all declarations made under torture cannot be invoked as proof in a legal procedure. Secondly, we asked the Special Rapporteur to remind the government that it cannot extradite persons to countries where they are exposed to a risk of torture. We also requested the Special Rapporteur to request an inquiry into the disappearance of Mr Al-Rda after his removal to Syria.

### **3.2.2 The case of Mr Fadi Sabunah**

Alkarama submitted a communication on 26 January 2009 to the Special Rapporteur on Torture asking him to intervene in the case of Mr Fadi Sabunah. Arrested on 5 October 2008, Mr Sabunah was detained incommunicado for 35 days during which time he was tortured in order to extract a 'confession' from him.

At the time of his arrest, Mr Sabunah was aged 23 years and lived in Tripoli. He was arrested without a judicial warrant on 5 October 2008 by the Palestinian Joint Security Committee in Beddawi, in North Lebanon before being transferred to the Lebanese Army Intelligence. He was detained incommunicado and tortured for 35 days in the aim, ultimately achieved, of making him sign a false confession.

He is currently subject to criminal charges before the Military Tribunal in Beirut despite the fact that he is not part of the military, and the proof that will be used against him is essentially based on the declarations made under torture. He has been accused of having links to a cell responsible for attacks targeting the army in Abdeh in May 2008, and in Tripoli in August and September of that same year.

After being held for a day at the military station in Quba in Tripoli, he was then transferred to the Ministry of Defense in Al-Yarze, Beirut, where he was detained incommunicado and tortured from 7 October to 11 November 2008. He was then again transferred to the Military Police station in Al-Rihania where he remained 15 days before being taken once more to the Ministry of Defense on 26 November for more interrogations.

Mr Fadi Sabunah was gravely tortured at the Ministry of Defense during the period covering 7 October to 11 November 2008 and again from 26 to 29 November, often for several hours at a time, some days for up to 8 consecutive hours. He was in particular subjected to the "Ballanco" (hanging by the wrists which are tied behind the back), violently beaten, forced to remain standing for two days, and he was also forced to stay awake for 5 days. His torturers also threatened to rape his wife in front of him.

It is in these conditions that Mr Fadi Sabunah, mentally and physically exhausted, was forced to sign declarations to end his suffering. During his incommunicado detention at the Ministry of Defense in November, he was interrogated by the investigating military judge in charge of the present procedure against him. Since 29 November 2008, he has been detained at Roumieh prison.

Despite requests, he has not had a medical examination to this day, more than two months after the torture took place. No investigation has been ordered following the allegations of torture. It is our fear that the declarations signed following torture may be used in the current legal proceedings and may be used as basis for handing down a heavy sentence.

### **3.2.3 The case of Mr Najj Hamdan – Lebanese national and US citizen**

Mr Hamdan is a Lebanese national, born in Lebanon on 26 May 1966. He emigrated to the United States in the mid-1980s and was subsequently granted US citizenship. His wife Mona Mallouk is a US citizen, as are their three children, Khaled, 16, Hamza, 8, and 1 year-old Noor.

On 26 January 2009, Alkarama submitted details of Mr Najj Hamdan's case to the Special Rapporteur on Torture, the Special Rapporteur on the promotion and protection of human rights while countering terrorism and the Working Group on Arbitrary Detention. This case involves complaints against the United Arab Emirates (U.A.E.) and the United States and there is also information contained relating to human rights violations which he suffered in Lebanon.

Mr Hamdan lived in the United States, in Hawthorne, California in the Los Angeles area where he ran a successful car parts and repairs business. He decided in 2006 to start another car parts business in the UAE and temporarily moved his family to Lebanon, where he still had family ties.

At some time shortly before 11 September 2001, Mr Hamdan was placed under FBI surveillance. In 2007, Mr Hamdan visited the United States for professional reasons and at this time found he was placed under close supervision by the FBI. Summoned several times by the FBI, he was interrogated about his work and his travels in Lebanon, his country of origin and the U.A.E.

During the month of January 2008, while returning to Lebanon from Dubai, he was arrested at Beirut airport and detained for four days by the Lebanese intelligence services. He was subjected to intense interrogation about his travels and his work. He was beaten on several occasions, threatened with severe torture and placed in a cold room for the duration of his detention.

During his detention, his eldest son Khaled, 16, was also taken to the Lebanese Ministry of Defense and interrogated for several hours about his father. Khaled Hamdan was then put before his father in his place of detention, allowing him to observe the state in which his father was following the mistreatment. Mr Hamdan was particularly shocked by the moral cruelty of his captors with respect to his teenage son.

Having no evidence against him, the Lebanese authorities released Mr Hamdan after four days. Until this day, it is unclear why Mr Hamdan was detained and mistreated by the Lebanese intelligence forces.

### **3.2.4 *Nahr El Bared* - 13 selected cases submitted to the Special Rapporteur on Torture**

On 15 October 2008, Alkarama submitted 13 cases of people being tortured in Lebanon to the SRT selected from the 316 cases we received as part of the events of Nahr El Bared which took place from May to September 2007, and which opposed the regular Lebanese armed forces to an armed group entrenched in the Nahr El Bared refugee camp, located in the northern suburbs of Tripoli (refer to Annex A of the Original Communication).

The individuals in the 13 cases sent to the SRT were all arrested by military intelligence services and are now subject to criminal prosecution before the military court in Beirut, when they do not qualify as military personnel. In addition, the facts with which they seem to be charged do not constitute

offences of a military character. It is significant to note that all those arrested in the context of, or in connection with the events of Nahr El Bared have been subjected to torture and/or ill-treatment, including those who were detained for brief periods.

Most arrests took place without a judicial warrant and without grounds for the arrest being given. They were carried out in most cases by members of the military intelligence services in civilian clothes. All 13 were detained incommunicado for varying periods of time ranging from a few days to several months and most often in the premises of the Ministry of Defence, and were tortured according to a identifiable and characteristic modus operandi: all relate having been insulted, humiliated, threatened and beaten from the first moments following their arrest, either with electric cables, hoses, or sticks, or punched and kicked on all parts of their bodies.

Most victims testify to being forced to remain standing for long periods, being deprived of sleep as well as toilets for their natural needs. Many report having suffered the torment of the Balanco suspension, some have suffered the agony of falaqa (blows to the soles of the feet) as well as being exposed naked, and being forced to sit on a bottle. One of the victims reported having been tortured with electric shocks.

These particularly difficult physical and psychological methods of torture had the essential aim of extracting confessions and to make the victims sign statements dictated or written by the torturers, which they were not able to read. At the end of their period of incommunicado detention, all persons were transferred to Roumieh prison after being indicted by a military magistrate of "attempted constitution of an armed group", or an "attempt to commit terrorist acts" or attempt "to undermine state security".

The following persons are still being held in Roumieh prison:

1. *Ali Mohammed Ibrahim*, Danish of Lebanese origin, born 8 July 1968, arrested in Tripoli on 24/05/2007 and held incommunicado at the Department of Defence during 33 days where he was tortured. After his transfer to Roumieh prison, he was kept in solitary confinement for 5 months before being transferred on 27 October 2008 to Building B of the same prison.

2. *Shadi Majdi Al-Mawlawi*, Lebanese, born 29 January 1987, arrested on 14 August 2007 by agents of the military intelligence services in Tripoli. He was then taken to the Ministry of Defence where he was severely tortured. He was imprisoned in Roumieh prison on 22/08/2007.

3. *Rabee Bahjat Shaalan*, Lebanese, born in 1977, arrested on 26 June 2007 in his shop by agents of the Lebanese Army intelligence and taken to Qoubbah district in northern Lebanon where he remained for two days and then to Ministry of Defence (4 days) where he was tortured, then the military court (5 days) before being imprisoned in Roumieh prison on 04/07/2007.

4. *Medhat Al-Mahmoud Andouri*, Lebanese, born 01 January 1985, arrested on 25 May 2007 at his home in Tripoli by a military intelligence unit. He was led to the Municipal Stadium of Bahsas in north Lebanon, then to Haykaliyé Al-Al-Kourah prison, still in north Lebanon and then to the Qoubbah military intelligence prison, and then finally to the Department of Defence's prison where he suffered severe torture during a month and a half. He was transferred to Roumieh prison on 07 July 2007.

5. *Abbes Sebtaoui Omar*, an Algerian national, born 21 December 1972 in Algiers, arrested at the border in North Lebanon before the beginning of events, around 15 March 2007, by the intelligence services. He was first detained for a week by the Halba section, then taken to the intelligence services' centre in Qoubbah where he was held for 15 days before being transferred to a place in the same area but which he could not identify and where he remained detained incommunicado for 3 months before being sent to the "Information

Branch" where he remained for 8 days, then to Zgharta prison before being imprisoned in Roumieh on 26/07/2007.

6. *Bilal Ahmed Saleh*, Palestinian refugee born in 1968 in Nahr El Bared, arrested on 02/06/2007 at the Tallat Al-Sitt roadblock when exiting the camp, by agents of military intelligence. Held incommunicado for 61 days at the Department of Defence where he was severely tortured, he was then transferred to the premises of military police and then to Roumieh prison on 05 August 2007.

7. *Mounir Ahmed Mohammed*, Palestinian refugee born in 1980 in Nahr El Bared, arrested on 06/09/2007 at the entrance to the camp by agents of military intelligence, and taken to the Qoubbah centre of the military intelligence services, then to the Department of Defence, where he was held incommunicado for a month and a half, and tortured, before being transferred to Roumieh prison on 26 October 2007.

8. *Ziad Jamil Badra*, Palestinian refugee born in 1984 in Nahr El Bared, arrested by agents of military intelligence on 11 July 2007 at his exit from the camp during the evacuation of civilians. Led to the Department of Defence's prison where he was detained for 6 days, then to military court where he stayed for 3 days before being transferred to Roumieh prison on 20 July 2007.

9. *Firas Mohammed Awadh*, Palestinian refugee born in 1984 in Nahr El Bared, arrested on 11 July 2007 at his exit from the camp at a Lebanese army roadblock, during the evacuation of civilians. He was moved to Qoubbah where he remained for two days, and then to the Ministry of Defence in the Yarzéh sector of Mount Lebanon, for his alleged membership in Fatah Al Islam, while he claims to be a known activist of the organisation, the Democratic Front for the Liberation of Palestine (DFLP). He relates, among other tortures, of having suffered the agony of suspension and having been tortured with electricity at the Ministry of Defence, adding that he was transferred to hospital because of the serious deterioration of his general state. He was imprisoned in the Roumieh prison on 27 July 2007 and his condition currently requires serious and urgent medical care.

The following people were released:

10. *Hassan Ali Ismael*, Palestinian refugee, physically disabled, born in 1969 in Nahr El Bared. Arrested on 24 June 2007 at his exit from the camp at a Lebanese army roadblock during the evacuation of civilians, he was brought to the Qoubbah information services centre where he stayed one day, then taken to the Armani military barracks in northern Lebanon, where he was accused of belonging to Fatah Al Islam, and then successively transferred to the Department of Defence, the military court, then to the information services section before being imprisoned on 13 July 2007 in Roumieh prison.

11. *Bassam Mohammed Faisal Beitieh*, Lebanese, born in 1984, Arrested on 04 June 2007 at his workplace by agents of military intelligence, then held successively in the "Mourabitoun" section in North Lebanon, at the intelligence services centre of Qoubbah, then to the Ministry of Defence prison before being imprisoned in Roumieh prison on 12 June 2007.

12-*Khaled Ahmed Steitieh*, Lebanese, born 05 January 1974 in Tripoli, arrested at his home on 30/05/2007 by the military intelligence services of Qoubbah. At the time of his arrest he was severely beaten, tied up and hooded before his children before being taken to the Qoubbah intelligence services section where he was detained for 2 days before being transferred to the Ministry of Defence where he was also held incommunicado for 4 days. He was subsequently taken to the Military Court's prison where he is remained another week. He was imprisoned in Roumieh prison on 12 June 2007.



*13-Hussein Mohammed Shaaban*, Lebanon, born in 1971 in Tripoli, arrested on 24 May 2007 by agents of military intelligence in northern Lebanon and then taken to the Ministry of Defence where he stayed 8 days and was tortured. He was taken to the military tribunal on 02 June 2007 where he spent 3 days, before his transfer to Roumieh prison on 05 June 2007.

All told the judge, at their first appearance, of having been subjected to torture and ill-treatment during their incommunicado detention but the judge never took their statements into account nor did he order an investigation in regard to their allegations. Their statements were credible because they bore visible traces of torture on certain parts of their body, and some, on their faces.

Despite their statements at the time of their presentation before a magistrate or during their appearance before the court, no investigation was ordered.

### **3.2.5 Cases recently received by Alkarama– Hashash brothers, arrested 16 November 2007**

Alkarama is processing two further cases of torture which have just been received by our office and will be submitted to the SRT shortly. For convenience, we refer to these cases and include basic details in this follow-up report and we will provide copies of our communications to the RST as soon as they are available.

Amer Hashash (born 1976, aged 32 years at time of arrest) and his brother Mosbah Hashah (born 12 August 1971, aged 36 years at time of arrest) were arrested on 16 November 2007 by Members of the Information Branch of the Internal Security Forces, without a warrant. They have both been charged with forming an armed gang and forming a terrorist group under the Penal Code and the Terrorism Code as well as with possession of weapons.

We are informed that the Hashash brothers are accused of supporting the Iraqi resistance and of having allegiance to Al-Qaeda – similar to the 'Group of 13' set out above. Despite being civilians, their trials are being conducted before the Military Tribunal in Beirut and their trial has commenced but is expected to take some time. Both claim to have suffered torture, including being detained incommunicado for the first three months of their detention at the Information Branch Headquarters building. Both allege they were forced to stay awake, being kept naked for more than three days without food whilst being beaten and doused in cold water and without permission to use the toilet. They were humiliated by not being able to wash or shave. Mr Mosbah Hashash was threatened that his wife and three daughters would be harmed.

Due to this treatment, both Amer and Mosbah were forced to sign confessions, which are untrue. No investigation has been ordered following the allegations of torture although these have been raised with the investigating judge, Mr Rachid Mezher. It is our fear that the declarations signed following torture will be used in the current legal proceedings and may be used as basis for handing down a heavy sentence.

## **3.3 Other sources reports of torture in Lebanon**

### **3.3.1 Amnesty International Annual Report and US Department of State annual human rights report**

Our Original Communication to the CAT provided Annex B which was a compilation of key reports which refer to the practice of torture in Lebanon. Sources included the UN Human Rights Council Special Rapporteur on Torture and Working Group on Arbitrary Detention, the UN Human Rights Committee, Amnesty International, Human Rights Watch, Pax Christi, *Alkarama* communications, local NGOs (ALEF Liban, SOLIDA and Foundation for Human and Humanitarian Rights (Lebanon)) and the United States of America Department of State, Bureau of Democracy.

As set out in the Original Communication, the list of organizations, institutions, governments, media and specialists who have highlighted the problem of torture in Lebanon over the past 15 years is considerable. It is submitted the sources considered are reliable and their allegations are well founded. They demonstrate considerable consistency in the methods of torture used, the reasons for torture invoked, the authorities implicated in torture, the places where torture occurs and the groups who are being subjected to the practice. These sources also demonstrate the huge effort of many organisations and individuals to bring the widespread practice of torture in Lebanon to an end (Original Communication, section 6(a), page 17).

For the information of the Working Group and the CAT, we have provided the latest publicly available *Amnesty International* annual report for last year, 2008 which states that “[r]eports of torture and ill-treatment in detention increased.” This is elaborated upon in the section: Torture and other ill-treatment:

There were increased reports of torture and other ill-treatment, particularly of Palestinians, Sunni security suspects and individuals suspected of involvement with Fatah al-Islam. At least two men died in custody, possibly as a result of ill-treatment.

Reinforcing Amnesty International’s latest annual report is the *US Department of State Bureau of Democracy, Human Rights and Labor* annual report on human rights practices in Lebanon during 2008 (dated February 25, 2009). This also records that security forces abused detainees and in some instances used torture. Section c. of the report sets out many cases which have been compiled in Annex C of our original communication, “Table of torture cases in Lebanon reported by credible sources between 1993-2008.”

#### **4. Further comments on purpose of Article 20 of CAT**

---

We submit article 20 should be considered to be an important constructive mechanism of the Convention, not one that is viewed as perhaps ‘punitive’ or as a ‘sanction’.

The very nature of the enquiry under article 20 is one that aims to have the Committee act with the cooperation of the State party concerned – usually holding meetings with the relevant government authorities and members of the judiciary (OHCHR Fact Sheet No. 4 (Rev. 1) *Combating Torture*, page 13). Article 20(2) clearly stipulates that after examining findings of the Committee, these shall be forwarded to the State Party “together with any comments or suggestions which seem appropriate in view of the situation.” Therefore an outcome from an article 20 enquiry under CAT is clearly intended to be constructive for the State party concerned.

It is our view that the situation in Lebanon is one which seriously warrants and requires the Committee taking action under article 20. The Lebanese Government’s apparent openness to the Optional Protocol reinforces our request for an article 20 enquiry because it arguably indicates a willingness for the Lebanese Government to cooperate with the Committee to meaningfully address the entrenched nature of torture in Lebanon.

The Lebanese Government would clearly benefit from the independent and expert nature of the Committee and it is our view that a formalized process under article 20 is necessary given the evidently entrenched nature and practice of torture which is occurring.

#### **5. Conclusion**

---

We respectfully submit that the information provided to date makes it clear that torture is being systematically practiced in Lebanon and that intensive measures need to be undertaken to reverse the entrenched nature of the problem. It is our view that upon an enquiry, the Committee is best placed

to provide 'comments and suggestions' to Lebanon, in accordance with Article 20(3) of the Convention due to its expertise and independence and to provide the necessary monitoring of the situation.

We therefore consider that Article 20 can and should be viewed and used as a constructive mechanism in order to monitor and promote human rights in Lebanon rather than it being considered a 'punitive' or 'discouraging' exercise.

As stated in our introduction, we strongly urge the Working Group to recommend to the Committee that reliable information has been received which contains well-founded information which indicates that torture is being systematically practiced and the Committee should decide, according to Article 20(2), that a confidential enquiry be initiated. It is our strong submission that for the systematic practice of torture to be discontinued in Lebanon, a meaningful reform process needs to be engaged upon with rigorous monitoring, such as can be provided by the CAT.