

Human Rights Watch Updated Submission to the United Nations Human Rights Committee in Advance of its Review of Lebanon

February 2018

We write in advance of your upcoming review of the Lebanese government’s compliance with the International Covenant on Civil and Political Rights. The information in this submission is an update to our [earlier submission](#). This updated submission relates to torture, freedom of expression and opinion, privacy, family, and right of peaceful assembly.

Torture and Ill-Treatment (Articles 7, 9, 10)

Human Rights Watch and Lebanese human rights organizations routinely document credible reports of torture and cruel, inhuman, or degrading treatment in Lebanon. However, authorities have failed to properly investigate allegations of torture and ill-treatment by security services, and accountability remains elusive.

On July 4, 2017, the Lebanese military issued a statement saying four Syrians died in its custody following mass arrests in Aarsal, a restricted access area in northeast Lebanon where many Syrian refugees live. A Physicians for Human Rights doctor, with expertise in documenting torture, reviewed photos of three of the men’s bodies provided by their family lawyers to Human Rights Watch, which showed widespread bruising and cuts. He said the injuries were “consistent with inflicted trauma in the setting of physical torture” and that “any statement that the deaths of these individuals were due to natural causes is inconsistent with these photographs.” Human Rights Watch also spoke with five other men detained during the mass arrests who were released. They said that army personnel beat and ill-treated them and other detainees. A military officer told Human Rights Watch that the army was investigating the deaths and would publish its findings. However, the military has not released the results of its investigation.¹

On October 26, 2017, Lebanon adopted a new law criminalizing torture. While a step forward, the law falls short of Lebanon’s obligations under international law. The law amends article 401 of the criminal code to establish a crime of torture, including acts that lead to severe physical or mental pain or suffering. Lebanon did not previously have a law criminalizing torture, though article 401 narrowly criminalized the use of violence to extract confessions. Shortcomings in the new law include a statute of limitations for prosecuting torture, and continuing jurisdiction of military courts over certain torture cases. The new law fails to criminalize cruel, inhuman, and degrading treatment or punishment, and limits the definition of torture to situations of investigation, interrogation, judicial investigation, trial, and punishment. It therefore excludes cases of torture that fall outside those situations, and does not reflect the definition of torture enshrined in the Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment.²

Lebanon’s parliament on October 19, 2016 took a positive step in calling for a National Human Rights Institute (NHRI), which would include a Committee for the Protection from Torture, known as a national preventative mechanism. The committee would have the authority to conduct regular unannounced visits to all detention sites, investigate the use of torture, and issue recommendations to improve the treatment of detainees. However, the Lebanese government has yet to establish the institute or committee.³

¹ “Lebanon: Deaths, Alleged Torture of Syrians in Army Custody,” Human Rights Watch news release, July 20, 2017, <https://www.hrw.org/news/2017/07/20/lebanon-deaths-alleged-torture-syrians-army-custody>.

² “Lebanon: New Torture Law Positive, But Incomplete,” Human Rights Watch news release, November 13, 2017, <https://www.hrw.org/news/2017/11/13/lebanon-new-torture-law-positive-incomplete>.

³ “Lebanon: New Law a Step to End Torture,” Human Rights Watch news release, October 28, 2016, <https://www.hrw.org/news/2016/10/28/lebanon-new-law-step-end-torture>.

Human Rights Committee Recommendations to the Government of Lebanon

- Thoroughly investigate all allegations of torture and ill-treatment by security forces, and appropriately prosecute offenders, regardless of rank, and including as a matter of command responsibility.
- Make public the number of prosecutions and convictions for torture under the new law.
- Fund and staff the National Human Rights Institute with qualified, independent experts and ensure that it is able to visit all detention sites in the manner and with the frequency it wishes without fear of sanction or reprisal.

Freedom of Movement (Article 12)

Lebanon continues to impose harsh residency restrictions on the estimated 1.5 million Syrian refugees in the country. An estimated 74 percent of Syrians now lack legal residency and cannot move freely for fear of arrest at checkpoints. During a trip to Arsal, a restricted-access area in northeast Lebanon, Human Rights Watch found that widespread lack of legal residency, restrictions on freedom of movement, and fear of seemingly random arrests during army raids were putting pressure on refugees to return to Syria. Syrians who had already left Arsal for Idlib in Syria also told Human Rights Watch by phone that they went to Syria because of the situation in Arsal. All of those interviewed said they left under pressure, not voluntarily.⁴

Human Rights Committee Recommendations to the Government of Lebanon:

- Cease arrests and detention of refugees for lack of legal residency.
- Allow refugees to maintain legal status by expanding the residency fee waiver to all Syrians in Lebanon.

Privacy and Family (Article 17)

Privacy

Privacy and surveillance researchers on January 18, 2018, released a report alleging that a malware espionage campaign responsible for stealing hundreds of gigabytes worth of personal data was tied to a building owned by Lebanon's General Security agency. According to the report, the espionage campaign has been running since 2012 and was ongoing at the time of publication, affecting thousands of people in more than 20 countries, including activists, journalists, lawyers, and educational institutions. The private data they said were captured includes SMS messages, call records, browsing histories and bookmarks, and audio recordings, and was available on the open internet because operators allowed public access to the data.⁵

Family

Lebanon's General Security agency has continued to detain and deport migrant domestic workers apparently for having children in Lebanon. Denying residency renewals to long-term workers who have given birth while living in Lebanon disproportionately interferes with their right to family life. According to Insan, a local human rights organization, Lebanese authorities deported at least 21 domestic workers with children, saying that they were not living with their employer or were not supposed to give birth in Lebanon. None of these women were accused of violating their visas by working for multiple employers, and Insan has not documented a similar pattern of deportations of women without children living outside their employer's home. Human Rights Watch spoke with three of the migrant domestic workers with children who have been deported, and corroborated their stories with local nongovernmental organizations and a community leader.⁶

⁴ "Lebanon: Refugees in Border Zone at Risk," Human Rights Watch news release, September 20, 2017, <https://www.hrw.org/news/2017/09/20/lebanon-refugees-border-zone-risk>.

⁵ "Lebanon: Investigate Large-Scale Surveillance Reports," Human Rights Watch news release, January 24, 2018, <https://www.hrw.org/news/2018/01/24/lebanon-investigate-large-scale-surveillance-reports>.

⁶ "Lebanon: Migrant Domestic Workers With Children Deported," Human Rights Watch news release, April 25, 2017, <https://www.hrw.org/news/2017/04/25/lebanon-migrant-domestic-workers-children-deported>.

Sources within General Security, the agency in charge of foreigners' entry and residency, confirmed to nongovernmental groups in 2014 that the agency had issued a new directive to deny residency permit renewals to Lebanon-born children of low-wage migrants and their parents.⁷

Human Rights Committee Recommendations to the Government of Lebanon:

- Investigate whether there is any legal basis to the reported surveillance, and end any arbitrary surveillance.
- Ensure that any interference with privacy is necessary to achieve a legitimate aim and amend Law 140 of 1999 to ensure it is sufficiently clear in its terms to give citizens an adequate indication as to the circumstances in which the monitoring may take place.
- Stop deportations of migrant domestic workers for having children in Lebanon, and release anyone detained for this reason.

Freedom of Expression and Opinion (Articles 18, 19)

Criminal defamation laws and laws criminalizing criticism of public officials and symbols stifle freedom of expression in Lebanon. Human Rights Watch has documented a pattern of arrests and prosecution of individuals for expressing criticism of Lebanese officials or governmental bodies.

On January 24, 2018, in the latest such case, the public prosecutor brought defamation charges against a comedy show host, Hisham Haddad, after an episode in which he made jokes relating to Prime Minister Saad Hariri and Saudi Crown Prince Mohammad Bin Salman.⁸

On January 10, Lebanon's military court sentenced a Lebanese journalist and researcher, Hanin Ghaddar, *in absentia* to six months in prison for defaming the Lebanese army during a 2014 conference in the United States, Ghaddar told Human Rights Watch. On January 20, Lebanon's military intelligence summoned an activist, Obada Yousef, for questioning over Facebook posts concerning leading Lebanese politicians. He was detained by the military and police for four days, he told Human Rights Watch.⁹

In November 2017, local media reported that a prominent television host, Marcel Ghanem, was charged with obstruction of justice after he protested charges brought against two of his guests for criticizing the president. Also in November, a Lebanese poet, Mustafa Sbeity, was arrested for "insulting" the Virgin Mary in a Facebook post and detained pre-trial for 16 days. His lawyer told Human Rights Watch that he was charged under articles 474 and 317 of Lebanon's criminal code, pertaining to insulting a religion and inciting sectarianism. That same month, the journalist and secretary general of the Civil Islamic Coalition, Ahmad Ayoubi, was arrested for defaming the president, and detained pre-trial for 13 days, his lawyer told Human Rights Watch.¹⁰ And Mr. Selmam Samaha stood trial on May 26, 2017 at the Military Tribunal, following posts on his Facebook page regarding the Lebanese military.¹¹

Human Rights Committee Recommendations to the Government of Lebanon:

- Repeal criminal defamation laws; defamation should be a civil offense only.
- Repeal laws that criminalize criticism of state officials, government institutions, and national symbols.
- In the interim, cease prosecutions for peaceful criticism of authorities or state symbols.
- Ensure pre-trial detention is used only as an exception, not the rule, and that all detained persons have the legality and necessity of their detention reviewed by a judge within 48 hours.

⁷ Ibid.

⁸ "Lebanon: Pattern of Prosecutions for Free Speech," Human Rights Watch news release, January 31, 2018, <https://www.hrw.org/news/2018/01/31/lebanon-pattern-prosecutions-free-speech>.

⁹ Ibid.

¹⁰ Ibid.

¹¹ "Lebanon: Authorities Failing to Protect Freedom of Expression," Human Rights Watch news release, May 25, 2017, <https://www.hrw.org/news/2017/05/26/lebanon-authorities-failing-protect-freedom-expression>.

Right of Peaceful Assembly (Article 21)

Security services in Lebanon continue to use excessive force, including lethal force, to disperse protests. Lebanese military personnel beat and kicked protesters demonstrating against a third extension of parliament's term on June 16, 2017. Human Rights Watch spoke with five protesters who said that army personnel hit them with batons, punched them in the face, and kicked them during a demonstration near parliament. Several videos taken at the protest are consistent with their accounts. The military confirmed to Human Rights Watch that it had opened an investigation, but it has not publicized the results.¹²

On December 10, 2017, Lebanon's Internal Security Forces used force against protesters and journalists at a demonstration near the US embassy in Awkar. Human Rights Watch spoke with seven protesters and journalists who said that police used force against protesters who were not violent or were in custody, and against some journalists. They said that although the protest turned violent, with some protesters throwing rocks at security forces, riot police reacted indiscriminately and excessively, using water cannons, rubber bullets, teargas, and batons. Videos and photos from the protest are consistent with these statements. The Internal Security Forces, in a December 16 response to a Human Rights Watch query regarding investigations, said that they would "take necessary measures against those of our members who violated the law." However, the Internal Security Forces have not announced the results of an investigation and Human Rights Watch is not aware of any disciplinary measures taken.¹³

Impunity for violence by security forces is a recurring problem in Lebanon. Even when officials have initiated investigations into previous incidents of excessive, and in some cases, lethal force against protesters, the investigations have often not been concluded or made public. All publicly available information indicates that the Lebanese security forces have failed to adequately investigate incidents in which security forces used unlawful force against protesters.

Human Rights Committee Recommendation to the Government of Lebanon:

- Investigate reports of excessive use of force by security personnel against protesters, appropriately prosecute those responsible for violations, and compensate victims.

¹² "Lebanon: Hold Soldiers Who Beat Protesters to Account," Human Rights Watch news release, June 21, 2017, <https://www.hrw.org/news/2017/06/21/lebanon-hold-soldiers-who-beat-protesters-account>.

¹³ "Lebanon: Police Violence at Protest on Jerusalem," Human Rights Watch news release, December 19, 2017, <https://www.hrw.org/news/2017/12/19/lebanon-police-violence-protest-jerusalem>.