



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

27 June 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the initial report of Lebanon, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 60th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/LBN/CO/1, para. 60) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 13, 17, 29 and 43 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 6 June 2018 providing your Government's response on the above-mentioned paragraphs (CAT/C/LBN/CO/1/Add.1) and to make the following comments:

Definition and criminalization of torture (para. 13)

The Committee considers the definition of the offence of torture introduced by Act No. 65/2017 to be broadly in line with the provisions of the Convention, although it does not cover acts of torture committed with the aim or purpose of obtaining information or a confession from a third person or acts intended to intimidate or coerce persons other than the victim. Moreover, according to the information submitted by the State party, the definition is only applicable to acts of torture committed "during an inquiry, a preliminary investigation, a judicial investigation, or during legal proceedings and the enforcement of sentences", which excludes other situations where torture may

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occur. Furthermore, the Committee is concerned that Act No. 65/2017 fails to ensure appropriate penalties for acts of torture, since it sets the minimum penalty as low as one year of imprisonment for acts of torture that did not result in death or in permanent or temporary physical or mental impairment or disability. Lastly, while taking note of the explanations provided by the State party, the Committee regrets that the crime of torture is still subject to a statute of limitations (2/B2).

Fundamental legal safeguards (art. 17)

While taking note of the information provided by the State party, the Committee regrets that it does not include the results of the monitoring activities conducted to ensure compliance in practice with fundamental legal safeguards, including the rights to confidential access to a lawyer, particularly during the investigation and questioning stages, to have the assistance of an interpreter if necessary, to be brought before a judge within the time prescribed by law, and to request and receive an independent medical examination by a qualified professional after admission to a place of detention. The Committee also notes with concern that, according to the information provided by the State party, legal aid seems to be available only to detainees appearing before an examining magistrate or a criminal court. Finally, it appreciates the State party's efforts to install close-circuit television cameras in all police stations in order to deter acts of torture and other ill-treatment and to facilitate investigations, but regrets that no information was provided on the measures taken to keep the recordings in secure facilities and make them available to investigators, detainees and their lawyers (2/C).

National human rights institution and national preventive mechanism (para. 29)

While noting the Council of Ministers' decision of 21 May 2018 approving the draft decree concerning the appointment of members of the National Commission for Human Rights, the Committee regrets that the State party's follow-up report does not elaborate on the specific measures taken to ensure that the Commission effectively fulfils its mandate as a national preventive mechanism, with a dedicated structure and adequate resources for that purpose. The Committee recalls its previous recommendation that the State party should also guarantee that the national preventive mechanism is granted access to all places of detention and is able to carry out unannounced visits (2/B1).

Internal prison complaints mechanism (para. 43)

While taking note of the information provided by the State party regarding the authorities and other bodies and institutions authorized to inspect prisons, the Committee regrets that the State party has not yet established a fully 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 (2/B).

Implementation plans (para. 60)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some of all of the remaining recommendations included in its concluding observations (C).



The Government of Lebanon is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the initial report of Lebanon.

The Committee looks forward to a continued constructive dialogue with the authorities of Lebanon on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani

Rapporteur for Follow-up to Concluding Observations
Committee against Torture

