

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

2009 was a year of lost opportunities for Lebanon. Parliamentary elections held on June 7 were praised as free and fair. However, it took five months for a government to be formed, reflecting the country's deep-seated divisions, and needed reforms were stalled amidst the political paralysis. Proposed laws that would abolish the death penalty, reduce pretrial detention, and grant women the right to pass nationality to their husband and children await governmental debate.

Lebanese law prohibits torture, but accountability for torture and ill-treatment in detention remains elusive. A number of detainees, especially suspected Islamists, told Human Rights Watch and other groups that their interrogators beat and tortured them in a number of detention facilities, including the Military Intelligence unit of the Ministry of Defense, the Information Branch of the Internal Security Forces, and certain police stations. The Ministry of Interior did not make public the results of an investigation it commissioned in August 2008 into allegations of abuse occurring inside Lebanese prisons.

On December 22, 2008, Lebanon ratified the Optional Protocol to the Convention against Torture (OPCAT), which calls for the creation, within one year of ratification, of a national preventive mechanism to visit and monitor places of detention.

Conditions in prisons and detention facilities remain poor, with overcrowding and lack of proper medical care a perennial problem. According to a report prepared by the Internal Security Forces, as of August 24, 2009, there were 5,324 detainees in Lebanon, while detention facilities can accommodate a maximum of 3,653. According to the same report, pretrial detainees represent around 65 percent of the total number of detainees, while foreigners with completed sentences but awaiting deportation represent another 13 percent.

Lebanon maintained its de facto moratorium on executions, but a number of death sentences were passed in 2009. The minister of justice presented a draft law on abolition of the death penalty to the Lebanese government in October 2008, but its adoption is still pending.

The estimated 300,000 Palestinian refugees in Lebanon live in appalling social and economic conditions, and remain subject to wide-ranging restrictions on housing and work. Palestinians from the Nahr al-Bared refugee camp—destroyed in the 2007 battle between the Lebanese army and the armed Fatah al-Islam group—continue to live in dire conditions. Reconstruction efforts officially began in March 2009, but in August the State Shura Council, the highest administrative court, declared a two-month suspension after a leading politician submitted a petition noting that reconstruction may damage archeological finds uncovered under the rubble. Palestinian former residents of the camp held protests against the continued delays. Reconstruction finally resumed at the end of October following expiry of the court's injunction.

In March the Ministry of Interior stopped issuing temporary identification papers to Palestinians in Lebanon who are without legal

documentation. The issuing of ID cards had begun in August 2008 as part of a plan to improve the legal status of at least 3,000 non-ID Palestinians who had previously lived in constant fear of arrest. However, the ministry issued only 750 cards before it stopped the process, citing fraudulent applications. In October 2009 the minister of interior announced that the process would soon resume, but at this writing no new cards have been issued.

An estimated 50,000 Iraqi refugees live in Lebanon. The United Nations High Commissioner for Refugees (UNHCR) recognizes all Iraqis from central and southern Iraq seeking asylum in Lebanon as refugees on a prima facie basis. However, since Lebanon has not ratified the 1951 Refugee Convention, it does not give legal effect to UNHCR's recognition of Iraqi refugees and generally treats the vast majority of them as illegal immigrants subject to arrest. In September 2009, 80 recognized refugees remained in detention on grounds that they did not hold proper residency papers.

Despite women's active participation in most aspects of Lebanese society, discriminatory provisions continue to exist in personal status laws, nationality laws, and penal laws relating to violence in the family. Current Lebanese law does not allow Lebanese women to confer nationality on their spouses or children. As a result, thousands of children born to Lebanese mothers and foreign fathers are denied full access to education (public schools will only take non-Lebanese if there is space), healthcare, and residency. Following a multi-year campaign by local civil society groups, in August the minister of interior submitted to the Cabinet a draft law that would allow Lebanese women to pass their nationality to their husbands and children, but the Cabinet has not yet approved the proposal. Women's political representation remains very low, with only four women elected to Lebanon's 128-member parliament in 2009.

A new bill that aims to criminalize domestic violence is currently under review by the Cabinet. The Family Violence Bill aims to reduce domestic violence by transferring such cases to specialized courts. The bill requires anyone who witnesses domestic violence to report it, and obliges perpetrators to provide the plaintiff with alternative living arrangements and an allowance, and to pay medical expenses.

Migrant domestic workers face exploitation and abuse by employers, including excessive work hours, non-payment of wages, and restrictions on their liberty. Many suffer physical and sexual abuse at the employer's hands, in a climate of impunity for the employer. In January 2009 the Ministry of Labor introduced a standard employment contract that clarifies certain terms and conditions of employment for domestic workers (such as the maximum number of daily working hours), and a new regulation for employment agencies. However, enforcement mechanisms to apply the rules are still lacking. Migrant domestic workers continue to die in high numbers (there were eight deaths in October alone), a majority being classified as suicides or deaths while "trying to escape from the employer."

More than a year after the end of the fighting that broke out in May 2008 between the Hezbollah-led opposition and pro-government groups, killing at least 71 people in two weeks, Lebanese judicial authorities have failed to hold accountable fighters responsible for attacks against civilians.

More than three years after the end of the war between Israel and Hezbollah, neither the Israeli nor the Lebanese government has investigated the violations of the laws of war committed by the warring parties. The submunition "duds" left behind by Israel's bombing campaign continue to harm civilians: according to the official Lebanon Mine Action Center, such duds killed two civilians and wounded 18 in 2009, raising the post-war casualty toll from clusters to 44 killed and 305 wounded. In May Israel handed to the United Nations data and maps on the cluster munitions it fired over southern Lebanon in the 2006 conflict. Lebanon signed the Convention on Cluster Munitions in December 2008.

Despite a pledge in the government's ministerial declaration of August 2008 to take steps to uncover the fate of the Lebanese and other nationals who "disappeared" during and after the 1975-1990 Lebanese civil war, and to ratify the International Convention for the Protection of all Persons from Enforced Disappearances, the government took no practical steps to uncover mass graves or collect information on the "disappeared."

The fate of Lebanese and other residents of Lebanon who "disappeared" at the hands of Syrian security forces remains unknown. An official joint Syrian-Lebanese committee established in May 2005 to investigate such cases has not published any findings at this writing.

In March 2009 the international tribunal to try those responsible for killing former prime minister Rafik Hariri in 2005 and other politically motivated assassinations officially began its operations. In April the tribunal ordered the release of four former heads of Lebanese intelligence and security services—Gen. `Ali al-Hajj, Gen. Raymond Azar, Brig. Gen. Jamil al-Sayyed, and Gen. Mustafa Hamdan—who had been held for almost four years in detention without charge following their arrest in 2005 on suspicion of their involvement in Hariri's assassination. The tribunal has not issued any indictments to date, and the UN-appointed international commission continues its investigations.

Multiple international and regional actors compete for influence in Lebanon.

France, the United States, and the European Union are key supporters of the Lebanese government and provide assistance for a wide range of programs, including armed forces training, torture prevention seminars, and civil society activities. However, these countries have not used their leverage to push Lebanon to adopt concrete measures to improve its human rights record, such as investigating specific allegations of torture or adopting laws that respect the rights of refugees or migrant workers.

Regionally, Syria, Iran, and Saudi Arabia maintain a strong influence on Lebanese politics through their local allies.

UN peacekeepers are still present in large numbers at Lebanon's southern border.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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