

Human Rights Watch

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

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Itani Case Shouldnt Be Heard by Military Courts

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UPDATE:

Ziad Itani told Human Rights Watch that after his hearing on April 12, 2019, the military prosecution decided to return the case to the civilian judiciary.

(Beirut) [Lebanese](#) judicial authorities should move the Ziad Itani torture case to the regular criminal courts, The Legal Agenda, Amnesty International, and Human Rights Watch said today. The Military Prosecution summoned Itani for a hearing on April 12, 2019, in violation of Lebanese law, which states that torture cases against security officials should be heard in civilian, not military, courts.



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Ziad Itani Private

Itani, a well-known actor exonerated of spying for Israel, has described in detail his [forced disappearance and torture](#) in detention at the hands of State Security in November 2017. Itani said that he was held for six days in what appeared to be an unofficial detention site where men in civilian clothing, who he claims were members of State Security, tortured him and subjected him to other forms of ill-treatment until he signed a confession. He was held in pretrial detention for more than three months, until the military investigative judge [closed the case against Itani](#) and charged two people with falsely accusing him.

On November 20, 2018, Itani filed a civil lawsuit with the State Prosecutors Office against the people who are accused of framing him and the State Security officials who conducted the preliminary investigation, who he claims tortured him. On November 28, 2018, State Prosecutor Samir Hammoud referred the complaint to the military prosecutor, Peter Germanos, on the grounds that the complaint is directed against security officers, Itanis lawyer said.

Itanis claims of torture demand a thorough and fair investigation in the competent civilian courts, said Nizar Saghie, executive director of The Legal Agenda. If his claims are true, the perpetrators should be held accountable and Itani must be provided with adequate redress for his suffering.

The transfer of Itanis torture complaint to the military courts violates article 15 of the Lebanese Code of Criminal Procedure, which states that offenses committed by judicial police officers during the performance of their duties fall under the jurisdiction of ordinary civilian courts. [Lebanons 2017 anti-torture law](#) specifies that the public prosecutor should refer torture cases to ordinary courts within 48 hours.

The jurisdiction of the ordinary criminal courts over torture complaints is vital for guaranteeing victims the right to a fair trial. Human Rights Watch has previously found that [Lebanons military courts](#) do not respect due process rights and that their structure undermines the right to a fair trial, including the right to be tried before a competent, independent, and impartial court and the right to a public hearing.

Many military court judges are military officers, appointed by the defense minister, who are not required to have a law degree or legal training. Human rights organizations and journalists cannot monitor trials without the presiding judges prior approval.

Further, Lebanese lawyers have said victims cannot be a party in military trials and are considered witnesses, denying them the right to participate in the trial of the accused. Lebanese legal experts also state that there is only a limited right to appeal within the military court system.

The state prosecutor and the military prosecutor should immediately transfer Itanis complaint to the competent regular judicial authorities to guarantee Itanis right to a fair hearing of the torture complaint and to comply with Lebanese law, the groups said.

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