

# Human Rights Watch

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

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World Report 2009 Introduction By Kenneth Roth

In 2008 Lebanon pulled back from the brink of civil war. Enduring tensions between the Hezbollah-led opposition and pro-government groups broke out into full-scale fighting in May. But the various parties reached a political agreement in Qatar on May 21, paving the way for the election of a new president, the formation of a national unity government, and the resumption of parliamentary activity. However, the agreement failed to set the ground for real reforms, and political instability and sporadic fighting endures.

Impunity remains prevalent with armed gunmen rarely held accountable for attacks against civilians. Security forces use force to extract confessions, especially from security suspects. Palestinian refugees from the destroyed Nahr al-Bared refugee camp are living in dire circumstances while awaiting the reconstruction of their camp. Lebanese law continues to discriminate against women by, among other things, denying them the right to pass their nationality to their children or spouses. Migrant domestic workers face exploitation and abuse by their employers with little possibility of redress.

Despite pledges by the new government, the families of the estimated 17,000 who "disappeared" during and after Lebanon's deadly 1975-1990 civil war continue to wait for information on the fate of their loved ones.

Fighting broke out on May 7 between the Hezbollah-led opposition and pro-government groups, killing at least 71 people in two weeks. Both opposition and pro-government fighters committed violations of international humanitarian law, including attacks on civilians and civilian property. Members of the opposition groups-Hezbollah, Amal, and the Syrian Social Nationalist Party-militarily took over parts of Beirut. They also attacked and shut down media offices affiliated with the Future Movement. Supporters of the pro-government groups-the Future Movement and the Progressive Socialist Party-also resorted to violence in areas under their control, including the killing of captive opposition fighters in the northern town of Halba.

The political settlement reached on May 21 failed to address abuses committed during the fighting. Sporadic clashes continued for another three months in the Bekaa and the north, leaving at least 40 dead in Tripoli. With very limited exceptions, Lebanese judicial authorities have failed to hold to account those responsible for attacks against civilians.

More than two 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 estimated one million cluster 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 35 in 2008, raising the post-war casualty toll from clusters to 42 killed and 282 wounded. Israel continues in its refusal to turn over detailed information on the location of the areas it targeted with cluster attacks.

In July 2008 Israel and Hezbollah swapped the bodies of 200 Lebanese and Palestinian fighters who had died in the 1970s and 1980s and five living Lebanese prisoners, including Samir Kontar, for the bodies of two Israeli soldiers kidnapped by Hezbollah in July 2006.

The Lebanese government pledged in its ministerial declaration on August 4 to take steps to uncover the fate of the Lebanese and other nationals who "disappeared" during and after Lebanon's 1975-1990 civil war and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. However, the government took no practical steps to uncover mass graves or collect information on the disappeared.

The fates of Lebanese and other residents of Lebanon who disappeared at the hands of Syrian security forces remain unknown. Lebanese human rights groups have compiled a list of 640 victims of Syrian enforced disappearances in Lebanon. An official joint Syrian-Lebanese committee established in May 2005 to investigate such cases had not published any findings at this writing.

A number of detainees reported being beaten and tortured during interrogation in a number of detention facilities, including the Military Intelligence unit of the Ministry of Defense, the Information Branch of the Internal Security Forces, the Drug Repression Bureau detention facilities in Beirut and Zahle, as well as certain police stations. Lebanese law prohibits torture, but accountability for ill-treatment and torture in detention remains elusive.

Conditions in prison and detention facilities remain poor, with overcrowding and lack of proper medical care a perennial problem. At least 21 people died in custody in 2008. In August the Ministry of Interior opened an investigation into allegations of abuse inside Lebanese prisons, following public allegations of corruption and ill-treatment of prisoners. The outcome of the investigations had not been made public at writing.

On October 10 the justice minister presented a draft law to abolish the death penalty.

Palestinians remain subject to wide-ranging restrictions on housing and work despite limited efforts by the authorities to relax some of the labor restrictions. Palestinians from the Nahr al-Bared refugee camp-destroyed in the 2007 battle between the Lebanese army and the armed Fatah al-Islam group-are living in dire conditions while they wait for the camp to be rebuilt. The Lebanese government appealed in June to international donors for US\$445 million for the reconstruction of the camp, but only US\$113 million has been pledged at this writing.

In August the Lebanese authorities agreed to issue temporary identity cards to Palestinian refugees in Lebanon without any legal documentation. The decision should improve the legal status of at least 3,000 Palestinians in Lebanon who had previously lived in constant fear of arrest.

An estimated 50,000 Iraqis 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, Lebanon 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. The number of detained Iraqis in Lebanon decreased in 2008 following the release of more than 200 Iraqis between March and September as part of a regularization of foreign nationals in Lebanon.

The UN-appointed international commission continues its investigations into the killing of former prime minister Rafiq Hariri in 2005 and other politically motivated assassinations, but it has not named any official suspects. Its final report is due on December 2. The tribunal to try those responsible for the Hariri killing, established by the UN Security Council in June 2007, is expected to start operating in 2009.

Four former heads of Lebanese intelligence and security services-Gen. `Ali al-Hajj, Gen. Raymond Azar, Brigadier Gen. Jamil al-Sayyed, and Gen. Mustafa Hamdan-as well as two civilians-Ahmad and Mahmud Abdel-`Al-remain in detention without charge following their arrest in 2005 on suspicion of their involvement in Hariri's assassination. In March the UN Working Group on Arbitrary Detention called their continued detention without charge "arbitrary" and "unjust."

Another civilian, Ibrahim Jarjoura, is also in detention since January 2006 on the accusation of making false statements to the international commission.

Despite women's active participation in all 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 either their spouses or children. As a result, thousands of children born to Lebanese mothers and foreign fathers are denied full access to education, healthcare, and residency.

Migrant domestic workers face exploitation and abuse by employers, including excessive hours of work, non-payment of wages, and restrictions on their liberty. Many women migrants suffer physical and sexual abuse at the hands of employers, in a climate of impunity for employers. At least 45 migrant domestic workers died in Lebanon in 2008, a majority of whom committed suicide or died while trying to escape.

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 strong influences on Lebanese politics through their local allies. After three tense years, Lebanese-Syrian relations improved in 2008 and the two countries agreed on October 15 to establish diplomatic relations following French mediation. Qatar emerged as a new powerbroker after its successful mediation of the fighting in May.

The UN Security Council continues to follow up on the implementation of Resolution 1559, which calls among other things for the Lebanese government to extend its control over all Lebanese territory. UN peacekeepers are still present in large numbers at Lebanon's southern border.

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