

Human Rights Watch

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

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Ziad Itanis Account a Test Case for Countrys New Torture Law

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(Beirut) Ziad Itani, the well-known actor exonerated of spying for Israel, has described in detail his forced disappearance in [Lebanon](#) and torture in detention, Human Rights Watch said today. On May 29, 2018, military investigative judge, Riad Abu Ghaida, [closed the case against Itani](#) and charged two people with falsely accusing him. Itani was released without bail on March 13. Lebanese authorities should conduct a thorough and impartial investigation of Itanis allegations of forced disappearance and torture at the hands of State Security, Human Rights Watch said.



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Ziad Itani Private

Itani told Human Rights Watch in March that after his arrest in November 2017, he was held in what may have been an informal detention center where men in civilian clothing beat him repeatedly, tied him in a stress position, hung him by his wrists, kicked him in the face, threatened to rape him, and threatened his family with physical violence and legal charges. Details of the investigation were [leaked to the media](#) within a day of his arrest, and Itani said interrogators, [reportedly from State Security](#), used the damage to his reputation to put additional pressure on him to confess. Lebanese authorities should investigate how details of the investigation leaked to the media, Human Rights Watch said.

Itanis allegations of torture and disappearance demand a thorough investigation into his treatment in detention and why he was arrested in the first place, said [Lama Fakih](#), deputy Middle East director at Human Rights Watch. If Itani was indeed framed, then this was a massive miscarriage of justice, and authorities should guarantee that this can never happen again.

Itani said that he was held for six days in what appeared to be an unofficial detention site, where men in civilian clothing tortured him until he signed a confession, and only then turned him over to the military court.

[Local media reported](#) that the former head of the Internal Security Forces cyber-crimes bureau, Suzan Hobeiche, and a hacker Elie Ghabash, were charged with falsely accusing Itani under article 403 of Lebanons penal code, and face up to 10 years in prison. Ghabash has also been accused of fabricating evidence against a military officer detained in a [separate case](#). Human Rights Watch spoke with Itani in March following his release, but withheld publication of his account until now at his request. Human Rights Watch also wrote to State Security and the office of the public prosecutor, but has not received a substantive response.

Itani said that at the first opportunity, on December 18, he told military investigative judge Riad Abu Ghaida that he had been tortured and showed him marks including on his wrists from being hung. He said the judge noted the allegation and ordered a medical examination by a military doctor, but that the doctor did not investigate the allegation of torture. Human Rights Watch reviewed the

investigative judges report, but did not find any mention of torture or any indication that the judge had ordered an investigation into the allegation.

In November, Lebanon [passed a new law criminalizing torture](#), including special procedures for investigating allegations of torture and witness protection. It also provides for rehabilitation and compensation for victims. Lebanese authorities should investigate Itani's allegations in accordance with that law, Human Rights Watch said. In October 2016, Lebanon passed a law [to establish a National Human Rights Institute](#), including a National Preventative Mechanism against torture. [Cabinet announced](#) the members of the Institute on May 21 but has yet to establish either body.

Human Rights Watch and Lebanese organizations have for years documented [credible reports](#) of torture in Lebanon. Lebanese authorities have failed to properly investigate allegations of torture and ill-treatment by security services, and accountability for torture in detention remains elusive.

Lebanon routinely tries civilians, including children, in military court in violation of their due process rights and international law. Human Rights Watch has documented [several cases](#) in which civilians tried before the military courts on terrorism or security related offenses said they were tortured into confessing, and the coerced confessions were used as evidence against them in court.

Human Rights Watch interviewed Itani's sister, Rana Itani, in February. She said the family initially did not know where Itani was or who had detained him. She also said her brother had briefly described what happened to him and the account she relayed is consistent with what Itani later told Human Rights Watch.

Itani said he was not able to speak with his lawyer or family before the first court session, and after that only through a door in the presence of military personnel. He said that he was never able to meet privately with his lawyer or his family, and was unable to see his family until December 25, more than a month after his arrest. Due process provisions to safeguard detainee rights were not respected in Itani's case, Human Rights Watch said.

Under Lebanese law, unless a suspect is discovered in the act of committing a crime, police cannot detain a suspect without the public prosecutors' approval. Pre-charge detention must not exceed 48 hours, unless extended another 48 hours with the public prosecutors' consent. Article 47 of the Lebanese Code of Criminal Procedure guarantees detained suspects the right to contact a person of their choosing, such as a family member or an employer, and to meet with a lawyer. Arresting officers must inform all detained suspects of these rights promptly upon arrest.

An arrest by state authorities, followed by a refusal to acknowledge an individual's arrest or concealing their fate or whereabouts, constitutes an [enforced disappearance](#) under international law. Disappeared people are at greater risk of torture and other ill-treatment, especially when they are detained outside formal detention facilities. All detainees should be brought before a judge within 48 hours of arrest, Human Rights Watch said.

As a party to the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), Lebanon is required to take effective measures to prevent torture, investigate credible allegations of torture, and hold accountable anyone found guilty of committing torture with appropriate penalties that take into account the grave nature of the crime. Parliament should amend article 49 of the Code of Criminal Procedure to explicitly guarantee suspects the right to a lawyer from the start of any form of detention, Human Rights Watch said.

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Torture is not only illegal but also ineffective, because it can lead to false confessions, Fakihi said. This case presents a clear litmus test for whether Lebanon's new torture law will help end impunity for torture or remain on paper only.

Itani's Account of Torture

Itani told Human Rights Watch that on November 23, at around 12:30 in the afternoon, a man in civilian clothing who identified himself only as the state, forced Itani into an SUV after he left theater auditions in Ain al-Rummaneh in Beirut. Itani said that the man hit him in the face and chest and blindfolded him. He was taken to what he described as a room prepared for torture, painted entirely black with metal hooks along the wall. He said six men in civilian clothing were there, one of whom accused Itani of talking to the Israelis and punched him in the face. Itani said the man threatened to physically harm Itani's daughter, and to add his wife and sister to the investigation file, and said, You have to talk because you need to understand that there is torture in all countries.

Itani said the men, who had a folder labelled State Security, interrogated him for two to three hours about connections to Israel. He said one of the men then ordered Itani to call his wife and tell her he would be away for 10 days. Itani said that there were no indications that he was in an official detention site, that he did not see anyone in uniform or any other detainees, that there were no flags or official emblems, and that he was held in a cell within a room. [State Security](#) is a Lebanese security service that reports to the prime minister and falls under the Jurisdiction of the Higher Defense Council.

Details of Itani's interrogation and the accusations against him leaked to the media within a day of his arrest, and Itani described the leak as the biggest form of torture I've seen in my life. They took my phone as I sat in my cell and read the news and my friends' Facebook posts about me. I lost hope. The psychological torture and words they used were more horrible than the physical torture. Itani said the investigators told him that they were preventing people from setting fire to his parents' home, and that he should cooperate.

Itani said that the physical torture began after he refused to sign a confession around 6 p.m. on November 26. He said four men tied him in a stress position on the floor and one of them hit him with a cable as he screamed. Itani said the men then punched him in the face, chest, and groin and kicked him, and that one man pulled his pants off and hit his genitals. He said the men then strapped his wrists to a

bar in the doorway so that his feet barely touched the ground and left him in that position for hours.

Itani said the men later took him down and chained him, and that he fell to the floor. They then punched and kicked him in the face and stepped on him, causing him to bleed from the mouth and breaking one of his teeth. He sent Human Rights Watch a doctors report documenting injuries in his mouth and seven of his teeth. Itani recalled one man saying, I dont care, eventually people will applaud us because you are a traitor. Then they again strapped his wrists to the bar. Itani recalled one of the men speaking on the phone, saying we cant hand him over yet, there are marks on him.

Itani said one man, who appeared to be in charge, told him they would insert a rod into his anus if he didnt sign, and pointed at another man saying, This one will ride you, and we dont care because you are a traitor. Itani then agreed to sign.

On November 28, he said, the men took him to the military court in Beirut and handed him over to the military police, where he was held in solitary confinement for 54 days. There was no doctor who saw me, my body was all blue and I was spitting blood, he said. I couldnt speak properly.

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