

DIMA EL-HARIRI

Position paper

Human rights violations have been discussed by many international organisations, because violating these principles has very serious effects, whether on a national or international level. According to Human Rights Associations such as *Amnesty International* and *Human Rights Watch*, Lebanon's ISF still suffers from a lack of awareness when it comes to dealing with detainees at police stations and in prisons. This brings us to ask ourselves as Lebanese citizens many questions that need to be answered and many problems that need to be solved because everyone of us can go through some dreadful violations used by the police, forces who were supposed to protect us. I think the most important problem is that there's no law that completely protects a citizen from any kind of torture because unfortunately torture is defined in a very vague way in Lebanese legislation. Second, the ISF members are not fully prepared and many need a lot more training. At last, citizens who went through torture cannot truly do anything about it, some don't know how to file a complaint and others face difficulties when following up the case.

There is neither an international institution nor legislation to completely protect human rights. Although for the most part, legislation is in conformity with international law, implementation is lacking, that's why ISF members are not truly alarmed. The two major causes of violations are: the lack of proper use of power and the thought that using torture may help in any given investigation. The ISF and other Security institutions, in particular the military intelligence, are not trained in forensic investigation and interrogation techniques that respect human rights standards. Part of the problem is that oversight mechanisms are extremely weak. ("The lack of institutional control on security forces and the persistent lack of consensus between the Lebanese contribute to the spreading of torture and undermine efforts by designated governmental committees and civil society actors to monitor detention facilities and eradicate torture" UN universal periodic review.)

Moreover there's no central office where complaints are processed and no clear system by which the complainant can keep track of a complaint ("Only six people that Human Rights Watch spoke to actually filed a complaint. When we asked the others why they did not file complaints, they responded that they were directly threatened by the police, had no faith in the system, did not know how to go about it, did not want to risk exposure or retaliation, or were simply too scared" www.hrw.org/).

A code of conduct issued by the Internal Security Forces in January 2011 sets out standards of behavior and obligations rooted in Lebanese law and international human rights principles, but it has not been fully implemented. Many other attempts of improvements have been made but they were rarely effective: In February 2007, it granted the International Committee of the Red Cross access to all Lebanese detention facilities. The Internal Security Forces Inspectorate General then created a

Human Rights Department by decree no. 755 of January 3, 2008, tasking it with disseminating knowledge of human rights and enhancing human rights awareness amongst ISF officers. In February 2011, the ISF created its Committee for Monitoring against the Use of Torture and Other Inhuman Practices in Prisons and Detention Centers. In January 2012 the ISF also launched an official Code of Conduct which sets out professional and ethical standards of behavior to guarantee respect for human rights and protection of public freedoms in accordance with Lebanon's Constitution and its human rights obligations. But these efforts remain inadequate and according to Human Rights Watch, nothing has really changed.

I think nothing can really change because the law itself is not clear(art.401) and doesn't fully prohibit torture. In fact, according to Lebanese legislation, violence can only amount to torture when it is used to extract confessions, excluding the use of torture to punish, intimidate, coerce, or as a form of discrimination.

If I was a legislator I'd try to make a lot of changes starting with the modification of the law. But the most important improvement will come with the modification of the Lebanese legislation (art. 401) by developing it and by making the definition of torture more clear and specific and taking other countries that have good reputation in human rights is definitely very helpful when amending the law (UK, Norway...) . The definition of torture needs to be cleared up (morally, physically, tools used, level of damage...). Then violence should be considered torture anytime it's used (not only when getting someone to confess but also when punishing, harassing, humiliating and intimidating especially when it's used with vulnerable detainees such as drug users, sex workers and homosexuals...). Therefor Lebanese authorities should establish an independent complaints mechanism to investigate torture allegations, an independent body to monitor detention centres a central office where complaints are processed, and finally allow anonymous complaint, to reinforce the amended law.

Sources

<http://www.paxchristi.net/sites/default/files/documents/2010-0224-en-me-HR.pdf>

<http://www.hrw.org/news/2013/06/26/lebanon-police-torturing-vulnerable-people>

<http://www.hrw.org/zh-hans/node/116596/section/7>

<http://www.isf.gov.lb/files/articles/1582100364CoCEnglish.pdf>