

WOMEN BEHIND BARS

**ARBITRARY DETENTION AND TORTURE
LEBANON - APRIL, 2015**



C.L.D.H

**Centre Libanais des Droits Humains
Lebanese Center for Human Rights
المركز اللبناني لحقوق الإنسان**

The Lebanese Center for Human Rights (CLDH) is a local non-profit, non-partisan Lebanese human rights organization based in Beirut. CLDH was created in 2006 by the Franco-Lebanese Movement SOLIDA (Support for Lebanese Detained Arbitrarily), which has been active since 1996 in the struggle against arbitrary detention, enforced disappearance and the impunity of those perpetrating gross human rights violations.

CLDH monitors the human rights situation in Lebanon, fights enforced disappearance, impunity, arbitrary detention and racism and rehabilitates the victims of torture. CLDH regularly organizes press conferences, workshops and advocacy meetings on human rights issues in Lebanon and collects, records and documents human rights abuses in reports and press releases.

CLDH team on the ground supports initiatives aimed at determining the fate of all missing persons in Lebanon.

CLDH regularly follows up on numerous cases of arbitrary detention and torture in Lebanon in coordination with Lebanese and international organizations, and with the United Nations Working Group on Arbitrary Detention WGAD and the UN Special Rapporteur on Torture.

CLDH opened in 2007 a Rehabilitation Center for the victims of torture in Beirut, Centre Nassim, member of IRCT (International Rehabilitation Council for Torture victims), which provides multi-disciplinary professional support and case management for victims of torture and their families.

Since 2012, CLDH established a legal aid program for vulnerable persons. Several lawyers assist vulnerable migrants, refugees, asylum seekers and Lebanese through legal consultations and before courts, institutions and security services.

CLDH compiles a daily press review on human rights violations and on-going judiciary cases in Lebanon and updates several human rights blogs.

CLDH is a founding member of the Euro-Mediterranean Federation against Enforced Disappearance (FEMED), a member of the Euro-Mediterranean Network of Human Rights (REMDH), a member of the SOS Torture Network of the World Organization against Torture (OMCT), and of the International Federation of Human Rights Leagues.

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Abbreviations

CLDH	Lebanese Center for Human Rights
CCP	Code of criminal procedure
FEMED	Euro-Mediterranean Federation against Enforced Disappearance
ISF	Internal security forces
WGAD	Working group on arbitrary detention
IRCT	International Rehabilitation Council for Torture victims
NPM	National Preventive Mechanism
OMCT	World Organization against Torture
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
ICCPR	International Covenant on Civil and Political Rights
REMDH	Euro-Mediterranean Network of Human Rights
SOLIDA	Support for Lebanese Detained Arbitrarily
UNHCR	Office of the United Nations High Commissioner for Refugees



Introduction and methodology

Even though the Lebanese State acceded to the Convention against torture and other cruel, inhuman or degrading treatment on October 5, 2000, it never submitted its initial report on the implementation of the Convention to the Committee against torture. Likewise, Lebanon ratified the Optional Protocol to the Convention against torture, and other cruel, inhuman or degrading treatment (OPCAT) in 2007 but never established the National Prevention Mechanism against torture (NPM) accordingly.

However, over the years, torture is still used in Lebanon, in a widespread and systematic manner, regardless the service or the case. It seems that security services, just as the armed groups on the Lebanese territory, and just as the judiciary, consider torture as a normal and efficient means of investigation, and do not question it.

Since 2009, CLDH monitors on a permanent basis the practice of torture in all Lebanese prisons, based on random samples of interviews of persons arrested by various services over specific periods of time, individual interviews, observations made by local, international organizations or United Nations institutions.

Unfortunately, CLDH findings are invariably the same: over 5 years, from 2009 until 2014, the rate of all persons arrested in Lebanon subjected to torture remains the same: around 60%.

In its previous reports, CLDH carried out in-depth analysis of the various pretexts invoked by the security services to justify the practice of torture, observed

the attitude of investigative judges, and condemned all allegations; nevertheless, neither the practice of torture is regressing, neither the authorities seem to take note of this information.

On the contrary, in 2011 the Amal movement, party of the head of the Lebanese Parliament Nabih Berri, filed a complaint against CLDH representatives for mentioning in a report allegations of torture perpetrated by Amal movement militants. At the end of the year 2014, the case was still ongoing. Thus, instead of investigating the allegations of torture, it seems the authorities prefer to sue those who denounce these allegations.

Moreover, the Committee against torture conducted a confidential investigation on the practice of torture in Lebanon, under article 20 of the Convention against torture. In April 2013, the investigation revealed that among the 216 detainees interviewed, 99 reported being subjected to torture.

As a consequence to torture, and also to systematic violations of the Lebanese legislation and international commitments of Lebanon regarding the right to a fair trial, a large proportion of the prison population (up to 70% at certain times) are victims of arbitrary detention.

40th anniversary of the World Women Day: More Women than ever are victims in Lebanon

The practice and protection of all Human Rights should be equally guaranteed for women and for men in the political, economical, social, cultural, civil and any other fields. The Lebanese Constitution sets forth the principle of equality of all before the law, without any discrimination, in its article 7 which stipulates: "All Lebanese shall be equal before the law. They shall equally enjoy civil and political rights and shall equally be bound by public obligations and duties without any distinction."

In Lebanon, women are victims of numerous discriminations: they cannot pass on their nationality to their foreign spouses nor their children born of non Lebanese fathers, they do not have the same rights as their spouses in case of divorce, do not have the same rights as men regarding inheritance, they are not protected against sexual harassment at work, domestic migrant workers are not protected in the Labor Code, etc.

Cases of forced marriages of underage girls, which traditionally mainly occur in Lebanese villages, increased with the influx of Syrian women refugees in Lebanon over the past years; men are taking advantage of their critical economical situation to force their parents to consent to such marriages for money.

In such context, where Lebanese and foreign women have little and poor protection, they should be considered as particularly vulnerable and at risk of serious violations of Human rights,

including torture and arbitrary detention. Detainees are one of the most vulnerable groups, with specific necessities and needs. In 1995, the report of the Fourth World Conference on Women stated that:

*"Women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces."*ⁱ

CLDH was hoping when beginning this study that women arrested in Lebanon would be less victims of torture by their interrogators; unfortunately this is not the case.

On the contrary, and quite ironically, one violation that affects women and men without any discrimination is the practice of torture. Such practice is all the more detrimental as the victims are vulnerable persons, at risk of being victims of sexual abuse. In some cases, these victims are pregnant women, who will sometimes give birth in prison, and have their child also suffer the difficult living conditions of the Lebanese prisonsⁱⁱ. The Human Rights Committee recalls in its General Observation n°28 that:

"Pregnant women who are deprived of their liberty should receive humane treatment and respect for their inherent dignity at all times surrounding the birth and while caring for their newly-born children; States parties should report on facilities to ensure this and on medical and health care for such mothers and



their babies”ⁱⁱⁱ

Just like men who are arrested in Lebanese prisons, some women who are arrested in Lebanon are then victims of arbitrary detention; the grounds for detention are contrary to the Lebanese law and/or to the international commitments of Lebanon.

The need for a specific approach to the problems faced by women in detention was recognized by the United Nations General Assembly in 2010, when adopting in its resolution 65/229 the United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders (the ‘Bangkok Rules’)^{iv}. These rules add to, and do not replace, the Standard Minimum Rules for the Treatment of Prisoners^v, Basic Principles for the Treatment of Prisoners^{vi}, as well as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.^{vii}

I. Arbitrary detention of women in Lebanon

The different categories of arbitrary detention

A detention is arbitrary when it does not comply with national legislation, other relevant international standards set forth in the Universal Declaration of Human Rights and relevant international instruments ratified by Lebanon.

Article 8 of the Lebanese Constitution stipulates that “Individual liberty is guaranteed and protected by law. No one may be arrested, imprisoned, or kept in custody except according to the provisions of the law. No offense may be established or penalty imposed except by law.”

Furthermore, the International Covenant on Civil and Political Rights, ratified by Lebanon in 1972 stipulates that “No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”^{viii}

Confronted with the alarming growth of this practice worldwide, and with the lack of a clear definition of “arbitrary” detention in international instruments, the United Nations Commission on Human Rights established in 1991^{ix} the Working Group on Arbitrary Detention (WGAD).

To enable it to carry out its mandate



using sufficiently precise criteria, the WGAD has defined as arbitrary any detention which is contrary to the Human Rights provisions of the major international human rights instruments, and more specifically has defined three categories of arbitrary detention:

1. Detention without a legal basis for the deprivation of liberty (as when a person is kept in detention after the completion of his/her sentence or despite an amnesty law applicable to him/her).
2. Detention of a person for exercising his/her rights and freedoms guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
3. Detention of a person after a trial which did not comply with the standards for a fair trial set out in the Universal Declaration of Human Rights and other relevant international instruments.

In this report, this same classification is used to identify the different categories of people arbitrarily detained in Lebanon.

Methodology

In 2014, the Ministry of Justice reported that 687 women had been in Lebanese prisons. Nevertheless, this figure does not include the women being detained without any legal grounds by the General Security that does not disclose its statistics. Caritas Lebanon Migrants Center website reports that per year, 3,500 persons, including men and women, are detained at Adlieh retention center ^x. In any case, knowing that migrant women represent a significant percentage of the detainees being held at the retention center, the number of women being illegally detained by the General

Security exceeds the number of women in Lebanese prisons. Based on these figures, it can be stated that the practice of what is called in this report **“administrative detention” is the first cause of arbitrary detention of women in Lebanon.** ^{xi}

Since 2012, CLDH has established a legal aid program for vulnerable detainees held in the Lebanese prisons. The aim of this program is to provide legal assistance to any person who cannot afford a lawyer, and who could rapidly be released (through an application for release, a ruling ending the detention, or the application of the law on “cumulative sentences”)

Through this program, CLDH observes the practices of the judicial and security services which lead or may lead to arbitrary detentions.

Moreover, among the 32 women who benefited from this program, one in five was in **prolonged pre-trial detention**. For instance, one of them was sentenced to one year imprisonment after two years in pre trial detention; another one was sentenced to 3 months imprisonment after a year and a half in pre trial detention. In another case, a woman waited for 9 years for the judgement to be issued.

Finally, CLDH was able to document the case of a person who was held in police custody for 10 days, which is also mentioned in this report.

1. Category I of Arbitrary detention: Administrative detention

Each year, hundreds of migrant women are arbitrarily detained upon the decision of the General Security. Administrative detention does not exist in the Lebanese legislation; such detention, solely based on a decision issued by a security service without any judicial supervision, is completely illegal.

This detention which falls under the category I of arbitrary detention as defined by the WGAD is a “detention without a legal basis for the deprivation of liberty”.

Such detention only applies to foreign persons. Two situations may lead to what is called in this report “administrative

detention”:

- **Foreign women considered as illegal in Lebanon and placed in administrative detention awaiting their repatriation or regularisation.** These women can be detained at the General Security retention center, or by the first service who arrested them, and will keep them before their transfer to the General Security.
- **Foreign women who have been convicted and who have served their sentence are transferred from the prison to the General Security retention center.** Any foreign person who has served his/ her sentence in Lebanon is then referred



to the General Security who will take a decision regarding his/her regularisation or expulsion.

Women who are detained in these circumstances have no remedy, and their lawyers are not allowed to meet with them. Even worse, upon a decision of the General Security, foreign women who wish to apply for asylum do not have access to the UNHCR while being held in administrative detention, while they are allowed to when they are detained in Lebanese prisons. Though, the Bangkok Rule 2 stipulates that “[...] newly arrived women prisoners shall be provided with [...] access to legal advice”.^{xii}

This practice is a violation of the Lebanese law, and of article 9 of the ICCPR which stipulates that “No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law” (alineá 1) and that “Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.” (alineá 4)

Luciane from Cameroon^{xiii}, 6 weeks in « administrative detention »

Luciane is a domestic worker in Lebanon who left her employeur who used to bit her. By doing so, she is now illegal according to the Lebanese legislation regulating the stay of foreigners. She was arrested in the spring 2014 by the Internal Security Forces because she did not have her residency permit.

“At the police station, the cell was

tiny, and with no window. The toilets did not have a door and were inside the cell. We were 3 in the cell, and the mattresses entirely covered the floor”, she remembers.^{xiv}

Luciane explains how she could not move, and would just stay on her mattress with other women. They would not get out of the cell, did not have any remedy as they were not arrested pursuant to a judicial decision, but kept in police custody awaiting their transfer to the General Security.

“I stayed there for three weeks waiting in this tiny room without being able to get out of it. This gives anxiety attacks. Moreover, it was cold in the cell, and we only had one blanket to share. And we did not have any food! And no drinking water! To be able to eat, we would have to find someone who could bring us food.”

Thus, police stations are not included in the food supply chain of the prisons^{xv}. They are also not equipped to keep persons for more than few hours, maximum two to three days.

On June 13, 2013, CLDH denounced the situation of the ISF cells in Jdeideh. At that time, CLDH was informed of the detention of a woman from Bangladesh for 11 days, and guards had declared “giving her some yoghurt from time to time as noone was bringing her food”.

Luciane was then transferred to the General Security retention center, an underground parking in Adlieh, Beirut. Just like in police stations, women are only guarded by men. Yet, both ISF and General Security have women staff.

“I was very cold there, explains Luciane. One female detainee undressed me in

a room to search me. I was then taken to the cell. Mattresses were on the floor and exposed to the fans. There were only sheets to cover ourselves. I waited for two weeks to be able to get some blankets.”^{xvi}

After 3 other weeks of waiting, without seeing the natural light nor getting out of an insalubrious cell with 50 migrant women awaiting their deportation, Luciane was called at the speakerphone. *“I no longer believed in it, they announced I would go back to my country. After weeks of waiting, I had lost hope!”* she says.

What she will remember the most about her stay at the General Security is the lack of medical care: *“I was coughing until I would faint, she says, but no one really took care of me. When I was finally able to see a doctor, he gave me Paracetamol. Nothing more. There was a woman in the cell who said her foot was broken following ill treatment from her employeur, but no one cared. It was a really painful experience that I will remember all my life”* she says.^{xvii}



2. Category II of Arbitrary detention: Foreigners in detention on the grounds of national discrimination

While a Lebanese citizen will be released the same day of the completion of his sentence, a person having a foreign nationality will remain in detention.

Indeed, foreigners are transferred to the General Security at the end of their sentence. They are placed in administrative detention, without any legal ground, before being repatriated to their country or released in Lebanon.

This practice leads to Lebanese prisons, police stations, and courtrooms crowded with foreigners “awaiting General Security”: they are not in custody, nor in pre trial detention, nor serving a sentence.

This time “awaiting General Security” in prisons would last several months in 2012, a few days in 2013, and an average of three weeks at the end of the year 2014.

After their transfer to the General Security, the length of detention at the retention center remains unknown, as the statistics are not publicized, nor accessible to NGOs. Yet, the length is of a minimum of 15 days for most foreigners, with a few exceptions (Palestinians from Lebanon, stateless persons...)

This constitutes a discrimination based on nationality and a violation of Article 7 of the Universal Declaration of Human Rights^{xviii} and Article 26 of the International Covenant on Civil and Political Rights^{xix}. Moreover, the Human Rights Committee recalled that alien receive the benefit of the general requirement of non-discrimination in respect of the rights guaranteed in the Covenant .

3. Category III of Arbitrary detention

3.1. Prolonged pre-trial detention

According to international standards applicable in Lebanon ^{xxi}, any individual arrested or detained on a criminal charge must be brought promptly before a judge, and must be tried within a reasonable amount of time or must be released. Moreover, the Human Rights Committee considers that pre trial detention should be the exception and as short as possible^{xxii}.

Article 108 of the Code of criminal procedure sets the period of time of pretrial detention to two months for offenses, and six months for crimes, renewable once ^{xxiii}.

The delay in judicial procedures has many causes. For instance, the judge

may require the presence of a lawyer or of an interpreter, and report the sessions as long as his/her request is not fulfilled. Some judges may take some time in taking a decision on certain files, and the same files may then stay pending for months, and sometimes even years, while the person stays in detention without trial.

It also happens that the women arrested are not brought to the court when the date of the session is set, due to the fact that no means of transportation are available between the prison and the courthouse.

It is not so much the delays and malfunction of the judicial system which constitute violations of human rights, but the inertia of the judicial system which is supposed to systematically release



any person still awaiting trial at the end of the maximum term of the pre trial detention.

Ms Abu Meri, detained without a trial since May 22, 2010

In its opinion 44/2012, November 15, 2012, the United Nations Working group on arbitrary detention described as follows the case of a woman being detained arbitrarily in Lebanon:

“Ms. Abu Meri was arrested on 22 May 2010 by agents of the internal security forces (FSI) on suspicion of having incited Mr. Mohammad Salim Al Msallem to murder four members of her family; Ms. Abu Meri is still in custody awaiting trial 30 months after her arrest, and due process has not been observed in the proceedings against her; Although she has been questioned several times by the investigators of the public prosecution service and by the investigating judge, she has not been accused of any specific offence that justifies the deprivation of her liberty; Ms. Abu Meri was subjected to torture and ill-treatment by the FSI investigator in as much as she was beaten with a stick and punched; Although she reported the acts of torture to which she had been subjected to the prosecutor, no inquiry was opened into the matter; The investigator accused of torturing Ms. Abu Meri was not questioned by the public prosecutor until 15 February 2012, in other words, 21 months after she had reported the torture and the ill-treatment she had experienced; She was unable to obtain the assistance of a defence lawyer because most lawyers would refuse to defend her due to the sensitive nature of her case; All the interviews with Ms. Abu Meri were carried out without a lawyer present because Ms. Abu Meri was not

able to obtain legal assistance or the services of an attorney or even a court-appointed defence lawyer. The Working Group notes that Ms. Abu Meri, who has been in prison since 22 May 2010, was not informed of the charges against her or the reasons for her arrest. To this day, she has not been brought before a judge to stand trial as required under article 14, paragraphs 1 and 3, of the International Covenant on Civil and Political Rights. The Working Group also notes that the infringement of her right to a fair and equitable trial is so serious that it renders Ms. Abu Meri’s detention arbitrary. The facts described above violate the rights set forth in articles 5, 8, 10 and 11 of the Universal Declaration of Human Rights, as well as those set forth in article 2, paragraph 3 (a) and (b), article 9 (particularly para. 3), article 10 and article 14 of the International Covenant on Civil and Political Rights. The violation of these rights is so serious as to render the deprivation of liberty of Ms. Abu Meri arbitrary.”

3.2. Prolonged custody

Custody is sometimes extended beyond the regulation time; in such case, the judiciary does not seem to be bothered, and does not issue an order to immediately release the person.

This means that security services have a 24h time window, and sometimes several days or even weeks, to extract confessions or information from the persons held in custody; such practice benefits a judicial immunity a posteriori.

There are no reported cases in the Lebanese jurisprudence of confessions cancelled by the investigative judge on such procedural grounds.

However, prolonged custody is a violation of article 47 of the Code of Criminal Procedure, which stipulates that police officers *“are prohibited from holding the suspect in their lock-up rooms except by decision of the Public Prosecution and for a period which does not exceed 48 hours. This period can be extended for a similar period of time if the Public Prosecution approves it”*.

Moreover, article 9 of the ICCPR stipulates that *“Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power.”*

Furthermore, the vague provisions of article 47 of the Code of Criminal Procedure pave the way to violations.

During custody, persons who are arrested should be able to meet with their lawyers. Yet, article 47 of the Code of Criminal Procedure^{xxiv} does not provide a clear definition of such “meeting” with the lawyers and interrogating services interpret this right as a right to call and to see (stricto sensu) a lawyer, rather than the right to have a confidential conversation with their defense counsel. This is a nonsense practice and a violation of the rights of the person in custody, as guaranteed under article 14 – 3b and 3d of the ICCPR^{xxv}. The right to meet his/her lawyer is also set out in Rule 93 of of the Standard Minimum Rules for the Treatment of Prisoners^{xxvi}, and more specifically for women in pre trial detention in Bangkok Rule 2.

The same applies with the other provisions of article 47 CCP:

- A “contact” with a family member – also stipulated in Rule 92 of the Standard

Minimum Rules for the Treatment of Prisoners^{xxvii}, and more specifically for women in detention in the Bangkok Rule 2. Article 47 of the CCP remains vague, as it does not specify whether or not the family member will be allowed to ensure the proper treatment of the detainee by the interrogation services.

-The right to be visited by a doctor – also stipulated in Rule 91 of the Standard Minimum Rules for the Treatment of Prisoners^{xxviii}-, taking into consideration that this visit must be ordered by a judge, otherwise the doctor should be paid by the person being.

Hence, following the 48h custody, the rights of the person arrested, particularly the right to remain silent and the right not to be subjected to torture are not anymore guaranteed, as there are no available means of monitoring by family members or lawyers, who consequently cannot know if a doctor should visit the person in custody.

Women victims of prolonged custody are at risk of psychological or physical torture, of sexual abuse without being able to prove it at a later stage as they could not be protected by the existing guarantees against these abuses.

The Bangkok Rules include a comprehensive medical screening of the detainees at their admission in prison, in order to determine primary health care needs, and sexual abuse and other forms of violence that may have been suffered prior to admission (Rule 6^{xxix}). If such violences are diagnosed, the women detainee shall be informed of her right to seek recourse from judicial authorities and be fully informed of the procedures and steps involved (Rule 7^{xxx}).



In practice, such medical screening is not systematically conducted at the admission in prison, as medical staff only deals with primary health care without informing the woman detainees of their rights in case of any abuse during interrogation.

10 days custody

On October 4, 2014, the death of a Lebanese 4-year-old girl, Celine Rakan, was reported by the media and the father of the deceased child claimed that she had died following a vaccination the previous day by her pediatrician.

On 9 October 2014 the media reported the arrest of the family's helper, an Ethiopian domestic worker, who reportedly confessed to the murder and said that she had strangled the girl to death after the latter witnessed her stealing house items.

For 10 days, the Ethiopian helper has been detained by the Internal Security Forces in Beirut, investigated without a lawyer and not yet transferred to a judge.

Her lawyer presented a defence on the form, asserting that a 10-day-custody constitutes flagrant procedural violation. Nevertheless, the investigative judge did not take it into consideration and maintained the investigation.

II. Torture used against women arrested in Lebanon

The General Assembly of the United Nations declared on several occasions that “No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”^{xxxii}

Women should be protected from any form of violence or exploitation, including physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.^{xxxiii}

The Committee on the Elimination of Discrimination against Women recalled this obligation towards arrested and/or detained women in its final observations

on States Parties’ reports, as well as the Special Rapporteur on violence against women, its causes and consequences.^{xxxiii}

Specific provisions on diverse forms of violence against arrested and/or detained women, as well as available remedies, have been developed – Bangkok Rules 6,7 and 25.

Definition of torture

According to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment^{xxxiiii},

“The term “torture” means any act by which severe pain or suffering, whether



physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

The issue of torture is closely linked to the issue of arbitrary detention.

The breaches of procedure do not only lead to arbitrary detention but they also pave the way for the practice of torture. As soon as the fair trial standards enshrined in both the Lebanese law and Lebanon's international commitments are not met, it goes without saying that in practice it merely opens the opportunity for several violations: incommunicado detention, absence of lawyer and then lack of confidential communications between the lawyer and his/her client, excessive length of detention in custody, etc... All these flaws in the procedures in force breed an atmosphere of permissiveness and impunity favoring the practice of torture.

Vice-versa, arbitrary detention necessarily results from the practice of torture. Since it is established that a person signed confessions extracted under torture while detained in custody, this person should be released immediately, or else the detention becomes arbitrary.

Methodology

In order to evaluate the practice of torture against women, CLDH interviewed 44 women arrested between January 1, 2013 and December 31, 2014.

To conduct this research as objectively as possible, the persons interviewed were not informed on the purpose of the research. They were informed that they were interviewed in the framework of a research on the rights of the persons placed in custody, and then asked to introduce themselves, to speak freely about their arrest. In case they would complaint about having been subjected to torture, the interview would be continued based on the *“Model questionnaire to be completed by persons alleging torture or their representatives”^{xxxv}*, established by the Special Rapporteur on torture.

It appeared during this study that more than half of the women arrested in 2013 and 2014 had been subjected to torture.

Statistics

More than half of the women interviewed had been subjected to torture, more precisely 24 out of 44, which amounts 52%.

1. Psychological Torture



The information collected reveals that women are subjected to the same type of torture than the ones men are subjected to. Furthermore, the United Nations Committee against torture, in its comments on the information collected in April 2013^{xxxvi}, indicates that “in

Baabda prison for women, the medical personnel indicated that medical tests carried out at the institution revealed on several occasion obvious signs of torture, including sexual violence”.

In 76% of the documented cases, the **Internal Security Forces** and **police stations** would be responsible for torture. Several women alleged having been subjected to torture by **men in civilian clothes from the army or the police intelligence services**, or by **militia men outside the official places of**

interrogation.

2. Physical Torture



In 60% of the cases, the purpose of the torture was to **extract confessions** from the detainee, or confessions along with **other type of information (names, locations)** in 40% of the cases.

3. Attitude of the investigative judges

All women who complained about torture were asked during the interviews about the attitude of the investigative judge vis-à-vis the issue of torture.



Several confirmed that they had mentioned the torture to the investigative judge. Yet, there had been no follow up to their complaint.

For those who did not complain about torture to the judge, they mentioned that they were scared and traumatized at that time, and did not dare complain. Some of them even said they recognized some of the investigators who were present during their first audition in front of the investigative judge, and others added that so much time had passed before their first audition, that no traces of torture were still visible.

Profile of women at risk of being victims of torture and ill treatments

1. Gender related risks: all women arrested

As women, detainees are at risk of being victims of torture and ill treatments. This is the reason why specific measures should be respected when it comes to the interrogation, surveillance and search process, separation between men and women, and respect for privacy.

Women in custody should only be interrogated by female agents. Nevertheless, investigators of security services are always men. **During this study, only one woman had been interrogated by a woman.**

This situation is incomprehensible; indeed, all security services include female staff. The detention of women in custody under surveillance of male guards is problematic in terms of surveillance and search process, as well as in terms of privacy ^{xxxvii}.

2. Foreigners are more at risk of being victims of torture and ill treatments than Lebanese

According to the information collected, torture is practiced during interrogation against 61% of the Lebanese arrested, and 64% of foreigners. It should also be taken into consideration that 100% of the foreign women, following their arrest and detention in a Lebanese prison, are detained by the General Security in conditions amounting to torture.

In case they are held in “administrative detention” following their arrest for not possessing a valid residency permit, they are held in custody for several days and sometimes even several weeks in police station or courthouses, in alarming conditions amounting to serious ill treatments: crowded in tiny cells without any windows, where they are not allowed to leave under no circumstances, in which toilets facilities have no doors, and do not have drinking water nor food from their guards unless it is brought by someone from outside. **For instance, in June 2013, CLDH was informed that a woman from Bangladesh did not have a meal for 11 consecutive days in the basements of Jdeideh courthouse.**

At the General Security retention center, where all arrested foreign women will be detained, the conditions also amount to torture: the General Security retention center is an underground parking with no natural light nor outside air, where detainees suffer very bad food and hygiene conditions, as well as bad physical and psychological treatment, with the aim of punishing them to have left their sponsor, to have enter the country illegally or to force them to sign

their “voluntary repatriation” in their country of origin. The intentionality of the physical and psychological suffering inflicted to the detainees at the retention center confers such suffering the characteristics of torture.

3. Different methods depending on the accusations

Among the women interviewed and victims of torture, the following are predominant:

- 11 women arrested on theft suspicion.
- 5 women interrogated in prostitution cases.
- 5 women in drug cases.
- 3 women in various cases.

The following trends appeared :

All women accused of prostitution

reported being subjected to torture during interrogation as well as **two thirds of the women accused of theft** and **half of the women accused in drug cases**.

Testimony ^{xxxviii}

“I was arrested at a check point in September 2014, and taken to a small room next to the check point where I was interrogated for several hours. They insulted me and forced me to remove my veil. I felt humiliated and I was so scared. They wanted some information on a crime and threatened to take my children if I would refuse to talk.

The following day, I was transferred to a police station where I stayed for 5 days. I slept on the floor, without food nor water. Every day, they would take me to the interrogation room and would beat me all over my body with a stick

and would be electrocuted. I would give them information so that they would stop torturing me, but they would not believe me and always wanted more. They would electrocute me and would not stop beating me and kicking me on my stomach and my back. Then they showed me a document and told me to sign it. I was not able to call anyone; neither my husband, nor a lawyer and no one visited me. I was horrified.

I was then taken to the instructive judge. I asked for a lawyer but he refused. Even though the investigators who had tortured me were there, I told the judge about the torture and how they had forced me to confess. I even showed him the traces on my body and asked to see a forensic doctor, but he also refused by simply nodding his head.”



Conclusions

This report, which is in line with CLDH previous reports on arbitrary detention and torture, focuses on the specific practice of the interrogation services and the judicial services with women.

Women arrested in Lebanon meet the same fate as men in terms of procedural violations, unfair trials, and torture. Their vulnerability is worsen by their specific condition as women at risk of sexual abuses and violation of their privacy by the investigators and prison guards who are mainly men in most interrogation places.

Judges play a crucial role to put an end to such violations, by enforcing the Lebanese legislation and systematically release any woman victim of a serious violation of her rights during the process: prolonged custody beyond the 24h to 48h stipulated in the law, confessions signed under torture, excessive delay in the trial.

Concerning the prevention of torture, investigative judges could also put an end to such practice by taking into consideration allegations of torture, ordering immediate investigations on such allegations, releasing the victims, and ordering the arrest of the presumed perpetrators.

The condition of foreign women in detention is disastrous. They suffer the same violations as Lebanese women, in addition to the systematic illegal detention based on an administrative decision taken by the General Security, under unacceptable conditions which can be qualified as torture.

The decision to put an end to arbitrary detention and torture committed by

the General Security is a political one. The Ministry of Interior must review the abusive prerogatives of the General Security, and to formally forbid the detention of foreigners by this service outside the conditions provided for in the law.

All official security services include female staff; it seemed incomprehensible to CLDH that women would still be interrogated by men, and under the surveillance of male guards in police station or at the General Security retention center.

In addition to systematically violate the rights of women who are arrested, would the security services also discriminate their female staff, considered incapable to conduct interrogations or to properly guard female detainees?

The conclusions of this report confirm once more the violations of human rights found by CLDH for several years, and underlined by the Committee against torture fact-finding mission in 2013. It is only a question of when the Lebanese State will finally tackle the issue.

Recommendations

• **Put an end to the procedural violations during the arrests and trials, particularly custody and prolonged pre trial detention which lead to arbitrary detentions, unfair trials, and pave the way to the practice of torture;**

- All security services must guarantee to any person in custody the right to have a confidential conversation with his/her lawyer.

- Judges must release any person victim of serious procedural violations or was not tried within a reasonable amount of time

• **Amend the 1962 law concerning the entry and stay in Lebanon as well as the exit, abolish the kafala (sponsorship) system which leads to serious violations and discriminations against migrant women, put an end to the illegal detention based on an administrative decision taken by the General Security:**

- The Lebanese Parliament must amend the 1962 law in accordance with the Universal Declaration on Human Rights and other international commitments of Lebanon.

- The Ministry of Interior must forbid the General Security to detained without legal justification nor judicial supervision any person arrested on administrative grounds

- The Ministry of Interior must guarantee the access of lawyers to the General Security retention center and the access of UNHCR to any person detained.

• **Make sure that allegations of torture and discriminatory, cruel, inhuman and**

degrading treatments are investigated in an efficient manner, and that the perpetrators are duly prosecuted;

- Investigative judges should systematically order immediate and impartial investigations on all allegations of torture or serious ill treatments, and prosecute the authors.

- Investigative judges must annul confessions extracted under torture

• **Put in place mechanisms to protect the detainees from all forms of ill treatments, including ill treatments based on gender, and make sure the detainees are searched and under the surveillance of female guard duly trained;**

- The Lebanese Parliament must adopt a law to put in place the National Preventive Mechanism established by the OPCAT ratified by Lebanon in 2008. The NPM should have been put in place the year after the OPCAT's entry into force.

- The security services must ensure that women are interrogated and under the surveillance of female staff duly trained to their specific needs and fundamental rights. ^{xxxix}

- i Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, Paragraphe 121. Available at: <http://beijing20.unwomen.org/-/media/Field%20Office%20Beijing%20Plus/Attachments/BeijingDeclarationAndPlatformForAction-en.pdf>
- ii Specific installations should be available to pregnant women and breast feeding mothers in prison for their specific needs: Rule 23-1 of the Standard Minimum Rules for the Treatment of Prisoners - 23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.
Bangkok Rule 5, 15, 22, 39, 42-2&3, 48, 64 -
5. The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.
15. Prison health services shall provide or facilitate specialized treatment programmes designed for women substance abusers, taking into account prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds.
22. Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison.
39. Pregnant juvenile female prisoners shall receive support and medical care equivalent to that provided for adult female prisoners. Their health shall be monitored by a medical specialist, taking account of the fact that they may be at greater risk of health complications during pregnancy due to their age.
42. 2. The regime of the prison shall be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children. Childcare facilities or arrangements shall be provided in prisons in order to enable women prisoners to participate in prison activities.
48. 1. Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers.
64. Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children.
Principle 5-2 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.
- iii Human Rights Committee, General observation No 28, Equality of rights between men and women (Art. 3), CCPR/C/21/Rev.1/Add.10 (2000). Available at: <http://www1.unhcr.org/refugees/43/a43r173.htm>
- iv Available at: <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>
- v Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/TreatmentOfPrisoners.aspx>
- vi Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/BasicPrinciplesTreatmentOfPrisoners.aspx>
- vii Available at: <http://www.un.org/documents/ga/res/43/a43r173.htm>
- viii Article 9 of the International Covenant on Civil and Political Rights - 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement. 4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. 5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.
- ix The former Commission on Human Rights has addressed the distributing expansion of arbitrary detention since 1985. In 1990, it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a thorough study of the matter and submit recommendations to it for the reduction of such practices. At the same time, concern about the guarantees which should be enjoyed by all persons deprived of their liberty was manifested in the adoption by the United Nations General Assembly in December 1988 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. In 1991, in pursuance of the recommendations made in the above-mentioned report of the Sub-Commission, the former Commission on Human Rights, in its resolution 1991/42, set up the Working Group on Arbitrary Detention.
- x <http://english.caritasmigrant.org.lb/our-action/projects/migrants-inside-the-detention-center/>
- xi Administrative detention does not exist in the Lebanese law. No legal ground can justify the prolonged detention of foreign women by the General Security. For simplicity, "administrative detention" defines the detention with no legal grounds of

- foreigners awaiting their regularisation or their expulsion following their arrest, under a decision taken by the General Security.
- xii Bangkok Rule 2 - 1. Adequate attention shall be paid to the admission procedures for women and children, due to their particular vulnerability at this time. Newly arrived women prisoners shall be provided with facilities to contact their relatives; access to legal advice; information about prison rules and regulations, the prison regime and where to seek help when in need in a language that they understand; and, in the case of foreign nationals, access to consular representatives as well. 2. Prior to or on admission, women with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children.
- xiii The name of the person has been changed. The story was collected on 01/28/2015 during a phone interview.
- xiv Provisions related to the personal hygiene of detained women: Bangkok Rule 5, Rules 15 and 16 of the Standard Minimum Rules for the Treatment of Prisoners. Provisions related to detention facilities: Rules 10 and 14 of the Standard Minimum Rules for the Treatment of Prisoners. Provisions related to bedding: Rule 19 of the Standard Minimum Rules for the Treatment of Prisoners. The CEDAW committee recalled that installations that do not comply with the specific needs of women constitute discrimination, within the meaning of article 1 of the Convention.
- xv Provisions related to the food for pregnant women, breast feeding mothers and mothers with their children in prison: Bangkok Rule 48. Provisions related to the food in prison: Rule 23 of the Standard Minimum Rules for the Treatment of Prisoners. Provisions related to the food for persons in custody or in pre trial detention: Rule 87 of the Standard Minimum Rules for the Treatment of Prisoners.
- xvi Women searches should only be carried out by women staff: Bangkok Rules 19,20 and 21
- xvii Provisions related to medical services in prisons: Rule 22 of the Standard Minimum Rules for the Treatment of Prisoners. Provisions related to specific medical care for women in detention: Rule 23 of the Standard Minimum Rules for the Treatment of Prisoner, Bangkok Rules 6 to 18.
- xviii Article 7 of the Universal Declaration of Human Rights - All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
- xix Article 26 of the International Covenant on Civil and Political Rights - All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status..
- xx Human Rights Committee, General Comment 15, The position of aliens under the Covenant (Twenty-seventh session, 1986), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 18 (1994). Available at: <http://www1.umn.edu/humanrts/gencomm/hrcomm15.htm>
- xxi Article 9 of the International Covenant on Civil and Political Rights
- xxii Human Rights Committee, General Observation No8, Article 9, Equality of rights between men and women (article 3), U.N. Doc. CCPR/C/21/Rev.1/Add.10 (2000). Available at : <http://www1.umn.edu/humanrts/gencomm/hrcomm28.htm>
- xxiii Article 108 of the Lebanese Code of Criminal Procedure - Except for persons already sentenced to at least one year imprisonment, the length of preventive detention for misdemeanors shall not exceed two months. In case of extreme necessity, it is possible to extend this period to a period of similar duration at most. Except for murder and drug crimes and attacks on state security and crimes presenting a global threat and for persons already sentenced to a criminal penalty, the period of preventive detention for crimes shall not exceed six months and may be renewed once for a similar length following a reasoned decision. The examining magistrate may decide to prevent the defendant from traveling for a period not exceeding two months for misdemeanors and one year for felonies.
- xxiv Article 47 of the Lebanese Code of Criminal Procedure - The Judicial Officers, in their capacity of assistants to the Public Prosecution, are entrusted with the responsibility of investigating crimes other than those in flagrante delicto, collecting information related to them, conducting inquiries with the aim of discovering the perpetrators and the participants in the crime as well as collecting evidence, with whatever that may entail regarding seizing criminal materials, physical inspections of the crime scenes, conducting scientific and technical studies on traces and features left behind, listening to the statements of the witnesses without swearing them in and to the declarations of the subjects of the complaints or the suspects. If they refuse to speak and remain silent, this must be mentioned in the official report. They must not be forced to speak or to be interrogated, under penalty of invalidity of their statements. The Judicial Officers must inform the Public Prosecution of their proceedings and follow its instructions. They do not have the right to search a house or a person without the prior authorization of the Public Prosecution, in which case they must abide by the procedures defined by law for the Attorney General to follow in cases of flagrante delicto. Every search they conduct in violation of these procedures will be considered as null and void. However, the invalidation will be limited to the search and will not go beyond to include other independent proceedings. They are prohibited from holding the suspect in their lock-up rooms except by decision of the Public Prosecution and for a period which does not exceed 48 hours. This period can be extended for a similar period of time if the Public Prosecution approves it. The detention period starts running from the time of the suspect's arrest. When being detained for investigation purposes, the suspect or the subject of the complaint has the following rights: • To call a member of his family, or his employer, or a lawyer of his choice or any of his acquaintances. • To meet with a lawyer he appoints by a declaration noted on the official report without having to duly draw up powers of attorney. • To request the assistance of a sworn translator if he is not proficient in Arabic. • To make a direct request or via his legal representative or a member of his family to the Attorney General for a medical examination. The Attorney General will appoint a doctor for him immediately upon receipt of the request. The doctor must carry

out the examination without any judicial officer being present and submit his report to the Attorney General within a period not exceeding 24 hours. The Attorney General will provide the applicant with a copy of this report as soon as he receives it. The detainee, or any of the persons previously mentioned, have the right to request a new medical examination if the detention period is extended. The judicial police must inform the suspect, immediately upon his detention, about his rights as previously stated and must record this proceeding in the official report.

xxv Article 14 of the International Covenant on Civil and Political Rights –

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

xxvi Rule 93 of the Standard Minimum Rules for the Treatment of Prisoners - For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

xxvii Rule 92 of the Standard Minimum Rules for the Treatment of Prisoners - An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

xxviii Rule 91 of the Standard Minimum Rules for the Treatment of Prisoners - An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

xxix Bangkok Rule 6 - The health screening of women prisoners shall include comprehensive screening to determine primary health care needs, and also shall determine: (a) The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counselling; (b) Mental health care needs, including post-traumatic stress disorder and risk of suicide and self-harm; (c) The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues; (d) The existence of drug dependency; (e) Sexual abuse and other forms of violence that may have been suffered prior to admission.

xxx Bangkok Rule 7 - 1. If the existence of sexual abuse or other forms of violence before or during detention is diagnosed, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and immediately refer the case to the competent authority for investigation. Prison authorities shall help such women to access legal assistance. 2. Whether or not the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialized psychological support or counselling. 3. Specific measures shall be developed to avoid any form of retaliation against those making such reports or taking legal action.

xxxi Principle 6 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment - No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

xxxii Declaration on the Elimination of Violence against Women, General Assembly Resolution 48/104 December 20, 1993 - Article 2c) Violence against women shall be understood to encompass, but not be limited to, the following: physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

xxxiii See report of the Special Rapporteur on violence against women, its causes and consequences, Mrs Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1997/44, E/CN.4/2000/68/Add.3, January 27, 2000. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G00/104/10/PDF/G0010410.pdf?OpenElement>

xxxiv Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with article 27 (1) Available at the following address: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

xxxv Available at: <http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/model.aspx>

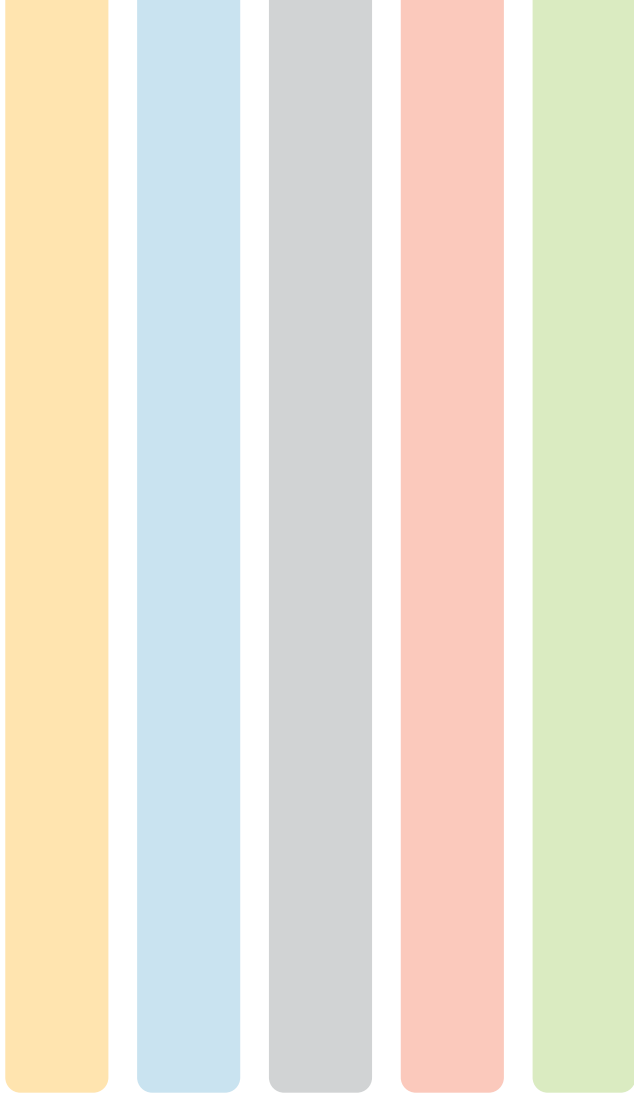
xxxvi Report on the results of the inquiry procedure on Lebanon

xxxvii The privacy of women prisoners must be respected by the prison staff. The Committee of the CEDAW recalls that: "respect for women prisoners' privacy and dignity must be a high priority for the prison staff. The Committee considers that the disrespectful treatment of the author by State agents, namely male prison staff, including inappropriate touching and unjustified interference with her privacy constitutes sexual harassment and discrimination within the meaning of articles 1 and 5 (a) of the Convention and its general recommendation No. 19 (1992). In that general recommendation, the Committee observed that sexual harassment is a form of gender-based violence, which can be humiliating and may further constitute a health and safety problem."

Committee on the Elimination of Discrimination against Women, Forty-ninth session, 11-29 July 2011. Available at: http://www2.ohchr.org/english/law/docs/CEDAW-C-49-D-23-2009_en.pdf

xxxviii In order to keep the source of information confidential, this story is a compilation of several testimonies of women victims of torture in 2013 and 2014 in Lebanon, and constitutes a "model testimony".

xxxix According to the Bangkok Rules 29 to 35



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