



# **HUMAN RIGHTS ABUSE AND DEMOCRACY DETERIORATION IN LEBANON**

**Synthesis and events since 1990**

**Prepared for the Department of Foreign Affairs  
and International Trade in February 2002**

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## 1 HUMAN RIGHTS SITUATION IN LEBANON

Since 1990, Lebanon knows a serious deterioration of human rights, especially in terms of democracy and human rights, particularly in terms of freedom of speech and opinion<sup>1</sup>. This deterioration is confirmed by numerous testimonies of prisoners of conscience, humanitarian organizations' reports, statements of ministers, deputies, Bar Association members (Michel Lyan, Chekib Kertbawi)<sup>2</sup>, and ambassadors.

In August 2001, Minister of the Displaced, Marwan Hamadeh expressed alarm at the way the army has been openly interfering in politics:

"The army is making statements on its own. It is acting as district attorney or an examining magistrate handing down verdicts."<sup>3</sup>.

In December 2001, Abdel-Salam Ahmad, Amnesty's Middle East researcher, who is responsible for Lebanon, referred to the country's "pride" at being a signatory to the 1948 Universal Declaration of Human Rights and the country's "tradition of freedom of the press." "But at the same time you find some tendencies, particularly during the 1990s and until now, of arbitrary detentions," he said. "This isn't compatible with this tradition<sup>4</sup>.

A study made by Amnesty International in 1997 about the human rights situation in Lebanon, documented in detail the regular arbitrary and illegal arrests of hundreds of Lebanese civilians since 1990 by Syrian and Lebanese security services and the Israeli army, for their political opinion.

"Since the end of the civil war in 1990 until the present, hundreds of people have been arrested for political reasons or on security grounds, by the army, security forces, military police, and Syrian military personnel in Lebanon [Abductions perpetrated by Israeli forces in the "security zone" in South Lebanon are documented in Israel's Forgotten Hostages: Lebanese Detainees in Israel and Khiam Detention Center (AI Index: MDE 15/18/97).]. These arrests fall into three categories:

- The arrest and detention of prisoners of conscience [The term "prisoners of conscience" refers to the imprisonment, detention or other physical restrictions imposed on any person by reason of his or her political, religious, or other conscientiously held beliefs, or by reason of his or her ethnic origin, sex, color, language, national or social origin, economic status, birth, or other status, provided that he or she has not used or advocated violence and possible prisoners of conscience;
- Waves of arbitrary arrests and detentions following politically motivated acts of violence, which target large numbers of a particular group or groups;

- The arrest, interrogation and detention outside proper legal procedures of Lebanese citizens by Syrian military or intelligence personnel in Lebanon”<sup>5</sup>.

### **1.1 Freedom of opinion threatened**

In the last ten years, arrests of opposition members are occurring on a regular basis <sup>6,7</sup>, mainly in the ranks of university students, professionals and two political parties FPM (Free Patriotic Movement) and LF (Lebanese Forces) calling for the application of the UN resolution 520 and the withdrawal of about 40,000 Syrian soldiers from Lebanon. The leaders of these two opposition parties are being respectively, exiled for more than 10 years, and jailed for more than 7 years <sup>8</sup>. In another recent urgent action launched for four LF militants in risk of being tortured, Amnesty described the regular arrests for political opinions and torture prisoners of conscience are enduring as follows:

« Les FL ont été interdites par le gouvernement libanais en 1994. Des membres de ce parti sont régulièrement arrêtés, souvent lorsqu'ils s'engagent dans des activités légitimes d'opposition politique. Ils risquent d'autant plus d'être victimes de torture ou d'autres formes de mauvais traitements qu'ils sont détenus au secret, parfois durant des semaines d'affilée. En 1994, Fawzi al Rasi, membre des FL, est mort au centre de détention du ministère de la Défense, apparemment des suites de torture. Les autorités libanaises n'ont pas enquêté sur des allégations d'actes de torture formulées par le passé, ni traduit en justice les responsables présumés de ces agissements. Des "aveux" arrachés sous la contrainte constituent fréquemment les principaux éléments de preuve retenus dans le cadre de procès politiques » <sup>9</sup>.

### **1.2 Crackdown of august 2001**

On the 7th of august 2001, about two hundred people, mostly university students belonging to FL and FPM were abruptly arrested by security forces during their weekly meeting in their offices or in their houses, among them: former army general, Nadim Lteif and Ex-counselor of the LF, Toufic El Hindi. These arrests took place without any legal warrant.

On the 9th of august 2001, a peaceful sit-in at the Justice Palace turned into a bloody clash in which more than 30 people were injured. Some 150 plainclothesmen, set to be Syrian Intelligence operatives, infiltrated the crowd and started beating up demonstrators. This demonstration was staged at the Justice Palace by parents of hundreds of detainees, about 300 lawyers, university students, Lebanese Forces militants and members of the Free Patriotic Movement demanding the release of those in detention especially during the crackdown of the 7th of august.

“According to witnesses, the army and the policemen get also beaten when they tried protecting people from those civilians infiltrated in the crowd dressed in black shirts jeans and military boots.

"It was incredible. Those men were beating us up and the army and police stood watching. They could not do anything to stop them," 29-year-old Rita told Naharnet. She withheld her last name for security considerations.

"I fell on the ground and a man started to beat me up, trample on me and kick me on the arms, the legs and the bottom," she added. "More than 30 people were beaten up. They also broke the camera of an MTV cameraman."

"They started beating us up. When the army and the police tried to stop them, they were also beaten," said 23-year-old Roy who also withheld his last name for security reasons. Rita said the army then told demonstrators to gather and not leave the place so that they can provide them with cover to escape the black-shirted men.

"They let us go by groups of 50," said a young man, who was among demonstrators.”<sup>10</sup>

These arrests were followed by that of militants belonging to another political opposition party, the National Liberal Party (NPL) for distributing flyers declaring the death of liberty in Lebanon.

Many deputies condemned those arrests and described them as the most dangerous arrests well ordered since the beginning of the war, and rejected, in a press conference, the Minister of Interior accusations for the detainees of preparing a federal state in accordance with an eventual Israeli attack<sup>11</sup>.

Following these arrests, the head of the bar association, Mr. Michel Lyan, called for an extraordinary meeting of the Council board of the Bar association and described these arrests as a “violation of the Lebanese constitution and Law” and called all lawyers Members of Parliament to “defend the law and the dignity of Lebanon. We all have the right for freedom”<sup>12</sup>.

In a press release, 13/12/2001, SOLIDA expressed its concerns about “arrests of august 2001 that took place in conditions contradicting the Lebanese Law and the International commitments of Lebanon”. “The military court is an exception but since more than 10 years it’s used to judge detainees who are deferred to it in an expeditive way and after being arrested in illegal conditions to extract statements from the detainees”<sup>13</sup>.

Although most of the arrested people have been released few weeks later, however, 3 million Lebanese pounds (3000 \$CAN) were required as a bail, and prosecution is still continuing before civil courts. No investigation was undertaken about the beating that took place by civil men, in front of the Justice Palace in the presence of the Lebanese army or about the illegal arrests and proceedings, despite the official condemnation by the Prime Minister, Members of Parliament and Ministers of those arrests, and despite the public concerns and calls for such an investigation.

On the anniversary of the international day of human rights on the 10<sup>th</sup> of December 1999, 39 civilians were arrested while distributing flyers. At least 4 lawyers, an engineer and 3 women were on that list (Mre Elie Bitar, Walid Dagher, Antoine Mukhaiber, Michel Haddad and the engineer Ziad Abs). All of them were strictly warned to cease any further political activity.

In September 1998, a peaceful protest before the United Nations (UN) office in Beirut calling for the application of UN Security Council Resolution 520 was violently repressed by the Internal Security Force (ISF). Some people were arrested while trying to hand over a letter to the UN agents, among them professors and university <sup>14</sup>.

For instance, more than 52 people were arrested in less than 3 month between 10/12/1998 and 5/3/1999, most of them university students in law, engineering, medical schools in at least 6 different universities. Most of them have been called by secret services and they have been threatened for their political opinions and distributing flyers expressing the opinion of General Michel Aoun, an opposition leader, criticizing the government <sup>15</sup>.

### **1.3 Illegal arrests**

During arrests, the legal procedures and principles to guarantee fair trial, as stipulated by the International Covenant on Civil and Political Rights (ICCPR) to which Lebanon acceded in 1972, and the Lebanese Code of Criminal Procedures (CCP) of 1948 are not respected <sup>16</sup>. The accused rights, are constantly violated. For instance:

Article 261 of the CCP states that the arrest warrant is not valid unless it includes the charges against the defendant. Similarly the ICCPR, paragraph 2 of Article 9 states that: “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 hi”. The CCP also requires that arrests take place at specific times during the day and by authorized people.

However, arrests are being mostly undertaken without legal warrant or proof, by secret services at night or in major crackdowns <sup>17</sup>, and violently executed. Most of the time, the arrested person doesn't know his or her charges, is unable to see a lawyer or a doctor, forbidden from contacting his or her family, submitted to interrogation by security officers or by an investigating judge in the absence of his or her lawyer, which constitute a contravention of Article 70 of the CCP; the interrogation is frequently accompanied by torture, a crime under Article 401 of CCP <sup>18, 19, 20, 21, 22, 23, 24, 25, 26</sup>.

## 1.4 Long periods of detention and violence

Many prisoners might spend months and years in pre-trial detention, far beyond the period permitted by law as per Articles 102 and 103 of the CCP, before having the chance to defend themselves in court<sup>27, 28, 29</sup>

In some cases, the public prosecutor might continue to carry out investigation despite the fact that the case was in the hands of the investigating judge and all this, in the absence of corroborating evidence to confirm the testimonies of witnesses<sup>30</sup>.

Although medical reports might prove harsh treatments, and while some courts recognized the existence of torture to extract statements from arrested people: "even if there was harsh treatment this did not affect the outcome of the investigation"<sup>31</sup>, they failed to adequately address and investigate these torture allegations and to meet international standards such as the opinion of the Human Rights Committee<sup>1</sup> or the UN declaration Article 12 on the Protection of All Persons from being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment<sup>2</sup>, as well as Principle 6 of the UN Basic Principles on the Independence of the Judiciary entitles and requires<sup>3</sup>. These harsh treatments are well known and condemned by deputies, ministers as in the following cases.

### 1.4.1 Case of Toufic El Hindi

Dr. Toufic El Hindi is an ex-counselor of Samir Geagea, jailed leader of the LF, an opposition party. He has been arrested in his house, without any legal warrant in front of his spouse and two children, and without allowing him to contact his lawyer. He's allegedly accused of collaborating with Israel. For several days, no contact with a lawyer or his wife was possible. He was detained in the Ministry of Defense and interrogated by secret services before the General Prosecutor. Arrested in the beginning of august 2001 without any legal warrant, and detained for a long time for interrogation by intelligence services in the ministry of Defense, his first trial was not scheduled until the December 26, 2001. Unclear videotape was later diffused on television, showing a condensed 90 minutes of interrogation before the general prosecutor. His wife says her husband was doped when appeared on the army's videotape that purportedly showed

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<sup>1</sup> The Human Rights Committee [The treaty monitoring body of the ICCPR], states :"*the law should require that evidence provided by means of such methods [which violate ICCPR articles prohibiting torture and ill-treatment] or any other form of compulsion is wholly unacceptable*" [Human Rights Committee General Comment No. 13.], and "*... the law must prohibit the use of admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment*" [Human Rights Committee General Comment No. 20. (12).],

<sup>2</sup> Article 12 :"*Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in the proceedings.*"

<sup>3</sup> Principle 6 :"*to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected*"

him confessing to hold contact with an Israeli official: "I have asked Prosecutor-General to allow a medical commission to examine my husband. His defense attorneys have seconded the request," Claude Abu Nader Hindi, a well-known journalist, said in a statement. She said the way the military authorities aired the tape on local television networks on Sunday evening was "outrageously doctored."

Several Beirut newspapers had earlier quoted military sources as admitting that Hindi's 90-minute confession was squeezed into only two minutes so that it could be carried by the media. Doubts about the authenticity of that tape and the illegal way to extract statements were raised by many members of parliament and ministers. "This tape does not stand in any court of law, neither as evidence nor testimony," said the prestigious parliament member Boutros Harb. "I know Hindi personally. The language he used in the tape indicates he was not in complete control of his faculties when he spoke." Minister of the Displaced Marwan Hamadeh expressed alarm at the way the army openly interferes in politics. "The army is making statements on its own. It is acting as district attorney or an examining magistrate handing down verdicts." <sup>32</sup>.

#### **1.4.2 Case of Antoinette Chahine**

Another famous case is that of Antoinette Chahine. She was allegedly accused of a murder in coordination with LF militants, and acquitted several years later. The torture and the illegal proceedings during long periods of detention described by Amnesty International, were recognized by the court itself in its verdict:

« The court acknowledged that there had been procedural irregularities in the conduct of the investigation by the prison director and the public prosecutor because the investigating judge was the only person authorized to conduct the investigation. However, the court decided to ignore this irregularity because some of the defendants later repeated their alleged confessions before the investigating judge. The court also stated that the prolonged detention of the defendants for investigation did not affect the outcome of the investigation. » <sup>33</sup>.

#### **1.5 Arrests and torture**

Many people died or were severely injured as a result of the torture used either in Lebanese prisons like the Ministry of Defense (Yarze) <sup>34</sup> or in Syrian prisons <sup>35, 36, 37, 38, 39,</sup>

as many reports of human rights organizations reveal<sup>41, 42, 43, 44, 45.</sup>

Since 2000, at least two people died in the military prisons as a result of torture and ill treatment. The ex-SLA militants, who surrendered to the Lebanese authorities after the withdrawal of the Israeli troops, died because they were prevented from taking required medicine. Lately, and after the crackdown of August, the CCP has been amended through a high-pressure vote to give the General Prosecutor more power by increasing the time allowed for detention under interrogation. This vote occurred one month after the parliament voted to guaranty all rights of the detainees, including the presence of a

lawyer and the time-period of the detention <sup>46</sup>. Certain deputies avoided confrontation by not attending the embarrassing parliamentary session that revealed the month earlier changes to avoid such a violation of the dignity and integrity of the judiciary system.

### **1.5.1 Case of Toufic El Hindi**

« It was few minutes after Dr Hindi got home while the TV news were about to start at 8 :00PM. The home interphone rang and a commander of the ISF presented himself and asked to open the door. He got into the house with another four men and asked Mr. Hindi to come with them to the ISF direction. A discussion started between that man on one hand, and Mr. Hindi and his wife on the other hand concerning the legality of this arrest. Terrified, Mr. Hindi's daughter, Sara (11 years old) started crying. Mr. Hindi went to the living room to make a phone call but was prohibited by ISF commander who followed him to ask him to come immediately. Mr. Hindi conceded without resistance <sup>47</sup>.

For a long period Mr. Hindi was prohibited from contacting his lawyers, or having independent medical examination. A daily news paper described the problems his lawyers faced to meet him as follows:

« The three lawyers went to the information desk in the ministry of defense having in hand the permission of the Prosecutor. The military man in service at that time didn't seem to be surprised and asked them to wait until he tells the person in charge of the jail. At the beginning the 3 lawyers were taking things for granted, but the person in charge had practically disappeared. Then the soldier asked them to stay away from the jail. They tried to negotiate claiming their famous permit, but the soldier promised to make necessary contacts. Seeing the awaiting might be long, they went into their cars to flee the heated weather outside, but kept asking for news regularly. At a certain moment, the soldier promised them good news. However, about 45 minutes the soldier came back to tell them it's impossible to meet the prisoners of Yarze; the reason is the cleaning process taking place at that moment in the jail and that will take the whole day. The permit was valid for only one day... » <sup>48</sup>.

Later, a video tape squeezed into 90 minutes of the interrogation by the Prosecutor-General was diffused in the media. However, many doubts remain about the authenticity and the credibility of this tape and the possibility of doping was largely elucidated by Mr. Hindi's wife, Claude Hindi a known journalist: « the way the military authorities had doctored the tape that was aired by local television networks Sunday evening was "outrageously doctored" <sup>49</sup>. Many deputies who knew him, expressed their fear about the instauration of a non- democratic military regime <sup>50</sup>, and the MP Boutros Harb expressed his fear of having used illegal means of torture to extract confessions from the detainee:

"I know Hindi personally. The language he used in the tape indicates he was not in complete control of his faculties when he spoke". Similarly, some ministers like Marwan Hamade expressed alarm at the way the army has been openly interfering in

politics. "The army is making statements on its own. It is acting a district attorney or an examining magistrate handing down verdicts." <sup>51</sup>. Mr. Hindi is still detained and recently transferred to military courts and risks the death penalty.

### **1.5.2 Case of Tony Orien**

Orien was arrested on Aug.5th while distributing flyers criticizing President Emile Lahoud and Syria, one such flyer, which had already been published in at least two local newspapers. He was charged of harming ties with a sisterly country and publicizing anti-syran information. He was one of the 300 people arrested in august crackdown. He works as an instructor in Mont-LaSalle » one of the biggest colleges in Lebanon.

About 20 days later, and while he was completing his six-weeks sentence and celebrating his 25th anniversary in the jail, he started a hunger strike to protest against "arbitrary and illegal judicial proceedings against FPM activists, and demanded the prosecution of those guilty of torture and inhumane treatment of protesters at the Defense Ministry and the Justice Palace during a sit-in earlier this month ».

Few days later, his mother and some supporters organized a sit -in to show solidarity with his case. The incident was reported by many local newspapers: « The sit-in was scheduled for 6pm, but Internal Security Forces turned 25 of his friends and family away when they arrived at 5.30pm. The ISF reportedly got rough with the supporters, and Orien's mother, Layla, fainted when the ISF shouted at her and slapped a 24-year-old protester. "I only asked the officer to calm down when talking to Orien's mother because she's suffered from heart problems," said Diana Haddad. "He slapped me across the face." She added: "Although the mother fainted, around 50 ISF members dragged her down the road, just like they did with us." Orien's mother was taken to Abu Jaoude hospital in Jal al-Dib where she was treated in the emergency ward. The Interior and Municipalities Ministry confirmed that Orien's mother was hospitalized and said it was opening an investigation into the incident. Activist Paul Bassil, who was also arrested on Aug. 5 and recently released after paying LL 1 million bail, also claimed he was beaten by ISF members at the site.

"The colonel hit the back of my head with the wooden stick of a flag after snatching it from my friend," said Bassil en route for head X-rays.

Violette, mother of activist Antoun Harb who was arrested with Orien, was also present at the sit-in and at the hospital. She said her son was not arrested but "kidnapped on Aug. 5..." His supporters claimed that Orien slipped a letter out of prison and is being held in solitary confinement with only undergarments to wear as punishment. They also asserted that, despite the fact that he started his hunger strike Thursday and stopped drinking water Saturday, no one has examined him.

Later, the group "Support of Lebanese in Detention or Exile" released a statement calling on state officials "to take immediate actions to stop these ugly actions against peaceful citizens, who only wanted to express their legitimate rights."

The statement also described what happened in front of Roumieh prison “as violating the Constitution and human rights conventions.”<sup>52,53</sup>

Later on, Orien was put in solitary confinement, which led to a serious deterioration of his health that necessitated hospitalizing. Humanitarian calls for release him were ignored. No investigation was undertaken by the Lebanese government about the violence officers used during the peaceful sit-in. A complete silence is still covering this whole issue.

## **1.6 Military courts and sentences in less than 24 h**

Most of those who are arrested are judged illegally by military courts, which in principle are not authorized to pursue civilians. Professionals such as lawyers are judged without prior authorization from their appropriate syndicates, as the law requires. That is considered by the Bar association and many law experts as a serious violation of the law<sup>54,55</sup>. In many cases, the defendants are banned from their rights to meet a lawyer, to be represented by one, or to choose their own in military courts.<sup>56, 57</sup>

After long periods of detention, sentences are usually pronounced in less than 24 hours, which prevent the defendants from proving their innocence<sup>58</sup>. These proceedings constitute a contravention to article 301 of the CCP which gives the defendant or his/her lawyer the right to cross-examine witnesses, and to the ICCPR, paragraph 3(e) of Article 14 which gives the accused the right to "examine the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him", as well as to the Paragraph 2 of Article 14 of the ICCPR stating that "everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law." Similarly this constitutes a contravention The Principle of Innocence Presumption as stated by the Human Rights Committee<sup>4</sup>.

In many cases, the only way lawyers found to protest against illegal proceedings in military courts was their mass withdrawal from trial sessions. However, these reactions didn't prohibit the military courts to continue their trial procedures, which constitutes a real contravention to the Lebanese law, which guarantees the right of the accused to have a lawyer of his own choice during trial.

### **1.6.1 Case of Attorney Ziad Asswad**

During a peaceful demonstration to which the Lebanese Bar Association has called to protest against the arrests of hundreds of civilians belonging to opposition during their ordinary meetings few days earlier, Ziad Asswad has been beaten by people wearing black shirts presumed to be secret services agents, in the presence of some of his

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<sup>4</sup> Human Rights Committee stated that by reason of the presumption of innocence, "*the burden of proof of the charge is on the prosecution and the accused has the benefit of doubt*".

colleagues and the military personnel who didn't intervene although he declared his identity. Later, on Saturday 11<sup>th</sup>, he was acquitted by the military court, in the course of which his lawyers walked out in protest against what they considered serious violations of the laws and procedures. The Bar Association considered the arrest of the lawyer Ziad Asswad as illegal. In Lebanon, a notification to the Bar association is required before a lawyer could be arrested, outside the cases of "flagrant delicto". The arrest of attorney Asswad did not comply with these conditions as he was detained in the course of protesting the harsh measures of security against peaceful demonstrators.<sup>59</sup>

A recent verdict pronounced by the Cessation Court declared the ineligibility of the military courts to pursue civilians; specifically those arrested last August because of their political activities and their opinion opposing the Syrian presence in Lebanon.<sup>60, 61</sup> Shortly after the verdict, the president of the Cessation Court, Ralf Riachy, a member of the International court in Lahaye, presented his resignation because of the high political pressure exerted upon him, which was not accepted later on.

## **1.7 Torture**

During interrogation by intelligence secret services or security forces, the detainees are subjected to a multitude ways of torture. Testimonies of liberated detainees have shown that torture is used in Lebanese prisons and detention centers like the Lebanese Ministry of Defense and the Syrian secret services centers at the St-Georges' compound in Beirut, in Anjar East-Lebanon-that are mainly run by Syrian and Lebanese intelligence – or in Khiam run by Israeli agents, as well as in Syrian prisons like Palmyra and Israeli prisons. The means of torture include (they might vary slightly depending on each center or prison)<sup>62</sup>:

### **1.7.1 Physical means**

- Electric shocks on the face, nose, ears, throat, genital areas, hands, legs...
- German chair
- Chinese method
- Dullab (a Lebanese term for the English word "wheel")
- Hard beating with hard tolls that might cause serious injuries to the bones and/or muscles. Many detainees had to follow medical treatments for years after their release.
- Sharp tools to cut the body (glass, knives, scourges...)
- Beating with metallic tools and scourges
- Rubbing injuries with salt to cause maximum possible pain
- Tearing apart the legs that might lead to serious injuries or death.
- Forcing the detainees to drink large amounts of water and then prohibiting them from using the washroom until they sign documents without reading them
- Prohibiting the detainees from food, water or sleep for several days until they sign documents and statements they don't agree upon

- Forcing the detainees to intake unknown medicines, and to eat insects, rats, non-shelled eggs...

### **1.7.2 Moral means**

- Arrests at late hours at night
- Humiliation in front of spouses and children
- Continuous threats during detention
- Harms related to families and business properties
- Solitary confinement in cells of 1 m<sup>3</sup>, where it's impossible to stand up or where there is not enough light, ventilation, sanitary installation...
- Confinement of more than 34 detainees in the same room that doesn't exceed 10m<sup>2</sup>
- Detention without allowing any contact with lawyers and/or families

### **1.7.3 Case of Shamati, Bu Shibl, Assaf and Geagea**

Fadi Al Shamati, businessman, Saud Bu Shibl, business man, Milad Assaf, construction contractor and Dany Geagea were arrested between 7 and 11 September and secretly detained in the ministry of Defense known for being a center of torture for detainees. They were accused of distributing political flyers and organizing non-authorized political meetings. For a long period of time, they were prohibited from having any contact with their families or their lawyers. They were undergoing the risk of being tortured. Many humanitarian organizations have undergone urgent actions to prevent them from being tortured, to use legal proceedings in their case, and to release them<sup>63</sup>.

« Les quatre hommes nommés ci-dessus, qui sont tous membres du parti interdit Al Quwat al Lubnaniya (Forces libanaises, FL), ont été arrêtés par les services de renseignements militaires libanais dans la capitale, Beyrouth, entre le 7 et le 11 septembre. D'après les informations recueillies, ils sont actuellement détenus au secret au centre de détention du ministère de la Défense qui se trouve à Yarzé, dans la capitale. Or, il est courant qu'on y torture des détenus politiques pour leur extorquer des "aveux".

Fadi Al Shamati a été arrêté à plusieurs reprises au cours des cinq dernières années en raison de ses activités politiques en faveur des FL. Il semble que ces hommes aient été appréhendés en raison de leur implication présumée dans la diffusion de publications politiques et dans la tenue de réunions politiques non autorisées. Ils n'ont été inculpés jusqu'ici d'aucune infraction, et il ne leur a pas été permis de recevoir la visite de leurs avocats ni de leurs proches. Ils risquent tout particulièrement d'être soumis à la torture ou à d'autres formes de mauvais traitements tandis qu'ils sont détenus au secret »<sup>64</sup>.

#### **1.7.4 Keyrouz and Smaha testimony**

Elie Keyrouz, a lawyer, chief of the indoctrination department of the LF, and Salman Smaha, chief of the students branch in the LF were illegally arrested during the crackdown of August 2001, for accusations of threatening “internal security” by hiding information about possible contacts of Mr. Hindi with Israeli agents. In spite of the “dangerous accusation”, they were released in December 2001, and in a press conference organized by a Lebanese human rights organization, they gave their testimony about the torture they were subjected to by the army's intelligence branch during their four-month detention:

"They tried to tear me apart. They tied my ankles in rope and pulled hard in opposite directions," Keyrouz said. "They beat me and slapped me and kept me blindfolded and chained for many days and nights."

"I felt time came to a horrific standstill when I heard Elie screaming of agony," Smaha said. "I knew it was Elie because the voice came from the cell next to mine in the defense ministry."

Smaha said he was kept blindfolded and chained at a dungeon so humid that "we thought it is 500 percent high and I also was taken to confinement in a what looked like animal bars." <sup>65</sup>.

#### **1.7.5 The Case of Adel Khalaf Ajouri**

Adel Ajouri, born in Ashrafieh 1947, married and has 3 children. He was kidnapped on the 5<sup>th</sup> of May 1990 at a Syrian checkpoint on the road to Beirut International Airport. His family could not know his whereabouts at first, and later discovered that he was detained in Saydnaya prison in Syria. The case of Adel Ajouri is a striking example to what is stated in Article 1(2). The ill treatment resulted in the death of Adel in September 1999. It is worthy to note here that Adel was in a good shape the last time his family visited him in prison. His fate was mysteriously concealed and there is a strong belief that he died under very severe conditions, most probably from torture, which is a common practice inside the Syrian prisons. It is always suitable to emphasize the following remarks in Adel Ajouri's case:

- The body of the victim Adel Ajouri remained 25 days in Saydnaya hospital before his family was notified of his death.
- The official declared cause of death was "a severe heart attack". The death certificate was signed by 2 prison wardens. The papers have no official registration number.
- The body of Adel was transferred in a Syrian ambulance rented by the family to Al-Hayek hospital in Beirut. The hospital refused to perform a postmortem examination on the body nor did it contact the Internal Security Forces as is the procedure in such cases in order to investigate into the causes of death and to identify the persons responsible for it.
- The family identified a bulge on the head, an indication that Adel was being subjected to heavy beating before he died.

- The bag that was supposed to carry his belongings was full of female clothing including a skirt made of wool.
- It is worthy to note here that Adel's sister (Mrs. Amal Freijy) was also abducted by the Lebanese security service on 22 February 1999 and was handed over to the Syrians who in turn transferred her to Damascus for further interrogation. She spent 15 days in custody after which she was released. During this period, the Syrians allowed her to meet her brother Adel who seemed in a good shape at the time. He comforted her and told her not to worry. Mrs. Freijy later stated that the Syrians explained to her that the whole incident was a mistake due to a technical error in writing down the names!

Although this case was widely reported, the Lebanese government was unresponsive. It's attitude of disinterest and inaction remains the same while the fate of scores of other Lebanese remains in jeopardy <sup>66</sup>.

### 1.7.6 Testimony

One of the ex-detainees in the ministry of Defense gave this testimony:

"He called unto Attieh and ordered him to do a good job. Attieh knows very well that in order to please his master he will induce the most suffering imaginable. He asks me to undress completely and wash and then orders me to bend forward in order to introduce a bottle in my back passage. I started begging him and implored him not to; another one arrived and started whipping me; a third one started punching me. They brought the bottle and put it underneath me and ordered me to sit on it. I started shouting; here an interrogator came I begged him to give me time to speak. He took me and said "Son, we do not want anything from you personally, you are very small fish. We want the head of your leader; we want to crush him. Nobody is allowed to stand in our way. You will tell us how you bombed the Church?" I answered: "But Sir, I know absolutely nothing on the whole question of the Church. I never took part or knew of anything that related to it or other illegal activities." He said: "I am trying to help you. Why suffer all this torture because they are determined and they know that you took part in the bombing. Tell us or else it will be very difficult on you." I reiterated my innocence and the certainty that we had nothing to do with this. I detailed the meetings of Dr. Geagea in support of our innocence. He replied: "In this case I wash my hands from you and let "the butcher " take over".

The butcher is an interrogator. Others were nicknamed Hitler, Romel, etc... The butcher ordered to hang me onto the "Ballanco" once more. The Calvary started again. He left me hanging for about half an hour during which I was crying and shouting in pain. He came back and said: "You have bombed the church isn't it?" I told him "As you wish Sir, anything you say Sir." And thus in a moment of weakness and pain I crumbled and accepted to say what they want me to say in order to avoid any further suffering. I felt that whatever I am obliged to do now I would refute later on in Court. From there on I agreed to everything: that I killed president Moawwad, (they were insisting at first to accuse me and the Lebanese Forces then they dropped this accusation?); that we killed

Mr. Karami (the prime Minister); They tortured me very much to confess that I killed Monsignor Khoreish only to realize later after my release that I was in Germany at the time of the killing. They accused me of killing Mr. Dany Chamoun. During all this time, I was hearing the same methods of interrogation and the same questions being asked to other friends of mine who were responding that they knew absolutely nothing about it.”<sup>67</sup>

### **1.8 Lebanese detainees in Syria and Israel**

It's important to note that more than 200 Lebanese detainees are still in Syrian prisons, among them 58 since 1990, including two priests and 36 soldiers from the Lebanese Army. They have been detained by the Syrian army in Lebanon, or by Syrian allied militias in different regions of Lebanon during the war or direct conflicts with the Lebanese army, mainly in 1990 under the command of the former prime minister general Michel Aoun. A committee has been formed by the Lebanese government to follow the whereabouts of those detainees since 1990. About 20,000 applications have been filled up by parents and families of people who have disappeared. The Lebanese government kept on denying the existence of Lebanese detainees in Syrian prisons until the Syrian government proceeded to the release of some detainees at different periods in March 1998 and November 2000<sup>68</sup>.

Nonetheless, more than 200 people are still detained in Syrian prisons and both the Lebanese and the Syrian governments deny their presence, although many testimonies particularly from parents and families who visited them in prison confirm their presence. In some cases the Lebanese government tried to force the detainees parents to sign papers admitting the death of their sons or relatives. That decision was categorically refused by the parents and families despite the threats they were exposed to. A recent press conference held by an ex-detainee Nizar Nayouf, a Syrian journalist activist for human rights in Syria, revealed in Paris the existence of hundreds of Lebanese detainees in Syrian prisons, as well as thousands in common graves as they died from hard torture they were enduring.

In august 2000, the Daily Star (Beirut) published statements by Batroun MP Boutros Harb calling for Syria to release Lebanese citizens illegally held in Syrian prisons. "We demand that the files of Lebanese detainees in Syrian jails be opened in order to permanently settle this issue, the reasons behind their arrests and their trials, before a court of law," said Harb, one of the only Lebanese members of parliament to address this issue. "Those who were apprehended for criminal offenses should be tried according to Lebanese judicial norms and referred to Lebanese courts for trial, and those who were arrested for political reasons that do not fall under the penal code should be released"<sup>69</sup>.

Similarly, hundreds of people have been tortured in Khiam prison run by Israeli security services. After the withdrawal of Israel from Lebanon in 2000, all prisoners have been released however; about 12 Lebanese are still detained in Israeli jails and are

submitted to different ways of physical and psychological torture. These have been captured during and after the Israeli invasion of Lebanon in 1980 and its occupation of the southern part of the country, during armed conflicts, as well as in special commandos raids the Israeli army had undertaken. The Lebanese government keeps on calling for their release continuously but with no feedback from the Israeli government.

## **2 DEMOCRATIC SYSTEM OR MILITARY STATE**

The Government is turning Lebanon further away from democracy and into a police state. A survey published by the World Audit Organization in August 2001, using academic indicators, ranked Lebanon 91 among 185 countries (6 in a range from 1 to 7)<sup>70</sup>.

### **2.1 Freedom of expression**

Freedom of expression is restricted specifically for parties, movements or organizations calling for the application of UN resolution 520 stipulating the withdrawal of all foreign troops from Lebanon, for the withdrawal of Syrian forces from Lebanon or for criticizing the government politics. This issue constitutes one of the major problems between the Lebanese government and the Lebanese population, particularly the youth and the opposition. In August 2001, more than 300 pacifists including doctors, lawyers, journalists, engineers, university students have been violently beaten and arrested for protesting against arbitrary arrests undertaken against hundreds of opposition figures the week earlier, and for calling for the application of UN resolution 520 and the withdrawal of Syrian forces. In November 2001, on the celebration of Independence Day, security forces stormed the engineering campus of a prestigious institution, Saint-Joseph University, because students raised Lebanese flags with black bands, and held signs mourning the independence of Lebanon and calling for the withdrawal of Syrian forces from Lebanon<sup>71</sup>.

#### **2.1.1 USJ incident**

In the night of November 22nd and 23rd, 2001, Lebanese police forces stormed onto a USJ campus, one of the oldest and most important universities in Lebanon, without any legal warrant to quell students who were having a peaceful sit-in inside the campus.

This thrust comes as a response to a sit-in university students were having inside the campus, brandishing Lebanese flags in black frames to mourn the nation's independence on its 58th anniversary, and posters calling for the withdrawal of Syrian troops from Lebanon. Soldiers blocked students from taking out to the streets to dramatize their protest. The students offered no resistance as club-wielding troops trotted in battle gear to smother the protest. The students included campus representatives of at least six Lebanese political parties.

This thrust of security forces into the campus were condemned by many Ministers and Deputies who pressured the government to reign in security forces abusing their powers and warned that the country is turning into a police state. At the same time, about 20,000 students from all other universities as well as many political parties showed their solidarity the next day, during a day-long day strike, to deplore the security forces foray into the campus.

Although the Interior minister described the event as an error and started investigations, however it's worth noting this is not the first time such threats to freedom of expression occur against students, especially that it comes 3 months after the bloody arrests of 300 pacifists in front of the Justice Palace, which included journalists, doctors, engineers, lawyers and students, beaten and arrested for asking peacefully for the withdrawal of Syrian soldiers from Lebanon, an issue that the actual government refuses to discuss or solve<sup>72</sup>.

## **2.2 Freedom of press**

The press is also muzzled. Contrary to common belief that Lebanon has a free press, Lebanon ranked 100 out of 185 countries in terms of press freedom in a year 2000 survey conducted by an international independent organization<sup>73</sup>. Many journalists have been pursued in courts, beaten or threatened in their lives for articles written in papers or during their jobs<sup>74, 75, 76, 77</sup>.

Television shows have been prohibited several times, when holding interviews with popular opposition leaders (e.g., MTV station in 1997 and which conducted to trial of many young people protesting against that restriction). In some cases, television stations were threatened with closure and filtration of the information is imposed. Even expressing opposed political opinions outside Lebanon might result in arrests of family members in Lebanon legal proceedings, as was the case with FPM supporters in the states<sup>78</sup>.

### **2.2.1 Case of Habib Younes**

Habib Younes, a chief editor in an international Arabic newspaper « Al-Hayat » in Beirut, was interrogated by the Lebanese Army. He was arrested by secret services from his house in Byblos a Saturday night for being allegedly accused of planning to meet Israeli agents in Cyprus the next day. Although the newspaper, whose main office is located in London, denied that accusation because the journalist had a shift of 12 hours that day in his office in Beirut, however, Younes was detained and endured interrogation by secret services in the Ministry of Defense where it's known to use torture to extract statements from detainees<sup>79, 80</sup>.

Until now, Younis is still detained in bad conditions and is undergoing the risk of death penalty with another journalist Antoine Bassil accused equally of meeting Israeli agents and threatening the internal security of the country and harming the relation with Syria<sup>81</sup>.

In a press release in 13/12/2001, Solida expressed its real concerns about the death penalty that these four detainees are risking and which contradicts article 5 of the Universal Declaration of Human rights.<sup>82</sup>

## **2.3 Freedom of assembly**

Freedom of assembly, association, movement is strongly restricted for any movement opposed to the government. University students manifestations, schools gatherings, campus activities, social dinners, conferences, masses, all of them figured on the lists of prohibited activities and have been followed by arrests or trials<sup>83, 84, 85, 86</sup>. These restrictions constitute a contravention to the Lebanese constitution, which guarantees the freedom of association gatherings, opinion, and expression.

### **2.3.1 Camping activity 4/8/2001**

Shortly after midnight around 1:00 AM, in the night of 4th-5th August 2001, about 200 soldiers and secret services surrounded a village called “Bejji” in the north of Lebanon, and stormed into a private land belonging to the church “Lady of the farm”, where many university students, belonging to the opposition movement FPM, were organizing a camping activity with the full authorization of the priest and the council of the religious properties of the village. The soldiers asked the university students to leave the campus, but the latter refused insisting on their legal rights to have a camping activity. In the morning of the next day, and after the refusal of the students to leave, the soldiers set up barriers, denied food and drinking access to the camp, and ended by arresting the mayor of the village as well as three guys of the FPM after beating and insulting them. These acts resulted in a large denouncement from the villagers who started ringing the churches’ bells in the village and asked for a mass with the university students; all this in the middle of an intense security presence<sup>87</sup>.

## **2.4 Security services interference**

The secret services have increased their power substantially, and have abused this power multiple times. Most arrests are undertaken by security services, interrogations in secret services centers, beating, and torture by secret services agents. Their interference is increasing at all levels going from arrests in the street and threatening of civil people, to control and harassment of activities of political and social groups, to observation of political leaders, to interference in election.

One example is the phone lines taping of prominent political leaders, including the prime minister<sup>88</sup>. Several deputies and the Prime Minister Hariri deplored these acts many times in parliament, but later admitted their inability to have control over those who are committing these illegal actions.

Another example is the arrests in August 2001, where interference of security services was obvious at both the ground level, where men in civil black clothes were beating the demonstrators before the police and army who couldn’t intervene to protect civilians, and at the political level where decisions have been taken without the approval and knowledge of the Minister’s council. The Prime Minister was outside the country and he, as well as many other ministers, were not informed of that decision of such a major

importance, despite the “importance of the accusations” as a “crime threatening the national security of the country”. The reaction of the Prime Minister Hariri, as well as the ministers of the Druze opposition were more than revealing: the first one flew away in a vacation to Greece as a protestation while declaring his disagreement with what happened but admitting at the same time his inability to change things in a critical situation, while the second displayed a general alarm to protect the freedom of speech and democracy and asked the ministers belonging to his political block to stop attending the Minister’s meetings.

## **2.5 Election**

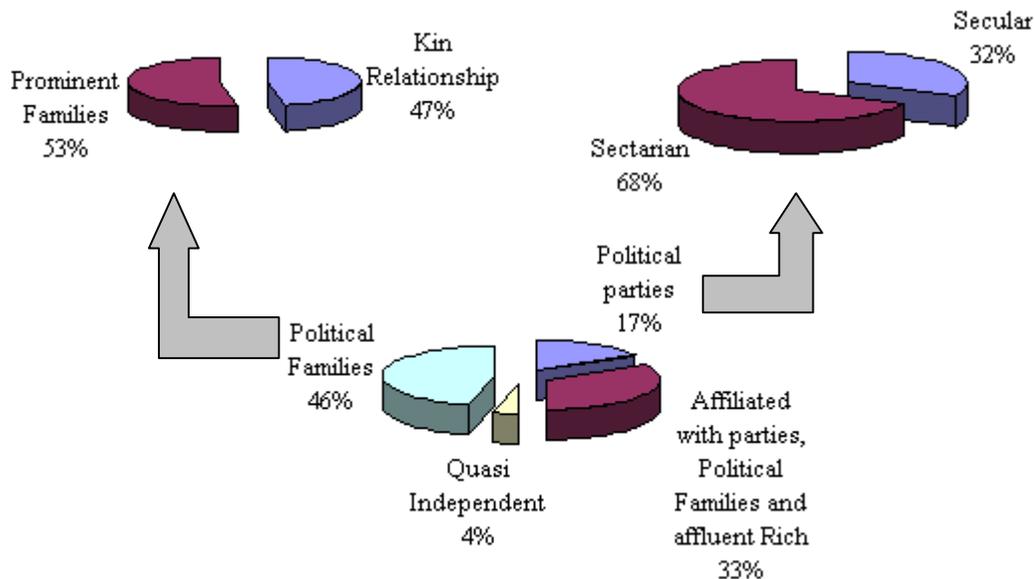
In terms of elections, the voting map is re-drawn for every election by lawmakers to ensure their success by weakening areas with opposition popularity or creating confessional disequilibria in districts getting deputies not representing the majority of its constituents, or helping some deputies to win while lacking basic standards of representation in a democratic system.

For instance, although all concerned parties criticized the election law of year 2000 (the president, the parliament speaker, the prime minister and about 95% of the MPs, as well as 52% of the general population), and while all of them recognized its unconstitutionality, still this law found its way to implementation and was endorsed by MPs, except for five who voted against it and two who abstained <sup>89</sup>. In addition, this law was endorsed as a draft law # 2299 on January 27th, 2000, based on the new parliamentary election law # 171 dated January 6<sup>th</sup>, 2000, but it took 4 month to reach Parliament Administration and Justice Committee (May 2<sup>nd</sup>, 2000) and was never examined <sup>90</sup>.

Spending during parliamentary elections in 2000 were about US\$160 million and US\$ 240 million excluding payments by candidates for being included in strong lists <sup>91</sup>. Pressure on candidates to accept people not sharing the same political or national ideas on their lists, preventing other candidates from running as independent, pressure from Syrian security services calling upon mayors and heads of municipalities to make them convince the voters to vote for specific lists either by intimidation or by promises have also been reported <sup>92</sup>.

Money and media have been major playing in buying people’s voices, obstructing mass media cover for some candidates while enacting it for others <sup>93, 94</sup>. Lebanon’s leadership rest amongst a handful of families and work like a feudal system. Members of parliament pass on their seat to their sons from generation to generation (fig.1) <sup>95</sup>.

Lebanese Parliament.  
Composition according to Family, Political and party Affiliations- %



Political Parties include Armenians and small inactive parties. “Independent” and “Sem-independent” is difficult to determine, it is therefore estimated.

Figure 1 <sup>96</sup>

The election process doesn't really represent the Lebanese population view. Change in the election law shortly before the election, redistribution of electoral districts; vote rigging, unexisting names on electoral lists (dead people), Syrians transported in buses across the border from Syria to participate in the election have been reported. In 1992, 87% of the Lebanese population has boycotted the election to express their opposition to elections under Syrian occupation. Nonetheless, the results were falsified and deputies were elected or appointed while lacking the representative credibility by the population and the area represented.

“Although it is difficult to present tangible evidence of election day violations, rumors and contradictory accounts of a single incident suggest broader violations or tampering. The differences between constituencies became clear when the votes were tabulated. In some constituencies, results were announced within 24 hours of voting; in others the tally lasted five or six days and took place amid the confusion of rumors and accusations traded among candidates. Questions and doubts abounded about occurrences in the Bekaa's three constituencies (especially Ba'albak- Hermel), in the North and, to a lesser extent, the South and Beirut.

Ironically, the Speaker of Parliament himself was the harshest critic, resigning from his post as a protest against the electoral process in Ba'albak-Hermel. He accused his

Hizballah competitors of falsifying the elections, while they and his other opponents retorted that fraud had indeed occurred, but to Al-Husseini's advantage. After tabulation had ended in the Bekaa's two other constituencies (Zahleh and Western Bekaa') where competition was strong, serious questioning ensued about the government's handling of the Ba'albak-Hermel elections, in which the two main competitors had close relations with Damascus. Whether or not Damascus had the ulterior motives attributed to it in Ba'albak-Hermel, the election in this constituency was not free of manipulation.

An official report on the its tabulation process described in detail the infringements that occurred on election day: breaking and stealing ballot boxes, the disappearance and concealment of voter registration lists, vote tabulations unsigned by the government officials, and tampering<sup>97</sup>.

## **2.6 Political interference in the judicial system**

While a supreme Council for the trials of Presidents and Ministers is established in 1926 under Article 80 of the constitution, however this Council has never seen the light even after the endorsement of law 13 on August 18<sup>th</sup>, 1990 that sets the conditions for trial before this Council.

About 2/3 of the Lebanese population agree that the judiciary in Lebanon is not independent in its decisions, and about 50% think that corruption is spread in this system as well as in other institutions. These numbers do not include those who denied giving an answer<sup>98, 99</sup>.

This non-independence as well as the political interference is reflected by the way judges are chosen. The General Prosecutor known to have in charge the files of most of the recent arrests allegedly in relation with people threatening the national security and Syrian security, the High Judicial Committee, the Judicial Inspection Committee, and the Public Prosecutor are all appointed by the council of ministers.

Moreover, the increasing power of military groups and Syrian interference are of great danger to the judicial system. Lately, and following the violent crackdown of august, the Cessation court under the presidency of The Judge Ralf Riachy, a member of the International court of Lahaye, pronounced a verdict declaring the incompetence of military courts in the trial of hundreds of civilians. Sooner later, the president presented his resignation.

Similarly, and after the crackdown of August, the political pressure has permitted the change of the CCP to give more power to the General Procurer, to increase the time allowed for the detention under interrogation, shortly after about one month of the amendment of a previous law which gives more guarantees to the detainee during interrogation including the presence of a lawyer and the time of detention<sup>100</sup>.

At many occasions, the Bar Association and many law experts proclaimed the independence of judges and condemned the political interference in the judiciary system. A former Bar association head, Mr. Chekib Cortabwi, urged all “judiciary and judges not to comply and cover a political decision...I know what I am talking about...” he said <sup>101</sup>.

Other important examples are the criminal prosecution of human rights defenders like Dr. Mohammed Moughraby who has been pursued in front of military courts for threatening the national security or defaming the judiciary.

### **2.6.1 Case of Muhammad El Mugarby**

Dr. Muhammad Mugarby is a prominent lawyer in Lebanon and defender of human rights. On 19 April 2000, Dr Mugarby gave a press conference in which he made severe criticisms of the judiciary and made serious allegations of professional misconduct against five named judges. On 26 April, he made a further statement in which he said: "The Supreme Judicial Council does not constitute the independent judicial body required by the constitution".

These remarks were quoted by the journal Al-Sharq. Dr Mugarby subsequently learned through media reports that he was to be charged with "defamation of the judiciary". On 12 May, Dr Mugarby was summoned before the investigating judge - a summons that he again heard about first through the newspapers rather than through a notification from the courts. He was charged with committing "libel, defamation and dishonoring of the judicial branch of government" under Articles 383, 386 and 388 of the Penal Code and Articles 21 and 22 of the Press Law. Article 386 lays down a sentence of up to one year in prison for statements, which defame "law courts, organized institutions, the army and public administration or a civil servant who exercises authority in his official capacity". The judge ordered a request to be made to the Bar Association (according to Article 79 of the Code on the Legal Profession) to authorize the charging of Dr Mugarby. Since then, Dr Mugarby was summoned to appear before the investigating judge for two other cases on the same counts on 2 June. The hearing was then postponed until 15 June. However the Bar Association's statement on 19 May that the matter did not fall under its jurisdiction leaves the route open for the criminal prosecution of Dr Mugarby. " <sup>102</sup>.

The United Nations Human Rights Committee, in its examination of the Lebanese Government's report on its implementation of the International Covenant on Civil and Political Rights, stated in April 1997 that:

"The Committee expresses concern about the independence and impartiality of the State party's judiciary, and notes that the delegation of Lebanon itself conceded that the procedures governing the appointment of judges and in particular members of the Conseil Supérieur de la Magistrature (Supreme Judicial Council) were far from satisfactory. The Committee is also concerned that the State party does not, in many

instances, provide citizens with effective remedies and appeal procedures for their grievances. The Committee therefore recommends that the State party review, as a matter of urgency, the procedures governing the appointment of members of the judiciary, with a view to ensuring their full independence"<sup>103</sup>.

## **2.7 Foreign troops remain in Lebanon against the UNSC resolution 520**

### **2.7.1 Syrian occupation**

#### **a- Background information**

Syrian troops entered Lebanon informally before 1975, but in 1977 as part of the Arab Peace Force to put an end to the conflict between the Lebanese and Palestinian factions, whose conflict threatened Lebanon's security and unity<sup>104</sup>. However, the Syrians played a much larger role with the intention of dominating the Lebanese political, military and economic scene. By 1990, Syria finally rested full control of the country. To achieve this control, Syria committed large amounts of atrocities, including: massacres of civilians, town sieges, brutal bombardment of infrastructure and civilian targets, torture and abduction of thousands of Lebanese, potential implication in assassinations of Lebanese leaders who opposed their presence in Lebanon, including Kamal Jumblatt, President Bashir Gemayel, Mufti Hassan Khaled and President Rene Mouawwad.

In 1990, Syria completed its invasion of Lebanon by crushing the opposing factions and installing a puppet regime that supports its policies and interests. Recently, Lebanese intellectuals, young professionals and university students, are leading a movement to request the withdrawal of Syrian forces<sup>105, 106</sup>.

On September 17, 1982, the United Nation's Security Council issued the resolution 520 calling for the withdrawal of all non-Lebanese troops from Lebanon and the redeployment of the Lebanese army all over the Lebanese territory. In 1989, the same will was expressed through the Taef agreement in Saudi Arabia as it stated the necessity to set up a schedule for a Syrian withdrawal two years later, which never happened.

Since 1990, hundreds of people have been threatened, beaten, abducted, arrested and sentenced for peacefully expressing their opposition to the Syrian occupation and for calling for the withdrawal of Syrian troops in accordance with the UN resolution 520.

#### **b- Syrian interference in political, economic, judicial and security levels**

Nowadays, and decades after the UN resolution 520 was voted, more than 35,000 Syrian soldiers are permanently present in Lebanon. They maintain an abnormal presence in Lebanon: military and security troops at key areas including the Lebanese Ministry of Defense, around the Presidential Palace and Beirut International airport.

They still have three main centers of secret services where interrogations, abductions, and torture are frequently exerted in Anjar, Tripoli and Saint-Georges.

They indirectly interfere in the election by approving/disapproving of candidates. In an independent study written by an Associate Professor of Political Studies at the American University of Beirut in 1994 about the election process that took place in 1992. He described a boycott percentage of about 87% and identified irregularities as follows:

“In the North, the two principal electoral poles were Omar Karami and Suleiman Franjeh. In other circumstances, it would have been usual for each of the two to lead his own electoral list and compete against the other for parliamentary seats and for the *za'ama* of the North. But here they formed a single list. This 'negative' unity translated into disagreement over local and regional matters. Who would head the list? Who would choose the list's members, and how? Where would the list be announced and the commemorative picture taken? In Tripoli or Zgharta? These differences continued until only a few days before the election and led to a day- long strike in Tripoli in support of Karami's position; those involved maintained that Karami was not given the freedom to choose the members of the electoral list.<sup>39</sup> Differences ended when Damascus intervened.

Likewise, under different circumstances political figures and groups in the South would have been unlikely to run on the same electoral list. These politicians were either unable to get along (Hizballah and Bahiyya al-Hariri) or were opposed to each other (Hizballah and Amal; the Osseiran and el-Zein families; Nabih Berri and Ali al-Khalil). Only Syria could turn these groups and leaders into allies on election. Kamil al-As'ad, who headed the list competing with Nabih Berri, would not have participated in the elections had he not received Syria's encouragement to do so”<sup>107</sup>.

Moreover Syrian influence lead to bias bilateral trade (free flow of goods and labor into Lebanon, but not vice versa), and force the government to enact laws to protect its economic interest<sup>108, 109</sup>. Their interference is on multiple levels.

For instance, in November 2001, a secret agreement signed between the former Minister of Higher Education, Muhammad Youssef Beydoun, and his Syrian counterpart was revealed. This agreement allows Syrian students to enroll at government owned institutions of higher education and colleges without submitting to entrance exams or other qualifications demanded of Lebanese students, which gave rise to protest of Lebanese students<sup>110</sup>.

Another example showing the Syrian interference at both the economic level and the security level is what happened during a campaign organized by university students to protest the economic Syrian interference:

“Internal security forces arrested five university students selling bread along Beirut's Ain-el-Mreisseh Corniche and waving banners that read "Made in Lebanon: Lebanese vendor, Lebanese produce, Lebanese money." Eyewitnesses reported that at least one customer who bought from the students were detained as well. The students were among scores of other members of the Free National Current (FNC) who began a campaign over the weekend to protest the presence of nearly 1 million Syrian laborers in the country by performing menial labor tasks typically done by Syrian workers. The FNC has claimed that Syrian street vendors rob Lebanese merchants of their livelihood”<sup>111</sup>.

The United States Administration has recently stated publicly that they would like to see a stronger Lebanon and a Syrian withdrawal<sup>112</sup>.

## **2.8 The Turbulent border with Israel**

### **a- Background information :**

Israel first entered Lebanon in 1978 and established a buffer zone along its northern border to prevent Palestinian attacks on Israel. In 1982, Israel invaded approximately half of Lebanon, until the capital Beirut. In 1985, they withdrew to South Lebanon, and maintained an occupation to hold a buffer zone. Israel caused considerable civilian and infrastructure damages to Lebanon through direct warfare or through allied factions (e.g.: Khyam Torture, massacres of Sabra and Shatila, bombardment of a United Nation Lebanese refugees camp causing 104 civilians deaths), which lead the United Nations Security Council to release the resolution 425 calling for the withdrawal of Israeli forces from Lebanon. In May 2000, Israel withdrew unilaterally from Lebanon, and the southern border of Lebanon with Israel became a lot quieter since then.

### **b- Israeli interference**

Israel continues to violate Lebanese airspace on a regular basis and bombs areas in south Lebanon in tit for tat exchanges with Hizbullah. It also holds Lebanese prisoners of wars and refugees from the dismantled South Lebanon Army. Its unilateral withdrawal does not constitute a peaceful settlement with Lebanon, and the Lebanese government refuses to deploy its army in the liberated territories<sup>113</sup>. Lebanon's position is highly criticized by many Lebanese opposition figures, by international powers and the United Nations. Lebanon's unwillingness to cooperate can be a result of its inability to make decisions independently from Syria. The following quote from the Economist explains the situation well:

“Everyone knows, however, that the militia relies on Syria to let through supplies from fellow-Shias in Iran. In exchange, Hizbullah keeps the border hot to show that, so long as Israel remains in occupation of Syria's Golan Heights, it will have unfinished business there”<sup>114</sup>.

Such a situation, where the Lebanese government doesn't have full control over the situation on the ground, especially the military operations of Hizbullah, creates a real threat to the establishment and the stability of a democratic and secure state according to human rights and democratic international standards <sup>115</sup>. Control over all the Lebanese territory by the Lebanese army and disarmament of all organizations throughout Lebanon are of critical importance to meet these standards.

## **2.9 Corruption**

Corruption (Figure 2) is the behavior of private individuals or public officials who deviate from set responsibilities and use their position of power in order to serve private ends and secure private gains <sup>116</sup>.

Petty and Parochial corruption, wide spread in public administration are the direct result of Grand corruption, particularly by the political elite <sup>117</sup>.

One example is the case of Tele-Liban, the state-run television station that has been losing money for years. Everyone has agreed that the station's bloated bureaucracy is the number one culprit for its dismal finances. But rather than finding a way to objectively assess which jobs are superfluous, Lebanese politicians have been bickering over whose appointees will get the axe. The spectacle of Information Minister Ghazi Aridi and MP Omar Karami publicly arguing in January 2001, over who has the smallest "share" of employees at the station is, unfortunately, not an aberration <sup>118</sup>.

Another example, is the state-funded Lebanese University (LU) that had gone months before January 2001, without a president, because Parliament Speaker Nabih Berri head of Amal ( movement allied to Syria ), and other cabinet members couldn't agree on whom to appoint. In December 2000, Lebanese university faculty and students boycotted their own classes in protest. Even the acting president, Ata Jabbour, publicly declared that "the Cabinet's continuing delay in appointing a new president and council for the university is the result of a political struggle between government officials" <sup>119</sup>.

However, foreign interference is one of the main reasons causing political corruption in Lebanon. This relation might be direct or indirect through allies borrowing their power from the military and secret agencies presence of thousands of Syrians in Lebanon. For instance, the worst problem at Lebanese University (LU) is not that political clientalism influences administrative appointments, but that clientalism obstructs the university's functions even at the level of the student body. According to a first-year law student quoted in a recent news report on this topic, students cannot even register for courses at LU without permission from a member of Berri's Amal movement. "In order to get things done, you need an ally from the movement," said Wafaa, who asked that her last name not be published. "They have the final word on every issue." LU professor Antoine Messara concurred, saying that the Amal members "consider the university their own property" and that "appointments in the university, even at the highest levels, are controlled by them." <sup>120</sup>.

By recently presenting Lebanon in the 10<sup>th</sup> Anti-Corruption conference in Prague, Mr. Boutros Harb, a member of the parliament, stated that Syria was encouraging and protecting large-scale corruption in Lebanon. He also stated that corruption became an important element in making decisions, mostly political and administrative, and that security officials were programmed to encourage bribes and corruption and to follow the instructions of those who helped them to get their jobs. It became similar to organized crime <sup>121</sup>.

Drugs Mafia, who was able to defy the parliament for 20 years and the weak legislative power are also among the main reasons for corruption according to the statements of two parliament speakers <sup>122</sup>.

Foreign interference as well as drugs were among the many reasons for corruption stated by many experts who met in February 2001 in Lebanon to fight corruption. They summarized the reasons of corruption as follows <sup>123</sup>:

- Effects of war
- Non adoption of clear administrative reform programs
- Foreign and regional interference
- Non Independence of the judiciary and the shortage of courts and judges
- Absence of an efficient media
- Leniency in law enforcement
- Corruption of political class
- Non-application or lack of citizen protection laws
- Inefficiency of inspection and control mechanisms
- Influence of religious clerics and other special interest groups
- Tribalism and confessionalism
- Reluctance of citizens to report corruption incidents
- Low salaries of public employees
- Weak civic education

## Is There Corruption in Lebanon?



(Benchmark Poll on Corruption in Lebanon 2000)

Figure 2 <sup>124</sup>

In terms of economy, the post war reconstruction efforts resulted in the high scale projects with \$16 billion in spending by the government, which is equivalent to approximately 100% of GDP. The actual cost of the infrastructure built is estimated at \$5 billion, and the remaining cost relates to interest payments, currency support and large-scale corruption. In fact, the finance minister, Fouad Siniora, which lead the post-war reconstruction plans, was charged with embezzlement.

A UN-commissioned corruption assessment report on Lebanon released last month indicates why this is so. Its findings illustrate starkly the scale of corruption in the Lebanese political system and its devastating impact on the Lebanese economy. The report, which was researched by a private company, Information International, and commissioned by the United Nations Center for International Crime Prevention, estimated that the Lebanese state squanders over \$1.5 billion per year as a result of pervasive corruption at all levels of government <sup>125</sup>.

Corruption is so entrenched in Lebanon that over 80% of Lebanese companies are reported to pay bribes, and 84% of the business and professional community believe the political feudalism to be the cause of corruption <sup>126</sup>.

Some political leaders abuse the system by tinkering with laws. A minister passed a law for 24 hours allowing for the construction of tall buildings in a restricted area to build the tallest buildings in the neighborhood. Only 2.4% of the \$6 billion worth of projects contracted by various government bodies were formally awarded by the Administration of Tenders. The rest of these contracts were not awarded to the most qualified applicant, but to the company willing to pay the highest bribe to the minister

in charge of the project. Hence, it is not surprising that the UN report finds that over 43% of companies in Lebanon "always or very frequently" pay bribes and another 40 percent "sometimes" do<sup>127</sup>. Almost all appointments made between 1992 and 1998, were not submitted to CSC's supervision and were not based on objective standards and true competition.<sup>128</sup>

Higher disciplinary councils are also ineffective since they are often limited by the approval of the employee's superior to investigate an allegation against him<sup>129</sup>.

### **3 MINORITIES: SOCIAL AND CULTURAL DANGER**

#### **3.1 Displacement**

During the war, the number of displaced inside the country reached about 45,000 or 10,000 houses. This number is estimated to be distributed as follows: 2/3 Christians and 1/3 Muslims (Opus Libani). Consequently, a major problem raised leading to tremendous demographic change particularly to Christians who ended up in being concentrated for years in a relatively small areas east of Beirut and in the mountain. After being a majority (70%) before the war, the Christians are estimated to be less than half (30-40%) of the population. Until today, many family tragedies in the Lebanese society is still unsolved after more than 10 years of the end of bombardments and the dissolution of most military parties except the Islamic fundamentalist parties. Corruption, political interference, foreign interference and illegal entry of large numbers of non-Lebanese citizens, all of them played a key role in prohibiting a solution for this chronic problem and contributed in the breaking up of families, in rising the rates of crimes, drug traffic, alcohols...

In 1993, the Ministry of Displaced estimated the cost of return of displaced to their villages and homes and the cost of rehabilitating the infrastructure of those villages at approximately US\$ 600 million <sup>130</sup>. Up until the year 2000, US\$ 1.6 billion has been spent and it's estimated that another US\$ 650 million is required <sup>131</sup>.

Statistics have shown that most of the money was paid to non-displaced people who are mostly non-Christians but rather of other communities who were illegally occupying the properties of the former ones. For example, in Naameh (village originally Christian about 20 Km south of the capital, there's no illegal occupancy of houses. Still US\$ 650,000 has been paid to 144 people as compensation for emptying units. In Bhamdoun el Mhatta: for 64 illegally occupied houses, US\$ 2.5 million was paid to 712 persons. In Aley: for 1,111 occupied houses, US\$ 10million was paid to 2000 persons <sup>132</sup>.

#### **3.2 Emigration**

The oppression in terms of human rights and freedom of opinion and expression, the lack of trust in the judicial and political systems <sup>133</sup>, as well as the increasing feeling of despair due to the economic crisis and the high rate of unemployment resulted in a very high rate of immigration since 1990, after the end of bombardments <sup>134, 135</sup>.

While all Lebanese are enduring the consequences of such policies, the Christian community has become a minority and is therefore more threatened. During the last ten years, more than one million Lebanese have left the country, mostly young educated people (of which the religious breakdown is approximately 66% Christian and 34% Muslim <sup>136</sup>). This number is a real threat to the intellectual potential of the Lebanese society, as well as to the cultural and social heritage of the country. About 14 millions of Lebanese or people of Lebanese descent are spread all over the world, and

many of them are still claiming their rights to participate in the elections as Lebanese citizens. However, the Lebanese government refuses to grant such rights, even to the segment that left during the war. Such policies endanger the social and economic recovery of the country.

The open uncontrolled border between Syria and Lebanon allowed about one million Syrian workers to enter Lebanon with no tax or fees, thereby creating hard competition for job vacancies in the Lebanese market and increasing the number of unemployed Lebanese people <sup>137</sup>.

This situation had serious effects mainly on agricultural and industrial sectors that lead to demonstrations by farmers and strikes by the General Union of workers in Lebanon.

### **3.3 Naturalization law**

In 1994, a new law of naturalization offered the Lebanese citizenship to about 300,000 people, most of them have never been residents in Lebanon. This creates a serious demographic change in the composition of the Lebanese society. This process is rejected by most Lebanese communities, specifically the Christian and Druze, because it threatens the country's identity and culture heritage.

### **3.4 Taef agreement**

In 1990, an agreement under the pressure of the International and Arab communities was signed in Saudi Arabia. Among the statements in that agreement, the constitution has been changed to consider Lebanon an Arabic country when it was previously considered a country with an Arabic facade. This change is considered by a large part of the Lebanese population, mainly the Christians, as a threat to the national identity and heritage. Such a change that was done outside the country by deputies that were elected 20 years before and with no referendum is a contravention to all international standards of democracy and human rights especially to the rights of minorities, including ethnic and religious groups, within "confessional democracy".

A recent poll carried in the United States puts up the Middle Eastern population in America at approximately 3.5 million. Lebanese Christians are the largest group of this community, however they do not consider themselves Arabs. Note that the Maronite community, the main Christian community in Lebanon, adopted Arabic as an official language only around the first quarter of the 19<sup>th</sup> century <sup>138</sup>.

### **3.5 Fundamentalist movements**

The increasing presence of fundamentalist movements in the Middle East constitutes a major concern for peace, stability and prosperity in Lebanon and the Middle East. The Lebanese government has disbanded most war time militias except for Hezbollah, Amal, Palestinian, Kurdish and other foreign organization. The Lebanese government

is giving its full support to these Islamic fundamentalist groups, most notably Hezbollah. Hezbollah exerts complete control over Southern Lebanon after the withdrawal of Israeli forces as a result of the refusal of the Lebanese government to send its army to that area.

Hezbollah is known to have a large military power, which might endanger the situation in Lebanon <sup>139</sup>, particularly the peace with Israel and the security of the Lebanese population, many human rights abuse have also been recorded such as: Killing of people in armed clashes with another Islamic armed party:

“In mid July 2000 and less than 3 month after the withdrawal of the Israeli army, “Radio Lebanon (Beirut) reported a clash between armed Hezbollah and Amal militants in the south Lebanese town of Markaba that left two dead and one wounded. Security forces intervened and arrested several people. Relations between the two militias have deteriorated since the Israeli withdrawal from south Lebanon. A series of similar clashes last month left at least seven people wounded” <sup>140</sup>

The leaders of Hezbollah threatened to take the law into their own hands if the legal sentences handed down to former Israeli allies were too lenient. These threats lead to the forced exile of about 6000 civilians and ex-SLA members to Israel including hundreds of children, women and elderly people as refugees in hard conditions. Many of them returned at different periods later on and they are arrested and tried by military courts and then sentenced to jail for periods that might vary from several days to several years.

In that area that rests under the exclusive control of Hezbollah, abduction and killing of people ex-allied with Israel, burning and bombing houses and private properties, attacks against people after purging their sentences in jails, pressure on private institutions to apply Islamic rules (girls wearing a veil in Christian schools), threats to international organizations such as the Unifil or American embassy in Lebanon “you may become our enemy” said a Hezbollah agent to the Unifil” <sup>141</sup> have been reported.

Demonstrations promoting war with suicide bombers and military personnel are common, as well as accused involvement in 1996 US military base bombing in Saudi Arabia and in Israeli Embassy bombing in Argentina.

“Lebanese security sources said today that 5 residents of south Lebanon fled across the border into Israel in the last week. An AFP reporter witnessed one of the men climb over the border fence as he was being chased by armed Hezbollah gunmen. Around 6,000 people fled to Israel during and immediately after the Israeli withdrawal from south Lebanon in May (202 of which have since returned), but these were the first cases of Lebanese fleeing to Israel since the pullout. Hezbollah guerrillas have set up observation posts along the border from Ras Naqoura to Shebaa to prevent others from escaping.” <sup>142</sup>.

“According to today's edition of *Al-Hayat*, Hezbollah Secretary-General Hassan Nasrallah issued the following warning in response to remarks by US President Clinton on moving the American embassy in Israel to Jerusalem: "You can move your embassy to Jerusalem and send your diplomats there. But honest people can turn your embassy to rubble and send your diplomats home in a coffin" <sup>143</sup>.

### **3.6 Calls for protection of democracy, freedom and pluralism**

These facts raise serious concerns about the policy the Lebanese government has been and still follows toward a major component of the Lebanese society, who became a minority after the war. Such a policy, in addition to the continuous political oppression of mainstream Christians are enduring, because of their continuous demands for the withdrawal of Syrian forces and the application of UN resolution 520, as well as to the increasing fundamentalist movement in the Middle East, is of great danger to the diversity and the pluralistic aspects of the Lebanese society. This unbalance leads the Pope in 2001, to call for the protection of the pluralistic aspect of the Lebanese society especially after the last crackdown of August 2001 <sup>144</sup>. The Council of Maronite Bishops representing one of the major components of the Christian community is continuously on alert to call for the protection of democracy and freedom <sup>145, 146</sup>.

Stronger awareness of the danger should take place especially that many recent articles report the danger of extinguishing Christians in Lebanon as well in the Middle East.

“Dr. Phares, a Senior Fellow with the DC-based Foundation for the Defense of Democracies, said: “ it was proven years ago, that al-Qaida as an international umbrella was and remains involved with violent Jihadist groups on three continents. It was proven connected to the massacres of Christians and Muslims in Algeria, Sudan, Nigeria, Lebanon, Pakistan, Indonesia and the Philippines” <sup>147</sup>.

“Lebanon and Egypt are revealing cases precisely because no one, a generation or two ago, would have imagined that their large historic Christian communities would be so beleaguered today. And yet they are. In Lebanon, where Christians were once a solid majority of the country, they number less than one million people today, and are shrinking rapidly”<sup>148</sup>.

## 4 ECONOMY

Poor economic policy is crippling the country. Lebanon's national debt has skyrocketed to over \$23 billion—a whopping 140% of the country's GDP. Corruption and internal political disputes are the most important reason behind this deterioration in the economical status <sup>149, 150</sup>

The Industrial and agricultural sectors are particularly suffering from foreign competition, mainly from Syrian products following « bilateral » agreements between the two countries. This caused significant instability in Lebanon, resulting in demonstrations of laborers, fishermen and farmers. At the same time the government is not proceeding to an effective policy for the protection of the Lebanese workers <sup>151</sup>.

Over a million foreign laborers are in Lebanon, with the majority being Syrians which enter the country freely in the absence of any taxation law (which is applicable to all other foreign laborers) and at the same time competing with the Lebanese workers at all levels. Reciprocal facilities are absent for Lebanese workers in Syria <sup>152</sup>.

In a statement released in July 2000, the head of Lebanon's General Labor Confederation (GLC) criticized the government for permitting "foreign laborers" to freely live and work in the country, which has an unemployment rate of over 20%. The dismal economic situation, he said, "is the outcome of the government's policy of flinging the door open to cheap foreign laborers, who are taking wages from the Lebanese work force." The number of Syrian workers in Lebanon is estimated to be nearly 1 million <sup>153</sup>.

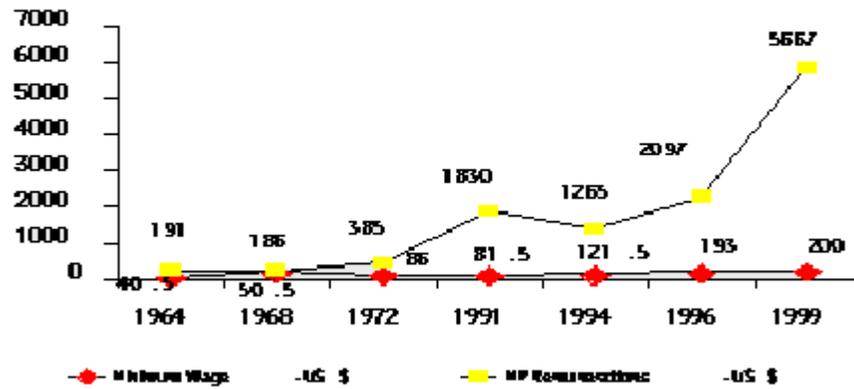
Lebanon, with the second highest Debt to GDP ratio in the world, has few alternatives to end the recession, with privatization being the most notable one. However, privatization has been delayed continuously because of conflicting interests between powerful politicians <sup>154</sup>.

The government also makes decisions that benefits them in the short term, but spoils the country's ability to attract foreign investment. These include the termination of telecom licenses to foreign companies <sup>155</sup>, and the withdrawal of Canada Post from the Liban Post deal <sup>156</sup>.

Additionally, the government has insisted on supporting the Lebanese pound, which is very costly, especially with an authoritarian regime, which is accelerating the outflow of funds <sup>157</sup>.

The country is trying to join the WTO and the Euro-Med trade agreements. The Lebanese economy would benefit from establishing a bilateral free-trade agreement with Canada.

## MP Remunerations vs Minimum Wage of \$200



**N.B.** The above mentioned figures do not include "Social Allowances" given to MPs from the Parliament fund and which amount to US\$1,800 per month.

Figure 3 <sup>158</sup>

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