



The continued state of human rights abuses, judicial interference and oppression of the free press

Synthesis of events in 2002

Prepared for Canadian government policy makers in February 2003

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This document was prepared for the:

Canadian government policy makers in February 2003

Printing History:

February 2003	First Edition
April 2003	Second Edition

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EXECUTIVE SUMMARY

Rassemblement Canadien Pour le Liban, also referred to as RCPL (<http://rcplonline.org>), is a Canadian registered non-profit organization. RCPL's Human Rights Division promotes the respect of human rights and democratic values in Lebanon. RCPL achieves its mission by creating awareness among Canadian policy makers about the situation in Lebanon in order to influence Canadian foreign policy.

While monitoring the situation in Lebanon during 2002, RCPL noted a continuing abuse of human rights; Lebanese authorities continued to intimidate the free press, muzzled the media and politically interfered in judicial processes. The authorities also conducted illegal detentions and unfair trials, and were unable to maintain adequate security for Lebanese citizens. In this report, we tried to summarize the main events that have marked year 2002 in terms of human rights abuses and democracy deterioration. We have divided them into the following categories:

1. Freedom of the Press
2. Freedom of opinion, expression and assembly
3. Arbitrary arrests without charges or trial
4. Treatment of refugees and asylum seekers
5. Political interferences in the judiciary system and the elections' process
6. Illegal trial procedures and torture practices
7. Citizens' security
8. Lebanese detainees in Syria and Israel
9. Children's rights
10. Women's rights
11. Homosexual's rights

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1. FREEDOM OF THE PRESS

Summary

Freedom of the press was the main target of the Lebanese political system in 2002. Two media outlets were shutdown. Both are not owned by politicians, as is the case with most Lebanese media. These TV stations were known to have more objective coverage, e.g. they reported on sensitive issues such as: corruption, Syrian occupation of Lebanon and Middle Eastern authoritarian regimes. RCPL also noted numerous assaults and imprisonment of journalists.

Recommendations

- RCPL recommends that the Canadian government urges the Lebanese government to allow TV stations to re-open and operate within Lebanese law
- The Canadian government is asked to express its concern about the Lebanese government's attempt to muzzle the free press in Lebanon
- The Canadian government is also asked to propose a resolution to the United Nations' commission on human rights that condemns the violent treatment of journalists, and requests the immediate re-opening of closed television stations

Analysis

RCPL is very concerned about the current and continuing oppression of the free press. With the exception of Israel, Lebanon was known to have the freest press in the Middle East. Unfortunately, this beacon of light is becoming a victim of oppression, and the current practices of the Lebanese authorities is leading to further inhibition of press freedom. In its annual international survey about the freedom of the press World Audit reported that "a government crackdown on independent broadcasters continued, while individual journalists were subject to harassment as well as lawsuits and the threat of imprisonment" and classified Lebanon as one of the countries having a non-free press, ranking as 119 among the 149 countries surveyed [1].

"The government continued to crack down on independent broadcasters. The regime has moved slowly to approve frequencies to replace nearly 200 radio and television outlets shut down in 1996. Approval of only five TV channels has included three owned by government figures. Only six radio stations have been licensed to carry news. Print media are independent of the government, though their coverage often reflects the views of local and foreign groups that finance them. "Insult" laws prohibit negative coverage of the head of state or foreign leaders. All foreign print media are subject to government approval. Individual journalists faced official harassment. A Lebanese-American journalist was

charged with “dealing with the enemy.” Her passport was cancelled and she faced imprisonment after participating in a Washington seminar that included an Israeli. Undercover security agents beat several journalists covering an anti-Syria protest. In separate cases, several journalists were sued for “defaming the army” and photographers were beaten for covering protests. In December, two journalists faced the death penalty for “contacts with the Israeli enemy” [2].

The following is a detailed description of some of the practices and cases of Lebanese authorities muzzling the free press.

1.1 Closure of Murr Television station (MTV) and Radio Mount Lebanon (RML) both privately owned

Murr Television (MTV) and Radio Mount Lebanon (RML) are affiliated media outlets that were forced to close on September 4th, 2002. The Lebanese authorities justified the shutdown by a court order based on the 1996 electoral law, article 68, which bans unauthorized political propaganda during parliamentary by-elections. These were parliamentary by-elections in the Metn region that occurred in June 2002, three months prior to the shutdown. The by-elections runners included Gabriel Murr, the main shareholder of MTV and Radio Mount Lebanon, and Myrna Murr, the sister of the Minister of Interior, Elias Murr. Gabriel Murr won these by-elections that led to the closure of both MTV and RML by the Lebanese authorities. This anti-freedom action was followed a few months later by the discharge of Gabriel Murr of his parliamentary seat in favor of another candidate as described below.



« Suffit », lance le ministre de l'Information, Ghazi Al Aridi, aux policiers, devant le siège de la MTV à Achrafieh [3] .

Shutting down media outlets is against the right to inform the public and the right to be informed, as stipulated in article 19 of the Universal Declaration of Human Rights [4], [5].

It also constitutes an abuse of the Lebanese law, specifically article 68, that stipulates the permanent shutdown as the maximum sanction to apply on media outlets. In

addition, no official warning whatsoever did precede the shutdown. It was sudden and violent as policemen stormed the buildings and immediately forced employees to leave. Several employees (including women) were beaten in the vicinity of their offices (among them Michel Achi and Vera Assi), injured and arrested by internal security forces. Others did not even have the time to turn off their microphones and were interrupted while broadcasting on the air. Expensive electronic materials were broken before the offices were sealed by red wax.

The decision to shutdown the media outlets appeared to be politically motivated and related to a long-standing family feud, especially that the Minister of Information, Ghazi Al Aridi, was not aware of the court order to proceed with the immediate shutdown of both stations. He even declared, minutes after the Internal security forces moved to action, that “a shadow government seems to be operating and making its own decisions” and he described the shutdown as "unacceptable, horrendous encroachment to muzzle Lebanon's free media" [6].

It is noteworthy that the shutdown decision of one of the most popular TV stations in Lebanon led to the unemployment of more than 350 families in a country suffering from a terrible economic crisis. Below is a brief description of that situation as stated by the employees themselves in a press conference organized by FDHDH:

Two MTV employees were water hosed, and Mr. Jihad Murr and the show presenter Dr. Ziad Noujeim were beaten. An MTV television show Director, Michel Achi, was beaten by 25 security agents because he refused to leave his office. During that press conference, Mr. Achi explained that the security officers did not have any official court document or court order allowing them to shutdown the station and red-tape the offices. “ It has been 11 years I am in this TV station and overnight I found myself in the street. I have rented my house and bought my car on credit... now I don't have any job”. Another MTV employee, Mrs. Aurore El-Rouss, was beaten by security officers three times. Mrs. Hyam Abou Chedid, a talk-show host , denounced the use of justice as a tool of vengeance and explained that many employees were unable to register their kids in school for the coming year [7].

The entire political landscape criticized the move, yet the shutdown remained in effect. The Maronite Patriarch, an influential spiritual leader of the largest Christian community, chastised the decision as too harsh and a real threat to the democratic system of Lebanon. The Beirut Bar Association called for a strike to protest the court order and described it as “opposed to the law” especially that it included not only the TV station offices but also lawyers offices located in the same building” [8].

The American and the French governments deplored the decision as a major step back for Lebanon [9]. However, the main power broker in Lebanon, Syria, remained silent since the MTV was known to criticize government corruption and Syrian occupation of Lebanon.

RCPL is disappointed by the results of these events. The freedom of the press is one of the main pillars of democracy. The shutdown is a significant hit to this pillar since an outspoken outlet, which was objectively informing the public about corruption within the Administration and the Lebanese political system, has been silenced. The remaining media outlets in the country feared a similar situation, and are slowly adopting over the years a pure pro-regime bland information distribution. All these acts constitute a clear violation of article 19 of the Universal Declaration of Human Rights that guarantees the freedom of opinion and expression.

1.2 Charges against another Television Station LBCI

In August 2002, charges were filed against another television station, the Lebanese Broadcasting Corporation International (LBCI), for airing reports that could allegedly stir sectarian strife. These accusations came after a news bulletin reported on the deadly shootout at the Teachers Mutual Fund and implied that the incident had sectarian overtones. On July 31, Ahmad Mansour, an employee of the fund, and ex-member of the Amal militia, killed eight of his fellow employees, seven of whom were Christian [10]. No verdict has been pronounced so far due to delays in judicial process. However, the station is under constant pressure from fear of punishment and potential shutdown.

1.3 Shutdown of NTV, another privately owned station

On January 3, 2003, the Lebanese authorities disconnected the satellite connection of New Television (NTV). The authorities claimed that the station planned on airing a show that criticizes Saudi Arabia. In their views, such criticism against the Kingdom would harm bilateral relations, thus affecting the Lebanese community in Saudi Arabia. The Lebanese media reported that the Republic Prosecutor "Adnan Addoum's latest offensive targeted New TV, which is owned by (the Sunni businessman) Tahseen Khayat. The publishing and media tycoon is a mortal foe of Prime Minister Rafik Hariri, who is close to the Saudi royal family and holds a Saudi citizenship in addition to his native Lebanese" [11].

In a recent release, Journalists Without Borders, described the situation as follows:

"The closure of the privately-owned Murr Television (MTV) last September drew broad national and international condemnation, but Hariri only added his voice to this on 6 January, two days after Lahoud ordered the reopening of another private station, New Television (NTV), that premier Hariri had ordered closed late last month because of his ties to Saudi Arabia. Mr. Hariri is now expected to press president Lahoud to allow MTV to reopen. The right of MTV and NTV viewers to be informed, along with the right of the two stations to exist and operate freely was "clearly unimportant" to the Lebanese authorities,

Reporters Without Borders said. "This absurd situation shows the contempt of the politicians for the independence of the courts, as well as their use of the media and press freedom in petty political maneuvering." [12]

1.4 Attacks on journalists

In 2002, journalists in Lebanon faced physical attacks, threats and imprisonment. As documented by "Reporters Without Borders", the following events are examples of the harassment and violence journalists endured in Lebanon during the past year [13],[14]:

Date	Journalist	Newspaper	Attack description	Event
8/4/02	Saada Allao	As Safir	Threat of 3 years of imprisonment, and fine of 20 million Lebanese pounds	Criticizing court slowness in civilian case
23/3/02	Wael Ladki	As Safir	Police hit him in the face	Beirut building collapsed, killing 4
23/3/02	Ali Lamaa	Al Shark	Roughed up	Beirut building collapsed, killing 4
23/3/02	Muhamed Assi	An Nahar	Not available	Beirut building collapsed, killing 4
23/3/02	Samir Baytamuni	LBC TV	Not available	Beirut building collapsed, killing 4
23/3/02	Said Baytamuni	LBC TV	Not available	Beirut building collapsed, killing 4
23/3/02	Khalil Hassan	Daily Star	Camera broken and film seized	Beirut building collapsed, killing 4

Journalist being roughed up on March 23 at the scene of a collapsed residential building in Beirut that killed 4 civilians.



2. FREEDOM OF OPINION, EXPRESSION AND ASSEMBLY

Summary

The Lebanese authorities arrested arbitrarily individuals throughout the 1990's for their political opinions. In 2001, this practice intensified as peaceful demonstrations organized by students or opposition groups increased. In 2002, the authorities continued their practices and a dangerous deterioration in the respect of the freedom of opinion, expression and assembly was registered. Although the focus was mostly on the media and culminated with the permanent shutdown of two independent media outlets, freedom of expression and opinion was also restricted for students, movements, political parties or organizations criticizing the government policies or calling for the withdrawal of Syrian forces from Lebanon and the implementation of UNSCR 520 which stipulates the withdrawal of all non-Lebanese forces from Lebanon.

Recommendations

We recommend that the Canadian government assigns a human rights' observer at the Canadian embassy in Beirut to monitor human rights' situation. Such observer would keep the Canadian government aware of any human rights abuses in regards to the freedom of opinion, expression and assembly.

Analysis

In several cases, the accusations were of collaborating with the enemy, Israel. Freedom of opinion and expression was also frequently oppressed by prohibiting criticism of the President, the Lebanese Armed Forces (LAF) or "sister countries" (Syria in most cases), as such acts would be considered as a "defamation", "troubling relations with sister countries" or threatening "national security". These issues constitute one of the major problems between the Lebanese government and a majority of the Lebanese population. It is to be noted that more than 35,000 Syrian soldiers and a large number of secret services agents are permanently present in all parts of Lebanon and in critical areas, such as the proximity of the ministry of Defense and the Presidential Palace. Practices used by the Lebanese authorities to oppress the freedom of opinion and expression included intimidation and threats against students who participate in political activities or gatherings. Opposition figures were threatened with court orders for attending or lecturing in conferences inside and outside the country (Antelias and Los Angelos' conferences), or criticizing the government policies (case of former Lebanese President Amine Gemayel, Qornet Chehwan's Gathering, MP Nayla Mouawad and Liberal Party Chairman Dory Chamoun). Students are beaten and prohibited from peacefully assembling to express political opinions (case of USJ

students) or to address economic issues (case of MTV employees). Below is the description of some of these cases.

2.1 Case of the Francophonie Summit: freedom of assembly and opinion violently repressed

On October 16, 2002, a few days before the Francophonie Summit took place in Beirut; special anti-riot units suppressed demonstrations of about 800 university students at Saint-Joseph University. The demonstrations were organized to protest the continuing oppression of civil liberties, human rights abuses and Syrian occupation of Lebanon. They were also contesting the shutdown of the two media outlets, MTV and Radio Mount Lebanon, closed in September 2002. As a result, four students were hospitalized including Rami Saliba, Cynthia Zaraziri, Richard Younan and William Chemaly. Another six were arrested including Edouard Chamoun, Rabih Khalifeh, Charbel Khalil, Elie Chamoun, Paul Bassil and Youssef Sadek before they were released later in the evening. Zaraziri (19) was reportedly beaten with the rifle on the neck, back, shoulders and on the ears, which momentarily paralyzed her. She had a broken shoulder, collapsed vertebra, several concussions and open wounds from a previous surgery in her ears.

2.2 Case of the LU Students: 3 injuries and 11 arrests

In October 31, 2002, the Lebanese authorities decided to ban a demonstration organized by the students of the Faculty of Science of the Lebanese University in Al-Fanar region and a sit-in at Saint-Joseph University Campus to protest “against the regime's crackdown on public liberties and media freedom” [15]. These demonstrations were related to the shutdown of two media outlets in Sep 4th, 2002.

Although the demonstrations were peaceful, army troops ringed the campus in Ashrafieh and used excessive violence against students. The violence resulted in fistfights, which led to the hospitalization of 3 and the arrest of 11 students. Later the same day, the students were released. However, the excessive violence used against them, in addition to the arguments used by the Minister of Interior to ban their pacific demonstration as they “would imperil the nation's civil peace and endanger the prospects of holding the Paris-2 conference on Nov. 23”[15], are considered a violation of the Lebanese Constitution that guarantees the rights to peaceful demonstration and the freedom of expression and opinion.

2.3 Case of MTV employees

Following the shutdown of two media outlets, MTV and Radio Mount Lebanon, more than 453 families were left without income. On September 9, 2002, both MTV and RML employees organized a demonstration near the parliament in order to contest the Court order and to request the reopening of the two stations, taking into consideration their social and economic situation. The demonstration was made mostly of MTV employees and their families in addition to some MPs.

This demonstration was again violently repressed by the Lebanese authorities resulting into the arrest of several MTV employees and FPM activists including: Michel Hajj, Tony Orien and Lina Ghoreyeb. The latter was arrested for appearing on TV and criticizing the government [16]. Several people were violently beaten and hospitalized including: Andre Ferzli, Assaad Rizk, Michel Hajj, Tony Orian, Naïm Asmar, Wafa' Sassi and Aurore el- Rouss.



L'Orient le jour [17]

Un exemple de la brutalité subie par l'un des protestataires participant hier soir au sit-in devant le siège de la MTV, à Achrafieh. (Photos AFP)

2.4 Case of Edmond Khazen

On May 27, 2002, army intelligence agents in Zalka arrested Mr. Edmond Khazen, a student committee secretary at the Faculty of Science of the Lebanese University. He was detained for two weeks without trial or charges for distributing pamphlets, which

addressed the parliamentary by-elections in Metn and criticized the Syrian presence in Lebanon. His whereabouts were unknown and he was forbidden from contacting his family or lawyer during his two weeks detention [18][19].

Mr. Khazen was arrested because of his political views expressed in the material he was distributing. This detention is another example of authorities limiting the freedom of opinion and expression, rights guaranteed by the Lebanese Constitution and the United Nations Universal Declaration of Human Rights.

Civil liberties, such as the freedom of opinion and expression, are not respected in Lebanon. Excessive violence is still used by the Lebanese authorities to prohibit peaceful demonstrations and gatherings. These acts constitute a clear violation of the Lebanese Constitution that guarantees the right of assembly and the rights of expression and opinions. Despite the relatively high number of injuries and arrests carried out during those events, no investigation has been ever conducted to identify and hold responsible the security agents that injured civilians and illegally acted. Such events raise deep concerns about the Lebanese government respecting rights provided under the International Declaration of Human Rights, specifically articles 19 and 20, of which Lebanon is a signatory. The Lebanese law also guarantees these rights, which include the freedom of opinion and expression and the right for assembly. Additionally, the excessive violence used against peaceful demonstrators may amount to a dangerous violation of human dignity and the basics of human rights. It is critical that these events be investigated to hold accountable those who abuse the law.

3. ARBITRARY ARRESTS WITHOUT CHARGES OR TRIAL

Summary

The Lebanese authorities continued to detain individuals without charges or trial in 2002. These detentions constitute a violation of articles 9 and 14 of the International Covenant on Civil and Political Rights, that Lebanon has ratified in 1972. The analysis below summarizes some of these events that clearly demonstrate the continuous breaching of these articles by the Lebanese authorities in 2002.

As was the case in the past years, arrests continued to occur without legal warrant or proof by secret service agents. These arrests usually took place during nighttime or large-scale crackdowns. These arrests tend to be violent and humiliating. Most of the time, the arrested person does not 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 a judge in the absence of his or her lawyer, which constitute a contravention of Article 70 of the Lebanese Code of Criminal Procedure (CCP); the interrogation is frequently accompanied by torture, a crime under Article 401 of CCP.

Recommendations

We ask our government to:

- Request that Lebanese authorities release all detainees held without trial or charges, and to cease such time-extended detentions, which violate Lebanese laws
- Propose a resolution to the United Nations Commission on Human Rights that condemns the extended detention of civilians without trial or charges

Analysis

The following is a detailed analysis of two cases of arbitrary arrest without trial.

3.1 Case of Kfarabida and Koura villages

In the early morning of May 12, intelligence security agents raided the village of Kfarabida and Koura and arrested several individuals without any warrant. Among the detainees were Nabil Haykal, Hanna Aoun and Antoine Feghaly from the village of Kfarabida, and Boutros Saba from the village of Koura. Several days earlier, the same forces arrested Tony Youssef from Kfarabida. The campaign included the arrest of Dr Carlos Keyrouz, a dual national Lebanese-Belgian citizen, at Beirut International

Airport in May 2002. All detainees were mistreated, and subject to humiliating interrogations without any trial or arrest warrants whatsoever. In most cases, they were accused of belonging to political parties known for their opposition to the government's policies [20].

3.2 Case of Hanna Challita

Mr. Hanna Challita (46 years old) has been detained since June 1994 for being allegedly accused of participating in the assassination of Northern Christian political figure Toni Frangieh and members of his family in 1978 during the Lebanese war. His detention occurred during a wave of arrests of Lebanese Forces (LF) members in 1994. The LF was outlawed in March 1994. Mr. Challita was detained at the Ministry of Defense in Yarze for eight years in solitary confinement without trial. He was released on bail in 2002. Challita reported that he had been tortured by military intelligence officers at the Ministry of Defense. He was subjected to electric shocks, suspended from the ceiling and suffered prolonged sleep deprivation. This prolonged solitary confinement with no legal, public and fair trial is a violation of Article 7 of the International Covenant on Civil and Political Rights (ICCPR). It also constitutes a clear violation of the International Declaration of Human Rights, specifically articles 5 and 11(1) guaranteeing the right of individuals not to be tortured and to have a fair trial, as well as articles 9 and 14 of the ICCPR to which Lebanon ratified in 1972 and provides for the right to trial within a reasonable time or to release from detention [21], [22].

4. TREATMENT OF REFUGEES AND ASYLUM SEEKERS

Summary

The Lebanese government is still dealing with asylum seekers in a way that is far from being respectful to human standards. Many asylum seekers are forcefully returned to their home countries where they face capital punishment. Many international Human Rights organizations have condemned those treatments. They urged the Lebanese government to abide by international standards, and differentiate between asylum seekers and refugees.

RCPL condemns all bad treatments of asylum seekers and urges the Lebanese authorities to deal with these cases with all the care they require in accordance with the international standards regarding the matter [38].

Recommendations

The Canadian authorities should express their discontent with the Lebanese government in regards to the treatment of refugees and asylum seekers, and to request that international standards be respected.

5. POLITICAL INTERFERENCE IN THE JUDICIARY AND ELECTIONS

Summary

The democratic system in Lebanon continues to suffer from serious problems that prevent the proper functioning of many institutions in a transparent and effective way. Annihilation of the role of ministers, dispute over constitutional competences, interference in the judiciary system and in elections, are examples of serious transgression of democratic principles and procedures. In its annual survey for 149 countries, World Audit has registered a serious drop in the ranking of Lebanon as a democratic country going from 91/185 in 2001 to 119/149 in 2002 with a range of 6/7 for political rights and 5/7 for civil liberties. Lebanon's reputation as the freest democratic republic in the Middle East is challenged given the ranking of Jordan at 81, Egypt at 115 and Syria at 130 [23].

Recommendations

The Canadian government should express its concern with the mounting political interferences in the judicial system. Canada should also support the following activities:

- Funding administrative reform to ensure proper checks and balances in the political system
- Funding a grass roots initiative to build a national consensus on a new electoral law, as well as promote dialogue amongst confessional communities
- Proposing that international observers be sent to supervise and report on future national elections' process

Analysis

The following is a detailed analysis of cases that involved political interferences in the judicial system and the elections.

5.1 Interference in the elections

The interference of the government in the elections was obvious during the by-elections in the district of Metn in June 2002. During these elections the Minister of Interior Elias

Murr tried to falsify the results in favor of his sister, Myrna Murr, candidate, against the opposition candidate Gabriel Murr, who is also the uncle of the Minister of Interior. Government interference in the elections' process can be described as follows:

The results were marred and delayed by voting irregularities, and initially favored the sister of Interior Minister, Mrs. Myrna Murr, revealing attempts to settle by force old family rivalries on precedence of the application of the law and legal procedures. This occurred mainly when the Minister of Interior, Mr. Elias Murr, contended that an unsigned ballot in the Himlaja tabulations rendered the entire 280 ballots of Himlaja null and void while the counting committee presided by Judge Elias Bou Nassif initially ruled otherwise, canceling only the unsigned ballot. Until minutes before the figures were disclosed, Myrna's father Michel Murr, former Minister of Interior before the job was passed to his son Elias Murr, was staging rival victory celebrations, contending his daughter won by 400 votes. It was not until the Justice Minister Samir Jisr gave his final verdict that results were announced in favor of Gabriel Murr [24].

The Minister of Interior, Mr. Elias Murr, called his supporters to vote outside the curtain. The Lebanese law clearly stipulates "voters are obliged to go behind the curtain," and assigns "the head of the polling station to make sure that the voter abides by the article of the law and that he or she is alone behind the curtain at the risk of preventing him or her from voting." Such a call may be considered as an attempt of the minister to send a message to his supporters to vote outside the curtain and thereby intimidate others. It also constitutes a serious violation of article 49 of the Lebanese electoral law as mentioned here above [25].

5.2 Political interference in the judicial system

5.2.1 Seat annihilation of the newly elected MP Gabriel Murr in favor of another candidate with a lower number of votes

On November 6, 2002 several months after the election of Gabriel Murr and shortly after the complete shutdown of MTV, the Constitutional Council convened for the first time to annihilate the parliamentary seat of Gabriel Murr and give it to Mr. Ghassan Moukhaiber. Mr. Murr obtained 34,703 votes during the by-elections compared to only 1,773 for Mr. Moukhaiber. The verdict was pronounced because the newly elected MP, Gabriel Murr, did not declare his wealth within a three months limit. However, if Mr. Murr was unable to fulfill his declaration on time, it is mainly because of the brutal shutdown of MTV, resulting in the closure of his office located in the same building as the television offices and studio along with all the other private offices belonging to lawyers, doctors and dentists, as mentioned earlier in this report. It is to be noted that the building was sealed (and red-taped) with red wax and everyone was denied access including MP Gabriel Murr supposedly protected by Parliament immunity. Thus, MP

Murr could not get to his office where he has kept his statement. Despite several requests from his lawyers, he was constantly forbidden from having access to his offices to prepare such a statement. The verdict was criticized by many legal authorities such as the Bar association and law experts. It is believed that political interference was behind the verdict that did not only ignore legal procedures but also constituted a premiere in Lebanon's electoral history and came to contradict several previous verdicts after a long political debate. It also constituted a clear violation of the rights of citizens to choose their own representatives as guaranteed in the Lebanese Constitution and in article 21 of the International Declaration of Human Rights.

5.3 Declarations of the president of the Highest Judiciary Court

On November 15, the outgoing president of the Highest Judiciary Court, Nasri Lahoud, described the judiciary system as "an administrative unit similar to any other administrative unit in the government," and called the "politicians to stop interfering in this system [26]." These declarations that occurred in an interview carried out by local newspapers, constitute a direct and clear evidence of the corruption the judiciary system in Lebanon is enduring, and raise concerns about the hidden objectives behind many judiciary prosecutions and verdicts, especially that legal prosecutions are relatively frequent against students, media outlets and opposition figures. Despite these dangerous declarations from the highest judicial level, no investigations were carried out to verify the authenticity of these declarations and to explore possible solutions to this endemic problem. It is known that this problem directly threatens the integrity of the judicial system and indirectly people's rights and security as well as the functioning of a healthy democratic system.

5.4 Non-independent Judiciary system

The political interference in the judiciary system is explained by the way judges are appointed, especially at the highest levels. The Ministers' Council appoints the General Prosecutor, known to be leading the most important and recent files, the High Judicial Committee, the Judicial Inspection Committee, and the Public Prosecutor. Increasing the independence of the judiciary system at the level of its administration, organization and procedures might highly empower the role of judges and law enforcement without political interferences that often lead to law abuse, selective application and interests bias.

5.5 Absence of a Supreme Council

One of the major obstacles toward establishing a transparent democratic system is the absence of a monitoring system for presidents, ministers and deputies. Such a system

would provide a mechanism to protect citizens' rights and law implementation. Although the Lebanese Constitution, article 80, stipulates the necessity of having Supreme Council for the trials of Presidents and Ministers, however, such a mechanism has not yet been implemented. We believe that its presence might highly empower the role of the institutions and protect the law from continuous breaching.

6. ILLEGAL TRIAL PROCEDURES AND TORTURE PRACTICES

Summary

During interrogation by intelligence secret services or security forces, the detainees are often subjected to a multitude ways of torture. In 2002, the authorities continued this practice in selective cases, and testimonies of ex-detainees showed that torture is still used in Lebanese prisons and detention centers especially in the Lebanese Ministry of Defense located in the Yarze region, not far away from the Presidential Palace. In many cases, detainees proclaimed being subject to physical or psychological torture mainly during interrogation. Intimidation and interrogation ways varied from personal or family threatening, to beating, electrical shocks, and deprivation of food, water and sleep.

Many detainees have declared being forced to make confessions and sign papers while blindfolded. Later, they retracted their statements in court. It is well-known that the Lebanese authorities have in the past extracted information from detainees through duress, including beating and torture which lead to death in some cases (see RCPL's report 2001). The practice of torture is prohibited under the Convention against Torture, in which Lebanon is a state party, and according to the International Covenant on Civil and Political Rights (ICCPR), to which Lebanon acceded in 1972. These stipulate that the court should admit no evidence obtained under torture. However, as it is clear from the following cases, and despite the grave confessions of detainees in courts about the torture they endured, judges (mostly military judges) did not consider these allegations in their verdicts and no investigation was carried out to check out the authenticity of these declarations to sanction people who might have been responsible for these illegal practices of torture and duress.

Recommendations

The Canadian authorities should:

- Request that Lebanese authorities respect the Convention against Torture, and the International Covenant on Civil and Political Rights (ICCPR)
- Request investigative measures leading to identify and to the arrest of individuals who broke international and Lebanese law
- Propose a resolution to the United Nations Commission on Human Rights that requires an end to torture and illegal trial procedures such as forced confessions

Analysis

The following is an analysis of the different cases for 2002:

6.1 Trial of Toufiq El-Hindi, Elie Keyrouz and Salman Samaha

Dr. Toufic El-Hindi is a Lebanese University professor and an ex-counselor of Samir Geagea, jailed leader of the Lebanese Forces (LF), an opposition party. He was arrested in his house, in front of his spouse and two children, without any legal warrant and without the possibility for him to contact his lawyer. The arrest occurred during the August 2001 crackdown against Free Patriotic Movement (FPM) and LF supporters and members that included more than 300 persons. Dr. El-Hindi was allegedly accused of collaborating with Israel. For several days, no contact with his lawyer or wife was possible. He was detained in the Ministry of Defense and interrogated by army intelligence agents [27].

Elie Keyrouz, Lawyer, LF official, and Salman Samaha, head of the students' branch in the LF were illegally arrested soon after the crackdown of August 2001, under the accusations of threatening "internal security" by hiding information about possible contacts of Dr. El-Hindi with Israeli agents [28].

Dr. El-Hindi was released in November 2002, after serving a term of 15 months in Jail. Mr. Keyrouz and Mr. Samaha were released in December 2001 after spending several months in jail. In a later press conference organized by the "Fondation des droits de l'Homme et du droit humanitaire" (FDHDH) in Lebanon, Mr. Keyrouz and Mr. Samaha described the torture they were subject to by army intelligence agents during their four months' detention as follows:

"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," Samaha said. "I knew it was Elie because the voice came from the cell next to mine in the Defense Ministry."

Samaha 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 [28]."

On March 14, 2002, these detainees declared being tortured, ill-treated, held incommunicado, denied contact with family, lawyers or doctors. They said in court that they had been forced to sign statements, which they had not read, and proclaimed that they were coerced to "confess" their guilt or testify against themselves or others. They also retracted the statements attributed to them by interrogators and denied their charges of collaboration with Israel. Intelligence officers, in the Ministry of Defense, interrogated the three men. Testimonies from several ex-detainees as well as from

current detainees identify the ministry as a sophisticated center for interrogation and torture [29]. It has often been forbidden for international human rights organizations to access this prison [30][31].

6.2 Trial and torture of journalists Antoine Bassil and Habib Younis

Mr. Antoine Bassil is the Saudi London-based television station MBC correspondent in Lebanon. He was arrested on the 16th of August 2001, at his home in Ballouneh (North-East of Beirut) by two civilians who were identified later on as members of the army intelligence services.

Mr. Habib Younes, Editor of the Lebanese desk at the Saudi daily *Al Hayat* was arrested by intelligence services agents at his home in Jbeil (North of Beirut) in August 18, 2001. Both detainees were allegedly accused of "contact with the enemy," meaning Israel. They were arrested without any warrant, shortly after the crackdown of August 2001 against anti-Syrian Christian opposition groups. Mr. Younes was released on November 2002, while Antoine Bassil remains in prison [32], [33].

After being held in the Ministry of Defense and interrogated by army intelligence agents for several months without trial, both detainees were transferred for trial in a military court. During his trial session in the military tribunal that convened in Beirut and presided by judge Brig. Gen. Maher Safieddine on February 25, 2002, Mr. Bassil described the torture he endured and the ways of extracting his confessions as follows [34]:

*" I was blindfolded, hit on the head and terrorized" into signing confessions to army intelligence interrogators that he collaborated with Israel against Syria...
" I did not read what I signed and never knew what I was signing..."
"I said 'yes' to every question they asked in order to escape further intimidation and mental torture..."*

It is noteworthy herein to note that all above arrests took place without any warrant of arrest, which constitutes serious violation of the Lebanese Code of Criminal Procedures (CCP). The latter requires that arrests take place at specific times during the day and by authorized people, and article 261 specifically stipulates that the arrest warrant is not valid unless it includes the charges against the defendant. At the same time, 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 him." In addition, most detainees were deprived from a fair legal counseling especially during the interrogation, or from contacting their families or doctors which constitute a serious violation of articles 5 and 8 of the International Declaration of Human Rights, as well as of the Lebanese law that guarantees the right

of a detainee to contact his lawyer and to a fair and public hearing by an independent tribunal.

6.3 Trial of four men accused of terrorism

Mr. Khalid Omar Minawi, a Lebanese national, Mohamed Ramez Sultan, Lebanese-Australian dual national and Ihab Dafa, a Saudi Arabian national were arrested on September 27, 2002. Abdullah Mohamad al-Muhtadi, a Lebanese national, was indicted on the same charges on December 10, 2002 after having been extradited from Togo. While in incommunicado detention, Mr. Minawi was reported to have received severe beatings to his face and stomach, tortured and deprived of food for up to five days [35].

7. CITIZENS' SECURITY

Summary

The security of citizens has been questioned in 2002 as several individuals disappeared or were assassinated. While no proofs incriminated or implicated the authorities in any of the events, the selective approach to investigate the causes was disappointing and appeared to be politically motivated. Such events constitute a real threat to the security of civilians as stated in the Universal Declaration of Human Rights article 22:

" Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. "

Recommendations

RCPL requests that the Canadian government pressures the Lebanese authorities to cooperate for the implementation of United Nations Security Council Resolution 520, calling for the withdrawal of all foreign forces from Lebanon.

The Canadian authorities should propose a resolution to the United Nations Commission on Human Rights that requires the Lebanese authorities to disarm all non-governmental groups in Lebanon.

The Canadian authorities should also request that the Lebanese government investigates all cases that threaten the security of citizens and regional stability.

Analysis

Several tragic incidents have marked the year 2002, which threatened the security of civilians. These events are listed below:

- Arrest of civilians by armed non-governmental groups
- Bombing of American franchise restaurants McDonald and Kentucky Fried Chicken
- Bombing of churches and mosques
- Kidnapping and murder of a 35 years old civil engineer, father of two, member of the LF youth advisory board and known for his opposition to the Syrian occupation to Lebanon (Ramzi Irani, May 2002)

- Assassination attempt against judge Fadi Nachar 23/12/2002
- Murder of 8 governmental employees to settle personal disputes (Murder of 8 employees of the teachers' fund section by Ahmed Mansour, 31/7/2002)
- Murder of an American evangelist missionary (Mrs. Witherol, 21/11/2002)
- Assassination of Ramzi Nohra and Elie Issa by a remote explosion
- Clashes between Lebanese national army and Palestinian armed groups in the Bekaa Valley
- Explosion targeting the house of George Akouri, Sergeant in the internal security forces (ISF)
- Assassination of 3 Lebanese soldiers in south Lebanon on July 11, 2002
- Assassination of a Lebanese army soldier and the wounding of 3 of his comrades, in a raid carried by another soldier in duty, for sectarian reasons on December 30, 2002
- Assassination of Ahmad Jibreel in Beirut on May 31, 2002

These events constitute a clear evidence of the fragile security in Lebanon and the need for the Lebanese authorities to take full and exclusive control of the Lebanese territories and disarm all non-governmental groups. They also show the urgency for the Lebanese authorities to assume their full responsibilities to insure security of Lebanese citizens in accordance with their commitments to the International Declaration of Human Rights especially articles 5 and 9 of the Universal Declaration of Human Rights stipulating that

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (art 5) and that “No one shall be subjected to arbitrary arrest, detention or exile”(art 10).

The following is a detailed description of some of these incidents:

7.1 Arbitrary arrests and torture by Hizbullah

On the 25th of November 2002, the leading mainstream Lebanese newspaper « An-Nahar », reported an article written by journalist Abbas Saleh in which he detailed his detention and torture by 10 militants of Hizbullah in public, on November 21. Mr Saleh stated the following:

“What crime did I commit, for 10 heavy armed men to point their loaded guns to my head and to my chest in a state of readiness to aim and shoot at me with no hesitation? They proceeded to beat me with the back of their guns, hands, and feet. Until I fell to the ground, they dragged me from my head to one of their parked cars in the middle of a major road, behind it, a line of cars and pedestrians awaiting and watching this civilized scene and for the free violence

scenes in Lebanon, 2002. Meanwhile, the female onlookers were shouting, "Have mercy on him – he is almost dead". To no avail, these women's appeal went unheard, because these victorious armed men remained in their place and their cars stood still in the middle of the street, leaving behind a big traffic jam, awaiting for the security officer, whom I called for on my cellular phone to let him know I was being kidnapped near the B.H.V boutique, to arrive with his unit to arrest them alongside with me. The security officer did not show up, nor did the patrol unit, which the lieutenant promised me. These armed men took off with me after they pushed me inside the car in an uncomfortable position, stepping on me and pointing their guns at my back to the lower level of the public park across from the Marriott hotel. There, I was dragged out of the car by the same method they pushed me in, kicking me with their feet, swinging at me with the butts of their machine guns to a room at the lower level of a public park (supposedly a park for leisure not as an underground detention to interrogate people). This was not a fantasy; it was actually reality itself that took place around 2 PM on Thursday afternoon."

These events constitute a clear violation of human rights, especially articles 5 and 9 of the Universal Declaration of Human Rights stipulating that *"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (art5) and that "No one shall be subjected to arbitrary arrest, detention or exile"(art 10).*

7.2 Assassination of Engineer Ramzi Irani

On May 7, 2002, Engineer Ramzi Irani who was the head of the Lebanese Forces (LF) students association in the Lebanese University, was kidnapped while returning home and found executed thirteen days later. Mr. Irani was a pacifist engineer living a normal life with his wife and two young kids. He was known for his opposition to the Syrian occupation of Lebanon. He was pacifically demanding the implementation of the United Nations Security Council Resolution 520. While he was reported missing the Lebanese government was not cooperative, and expressed its inability to collect information in order to uncover the kidnappers and save the engineer from being executed. Instead, it went on arresting dozens of civilians known to belong to the LF. So far, investigations were not able to disclose the murderers.

8. LEBANESE DETAINEES IN SYRIA AND ISRAEL

Summary

No progress has been registered to liberate the remaining Lebanese citizens who were arbitrarily detained in Lebanon, and now in Syrian and Israeli jails. Their whereabouts are still unknown. Non-exhaustive lists reported about 300 detainees in Syrian jails (see RCPL's study about Lebanese detainees in Syrian jails, 2003). About 20,000 applications have been filed with the Lebanese governmental committee created in 2000 to report on missing Lebanese during the years of war. Also, about 12 Lebanese citizens are still detained in Israeli jails. It is thought that detainees in Syrian jails are held for their political opinions and are subjected to different ways of torture that might lead to death (see case of Adel Ajouri who died under torture in Syrian jails).

Recommendations

The Canadian government should pressure Syria and Israel to release all Lebanese detainees unconditionally and expatriate bodies of those who died under torture. Canadian authorities should also pressure the Lebanese government to support the release of detainees from Syrian jails.

The Canadian government should propose a resolution to the United Nations Commission on Human Rights that requires the immediate and unconditional release of all Lebanese detainees held in Syria and Israel.

Analysis

Since 1975, thousands of Lebanese citizens were abducted on Lebanese soil, transferred and arbitrarily detained in Syrian jails. The Lebanese government has formed a committee to follow the whereabouts of those detainees. Parents and families of young people who have disappeared have filled up about 20,000 applications. Since 1990, and despite the end of military hostilities, the Syrian army proceeded, arbitrarily and illegally, to the arrest and the transfer of many Lebanese citizens to Syrian jails. Lebanese security agents often aided them. Non-exhaustive lists currently report about 300 detainees in Syrian jails (see RCPL's study about Lebanese detainees in Syrian jails, 2003), 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 during direct conflicts with the Lebanese army. It is known that most of these detainees are held arbitrarily, with no trial, forbidden to contact their relatives or their lawyers and regularly

subjected to different ways of torture including electrical shocks, beating, deprivation of food, water and medical care.

The Syrian and the Lebanese governments kept in denying the existence of Lebanese detainees in Syrian prisons although many testimonies, particularly from parents and families who visited them in prisons, confirm their presence. In some cases, the Lebanese government tried to force the detainees' parents to sign papers admitting the death of their relatives. The parents and families categorically rejected this decision despite the threats they were exposed to.

The presence of these detainees was further confirmed from different sources including members of parliament, and Syrian human rights activists. In August 2000, the Beirut-based English-language Daily Star published statements by 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 Middle East"* [36]. A press conference held in Paris by an ex-detainee Nizar Nayouf, a Syrian journalist activist for human rights in Syria, revealed the existence of hundreds of Lebanese detainees in Syrian prisons, as well as thousands buried in mass graves who most likely died from hard torture.

In March 1998 and December 2000, the Syrian authorities proceeded to the release of many Lebanese detainees, thus contradicting previous denials of the Lebanese and Syrian governments that no Lebanese detainees were in Syrian jails. In 2002, and after the last denial of the Lebanese General Prosecutor, 'Adnan Addoum', of the existence of any Lebanese detainee held in Syrian jails, the Syrian authorities formally admitted the existence of another Lebanese detainee, Mr. Chalaweet, in Syrian jails (see hereafter the details):

8.1 Case of Georges Chalaweet

Mr. Georges Ayoub Chalaweet has been illegally arrested in Beirut in 1994. He has been transferred to a Syrian jail on the 30th of March 1994 without being informed of his charges, without any legal warrant and without trial. Since 1998, he lost all contacts with his family. While the Lebanese authorities kept denying his existence in Syrian jails, the UN working group on arbitrary detention reported that the Syrian authorities have officially admitted its detention in a Syrian jail (notice N° 17/2002, Syrian Arab Republic). Until now, the Lebanese authorities are still denying his presence or the presence of any other detainee in Syrian jails.

8.2 Non-collaboration of the Syrian authorities

On the 22nd of July 2002, sixty family members of the detainees met the Syrian Interior Minister, Mr. Ali Hamud, requesting the liberation of their relatives detained in Syrian jails [37]. The families presented documents and evidences proving the presence of their beloved in Syrian jails including visit permits and official documents. During that meeting, the Minister promised to inquire about their requests and scheduled another follow up meeting three months later. However, on November 2, 2002, Syrian authorities refused to receive a delegation of relatives of 174 Lebanese detainees in Syrian jails, and the prescheduled meeting did not take place. It is noteworthy that Syrian and Lebanese authorities keep denying the presence of any Lebanese detainee in Syrian jails.

8.3 Case of Henri Daou

On October 11, 2002, Mr. Henri Baidh Daou, a Lebanese citizen, was arrested on the Lebanese-Syrian border, transported and detained secretly in Syria. He is allegedly accused of several crimes committed in Lebanon against the Syrian army in 1975. Currently, we ignore his detention's conditions. RCPL is really concerned about his illegal arrest without any specific reason especially that the Lebanese law stipulates that crimes committed on the Lebanese territories are amount the Lebanese courts competence.

8.4 Lebanese detainees in Israeli jails

About 12 Lebanese are still arbitrarily detained in Israeli jails. They have been captured during and after the Israeli invasion of Lebanon in 1980 and its occupation of the southern part of the country. This happened mainly during armed conflicts, as well as in special commandos raids the Israeli army had undertaken. The Israeli and Lebanese governments formally recognize these facts, but so far no progress has been made for their liberation.

9. CHILDREN'S RIGHTS

Summary

The severe economic crisis in Lebanon has taken a toll on children and the education system. Children are entering the workforce at a very early age, which is detrimental to their health well-being, happiness, educational achievement and long term standard of living. The Lebanese authorities have increased the measures to reduce child labor [40]. Lebanon also has a high infant mortality rate of 6% for children under 5 years old, and an elevated secondary school dropout rate, which exceeds 30%.

Recommendations

RCPL recommends that the Canadian government requests from its Lebanese counterpart to respect the 1989 International Convention on the Rights of Children, of which Lebanon is a signatory as of April 15 1993, by:

- Ensuring reasonable working conditions for children including sufficient time to rest and play
- Ensuring satisfactory access to health care services, sanitary conditions and a lower infant mortality rate
- Protect children from psychological abuse, maltreatment and economic exploitation

Additionally, Canada can propose that the Lebanese authorities adopt the following measures:

- Increase the minimum working age for children from 14 to 16
- Ensure that working children get paid the state designated minimum wage
- Increase awareness of long-term impact of child labor
- Provide more access to primary school education

Analysis

The following is an analysis of child labor, health and education, which are the issues affecting the rights of children.

9.1 Child labor

The situation of children in Lebanon has deteriorated because of the severe economic crisis. The proportion of children between the ages of 10 to 14 years old that are working is 2.8%, and the proportion of 15 to 19 years old that are working is 21.6%. There is an estimated 25,000 children working in tobacco cultivation in Lebanon. These children are mainly between the age of 10 and 19, however some children start working as early as the age of 3. The children work long hours in difficult conditions, including headaches from extreme heat, dust in the workrooms, dangerous equipment and underpayment. The children are paid below the minimum wage set by the government [41]. The Lebanese authorities have announced additional measures to reduce child labor, as noted in the Daily Star: “The Lebanese Interior and Municipalities Ministry is the first respondent in the Arab world to call for putting an end to child labor, said Hayat Osseiran, director of the international program to fight child labor at the International Labor Organization (ILO)” [40].

9.2 Children’s health

Children in Lebanon face a high mortality rate at birth and below the age of 5, 28 and 32 per 1,000 live births respectively. This combined rate of 6% is considered relatively high. Compared to other countries, Lebanon has a slightly higher rate than Syria, which is 5.3%, slightly lower than Jordan, which is 6.2% and much higher than Canada, which is 1.2% [42]. Also, Children working in tobacco cultivation suffer from exhaustion, lack of rest and play time, and education [41].

9.3 Children’s education

The literacy rate of Lebanon is 86%, which is considered high. The primary school enrollment rate is 97.8% for children 6 to 11 years old. This rate drops to 89 percent for 12-14 years and 67.5 percent for the 15-18 years old group. This signifies a 32.5% high school drop out rate, which is considered high [42]. The primary reason for dropping out of school is the need to earn income, as well as other socio-economic factors [41]. Also, the severe economic crisis has created a large shift of students from private school system to public school system, thus creating a strain on the public school education system.

10. WOMEN'S RIGHTS

In Lebanon, article N° 7 of the constitution guarantees the equality among the Lebanese, males and females, in all domains. Accordingly, Lebanon is committed to eliminate all forms of discrimination including those against women. However, it was not until the 1990 s, that the Lebanese government started taking some steps to reduce women's rights violation. In 1996, Lebanon signed the convention of all forms of discrimination against women (CEDAW). Although the Lebanese government ratified the convention, they maintained reservations concerning articles 9, 16 and 29, and discrimination against women is still observed in many forms.

Recommendations

The Canadian government is encouraged to:

- Work effectively with the Lebanese government to make the latter respect its international commitments toward women
- Help in reforming the governmental system in order to increase opportunities for women's full participation in the political system, including allotted seats in the Lebanese parliament to women
- Help developmental program for women's education in rural places
- Help increasing the efficiency of NGOs working for women's rights

Analysis

Several forms of discrimination against women have been registered in Lebanon. These were related to legal procedures and social prejudices. Until 1974, the public security departments in Lebanon required a husband's approval to allow the wife to travel when applying for a passport. In 1993, a law was passed to accept a woman's testimony in real estate cases. Also, women were allowed to open businesses subsequent to 1994 without the approval of their husbands.

Despite these improvements, female participation in public life remains marginal. A mere two percent of the 128 members of parliament are women and women head only three out of 300 municipal councils. In the corporate world, there are few working women in decision-making positions. For instance, there are no female bank directors while 90 percent of the bank work force is women.

Currently women are still the victims of domestic violence, and government programs do little to help them. Additionally, women are pressured by social norms and family members not to denounce their spouses or family members who have aggressed them.

Equality in marital rights and responsibilities are often defined by social and religious factors. In Lebanon, marital contracts and conflicts are still confined to religious authorities. In many cases, these cause inequality in terms of inheritance and rights of women compared to men. For instance, women's inheritance rights in Islamic law are half that of men.

National legislation provides women and men with equal rights in regard to ownership, access to loans and banking facilities. However, an important lack of awareness of their rights still exists in rural villages. In such places, women are not well informed of their rights, where they mostly work in agriculture as part time and endure serious social and family pressures that contribute to their discrimination. Since most women in agriculture work on a part-time basis, they are not protected by laws governing working hours, maternity leaves, health measures and other aspects of employment [39].

Discrimination in the law derives from a strong patriarchal influence and pertains mainly to adultery. For instance, a married man is guilty of committing adultery only if the sexual act takes place under his roof or in public (article 488 of LPC). These exclusive conditions do not apply for married women. Furthermore, the punishment imposed is different with 3 months to 2 years for a woman found guilty of adultery while it varies between 1 month and 1 year for a married or a non married man for the same crime (article 487 and 488 of LPC). At the same time, article 562 of the Lebanese penal code pardons men for murdering a female relative caught in the act of adultery or premarital sex while they are entitled to mitigating circumstances if the crime was based on suspicion only.

According to the Lebanese law, Lebanese women are currently not allowed to pass their nationality to their children unless the father passed away and the children are minor.

11.HOMOSEXUAL'S RIGHTS

Summary

There has not been an improvement in the situation towards homosexual people in Lebanon in 2002. Several factors have contributed to the discrimination they receive. Culturally, homosexuality is not accepted in Lebanon and in many cases homosexuals are harassed, arrested and threatened for their lives. RCPL has obtained testimonies by Lebanese refugees in Canada about their personal situation in Lebanon, which shows the needs for significant improvement in the rights of homosexuals in Lebanon.

Recommendations

The Canadian Government is encouraged to:

- Place a Refugee Officer in the Immigration office of the Canadian embassy in Beirut
- Promote cultural awareness of the rights of gay people as well as social acceptance

Analysis

Currently article 534 of the Lebanese Penal Law states that intercourse in abnormal way will lead to an imprisonment of up to one year. This penal law allows officers and lawyers to punish homosexuality regardless of age and circumstances.

For homosexual individuals to live in peace without fear of harassment, arrest or threat to their life, article 534 should be changed. Also a higher level of social and cultural tolerance towards homosexuals is needed. Tolerance can be increased through the support of non-governmental organizations oriented toward public education.

Interviews with Lebanese citizens requesting refugee status in Canada showed evidence about serious risks on their life as well as on their families. Officers often harass the individuals and their immediate family. In some cases, families had to move residence to avoid harassment.

While the authorities arrest the individuals for their sexual orientation, they manage to find an alternative reason to justify their actions. The evidence for arresting homosexuals is not because of their sexual orientation. The law officers seem to manipulate the reason for arrest, stating another reason why the individual was arrested. Rarely are there charges for being homosexual.

11.1 Case of M. AT.

M. A. T. is a refugee seeker in Canada. He had to flee Lebanon for fear of being arrested after the arrest of his partner in 2001. The latter was allegedly arrested and sentenced to 9 months in jail, by illegally accusing him of harassing a law officer. Following the arrest of his partner, Mr. M.A.T. had to flee Lebanon for fear of being arrested in his turn, leaving behind him a respectful job and all his family members. Currently, his family is still subject to harassment by phone calls and life threats and had to move in order to live in a different place seeking peace. Mr. A. T. is seeking asylum refugee status in Canada and endures high risks of harassment and threats from officers as well as from fanatic political groups if he is to go back to Lebanon. His fear was even obvious through his refusal to disclose his full identity in this report for fear of repercussion to his life as well as to his family.

11.2 Case of Lesbians

In August 22, 2002 two lesbians were arrested for partaking in “unnatural sexual acts.” Public Prosecutor Shawki Hajjar ordered that each be held in custody in separate cells. Article 534 of the Penal Code identified having sexual relations “contradicting the laws of nature” as a crime carrying a penalty of up to one year in prison [44].

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