

# PROGRAM AGAINST TORTURE



## AJEM



2023

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# Justice and Mercy Association

## 25 YEARS of defending the Rights of Prisoners

- > *known as "AJEM",*
- > **civil Non-governmental,**
- > **non-profit humanitarian association,**
- > *active in the field of Human Rights, specially the Rights of prisoners.*

### Our Vision

The **discovery of every human being, especially the imprisoned person**, of his basic mission in life and his human capabilities in all its dimensions, **establishes a workshop for building a society that enjoys peace and is based on justice and mercy.**

### OUR MISSIONS

- **Accompanying the prisoner** throughout his imprisonment and following him up after his release on several levels, including social, professional, legal, medical and psychological.

- **Accompanying the families of imprisoned persons** throughout their stay in prison and providing them with full support in order to maintain family cohesion.
- **Applying and developing rehabilitation programs** that enable imprisoned persons and their families to build and manage a new life project.
- **Raising awareness on the importance of social solidarity, promoting citizenship, and developing financial and moral support networks** to facilitate the reintegration of the imprisoned person into society in order to overcome the problem of isolation and marginalization.
- **Participation and interaction with the proposals** issued by official bodies and civil society organizations related to the problem of the punitive and rehabilitative methods used and the extent of their respect for the Human Rights Charter.
- **Contributing to the search for an understanding of the problem of crime** in Lebanon and updating methods of prevention and follow up.

## Our target groups

{Male-Female-Adult-Child}

- Inmates and their families
- Ex-inmates and their families
- Persons infected with HIV
- Drug users

- LGBT persons
- Indigent persons & families
- People undergoing opioid substitution therapy

## Our basic specialised services

- Legal
- Social work
- Medical
- Psychology



# I. PROGRAM FOR VICTIMS OF TORTURE

## PROJECT FOR PREVENTION, PROTECTION AND REHABILITATION OF VICTIMS OF TORTURE AND SUPPORT THEIR FAMILIES



## 1. TORTURE: AN OVERVIEW<sup>1</sup>

### ❖ *What is Torture?*

The term “torture” means **any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.** It does not include

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<sup>1</sup> Document, site of the Office of the United Nations High Commissioner for Human Rights, Geneva, May 2002, p1-3-5-8.

pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted by General Assembly resolution of 9 December 1975.<sup>2</sup>

## ❖ Torture is a Crime

**T**orture seeks to **annihilate the victim's personality and denies the inherent dignity of the human being**. The United Nations has condemned torture from the outset as one of the vilest acts perpetrated by human beings on their fellow creatures. **Torture is a crime under international law.**

According to all relevant instruments, it is absolutely prohibited and cannot be justified under any circumstances. This prohibition forms part of customary international law, which means that it is binding on **every member of the international community, regardless of whether a State has ratified international treaties in which torture is expressly prohibited**. The systematic or widespread practice of torture constitutes a crime against humanity.

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<sup>2</sup> CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (1984, art. 1, para.1).



## ❖ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

In 1948, the international community condemned torture and other cruel, inhuman or degrading treatment in the Universal Declaration of Human Rights adopted by the United Nations General Assembly.

In 1975, responding to vigorous activity by non-governmental organizations (NGOs), the General Assembly adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



During the 1980s and 1990s, progress was made both in the development of legal standards and instruments and in enforcement of the prohibition of torture. The United Nations Voluntary Fund for Victims of Torture was established by the General Assembly in 1981 to fund organizations providing assistance to victims of torture and their families.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted by the General Assembly on **10 December 1984 and entered into force on 26 June 1987**. It requires States parties, inter alia:



- ❖ **To incorporate the crime of torture in their domestic legislation and to punish acts** of torture by appropriate penalties.
- ❖ **To undertake a prompt and impartial investigation** of any alleged act of torture; to ensure that statements made as a result of torture are not invoked as evidence in proceedings (except against a person accused of torture as evidence that the statement was made).
- ❖ **To establish an enforceable right to fair and adequate compensation and rehabilitation** for victims of torture or their dependants.



**No exceptional circumstances such as a state of war** or a threat of war, internal political instability or any other public emergency may be invoked as a justification for torture. The same applies, in the case of an individual offender, to an order from a superior officer or a public authority.

States parties are prohibited from returning a person to another State where he or she would be at risk of torture (principle of non-refoulement). They must ensure, on the other hand, that an alleged perpetrator of torture present in any territory under their jurisdiction is prosecuted or extradited to another State for the purpose of prosecution.



## 2. LEBANON PRACTICE



**L**ebanon ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter UN Convention against Torture) in 2000 and its Optional Protocol in 2008.

On September 19, 2017, the Lebanese Parliament passed national law No. 65/2017 criminalizing torture (hereafter the Anti-Torture Law).

In July 2019, the government appointed the five members of the National Preventative Mechanism against Torture (NPM).

In 2020, parliament amended **article 47 of the Code of Criminal Procedure to explicitly allow lawyers to be present with detainees during their initial interrogation at security agencies.**



*Lebanon strengthened its anti-torture  
protections on paper;*

*In practice, torture remains prevalent.*

*Complaints rarely reach court, and  
most cases are closed without an  
effective investigation.*



- The NPM, responsible for monitoring the application of the anti-torture law and which has the power to carry out regular and unannounced visits to all places of detention, **has not yet received a sufficient budget to enable it to exercise effectively its functions.**
- The anti-torture law does not respect Lebanon's obligations under the UN Convention Against Torture. **The law adopts a statute of limitations of 3 to 10 years for prosecuting torture that begins upon the victim's release from custody** or detention, in contravention of international standards stating that there is no statute of limitations for torture.
- The sentences imposed by the law do not adequately reflect the grave nature of the crime of torture. **The law does not**

criminalize cruel, inhuman, and degrading treatment or punishment, which are prohibited under the UN Convention against Torture.

- o Security agencies have often violated article 47 of the Code of Criminal Procedure, **denying detainees the right to have a lawyer present during their interrogation**, and in some cases subjecting those detainees to physical violence. In addition, a number of places of detention do not respect the obligation to film interrogation procedures as a guarantee of non-torture and the credibility of the investigation.

After its visit to Lebanon in May 2022, the United Nations Subcommittee on Prevention of Torture expressed concerns about the **little progress made in preventing torture**.



Furthermore, **AJEM along with a group of non-governmental organizations, participated in signing a petition calling on the Lebanese authorities to protect all individuals in its territory, including those arrested, from being subjected to torture and cruel and inhumane treatment.**

### 3. AJEM PROGRAM AGAINST TORTURE

**A**JEM showed that 30% of detainees in Roumieh prison had been subjected to torture and other ill-treatment (statistics made between 2005 and 2007).

On the strength of its mission to defend the rights of detainees, **AJEM has cooperated with the OHCHR (Office of the United Nations High Commissioner for Human Rights) since February 2009** through the implementation of a project which aims to prevent, Protect and Rehabilitating victims of torture and other ill-treatment while in police custody and pre-trial detention', Through it, direct support and assistance is provided to victims of torture and their families who have suffered or witnessed torture episodes.



These interventions aim to treat physical and psychological effects of the victims of torture, to rehabilitate them and provide support to them and their families in order to enable them (the victim and his family) together to overcome this traumatic experience and to restore their hopes and aspirations to build and realize a better future.



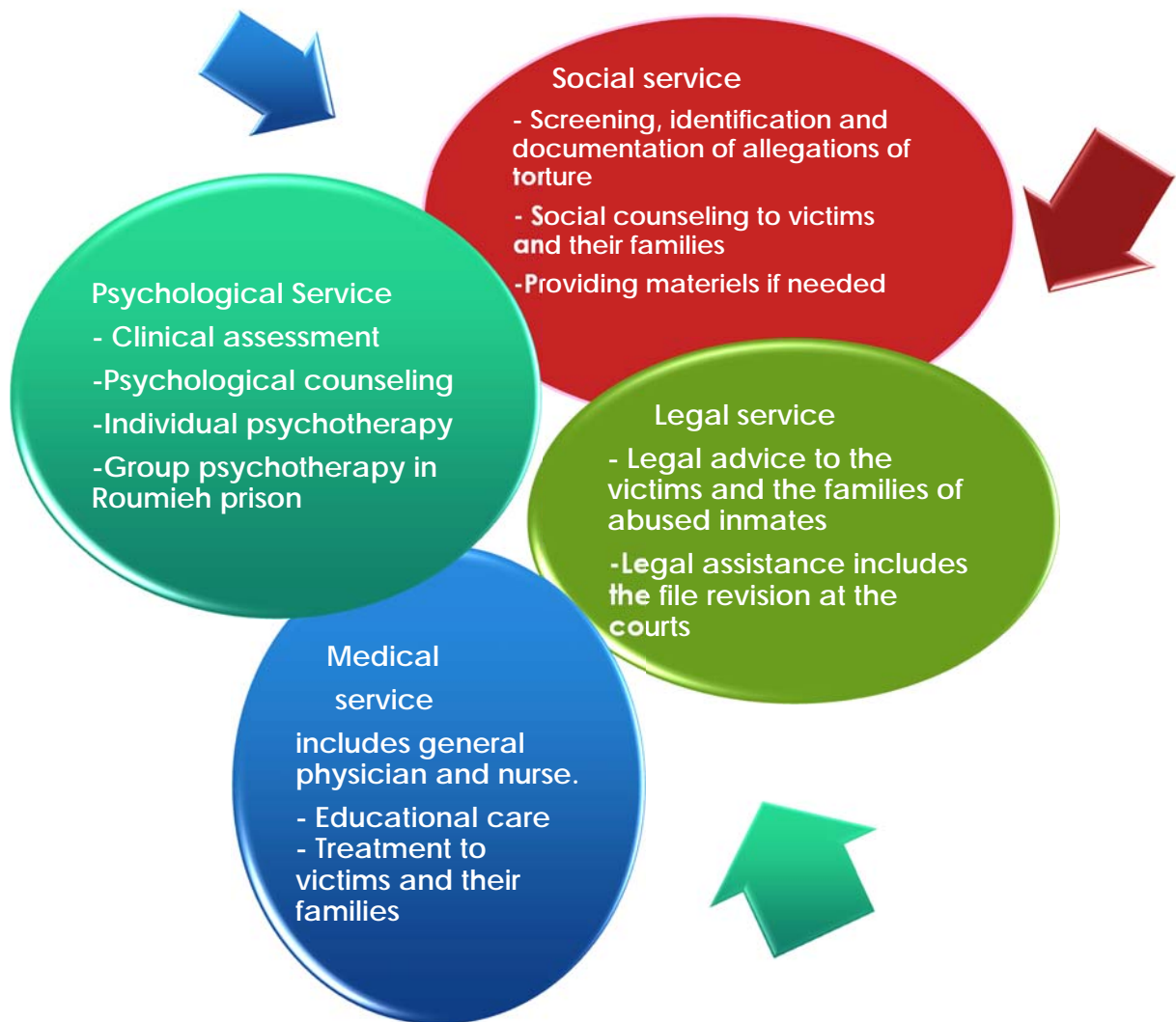
This Program Against Torture aims to condemn these inhuman practices and to change the current reality of the practices of the Lebanese authorities towards detainees.

In addition, there is an ongoing cooperation with national and international partners who work in the fight against torture in the penitentiary system, such as the collaboration with the IRCT (International Rehabilitation Council for Torture Victims) in 2017 through a GATE project which includes 3 major areas: Rehabilitation, Data collection and analysis, and Advocacy.

***MORE THAN 3,000 SURVIVORS OF TORTURE have been assisted by AJEM Program over the years***



- ❖ *Screening for torture is conducted in 13 places of detention during the years of implementation of the Program Against Torture.*



- ❖ *Basic specialized services for victims of torture & their families include: Social worker, Lawyer, Psychologist, Psychiatrist, Medical Physician and Nurse. Other specialized services can assist according to the needs of the beneficiaries.*



## ❖ METHODS OF TORTURE



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### *Methods of Torture detected through our experience:*

- Yelling
- Suspension
- Suffocation
- Blindfolding
- Forced Nudity
- Verbal abuses
- Forced choices
  - Electric Shocks
- Trample the body
- Sleep Deprivation
- Food Deprivation
- Light control or deprivation
- Environmental manipulation
- Sexual violence to genitals
- Exposed to cold/hot temperatures

***IN 2021, KICKING was the most frequent  
form of torture detected, (30% of victims)***

- Severe sexual and civil humiliation
- Stretching limbs apart, prolonged constraint of movement, forced positioning
- Blunt trauma, such as a punch, kick, slap, whipping, a beating with wires or truncheons or falling down, a beating with fists or sticks, or belt
- Burns with cigarettes, heated instruments, scalding liquid or a caustic substance
- Conditions of detention, such as a small or overcrowded cell, solitary confinement, unhygienic conditions, no access to toilet facilities

## ❖ EFFECTS OF TORTURE

*Torture destroys body, and mind, and soul, and has far-reaching effects on family and community.*



### ➤ PHYSICAL EFFECTS

**Short-term physical** effects of torture include headaches, dental pain and body pain.

**Long-term physical** effects of torture include *scars, musculoskeletal pains, foot pains, hearing loss, dental pain, visual problems, abdominal pains, cardiovascular/respiratory problems, sexual difficulties, neurological damage etc.*

### ➤ PSYCHOLOGICAL EFFECTS

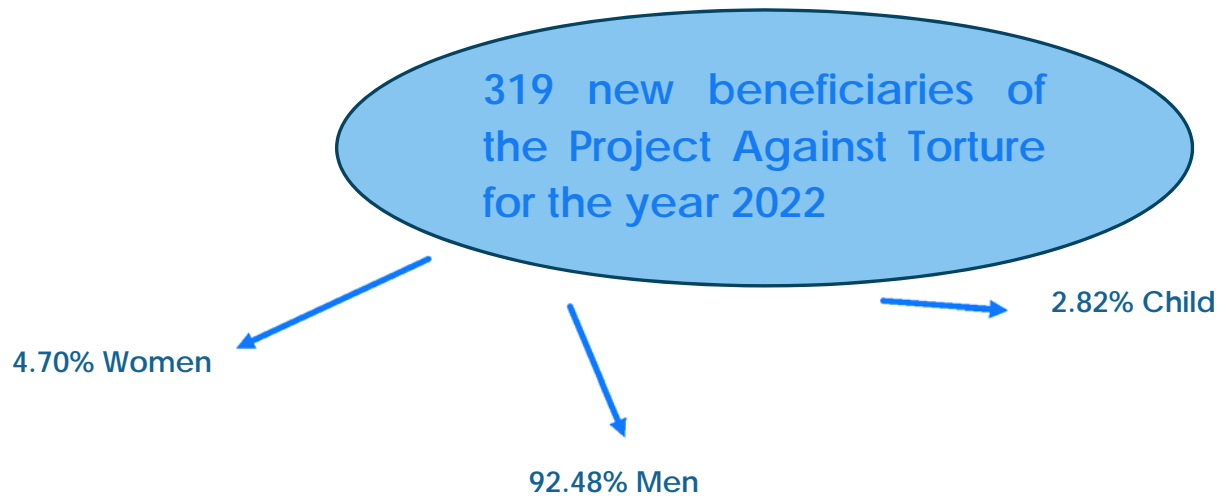
Psychological effects include cognitive and emotional and behavioral effects: *difficulty concentrating, nightmares, insomnia, memory loss, fatigue, anxiety, depression, post-traumatic stress disorder, problem in the psychological entity etc.*

Unlike physical effect of torture, **the psychological effects are always present, but not always visible through clinical symptoms.** Sometimes, psychological effects take time to appear.

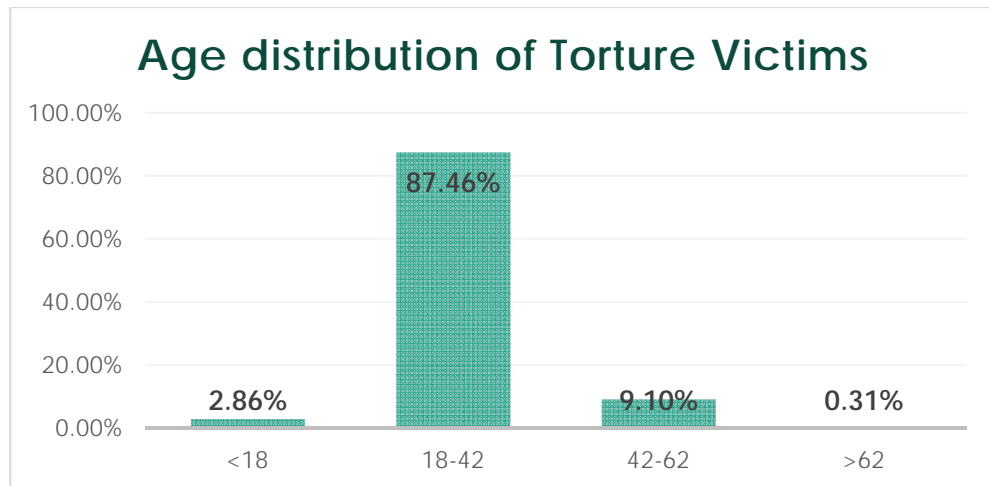
### ❖ *Our follow up with victims of torture shows:*

- Frequency of short-term physical effects is more than long-term physical effects.
- Most common long-term physical effects are scars and fractures.
- Psychological torture cause long lasting damage than the pain of physical torture.

## ❖ AJEM STATISTICS FOR THE YEAR 2022

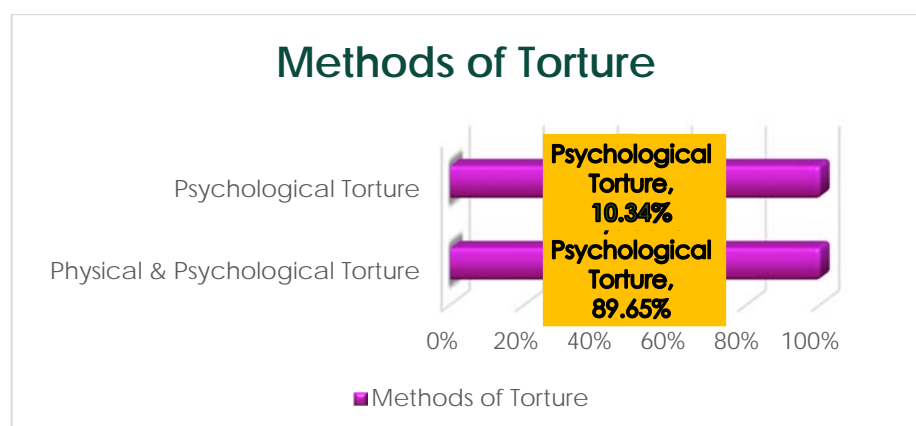


- The Program against Torture targets victims of torture and their families, **without discrimination on the basis of gender, age, race, skin color, religion, nationality, etc.**
- The data of the Project Against Torture for the year 2022 was collected, through the interventions of our team with detainees, **at Baabda detention, Jdeideh detention, Barbar Khazen police station, Roumieh prison and Barbar Khazen prison.**



The statistics for the year 2022 and 2021 show a convergence of the types of torture used by the Lebanese authorities (89.78% physical and psychological torture in 2021, compared to 89.65% in 2022).

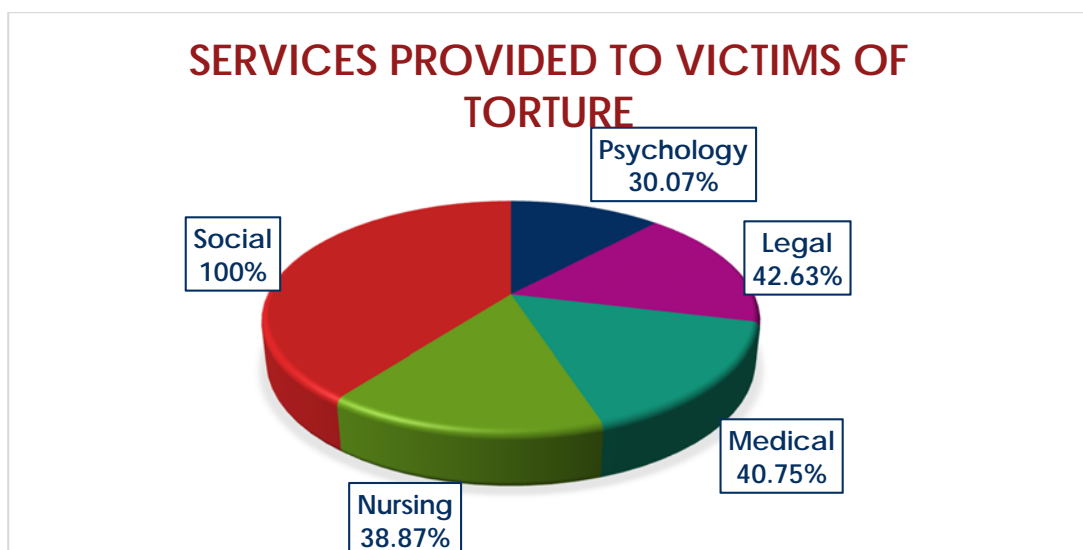
These results indicate Lebanon's failure to implement the law against torture, and therefore Lebanon's lack of respect for the UN Convention against Torture. They also showed the weakness of the moral, educational and cultural deterrence that prevents the practice of physical and psychological violence in society.



## Most common Methods of Torture



- 37% of new victims of torture at places of detention received supplies such as mattresses, clothes, cleaning tools, etc.).



- Requirements and maintenance of places of detention were secured, including the maintenance of air conditioners in the rooms of detainees at Baabda detention.

## II. AJEM GOALS ACHIEVED OVER THE YEARS OF IMPLEMENTATION OF THE PROGRAM AGAINST TORTURE

The main objective of this program is to prevent, protect, rehabilitate victims of torture and support their families.

This objective was achieved through:

- **Rehabilitation** of tortured individuals.
- **Support detainees and their families** by providing material assistance (medications, medical examinations, clothing, etc.).
- **Build the capacity of staff** working with victims and their families.
- **Training of the gendarmes** for the acquisition of new knowledge on the methods of interrogation.
- **Re-equipping police stations** to deter torture practices.
- **Follow up the legal files** of torture victims in order to preserve their rights to complaint.
- **Put pressure on the authorities** to develop mechanisms to monitor practices of torture and to write the reports required by the convention against torture ratified by the Lebanese government.



HEALING TAKES A LOT OF **COURAGE** AND A LOT OF  
**PERSEVERANCE...BUT OUR EFFORT IS DEFINITELY  
WORTH IT...**



**TORTURE SURVIVORS IN THEIR OWN WORDS DURING THE  
INTERVENTIONS OF OUR TEAM:**

- **A. 39years:** *"I cannot forget the humiliation and insults I had for myself and my family, but your presence made me feel comfortable and relieved my frustration..."*
- **M. 22years:** *"For the first time, since I was arrested, I have regained my self-esteem..."*
- **H. 46years:** *"I lost trust in all the people around me and I felt that everyone wanted to hurt me, but now I regain my trust in people..."*
- **T. 19years:** *"I was afraid to say what I went through but your support made me stronger to share my pain..."*

### III. CONCLUSION<sup>3</sup>

“Despite the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with the aim of completely eliminating torture, torture is still widespread in our society, where violence prevails. Certainly there is a continuation of the practice of physical and psychological torture, as well as the denial of the nature of torture practices by some parties, and there is also a **continuation of the policy of impunity with regard to the practice of torture and others.**

In addition, the failure to show **the results of the investigations supposed to be announced by the judicial and military authorities** concerning the allegations of torture, including cases of deaths in mysterious circumstances or resulting from injuries during the dispersal of peaceful demonstrations.

*Do we not notice that there is a delay in performing the work of the Anti-Torture Committee of the National Commission for Human Rights?*



*Are the concerned authorities really ready to implement the Convention Against Torture?*

<sup>3</sup> Father Dr. Najib Baaklini, *Humanity in the Rise between Legacies and Aspirations*, publications of AJEM and Dar Saer Al-Mashreq, Beirut, 2022, p. 64-65-66-67.

We ask many questions about the implementation of the agreement like:

*How are investigations conducted? How are witnesses and complainants of accidents or torture protected? How do we provide guarantees during the detention period? And other simple and specific questions that reveal the truth of reality.*



## **We demand**

**to criminalize torture in its supervisory and legislative aspects**, with the aim of achieving justice by issuing sentences against violators of the provisions of the law, as a first step to prevent torture. We have not heard or seen that any crime of torture has been referred to the judiciary. Those in charge of investigation centers can accept the call to use scientific and civilized means to obtain sufficient information and evidence to reveal the truth.

**We call for changing the course of the ongoing investigations** and correcting them, because we know and receive news that the practice of torture is included in the duties of the investigators. Our goal is not to criticize the security authorities, but to call for a change in mentality and to participate together in **finding scientific methods and practical solutions that protect everyone from torture, conviction and criminalization.**

We continued discussing Lebanon's official report on combating torture. There is no doubt that the success of this humanitarian project to reduce torture rests with the Lebanese government and civil society.

Hence, **efforts must be combined and tasks and responsibilities distributed** in order to implement charters and implement international agreements, as well as respect the constitutions of states and their internal laws related to human rights.

*Isn't conferences, seminars, and the work of civil society an incentive to confirm the need to protect human rights?*

Our society, (government and people) is required to exert more efforts to overcome the phenomenon of violence, torture, terrorism, intimidation, coercion and pressure outside and inside prison.”

## *What is Next?*



Call the Lebanese authorities to:

- **Amend the anti-torture law** in accordance with Lebanon's obligations under international law, in particular the UN Convention against Torture.
- **Apply article 47** of the law which includes the right of all detainees to have a lawyer present during their initial interrogations in security agencies.
- **Allocate a sufficient budget and issue the necessary government decrees to enable the National Institute for Human Rights**, including its National Preventive Mechanism against Torture, to be active and perform its functions.

- **Accelerate investigations** into complaints of torture and inhuman treatment and **ensure the transparency and the independence of investigations.**
- **Impose sanctions on the perpetrators** of acts of torture and cruel and inhuman treatment, as well as ensure that the victim obtains a fair and equitable judgment regarding to his moral and physical harm.

