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Fédération internationale des ligues des droits de l'Homme
International federation of human rights
Federacion internacional de los derechos humanos
الفدرالية الدولية لحقوق الانسان



**OPEN LETTER
ON THE OCCASION OF THE ASSOCIATION COUNCIL
BETWEEN THE EU AND LEBANON, 11 APRIL 2006**

To:

The Foreign Ministers of Member States of the European Union
The High Representative of the European Union to the PESC, Mr Javier Solana
The High Commissioner for External Relations, Mrs Benita Ferrero-Waldner

6 April 2006

Dear Minister,
Dear High Representative,
Dear High Commissioner,

On the occasion of the first meeting of the Association Council between the European Union (EU) and Lebanon, to be held on 11 April 2006, the Euro-Mediterranean Human Rights Network (EMHRN), the International Federation of Human Rights (FIDH) and the World Organisation against Torture (OMCT) express concern about the situation of human rights in Lebanon and wish to make recommendations aimed at improving that situation.

We wish to recall, first, that article 2 of the Association Agreement provides that “*relations between the Parties, as well as all the provisions of this Agreement itself, shall be based on respect of democratic principles and fundamental human rights as set out in the Universal Declaration on Human Rights, which guides their internal and international policy and constitutes an essential element of this Agreement.*” We urge that this stipulation be fully implemented in future relations between the parties.

We also call upon the EU and Lebanon to establish a political mechanism for dialogue, evaluation, and systematic and regular monitoring of the situation of human rights and reforms, in the form of a **Subcommittee on Human Rights**, in the framework of the Association Agreement. The Subcommittee should hold **regular and systematic consultations civil society in Lebanon and Europe** to seek its assessment of the evolution of the situation of human rights in Lebanon.

In addition, **the issues of human rights and democratisation should be essential elements in the negotiations on the future EU-Lebanon Action Plan in the framework of the European Neighbourhood Policy.** The human rights chapter of the Action Plan should constitute a roadmap for

the implementation of mutual commitments regarding respect for human rights. We also urge that civil society be consulted and involved in the development of the Action Plan as well as in its implementation and evaluation.

We urge that the following points be included in the agenda as essential issues to be discussed at the Association Council :

1. The resolution of the investigations into enforced disappearances and into Lebanese detainees in Lebanon, Syria and Israel

Several hundred Lebanese residents abducted in Lebanon are still detained incommunicado in Syrian and Israeli jails. The United Nations has focused on three cases of arbitrary detention in Syria – namely, those of Tanious Kamil El Habr, Najib Youssef Jarami and Georges Ayoub Chalawet (who was released in December 2005, despite the fact that the Syrian government had long denied his presence in the country) – and asked the Syrian authorities to release them. In April 2005, the Beirut Bar Association released a partial list of 88 detailed cases of Lebanese residents detained in Syria. Despite attempts by their families to seek changes in their situation, and despite the efforts of human rights organisations and supporting testimonies by former detainees, the situation has remained unchanged.

In early May 2005, the former Prime Minister of Lebanon, Mr Najib Mikati, announced the establishment of a joint Lebanese-Syrian committee on enforced disappearances, charged with elucidating the question of Lebanese detainees in Syria. The mandate of the committee, which was chaired by the Beirut general prosecutor, expired on 26 March and it is unclear at this point whether it will be renewed. What is clear is that the committee's work is incomplete, in particular due to the fact that the representatives of the Syrian government have claimed that they were unable to obtain information regarding "secret" jails in Syria.

We urge the EU and Lebanon to give top priority to the issue of enforced disappearances not only by expressing their support to the families but also by demanding that Syria undertakes concrete steps. These cases must be investigated fully and people who are arbitrarily detained must be released.

We urge that a transparent policy be implemented regarding the discovery and handling of mass graves. We expect the European Union to provide significant technical assistance to help the Lebanese government to establish a DNA database of the families of detainees in order to identify bodies found in mass graves without delay. This step would help to ensure transparency in the future handling of mass graves, which are estimated to number several hundreds throughout Lebanon.

2. To put an end to torture and ill treatments, to investigate allegations and punish the perpetrators, to put an end to arbitrary detentions and to respect the right to a fair trial, as well as guarantees that detention conditions are in compliance with international instruments for the protection of basic human rights

Recently, detainees arrested following the violent demonstrations of the 5th February 2006, would have been beaten in jail by the Lebanese Security forces. On 30th March 2006, students who were celebrating their victory after university elections, were violently arrested by soldiers. Human rights organisations have identified numerous cases of arbitrary detention following unfair trials and the victims of these violations are still being detained in Lebanese prisons.

Two cases are of particular concern – namely, Youssef Mahmoud Chaabane and Nehmeh Naïm El Haj, who have been sentenced to life imprisonment and to death, respectively. They have been in detention in Rumieh prison for many years after being found guilty on the sole basis of confessions obtained under torture by Syrian intelligence services.

We urge that the EU and Lebanon ensure that the practice of torture and ill-treatments is stopped immediately. We also urge the European Union to ensure that Lebanon will ratify the Optional Protocol to the Convention on Torture and recognise the jurisdiction of the UN's Committee against Torture in reviewing complaints filed by states or by individuals (articles 21 and 22 of the CAT). At last, the European Union should urge Lebanon to submit as soon as possible its initial report to the Committee against Torture owed since 2005 and its reports to the Human Rights Committee owed in 1999 and 2000.

We also urge that all unfair trials be reviewed. In the short term, this means that an appeals process should be put into place with respect to the judgments pronounced by the *Conseil de Justice*.¹ More generally, an independent tribunal should review all trials in respect of which allegations of torture have been made, in particular those cases in which the persons sentenced were arrested and detained in the interrogation facilities of the Lebanese or Syrian intelligence services before being turned over to the justice system.

An in-depth reform of the Lebanese judicial system is needed. It should, in particular, seek the following goals: restrict the prerogatives of military tribunals; abolish the death penalty; ratify the Statute of the International Criminal Court; ratify all international human rights instruments; and incorporate into domestic law all international instruments ratified by Lebanon.

The Human Rights Committee of the Lebanese parliament, which visited all prisons in Lebanon in December 2004, drew attention to its recommendations aimed at improving the catastrophic health conditions found in those institutions. These recommendations represent concrete and realistic steps that should be implemented without further delay.

3. Respect for women's rights, in particular in the context of the fight against human trafficking, and the guarantee to equality between men and women before the law

Following her visit to Lebanon in September 2005, the UN's Special Rapporteur on trafficking in persons expressed concern about trafficking practices reported in Lebanon and in particular about violations of the rights of migrant women working as domestics or in the sex industry.

In addition, human rights organisations regularly express deep concern about acts of violence perpetrated against women, especially in the family environment. Crimes of honour are regularly reported in Lebanon, where sentences for those convicted of such offences are reduced.

There are also regrettable cases of discrimination based in law. Although the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified in 1997, Lebanon has maintained a number of reservations. These reservations, most of which involve the personal status of women, are the result of Lebanese laws on the family and on personal status, which maintain women in a situation of lower legal status.

Trafficking in human beings must be severely punished and the victims of such trafficking must enjoy the protection and guarantee of their rights.

The undersigned organisations urge that equality between men and women be guaranteed in law and encourage the Lebanese government to lift its reservations against CEDAW as soon as possible and to ratify the optional protocol.

4. Respect and protection of the rights of migrants, refugees – in particular Palestinian refugees – and asylum seekers

¹The *Conseil de Justice* is a special tribunal to which certain cases are referred by decision of the council of ministers (cabinet) and outside normal judicial channels. It has jurisdiction in cases involving political violence, assassinations or assassination attempts against leading politicians, diplomats and religious leaders. Until December 2005, its sentences could not be appealed; since then, appeals are possible, subject to severe restrictions.

In Lebanon, refugees and asylum seekers are the targets of severe discrimination as well as arbitrary and prolonged detention. In addition, there have been reports of people who had been persecuted in their country of origin being deported, which is a threat to their right to life, thus violating the principle of non-refoulement.

We draw your attention to the desperate humanitarian situation of the 404,170 Palestinian refugees who live in Lebanon,² more than half of them in 12 refugee camps where their fundamental rights are severely hampered and they are the targets of systematic discrimination. There are reports that a further 5000 Palestinian refugees have no identification papers because they are not registered neither with UNRWA, nor with the Lebanese government.

Our organisations are also deeply concerned by the extra-legal situation in which many migrant workers find themselves, in particular those who are employed as domestic workers. Lebanese legislation does not provide for the protection of these workers, thus exposing them to various forms of exploitation and abuse.

We urge that respect and protection of the rights of migrants, refugees and asylum seekers be guaranteed in accordance with international law. We also urge that the Lebanese government ratify and implement the 1951 Geneva Convention relating to the status of refugees. In addition, we call upon all parties to ratify the 1990 Convention on the protection of the rights of migrant workers.

We also urge that all laws that discriminate against Palestinian refugees be abolished and in particular that the rights to work, to have an identity and to private property, and the right of association be recognised. In addition, we call upon UNRWA to register all Palestinian refugees who are not presently registered in order to provide them with legal protection.

5. Violations of the rights of human rights defenders and of the right to freedom of association in general

The numerous violations of the rights of human rights defenders and of the right to freedom of expression and association are a source of great concern.

Ghassan Abdallah, General Director of the Palestinian Human Rights Organisation (PHRO), which attempts through one of its programmes to establish a dialogue between the Palestinians and the Lebanese, has repeatedly been the target of allegations, slander and death threats by non-state armed groups. Mr Abdallah has been accused of “treason”, “spying”, “belonging to certain networks, including FIDH, [said to be] funded by the CIA, and linked to several racist Israeli groups” and “having received money from illegal sources”. The PHRO filed a complaint in Beirut Civil Court on 7 December 2005, and an investigation has been launched.

Samira Trad, a defender of the rights of refugees in Lebanon, will face trial on 14 April 2006. Mrs Trad and her organisation Frontiers Center have been the target of non-stop pressures and threats by the General Security since 2002. In her trial, which began on 11 September 2003, she is accused of “defamation and libel against public officials”. Her arrest and the accusations brought against her have been widely condemned by Lebanese and international human rights organisations. The UN’s Special Representative on the situation of human rights defenders has also expressed concern about her situation.

As a third example, Muhamad Mugarby, human rights advocate, has been charged by the military prosecutor with “slandering the military and its members”. He was detained by Beirut’s general security forces on 26 February 2005, following his intervention before the Mashrek delegation at the European Parliament in November 2003, during which he had denounced his arbitrary detention in August that year, as well as the dysfunctions of the Lebanese judicial system.

² Data provided by UNRWA in December 2005.

We urge that all forms of harassment and intimidation against human rights defenders be brought to an end and that the Lebanese government respect the freedom of expression and the freedom of all human rights organisation to meet, in accordance with the EU Guidelines on the protection of human rights defenders and with articles 1 and 5a of the UN Declaration on the rights of human rights defenders.

We urge that the complaint filed by the PHRO be dealt with properly and as soon as possible, and that Mr Abdallah's safety be guaranteed. We request in particular that all charges brought against human rights defenders, including Samira Trad and Muhamad Mugarby, be dropped, given their arbitrary nature.

6. The rights of homosexual minorities

Our organisations condemn all forms of discrimination of a sexual nature in Lebanon, in particular all acts of violence and attempts against the life of homosexuals. We wish to point out that the EU's Charter of Fundamental Rights and article 13 of the Treaty of Amsterdam stipulate that all forms of discrimination based on sexual orientation must be combated. It follows that the EU must require of the states with which it concludes association agreements that they abide by these principles.

Accordingly, the EU should insist that the Lebanese penal code be amended, in particular article 534, which prohibits homosexual behaviour.

We trust that the concerns expressed in this letter will receive the attention they deserve.

Yours faithfully,

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