

# Lebanese Prisons Conditions: Comparative Study with the French Regulations

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by  
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## Abstract

A growing number of Lebanese inmates are incarcerated in congested and poorly maintained prisons. Poor imprisonment conditions and ill-treatment of inmates are key factors catalyzing further social delinquencies and mental health deterioration among prisoners and released detainees.

Away from being a rehabilitation period, the prison sentence is a chance for reform and correction, a time where inmates are granted the education, mental and emotional support to come out as self-conscious and socially responsible individuals, ready to contribute to their surrounding communities.

In this scope, the following pages serve to depict through a realistic lens and guided reviews, the actual and current status of Lebanese prisons, the daily challenges encountered by detainees, and the role of local authorities in driving necessary improvements in this structure. As part of a comprehensive initiative, the French prison system, being the foundation of the local judiciary and incarceration organization, is objectively described and highlighted as a potential resource for favorable system upgrades.



## **Chapter 1: Introduction**

"The Prison is full of Negative things. There is no reform, and there is no rehabilitation. There is a punishment that is below the level of humanity." (Roumieh Prison inmate)<sup>1</sup>

" Prison is a different world. There is no place to sleep; I slept near the toilets. I used my shoes as a pillow. I covered myself with a mop. Where are human rights?" (Roumieh Prison inmate)<sup>2</sup>

From the words of Roumieh inmates, we can have an idea of life in a Lebanese prison. Individuals who have committed crimes are doomed to spend time behind bars as punishment. But who said punishment had to be inhumane? Who said they do not deserve to be treated as humans? How is this punishment helping them become better individuals?

Over the years, it has been seen that Lebanese prisons do not meet the minimum international standards in terms of justice, punishment, social and correctional aspects. There are 25 detention centers in Lebanon, according to the Ministry of Justice: only two of which were structured to be official prisons: Zahle and Roumieh prisons. We have 19 prisons for men, four prisons for women, one for juveniles, and one for minor girls. (Aljammal, 2019)

According to the World Prison Brief, the official capacity of prison systems in Lebanon is 3500 prisoners; yet, as of October 2019, the occupancy level based on the official capacity was 286.6%. (World Prison Brief, 2019) This shows that prisons in Lebanon are overcrowded. According to the Ministry of Justice, as of July 24, 2020, there are 5510 prisoners. (Ministry of Justice, 2020) Prisons are jammed and overpacked with prisoners living under cruel and inhumane conditions. Most are located in basements of military barracks and centers of the

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<sup>1</sup> 12 Angry Lebanese: The Documentary. Directed by Zeina Daccache, performance by Zeina Daccache and Prisoners of Roumieh. Found in Apple Store

<sup>2</sup> 12 Angry Lebanese: The Documentary. Directed by Zeina Daccache, performance by Zeina Daccache and Prisoners of Roumieh. Found in Apple Store

security forces. For instance, prisons in Nabatiyeh, Jab Jenin, Rashaya, Halba, Zgharta, Jbeil, and Jezzine do not receive sufficient light nor proper ventilation. Among other issues are the problems of sewerage, lack or shortage in freshwater, bad quality of food, and lack of leisure places and meeting areas.(Atabay, 2013) Unfortunately, since there is no clear universal standard regarding space for prisoners in prison, the ICRC developed a handbook with Technical Specifications for Space where it discussed issues regarding water, sanitation, hygiene, and habitat. (Atabay, 2013) Last but not least, prisoners have no educational activities, sports, and mental treatment programs. (Atabay, 2013) All this contributed to 21 deaths in 2019 ranging from natural deaths, electrocution and hanging. (Aljammal, 2019)

#### A- Literature Review

Throughout the years, it has been acknowledged that Lebanese prisons do not meet the minimum standards. They are packed to twice their capacity and prisoners are detained under cruel and inhumane conditions. Prisoners come from different nationalities and backgrounds and have different crimes ranging from minor crimes to serious crimes. Among those imprisoned, are several inmates constituting cases of arbitrary detention and those detained for long periods of time with pending trials. Moreover, several illegal migrants, asylum seekers and refugees have spent time in their cells exceeding their release due dates.

Before exploring the legal status, it is useful to define the terms prison and prisoners. According to the Handbook on strategies to reduce overcrowding in prisons published by the United Nations in cooperation with ICRC, prisons are defined as authorized places of detention within a criminal justice system. (UNODC, 2010, p.7) Prisons include all individuals held during the investigation of a crime, awaiting trial, or awaiting or after conviction. Prisons are not detention centers where people are detained for their irregular migration status. (UNODC, 2010, p.7) In modern law, this term is no longer merely a place where dangerous offenders are kept away

from society. Instead, it is a material framework and a set of technical processes aimed at impeding on the legal rules and with a view to specific social objectives and custodian sentences. (Hosni, 1970) Prisons have become an essential part of the penal system as it became the ordinary and dominant punishment in almost all modern penal legislations. (Hosni, 1970)

Moreover, a prisoner, including adults and juveniles, is held in detention during investigations, while awaiting trial, after conviction and before and after sentencing. (UNODC, 2010, p.7) He is a person who has committed an act prohibited by law.

According to the world prison brief, prisons in Lebanon fall under the jurisdiction of the Ministry of Interior but will be transferred under the Ministry of Justice. Based on a report by the Lebanese center of Human Rights, Roumieh prison for male adults and minors is the largest most overcrowded prison in the area. They are mainly controlled by the Internal Security Forces (ISF). It has been reported that Lebanese prisons can accommodate up to 3,653 inmates, whereas the total inmates in the released report of 2010, was 5,324; almost one and a half the official capacity. This shows that prisons are overcrowded resulting in several violations. (Lebanon, World Prison Brief, n.d.)

International law governing acts of detention by police officials practically derives from various universal standards and conventions, including The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention against the Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Code of Conduct for Law Enforcement Officials, Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Declaration on the Protection of All Persons from Enforced Disappearance, Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, and the United Nations Standard Minimum Rules for non-

Custodial Measures. From these and other standards about vulnerable groups such as juveniles and women, the Office of the United Nations High Commissioner for Human Rights (OHCHR) released an expanded handbook that deals with human rights standards about police practices, in which multiple rules are laid out concerning international law.(Human Rights Standards and Practice for the Police, 2004)

According to the Standard Minimum Rules for the Treatment of Prisoners, prisoners have basic rights related to their imprisonment that should be applied. These range between rules for separation of categories, accommodation, personal hygiene, clothing and bedding, food, exercise and sport, last but not least medical services. But first, and most importantly, records of registration should be properly kept and archived including details about prisoner's identity, reason for commitment and the day and hour of his/her admission and release. All prisoners received should have an official commitment order. (Standard Minimum Rules for the Treatment of prisoners, UNODC)

Lebanon does not respect such guidelines. For example, when it comes to the separation of categories, point 8(b) of the SMRTP states that "untried prisoners shall be kept separate from convicted prisoners". Yet, this is not the case in Lebanon. As seen in the documentary, 12 Angry Lebanese by Zeina Daccache, one prisoner states that he has been in prison for five years and no official ruling has been made regarding his detention. (12 Angry Lebanese, The Documentary, Apple store) Moreover, when it comes to accommodation, international standards require that each prisoner must occupy a room or cell by himself and must meet the requirements of health, minimum floor space, lighting, heating etc. All of which do not comply to the conditions in Lebanese prisons. For example, in 2010, Baabda prison for women accommodates 50 places but has 36 beds, which means that not all prisoners are receiving proper accommodation. Moreover, as observed in the documentary, Roumieh prison lacked many of the standard requirements mentioned by the United Nations. The infrastructure

appeared in a very bad shape, rooms lacked beds and were overcrowded with prisoners. Rooms and cells did not have proper windows allowing natural light, and in one part we can see, during the winter, how inmates try to cover the windows with blankets and clothes to prevent water from coming inside their cells. These conditions, among others, lead to various health issues such as nervous disorders, vitamin deficiencies and dermatological and pulmonary consequences. (12 Angry Lebanese, The Documentary, Apple Store)

According to the literature and reports, few tackled the main reasons for these inhumane conditions within Lebanese prisons. Yet, according to the United Nations on Drugs and Crime and the ICRC, there are several factors that lead to the overcrowding in prisons. Among the causes is the increase in imprisonment rates and crime trends, socio-economic and political factors, obstacles or delays in accessing justice, inappropriate use of imprisonment, inefficient measures to promote reintegration, and inadequate prison infrastructure and capacity. (UNODC, ICRC)

Several NGOs brought these issues to the attention of the Lebanese authorities and there has been a broad consensus about the description of the miserable prison conditions. However, no serious and formal approach have been addressed. The Lebanese government, so far, have failed in providing adequate solutions to improve the conditions in its prisons. Perhaps the reforms submitted are unattainable considering the Lebanese budget or space and infrastructure in Lebanon. Perhaps, the government is facing several other obstacles preventing it from taking action to improve the prisons.

Through this thesis, I will try to shed light on the main reasons for having such inhumane conditions in Lebanese prisons and explain the main obstacles preventing the Lebanese authorities from implementing reforms. In addition, the reforms suggested, and

recommendations presented will be tailored to Lebanon's capacities and abilities, taking into consideration international standards.

## B- Methodology

This research thesis will use applied research and inductive reasoning to discuss the issue of Lebanese prisons. It will be both explanatory and exploratory. It will explore the conditions and violations in prisons and explain its causes and consequences.

Moreover, it will be based on both primary and secondary research and apply a more qualitative aspect which will include interviews, field visits to prisons, laws, books, documentaries and International Organizations reports.

A generalizable in-depth insight about the Lebanese prisons, their conditions and what can be done to solve these issues will be discussed. The context will be of a descriptive nature aiming at highlighting the existing violations and conditions while sharing the causes and ways to solve them.

In conclusion, this study will tackle several issues including the actual and current status of Lebanese prisons in particular that of Roumieh prison, the challenges encountered by detainees, the role of local authorities and the favorable upgrades in comparison with the French prison system. Thus, the main purpose is no create a brief manual highlighting the main situation and condition of Lebanese prisons.

## **Chapter 2: Background & Legal Structure of Prisons in Lebanon**

The penal system was conceived through joined efforts of local and foreign authorities, aiming at providing a framed and legal structure to the correctional initiatives needed in the community.

This chapter discusses the origin of the Lebanese penitentiary system, the key players that took part in the formation of the current prison regime, and the laws and regulations governing this constitution.

It starts with a basic definition of the main concepts of prisoners and imprisonment, then moves to a detailed description of the correctional facilities distribution around different Lebanese regions, with a close focus on Roumieh prison, being the one that accommodates the largest proportion of detainees.

### **A- Legal Background**

The modern history of Lebanese prisons dates back to April 13, 1919, when the commander-in-chief of the allied troops who occupied Lebanese territory ordered the establishment of two prisons in Beirut: one dedicated to the commanders and the others to the detainees. This ordinance has introduced the penitential work of Lebanese Prisons. (Hosni, 1970) Under the French mandate, the representative of France made a circular for the full regulation of prisons. After the Lebanese constitution came into force in 1926, a decree No. 6780 was issued on June 13, 1930, to establish a new prison regime. (Hosni, 1970) This decree remained in effect until February 11, 1949, when decree 14310 replaced it. Decree 14310 discusses the organization of prisons, places of detentions, and Juvenile Reform Institutions. It also puts the prisons under the authority of the Ministry of Interior. (Abdullah, 2011) Throughout the years, fear of prisons losing their intimidating character, led to efforts to reform

the penitential system. It constituted three objectives: the construction of modern buildings that can allow the contemporary prison to function appropriately, the establishment of detention centers capable of carrying out its social mission, and the development of new penitential legislation inspired by current potential theories. (Hosni, 1970)

When it comes to the first objective, on March 17, 1962, the construction of a detention center in Roumieh, Metn area began. (Hosni, 1970) Secondly, on August 28, 1964, decree No. 17315 was issued and decided to create an autonomous central penitential administration independent of the police authority. (Hosni, 1970) The idea of supervising prisons changed. The body was to be transferred from the Ministry of Interior to the Ministry of Justice with the creation of a department/ unit to manage prisons. (Abdullah, 2011) This decree explains the process of managing prisons. Finally, for the development of new legislation, the Lebanese authorities called Mr. Andre PERDRIAU, deputy director of the French Ministry of Justice and renowned expert on penitential issues. He stayed in Lebanon for February and March 1962 to study Lebanese prisons and designed a project inspired by the UN Standard Minimum Rules for the Treatment of Prisoners that was adopted by the UN Congress on the Prevention of Crime and the treatment of offenders in 1955 and approved by the UN Economic and Social council in 1957. (Hosni, 1970) Based on the PERDRIAU project, a final report was developed in 1965 by Lebanese experts in the penitential field and constituted 248 articles.

The legal document on Organizing prisons in Lebanon include 153 articles dealing with the prison administration, management, inspection, the medical department, the prison library, visiting prisoners, and prisoners' living conditions such as food, clothing, and bedding. Under article one of the decree, prisons were divided into two categories: central jails and district prisons.



Central prisons are defined as prisons located within Beirut city and include Roumieh prison and one women's prison known as Barbar Khazen in Verdun, Beirut. (Abdullah, 2011) District prisons are located where Courts of Appeal (provincial centers) and centers of individual judges are distributed.

According to a report issued by the Ministry of Justice in 2012, Lebanon had 22 prisons spread around four districts. (Abou Jaoudeh, 2012) At the time, there were 5000 prisoners within these prisons divided as follows: 2% juveniles, 5% women, and 93% men. The prisons' map was as follows: In Mount Lebanon, there are six prisons: Roumieh prison, Jbeil prison, Aley prison, Baabda women's prison, the Reform Institute in Baasir, and the Reform Institute in Fanar. There are six prisons in the North: Tripoli prison, Halba prison, Batroun prison, Zgharta prison, Amioun prison, and the women's prison in Tripoli. In Bekaa, there are five prisons: Zahle prison, women's Zahle prison, Jeb Jennin prison, Baalbeck prison, and Ras Baalbeck prison. Last but not least, in the south, there are four prisons: Sour jail, El Nabatieh prison, Tebnin prison, and Jezzine prison. (Abdullah, 2011) The latest statistics published by Al Araby magazine on 14 October, 2019 states that Lebanon has 25 prisons distributed between 5 districts: Mount Lebanon, the North, Bekaa, The South, and Beirut city. Moreover, there are 227 detention centers. (AlJamal, 2019) As of March 09, 2020, Lebanon had 7046 prisoners and detainees. Below map shows the numbers related to the 2019 report by Al Araby magazine:

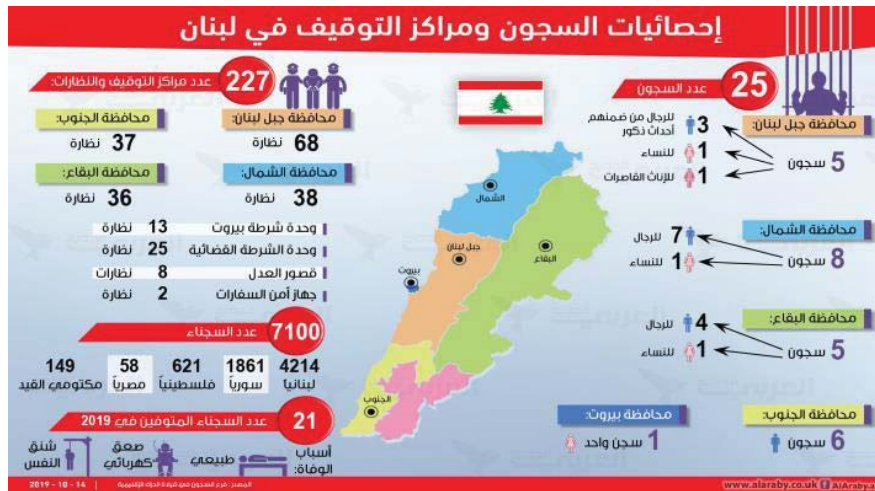


Figure 1: Statistics for prisons and detention centers in Lebanon Used from The New Arab , 2019, retrieved from <https://www.alaraby.co.uk/>

In addition to prisons, several detention centers around Lebanon fall under the Directorate of General Security's authority. These centers are meant to detain refugees and asylum seekers following illegal procedures until their conditions have been settled. Each foreign detainee would be transferred to the General Security Department (GSD) for resolving his residency issues or deportation. However, due to the incompetent bureaucratic measures, many detainees finished their sentences but are still detained in these centers. Also, there is a lack of an organizational design constituting of: specialization and Division of Labor, Hierarchical authority structure, clear rules and regulations, proper technical competence guideline, impersonality and standard formal, written communications that allows and facilitates the accomplishment of tasks with maximum efficiency. (Characteristics of Bureaucracy, 2020)

## B- Laws

With time, and with the evolution of the concept of punishment, prisons were no longer confined to the mere retribution of criminals but aimed at rehabilitating and addressing the

deviations in the prisoners. Under the Internal procedures for prisons stated in the Judicial Journal updated in 2017, section 59 states that a prison is the location where a convict will be staying to serve his punishment. He sleeps and eats in the same place and needs to maintain his own hygiene. (The Judicial Journal, 2017) According to section 2 of Article 232 Law 17 dated 6/9/1990, additional tasks were appointed to the Internal Security Forces to manage and administer the prisons until the particular unit within the Ministry of Justice takes over. (Abdullah, 2011)

Among other essential decrees (Kais, 2013):

- Decree 10480, issued 24/10/1955, explains the process of record-keeping
- Decree 854, published on 24/3/1971, concerns the creation of Roumieh prison in El Metn
- Decree 6164, issued on 23/12/1994, states the creation of a specific branch/unit at Roumieh prison
- Decree 6236, published on 17/1/1995, discusses the internal system of prisons under the Ministry of Defense. In reality, individuals detained in these prisons have been sentenced or awaiting sentences by military courts and the judicial council. These prisons are not subject to any external control other than from the ICRC (International Committee of the Red Cross). NGOs are not allowed access. (Kais, 2013)
- Decree 10182, issued on 2/5/1997, which is an update for article 2 of Decree 14310 issued on 11/2/1949.
- Law 216, published on 31/3/2012, which considered a sentence to constitute nine months

Article 11 of decree 14310 about Organizing prisons and places of detention and the institute of Juvenile correction and Education, states that the police secures officers and personnel to

operate all prisons, including internal regulations and guarding them against abroad. As for women's prisons, women under the authority of the police must be appointed by the Minister of Justice to guard the prisons. (Kais, 2013)

There has been no specific decree stating that prisoners are entitled to pursue their education. Yet, under article 67 of decree 14310, a prison library was to be created in each prison where prisoners would have access to literary, social, and health books. Also, teachers from the ministry of education were appointed to give classes and guidance within prisons. (Kais, 2013) (Abdullah, 2011)

Although the Lebanese standard seems to comply with international standards, yet many prisons lack any libraries. If it existed, books are ancient and of no use to prisoners. Moreover, no librarian could assist prisoners in reading and looking for books.

Only within Roumieh prison, some organizations like AJEM through the S.T.A.R.T program try to conduct classes and workshops for prisoners for their rehabilitation and to provide mental health assistance.

Regarding minors and Juveniles, articles 136-153 of decree 14310 mentions the creation of a Juvenile Correction center attached to the Ministry of Education and Fine Arts. An educational program would be created and divided into two sections: Theoretical and Vocational education. Theoretical education would follow the system applied in public schools, and Vocational education would include Carpentry, Blacksmithing, and sewing. This institute must be operated by an employee belonging to the official public education department and is assisted by officials taken from the formal education field.

Within these institutions, mainly in Fanar and Dahr el Bashek, there is a significant interest in teaching the juveniles and allowing them to pursue their education. (Kais, 2013)

When it comes to working, prisoners in Lebanon do not have that opportunity. However, some organizations employ prisoners for an insignificant revenue whenever applicable, usually in candle production or acting and theatre. (Kais, 2013) Their work in theatre has been seen in the documentary by Zeina Daccache, where she conducts acting workshops within Roumieh prisons. (12 Angry Lebanese: The documentary, 2009)

When it comes to prisons' staff, the Lebanese standards state under article 25 from decree 14310 that for women's prison, an educated female principal must be assigned from teachers in public schools to handle administrative tasks of the prison. She should be assisted by two guards. (Kais, 2013)

Also, article 29 of decree 151 (updated) issued on 16/9/1983 states that the prison directorate deals with prisoners' affairs, care, rehabilitation, and application of prisons' regulations. The directorate is headed by an employee appointed based on a proposal by the Minister of Justice, on condition that he is:

1- An individual holding a doctorate in criminal sciences/criminology

Or

2- An administrative employee in the second category who holds a law degree and a certificate in criminal or social sciences. Only those who have been practicing this position for at least three years are exempt from the certification.

However, the above article has not been implemented and is still pending. In practice, prison staff belonging to the internal security forces are mainly responsible for limited administrative affairs, security, and minimal health matters. Furthermore, prisons face a shortage of financial and human resources. For instance, other than in Roumieh, there are no psychologists or therapists available to assist prisoners. In some cases, several prison

administrations are making a personal effort in helping prisoners and their families; however, at the end of the day, this remains as an individual effort unless a comprehensive strategy was implemented for all prisons. (Kais, 2013)

### C- Roumieh Prison

Today, Roumieh Prison is the largest, most notorious Lebanese prison. It is composed of four buildings: A, which accommodates all detainees and prisoners; B, which houses Islamists known as Fateh el Islam; C, which hosts minors below the age of 18; and D, which is closed and not utilized and does not accommodate any inmates. (Hachach, 2013) The prison is described as being very humid; during the summer, it is hot, and in winter, it is freezing. In practice, the prison can accommodate up to 1500 prisoners, yet in reality, it accommodates almost double that number. (Ministry of Justice, <https://www.justice.gov.lb/>)

Although it is considered as the best correctional facility in Lebanon, yet it still lacks the minimum requirements to meet the United Nations standards. For instance, the sewage system is terrible, causing a bad smell, leading to many insects, germs, and infections. In most rooms, the toilets are located inside of the room. (Hachach, 2013) There is no standard in dividing or categorizing prisoners. (Hachach, 2013) For instance, criminals who had committed widely different crimes live inside the same small room. Seven to ten prisoners live in a place that should accommodate only two prisoners. (Daccache, 2016) Every two prisoners must sleep on the same mattress, and sleeping hours are divided among prisoners. Some must sleep close to the toilet. (Hachach, 2013)

Moreover, a prisoner may be imprisoned for robbery but leaves jail having mastered drug dealing techniques while inside. If a prisoner is rich and has money, he is treated differently. For example, he stays in a single room having a separate bathroom and a refrigerator with several servants under his hand. (Hachach, 2013) Trade is very significant in

Roumieh among prisoners. Inmates cell phones, drugs, electrical wires, and arms. Most prisoners have phones with mobile internet and can communicate with people outside the prison without any restrictions. (Hachach, 2013) Unfortunately, the Gendarmerie lack professionalism and the required training to monitor and surveillance, such as individuals to maintain order.

Just as external intervention was needed to dictate the internal laws and regulations of the penal system, guidance and support of the local authorities remain equally fundamental for the healthy implementation of the judicial system. However, a quick glance on the actual conditions of the Lebanese prisons suggests poor management and lack of competencies; instead of existing as correctional facilities, prisons rather become the stage for persisting social inequities, discriminations, and delinquencies.

## **Chapter 3: Human Rights Violations in Lebanese Detention Practices and Prison Facilities**

Under the umbrella of human rights, many protective measures serve to keep detainees and inmates safe and decently treated. However, challenges arise when representatives of the penal system abuse of their power and disregard these rights when handling prisoners in various situations. Hence, violations are likely to occur because of poor management.

Lenses inside the prison cells, facts reported by the media, and testimonials of victims of mistreatment are all evidences of system abuse and human rights violations within the Lebanese penal constitution.

### **A- Human Rights Standards in Detention**

Pertinent human rights standards relating to detention include the following.

1. All individuals temporarily without their liberty ought to be treated with dignity and respect for their human person;
2. No detained individual ought to be exposed to inhuman, cruel or degrading treatment or punishment, including torture, violence, and threats in all forms;
3. Any individual arrested should be held in detention venues that are officially recognized, the details of which must be communicated to their legal representatives and family members.
4. Decision-making relating to the legality and duration of the detention is the judicial authority (or equivalent).
5. Detainee shall have the right to be informed about the reason for arrest and any charges made against him/her.
6. He/she has the right to communicate with the outside world, including through visitations from members of his/her family, as well as private meetings in person with legal representatives such as lawyers.



7. Any detainee should be held in facilities that uphold an adequate degree of human facilities to preserve health and ought to be offered suitable shelter, clothing, food, water, medical services, personal hygiene items, and exercise.
8. A detainee has the right to have the legality of his/her detention reviewed.
9. No authority ought to exploit the circumstances of the detainee to coerce him/her into a confession or otherwise any sort of self-incrimination of his/herself or another individual.
10. Any disciplinary action taken against detainees must conform to regulations, especially when it comes to not exceeding the necessary measures for safe custody.

Police practices that adhere to the aforementioned human rights standards for detention have been detailed in reports on international police standards, including the Guidebook on Democratic Policing published by the Geneva Centre for the Democratic Control of Armed Forces (DCAF). In particular, the report states that any investigation conducted with detainees must abide by the presumption of innocence until any guilt is proven and the principle of the due investigative process. Also, before commencing any interrogation, police officials ought to identify themselves to the detainee and inform him/her of the reasons for the questioning, as well as his/her right to have a lawyer present. Furthermore, comprehensive custody records must be kept, including “documentation of reason, date and time in an out of the detention facility, precise information of the officers involved, property inventory and meals provided. The custody record should be communicated to the detainees or their legal counsel. Detainees should be monitored closely, particularly when they have not been through an intake and medical screening process” (DCAF, 2009, p. 18).

## 1- Torture

A definition of the act of torture is provided by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

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

Various international treaties contain provisions about acts of torture. For one, Article 5 of the UDHR explicitly prohibits torture, inhuman, and degrading treatment. Protections against torture also appear in Article 7 of the International Covenant on Civil and Political Rights (ICCPR), articles 19 and 37 of the Convention on the Rights of the Child (CRC) and article 1 of the Convention on the elimination of racial discrimination (CERD) (ALEF, 2018). These provisions make it an obligation for Lebanon not just to punish offenders, but also to prevent officials from committing this criminal behavior. Moreover, in international law, the status of torture has become similar to that of other severe crimes, including slavery, genocide, forceful acquisition of territory, and the suppression of peoples’ right to self-determination. In that regard, the jus cogens nature of the prohibition against torture stipulates that this prohibition has become fundamentally entrenched within the legal norms to which members of the international community – as well as the people over whom they exercise authority – must abide fully and without fault (ALEF, 2018).

Furthermore, the positive aspect of the probation has consequences at multiple levels, including at the inter-state and individual levels. In fact, not only does it render legislation as well as judicial and administrative activity that authorizes torture illegitimate, but it also makes particular culprits liable to prosecution domestically and internationally due to violations erga omnes. What is more, the jus cogens aspect of the prohibition against torture at the individual level also results in the entitlement of any state to undertake the investigation, prosecution, punishment, and extradition of persons present in a territory under its jurisdiction and accused of committing acts of torture. Thus, torture victims are endowed with international rights that may be claimed at any time for prior violations (ALEF, 2018). Lastly, the prohibition against torture represents an absolute right that may never be derogated. (ALEF, 2018).

Moreover, Rule 43 of the UNSMRTP (UN standard Minimum Rules for the treatment of Prisoners) dictates that under no circumstances should any disciplinary actions or restrictions against prisoners involve torture or other degrading, inhuman, and cruel punishment or treatment. Limitations include Prolonged or indefinite solitary confinement, placing prisoners in the dark or always lit cell, reducing prisoners' diet and drinking water, corporal discipline, and collective punishment.

## 2- Treaties and Provisions Governing Armed Conflict

In times of internal conflict, notably where military means are involved, international human rights law offers states some room to maneuver concerning some rights, albeit conditionally. However, the prohibition against torture does not fall within the scope of such leniency. IHRL treaties, including the torture convention, do not allow for any derogations and must be respected at all times. In particular, two primary sources of protection exist against torture in treaty law:

- a) Common article 3 of the 1949 Geneva conventions
- b) Article 4 of Additional Protocol II

These two articles explicitly prohibit torture and suggest a minimum of necessary guarantees in Lebanese territory. Moreover, common article 3 stipulates that in internal armed conflict, excluding international parties, individuals not involved in hostilities must be offered minimum protection standards. Protection against violence to life and person, especially murder in any form, cruel treatment, mutilation, and torture, as well as protection against attacks on personal dignity, especially degrading and humiliating treatment. Additional protocol II goes further to augment the minimum standards through Article 4(2) that forbids:

- harming the physical and mental wellbeing of individuals, committing violence against them, especially murder, cruel treatment, and torture, and any form of corporal punishment, in addition to collective sanctions at all times and places (ALEF, 2018).

Notably, some treaty rules on torture have progressively become part of customary law, such as the 1949 Geneva Conventions' Common Article 3 that the International Court of Justice (ICJ) authoritatively upheld, as well as the 1977 additional protocol II's core provisions. The ICJ asserted that these rules constitute a reflection of "elementary considerations of humanity" that apply to all armed conflicts, be them of domestic or international nature, under customary international law (ALEF, 2018).

## B- Violations

### 1- Citizen Detentions in Mass Protests

Among the core freedoms protected by international law is the freedom of expression in various forms, including the freedom of protest as a means to express opposition to specific acts of government, including dubious legislative and executive decisions that are deemed detrimental to the people's wellbeing. Lebanon is legally obliged to adhere to international conventions on freedom of assembly, which is a fundamental human right entitled to all individuals and groups. That is inseparable from other public liberties. Restrictions on the exercise of this right may be imposed only on those who are prescribed by law and constitute

necessary measures for the maintenance of security, public safety or order, the protection of public health or morals, or the protection of the rights of the public” (Al-Khatib, 2019, para. 6). In particular, Article 20 of the Universal Declaration of Human Rights stipulates that “everyone has the right to freedom of peaceful assembly and association”; also, Article 21 of the Covenant on Civil and Political Rights equally ensures this right. Domestically, Article 13 of the Lebanese Constitution guarantees freedom of expression, both verbal and in writing, in addition to freedom of assembly and association (Al-Khatib, 2019). Despite these legal provisions, various violations of protester rights were committed in times of protest, particularly during the Garbage Crisis demonstrations of 2015 and the more recent October 17 uprising, whereby police officials committed flagrant abuses during the detention of protesters.

## 2- Arbitrary Arrests

One of the documented violations committed against regular citizens peacefully protesting comes in the form of arbitrary arrests. Several such cases were recorded by Amnesty International, including that of two young men on November 27, 2019, in the southern district of Marjeyoun. They were merely tagging slogans on walls as a way of showing solidarity with the October 17 uprising. In 7 other cases, Amnesty revealed that military intelligence was responsible for arresting and beating peaceful protesters (“Lebanon: Military Forces,” 2019).

## 3- Temporary Enforced Disappearance

Aside from being subjected to arbitrary arrests with no justifiable cause, many protesters were also taken away by intelligence and police officials to unknown locations without notifying their peers, family members, or even lawyers about their whereabouts before being released, in clear violation of international human rights standards. For instance, Lebanese revolutionary Khaldoun Jaber, a known social media figure, was arrested by military officials near the Baabda presidential palace. Despite other protesters attempting to follow him and inquire about his detention destination, his location was never revealed. Instead, 12 hours after

he went missing, the military judge responsible for his case decided to release him (Zakhour, 2019).

#### 4- Torture

To be clear, Lebanon ratified the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment” in 2000; moreover, the country is a party of the 1949 Geneva Conventions as well as their two additional protocols (1977). However, despite the prohibitions against torture laid out by international law, cases of torture in Lebanon abound. According to the Lebanese Center for Human Rights (CLDH), by 2013, it was determined that more than two-thirds of the prison population in Lebanon were exposed to torture or substantial mistreatments without being granted the right to reparation or justice. (CLDH, 2013) The organization collected data on the types of torture used; it found that the most common was the experience of beatings during investigations, followed by detention underground, insults and humiliations, and seeing and hearing other inmates being tortured. Less common, but equally significant, were suspension from the ground, electric shocks, and beatings until loss of conscience. Moreover, severe ill-treatment has been recorded that may be tantamount to torture, including leaving vulnerable inmates to fend for themselves in an unsafe prison environment. In particular, the CLDH report cites inmate medical conditions as one risk factor, whereby prisoners suffering from neurological deterioration, gangrene, severe asthma, and AIDS were left without medical assistance, putting them at a higher risk and even death.

During the October 17, 2019 uprising, many allegations were made by protestors about the flagrant abuses of police members in detention centers. For one, Ali Basal recounted his story on the night of November 14 when he found himself surrounded by a group of unidentified men in civilian clothing. He was walking by the well-known Gemmayze street on the way to a group of protesters. Basal alleged that he was arrested by military intelligence

officers, who beat him and broke his back. He was blindfolded and taken against his will to an unknown detention center where he was interrogated for hours, accused of throwing rocks at the army, and mock-executed (Medina & Chehayeb, 2020).

### C- Vulnerability Groups

#### 1- Members of the LGBTQ Community

In the eyes of Lebanese police authorities, the LGBTQ community is inherently immoral, as consistent infringements of members' human rights indicate. According to a Human Rights Watch report conducted on ill-treatment and torture practices by the Internal Security Forces (ISF), LGBTQ individuals were found to be more vulnerable than others to arrests and ill-treatment during detention. Interviews conducted with a sample of detainees belonging to this minority group revealed that they had been verbally and physically abused, humiliated, and made to give false confessions or risk further discipline, punishment, or behavioral correction (HWR, "It's part of the Job," 2013). Moreover, often the intersectionality of detainees contributes to further oppression from police authorities. For instance, when an individual detained is both a refugee and a member of the LGBTQ community, he/she could be treated more harshly. The case of 31-year-old gay Syrian refugee Shadi is a prime example. His apartment was raided by police officers who arrested him upon seeing a picture of him with a transgender woman. In detention at the Sarba military intelligence branch in Jounieh, the young man was blindfolded, forced to strip naked, and tortured for hours. The next day, he signed a paper that he could not read and was interrogated again about his sexuality. Shadi said the interrogator elbowed him in the stomach, on his neck, and kicked him in the groin to elicit a confession that he was having sex with his male roommates. He recalled the interrogator saying, 'You gays are coming here and making our country dirty... Neither our society nor God accepts this'" (HRW, "Lebanon: Syrian Refugee's Account," 2016).

Narrating the different instances and opportunities for system abuse, it is clear that the problem of prisoners' exploitation is quite pronounced and is at the root of the current constitution, making it rusty and ineffective in its role to actually "correct" convicted offenders, recognize them as human beings, and be a positive example for social reform.

Prior to treating the problem, it is worth having a neat and comprehensive overview of the current conditions in the Lebanese prisons, in the aim of further emphasizing challenges and considering the causative factors.



## **Chapter 4: Prison Conditions**

Prisoners kept beyond their sentence period, pre-trial detainees held for long and indefinite time, and convicted offenders held inside prison cells, all add up to a crowded population; a clear symptom of corruption and slackness at the level of the system administration. Additional series of mismanaged resources are inevitably apparent inside the prison walls through poorly maintained cells and a prominent lack of amenities and proper services for a healthy and decent living.

### **A- Standard Minimum Rules**

Aside from the provisions already discussed, detention practices and the treatment of prisoners in the process of detention, the SMRTP (Standard Minimum Rules for the Treatment of Prisoners) includes rules about minimum standards required within prison premises, including adequate accommodation, ventilation and lighting, as well as personal and prison hygiene, bedding, regular access to loved ones, etc. To avoid redundancy, a list of these rules will each be examined in the context of Lebanese prison facilities to evaluate whether they abide by international standards.

### **B- Violations**

#### **1- Stretched Prison Capacity**

According to Rule 10 of the SMRTP, prisoners should be offered accommodation conditions that fit all health-related necessities, with particular attention given to climatic conditions, especially concerning minimum floor space, air content, heating, and ventilation, as well as lighting. Material conditions in detentions do not meet this requirement. Whereas the official prison capacity in Lebanon is just above 3,500 inmates (World Prison Brief – Lebanon, 2019), data collected as early as 2008 by the CLDH revealed that in total, 5,324

individuals were incarcerated, which represents a 50% surplus ("Prisons in Lebanon," 2008). Exacerbating the situation further is the fact that most prisons allege an official capacity which does not even meet the minimum surface requirement. For instance, whereas the Baabda prison for women only has 36 beds available, its declared original size is 50. The CLDH calculated that the actual prison capacity in 2008 should have been 2,714 instead, meaning that the country housed approximately twice the number of prisoners in designated facilities than was recommended ("Prisons in Lebanon," 2008). More recent figures estimate the number of prisoners to have crossed the 10,000 marks, distributed across 25 prisons and 260 jails, the majority of which being small in capacity, according to data collected by the Beirut Bar Association in 2019 (Azhari, 2020).

In Roumieh prison alone, the original capacity was set at 1050, by 2015, more than 3,150 inmates were crammed together, with groups of them often packed inside 3m x 3m rooms (Haddad, 2015). The most vivid descriptions of the extent to which prisons, like the one in Roumieh, are overcrowded come from detainees themselves, even those who have been sentenced for minor infringements that do not pose a significant threat to society. For instance, Human Rights Watch (2007) conducted interviews with Iraqi refugees sentenced to prison for illegal entry to the country. The organization found that these refugees not only shared cells with common criminals but also had to endure severe overcrowding: "Roumieh prison has four different types of cells: Cells intended for one person that usually hold four; cells intended for three people that hold four to six; cells intended for seven that usually hold eight or nine; and a few huge cells that were never intended to house detainees that now hold 100 to 120 people" (HRW, 2007, p. 29).

Some of the reasons cited for this overcrowding include the temporary incarceration of foreign inmates pending transfer to General Security and other inmates pending trial, which

often encounters various delays. For instance, the Lebanese Foundation for Permanent Civil Peace found that 13% of prisoners in Lebanon were foreigners who completed their time. However, their release is still pending, due to inaction by their home embassies or the slow pace of Lebanese bureaucracy ("Prisons in Lebanon," n.d.). According to the Secretary-General of the CLDH Wadih al-Asmar, the root of the problem lies in mismanagement, as opposed to dealing with a high rate of crime, per se. Labeling the prison system as a "vicious cycle," al-Asmar suggests that the dire conditions, including overcapacity, encourage further crime inside the prisons, which leads to longer sentences and thus to continued overcrowding (Mahdawi, 2010). The findings of Haddad (2015) corroborate these claims, adding that prison authorities themselves have admitted to specific failings of the system, particularly concerning improper recourse to military justice and pre-trial detention, coupled with the country's periods of political paralysis which stifles attempts at prison reform. Ziad Achour, a lawyer in the Association of Justice and Mercy (AJEM), reveals that 60% of inmates are detained in custody, having to endure long prison stays even before their trials begin that could take many years depending on the relevant criminal court. Moreover, many prisoners locked up for minor offenses like consuming soft drugs, deprived of legal representation and due process are innocent upon stepping foot in Roumieh. Their experience inside prison teaches them all sorts of criminal activity by the time they are released (Haddad, 2015).

The documented effects of overcrowding in prisons are dire. As far as physical wellbeing is concerned, overpopulated jails present various challenges. For one, congestion leads to a higher rate of physical contact and less time spent outdoors, directly correlating with increased disease propagation, most notably parasitic and infectious diseases. For instance, much research has shown that in crowded prisons, the risk of developing respiratory symptoms related to pulmonary tuberculosis is significantly higher than adequately populated prisons and the general population (Hussain et al., 2003). Similar findings were obtained in studies that

observed the rate of other aeriually transmitted illnesses and bacterial infections such as meningitis and staphylococcus aureus (Baillargeon et al., 2004). Overcrowded prisons also put inmates at risk of parasitosis and skin diseases, both infectious and non-infectious. Not to mention that some research has found a link between overpopulation and rates of sexually-transmitted illnesses such as HIV and syphilis, in addition to Hepatitis B, with the underlying rationale being that prisoners in such settings are likelier to engage in risk-taking behavior (Garcia-Guerrero & Marco, 2012).

Furthermore, in overcrowded prisons, behavior such as smoking also becomes more problematic, particularly with increased exposure to second-hand smoke. One study in the U.S. found that even in prisons meeting the minimum standards for prisoner capacity, the concentrations of chemicals such as nicotine were substantially higher than those found in smokers' homes. In particular, it was determined that most sleeping and living accommodations averaged 3–11  $\mu\text{g}/\text{m}^3$ , and in some communal spaces such as gyms, this figure went up to 25  $\mu\text{g}/\text{m}^3$  (Hammond & Emmons, 2005). Prison overcrowding exacerbates this issue, exposing both smoking and non-smoking inmates to harmful concentrations of carcinogenic substances. Already, research conducted by the World Health Organization has revealed that smoking in prison is a substantial public health issue, with anywhere between 65% and 92% of prisoners taking up the habit; in some countries, inmate smoking rates are more than three times higher than in the general population (Enggist et al., 2014).

Besides the physical health consequences, prison overcapacity has also been found to have adverse effects on psychological wellbeing. Gaes and McGuire (1985) determined a link between overcrowding and the development of violent tendencies among inmates in U.S. prison facilities, the underlying factors being anxiety, lack of privacy, and increased competitiveness with other inmates. Haney (2006) suggests a psychological model that

measures prisoners' mental health as a function of uncertainty with which they find themselves having to cope when surrounded by numerous other inmates:

"... being confined in a space occupied by too many people increases the sheer number of social interactions persons have that involve 'high levels of uncertainty, goal interference, and cognitive load... Thus, crowded conditions heighten the level of cognitive strain that prisoners experience by introducing social complexity, turnover, and interpersonal instability into an already dangerous prison world where interpersonal mistakes or errors in social judgments can be fatal. Of course, overcrowding also raises collective frustration levels inside prisons by generally decreasing the resources available to the prisoners confined in them. The number of things prisoners can accomplish on a day-to-day basis is compromised by the sheer number of people between them and their goals and destinations" (p. 272).

In severe cases, prisons' overcrowding may even lead some inmates to commit self-harm or suicide (Baillargeon et al., 2004).

## 2- Light and Ventilation

Rule 11 of the SMRTP stipulates that windows inside the prison ought to be big enough to allow prisoners to engage in working or reading by natural light, and also ought to be constructed in such a way to provide for the circulation of fresh air regardless of the presence of artificial ventilation. The rationale behind this rule is based on conventional science, whereby the objective of ventilation is to evacuate CO<sub>2</sub> generated through breathing, as well as the humidity that results from perspiration. Adequate air circulation in living accommodation endows prisoners with the ability to breathe normally and eliminates body odor (Nembrini, 2013). In cases where such housing is poorly ventilated, the humidity and heat emanating from sweaty bodies could contribute to increased condensation, which becomes apparent on cold surfaces such as roofs and walls. Consequently, prisoners would be continuously exposed to a high humidity level that raises the likelihood of the skin infections mentioned above, and respiratory diseases already exacerbated by overcapacity. Ideally, proper ventilation Expressed in cubic meters per minute is secured when an adequate supply of fresh air is made possible; the recommended range is 0.1, and 1.4m<sup>3</sup>/minute/person (Nembrini,

2013). Moreover, it is all the more critical for prisons to comply with this requirement if, for any reason, prisoners are not capable of spending extended amounts of time in the open air every day. Also, Rule 11 of the SMRPT states that artificial light should be made available to prisoners so that they may engage in working or reading without suffering any injury to eyesight.

According to the CLDH, contradictions to this rule were found in 10 out of 20 Lebanese prisons. The windows did not offer adequate natural lighting, nor did they allow for satisfactory air renewal. No provision on ventilation or lighting was found in the prisons' internal regulations. In agreement with Nembrini (2013), the organization's report asserts that the lack of ventilation puts inmates at risk of pulmonary and dermatological problems; as for lacking natural light, it was determined that it might lead to ophthalmic injuries, vitamin deficiencies, and nervous disorders ("Prisons in Lebanon," 2008). More recently, lousy ventilation has sprung into the limelight within the context of the highly infectious coronavirus. In early March 2020, a state of hysteria and violent protests spread amongst prisoners in Roumieh and Zahle; detainees threatened to escalate and even hurt themselves if their demand for temporary release was not met (Moussa, 2020), with some going on a hunger strike (Azhari, 2020).

Moreover, one study published in the *Al-Raida* journal reveals that women's prisons also suffer from poor ventilation and lighting. "The prison cells are tiny, and, on average, twenty women live in each one of them. They are not equipped with adequate lighting, proper ventilation, or hygienic bathrooms" (Khalaf, 2002, p. 31).

### 3- Hygiene

Rule 12 of the SMRTP states that prisoners must be given sanitary products that "comply with the needs of nature." Rule 13 stipulates that proper shower and bathing facilities must be offered to enable prisoners to clean themselves as frequently as necessary, depending

on the climate in which they live. As for Rule 15, it states that inmates must be afforded proper toilet products to maintain personal hygiene for cleanliness and health.

According to the CLDH, overall Lebanese prisons fail to meet these basic requirements; the report describes sanitary facilities as "small" and "antiquated," unable to guarantee prisoners decent living conditions. In particular, women prisoners complained most about lacking hygiene products like undergarments, deodorants, and sanitary towels.

#### 4- Bedding

Rule 19 of the SMRTP stipulates that prisoners each have the right to their own, separate beds and that their bedding must be cleaned and changed frequently to guarantee its cleanliness. Among all violations in Lebanese prisons, this was among the most flagrant. Fifteen prisons were found not to be equipped with any beds, with prisoners forced to sleep on the floor with nothing more than mattresses. This provision was in line with the prisons' internal regulations, among which no rules dictated bed requirements.

#### 5- Food

Rule 20 of the SMRTP states that prisoners should be offered nutritious meals that are suitable for maintaining strength and health, well-prepared, and wholesome quality. Furthermore, Rule 26 indicates that it is the responsibility of the prison's medical offer to conduct inspections and then make recommendations to the director regarding (a) the quality, quantity, preparation, and service of food. The CLDH found that there was consensus among prisoners about the bad quality of food that they were served, complaining primarily of lacking protein and diversity, not to mention that it is served cold.

At this stage, it is needless to emphasize further the unfortunate living conditions witnessed across all prison facilities. Away from blaming the responsible authorities, it is

imperative to adopt a constructive approach when looking at discrepancies and violations in concern, to correct and compensate for the inhuman treatment and undermining living conditions.

With the French example being the origin of our current system, it would be relevant to discuss its different aspects as applied currently and understand its evolution through various interventions.



## **Chapter 5: Comparison of Lebanese Prison System with France**

So far, reported details regarding prison life and system violations suggest an urgent need for comprehensive reform covering processes and practices during early stages of interrogation and detention, the subsequent conviction and sentence phase and the eventual release.

### **A- Describing the Systems**

Looking into ways to improve the local correctional system, it would be worth observing standards and practices implemented in the French prison system, as one benchmark model portrayed on the international scene.

Inspired by the European Council's reform initiatives, the French correctional administration endorsed specific rules and regulations based on guidelines and basic standards that ensure human rights and fair treatment of prisoners. (Kazemian & Andersson, 2012). Such integrated innovations upgraded the French system to reflect the importance of inmates' formation and social reintegration.

The French Ministry of Justice manages correctional services that include 189 correctional facilities and 103 probation and reentry offices distributed across the country. The correctional cost per prisoner amounted to 48,000 USD / year in 2011 (Kazemian & Andersson, 2012), with the overall expenses making a considerable share of 40% of the Ministry's total yearly budget.

Prisoners are gathered in various facilities, depending on their age, gender, type of crime, and detention period. The remand center, La Maison d'arret, houses those who are awaiting trial, those who have sentences shorter than two years, and those who are awaiting transfer to a different facility. The security prison, La Maison centrale, keeps prisoners considered dangerous and have long duration sentences. The detention center is reserved for

individuals who show potential for social inclusion and have already served a part of their sentence period in a different facility (usually La Maison centrale). The day-leave center, Le centre de semi-liberte, allows the inmates to keep their job while required to stay inside the center during nights and weekends, while Le centre pour peines amenegees houses individuals that need closer supervision. (Kazemian & Andersson, 2012) Finally, the juvenile center, Le centre pour mineurs, accommodates individuals 13 to 17 years of age.

In contrast with the French system, the Lebanese correctional facilities are much fewer in number with a significantly uneven distribution of the prison population among the centers. While most inmates are mainly concentrated in Roumieh center, another smaller proportion is spread across the other 25 correctional facilities, suggesting inadequate and unbalanced capacities. (CLDH, 2010) Roumieh center for adult males houses 3,500 prisoners. Simultaneously, the official size of the entire prison system is around 2,526 inmates (Lebanon: Prisons in 2015), highlighting an unhealthy occupancy level of 275.8%, as reported in December 2019 (Lebanon: Prisons in 2015). While overcrowding is noticed in some French facilities, the occupancy level remains around 115.7%, as reported in 2020, which is considerably lower than its Lebanese counterpart (PSF 2020).

#### B- Incarceration Rate and Percentage of General Population

A decrease in France's incarceration rate down to 104 prisoners per 100,000 residents, as reported in 2020, is in sharp contrast with a continuous increase of the Lebanese prison population rate that reached 144 prisoners per 100,000 residents in December 2019. (Lebanon: Prisons in 2015 and PSF 2020) These trends come in parallel with a relatively low proportion of pre-trial detainees in France (29.8%) compared to a high percentage of Lebanese detainees accounting for 64.7 % of prisoners in 2017 (Lebanon: Prisons in 2015 and PSF 2020). As mentioned before, overcrowding is not a significant challenge in the French prison facilities

that are rarely fully occupied, knowing that the ratio of inmates to staff members is around 2.5 and does reach 1 to 1 in some correctional centers. (Kazemian & Andersson, 2012) Conversely, the capacity is overstretched in the Lebanese prisons packed with a high proportion of detainees awaiting trial and others who have finished their sentence and are pending transfer to the General security. The latter category accounted for 64.6% of the prison population of six overcrowded facilities in 2010. (CLDH, 2010) Unlike the French system, defects in the Lebanese judicial and legal systems are the root cause of the perceived deviations, and a related corrective strategy is yet to be put in place in the active intention to reduce the rate of incarceration. (ALEF, 2018)

### C- Staff Training

The French Ministry of Justice recognizes the importance of hiring well-trained staff members and considers imprisonment as a potentially disciplinary phase rather than a little punishment and persistent social stigmatization. Indeed, all team members are equipped with a comprehensive understanding of the administrative and interpersonal skills needed to effectively carry out tasks around facilities and deal with inmates through a constructive approach.

The National School for Correctional Administration in France, or Enap (École nationale d'administration pénitentiaire), is in charge of educating every member of the correctional staff. (Kazemian & Andersson, 2012) The related program is modified according to the requirements of the various positions. Correctional officers, in charge of close supervision of inmates, are required to undergo a mixture of theoretical classes and practical exposure at the correctional facilities. Individuals assigned for executive and administrative roles receive two-year training and start at lower level positions until they are experienced and qualified enough to move into managerial positions. A rigorous program is available for the

staff and is continuously updated according to the arising needs of the system. After 2007, the rise in suicide attempts among prisoners urged the management to reinforce the notions and practices related to preparing the staff for dealing with similar situations. (Kazemian & Andersson, 2012)

Compared to the detailed and complete correctional training program in place within the French system, the Lebanese prison staff lacks the resources to hone the skills necessary to manage and handle prisoners' needs properly. The available positions cover administrative and basic supervision tasks while missing psychological and medical support, which is deemed crucial for the healthy survival and wellbeing of inmates. NGOs' intervention in the field of training and education recognizes this importance but is limited in scope and resources. As a result, the inability of unqualified staff to deal with the frustrations of distressed prisoners leads to high turnover and deterioration of the mental and physical status of unattended prisoners. (CLDH, 2010)

#### D- Prisoners Employment

Within the French prison system, employment is regarded as a fundamental right granted for prisoners and is accessible to inmates who show the aptitude for social inclusion. However, employment opportunities are not always widely available in all facilities, and the chances to be hired are restricted due to the increasing prison population relative to the job market. The inmates take part in the production of various types of goods, woodwork, furniture, staff uniforms, and many others to be supplied to the private sector industries. The heavy concentration of production is found in one specific detention center, with 400 inmates employed, contrary to the remaining correctional facilities that may inconveniently provide just 10 to 50 jobs per week for an average density of 600 inmates. (Kazemian & Andersson,

2012) It is worth noting that the employed inmates are often regularly and adequately remunerated fair amounts that are saved for their upcoming discharge.

In the Lebanese penal system, no such opportunities are offered. Inmates spend their days confined in the cells, with the limited and supervised time for outdoor activities. In 2011, the intervention of UNODC had introduced new rehabilitation activities as part of a reform initiative to stimulate the development of prisoners' capacities for smoother subsequent reintegration. (English & Mecattaf, 2014) They include IT classes, carpentry, sewing, embroidery, and car mechanics, among many others. (English & Mecattaf, 2014)

#### E- Physical and Mental Health

In all French correctional facilities, inmates are granted equal access to healthcare services, including physiological (dental, primary care, physiotherapy) and psychiatric examinations and support, as part of their recognized fundamental human rights. Medical teams are available in all facilities to assist and respond to the prisoners' concerns and needs.

When looking into the health profile of the prison population, only a few studies have examined the trends and prevalence of diseases. In 2003, a survey conducted on 6,000 inmates reported the following observations: 6% had a history of chronic conditions (cardiovascular, respiratory problem), 1% were HIV carriers, 1% had Hepatitis B and 3% suffered from Hepatitis C. (Mouquet 2005, Kazemian & Andersson, 2012)

Another cross-sectional study, conducted in 2003, considered a sample of 1,000 inmates and found that unhealthy habits like substance use, excessive alcohol intake, and heavy cigarette smoking were predominant among the sampled prisoners. Also, 80% of males and 70% of females showed symptoms of mental health disorders that included anxiety and depression. Similarly, a lower yet considerable proportion of prisoners were inclined to commit

suicide. (Rouillon et al., 2004 in Kazemian & Andersson, 2012) In 2016, the suicide rate was still twice the proportion witnessed in other European countries. Seemingly, reduced control over prescription drugs' administration is a facilitating factor that enables inmates to hold unjustified amounts of pills like Xanax and Valium that are detrimental to their safety when overdosed. In the prison center of "Longuenesse," a psychiatrist examines every newly admitted inmate to check his mental health and prescribes medications for those diagnosed as being at risk of suicide. Inmates keep a 3-day dose of the drugs with them, and the nurse is required to make sure each patient is taking his pills as prescribed daily. However, limitations lie in the compliance of inmates who might irresponsibly trade their drugs, and the desperation of some inmates who ask for larger doses of prescribed medications, which puts them at high risk of fatal mishandling. In 2015, a high turnover of doctors combined with many easygoing psychiatrists ready to prescribe medications upon inmates' requests, without their clinical need, were additional factors aggravating the risk of suicide among prisoners. The number of mentally ill prisoners has been rising in France, mainly due to social rejection and stigmatization as dangerous individuals rather than patients who are in pain. Some argue that mentally ill offenders must be treated in hospitals away from harsh prison life conditions that might be detrimental to their improvement and recovery. (Euronews, 2016)

Despite some limitations in the French system, it is worth emphasizing that their free medical system is not comparable to the reduced supply of medical and paramedical services witnessed within the Lebanese prison system. Many related rules and regulations are not effectively implemented. The majority of prison centers lack supporting medical staff. At the same time, it is a requirement to have one assigned doctor, responsible for every 300 inmates, visiting the facility three times per week to conduct regular medical inspections and report changes in inmates' health status. (CLDH, 2010, p33). Speaking of limitations in the medical system, inmates in Rachaya prison, are taken to Zahle medical clinic, many kilometers away

from the facility, each time they need to receive dental care treatment. (CLDH, 2010, p34) In Zahleh prison, many diabetic inmates do not have regular access to glucose tests, which is deemed a necessary part of their treatment. (CLDH, 2010, p34) Many cases of disabled inmates are additional evidence of the aberrations witnessed in the Lebanese prisons, as modifications of living conditions for more effortless mobility are not provided. Leg amputees, unable to walk, were kept on the floor with no bed and no wheelchair, deprived of their autonomy. NGOs' interventions were necessary for the provision of beds and wheelchairs, tools required to offer a minimum degree of independence to these inmates with special needs. (CLDH, 2010, p35) Conversely, recognizing the importance of treating mentally ill prisoners, a separate cell was dedicated in Roumieh center for such cases and was adequately equipped by the Ministry of Health.

#### F- Juvenile offenders

Special attention is given to French minor inmates' education and living conditions during their stay in prison. This period is regarded as a phase of developmental education and a preparatory stage for social reintegration (Solini 2010, Kazemian & Andersson, 2012). Intending to materialize this vision, the French Ministry of Justice invests millions of euros each year to support the successful management of its juvenile centers and the implementation of related programs. (DPJJ 2009 in Kazemian & Andersson, 2012) In juvenile facilities, minors are closely supervised by a large team of well-trained employees to respond to their needs. The resources provided range from theatre rooms to fully equipped gyms, internet rooms, indoor areas of group sports, and media libraries to access books and movies. These activities, incorporated into their daily lifestyle, are deemed competent in shaping them into well cultured and health-conscious social entities in the long run. (Kazemian & Andersson, 2012) Thus, a

carefully designed program involving five units is put into action to advance them into healthy group classes and activities gradually.

Female minors are placed in a separate division to enjoy comfort and ease while spending time with their children, if at all. The cells are well lit and ventilated, quite spacious, with light-colored walls to offer a pleasant ambiance and a suitable environment for the mothers and children to thrive and bond together; they are given privacy away from the close presence of supervisors. (Kazemian & Andersson, 2012)

In Lebanon, no similar approach is offered to juveniles. Male and female minors are kept each in a separate detention center under the ISF control. In addition, one floor in Roumieh prison of adult males is exclusively dedicated to children. However, interactions of minors with adult inmates cannot be entirely prevented, presenting an unfavorable and offensive environment to minors. Similarly, the Ministry of National Defense's detention center serves as a prison that hosts all types of defendants, males and females, sentenced and untried, adults and minors. It is considered a hostile environment for juveniles as the detention conditions are not approved by human rights organizations. (SOLIDA, 2006) However, in March 2018, the interior minister launched the project of construction of a facility specialized for the accommodation and treatment of detained juveniles, as a tangible step towards enhancing the detention system. (ALEF, 2018)

Since 2002, judicial reforms have been implemented in France to recognize the importance of careful treatment of juvenile offenders by improving conditions of detention and providing educational support in an active attempt to prevent subsequent delinquencies and recidivism. The child's wellbeing is given special attention, and the reform initiatives focus on the balance in both punitive and protective measures to ensure a constructive approach when tackling minors' offenses. In that scope, social workers and educated professionals are deemed



crucial to provide empowering support for children during the incarceration and reintegration phases. Similarly, all staff members required to handle detained minors are to receive specialized training to improve their understanding and skills related to dealing with youths. However, in contrast to the stated law, the military court does not notify social workers to be present during the interrogation phase of a minor; as a result, children are deprived of social support and suffer from psychological abuse. (Human Rights Watch, 2017) While a detention period is to be applied for severe crimes only, other minor offenses are to be treated through reintegration measures where the juveniles have the advantage of keeping their freedom. As a direct result of this reform initiative, the number of minor detainees in Roumieh prison had dropped considerably from July 2001 to July 2002, from 219 minors down to 147. (Schmid & Riachy, 2003)

#### G- Hygiene Status and Physical Layout of Facilities:

Within the confines of the French prison system, physical layout and accommodation conditions vary among the numerous facilities. Some offer individual showers and toilets within each cell and a kitchen section where prisoners may enjoy preparing their food. Laundry sections and nurseries are provided in women's divisions. (Kazemian & Andersson, 2012) In contrast, older prisons witness poor detention conditions concerning hygiene standards, ventilation outlets, and lighting conditions. In overcrowded centers, particularly in remand prisons, cells tend to be overpopulated, and privacy denied to every 2 to 3 prisoners who have to lie on mattresses in a one-person room. (Cretenot & Liaras, 2013) Also, sentenced prisoners and unconvicted detainees are often placed together in the same units. When the detention center is overcrowded, the fact that it is not compliant to the rule of separation. In older facilities, violations of hygiene standards are often witnessed. Toilets are located within the rooms and are not separated with doors, forcing the prisoners to build walls from towels or

cardboards, to protect their privacy. Showers are moldy due to poor ventilation and often kept dirty. While the prisoners are required to clean their cells, they usually have a shortage of cleaning products' supplies, sometimes having to purchase them themselves. (Cretenot & Liaras, 2013) In the scope of services provided within the French system, nutrition care is mostly inadequate as standard meal portions are not suitable nor customized to fit the physiological requirements of a working prisoner. However, recognizing that age differences impose additional nutritious needs to younger generations, an extra snack is provided for individuals below 21 years of age. From a cultural perspective, old prisons and remand centers are mostly lacking inadequate sports equipment and grounds for physical activity, unlike some newer facilities that are well equipped and have sports activities readily available. (Cretenot & Liaras, 2013)

In opposition to the different conditions across the various French facilities, the situations of Lebanese prisons are uniformly below the international standards due to bureaucratic incompetency. In most prisons, inadequate lighting and ventilation result in moisture problems, inability to read and work comfortably, and potential respiratory and vision impairment. In general, they are kept in bad condition and require renovation. Some alarming observations are noted in many centers. Some have old toilets that are kept dirty and in bad shape, with a shortage of hot water and cleaning products supply and primary hygiene products for females. In 15 correctional facility, no beds are provided; instead, inmates sleep on mattresses on the floor that are to be folded during the day to enable movement inside the cell. (CLDH, 2010)

In this scope, the intervention of the United Nations agencies was necessary to catalyze the penal system's reformation, starting with building leadership within the administration and renovating facilities to improve living conditions. (English & Mecattaf, 2014) As a result, the

accommodation condition, the electrical and sanitation systems, the medical follow up, and the rehabilitation activities have been upgraded, in addition to a thorough training of the correctional staff to enhance management skills and capacities. However, the extent of the impact is contracted by the ever-increasing prison population, resulting in an inevitably poor distribution of services.

#### H- Overcrowding

Despite being underestimated in many reports, the problem of French prison overpopulation is still persistent, with only 40% of inmates having their own cells as a direct breach of the related French law. Since 1990, many places have been created to accommodate the increasing number of prisoners. Nevertheless, many more are still required to address the recurring overcrowding and the resulting inhumane detention conditions. In that scope, the construction of new cells is projected up to 2025. (France 24, 2017)

As a response to this consistent challenge, the French authorities have considered sentencing options that do not require continuous detention in prison. The practice of using electronic bracelets is already successfully applied on 10,575 tried prisoners giving them the chance to serve their sentence outside the prison walls while being closely tracked and supervised through the assigned device. The judges look into each case individually and consider the offender's status to decide to alleviate the sentence conditions. (France 24, 2018)

Another practice supporting a healthy reentry into society is the implementation of the Family Life Units' concept. In recognition of the importance of maintaining family bonds for smooth reintegration into society, later on, this initiative allows inmates to spend 72 hours with their families during their sentence period; their spouse and children will join them in an apartment within the penitentiary center dedicated for this practice. (Laub & Sampson, 2001; Travis, 2006; Travis & Petersilia, 2001) This program is not restricted to inmates serving long

sentences only, but extends to all prisoners; everyone can benefit from a family visit once every two months. Similarly, inmates who demonstrate inappropriate behaviors (aggressiveness, resistance, and non-compliance to rules) are regarded as much in need of family visits and support because they have difficulty adjusting to the prison environment. Therefore, they are still permitted to participate in the program. (Kazemian & Andersson, 2012)

An additional initiative has been implemented in the face of the constraint related to a high rate of repeated offenders (59% of the prison population). The Ministry of Justice keeps previous prisoners under supervision after their release to ensure they are coping well with the standard community outside the prison and provide them with assistance for healthy reintegration.

In the initiatives to prevent recurring offenders, one prison facility, Mont de Marsan prison, allows the inmates to keep their cell keys; the fact that communicates trust to prisoners and reinforces their right for privacy and freedom to control their mobility around the facility. It comes in loud opposition to the normal prison conditions where inmates are locked inside their cells for twenty-two consecutive hours; this new experiment helps them preserve their dignity and enjoy some autonomy while being confined. In this penitentiary facility, the detainees are expected to abide by some rules imposed by the management in the aim of emphasizing the values of discipline and productivity: waking up early in the morning, keeping their cells clean and tidy, working twenty-five hours a week, working out, among many other activities that shape them into focused and successful characters. For instance, one inmate, who has been a recurring offender for twenty years, joined the program, and underwent many satisfying personal changes. Because of his enrollment in the program, he became more hopeful for a new beginning and a healthier reintegration after leaving the prison. Prisoners' performance was assessed using a point system where deductions are granted for non-compliance, and additional points are rewarded in appreciation of extra efforts. Equally, many

other French prisons have implemented this initiative to investigate the effects on the prison population and its potential for recovery. (France 24, 2017) In the same perspective, other prisons have initiated training and education programs to equip the inmates with the proper knowledge and skills needed for them to find jobs and advance within their communities upon release.

Similarly, the penitentiary center of "Saint Martin de Re" recognizes the importance of sports activities in stimulating and refining inmates' social aptitudes, not to mention their improved fitness level and health status as additional inevitable outcomes. Inmates need to socialize regularly, instead of staying locked in their cells, and workout sessions were convenient occasions to encourage mingling and creating interpersonal rapport. It invites players to build social responsibility through playing by the rules of the game while committing to their improvement and social engagement. However, overpopulation remains an obstacle where prisoners are excluded from sports activities due to lack of space and a high number of participants. (France 24, 2017)

Some French facilities shed light on the conditions of actual premises, the lifestyle of prisoners, and the challenges that are yet to be tackled by the French authorities.

#### I- General Overview of the Systems

Away from an idealistic perspective, the French system is bounded with limitations related to uniform and consistent implementation of rules within the prison walls. However, the Lebanese network is limited in terms of detention conditions and services due to a chaotic and unsupported administration, insufficient funds for the improvement, and painful judicial anarchy.

The punishment philosophy is more pronounced in Lebanese prisons in contrast to the French correctional system that reinforces rehabilitation treatments and reintegration initiatives to empower the prison population and prepare them for a healthy reentry in society. Inclusively, the persistent recourse to isolation in the Lebanese system sounds too extreme and destructive compared to the French laws and practices that focus on a constructive approach and the treatment of psychological triggers.

Another difference between both the systems lies in the treatment of prisoners that proves to be more just in France, where the law is applied continuously in opposition to the Lebanese system that records high numbers of deviations and non-compliances. Fallacies and corruption in the Lebanese system are illustrated through the living conditions in prison centers, the use of torture and psychological trauma during incarceration, the unqualified judicial team at unfair trials and unjustified delays, the absence of qualified personnel to handle inmates, and an overcrowded prison population observed in many facilities.

At this stage, NGOs and UN agencies' intervention is crucial to help the system move to a civilian institution model that is more accessible and visible to the public, where the wellbeing of inmates is regarded as a priority, and conscious corrective measures are adopted to improve their reintegration

## **Chapter 6: Reforming the Lebanese Prison System**

Amid described damages and undeniable fallacies of a corrupted system, deep-rooted injuries may seem irreversible and hardly curable. A call to action is therefore necessary to alleviate the accumulated mental, physical, and emotional “side effects” caused to poorly treated offenders throughout their imprisonment time.

Inappropriate resort to pre-trial detention, degrading treatment of detainees, biased distribution of benefits among prisoners, and an ever-growing gap and shortage in basic amenities and services imply a need for reassessment of the system. The responsible bodies at the core of this institution, the main practices channeled throughout and a generous supportive funding are all concerns to be considered to put in place the corrective approaches and cover the expenses of renovations and consistent provisions.

### **A- Recommended Reforms**

#### **1- Fair Trials**

##### **a- Military Courts**

The Lebanese military court system is exceptional in that it is under the Ministry of Defense's jurisdiction. Notably, it enjoys far-reaching power over civilian affairs, including possession of weapons, general security, the interest of internal security forces and the military, unlawful contact with the Israeli enemy, and draft evasion, and treason (HRW, 2017). Some of the implications of this judicial power are that civilians often get caught up in matters of the military court when they have not committed any notable crime that warrants this kind of involvement. In the past, Lebanese activists, lawyers, and defendants raised the alarm on the overbroad jurisdiction of the military courts, mainly when this power is employed to intimidate or to retaliate against activism or political speech. In recent years, the military prosecutor has

brought charges against human rights lawyers and activists who have spoken out about torture by the Lebanese military. In another case, a military court found a woman guilty of 'offending the military institution' for telling a journalist that she had been raped and tortured in military custody (HRW, 2017, para. 5). One of the reasons why military courts' role in civilian life is currently disturbing pertains to their composition. In particular, appointing judges to these courts itself serves to undermine their independence, impartiality, and competence.(HRW, 2017) It is the Minister of Defense who appoints military judges who are not even required to hold degrees in law or provide proof of having been legal trainees; throughout their tenure, military judges remain subordinate to the Minister of Defense. Moreover, access to military court proceedings is constrained, meaning that journalists and human rights organizations cannot oversee the trials (HRW, 2017). Many of the violations discussed in Chapter 1 regarding how detainees are treated occur under the umbrella of the military courts, including torture, forced confession, interrogations in the absence of legal representatives, arbitrary sentences, lengthy pretrial appeals and decisions issued without an explanation.

The International Commission of Jurists (ICJ) in mid-2018 suggested a few such reforms that would serve to remedy the negative consequences of overpowered military courts. First and foremost, legislation must be passed to transfer the military courts' competence to ordinary civilian courts in all cases involving civilians and all claims that include violations of human rights and non-military offenses perpetrated by armed forces or security members. Second, military courts must be prohibited from exercising jurisdiction over underage individuals. Third, legal and institutional reforms must be conducted to ensure that the army courts become impartial, independent, and fair in their proceedings. In particular, the selection, appointment, evaluation, and transfer of military judges must be performed based on objective criteria and transparent processes. Furthermore, the ICJ suggests amending the Code of Military Justice in such a way to enhance due process guarantees, such as individuals' right to appeal their



conviction and sentence to civilian courts, whereby the review ought to be substantive and based on sufficient evidence (ICJ, 2018).

#### b- Enhancing Judicial Due Process

The judicial due process encompasses the mechanisms and approaches to trials that endow individuals with fair treatment through this process, including their right to appear before a competent and impartial judge. In Lebanon, multiple obstacles exist to proper judicial due process, starting with dubious or at least inconsistent tribunal competence. Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR) stipulates that the accused ought to be tried within a brief period following their arrest in a public hearing that involves an independent, impartial and competent tribunal established by law. Yet, as discussed in Chapter 1, an abnormally high number of individuals in the prison system are in pretrial detention. These individuals' trials are delayed due to factors of judicial recess; moreover, although court proceedings have indeed been accelerated in recent years, raising concerns over unfair trials, still sentencing delays indicate the absence of an adequate due process of the courts. Notably, the independence and impartiality of judges in Lebanon have long been questioned. After conducting a focus group with prisoners on the subject, ALEF found that most concerns stemmed from judges' unfair treatment that favors some detainees over others. In particular, rich, connected individuals often do not even get transferred to court after influence is exerted by authorities to release them beforehand. Furthermore, courts including the Judicial Council, are also criticized as being prone to political influence by those in power, especially since its cases are provided by the Cabinet.

Another course of weakness in practice pertains to convicted individuals' right to compensation. In cases where discovered facts ascertain that a prior sentence was incorrect and that by association, a miscarriage of justice has been committed, the convicted person ought to

be compensated on the condition that they were not themselves responsible for the non-disclosure of newfound evidence. However, in most cases, these kinds of corrective measures are hindered by some obstacles leading to most unlawfully detained individuals ending up without compensation. This is a problem in cases where open investigations into torture and ill-treatment by security forces are purposely not concluded, and compensation is now awarded to victims, which prevents them from acquiring important protections and rehabilitation resources.

Based on the outlined weaknesses and inconsistencies of the judicial system and the recommendations made by ALEF and the ICJ, the following reforms may be recommended to remedy the situation:

First, national laws regarding the judicial due process should be fully in line with the ICCPR and other international obligations. These laws also ought to be made available both by law in practice, while endowing all detainees with procedural safeguards, without discriminating against anyone. Second, the provisions of the Code of Criminal Procedure (CCP) must be consolidated by including the norm of "innocent until proven guilty" and allowing for the segregation of criminal files in cases where the crime is committed with many people. Furthermore, Article 32 of the CCP ought to be amended to include motivations for detainees' arrest as well as material and factual grounds that would justify strong suspicion. This article should also make it a requirement for the public prosecutor of the deputy to provide ample justification for the decision to renew detainees' custody for an extra 48 hours. In addition, Article 47 of the CCP ought to be amended in the following manner: Reformulating detainees' right for outside contact to make it clear that they are entitled to be in touch with a family member, employer, a lawyer of their choosing and an acquaintance; adding a paragraph that requires the judicial police to notify detainees of their right to remain silent; clarifying that upon contacting a lawyer, detainees may wait for this legal representative to be present before

any interrogation takes place; adding a paragraph that makes it a requirement for the judicial police to notify detainees that should they lack the necessary funds to appoint a lawyer of their choosing, the Legal Aid Committee may help appoint one for them. Moreover, Article 107 of the CCP must be amended to include a paragraph making it clear that upon deciding on pretrial detention, detainees ought to be notified of multiple rights: The right to hire a lawyer or have counsel appointed for them otherwise; the right of challenging the detention's lawfulness and being let free if this challenge is valid; the right of visitations and communication with family; the right to seek a review of pretrial detention within a short duration; and the right to have proceedings undertaken without unjustifiable interruptions. Article 108 of the CCP should be amended as follows: Establishing a maximum pretrial detention duration in various cases, including endangerment of state security, drug-related felonies, and homicide. Additionally, Criminal Code provisions ought to be enhanced in such a way to criminalize arbitrary detention (expanding principle of unlawful detention) and to state how to discipline and prosecute offenders explicitly. Provisions must also be articulated regarding sanctions implemented in the case where judicial proceedings are not respected.

At the executive levels, numerous reforms should be undertaken to render the court system fairer and more effective, thereby fighting against miscarriages of justice and corruption. For one, the Lebanese Cabinet ought to establish a centralized system shared by ministries who are relevantly competent in criminal justice matters, enabling them to retrieve data about illegal files, laws, and court decisions. In addition, under 1984 Decree-Law No. 17315, prison management should be transferred from the Ministry of Interior to the Ministry of Justice. In the same vein, the prison and detention facilities under the Ministry of Defence's governance must be shut down. Furthermore, to diminish the risk of arbitrary detention, the Ministry of Interior and Ministry of Justice ought to put in place independent committees that serve the role of an internal monitoring task force concerned with the assessment of identifying and

fighting this unlawful practice. These committees should put forth a plan to enhance the relevant procedures. Additionally, the Ministry of Interior and Ministry of Defence ought to endeavor with haste to sanction any individual found guilty of failing to protect and respect detainees' rights of legal time limits as well as other standards. Lastly, the government must suggest and implement an appropriate budget, mobilizing the resources needed to undertake the recommended reforms.

## 2- Improving Prison Facilities

In light of the plethora of unambiguous violations about prison conditions discussed in Chapter 1, substantial reforms must be made to enhance prison facilities at the infrastructural level and in so far as prison staff is concerned.

In that respect, ALEF and the ICJ suggest reform initiatives that would enable the Lebanese government to push toward an adequate overhaul of the prison system. One such recommendation is to seek assistance from international donors in upgrading prison facilities to comply with international standards. In conjunction with this step, it is suggested that establishing external monitoring mechanisms is a must to diminish the risk of corruption and ensure that all criteria are carefully met. In particular, the funding/monitoring mechanisms would be set up to undertake comprehensive infrastructural improvements and renovations; based on the findings in Chapter 1, these should focus on allocating more prison space for inmates and improving lighting and ventilation to reduce the risk of various infections. Improvements should also include better bedding accommodations and sanitary services. Procedures must also be established through which prisoners may be categorized into different groups depending on multiple factors. For instance, pretrial detainees ought to be separated from convicted criminals, and detainees should also be grouped depending on the severity of their crimes. Moreover, the joint efforts by local authorities and international donors/monitoring parties should oversee the building of courthouse holding cells, as well as

mobile courts in various areas, including the Bekaa valley, the South, and the North. Such courts could thus contribute positively to reducing the length of trials (and by extension prison overcapacity) by resolving one pain point: Transportation.

However, reforming the prison sector involves much more than improving prison conditions as well as endowing inmates and detainees with more human rights.

### 3- Reintegration

No prison reforms would be complete without the incorporation of reintegration programs that are meant to prepare those incarcerated for life in liberty once again on various levels, including personal development, as well as social and professional skills. Studies conducted in the U.S. have shown that while proper reintegration is proven to help reduce recidivism rates, especially for prisoners who display enthusiasm for prison education programs. In reality, a substantial number of inmates spent their prison time idle, often merely engaging in make-work tasks such as gardening and cleaning (Harding et al., 2019). Nevertheless, the degree to which reintegration programs succeed depends on how effective the associated interventions are. Such programs typically deal with risk factors, some static, and others dynamic. Static elements are not subject to change with time, including age, gender, criminal history, among other things, mental health records, etc. As for dynamic risk factors, they could change with time; for instance, these could include employment status, skill deficits, drug addiction, low levels of formal education, etc. Introducing and conducting community-based and institutional reintegration programs may serve to tackle these risks by working toward enhancing prisoners' educational prospects, skill levels, motivation, employment opportunities, accommodation, interpersonal relationships, etc. (UNODC, 2018).

Given the poor state of current reintegration programs, practically any reform in that respect would need to be undertaken carefully and systematically. As per the recommendations of the

UNODC, the first step in prisoner reintegration would be to assess the strengths and weaknesses of the Lebanese state's current approach, from which threats and opportunities may subsequently be identified. Second, the legislative and executive branches must coordinate efforts to introduce new laws and amend existing ones regarding the scope of support for offenders and ex-offenders. Also, develop strategies and mechanisms for cooperation among various ministries, including the Ministry of Interior, Justice, and Health, as well as others if needed (UNODC, 2006). Moreover, training curricular must be developed for existing but mostly (in Lebanon's case) new prison personnel such as psychologists and social workers, as well as probation service staff and others engaged in the process of prisoner reintegration. Also, individual projects should be designed to enhance support for prisoners belonging to vulnerable groups and distinct categories. At the financial level, processes on the allocation of resources via sound fiscal management and proper budgeting must be enhanced. Finally, the general public must be made more cognizant of the necessity of reintegrating prisoners through awareness campaigns that disseminate messages on the subject, including the deleterious effects of imprisonment (UNODC, 2006).

## B- Obstacles

### 1- Enduring Socio-economic Factors

It is an unquestionable fact that on a global scale, most prisoners hail from socially and economically underprivileged backgrounds. In particular, the majority are poor, illiterate, and are restricted in so far as educational opportunities are concerned. In addition, they are far likelier than non-prisoners to be unemployed and to lack proper housing, which – as a result – may have contributed to other issues conducive to illegal activity such as family breakups, substance abuse, and other deleterious consequences related to being socio-economically marginalized (UNODC, 2010). In Lebanon, decades of corruption and financial mismanagement, combined with shaky geopolitics, have put so much pressure on the country's

economy than in the first six months of 2020 its currency's value has drastically dwindled, and its economic outlook has turned from negative to bleak. As a result, poverty levels are on the rise. Speaking to CNN, Social Affairs Minister Ramzi Musharrafieh stated that the government's assessment earmarked 75% of Lebanese families as needing financial assistance. Moreover, even before defaulting on its debt, Lebanon was already on its way to economic collapse, whereby a recent World Bank report estimated that more than half the population would fall on or under the poverty line if no reforms were undertaken (Alami, 2020).

## 2- Politics

It is no secret that Lebanese politics are complicated. With a decades-old fragile consociational system teetering on the brink of collapse, the country is governed by a corrupt political class that has mismanaged and practically destroyed the economy. The dysfunctional nature of such politics is due, in part, to the never-ending sectarian tensions that are linked to geopolitics. (Barakat, 2016, para. 7). Lebanon's shaky politics have consistently led to a streak of governmental paralysis, whereby the legislative function, in particular, was primarily constrained. Ever since, there have been sporadic periods of political paralysis, putting governmental responsibilities on hold. Notably, the regional balance of power has gradually tilted toward the Iranian proxy organization (Shehadi, 2020). Prison reform initiatives, much like others, have succumbed to delays related to constant political bickering. Furthermore, Azhari (2020) asserts that Lebanon's prisoners are also highly politicized beyond the aspect of harmful political paralysis. In the months following the October 17 revolution, members of parliament raised the issue of amnesty, calling for a vote on a law that would set free thousands of individuals arrested for a variety of criminal offenses and misdemeanors as celebratory gunfire, marijuana production, and drug use. Some politicians advocated the release of these prisoners based on general, unconditional amnesty. Azhar argues that this was tantamount to political bribery, particularly in the wake of a popular revolution: By releasing inmates, the

political class would thus be appealing not only these individuals but also their families. This release puts the issues of pretrial delays and judicial favoritism, to name but a few, into context: The suspension of prison reform may be politically motivated, at least partially.

### 3- Limited Finances

Lebanon has sustained economic damage related to its political leanings.

"Lebanon also enjoyed a certain degree of political and economic protection from the U.S. and the Gulf, and Hezbollah benefited indirectly from that protection, as it also shielded it to a certain degree from sanctions. The deterioration of relations meant that the country was cut off by its Gulf partners, which was manifested in travel bans for Gulf Cooperation Council (GCC) nationals to Lebanon, a decrease in investments and bank deposits, and a decrease in remittances from Lebanese ex-pats..." (Shehadi, 2020, para 9).

However, the more systemic culprit is Lebanon's record of flawed economic policies, even before Hezbollah gained in power. Lebanon has entered a deep fiscal crisis, one which has prevented it from paying back its sovereign debt at the risk of being unable to pay for essential imports such as foodstuffs and fuel (Knecht & Francis, 2020). Naturally, the deteriorating situation has put strains on the government's ability to finance much-needed state affairs. It is likely that Lebanon's limited finances may put a significant strain on the budget allocated for prisoner reform.

## C- Current and Prospective Initiatives

### 1- Collaboration between Local Authorities and the International Community

Prison reform efforts in Lebanon have been made in conjunction with international organizations such as the UNDP. For one, the organization has assisted Lebanese authorities with establishing a well-appointed court in Roumieh to offer prisoners quick and safe access to court procedures in cases where mobility is an issue (UNDP, 2017). Also, the UNDP provided support to prosecutors in charge of monitoring detention centers, putting an automated prison management system in place that judges can employ in their regular checks on pretrial detainees (UNDP, 2017). The organization joined efforts with Lebanese authorities



to plan the construction of three new peripheral prisons, in tentative locations including Bekaa, the South, and the North, to mitigate prison overcrowding. Moreover, the international community has assisted the Lebanese government on other levels, including prison officer training programs. For instance, the Bureau of International Narcotics and Law Enforcement Affairs (INL) funded the offshore training of a group of Lebanese prison staff. Furthermore, the Canadian government and UNDP entered into a collaboration under the TOKTEN project to offer Internal Security Forces (ISF) members mentoring sessions executed by expatriate Canadian Corrections officers (UNDP, 2017). What is more, the E.U. has also supported various structural improvements relating to inter-ministerial responsibilities, including the forensics unit's reorganization inside the Ministry of Justice. The Ministry of Justice began to work on law reform to offer new services and started deploying judicial officers to prisons to monitor files. This process could help provide insight into matters such as trial delays. Besides, the UNDP has already explored giving support to the Ministry of Interior and the Ministry of Justice in the form of reintegration and rehabilitation programs for adult prisoners, inclusive of initiatives aimed at countering radicalization (UNDP, 2017).

More recently, the Ministry of Interior launched a US-sponsored project targeted at prison staff training called 'Helping Enhance Procedures in Lebanese Prisons'. Funded by the INL, the program places particular emphasis on vulnerable groups such as women and teenagers, stressing the need for rehabilitation to prevent recurring offenses (Kranz, 2019). Furthermore, the Lebanese government has taken more proactive measures in partnership with international organizations like the UNODC. For example, in March of 2020, COVID-19 health concerns prompted the organization to launch an awareness-raising campaign catering to Roumieh prison's juvenile wing, the Barbar Khazen Prison for women in Beirut, as well as the Moubadara facility for girls (UNODC, 2020). It was determined that the coronavirus pandemic had taken its toll not only on prisoners' physical health but also on their psychological

well-being, leading to fear and anxiety, especially in younger prisoners, about their health and their loved ones. Not to mention that these prisoners felt even more isolated than they did before the pandemic, particularly as they were forced to suspend rehabilitation activities, including group interactions. As a result, prison authorities decided to undertake preventative steps to guarantee prisoners' safety early on, putting all service providers activities on hold and limiting visitations by family members (UNODC, 2020). In addition, the UNODC supported local authorities' initiatives by providing awareness-raising content on the best hygiene practices, in conjunction with the recommendations made by the Ministry of Health and the World Health Organization, taking into consideration the prison setting:

"UNODC supported the prison with a comprehensive package of preventive and protective tools such as hygiene detergents, disinfectants, sanitizers, masks and gloves with a clear Standard Operation Procedure (SoP). Mobile SIM cars were made available for inmates to maintain contact with families. Such action has contributed to the reduction of anxiety and helped both authorities and inmates gain a sense of control over the virus spreading, especially with the clear instructions on how to protect themselves and practice good hygiene" (UNODC, 2020, para. 5).

## 2- The Role of the Civil Society

The Lebanese civil society encompasses various groups, including neighborhood associations, clubs, scouts, student groups, ethnic groups, alumni, religious associations, scientific and research centers, etc. However, some organizations have traditionally benefited from the lion's share of attention regarding civil society initiatives: Non-governmental organizations (NGOs). For instance, Offre Joie, a local NGO founded by current Head of the Beirut Bar Association, has worked consistently with the ISF, offering a multitude of services, chief of which are initiatives to renovate prisons in Batroun ("Offre-Joie Rénove," 2008). Moreover, human rights non-profit organization ALEF has played a crucial role in advocating for prisoner rights in Lebanon. In particular, the NGO has tackled the glaring issue of torture, working not just to raise awareness about the illicit practice but also to expose violations:

"ALEF, in partnership with IKV PAX Christi and PAX Christi International, and with the support of the European Union, sought to mobilize local communities towards detecting,

addressing and reporting torture cases and promoting torture prevention among the general population. Also, advocating for the implementation of international norms and procedures related to the prevention of torture and decreasing impunity in Lebanon. ALEF initiated a centralization system to process and analyze the compiled information on reported cases of torture and produce a report on torture" (ALEF, 2008).

Furthermore, some NGOs have employed religious groups to induce strong cooperation with local security forces and prison management, particularly when it comes to sensitive issues like torture practices. Historically, religion-focused NGOs, owing to their spiritual, conservative status, have found the most successful in dealing with the ISF, mainly thanks to the moral and religious values that they have sworn to protect. For instance, the Association Justice et Miséricorde (AJEM), since 1998, has managed to establish a trusting relationship with Lebanese prison officials, carving out a legitimate presence inside prisons where it continues to offer spiritual and religious assistance. Such contributions are especially meaningful given the authorities' usual reluctance to let any NGO inside prisons except for religious institutions such as the Chaplaincy Prisons Office and Islamic Dar el Fatwa (Mufti, 2015).

A shortcut to an ideal system cannot be taken; certainly, the path towards a perfectly implemented system and a harmonious state where inmates are treated fairly and equally is undoubtedly long and tedious. It involves modifying the hierarchy of the constitution and shifting powers to the hands of more appropriate administrative entities. It calls for financial support from developed countries and local authorities, and skilled interventions of UN agencies and NGOs to put in place and invest in reforming and educating initiatives within the prison facilities, as part of a corrective and empowering approach.

## **Chapter 7: Conclusion & Recommendations**

In the context of Lebanon's dysfunctional economic and political situation, the corruption and failures in the judicial and penitentiary system are unsurprisingly predictable. According to the described facts and observations, it is established that the current structure is considerably below the international standards and in evident misalignment with the dictated laws and regulations conforming to human rights. With defects happening at the core of the constitution, starting with unqualified staff, to overcrowded cells, and sub-standard facilities conditions, corrective interventions are imperative to save offenders from this chaotic system and restore actual order and justice.

Evidently, incompetent staff, biased decisions, unfair trials, random pre-trial detentions, and improper resource allocation for facilities' maintenance, are all factors paralyzing the local system. For proper development of the prison management, corrective solutions are suggested at different levels to prevent and limit discrepancies. A commitment from the local authorities regarding shifting management of prisons to the Ministry of Justice is a first step. The intervention of NGOs and UN agencies will be supportive in providing technical and financial assistance for corrective initiatives. Improving human resources in prison administration (educating the staff for proper handling of prisoners), developing educational material to enhance the awareness and skill sets of prisoners, and addressing the infrastructural concerns by investing in building new prison facilities and improving the conditions in existing ones. In addition, to categorizing prisons and prison facilities based on gender, age, nature of crime and sentence periods. Moreover, reducing excessive pretrial detention and speeding up prosecutions can help decrease the overcrowding and reduce many of the violations taking place and mentioned above. Officials can resort to other methods based on the nature of crime such as release on bail and personal recognizance. Also, for those with misdemeanors, there should be an option to be released early following good behavior or

perform community work as a compensation of the imprisonment. Last but not least, privatization of prisons would be a good option in that it could be managed properly along with having appropriate numbers of guards and administrators. This would also help create new jobs within the communities and reduce the pressure on the government while providing some kind of return.

Finally, concerns remain around the feasibility of these initiatives and the ability of the authorities to commit to keeping it a priority and improving the system amidst the current crisis in the country.

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