

VICTIMS OF TORTURE FROM SYRIA:

**STAYING IN LEBANON AND SUFFERING
REPEATED TRAUMATISING EXPERIENCES
JULY 2016**



C.L.D.H

**Centre Libanais des Droits Humains
Lebanese Center for Human Rights
المركز اللبناني لحقوق الإنسان**

The Lebanese Center for Human Rights (CLDH) is a local non-profit, non-partisan Lebanese human rights organization based in Beirut. CLDH was created in 2006 by the Franco-Lebanese Movement SOLIDA (Support for Lebanese Detained Arbitrarily), which has been active since 1996 in the struggle against arbitrary detention, enforced disappearance and the impunity of those perpetrating gross human rights violations.

CLDH monitors the human rights situation in Lebanon, fights enforced disappearance, impunity, arbitrary detention and racism and rehabilitates the victims of torture. CLDH regularly organizes press conferences, workshops and advocacy meetings on human rights issues in Lebanon and collects, records and documents human rights abuses in reports and press releases.

CLDH team on the ground supports initiatives aimed at determining the fate of all missing persons in Lebanon.

CLDH regularly follows up on numerous cases of arbitrary detention and torture in Lebanon in coordination with Lebanese and international organizations, and with the United Nations Working Group on Arbitrary Detention WGAD and the UN Special Rapporteur on Torture.

CLDH opened in 2007 a Rehabilitation Center for the victims of torture in Beirut, Centre Nassim, member of IRCT (International Rehabilitation Council for Torture victims), which provides multi-disciplinary professional support and case management for victims of torture and their families.

Since 2012, CLDH established a legal aid program for vulnerable persons. Several lawyers assist vulnerable migrants, refugees, asylum seekers and Lebanese through legal consultations and before courts, institutions and security services.

CLDH compiles a daily press review on human rights violations and on-going judiciary cases in Lebanon and updates several human rights blogs.

CLDH is a founding member of the Euro-Mediterranean Federation against Enforced Disappearance (FEMED), a member of the Euro-Mediterranean Network of Human Rights (REMDH), a member of the SOS Torture Network of the World Organization against Torture (OMCT), and of the International Federation of Human Rights Leagues (FIDH).

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Introduction and methodology

Since the beginning of the war in Syria, over a million Syrian refugees have been registered in Lebanon¹. The massive influx of refugees is the direct result of a violent struggle between local, national, regional, and international forces. In this battle, the Syrian government, extremist groups, and external parties commit atrocities against civilians as a systematic strategy of war.

Many persons were subjected to torture in detention centres run by the Syrian government. In addition, groups that are opposing the regime also have committed atrocities against civilians. For instance, the self-proclaimed Islamic State started a campaign of persecution and horrific brutality against the population. However, Syrians are not only subjected to torture in their own country, but they are also exposed to the risk of torture when they flee to Lebanon that does not recognize the refugees status and where they might end up in jail and be mistreated or tortured.

The Lebanese Center for Human Rights (CLDH) has been monitoring and addressing the needs of Syrian refugees in Lebanon. CLDH opened in 2007 a Rehabilitation Center for the victims of torture in Beirut, Centre Nassim, member of IRCT (International Rehabilitation Council for Torture victims), which provides multi-disciplinary professional support and case management for victims of torture and their families. Currently, the largest group of beneficiaries of the Centre Nassim originates from Syria.

The aim of this report is to draw attention on the vulnerable situation of victims of torture from Syria currently residing

in Lebanon, especially in the light of the tightening of the Lebanese residency laws, whereby there seems to be a severe risk that torture victims will be exposed to torture once again. Current Lebanese regulations effectively prohibit many refugees from renewing their residency permits which in turn increases risks of abuses. Refugees might feel compelled to return to Syria as they cannot provide for themselves in Lebanon; the international community funding towards assistance for refugees is shrinking and the Lebanese authorities are cracking down on the refugees to prevent them from working and sustaining themselves. Moreover, many of them fear to be arrested or worse, deported, which will expose them again to the risk of being tortured in the Lebanese or Syrian prisons.

This report is based on 100 testimonies of victims of torture from Syria – Syrians and Palestinians, men and women, some of them from the LGBT community – as well as legal analysis and information given by specialists in the field of torture rehabilitation.



1. Torture as a human rights violation

Cruel, inhuman, and degrading treatment, sexual threats, and humiliation are often used in contemporary military conflicts to punish, frighten, and obtain information from political opponents. This mainly occurs during interrogationⁱⁱ.

Torture is a universally condemned practiceⁱⁱⁱ. The prohibition of torture is firmly embedded in customary international law and in international treaties. The 1948 Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention Against Torture that Lebanon has ratified all determine that no one shall be subjected to torture or to cruel, inhuman or degrading treatment

or punishment. Moreover, it is also listed one of the crimes that constitute a “grave breach” of the 1949 Geneva Conventions on the treatment of victims of war. Established in 1950, the European Convention on human rights (Article 3) was the first treaty prohibiting torture. In 1984, the United Nations Convention against Torture became the first binding international instrument exclusively dedicated to the struggle against torture.

1.1 What is torture?

The most precise and wide definition of torture is laid down in the United Nations Convention against Torture (CAT).

According to this convention torture means:

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

The CAT definition of an act of torture has therefore three main elements:

1. It constitutes acute suffering
2. It is inflicted for a purpose
3. It is inflicted by a public official or other person acting in an official capacity, or at his/her instigation or with his/her consent or acquiescence

Given this definition, torture is different from other forms of mistreatment due to the intent with which the suffering is inflicted and the severity of the treatment. Furthermore, the CAT definition stipulates that mistreatment has to be committed by a public official. However, this does not mean that “armed groups” cannot commit torture, as they cannot be described as public officials. Although “armed groups” do not qualify as “state officials” within the CAT

definition, they are forced to abide by the Geneva Convention that governs the laws and customs of war. These prohibit all parties to the conflict from perpetrating torture.

1.2 Torture methods

Torture methods can broadly be distinguished between physical and psychological methods. Some of the most common methods of physical torture include beating, electric shocks, stretching, submersion, suffocation, burns, rape and sexual assault. Regimes are known to change their physical torture methods into more subtle psychological methods, when the evidence about the use of torture is based on the physical marks on prisoners’ bodies^{iv}. Moreover, interrogators often don’t consider these “psychological methods” as a form of torture^v. Psychological forms of torture and ill treatment, which very often have the most long-lasting consequences for victims, commonly include: isolation, threats, humiliation, mock executions, mock amputations or witnessing the torture of others^{vi}.



2. Torture of refugees from Syria

Refugees from Syria are subjected to torture in both Syria and Lebanon. In this section we draw a distinction between these two groups. The grand majority of the researched cases were subjected to torture in Syria and were feeling extremely distraught by the risk of being again exposed to arrest and torture in Lebanon.

All the interviewees were complaining of having been subjected to physical torture and in more than half of the cases they also explicitly mentioned that they were subjected to psychological torture.

2.1 Torture in Syria

2.1.1 Perpetrators of torture in Syria

In 2014 already, the Syrian defector known as “Caesar” told the American Congress that the regime of Syrian President Bashar al Assad is holding 150,000 civilians in custody. All of them were at risk of being tortured or killed by the regime. Photos reportedly demonstrated the “systematic killing” of about 11,000 detainees in the custody of regime security forces from March 2011 to August 2013^{vii}.

Besides the Syrian Assad-regime, there are also other actors accused of applying

torture. According to the special UN Commission of Inquiry on Syria, anti-government armed groups and Al-Nusra fighters are “responsible for murder, torture and other forms of ill treatment of detainees”^{viii}. ISIS is said to subject detainees to serious abuses, including torture and summary executions.

In February 2016, the UN Commission of Inquiry on Syria published a report “Out of Sight, Out of Mind: Deaths in Detention”. In the report the Commission concludes that all parties to the Syrian conflict, including anti-government armed groups, as well as Al-Nusra Front and Islamic State, committed “serious violations” of the rights of detainees, including torture and killing. The report describes “detainees held by the government were beaten to death, or died as a result of injuries sustained due to torture”^{ix}.

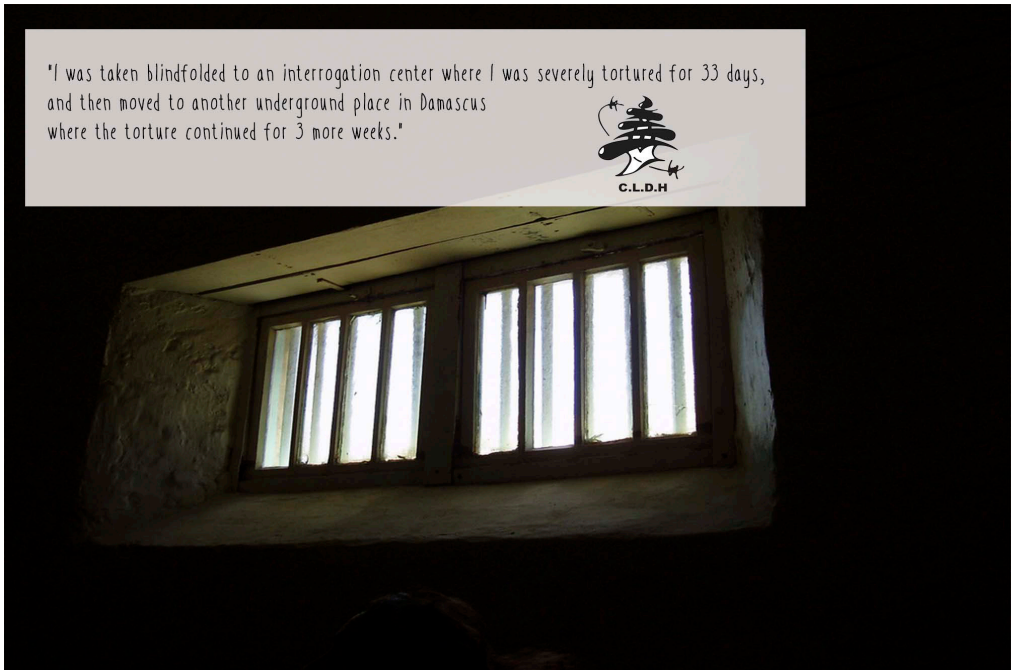
2.1.2 Circumstances under which torture takes place

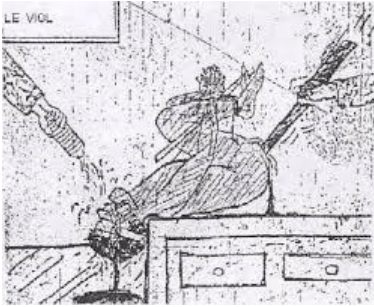
The majority of torture cases researched by CLDH took place while the victim was put into detention by the Syrian regime. These victims were tortured in at least 28 different detention centres or other facilities.

Many of the torture victims were held in several detention facilities and some were frequently moved to various locations. Some of the detention facilities were mentioned more frequently than others by the interviewees like for example the Air Force Intelligence in Homs, or the Military Security in Homs.

The arrests leading up to the detentions took place during different occasions, varying from arrests at checkpoints, house raids, or arrests during protests.

"I was taken blindfolded to an interrogation center where I was severely tortured for 33 days, and then moved to another underground place in Damascus where the torture continued for 3 more weeks."





Torture method drawn by a victim Mr. G. Allama

2.1.3 Physical torture methods

2.1.3 Physical torture methods

The physical torture methods used in Syria are known for their brutality. In almost all of the cases investigated by CLDH, the victims were subjected to a range of different torture methods. A number of physical torture methods identified included the following:

- Beatings, with or without objects
- Doulab: “the victim is forced to bend at the waist and stick his head, neck, legs and sometimes arms into the inside of a car tire so that the victim is totally immobilized and cannot protect him or herself from ensuing beatings”^x
- Shabah: victims are handcuffed and hanged
- Electric shocks
- Bsat al Ree: also known as the “flying carpet”. Victims are strapped down to a hinged board. The ends are then brought towards each other to bend the spine.
- Whip
- Sexual assault

2.1.4 Psychological torture methods

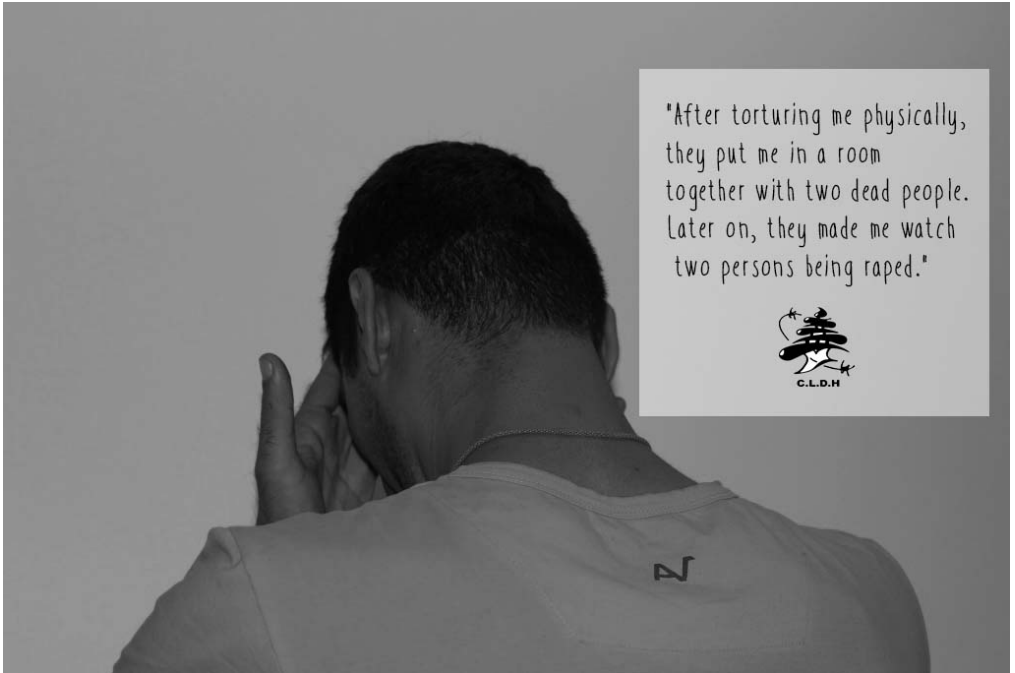
In addition to physical torture, the interviewees had been subjected in Syria to serious psychological torture methods. Often mentioned methods include

insults/humiliations, mock executions, forcing people to watch other people being tortured and preventing people from getting sleep.

2.2 Torture of refugees from Syria in Lebanon

2.2.1 Legal framework for torture in Lebanon

According to the Lebanese law, torture is forbidden. According to the Lebanese Constitution, the International Covenant on Civil and Political Rights and the Convention against Torture were ratified by Lebanon respectively in 1972 (entered into force in 1976) and 2000, as well as the Universal Declaration of Human Rights, supersede domestic law, and are therefore enforceable. Article 47 of the Criminal Procedure Code specifies that “if they (the suspects) refuse to speak and remain silent, this must be mentioned in the official report. They must not be forced to speak or to be interrogated, under penalty of invalidity of their statements.” Article 77 of the Criminal Procedure Code also stipulates that the judge “must ensure that the suspect made his statement without any external influence, whether moral or physical.” Article 401 of the 1943 Penal Code stipulates “whoever submits a person to acts of violence not permitted by the law for the purpose of obtaining a confession or information about a crime will be punished by imprisonment from three months to three years. If such acts of violence lead to illness or injury, the minimum punishment of imprisonment will be for one year.” The penalty incurred does not reflect the gravity of the crime of torture. According to the above-mentioned article, torture is considered as a misdemeanour punishable by a maximum of three years in prison.



2.2.2 The practice of torture in Lebanon

Torture in Lebanese prisons is a very common phenomenon and takes place systematically. In 2011, 2013 and 2015, CLDH published comprehensive reports on torture in Lebanon, based on testimonies and research. The reports not only outlined the torture practiced by official Lebanese security services but also that of unofficial state actors. CLDH found that around 60% of men and women are tortured during investigations by Lebanese officials. In 2015, attention was drawn to the practice of torture as the result of a video that was published by the media showing ISF torturing detainees in Roumieh prison.

2.2.3 The practice of torture against refugees from Syria in Lebanon

Although the majority of cases researched by CLDH were Syrians and Palestinians that were tortured in Syria, some Syrians were also arrested in Lebanon and subjected to physical torture such as beatings, suspension, electric shocks and al-farrouj^{xi}.



3. Effects of torture

3.1. Physical and psychological consequences of torture

Physical forms of pain and suffering are more readily understood by the general public and officials than psychological forms. It is hard to quantify the physical suffering because this depends a lot on a variety of factors, such as the age, gender, health, education, cultural background or religious conviction of the victim^{xii}.

In all the cases heard for this research, the victims claimed to have been physically tortured. In at least two third of the cases, there were severe medical consequences resulting from the act of torture. The medical complaints ranged from broken teeth, severe scars, dislocation in the back and back pains, multiple fractures to major weight loss

and hypertension. The majority of torture victims who were subjected to beatings complain of pain and broken limbs or dislocations. Moreover, in many cases where victims were subjected to beatings, the signs of torture were still visible on their body.

In addition to immediate pain, the victim often experiences psychological consequences. Torture victims often feel guilt and shame, triggered by the humiliation they have endured. Many feel that they have betrayed themselves or their friends and family. All such symptoms are natural human responses to the practice of torture^{xiii}.

In more than half of the cases in this research, the individuals were suffering of severe psychological consequences

resulting from the act of torture. Many of the interviewees suffer from post-traumatic stress disorder (PTSD). Their complaints include symptoms such as anxiety, insomnia, nightmares, depression and memory lapses. Several victims underlined that they experienced feelings of guilt, shame, fear and insecurity. Many have suicidal feelings as a result of torture.

3.2. Refugees from Syria: exposed to the permanent risk of trauma repetition

Victims of torture need a safe and caring environment to recover from their wounds and restart a normal life. Victims from Syria arriving in Lebanon are traumatized with the obligation of leaving their homeland out of fear for their safety.

In Lebanon, they enter a country that does not recognize the refugees' status and will - at best - give them migrants

rights - but no attention as refugees - and, at worst, treat them as illegal migrants. Over the years, the Lebanese authorities have been increasingly dealing with refugees from Syria as illegal migrants, subjecting them to a permanent risk of exploitation, arrest and deportation. The worst comes when victims of torture fleeing Syria and entering Lebanon cannot rebuild themselves, having a Damocles sword hanging upper their head. They live in fear because of the trauma they were subjected to in Syria that has often annihilated their trust in humanity, and very often are well aware that their nightmare may happen again in Lebanon. They hear stories of refugees being arrested again, tortured and deported. They live in constant terror, and going out of "their place" that is often a tent or a suffocating room without a window becomes itself a form of psychological torture.



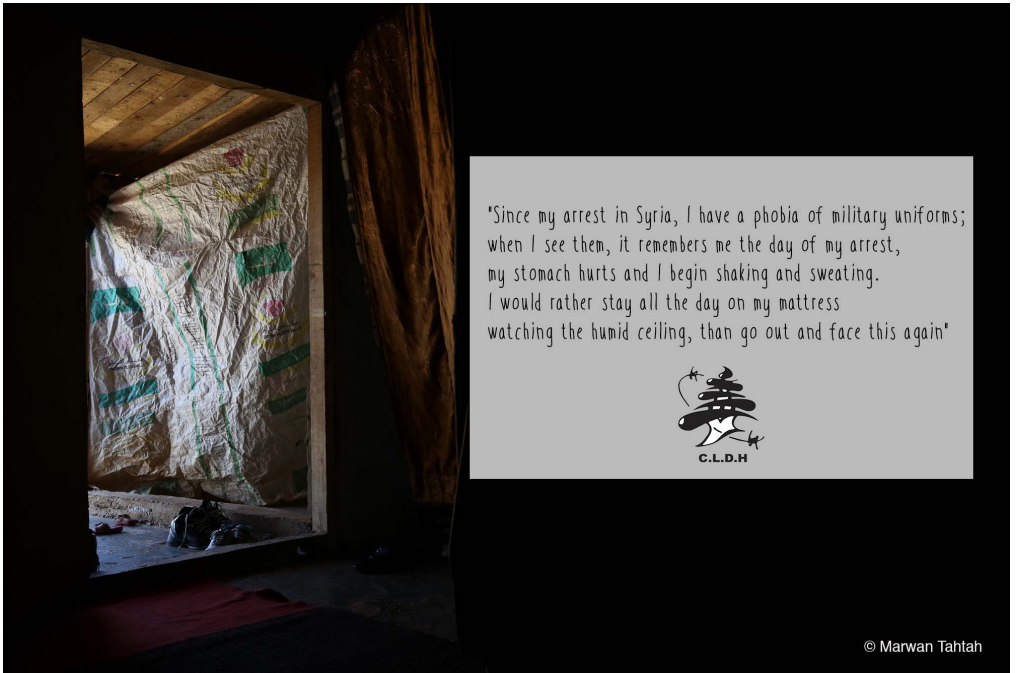
"Do you think I was a homeless in Syria?
No, I became homeless in Lebanon. In Syria, I was a company owner.
And now people in Lebanon look at me as if I had always been a beggar."



© Marwan Tahhan



“Since my arrest in Syria, I have a phobia of military uniforms; when I see them it remembers me the day of my arrest, my stomach hurts and I begin shaking and sweating. The Lebanese militaries at the checkpoints notice this and make fun of me. Several times they took me out of the car and let me wait beside the road pretending that they will arrest me although I have a legal status and didn’t do anything” testified one of the refugees from Syria “I would rather stay on my mattress all day watching the humid ceiling than go out and face this again”.



"Since my arrest in Syria, I have a phobia of military uniforms; when I see them, it reminds me the day of my arrest, my stomach hurts and I begin shaking and sweating. I would rather stay all the day on my mattress watching the humid ceiling, than go out and face this again"



© Marwan Tahtah



Conclusions

The practice of torture is widespread in Syria and Lebanon, destroying lives and imposing distress and suffering to the victims and the society. Refugees from Syria in Lebanon who were subjected to torture – in spite of the efforts of the rehabilitation centers like Centre Nassim (project of CLDH) – cannot rebuild themselves because Lebanon is an unsafe environment to them, and they are exposed to repeated traumatising experiences.

Lebanon authorities almost openly use torture as a way of investigation and do not show any will to protect the particularly vulnerable refugees from Syria who were subjected to torture in

their country of origin. Often deprived of legal status in Lebanon, exposed to all forms of abuse on behalf of the Lebanese authorities and more particularly arrest and torture, their suffering is immeasurable.

CLDH is however a witness of the resilience of many of them who work, smile and care for their families without knowing if one day they will be able to sleep at night in a safe place where they don't risk to be subjected again to the worst forms of cruelty and violence.

They are from the most vulnerable refugees and CLDH has for the moment chosen the only possible strategy: plead

for their resettlement in third safe countries where their human rights will finally be respected and where they will be able to rebuild their lives.

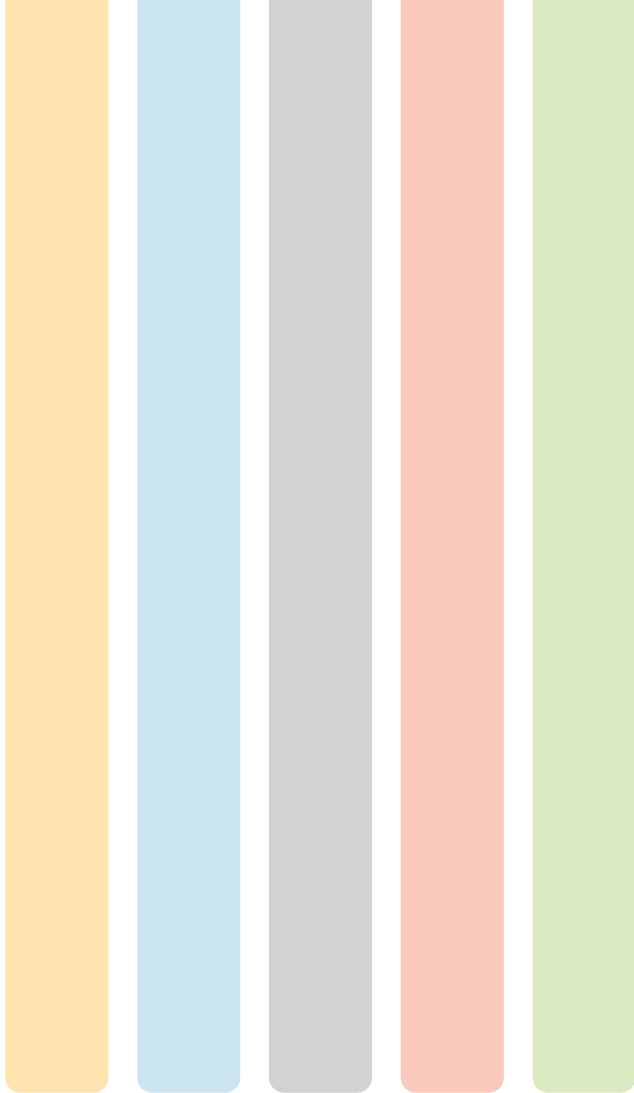
CLDH would like to thank the UNHCR and the embassies for their efforts towards these particularly vulnerable refugees and encourages them to continue identifying them and proceeding to their resettlement in safe countries.

This report once again calls upon the Lebanese authorities to put an end to torture in their detention places and to rehabilitate and protect torture victims from Lebanon, Syria or any other country.

After registering as a refugee with UNHCR in 2013, Hussam applied for third country resettlement. He was subsequently interviewed “6 or 7 times”. He describes this period as difficult: *“I had to retell my story over and over again. At some point I was feeling like my file got lost because they were not giving me news about resettlement. Then, in March 2015, I got a call from the resettlement unit at UNHCR. They were offering me to transfer my file to the Belgian Embassy. It was the end of my nightmare”*

Hussam is now living in Belgium and recovering from the torture he was subjected to in Syria.

- i <http://data.unhcr.org/syrianrefugees/country.php?id=122>
- ii <https://www.icrc.org/eng/assets/files/other/irrc-867-reyes.pdf>, p. 591.
- iii United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, opened for signature Dec. 10, 1984, 1465 U.N.T.S. 85 [hereinafter "CAT"].
- iv <https://www.icrc.org/eng/assets/files/other/irrc-867-reyes.pdf>
- v <https://www.icrc.org/eng/assets/files/other/irrc-867-reyes.pdf>, p. 591.
- vi <http://www.irct.org/what-is-torture/defining-torture.aspx>
- vii <http://www.theguardian.com/world/2015/oct/01/syrian-army-photographer-describes-torture-prisons>
- viii <https://www.rt.com/news/331832-un-report-syria-torture/>
- ix http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-CRP1_en.pdf, p.1.
- x <https://www.hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias>
- xi al-farrouj ("the chicken"): a torture technique in which the victim is suspended by the feet with hands tied together to an iron bar passed under the knees.
- xii <https://www.icrc.org/eng/assets/files/other/irrc-867-reyes.pdf>, p. 596.
- xiii <http://www.irct.org/what-is-torture/effects-of-torture.aspx>



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