

(Translated from Arabic)

Permanent Mission of Lebanon to the United Nations and Other International Organizations in Geneva

The annex to letter 43474, dated 1 December 2017, contains the reply to the letter from the Permanent Mission of Lebanon to the United Nations and Other International Organizations in Geneva.

1. Legality of the raid

(a) Pursuant to Decision No. 1 of 16 January 1991, the army was assigned the task of maintaining security throughout Lebanese territory (document No. 1);

(b) Security-related information was received concerning the infiltration of terrorist elements into some of the Arsal camps. They were said to be planning a major operation that would jeopardize security. Accordingly, army units headed to the camps in question, having received the necessary orders to address the situation in accordance with the applicable instructions and rules of engagement and based on an ordinance from the competent judicial authority.

2. Use of force and firearms

(a) During the performance of their duties, the military forces were subjected to hostile operations by suicide bombers. Some of them detonated themselves with explosive belts and others threw grenades at them and opened fire (document No. 2);

(b) A number of soldier were injured, some of them seriously, and several civilians were injured by the suicide bombings (document No. 3);

(c) The armed forces reacted to the situation as required. After evacuating the civilians, they performed their duties and detained a large number of suspects;

(d) During the performance of their duties, the armed forces complied with the instructions and rules of engagement and with the international instruments on which they had previously received training:

1. The Code of Conduct for Law Enforcement Officials;
2. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

(e) The terrorist attacks on the armed forces necessitated the use of appropriate force, since this was the only means of averting the imminent deadly risk to the officers and to innocent displaced persons;

(f) The armed forces used minimal force in addressing the situation, relying solely on light weapons as a last resort. They refrained from using armoured vehicles or artillery. This illustrates their respect for the principle of proportionality in the use of force and the need to prevent collateral damage. Medical assistance was also provided to the injured.

3. Arbitrary detention and enforced disappearance

(a) Nobody was arrested without an arrest warrant from the competent authorities and the arrests were conducted in accordance with national legislation. The detainees were referred to the competent judicial authority, in accordance with article 47 of the Code of Criminal Procedure. Many were released owing to the lack of evidence for their conviction. The troops conducting the raid also declared their status, although this was clear from their military uniforms and the insignia on their vehicles. The relatives of the arrestees therefore knew that their children had been arrested by the Lebanese army;



- (b) No women were arrested during the operation;
- (c) Those found guilty of criminal offences were prosecuted by the Military Prosecution Service and referred to the competent judicial authorities for trial (document No. 4);
- (d) The detainees were placed in legal detention facilities in accordance with national legislation, that is to say article II of Decree No. 6236/1995, which specifies prisons that are well known to the public. They were also informed orally of the charges after being transferred to a safe location, and were referred to the competent judicial authorities, in accordance with the detailed applicable regulations. Their arrest and referral to the judiciary were also announced and disseminated through the media (document No. 5);
- (e) The detainees were visited in prison by their relatives once they obtained permission from the Military Prosecution Service, in accordance with national legislation (document No. 6);
- (f) The body of Othman Merhi el-Mleishad was delivered to the Lebanese Red Cross by a person called [REDACTED] from the First-Aid Workers and Emergency Department, Centre 602, on 11 July 2017, according to record No. 51237, which contradicts the allegations contained in the letter (document No. 7);
- (g) The prisons where the persons arrested during the operation were detained were visited on more than one occasion by representatives of the International Committee of the Red Cross (ICRC) in Beirut, who met with most of them (document No. 8).

4. Torture and ill-treatment

- (a) The detainees were fed and provided with medical support and their basic needs were met. Given the large number of detainees, units of the Lebanese Red Cross were used for the purpose (document No. 9);
- (b) Low-level manual force was used against some suspects who resisted arrest;
- (c) The arrestees were immediately evacuated to a safe location because of the gravity of the situation. Similar steps were taken to protect and safeguard members of the armed forces;
- (d) Given the difficulty of controlling the arrestees because of their large number and because it was feared that one of them might detonate an explosive belt or throw a grenade, they were asked to expose the upper part of their body, to show their hands and to lie down. Minimal control and protection could thus be ensured on behalf of the members of the armed forces who searched them.

5. Evidence of the death of detainees

- (a) The four deceased persons mentioned in the letter died of natural causes prior to the commencement of the investigation. The circumstances of their death were confirmed by the reports of forensic physicians who were mandated by the competent judicial authorities to determine the circumstances of their death (document No. 10);
- (b) The four bodies were handed over to representatives of the Lebanese Red Cross, who pledged to deliver them to their families (document No. 11).

6. Pressure from the Military Intelligence personnel in Beirut to return the samples

The samples obtained by an “agent” of the families of the deceased were taken through a legal authority that is not authorized to grant permission to extract samples. Accordingly, the Public Prosecutor’s Office at the Court of Cassation was required to order the return of the samples, since there is a body authorized by the competent judicial authority to produce reports indicating the cause of death.

7. The military court

- (a) Proceedings before the military court are held in public and are attended by journalists from various national media and by a large number of lawyers (art. 55 of the Code of Military Justice);

(b) Legal safeguards are provided by the military court (defence counsel, the possibility of lodging an appeal against a judgment with the Court of Cassation, etc.) (arts. 57 and 74 of the Code of Military Justice);

(c) When a suspect appears before the investigating judge (a civil judge from the judiciary), the interrogation may not proceed without the presence of a lawyer (art. 76 of the Code of Criminal Procedure) and rulings must be delivered in public (a committal order or an indictment) (art. 53 of the Code of Criminal Procedure) (document No. 12).

8. The camps for displaced persons

(a) A large number of terrorists were arrested in the camps of Al-Qariyeh and Al-Nour. They were using the camps as a site for their criminal activities, exploiting the presence of civilians and using children as human shields;

(b) The Lebanese Government uses the security forces to protect the camps for displaced persons. The army takes action to protect the civilians living in the camps from terrorists and to ensure their safety pending their safe and voluntary return;

(c) The camps for displaced persons are deemed to be protected civilian sites. The security forces have received written orders to respect international human rights law and other relevant international instruments during all operations;

(d) The Lebanese Government facilitates the delivery of relief and assistance to the camps for displaced persons both by international governmental organizations and international humanitarian non-governmental organizations (NGOs) with a view to maintaining the health of the displaced persons and ensuring the safety of any operations conducted in the camps (document No. 13).

9. Additional measures

The Lebanese armed forces continuously implement a systematic plan of action to promote human rights and disseminate the provisions of relevant international treaties ratified by Lebanon as well as those of other international instruments (declarations, principles, etc.). The plan of action includes the following measures:

(a) Organization of training courses for the military on the prohibition of torture and the use of force during law enforcement operations and on the protection of vulnerable groups, including refugees, in cooperation with international organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and NGOs such as Restart and ICRC;

(b) Preparation of a training manual on international human rights law and action to have it incorporated into Lebanese army training programmes at all levels;

(c) Cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in developing a code of conduct entitled “Army code of conduct during security operations”;

(d) Inclusion of a definition of torture in the Lebanese army’s General Military Code;

(e) Circulation and organization of training courses on Act No. 65/2017 on the criminalization of torture for members of the Lebanese army;

(f) Development of instructions for the management of military prisons based on the Mandela Rules adopted in 2015;

(g) Organization of a meeting between leaders of the Lebanese army and ICRC in order to engage in a constructive dialogue on operations in the Aarsal area;

(h) Imposition of disciplinary sanctions on offenders or their referral, if necessary, to the judicial authorities;

- (i) Authorization of unrestricted visits by ICRC to all military prisons, in accordance with Decree No. 8800/2002;
- (j) Increased medical support for military and law enforcement operations in order to build staff capacity to deal with medical emergencies among detainees.

List of documents contained in the annex to letter No. 43474, dated 1 December 2017

<i>Serial number</i>	<i>Subject matter</i>	<i>Number</i>	<i>Date</i>	<i>Number of documents</i>	<i>Name, function and signature of the official transmitting the file</i>
1	The decision authorizing the Lebanese army to maintain security throughout Lebanese territory	–	–	10	
2	Photos of suicide bombers who blew themselves up during the raid on Syrian camps	–	–	2	
3	A list of injuries suffered by the military during the raid	–	–	17	
4	A list of detainees referred to the competent courts and of the legal proceedings instituted against them	–	–	2	
5	Copies of: <ul style="list-style-type: none"> • A statement issued by the Directorate of Orientation to the media concerning the referral of a detainee to the competent legal authority; • Indictments by the military investigating judge against terrorist detainees that were disseminated in the media. 	–	–	3	
6	A record of meetings and a copy of some of the meetings held between detainees and their relatives	–	–	7	
7	A record of the delivery of the body of Syrian Othman Merhi el-Mleishad to the Lebanese Red Cross	–	–	2	
8	A register of visits by ICRC representatives to Army Command prisons, Ministry of National Defence, from the month of June	–	–	3	
9	A record of medical examinations of detainees and of supplies delivered in order to meet detainees' basic needs	–	–	10	
10	Reports of forensic physicians concerning the circumstances surrounding the death of four Syrians	–	–	17	
11	A record of the delivery of the four bodies to the Lebanese Red Cross	–	–	5	
12	Some of the legal provisions governing military judicial proceedings	–	–	1	
13	A letter of thanks from Human Rights Watch after its visit to the displaced persons' camps in Aarsal	–	–	1	

Service note

Subject: Establishment of a Committee to produce a response to the letter from the Permanent Mission of Lebanon to the United Nations and Other International Organizations in Geneva

1. Composition of the Committee

- The Chief of the Military Police (Chair);
- The officer in command of the Army Staff Operations (member);
- The officer in command of the Directorate of Intelligence (member);
- The officer in command of the Army General Staff, Administrative Office, Department of Military Discipline and Justice (member);
- An Army General Staff officer, Directorate of International Humanitarian and Human Rights Law (member and Secretary).

2. Terms of reference

Preparation of a response based on facts and evidence, to be approved by the Army Command, to letter No. 674.8 from the Permanent Mission of Lebanon to the United Nations and Other International Organizations in Geneva, dated 4 October 2017, concerning a letter from Special Rapporteurs on the events in the camps of Al-Nour and Al-Qariyeh.

3. Implementation

(a) The Committee shall meet at the invitation of its Chair at a specific time and in a specific location;

(b) The Army General Staff, the General Staff Secretariat, the Directorate of Personnel, the Army Headquarters and the Chair of the Committee shall immediately submit the names of the appointed officers;

(c) When a Committee member is unable to attend a meeting for compelling reasons, another officer from the same unit shall be sent to the meeting, provided that a telegram is sent to the Army General Staff and the Chair of the Committee following coordination between the officer's unit and the Chair;

(d) The necessary documents shall be requested from the Army General Staff and the Directorate of International Humanitarian and Human Rights Law in coordination, if necessary, with the Government Commissioner at the military court;

(e) The Committee may seek the assistance of persons who are deemed fit to perform its duties;

(f) The Committee shall submit its work together with a CD-ROM to the Army General Staff, the Directorate of International Humanitarian and Human Rights Law and the General Staff Secretariat within a deadline of 72 hours and it shall comply with service note No. 3550 of 12 February 2007;

(g) The Army General Staff shall submit the outcome for a decision by the Army Commander within 48 hours of the date on which the Committee submits the results of its work;

(h) Action shall be taken on this service note as soon as it is published.

Yarze, 16 November 2017
Armed Forces Commander General **Aoun**

Addressees:

- The Permanent Military Court
- The Army General Staff: for processing, planning and operations
- The Directorate of Intelligence, General Staff Secretariat, General Staff Administrative Office

- The Directorate of International Humanitarian and Human Rights Law
- The Directorate of Personnel, Army Headquarters, the Military Police

Record

Subject: Result of the meetings of the Committee to prepare a response to the letter from the Permanent Mission of Lebanon to the United Nations and Other International Organizations in Geneva

Document: Service note No. 41608, dated 16 November 2017

The undersigned met on 17 and 18 November 2017:

- Brigadier General Nabil Abdallah (850071), Chief of the Military Police (Chair);
- Colonel Ziad Rizkallah (940187), Directorate of International Humanitarian and Human Rights Law (member and Secretary);
- Colonel Raymond Farhat (950080), Army General Staff, Administrative Office, Department of Military Discipline and Justice (member);
- Colonel Hassan Diab (950230), Army Staff Operations (member);
- Lieutenant Colonel Nabil Dandashli (960002), Directorate of Intelligence (member).

They met as a Committee to implement the above-mentioned document and to prepare a response to the letter from the Permanent Mission of Lebanon to the United Nations and Other International Organizations in Geneva.

The Committee decided, on concluding its work:

- To adopt the response based on annex No. 1 attached hereto.

A single copy was produced and sealed in Al-Rihaniya together with a CD-ROM on the date specified above.

<i>Member</i>	<i>Member</i>	<i>Member</i>	<i>Member and Secretary</i>	<i>Chair of the Committee</i>
Lieutenant Colonel Nabil Dandashli	Colonel Hassan Diab	Colonel Raymond Farhat	Colonel Ziad Rizkallah	Brigadier General Nabil Abdallah

Lebanese Republic**The Army: Referral****Military Police**

No. 63117/1 Attached documents: Records of Committee meetings to respond to the letter from the Permanent Mission of Lebanon to the United Nations and Other International Organizations in Geneva

CD-ROM

Document: No. 41608 dated 16 November 2017

Submission:

Kindly submit the document the number of which is specified above to:

- The Army Command, Army General Staff, Directorate of International Humanitarian and Human Rights Law;
- The Army Command, General Staff Secretariat.

Al-Rihaniya, 18 November 2017

Brigadier General Nabil **Abdallah**, Chief of the Military Police

Copy forwarded to:

- The Police Secretariat
- Portfolio 2/Coordinator
