

(Translated from Arabic)

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

Directorate General of the Internal Security Forces, General Staff, Service and Operations Division

No. 624/204SH2

Date: 3 May 2019

Ministry of the Interior and Municipalities, Joint Administrative Directorate

Subject: The alleged arbitrary detention, torture and ill-treatment of Hassan Toufic Dika

We refer to your communication No. 2636, dated 11 February 2019, which contained a communication from the Directorate of International Organizations, Conferences and Cultural Relations No. 236/8(A), dated 31 January 2019, concerning a letter signed by the Working Group on Arbitrary Detention and the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment regarding the alleged arbitrary detention, torture and ill-treatment of Hassan Toufic Dika, who was charged with drug trafficking.

Having taken note thereof, we wish to state the following:

I. On 3 November 2018, and not on 1 November 2018 as stated in the allegations, Hassan Dika was arrested pursuant to a warrant issued by the Public Prosecutor of the Court of Appeal in Mount Lebanon, [REDACTED] by a patrol of the Information Branch on the offence of drug dealing and trafficking.

The residence of the said person was searched pursuant to a court warrant. Twelve persons were arrested, and search and investigation notices were circulated against other persons in connection with the offence of drug dealing and trafficking, according to record No. 302/1793, dated 1 November 2018.

II.

1. The testimony of the detainee Hassan Dika was heard in accordance with all applicable legal norms during the preliminary investigations, which were conducted by the judicial police, who read him his rights as set forth in article 47 of the Code of Criminal Procedure. He said that the only right he wished to exercise was to contact his family. He contacted [REDACTED] on 3 November 2018 and again on 4 November 2018.

2. Pursuant to the laws in force, when a suspect is arrested the period of detention is 48 hours. It is renewable once, so that the maximum period of detention is 96 hours. It should be noted that, following the initiation of the preliminary interrogation procedure, Lebanese law does not permit any of the detainees' relatives or his lawyer to meet or visit him. It should also be noted that the interrogation of the person concerned lasted for just 48 hours and that the period was not extended.

III.

1. The detainee Hassan Dika confessed to the charges after being presented with the conclusive evidence and the statements made by other detainees during the investigation, which confirmed the evidence of his involvement in the offence of drug dealing. He admitted that he had agreed with one of the detainees to facilitate the smuggling of two tons of narcotics to Libya by means of his job as a customs agent at the port of Beirut. His confession was not made under pressure or torture, as stated in the complaints filed by the lawyer [REDACTED]. He was convicted on the basis of conclusive evidence and statements made by other



detainees, which refute the allegations, since the evidence was sufficient to convict him and he was extremely responsive to the investigators.

2. Hassan Dika's residence was searched pursuant to a warrant issued by the competent court. Given the accuracy and sensitivity of the file, especially since Mr. Dika was suspected of involvement in a drug smuggling operation, it was essential to conduct a thorough inspection of all the contents of his residence in order to detect any evidence. Weapons and ammunition were seized in Hassan Dika's residence. A record of the offence was prepared and Dika was arrested on that basis pursuant to a warrant issued by the military court.

3. Statements were taken from a number of persons, and 12 individuals, including Hassan Dika, were detained. None of the other detainees filed any complaint concerning subjection to torture during the interrogation. It should be noted that all the other detainees were involved in committing more serious offences than those with which Dika was charged.

IV. The measures and procedures undertaken by the operational personnel during house raids and searches after obtaining the necessary warrant depend primarily on the nature of the case and suspect and his whereabouts, and the details of the action to be taken must be specified by the commanding officer. As Hassan Dika was involved in trafficking a large quantity of drugs and in smuggling them abroad, in conjunction with many individuals who constituted a drug smuggling and trafficking network, his arrest and the search of his residence were highly risky and sensitive in security terms. The staff of the Information Branch were unable to determine whether Hassan Dika was unarmed in his residence.

All precautions were therefore taken to conduct the operation without endangering any officers or civilians. Officers were deployed at the entrance to the building and in the street in order to prevent the wanted person from escaping. It should be noted that the status of the security patrol was specified. Officers belonging to the Information Branch who are dressed in civilian clothes wear a vest on which "Information Branch" is written in order to specify their security status and to prevent any confusion. Moreover, no shots were fired in the air during the operation.

V. Hassan Dika was arrested on 3 November 2018 and the investigation was concluded on 5 November 2018. The detainee remained in the Information Branch from 5 November 2018 until 9 November 2018 for precautionary purposes, based on the warrant issued by the Public Prosecutor's Office of the Court of Appeal in Mount Lebanon, and not, as stated in a complaint submitted by Dika's lawyer, in order to isolate his son and beat him, since the investigation had ended two days after his arrest within the legal deadline. As he remained with the Information Branch for precautionary purposes, there was no logical justification for beating him following the completion of the investigation. It should be noted that when the detainee appeared before the investigating judge on 16 November 2018, he did not report any beatings or torture. The medical report issued on 23 November 2018 raised questions regarding the content of the complaint by Dika's lawyer and the veracity of the report by the forensic physician. It should be noted that no detainee showed signs of beatings and torture by the Public Prosecutor's Office.

VI. With regard to the investigation, the officers and personnel who work for the Investigation Section of the Information Branch conduct their investigations professionally and with expertise without having to resort to any kind of physical or mental torture. Persons are arrested only after all incriminating technical and factual evidence has been gathered, and all interrogations are undertaken within exemplary interrogation rooms.

It should be noted that nurses are available around the clock in the Investigation Section of the Information Branch to provide all necessary health-care services. Any detainees who have symptoms of ill-health are transferred, if necessary, to hospital. The prison physician also regularly examines detainees in order to monitor their health condition.

VII. A technical and analytical study of the telephone of the arrested forensic physician [REDACTED] following his production of false medical reports and his admission thereof, revealed a number of suspicious calls and recordings between him and the person who submitted the complaint, that is to say the [REDACTED] the lawyer [REDACTED]. They included conversations about the latter's request to the physician to produce medical reports that would serve [REDACTED].

██████████ stated that, as a professional forensic physician, he was tasked with producing medical reports describing the physical condition of patients. He was requested to produce such reports on a person's health condition, either directly by the party concerned or by the Public Prosecution Service, based on a clinical examination. In some cases, medical examinations and radiographs were requested in order to guarantee an accurate diagnosis. He added that at the beginning of each year the Ministry of Justice established a rotating schedule for forensic physicians. Each physician was appointed for a period of 10 consecutive days. A substitute forensic physician was also permanently available in order to replace the incumbent forensic physician if he could not be contacted. In the event that a detainee fell ill, the physician was mandated by the competent Public Prosecutor's Office on the basis of a communication from its Bureau and the fees were paid directly by the Public Prosecutor's Office. It was also customary, however, to have fees paid by the person concerned or one of his lawyers.

He confirmed that he was acquainted with the lawyer ██████████ and had met him at Baabda Palace of Justice, and that he was also acquainted with many members of his family. When asked whether he had been hired by the lawyer ██████████ to examine one of his clients, he said that he had been asked to do so on one occasion several years previously, but that he did not fully recall the details.

After being presented with several conversations between him and the lawyer ██████████ recorded from ██████████ telephone, during which the lawyer stated that ██████████ Hassan Dika had been arrested by the Information Branch, based on a warrant from the Public Prosecutor's Office of the Court of Appeal in Mount Lebanon concerning drug trafficking, and requested his assistance in producing a medical report proving that he had been tortured and beaten during the interrogation in order to file a complaint against the Information Branch and attach the report to it, ██████████ replied that the person who requested him to examine ██████████ was another relative, ██████████ who held the office of ██████████. There was also a recording of a conversation on the lawyer's telephone with the latter's ██████████ a retired Brigadier of the Internal Security Forces, in which he referred to a legal provision that could be invoked in support of the medical report and complaint. He stated that the recordings were genuine and that the lawyer ██████████ requested him to examine ██████████ and to produce a medical report revealing that ██████████ had been beaten and abused. He proceeded to examine him and to produce a fraudulent report stating that the detainee had been beaten and abused during the interrogation and required the services of a psychiatrist because of the psychological damage he had suffered, which was untrue.

Dr. ██████████ admitted that he had included false information in the report in response to the wishes of the lawyer, ██████████ and his relative ██████████ after they had elicited his sympathy. He emphasized that the lawyer ██████████ had told him previously that he was willing to fulfil any request he might submit in response to the report, adding that he had not taken photographs of the detainee Hassan Dika to document his injuries in the report, since he had been prevented from taking his phone into the holding cell during the examination.

When he was presented with another recording of a conversation between him and the lawyer ██████████ during which the latter requested him to examine a person who had been subjected to abuse and to produce a report stating that he would be incapacitated for a period of 15 days, he replied that he had not examined the person concerned, since another forensic physician had been appointed for the purpose.

With regard to the recording in which the lawyer ██████████ expressed his dissatisfaction with the forensic physician who had stated that the person concerned would only be incapacitated for a week, and that he could not reappoint him since it would attract attention, requiring the establishment of a committee to scrutinize the reports, he stated that it was the lawyer ██████████ who had raised the issue. He confirmed that he encountered clients, in the course of his work, who submitted requests for reports but that he was not obliged to meet their requests.

██████████ stated that at about 1 p.m. on 23 November 2018, while he was in his office adjacent to that of the custody officer in Baabda Palace of Justice, he witnessed, by

chance, the lawyer [REDACTED] [REDACTED] conversing with the officer, whose name he did not mention. They were talking about the appointment of a forensic physician and psychologist to examine [REDACTED] Hassan Dika, who had been arrested for a drug-related offence. He heard the lawyer say that he had obtained a legal mandate and was conversing with the custody officer in order to request the services of the forensic physician [REDACTED]. Suddenly, the lawyer contacted the forensic physician and handed him the phone so that he could speak with him. He did so and told him what he had heard during the conversation with the custody officer. The physician had then asked him at what time he finished work. He had informed him and ended the call. He insisted that the contact was a mere coincidence and due to his concern regarding the detainee and his kinship. He also denied any intervention in the appointment of [REDACTED]

He listened to a telephone call between Dr. [REDACTED] and the [REDACTED] at 8.39 p.m. on 21 November 2018. The lawyer asked [REDACTED] about the procedure for appointing him to conduct an examination of [REDACTED]. [REDACTED] replied literally: "Talk tomorrow with [REDACTED]. He will fix it for you." He stated that he was unaware of the significance of the communication and that he had no idea why [REDACTED] mentioned him in his conversation with [REDACTED]

He listened to a recording of a conversation between [REDACTED] and the lawyer [REDACTED] at 2.51 p.m. on 23 November 2018, during which his name was mentioned by the lawyer [REDACTED] who informed [REDACTED] that when he met him [REDACTED] would be present with the investigating judge. He stated that what he heard was untrue and that he had no idea why the lawyer had mentioned his name since he was nowhere near him when the call was made.

The file was lodged with the competent judicial branch, which submitted a request for suspension of the complainant's immunity as a lawyer, in light of the above-mentioned investigations, in order to question him and take the requisite legal action against him.

VIII. After the complainant, the lawyer [REDACTED] was informed of the details of the investigation conducted with the forensic physician [REDACTED] he withdrew the complaints filed against members of the Information Branch concerning the beating and torturing of [REDACTED] on 20 March 2019.

Kindly take note.

Director-General of the Internal Security Forces,
Major General Imad **Osman**
