

*(Translated from Arabic)*

**Permanent Mission of Lebanon to the United Nations and other international organizations in Geneva**

Lebanese Republic  
Ministry of Justice  
The Minister

To: The Ministry of Foreign Affairs and Emigrants

**No.:** 3/570

**Subject:** Report on the outcome of the investigation into the circumstances surrounding the death in prison of the inmate Hassan Toufic Dika

**Reference:** Your most recent communication No. 236/8 dated 10 July 2019

With regard to the above-mentioned subject and reference, please find attached report No. 3200/M/2019, dated 29 July 2019, prepared by the Acting Prosecutor General at the Court of Cassation, Judge [REDACTED], concerning the outcome of the investigation into the circumstances surrounding the death in prison of the inmate Hassan Toufic Dika.

Kindly take note thereof and send a copy to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and relevant foreign bodies.

Beirut, 31 July 2019  
Minister of Justice  
Dr. Albert Serhan



**Lebanese Republic**  
**Ministry of Justice**  
**Office of the Prosecutor General of the Court of Cassation**  
**3200/M/2019**

To: His Excellency the Minister of Justice

Subject: Report on the outcome of the investigation into the circumstances surrounding the death in prison of the inmate Hassan Toufic Dika, submitted by the Acting Prosecutor General of the Court of Cassation, Judge [REDACTED]

Having examined the record of the Central Criminal Investigation Department investigation No. 5738/302, dated 13 May 2019, which was compiled in response to directive No. 3200/M/2019 of 13 May 2019, the record of the hearing of the lawyer [REDACTED] of the deceased prisoner Hassan Dika, before the Court of Cassation, as well as the written communication submitted by him and the documents attached thereto, and having examined the medical file of the deceased prisoner, the medical reports, the contents of the CD images from the cameras at Al-Hayat Hospital, and all other documents in the file, the following conclusions were drawn.

**I. The facts**

On 3 November 2018, a force from the Information Branch arrested the Lebanese citizen Hassan Toufic Dika, the proprietor of a customs clearance company, at his home in Dohat Aramoun, based on an arrest warrant issued by the Office of the Appellate Public Prosecutor in Mount Lebanon, in connection with the investigation of the arrestee [REDACTED] in a drug trafficking case. The investigation found that a network of 12 persons, including [REDACTED] and Dika, were involved in the drug trafficking case.

Arrestee Hassan Dika confessed during his interrogation to his role in the case after being confronted with legal evidence, confessions and communications traffic. The record of the investigation was completed on 5 November 2018 and forwarded to the Office of the Appellate Public Prosecutor in Mount Lebanon, which requested that the detainees be maintained in custody at the Internal Security Forces headquarters, owing to the lack of capacity at the Baabda Palace of Justice. He was held there until 9 November 2018 and was then transferred to the Baabda Palace of Justice, where he immediately underwent a physical examination by Staff [REDACTED] and a medical examination by [REDACTED] a nurse in the Internal Security Forces.

The lawyer [REDACTED] was appointed to defend [REDACTED] Hassan, who had been arrested pursuant to a warrant issued by the first investigating judge in Mount Lebanon. He filed more than one request for release, but they were all dismissed on account of the nature of the offence and the data contained in the file. In addition, a complaint was filed on his behalf with the first investigating judge in Mount Lebanon against judicial police officers of the Information Bureau who compiled the initial record of the investigation. It was alleged that they had committed crimes of torture to obtain a confession and to deprive him of his liberty in contravention of the law, that his period of detention had exceeded the legal time limit, and that the provisions of the Code of Criminal Procedure specifying the conditions governing entry into the detainee's home had been violated. Reference was made to the provisions of Act No. 65 criminalizing torture of 26 October 2017, and to the provisions of the Code of Criminal Procedure. It was claimed that the members of the Information Bureau had taken Hassan Dika from his home on the night of 1 November 2017, contrary to the statement in the record of the Bureau's investigation that he had been taken from his home by a patrol at 12 noon on 3 November 2018.

The lawyer [REDACTED] submitted a request to the Office of the Public Prosecutor in Mount Lebanon for a medical and psychological examination of the detainee Hassan Dika at the Baabda Palace of Justice by two forensic physicians. The forensic physician [REDACTED] was mandated to conduct the examination in the department on 23 November 2018. In addition, the forensic psychiatrist [REDACTED] was mandated to conduct the requisite psychological examination. It should be noted that the Internal Security Forces physician, [REDACTED], had examined the detainee Hassan Dika at

the Baabda Palace of Justice on 19 November 2018. He reported finding a bruise on the detainee's left shoulder, a bruise on the outside of his right arm, scratches on his upper back, a bruise just behind his right shoulder and a bruise just behind his left shoulder. The Internal Security Forces physician, [REDACTED], stated in the hearing reported in the investigation record of the Central Criminal Investigation Department that he had been unable to determine the cause of the bruises on the body of the detainee Hassan Dika, that the detainee had not spontaneously mentioned the cause, and that he had not detected bruises on the lower back or lower limbs, since he would have mentioned them in his report. In addition, a physical examination was conducted by an officer of the department of the Baabda Palace of Justice, [REDACTED]. He stated in the hearing reported in the investigation record of the Central Criminal Investigation Department that he had found no evidence indicating that the detainee Hassan Dika had been tortured and that he had found no old or recent bruises on his body. In addition, a medical examination was conducted by the department's nurse, [REDACTED]. He reported in the same record that the detainee Hassan Dika was suffering from back pain and high blood pressure. He was provided with analgesic drug treatment and blood pressure relief. His body showed no traces of old or recent bruises indicating that he had been tortured, and he did not claim to have been subjected to any form of torture. [REDACTED], clarifying the contradiction between his statement and the report by Dr. [REDACTED] of the Internal Security Forces, confirmed that he had not seen any signs of torture or violence on the body of the arrestee on his arrival on 9 November 2018, and stated that the content of the doctor's report was based on an examination in the department after his arrival and might have been due to overcrowding and jostling.

The report of the forensic physician [REDACTED] produced on 23 November 2018 stated that the detainee Hassan Dika was suffering from:

- (1) Cyanosis on the outside of the left forearm due to contusion;
- (2) Cyanosis on the outside of the right forearm due to contusion;
- (3) Cyanosis with superficial contusion-related wounds on the right shoulder;
- (4) A 3-centimetre-long wound on the top of the left shoulder;
- (5) Pain in the lower back with mobility difficulties requiring an MRI and attributable to subjection to violence;
- (6) Cyanosis on the back of the right leg;
- (7) Cyanosis beneath the back of the right thigh;
- (8) Cyanosis on the back of the left leg;
- (9) A 6-centimetre-long wound on the left side of the waist; he also suffered from finger pain attributable to subjection to physical violence.

The report of the forensic physician [REDACTED] also stated that the detainee suffered from mental disorders and needed to be examined by a psychiatrist, and that the injuries had been sustained about three weeks previously.

The report of the forensic psychiatrist [REDACTED] produced on 29 November 2018 stated that the detainee Hassan Dika was constantly weeping owing to his psychological state of anxiety. He was suffering from the shock inflicted by his arrest, beating and torture (according to his testimony) during the early period of detention. However, he was not suffering from mental illnesses such as schizophrenia, hallucinations or delirium.

The lawyer [REDACTED] was determined to secure a decision to have his detained [REDACTED] Hassan Dika released by persuading the judiciary that his [REDACTED] health necessitated such action. The strongest support was contained, in his view, in the report of the forensic physician [REDACTED]. In particular, it sought to nullify the preliminary investigations by accusing the preliminary investigators from the Information Bureau of causing an injury to Hassan's spine and a hernia in the lower vertebrae (disc) through beatings and torture in order to extort a confession and by suspending him like a chicken. In addition, the detainee was suffering from high blood pressure and was therefore transferred from Aley Prison to the Emergency Department of Al-Hayat Hospital on 1 February 2019. The emergency

physician, ██████ examined him and found that he was suffering from high blood pressure of 170/90, together with swelling and pain in his left foot, and that he was in a disturbed mental state. The said physician prepared a statement of the facts and forwarded it to the ██████ of the detainee with the approval of the Office of the Appellate Public Prosecutor in Mount Lebanon. The detainee was returned to Aley Prison on the date of his admission. According to the investigation report of the Central Criminal Investigation Department, Dr. ██████, a surgery intern in the Emergency Department of Al-Hayat Hospital, stated that he had learned from the head of the Emergency Department, ██████ that ██████ of detainee Hassan, the lawyer ██████ had asked him to prepare a medical report confirming that bruises had been found on the detainee's body, but he had refused. However, ██████ denied this when he was questioned in the Investigation Department.

With a view to obtaining medical reports supporting the application for his son's release, the lawyer ██████ submitted a request to the first investigating judge in Mount Lebanon on 6 March 2019, to have his detained ██████ examined by a forensic physician. The first investigating judge responded to his request on the same date and instructed the forensic physician ██████ to visit Aley Prison in order to examine the detainee Hassan Toufic Dika and to report on his health condition and any illness from which he was suffering. The physician examined him on 7 March 2019 and prepared a report in which he stated that the detainee Hassan Dika had complained of a pain in his left chest and a pain in the lower back extending towards his left thigh, and that he was unable to stand or move normally. It was therefore advisable to perform an MRI in order to ascertain the cause of the back pain and his inability to stand.

Following the examination of the detainee Hassan Dika by the official physician in the Internal Security Forces and the head of the Arya Medical Centre, it was decided to transfer him on 2 April 2019 to Al-Hayat Prison Hospital for treatment and oversight, at his own expense. He was examined forthwith, at his request, by the physician ██████ a cardiologist at Al-Hayat Hospital, who conducts daily visits to the patients, including inmates at the Prison Hospital. He found that he was suffering from high blood pressure and was taking Codiovon, so he prescribed another drug called Concor 5. He also performed routine cardiac tests and he was found to be healthy, as recorded in his medical file. On 28 March 2019, he underwent an MRI scan at the 4D Centre in Aley, and a disc was found between the L5-S1 vertebrae in the lower back. A second MRI was performed at the CEDEM Centre on 24 April 2019 at the request of the forensic physician ██████ who was assigned by the Office of the Appellate Public Prosecutor in Mount Lebanon. He noted that the clinical symptoms failed to match the outcome of the first MRI. However, he concluded that the detainee Hassan Dika suffered from disc compression on the S1 nerve. The second MRI also showed mild and chronic nerve impairment between the S1 and L5 vertebrae, predominantly to the left. According to the Office of the Public Prosecutor, the detainee complained of back pain that might require surgery but that was not life-threatening. According to the record of the Central Criminal Investigation Department, the forensic physician ██████ said he had heard that the detainee's ██████ did not wish surgery to be performed for his ██████, and that he merely wished to receive a medical report that would help him to have his ██████ released from prison. He also said that the disc, according to the MRIs, was chronic and was attributable either to a structural cause or to an accident that had brought pressure to bear on the vertebrae. Moreover, the outcome of the clinical examination exceeded the nature of the injury, according to the MRIs, owing to the detainee's exaggeration, in particular his claim that the lower left limb was paralysed, although the MRIs demonstrated the integrity of the nerve and muscles.

During his stay at Al-Hayat Prison Hospital, the detainee Hassan Dika underwent a medical examination by ██████, an orthopaedic specialist. He prepared a report on 4 April 2019 stating that disc surgery was required. He prepared a second report on 6 April 2019, at the request of the detainee's father, and a third report on 3 May 2019, with the approval of the Office of the Public Prosecutor of Mount Lebanon. He confirmed in both reports that the detainee's disc had been injured and that surgery was required as soon as possible owing to the futility of the ongoing treatment with drugs and painkillers.



Shortly before 8 p.m. on 11 May 2019, the detainee Hassan Dika suffered a severe heart attack on entering the bathroom in Al-Hayat Prison Hospital and his heart stopped suddenly when he fell on the floor. The inmates rushed to the bathroom when they heard him fall. They included the forensic physician [REDACTED] who had been detained following the investigation into his invalid medical report, dated 23 November 2018, which he had produced on behalf of the detainee Hassan Dika. They carried him out of the bathroom and called the emergency physician [REDACTED] who found signs of severe cyanosis on Hassan's face and loss of pulse. He tried to revive him with the assistance of nurses [REDACTED] and [REDACTED]. He also attached him to an artificial respirator and injected him with adrenaline to activate the heart, but all attempts to revive him during a period of about half an hour failed, since his heartbeat remained at zero per cent. The emergency physician confirmed his death from the electrocardiogram results, which showed complete cessation of the heartbeat and pupil dilation.

The forensic physician [REDACTED] was instructed to examine the body of the deceased Hassan Dika. He issued a report on 11 May 2019 confirming the detainee's death at 8 p.m. on 11 May 2019. He refrained from specifying the cause of death because there were no external signs and recommended that an autopsy be undertaken to ascertain the exact cause of death. However, the autopsy was rejected by the family of the deceased. The physician stated that it was necessary to await the results of the examination of the blood sample taken from his body. The Office of the Military Prosecutor then decided to hand over the corpse to his relatives for the burial ceremony.

The [REDACTED] of the late Hassan Dika, [REDACTED], adopted an alternative approach at that stage, targeting the judiciary and the judicial police and accusing them of causing the death of his son. He pointed out that the judiciary had rejected requests for his [REDACTED] release notwithstanding his health condition. He also claimed that the judicial police, represented by the Information Bureau investigators, had caused his son's death through torture and beatings that were designed to extort false confessions and that had injured his disc, raised his blood pressure and led to his death. He thus managed to convert his [REDACTED] death into a public opinion issue involving statements and reviews by human rights and anti-torture bodies, as a result of which a thorough investigation was called for.

The information acquired for the investigation showed that the late Hassan Dika had been suffering from chronic disc disease and high blood pressure during the period prior to his arrest and investigation. Hearings were arranged to that end with doctors who had examined him prior to his arrest in the drug trafficking case. [REDACTED] a specialist in bone and joint surgery, stated during the investigation by the Central Criminal Investment Department that the patient Hassan Toufic Dika, born in 1973, had visited his clinic in [REDACTED]. The examination had revealed that he was suffering from pain in the lower back and the back of his left leg. The physician informed him that he was suffering from high blood pressure and prescribed pain medication. The patient returned on 12 June 2018 because the pain had not been relieved. The physician requested him to have an MRI of the lower back undertaken to ascertain the cause of the pain, because the symptoms were indicative of a sliding cartilage in the lower back or disc herniation. However, he failed to return for a further examination.

Dr. [REDACTED] an orthopaedic surgeon, also provided testimony. He reported that the patient Hassan Toufic Dika, born in 1973, had visited his clinic [REDACTED] on 20 March 2018, complaining of severe pain in the lower spine. As a radiograph had failed to show the cause of the pain, he had prescribed painkillers and muscle relaxants. The patient had left and failed to return for a further examination.

The physiotherapist [REDACTED] reported on 20 June 2018 that Hassan Toufic Dika had visited his [REDACTED] physiotherapy clinic [REDACTED]. He had no prescription or doctor's referral, but possessed a scan. The pain in his foot was so severe that he was unable to lie on his stomach. He advised him to see a specialist, since he suspected that he had a disc injury and needed an MRI scan. He conducted six physiotherapy sessions in June and July 2018 and reported that the patient had high blood pressure.

A hearing was arranged with Dr. [REDACTED], a cardiovascular specialist, who reported that he had examined the patient Hassan Dika in his clinic in [REDACTED] on 23 September

2017. As he had complained of headaches, dizziness and high blood pressure (80/170), the physician had produced an electrocardiogram and conducted a clinical examination. He found that the patient suffered from chronic hypertension and issued a prescription for the drug Codiovon. He asked to conduct laboratory tests and to examine him again within a week. When the patient returned on 2 October 2017, the physician briefed him on the results of the laboratory tests and advised him to continue taking the same medicine.

The officers and sergeants in charge of the prisons and departments in which the late Hassan Dika was detained were also interviewed. According to Lieutenant [REDACTED] an officer in Aley Prison, Hassan Toufic Dika was admitted to Aley Prison from Roumieh Central Prison on 22 February 2019. An examination by the prison nurse revealed that he was suffering from pain in the spine and was taking prescribed medication for blood pressure. He had no traces of old or recent bruises, and he did not claim that he had been tortured in his previous places of detention. Yet his [REDACTED], who visited him, spread rumours that his [REDACTED] had been beaten during his detention and that his back pain was due to physical torture. The officer also reported that the detainee had been transferred on 4 March 2019 to Al-Iman Hospital in Aley in response to a report by the Internal Security Forces physician concerning back pain. He was returned to the prison on the same day after being examined and provided with the requisite analgesic drugs. He was also examined on 12 March 2019 by the prison physician [REDACTED], who referred him for a consultation with an orthopaedic specialist. He was transferred on 15 March 2019 to Arya Medical Centre, where he was examined by an orthopaedic physician, who requested an MRI scan. The scan was produced on 28 March 2019 at the 4D radial centre and was shown on 29 March 2019 to the orthopaedic physician at the Arya Medical Centre, who decided that the patient should be transferred to hospital because he required a clinical examination and might require surgery. He was transferred to Al-Hayat Prison Hospital on 2 April 2019.

A hearing was arranged with Aley Prison nurse [REDACTED] who said that the detainee Hassan Dika was suffering from lower back pain and found it difficult to walk. He was taking Codiovon blood pressure medication and his back pain increased to the point where he needed somebody to help him walk. He was taken to Al-Iman Hospital in Aley for radiographs and was issued with a prescription for painkillers. The prison doctor examined the radiographs. He visited the detainee in the prison and requested a consultation with an orthopaedic specialist. He also prescribed more of the same blood pressure medication after observing a slight rise in blood pressure. An MRI was performed on 28 March 2019 and he was transferred to Al-Hayat Hospital for clinical treatment based on the scan shown to the doctor at the Arya Medical Centre. [REDACTED] also reported that the father [REDACTED] the lawyer [REDACTED], had requested him to prepare a report on his [REDACTED] health stating that his back pain was the result of beatings and torture. He had refused on the ground that he had no authority to prepare medical reports.

Hearings were also arranged with the chief of the convicted prisoners building in Roumieh Central Prison, Colonel [REDACTED] and with the supervisory officer at Baabda Palace of Justice, Captain [REDACTED]. They both confirmed that the detainee had been in good condition on admission. He had been suffering only from high blood pressure and had been taking prescribed drugs. His medical condition was overseen by the prison doctors.

A hearing was also arranged with the preliminary investigator at the Information Bureau in the drug trafficking case. He denied that the detainee Hassan Dika had been beaten or tortured during the interrogation. He claimed that he had made his statement automatically and voluntarily, without any pressure or coercion, once he had been confronted with the evidence, confessions and communications traffic.

During the hearings with the doctors who examined the late Hassan Dika before and after his arrest, they were asked about the possible causes of his death in prison. They unanimously supported the hypothesis of a seizure, heart attack or stroke in light of his chronically high blood pressure. The forensic physician [REDACTED] also confirmed that an autopsy was required.

On 23 May 2019, a medical committee composed of forensic physicians [REDACTED] was mandated to study the medical file of the late Hassan

Toufic Dika and the radiographs and MRIs, to check the content of the Al-Hayat Prison Hospital surveillance camera records in which he appears prior to his death, and to prepare a report determining the cause of death. The report prepared by the committee on 1 June 2019 contains the following results:

The late Hassan Toufic Dika was suffering from:

I. High blood pressure that remained untreated for an unknown period of time; untreated high blood lipids; he was a chronic smoker; a disc hernia between the L5-S1 vertebrae causing nervous dysfunction in the lower left limb and hence inability to walk and use the lower left limb (thereby preventing him from exercising); neglect in pursuing the necessary treatment.

II. During his detention, the deceased was placed in a medical institution, in which all possible appropriate treatment was provided for his condition at a high medical level and without any negligence on the part of the medical personnel. As a patient, however, he invariably rejected recommendations of surgery as radical and definitive treatment for the serious impact of his illness, for instance the removal by surgery of chronic hernias, which were the principal cause of high blood pressure. He also took large quantities of painkillers for a very lengthy period, starting more than a year prior to his arrest, and relied to the greatest possible extent on painkillers.

III. None of the medical documents that existed at the time of his death contained any suspicious elements indicating that the deceased had been injured or physically abused, and no elements that might have caused his death were found in the forensic laboratories.

In light of the foregoing, medical reasoning requires us (the Committee of Forensic Physicians) to conclude that the immediate cause of death consisted of complications of chronic diseases of the heart and arteries leading to a severe interruption of the activity of the heart and lungs. Complete cyanosis of the face of the deceased was one of the indicators that an acute and comprehensive heart attack was the cause of death.

## **II. The law**

The determination of criminal liability for a criminal offence requires that a causal link should be established between the act and the end result.

It is evident from the whole range of investigations conducted into the death of the late Hassan Toufic Dika in Al-Hayat Prison Hospital that he was suffering from a chronic illness, as described in the section setting out the facts, that he refused all surgical operations and that analgesics were his only treatment. Disc hernia surgery might have alleviated his pain, permitted a reduction in his medication and enhanced his ability to walk, move and exercise, thereby reducing blood lipids and the risk of high blood pressure.

The investigation proved conclusively that the deceased had been suffering from a disc hernia in the back and high blood pressure for a lengthy period prior to his arrest. He visited clinics run by doctors specializing in orthopaedics and in joint, coronary and artery surgery for examination and treatment. Yet he was content with analgesics for the disc and took drugs to control his blood pressure.

This refutes the claim that the investigators in the Information Bureau caused the late Hassan Dika's disc problem through beatings, torture and suspension.

The report of the Committee composed of forensic physicians [REDACTED] accurately demonstrated the cause of death of the late Hassan Toufic Dika, which occurred five months and nine days after his arrest. The overall investigation into the cause of death failed to provide any evidence that he had been beaten or tortured during his interrogation. Accordingly, even if one considers that severe treatment was imposed during the investigation, there was no causal link between that and his death, which was caused by a severe heart attack during the detainee's presence in Al-Hayat Prison Hospital for treatment. He was thus benefiting from treatment and oversight at a high medical level.

It is clear that the lawyer [REDACTED] of the deceased detainee, sought to have his detained [REDACTED] released on account of his health condition, which would not have justified any decision to respond positively to the request. He endeavoured to conceal the fact that his [REDACTED] had been suffering from illnesses prior to his arrest. He also rejected the possibility of conducting an autopsy to ascertain the cause of death, since he sought to blame his illness and death on the judiciary and the judicial police. It should be noted that the judiciary did not ascertain any shortcomings in the health-care and medical oversight of the detainee, as evidenced by the response to all its requests for medical examinations by forensic physicians and psychologists. The lawyer [REDACTED] succeeded in converting the issue of his [REDACTED] death in Al-Hayat Prison Hospital into a public opinion issue by stirring up the emotions and securing the solidarity of political and other human rights activists who were as yet unaware of the truth.

The comprehensive investigation has demonstrated the truth with compelling legal and scientific evidence. Accordingly, the documents must be preserved and no one should be charged in connection with the death of the detainee Hassan Toufic Dika.

For these reasons, we hereby submit this report together with our decision to maintain the documents.

Kindly take note.

Beirut, 29 July 2019

Ministry of Justice

Date of receipt: 30 July 2019

No. 570/3

Acting Prosecutor General at the Court of Cassation

Judge Imad Kabalan