

**Mandates of the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/30 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the imminent extradition to Iraq of Mr. Zeyad Al Dolae, an Iraqi refugee, who is currently detained in the Adlieh police station at the Palace of Justice in Beirut. It is feared that, if returned to Iraq, Mr. Al Dolae would be at high risk of torture and cruel, inhuman or degrading treatment.

According to the information received:

Mr. Zeyad Al Dolae (زياد الدواعي), an electrical engineer, was born in Baghdad, Iraq on 29 July 1968. In 2010, Mr. Al Dolae left Iraq to visit his father – a former general in the Iraqi Army with affiliation to former President Saddam Hussein – in Damascus, Syria. During his stay in Syria, Mr. Al Dolae discovered that he was wanted by the Iraqi authorities for his alleged participation in armed terrorist attacks against the armed forces of the United States of America, at the time of their occupation of Iraq. He was also informed that the Iraqi security forces raided his house in Baghdad, searching for him during his absence. He decided to stay in Syria, where he was granted refugee status by the United Nations High Commissioner for Refugees.

In January 2016, Mr. Al Dolae travelled to Beirut, Lebanon. On 23 January 2016, he was arrested at his hotel in Zouk Mosbeh, a municipality in Mount Lebanon Governorate, by agents of the Lebanese Military Intelligence. Mr. Al Dolae was subsequently brought to the premises of the Ministry of Defense in Al Yarzeh, Baabda district, Lebanon. He was reportedly not informed of the charges against him nor presented with a warrant of arrest. He did not have access to a lawyer.

On 7 October 2016, Mr. Al Dolae was sentenced by the Military Court to one year of imprisonment on charges of “joining a terrorist group” and on the sole

basis of information provided by the Iraqi authorities. He was subsequently transferred to the Adlieh police station at the Palace of Justice in Beirut where he is still being detained.

On 6 November 2016, the Iraqi authorities requested Lebanon to extradite Mr. Al Dolae to Iraq. According to article 35 of the Lebanese Penal Code, an extradition request shall be decided by decree adopted by the Ministry of Justice, after assessment by the Public Prosecutor of the Court of Cassation. In December 2016, the Public Prosecutor of the Cassation Court concluded that the legal conditions for Mr. Al Dolae's extradition were not met. However, on 6 April 2017, his lawyers were informed that the Ministry of Justice had prepared a decree ordering Mr. Al Dolae's extradition to Iraq.

**If returned to Iraq, it is feared that Mr. Al Dolae would be at high risk of torture and cruel, inhuman or degrading treatment.**

While we do not wish to prejudge the accuracy of the information received, we are expressing our grave concern about the possible imminent extradition of Mr. Zeyad Al Dolae to Iraq by the Lebanese Ministry of Justice. Such a decision would appear to be in contravention of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and in particular, the non-refoulement principle.

Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Lebanon acceded on 5 October 2000 prohibits States from extraditing a person to another State where “there are substantial grounds for believing that he would be in danger of being subjected to torture” and states that, “[f]or the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights”.

In its September 2015 concluding observations on Iraq, the Committee against Torture expressed concern about information pointing to a consistent pattern whereby alleged “terrorists” and other high-security suspects, as would be the case for Mr. Al Dolae, are arrested without any warrant, detained incommunicado or held in secret detention centres for extended periods of time, during which they are severely tortured.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Al Dolae is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of

Human Rights (UDHR), and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR). We are also respectfully urging that the order to extradite Mr. Al Dolae to Iraq be rescinded.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Al Dolae in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the legal grounds for the arrest and detention of Mr. Al Dolae, and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.
3. Please provide updated information on the current legal status of Mr. Al Dolae.
4. Please provide information on the measures taken to protect the life, and the physical and psychological integrity of Mr. Al Dolae, and in particular on the measures considered to prevent his deportation or transfer to a place where his life, personal security and integrity may be at risk.
5. Please provide information regarding how the proper identification of all potential protection needs and respect for international and human rights law – particularly with regard to the principle of non-refoulement – are taken into account when carrying out the repatriation of foreign nationals, including from Iraq.

While awaiting a reply, we urge that all necessary measures be taken by the Lebanese authorities to ensure the protection of Mr. Al Dolae, and in particular to stop any measure of extradition to a location where he is at high risk of being tortured. We further urge the Lebanese authorities to ensure that his physical and psychological integrity are guaranteed in accordance with Lebanon's international human rights obligations under the treaties it has ratified, notably the Convention against Torture.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

Given the risk involved for the individual, and the importance of this communication, we reserve the right to express our concern in a public manner. Any public statement in this regard will be shared with your Permanent Mission for information, ahead of its release.

Please accept, Excellency, the assurances of our highest consideration.

José Antonio Guevara Bermúdez  
Vice-Chair of the Working Group on Arbitrary Detention

Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment