



TRIAL MONITORING REPORT

Case of Public Interest vs. State
Security Service Agents

Case Number: 2022/4810

DEFENDANTS:

- Captain Hamza Ibrahim
- Assistant Youssef Berri
- Assistant Abbas Khazal
- Assistant Fadi Faqih
- Sergeant First Khudr Zain Al-Din

Victim: Bashar Abed Saoud.

Status: All defendants were released accordingly during the trial.

Charges: Torture and murder pursuant to Article 1 of the Anti-Torture Law no. 65/2017 and Article 166 of the Military Justice Code.

Court: Permanent Military Court, Beirut, Lebanon



DATES OF HEARINGS:

- December 16, 2022
- May 5, 2023
- November 17, 2023
- April 19, 2024
- July 5, 2024
- November 1, 2024

Trial Monitors:

- 1- Attorney Mohamad Sabloun
- 2- Jurist Saadeddine Shatila.

TABLE OF CONTENTS

About the Authors	3
About Cedar Centre for Legal Studies	3
Executive Summary	3
Background of the Case	5
Legal Context	6
Anti-Torture Law No. 65/2017	6
Article 47 of the Criminal Procedure Law	7
Monitoring Phase	7
Case Proceedings	8
The Indictment - November 29, 2022	8
First Hearing - December 16, 2022	8
Second Hearing - May 5, 2023	9
Third Hearing - November 17, 2023	10
Fourth Hearing - April 19, 2024	10
Fifth Hearing - July 5, 2024	11
Six and Final Hearing - November 1, 2024	12
Observations	13
Compliance with Article 14 of the International Covenant on Civil and Political Rights (ICCPR)	13
Compliance with Anti-Torture law and Articles 15 and 47 of the Criminal Procedure Law	14
Recommendations	15



About the Authors:

-Moahamd Sablough is a human rights attorney, previous rapporteur of the prisons committee at the Tripoli Bar Association in Lebanon. Mr. Sablough had contributed to the development and implementation of plans to address prison problems in Lebanon and reduce overcrowding, especially during the Covid-19 epidemic crisis, and participated in many conferences and workshops to discuss the implementation of the Convention against Torture in Lebanon. He represented the Tripoli Bar Association in the sessions of the parliamentary human rights committees. At the beginning of 2021, he was appointed as director of the Prisoner's Rights Center at the Tripoli Bar Association. Since December 2023, Mr. Sablough has been heading the legal support program in the Centre.

-Saadeddine Shatila is a Lebanese jurist. Since 2007, he has worked for international organizations in Geneva concerned with documenting cases and sending them to the United Nations Special Procedures. He has participated in a number of sessions concerning the documentation of human rights violations, especially torture. In several courses, he trained a number of Lebanese and Arab human rights activists on the use of the special mechanisms for human rights at the United Nations. Since December 2023, Mr. Shatila has been heading the advocacy program in Cedar Centre for Legal Studies and he is the executive director.

About Cedar Centre for Legal Studies:

Cedar Centre for Legal Studies is a human rights organization established in Lebanon in 2013. It is an independent, non-sectarian center and is not affiliated with any political parties. It is concerned with spreading the culture of democracy, human rights, and the rule of law.

Cedar Centre for Legal Studies focuses on the following topics:

- 1- Human Rights and Social Justice
- 2- Access to Justice and Legal Empowerment
- 3- Rehabilitation Victims of Torture
- 4- Comparative Legal Systems and Global Governance
- 5- Mediation and Arbitration

Executive Summary:

This report presents a comprehensive overview of the trial monitoring conducted in the case of Bashar Abed Saoud, a Syrian refugee who died under torture while in detention at the State Security Detention Center in Tebnine, southern Lebanon, on August 31, 2022. The trial, which marks the first case of its kind to reach the Military Court under Law No. 65/2017, the Anti-Torture law, has been fraught with significant procedural issues and challenges.



Bashar Abed Saoud's case underscores the urgent need to address human rights violations, particularly concerning torture and the protection of detainees' rights. Lebanon's legal framework, including Law No. 65/2017 and Article 47 of the Criminal Procedure Law, provides the foundation for ensuring justice, accountability, and protection for victims of torture.

The trial has been marred by repeated adjournments due to the absence of defense lawyers and the refusal of the Court to accept crucial evidence presented by the victim's lawyer, Mohammad Sablounh. These delays and procedural barriers have impeded the progress of the trial, raising serious concerns about the Court's commitment to justice and accountability.

The report recommends ensuring timely proceedings, allowing inclusive legal representation, maintaining transparency and accountability, and providing support for victims' families. It also underscores the need for a thorough review of the trial proceedings to ensure adherence to international standards of fairness, transparency, and impartiality.

Finally, we would like to highlight that the trial monitoring report was produced by the Cedar Centre for Legal Studies (CCLS) with the support of the American Bar Association Center for Human Rights.

Background of the Case:

Bashar Abed Saoud, a Syrian refugee, died under torture while in detention at the State Security Detention Center in Tebnine, in southern Lebanon, on August 31, 2022. This case, which is against five members of the State Security Service marks a significant trial under Law No. 65/2017 on Torture Punishment.

Bashar Abed Saoud was a Syrian refugee residing in Shatila refugee camp. On August 30, 2022, he was allegedly stopped by the Internal Security Committee of the camp before being handed over to the Lebanese State Security. He was then taken to the State Security's Tebnine branch in southern Lebanon, where he was subjected to brutal torture methods that led to his death.

On September 7, 2022, the lawyer of Abed Saoud's family filed a complaint of torture before the Public Prosecutor of the Court of Cassation. Although a group of security personnel was remanded in custody for questioning, the case was referred to a military investigative judge, rather than to a civilian court, although the lawyer had requested the case be referred to a civil court pursuant to article 15 of the Criminal Procedures Law¹.

¹ Cedar Centre for Legal Studies, Know Your Rights, Criminal Procedure Law, https://ccls-lebanon.org/wp-content/uploads/2023/12/Criminal-Proccedure-Law_AR.pdf



On September 14, 2022, the lawyer for the Abed Saoud family submitted a request to the Military Investigating Judge to appoint a medical committee to examine the body of Abed Saoud pursuant to the Minnesota Protocol², but to no avail.

On November 29, 2022, Military Investigating Judge Najat Abu Shaqra charged Captain Hamza Ibrahim and four other State Security members with torture under Law No. 65/2017, making it the first case of its kind to reach the Military Court since the Law's enactment in 2017. The indictment detailed severe torture methods inflicted on Bashar Abed Saoud and other detainees at the State Security center in Tebnine, including beatings, electric shocks, and forced confessions. Judge Abu Shaqra asserted that the military judiciary had jurisdiction over the case, interpreting it in a way that the court handling the primary investigation crime, such as terrorism, should also handle related torture crimes.

Legal Context:

Anti-Torture Law No. 65/2017

Lebanon's Law No. 65/2017,³ known as the Anti-Torture Law, was adopted on October 19, 2017. This law represents a significant step towards the prevention and criminalization of torture in Lebanon, aligning with Lebanon's obligations under the Convention against Torture (CAT) and other international human rights treaties. The law explicitly defines torture and sets forth penalties for those who commit, order, or fail to prevent torture. Key provisions include:

Definition of Torture: The law defines torture as any act resulting in severe pain or suffering, whether physical or mental, intentionally inflicted by or at the instigation of or with the consent or acquiescence of a public official for purposes such as obtaining information, punishment, or intimidation.

Criminalization: Torture is classified as a crime with severe penalties, including imprisonment for those found guilty.

Statute of Limitations: The law extends the statute of limitations for torture cases, allowing victims more time to file complaints.

Protection of Victims: Measures are included to protect victims and witnesses from retaliation and further harm.

² United Nations Office of the High Commissioner, The Minnesota Protocol On The Investigation Of Potentially (2016), <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>

³ Cedar Centre for Legal Studies, Know Your Rights, Anti-Torture Law no. 65/2017, <https://ccsls-lebanon.org/wp-content/uploads/2024/06/AntiTortureLaw.pdf>



Article 47 of the Criminal Procedure Law:

Article 47 of Lebanon's Criminal Procedure Law outlines the rights of detainees and suspects during the preliminary investigation stage. This article was amended⁴ to strengthen safeguards against torture and ill-treatment. The article now encompasses the following aspects:

- **Rights of Detainees:** Detainees have the right to contact their family and a lawyer immediately upon arrest. They also have the right to request a medical examination.
- **Legal Representation:** Detainees must be informed of their rights, including the right to remain silent and the right to legal representation.
- **Record of Proceedings:** All interrogation sessions must be recorded to ensure transparency and accountability.
- **Access to Counsel:** Detainees have the right to meet with their lawyer in private before and after interrogations.

Monitoring Phase:

Monitoring the trial of Bashar Abed Saoud's case has been challenging due to the nature of the military court system in Beirut, which is not open to the public. Mohammad Sablough, the victim's family attorney, attended the hearings as a lawyer, but not as a representative of the family. The military court's regulations do not allow victim representation in such cases according to Article 25 of Military Justice Code. The Article states in paragraph a): "The jurisdiction of the military court is limited at any level, under the pretext of public interest rather than personal right"⁵.

Saadeddine Shatila, a jurist, attended a hearing on April 19, 2024, after submitting a formal request to the President of the Military Court to monitor the trial. Furthermore, other local and international human rights organizations have been attending the hearings from the beginning, such as Amnesty International, Human Rights Watch, and Legal Agenda.

During the hearings, significant procedural issues arose, including repeated adjournments due to the absence of defense lawyers and the refusal of the court to accept evidence presented by the victim's lawyer. These delays and procedural barriers have hindered the progress of the trial and raised concerns about the court's commitment to justice and accountability.

⁴ Cedar Centre for Legal Studies, Know Your rights, Article 47 Criminal Procedures Law, https://ccls-lebanon.org/wp-content/uploads/2023/12/Art-47-Criminal-Procedure-Law_2020_AR.pdf

⁵ Cedar Centre for Legal Studies, Know Your Rights, Military Justice Code, https://ccls-lebanon.org/wp-content/uploads/2023/12/MilitaryCode1968_AR.pdf



Case Proceedings:

The Indictment - November 29, 2022

On November 29, 2022, Military Investigating Judge Najat Abu Shaqra charged ⁶ Captain Hamza and four other members of the State Security with the crime of torture, under Law No. 65/2017, the Anti-Torture law. This case is significant as it marks the first case to be referred to the Permanent Military Court under Lebanon's Anti-Torture law. The indictment detailed the harrowing torture inflicted on Bashar Abed Saoud and other detainees at the State Security center in Tebnine. The reported abuse included severe beatings, kicking, punching, flogging with a 5-millimeter electrical cable, electric shocks, and suspension from a door with hands cuffed behind the back. Detainees were also subjected to forced confessions, with one detainee reportedly made to drink laundry detergent instead of water. Forensic examinations debunked claims made by Captain Ibrahim, who alleged that Bashar's death resulted from a health condition caused by Captagon use. The medical evidence allegedly confirmed Abed Saoud had not consumed drugs, exposing a deliberate attempt to mislead investigations.

Judge Abu Shaqra concluded that the military judiciary was competent to oversee this case, despite Article 15 of the Code of Criminal Procedure designating regular courts to handle crimes committed during criminal investigations. She argued that the military court, responsible for cases involving terrorism and treason, was also the appropriate venue for addressing torture crimes committed during investigations of such offenses. This ruling could set a critical precedent for prosecuting torture cases under the Anti-Torture law in Lebanon.

First Hearing – December 16, 2022

On December 16, 2022, the Permanent Military Court in Beirut held its first trial session regarding the murder of Bashar Abed Saoud, who reportedly died under torture inflicted by State Security members at the Tebnine detention center in South Lebanon. Colonel Roger El-Hallou presided over the session emphasizing its significance due to its human rights implications. Observers from human rights organizations and the media were permitted to attend.

The session began at 2:00 pm, just 15 days after the indictment was issued on November 29, 2022. Present were the Court's President, counselors, Deputy Commissioner of the Government at the Military Court, Judge Mona Hanqir representing the Military Public Prosecution, and defense attorneys for the accused.

⁶ Mahkama, A historic decision by Judge Najat Abu Shaqra reveals the details of the death of a detainee under torture and abuse of others (Article in Arabic language), 04 December 2022, <https://mahkama.net/%D9%82%D8%B1%D8%A7%D8%B1-%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE%D9%8A-%D9%84%D9%84%D9%82%D8%A7%D8%B6%D9%8A-%D9%86%D8%AC%D8%A7%D8%A9-%D8%A3%D8%A8%D9%88-%D8%B4%D9%82%D8%B1%D8%A7-%D9%8A%D9%83%D8%B4%D9%81-%D8%AA/>



Attorney Mohammad Sablough, representing the victim's family, was seated in the audience section as an observer due to military judiciary laws barring torture victims, their lawyers, or families from directly participating in the proceedings.

The victim's wife sought to attend the trial but was denied entry under military judiciary regulations requiring prior approval from the Court President. During the hour-long session, El-Hallou interrogated the four accused individuals and the sergeant involved. Testimonies revealed severe beatings, kicking, stomping, and whipping with a phone charging cable carried out by Assistant Youssef Berri, aided by Abbas Khazal and Fadi Fakih, under the supervision of Captain Hamza Ibrahim. Ibrahim justified the beatings by claiming that the victim provoked Berri, causing him to lose his temper, and insisted that the victim "did not die from the beating."

El-Hallou refrained from directly addressing violations of the Anti-Torture Law, replacing the term "under torture" with "under pressure." The session primarily focused on Captain Ibrahim's role and responsibilities, while Assistant Berri faced harsh questioning, causing him to appear tense and stammer during questioning. The court failed to summon seven former detainees who had documented instances of torture at the Tebnine detention center and did not consider forensic reports detailing the victim's severe injuries. Ibrahim admitted to ordering Berri to beat the victim, and did not take action to stop him.

Defense lawyers questioned the accused, asking whether they were aware of the amendments to Article 401 of the Penal Code or Law No. 65/2017. Following the session, the victim's wife, Hamda Al-Samir, expressed anguish over not being informed of her husband's burial location or allowed to attend his funeral. She condemned the justification of the violence, questioning how a handcuffed and blindfolded detainee could possibly provoke military personnel.

Second Hearing – May 5, 2023

The second session of the case was held on May 5, 2023, presided by Colonel Khalil Jaber, with Judge Maya Kanaan representing the Deputy Commissioner of the Government. Defendants Captain Hamza Ibrahim, Assistants Youssef Berri, Abbas Khazal, Fadi Fakih, and Sergeant Khodr Zein al-Din appeared in court. All defendants, except for Assistant Berri, had been released before the session. Defense attorneys Saliba Al-Hajj, Bilal Al-Husseini, Fadi Daher, and Marwan Zein Al-Din represented the accused. The session was adjourned due to the absence of Berri's defense attorney. Before adjourning, Mohammed Sablough attempted to submit documents requested during the first session by former Court President Roger El-Hallou. These documents included colored photographs showing evidence of brutal torture on the victim's body, such as whipping marks and cigarette burns, which contradicted claims that the victim was only beaten with "phone charging cable."

Defense attorneys objected to Sablough's submission and Colonel Jaber ruled that Sablough lacked legal standing to submit documents directly to the court. Instead, he was instructed to submit them through the Military Public Prosecution. Despite Sablough's insistence that the submission was requested by El-Hallou,



Jaber dismissed the claim, stating, "we are a new court authority." Judge Kanaan also opposed the direct submission and requested permission to include the documents in the court's file. Ultimately, Sablough handed the materials to the Military Public Prosecution.

Sablough initially attempted to submit the documents to the court clerk, who refused them. Furthermore, two forensic doctors, whose testimonies had been postponed during the first session, were absent despite assurances from defense attorney Saliba Al-Hajj that they had been informed. The forensic test results on the victim's body, requested during the first session, were still unavailable by the time of this hearing.

Third Hearing – November 17, 2023

The Permanent Military Court in Beirut postponed the third session in the case of Bashar Abed Saoud's murder due to the absence of Bilal Al-Husseini, the lawyer representing the sole detainee, Youssef Berri. The session was presided over by Colonel Khalil Jaber, with Judge Mona Hanqir representing the Public Prosecution.

During this brief session, the victim's family lawyer, Mohammed Sablough, attempted to submit documents as evidence of systematic torture at the Tebnine detention center. However, both the court and the prosecution refused to accept the documents, further illustrating the military judiciary's exclusion of torture victims and their lawyers from active participation in the trial. After calling the names of the defendants and their attorneys, Colonel Jaber refused to accept Sablough's documents, instructing him to present them to the Public Prosecution instead. Jaber then adjourned the session, citing the absence of Berri's lawyer. Sablough explained that Judge Fadi Aqiqi had previously declined to accept the documents, stating that "the Public Prosecution is not a mail carrier for the court."

The court justified its refusal to accept Sablough's documents by arguing that he had no legal standing to participate in the trial since it concerned public interest rather than personal compensation claims. Judge Hanqir asserted that all necessary investigations had already been conducted and rejected the inclusion of additional evidence or requests in the case file. Colonel Jaber concluded the session by stating there was no justification for adding new materials to the file.

Fourth Hearing – April 19, 2024

The fourth session of the trial at the Permanent Military Court in Beirut, presided over by Colonel Khalil Jaber, saw a significant development as the family of Bashar Abed Saoud formally waived their personal rights in the case. This decision led to the release of the last remaining detainee, Assistant Youssef Berri, following the earlier release of the four other accused. However, the session was adjourned once again due to the absence of Berri's lawyer, Fadi Daher, who was mourning his father's death. This marked the third consecutive postponement caused by the absence of a defense lawyer.

The session was also scheduled to include testimony from Dr. Ali Dib, the forensic doctor who examined Abed Saoud's body. However, Dr. Dib was absent for unknown reasons. In response, Judge Roland Al-Shartouni,



representing the Military Prosecution, requested the court to consider the doctor notified and imposed a fine, emphasizing his obligation to attend the next hearing. Informal information revealed that the families of the defendants met with Abed Saoud's family in Syria in January 2024 to negotiate the case. They agreed to pay compensation or "diyah" in exchange for waiving their personal rights. After the session, Mohammed Sablough, the attorney of Abed Saoud's family, expressed surprise regarding the waiver, speculating that it resulted from pressure exerted by parties close to the defendants on the victim's family.

Fifth Hearing - July 5, 2024

In the fifth trial session concerning the death of Bashar Abed Saoud which was held at the military court in Beirut. The session, presided over by Brigadier General Khalil Jaber, included the presence of the five defendants from State Security, their lawyers, representatives from the military prosecutor's office Judge Roland Chartouni, victim's family lawyer Mohamed Sablough, human rights organizations, and journalists.

The session centered on testimonies from two forensic doctors who reported on Abed Saoud's death, confirming it resulted from torture. The court and defense attorneys, however, attempted to explore alternative reasons for his death to lessen the State Security officers' responsibility. The defendants were further questioned, and the session was adjourned to October 11, 2024, for the defense attorneys' pleadings.

Captain Ibrahim appeared comfortable during the session, sitting among the lawyers without a defendant's badge and moving freely. The session began with his lawyer requesting the inclusion of the Abed Saoud family's waiver of personal rights into the case file. The government prosecutor raised the need for Sharia court approval for the waiver, as Abed Saoud's children are minors. The forensic doctor Ghalib Hassan Saleh then testified, confirming Abed Saoud's death from severe beatings, while the court and defense attorneys rigorously questioned him to find alternative causes of death.

The second forensic doctor, Dr. Ali Hasan Deeb, also provided testimony. Dr. Deeb corroborated Dr. Saleh's findings, confirming that Abed Saoud's death was caused by severe beatings. He emphasized that the injuries observed on Abed Saoud's body were consistent with torture and not with any alternative causes suggested by the defense. Despite rigorous questioning by the defense attorneys, Dr. Deeb maintained his professional assessment that the beatings were the primary cause of death, supporting the prosecution's stance on the responsibility of the State Security officers involved.

Throughout the questioning, attempts were made to discredit the forensic report and suggest other causes for the bruises on Abed Saoud's body, such as the possibility they were caused during the transfer of his body. The prosecutor defended public rights, questioning Captain Ibrahim about the bruises on Abed Saoud upon arrival at the Tebnine center. Captain Ibrahim claimed not to have noticed any bruises. The session also addressed the "confessions" obtained from Abed Saoud under torture, which contradicts the Anti-Torture Law. The session concluded with the defense's continued efforts to attribute Abed Saoud's death to factors other than the beatings, aiming to reduce the State Security officers' culpability.



Six and Final Hearing - November 1, 2024

During the final hearing, the Permanent Military Court in Beirut, presided over by Brigadier General Khalil Jaber, issued its verdict. Despite overwhelming evidence presented in the indictment and during the trial, the majority of the court ruled that the actions of the accused State Security officers did not constitute torture leading to death. Instead, the court reclassified the charges as negligent homicide and violation of military instructions, sentencing the accused to prison terms ranging from two months to one and a half years—effectively covering their pretrial detention and resulting in their immediate release.

The verdict was not unanimous. While Brigadier General Jaber and two State Security officers on the panel supported downgrading the charges, two dissenting members—civilian judge Hassan Shahrour and a Lebanese Army officer—argued that the evidence clearly demonstrated that Abed Saoud was tortured to death. Their stance aligned with Military Investigative Judge Najat Abu Chakra, who in her indictment issued on November 29, 2022, meticulously documented the torture committed at the State Security detention center in Tebnine.

The verdict followed a final hearing attended by Brigadier General Jaber and Government Commissioner Judge Maya Kanaan. The defense for the accused officers attempted to justify the use of torture by citing the severity of the alleged crimes under investigation—specifically, terrorism—or denying that the acts constituted torture under Lebanese law. These arguments aimed to undermine the indictment and reduce accountability.

This case underscores the inappropriateness of the military court for prosecuting torture cases. Despite international standards and human rights advocacy calling for such cases to be handled by regular courts, the military judiciary continues to assert jurisdiction, obstructing effective accountability.

With international and local human rights organizations and media largely absent due to the Israeli aggression against Lebanon, the defense relied on rhetoric portraying Abed Saoud as an ISIS-affiliated terrorist—despite a lack of supporting evidence—to justify his treatment and downplay the severity of the torture he endured. The trial's outcome highlights the structural deficiencies of Lebanon's military judiciary and the urgent need for reforms to ensure accountability and justice for torture victims.



Observations:

Compliance with Article 14 of the International Covenant on Civil and Political Rights (ICCPR)

1. **Right to a Fair Hearing:** The repeated delays in the trial due to the absence of defense lawyers have undermined the timeliness of the proceedings. Delays can impact the accused's right to a speedy trial and can also prolong the emotional and psychological toll on both the victim's family and the accused.⁷

2. **Equality before the Court:** The victim's family and their legal representative have been consistently denied the opportunity to present evidence during the trial. This denial undermines their ability to participate fully in the proceedings, thus violating the principle of equality before the court,⁸ as outlined in Article 14 of the ICCPR. The Article 25 of the Military Justice Code outlines jurisdiction and legal procedures, but should not serve as a blanket justification for denying the victim's family their right to present evidence.

3. **Public Hearing:** The failure to hold the trial sessions in a public manner goes against the ICCPR's requirement for trials to be conducted publicly unless exceptional circumstances justify a closed session.⁹ Lack of public access hinders transparency and accountability, raising questions about the fairness of the trial process.

4. **Impartial Tribunal:** Concerns have been raised about the impartiality of the tribunal, particularly regarding the handling of evidence and witness testimonies. The perceived leniency shown to higher-ranking defendants compared to lower-ranking ones suggests potential bias in the proceedings, undermining the principle of an impartial tribunal.

In 1997,¹⁰ the UN Human Rights Committee expressed its concerns about the broad scope of the jurisdiction of military courts in Lebanon, especially its extension beyond disciplinary matters and its application to civilians. It was also concerned about the procedures followed by these military courts, as well as the lack of supervision of the military courts' procedures and verdicts by the ordinary courts. The Committee

⁷ ABA, Example: In the case of Nigerian journalist Omoyele Sowore, the trial faced over five years of delays before a federal High Court finally struck out the treason case against him, https://www.americanbar.org/groups/human_rights/reports/prelim_report_omoyele_sowore_nigeria/

⁸ ABA, Example: Guatemalan journalist José Rubén Zamora faced pretrial and trial violations that rendered his trial fundamentally unfair, https://www.americanbar.org/groups/human_rights/reports/timeline-of-obstacles-zamora-samari/

⁹ ABA, Example: In Equatorial Guinea, 112 people were convicted for allegedly participating in a coup attempt. The lack of public access hindered transparency and raised questions about the fairness of the trial process, https://www.americanbar.org/groups/human_rights/reports/fair-trial-report-equatorial-guinea-mass-trial/

¹⁰ UN Human Rights Committee, Concluding observations of the Human Rights Committee- Lebanon, CCPR/C/79/Add.78, para. 14: <https://documents.un.org/doc/undoc/gen/g97/163/81/pdf/g9716381.pdf?token=2FytIuP1x5OwenVOWF&fe=true>



recommended the State party to review the jurisdiction of the military courts and transfer the competence of military courts, in all trials concerning civilians and in all cases concerning the violation of human rights by members of the military, to the ordinary courts.

5. Right to Present Evidence: The persistent rejection of crucial evidence submitted by the victim's lawyer represents a significant breach of fair trial standards.¹¹ Denying the presentation of evidence that could potentially support the victim's case undermines the fundamental right to present the defense and challenges the integrity of the trial process.

Overall, these violations of Article 14 of the ICCPR underscore the need for a thorough review of the trial proceedings to ensure that they adhere to international standards of fairness, transparency, and impartiality. Addressing these shortcomings is essential in order to uphold the principles of justice and protect the rights of all parties involved in the trial.

Compliance with Anti-Torture law and Articles 15 and 47 of the Criminal Procedure Law

1. Judicial Decision: Judge Najat Abu Shaqra concluded the military judiciary was competent to handle the case, despite Article 15 of the Code of Criminal Procedure, which designates regular courts for such crimes.

2. Failure to Adequately Address Torture Allegations: Despite detailed accounts of severe torture, the military court and Judge Abu Shaqra did not directly address or classify actions as "torture" under the Anti-Torture Law. Instead, euphemistic terms like "under pressure" were used, downplaying the severity of the acts.

3. Exclusion of Victim and Family Participation: Military judiciary regulations prevented the victim's family and their lawyer from participating actively in the trial. This exclusion undermines the victim's right to justice and contradicts principles outlined in the Anti-Torture Law, which advocates for transparency and victim involvement.

4. Obstruction of Evidence Submission: Attempts by the victim's lawyer to submit photographs and forensic evidence of torture were consistently obstructed. This non-compliance with the Anti-Torture Law, which mandates thorough investigation and consideration of all evidence, reflects a significant procedural flaw.

The proceedings in the case of Bashar Abed Saoud reveal significant non-compliance with the Lebanese Anti-Torture Law and Articles 15 and 47 of the Criminal Procedure Law. The military judiciary's handling of the case has been marked by jurisdictional issues, procedural obstructions, and the exclusion of crucial evidence and

¹¹ ABA, Example: In Indonesia, journalist Muhammad Asrul and social media user Stella Monica Hendrawan faced cases highlighting the abusive reach of Indonesia's Electronic Information and Transactions (ITE) law, https://www.americanbar.org/groups/human_rights/reports/trial-observation-report-indonesia-vs-asrul-and-monica/



victim participation. These actions undermine the principles of justice, transparency, and victim rights enshrined in Lebanese law, calling for a critical reassessment of the judicial approach to torture cases.

Recommendations:

The trial of State Security Service agents for the torture and murder of Bashar Abed Saoud highlights severe procedural shortcomings and potential violations of Article 14 of the ICCPR. The exclusion of the victim's family from active participation and the repeated adjournments due to defense lawyers' absences undermine the principles of a fair and timely trial. Therefore, CCLS recommends to ensure:

- 1. Timely Proceedings:** Address delays promptly to avoid unnecessary adjournments and ensure swift justice.
- 2. Inclusive Legal Representation:** Allow victim's family and their legal representative to present evidence and participate fully in the trial.
- 3. Transparency and Accountability:** Maintain public hearings and provide detailed justifications for any exclusions of evidence or witnesses.
- 4. Support for Victim's Family:** Provide legal and psychological support to victim's family, ensuring they are informed and involved in the judicial process.
- 5. Limit the Use of Military Courts:** In accordance with the Human Rights Committee's recommendation, review and restrict the jurisdiction of military courts, transferring the competence of all trials concerning civilians and human rights violations by military personnel to ordinary courts.

QUESTIONS? CONTACT US.



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