

OPERATIONAL GUIDANCE NOTE

LEBANON

CONTENTS

1. Introduction	1.1 – 1.4
2. Country assessment	2.1 – 2.10
3. Main categories of claims	3.1 – 3.5
Involvement in the South Lebanon Army	3.6
Members of political groups fearing Hizballah	3.7
Fear of persecution by Amal	3.8
Domestic violence and Honour crimes	3.9
Palestinians in Lebanon and conditions in Palestinian Refugee Camps	3.10
Fear of the Lebanese Authorities due to membership of a Palestinian Group	3.11
Fear of Islamic Palestinian Groups in Ein el-Hilweh Refugee Camp	3.12
Fear of Palestinian Groups on account of collaboration with their enemies.	3.13
General country situation in light of the conflict between Hizballah and Israel	3.14
Prison conditions	3.15
4. Discretionary Leave	4.1 – 4.2
Minors claiming in their own right	4.2
Medical treatment	4.3
5. Returns	5.1 – 5.2
6. List of source documents	

1. Introduction

- 1.1** This document evaluates the general, political and human rights situation in Lebanon and provides guidance on the nature and handling of the most common types of claims received from nationals/residents of that country, including whether claims are or are not likely to justify the granting of asylum, Humanitarian Protection or Discretionary Leave. Case owners must refer to the relevant Asylum Instructions for further details of the policy on these areas.
- 1.2** This guidance must also be read in conjunction with any COI Service Lebanon Country of Origin Information published on the Horizon intranet site. The material is also published externally on the Home Office internet site at:
- http://www.homeoffice.gov.uk/rds/country_reports.html
- 1.3** Claims should be considered on an individual basis, but taking full account of the guidance contained in this document. In considering claims where the main applicant has dependent family members who are a part of his/her claim, account must be taken of the situation of all the dependent family members included in the claim in accordance with the Asylum Instruction on Article 8 ECHR. If, following consideration, a claim is to be refused, case

owners should consider whether it can be certified as clearly unfounded under the case by case certification power in section 94(2) of the Nationality Immigration and Asylum Act 2002. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail.

Source documents

- 1.4** A full list of source documents cited in footnotes is at the end of this note.

2. Country assessment

- 2.1** One of the most complex and divided countries in the region, Lebanon has been on the fringes, and at times at the heart, of the Middle East conflict surrounding the creation of Israel. A small mountainous country, it is bordered by Syria and Israel and averages around 50 km from east to west and 225 km from north to south. Its population is a mixture of Christian sects, Sunni Muslims, Shia Muslims, Druze and others, having been a refuge for the region's persecuted minorities. Government structures are divided between the various groups. There have been several large influxes of Palestinian refugees, most of whom have limited legal status. From 1975 until the early 1990s Lebanon suffered a civil war in which regional powers particularly Israel, Syria and the Palestine Liberation Organisation used the country for their own conflicts. Syrian troops moved in shortly after the civil war started. Israeli troops invaded in 1978 and again in 1982 before pulling back to a self-declared "security zone" in the south from which they withdrew in May 2000.¹
- 2.2** Lebanon was created in its present boundaries in 1920 under the French mandate and became independent in 1943.² Lebanon is a parliamentary republic of approximately 4 million citizens; the unwritten National Pact of 1943 stipulates that the president is a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the chamber of deputies a Shia Muslim.³ The 1989 Taif Accord, which ended the country's 15-year civil war, reaffirmed this arrangement but resulted in increased Muslim representation in Parliament and reduced the power of the Maronite President.⁴
- 2.3** The crisis in the Gulf region, which was precipitated by Iraq's invasion of Kuwait in August 1990, had important repercussions for Lebanon. Syria was effectively granted freedom of action in Lebanon, in return for its participation in the US-led multinational force deployed against Iraq and received assurances of US support for its continued dominance in Lebanon.⁵ However, in the wake of its invasion of Iraq in 2003 and reports of Syria's facilitation of foreign fighters into Iraq, the United States began openly criticising the Syrian occupation of Lebanon and, by 2004, it was joined by France and most other European governments.⁶
- 2.4** President Emile Lahoud, a staunch Syrian ally and rival of Prime Minister Rafiq Hariri, was elected in 1998 and his term was due to expire in November 2004. In 2004, following growing criticism of its occupation, Syria moved to consolidate its control by pressing the Lebanese parliament to approve a constitutional amendment extending the six-year tenure of President Lahoud until November 2007. On the eve of the parliamentary vote, the UN Security Council passed Resolution 1559, calling for a presidential election, the withdrawal of all foreign forces and the disarmament of militia. Syria's decision to push ahead with the amendment provoked an international outcry. Encouraged by the international climate, Hariri, and many other politicians who had been loyal to Syria, began defecting to the opposition. In February 2005, four months after resigning as Prime Minister, Hariri was killed, along with 22 others, in a car bomb explosion. Widespread suspicions of Syrian

¹ BBC News Country Profile

² FCO Lebanon Country Profile 25.11.08

³ USSD 2008 Introduction and Section 2

⁴ COI Lebanon Country Report para 5.02

⁵ COI Lebanon Country Report para 4.04

⁶ Freedom House: Freedom in the World Report 2008

involvement led to overwhelming international pressure for an immediate Syrian withdrawal and to extensive anti-Syrian demonstrations in Beirut (the 'cedar' revolution). Syrian military forces withdrew from the country in April 2005. Parliamentary elections followed in May and June 2005, and the first Lebanese government without Syrian control since the end of the civil war was formed.⁷

- 2.5** This resulted in a new, pro-independence majority in the parliament opposed to Syrian interference, aligned with the West and committed to major political and economic reforms. However, it lacked the majority needed to overturn Lahoud's term extension which left Lahoud in office. This division paralysed decision making and impeded reform of the security establishment and judiciary. The Shi'ite Islamist movement Hizballah, allied with Syria, continued to refuse to disarm in compliance with the UN Security Council Resolution. A series of assassinations and bombings that began in the months after the Syrian withdrawal targeted key anti-Syrian politicians.⁸ A political crisis emerged in early 2006 triggered by disagreements over the establishment of the Special Tribunal for Lebanon intended to seek justice for the killing of Rafiq Hariri. This was exacerbated by the outbreak of a major conflict between Hizballah and Israel in July/August 2006.⁹
- 2.6** Following the Taif Accord in 1989, Israel continued to occupy part of south Lebanon with Israeli Defence Force soldiers and a Lebanese proxy-army, the South Lebanon army. During the period of occupation, Hizballah emerged as the main Shi'a militia opposing the Israeli occupation and the Lebanese government continued to accept Hizballah control of south Lebanon after the Israeli withdrawal. UN Security Council Resolution 425 in 1978 called for Israel's unconditional withdrawal from Lebanese territory and established the UN Interim Force in Lebanon (UNIFIL). The interim force was deployed in Lebanon outside the security zone but could not intervene in the fighting. Israel withdrew from southern Lebanon in May 2000. The UN established a 'Blue Line' as the assessed international border which remained largely stable until 2006.¹⁰
- 2.7** In July 2006, Hizballah kidnapped two Israeli soldiers from across the Israeli border in south Lebanon and killed eight others. The raid sparked a 34-day conflict with Israel that severely damaged Lebanon's infrastructure and killed some 1,500 people, most of them Lebanese civilians. Since the cessation of hostilities established by UN Security Council Resolution 1701 and the deployment of a much larger UNIFIL presence in south Lebanon, the border has largely been calm.^{11 12} (there have been some events within the border region, particularly following the Gaza conflict in Dec 2008-Jan 2009¹³). After the war, Lebanese politicians struggled to stabilise the government. The main factions were the ruling coalition (known as the "14 March" coalition, named after the largest bloc of protesters against the Hariri assassination) and the Hizballah led opposition (known as the "8 March" coalition). Political discord escalated in November 2006, when the opposition resigned from government because they were not given enough seats to ensure veto power over policy decisions. Iran and Syria backed Hizballah in the battle against the governing coalition and its American and Saudi allies.¹⁴
- 2.8** Clashes erupted on 20 May 2007 between Fatah al-Islam, a radical Islamist group, and the Lebanese army when security forces tried to arrest suspects in a bank robbery. Militants from Fatah al-Islam attacked army posts at the entrances to the nearby Palestinian refugee camp of Nahr al Bared, where fighting continued. About 30,000 civilians fled the camp and are now living in poor conditions in the nearby Baddawi Refugee camp. The fighting was the bloodiest internal conflict since the civil war ended. The Lebanese Army announced on 2

⁷ Freedom House: Freedom in the World Report 2008

⁸ Freedom House: Freedom in the World Report 2008

⁹ FCO Lebanon Country Profile 25.11.08

¹⁰ FCO Lebanon Country Profile 25.11.08

¹¹ FCO Lebanon Country Profile 25.11.08

¹² Reliefweb 'Report of Sec General on the implementation of Security Council resolution 1701' 18.11.08

¹³ Reliefweb 'Violence flares on Israel/Lebanon border' 21.02.09

¹⁴ The New York Times 'Deal for Lebanese factions leaves Hizballah stronger' 22.05.08

September 2007 that it had taken control of the camp and that hostilities had ended. Over 180 Lebanese soldiers were killed in the conflict.¹⁵

- 2.9** On 7 May 2008, opposition fighters led by Hizballah seized control of Beirut International Airport and several West Beirut neighbourhoods to protest government decisions to declare Hizballah's telecommunication network illegal as its closed telephone circuits operate independently of government networks, and remove the airport security chief because of the presence of Hizballah's surveillance cameras monitoring the airport. During the heavy fighting, 84 persons were killed and approximately 200 injured. Following arbitration by the Lebanese Army between the government and Hizballah, agreement was reached in May 2008 (the Doha agreement) to end the violence and the 18 month political deadlock. This led to a significant shift of power in favour of Hizballah and its allies in the opposition.¹⁶ Sectarian clashes continued to break out between the Druze and Hizballah across the country and between Sunnis and Alawites in the northern part of the country, leading to the deaths of approximately 70 persons and the wounding of 275. Hizballah retained significant influence over parts of the country and the government made no tangible progress in 2008 towards disbanding and disarming armed militia groups, including Hizballah.¹⁷
- 2.10** General Michel Suleiman, the Lebanese army commander, was elected as President on 25 May 2008, ending a seven-month vacuum in the presidency after the mandate of the President Lahoud expired on 23 November 2007. A 30 seat National Unity Government was agreed on 11 July headed by PM Fouad Siniora. The distribution of seats established in the Doha Agreement was 16 seats to the government, 11 seats to Hizballah and its allies, and 3 seats to be appointed by the Lebanese president. It also provided the opposition with veto power. In August 2008, members of Parliament voted in support of the unity cabinet, thereby allowing the cabinet to commence work.¹⁸ President Suleiman reconvened the National Dialogue on 16 September.¹⁹ In October 2008, Lebanon established diplomatic relations with Syria for the first time since both countries gained independence in the 1940s.²⁰ The Foreign and Commonwealth Office reported in March 2009 that Britain is exploring contacts with Hizballah politicians, including MPs, following positive political developments in Lebanon and would seek to encourage Hizballah to play a constructive, democratic and peaceful role in Lebanese politics, in line with a range of UN Security Council resolutions.²¹
- 2.11** Lebanon hosts numerous armed groups: Hizballah's military wing, Palestinian Islamic Jihad (PIJ), the Popular Front for the Liberation of Palestine-General Command (PFLP-GC), the Abu Nidal organization (ANO), and Hamas.²² The government took small but critical steps in 2005 to restrict the freedom of several groups, specifically the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) and Fatah al-Intifada, to operate in Lebanon. The Lebanese Armed Forces (LAF) strengthened border control posts and increased patrols along the Lebanese-Syrian border. Because the government exercises limited control over areas in the Hizballah-dominated south and inside the Palestinian refugee camps, armed groups can operate relatively freely in both locations.²³
- 2.12** The USSD reported in 2009 that there were limitations on the rights of citizens to change their government peacefully. Political and bureaucratic corruption is widespread. Freedom of expression is limited but far more substantial than elsewhere in the region. Lebanon has a long tradition of press freedom but despite the relatively open media environment, the government makes use of some legal controls. Freedom of religion is guaranteed in the constitution and protected in practice. Rights to freedom of association and assembly are relatively unrestricted. NGOs including human rights groups are permitted to operate openly.

¹⁵ BBC News "Aid convoy under fire in Lebanon" Dated 22 May 2007

¹⁶ FCO Syria Country Profile 23.09.08 and BBC News 'Lebanese Army sends troops north' 11.05.08

¹⁷ USSD 2008

¹⁸ Immigration and Refugee Board of Canada: Lebanon overall political conditions in 2008

¹⁹ FCO Syria Country Profile 23.09.08

²⁰ BBC Timeline

²¹ BBC News 'UK restores links with Hizballah' 5.03.08

²² COIS Lebanon Country Report para 6.193

²³ USSD Report on Terrorism and Patterns of Global Terrorism 2005. Chapter 5

The judiciary is ostensibly independent but in practice is subject to heavy political influence. International standards of criminal procedure are generally observed in the regular judiciary but not in the military court. Arbitrary arrest and detention by the security forces were commonplace before the Hariri assassination but have lessened since UN personnel were embedded with the security services to investigate his death. The use of torture to extract confessions is widespread in security-related cases. There is widespread, systematic discrimination against Palestinian refugees and minority groups. Domestic violence and societal discrimination against women continued in 2008 as did violence against children and child labour.²⁴

Hizballah

- 2.13** Hizballah is a powerful political and military organisation in Lebanon made up mainly of Shi'a Muslims led by Hassan Nasrallah. It emerged with financial backing from Iran in 1982 in response to the Israeli invasion of Lebanon, primarily to offer resistance to the occupation. It also initially planned to transform Lebanon's multi-confessional state into an Iranian-style Islamic state, although this idea was later abandoned in favour of a more inclusive approach. The organisation's rhetoric calls for the destruction of the state of Israel. It views the Jewish state as occupied Muslim land and it argues that Israel has no right to exist. Hostility to Israel has remained the party's defining platform since May 2000, when the last Israeli troops left Lebanon due largely to the success of Hizballah's military arm, the Islamic Resistance.²⁵ (see 2.1)
- 2.14** Once established as a militia, Hizballah received acclaim and legitimacy in Lebanon and throughout the Muslim world by fighting against Israeli Defence Force (IDF) and Southern Lebanese Army (SLA) troops. Since 1988 Hizballah replaced Amal (the other prominent Shi'ite organisation in Lebanon) as the predominant force due to its activity against Israel. Its military operations have included attacking IDF and SLA outposts, ambushing convoys, laying explosive devices, suicide bombings, anti-US terrorist attacks and launching long range mortar shells and rockets at IDF outposts and Israel proper. It was very active against Israel during its occupation of Lebanese territory and, when Israel's withdrawal in May 2000, it began focusing on increasing and expanding its activities within Israel. The Shebaa Farms is a small area of land with disputed ownership located on the border between Lebanon and the Israeli occupied Golan Heights. The Lebanese government maintains that the Shebaa Farms are Lebanese territory, not Syrian. Israel's ongoing occupation of the Shebaa Farms is often cited, among other things, as justification for Hizballah's continuing hostilities against Israel.²⁶
- 2.15** In the 1990s Hizballah transformed from a revolutionary group into a political one. Hizballah has actively participated in Lebanon's political system since 1992. It is the strongest member of Lebanon's pro-Syrian opposition bloc and holds 14 of the 128 seats in the current parliament. Hizballah has wide popular appeal as it is a major provider of social services, which operates schools, hospitals and agricultural services for thousands of Lebanese Shi'ites. It also has an influential TV station, al-Manar. Hizballah's political standing was bolstered after the wave of violence in May 2008 prompted Lebanon's government to compromise with the group. In August 2008, parliament approved a national unity cabinet, giving Hizballah and its allies veto power with eleven of thirty cabinet seats.²⁷ (see 2.8 and 2.9) However, despite the apparent political strengthening, some experts say Hizballah's use of force in West Beirut would likely widen the already tenuous sectarian tensions among Lebanon's ruling and opposition parties.²⁸ The latest parliamentary elections took place on 7 June 2009 and official results have confirmed that the coalition has held on to its majority.

²⁴ USSD 2008

²⁵ BBC News 'Who are Hizballah?' 21.05.08

²⁶ Global Security: Hizballah

²⁷ Council on Foreign relations: Hizballah backgrounder

²⁸ International Crisis Group (ICG) Lebanon 'Hezbollahs weapons turn inward'

Hariri's 14 March coalition has won 71 seats and the Hizballah bloc 58 seats. Analysts believe that a unity government is likely from this result.²⁹

- 2.16** In much of the Arab world, Hizballah is referred to as a legitimate resistance movement as it seeks to defend Lebanon from Israel and the removal of Israeli forces from Lebanese soil.³⁰ The Lebanese government also considers it to be a resistance movement rather than a militia. In 2005 a ministerial statement of the new cabinet (which included two Hizballah ministers) endorsed Hizballah's right to possess military weapons to carry out a "national resistance" against Israeli occupation of Lebanese territory. In September 2008, rival political factions began reconciliation talks which included the issue of Hizballah's continued possession of weapons.³¹ The USSD reported in March 2009 that, notwithstanding the presence of the Lebanese and UN security forces, Hizballah retains significant influence over parts of the country and the government has made no tangible progress towards disbanding and disarming armed militia groups, including Hizballah.³² Despite two UN resolutions (1559 and 1701) calling for disarming of militias in Lebanon, Hizballah's military arm remains intact.³³ The US State Department has designated Hizballah a terrorist organisation. The EU condemns terrorist activity by Hizballah but has not designated the organisation. The UK has designated Hizballah's military wing only.³⁴
- 2.17** Hizballah's base is in Lebanon's Shi'ite-dominated areas. It operates in the Al Biqa' (Bekaa Valley), the southern suburbs of Beirut and southern Lebanon. It has established cells in Europe, Africa, South America, North America and elsewhere. Its training bases are mostly in the previously Syrian-controlled Al Biqa' (Bekaa) Valley and its headquarters and offices are in southern Beirut and in Ba'albek. It is estimated to have several thousand members and activists.³⁵ Although Hizballah's influence diminished as a result of the 2006 war with Israel, the group is reportedly solidly entrenched across the south and appears to be in a strong position north and south of the Litani River, both in its political wing and as a militia. The Centre for Strategic and International Studies (CSIS) reported in 2007 that the Lebanese government "has only limited influence over Hizballah ... militants."³⁶

3. Main categories of claims

- 3.1** This Section sets out the main types of asylum claim, human rights claim and Humanitarian Protection claim (whether explicit or implied) made by those entitled to reside in Country. It also contains any common claims that may raise issues covered by the Asylum Instructions on Discretionary Leave. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection and internal relocation are set out in the relevant Asylum Instructions, but how these affect particular categories of claim are set out in the guidance below.
- 3.2** Each claim should be assessed to determine whether there are reasonable grounds for believing that the applicant would, if returned, face persecution for a Convention reason - i.e. due to race, religion, nationality, membership of a particular social group or political opinion. The approach set out in ***Karanakaran*** should be followed when deciding how much weight to be given to the material provided in support of the claim (see the Asylum Instruction on Considering the Asylum Claim).

²⁹ BBC News 'Lebanon confirms Hariri election win' 8.06.09

³⁰ New York Times 'Middle East reality check' 8.03.09

³¹ Guardian 'Lebanon's rival factions hold reconciliation talks' 16.09.08

³² USSD Lebanon 2008

³³ BBC News 'Who are Hizballah?' 21.05.08

³⁴ Home Office 'Proscribed terrorist groups'

³⁵ Global Security: Hizballah

³⁶ Immigration and Refugee Board Canada: RIRs LBN102615.E 31.10.07

3.3 If the applicant does not qualify for asylum, consideration should be given as to whether a grant of Humanitarian Protection is appropriate. If the applicant qualifies for neither asylum nor Humanitarian Protection, consideration should be given as to whether he/she qualifies for Discretionary Leave, either on the basis of the particular categories detailed in section 4 below or on the individual circumstances.

3.4 This guidance is **not** designed to cover issues of credibility. Case owners will need to consider credibility issues based on all the information available to them. (For guidance on credibility see the Asylum Instructions on 'Considering the Asylum Claim' and 'Assessing Credibility in Asylum and Human Rights Claims'.

3.5 All Asylum Instructions can be accessed on the Horizon intranet site. The instructions are also published externally on the Home Office internet site at

<http://www.ukba.homeoffice.gov.uk/documents/asylumpolicyinstructions/>

3.6 Involvement in the South Lebanon Army (SLA)

3.6.1 Some claimants make an asylum or human rights claim based on ill treatment amounting to persecution from the Lebanese authorities and/or Hizballah on account of their SLA involvement.

3.6.2 *Treatment* The South Lebanon Army was an armed militia founded and led by South Lebanese Christians (some of its militia men were Muslim or Druze) and financed and trained by Israel with a view to control the so-called Israeli-occupied 'security zone' in the South of Lebanon.³⁷ Human Rights Watch has documented SLA practices in the occupied zone that were in contravention of international humanitarian law, including forced recruitment of men and children into the militia, the expulsion of individuals and entire families, and torture of detainees held without charge in Khiam prison.³⁸

3.6.3 In early May 2000, as soon as Israel began to withdraw from the 'Security Zone', fearing falling in the hands of Hizballah, half of SLA's militia men surrendered to the Lebanese army, whilst the other half sought asylum for themselves and their families in Israel.³⁹ The Government initially held incommunicado most of the 3,000 SLA members who surrendered to the authorities; however, lawyers and family members were later provided access. Most SLA members have served their sentences and have been released; others continued to serve their sentences as regular prisoners.⁴⁰

3.6.4 During 2004 the Military Court concluded the cases of the remaining SLA militiamen who surrendered to the Government following the Israeli Defence Force withdrawal. Domestic human rights groups and international nongovernmental organisations (NGOs) reported that the trials were open to journalists and members of the public but were not fair. The standard defence presented by lawyers was that the Government had been unable to defend citizens living under Israeli occupation, and the residents had no choice but to work with the occupiers. Approximately one-third of the former SLA members received one-year prison sentences and approximately one-third received sentences of three to four weeks. The Military Court denied every recommendation for the death sentence.⁴¹

3.6.5 *Sufficiency of protection.* The sentences received were generally considered to be commensurate to the acts committed whilst involved in the SLA. Apart from prosecuting SLA personnel, there is no evidence that the authorities took other action against SLA members. The 2006 USSD noted that in 2005 Hizballah did not subject former SLA soldiers

³⁷ COIS Lebanon Country Report para 6.198

³⁸ Human Rights Watch Report 2000

³⁹ COIS Lebanon Country Report para 6.198

⁴⁰ COIS Lebanon Country Report para 6.199

⁴¹ COIS Lebanon Country Report para 6.199

to harassment and were likely to hand over those suspected of involvement in the SLA to the relevant authorities. There are no reports of recent or current actions relating to ex-SLA members.

3.6.6 Internal relocation. The law provides for freedom of movement, and the government generally respected this right for Lebanese citizens. The government maintained security checkpoints, primarily in military and other restricted areas. There were few police checkpoints on main roads or in populated areas. The security services used checkpoints to conduct warrantless searches for smuggled goods, weapons, narcotics, and subversive literature.⁴²

3.6.7 Hizballah operates in the southern suburbs of Beirut, the Bekaa Valley, and southern Lebanon. For those fearing Hizballah, internal relocation to an area of Lebanon not controlled by Hizballah would be a viable option in the majority of cases and is not considered unduly harsh. However, those of serious adverse interest to the Hizballah are unlikely to be able to escape the attentions of the organisation by moving to another area of the country.

3.6.8 Conclusion. SLA members have been prosecuted by the Lebanese authorities for their activities in south Lebanon. The sentences have generally been lenient and there is no evidence that they were disproportionate or that any particular individuals were targeted for prosecution. There is no evidence that the Lebanese government persecutes members or former members of the SLA. Whilst Hizballah is clearly a group which opposed the actions of SLA, there is no evidence that SLA members face persecution or treatment amounting to a breach of Article 3 from Hizballah. A grant of asylum or Humanitarian Protection will not, therefore, generally be appropriate. However if individuals can demonstrate that they are of particular serious adverse interest to Hizballah, a grant of asylum may be appropriate.

3.6.9 Case owners should note that members of the SLA have been responsible for numerous serious human rights abuses. If it is accepted that a claimant was an active operational member or combatant for SLA and the evidence suggests he/she has been involved in such actions, then case owners should consider whether one of the Exclusion clauses is applicable. Case owners should refer such cases to a Senior Caseworker in the first instance.

3.7 Members of political organisations fearing Hizballah

3.7.1 Some claimants make an asylum or human rights claim based on ill-treatment amounting to persecution at the hands of Hizballah due to their membership of a political organisation opposing the views of Hizballah.

3.7.2 Treatment

- Hizballah: 2.13 - 2.17.
- Lebanese political organisations: COI Report July 2006, Annex B.
- Political parties in current parliament: European Union Election Observation Final Report Elections 2005⁴³

3.7.3 Lebanon is a parliamentary democracy but from the mid-1970's until the parliamentary elections in 1992, civil war precluded the effective exercise of political rights. According to the constitution, direct elections must be held for the parliament every four years. Parliament, in turn, is tasked to elect a new president every six years. The President, based on binding consultations with parliament, appoints the prime minister. Political parties may be formed but are weak and mostly based on sectarian interests. The 1943 national pact, an unwritten agreement that established the political foundations of modern Lebanon, allocated political power on a confessional system based on the 1932 census.

⁴² USSD 2008

⁴³ Europa

- 3.7.4** Confessionalism is a system of government that distributes political and institutional power proportionally among religious communities. Posts in government and seats in the legislature are apportioned amongst different groups according to the relative demographic composition of those groups in a society, which is seen as a way of formally recognising the communal political rights of indigenous groups.⁴⁴ Until 1990, seats in parliament were divided on a six to five ratio of Christians to Muslims (with Druze counted as Muslims). With the Ta'if Agreement, the ratio changed to half and half. Gaining political office is virtually impossible without the firm backing of a particular religious or confessional group. The Chamber of Deputies is elected by adult suffrage based on a system of proportional representation for the various confessional groups. Political blocs are usually based on confessional and local interests or on personal/family allegiance rather than on left/right policy orientations.
- 3.7.5** Lebanese political institutions often play a secondary role to confessionalised personality-based politics. Powerful families also still play an independent role in mobilising votes for both local and parliamentary elections. Nonetheless, a lively panoply of domestic political parties, some even predating independence, still exists. The largest are all confessional based. The Kataeb (Phalange), National Bloc, National Liberal Party, Lebanese Forces and Free Patriotic Movement (FPM) are overwhelmingly Christian parties. Amal and Hizballah are the main rivals for the organised Shi'a vote, and the PSP (Progressive Socialist Party) is the leading Druze party.
- 3.7.6** A principle divide in current Lebanese politics is between pro- and anti-Syrian forces, often referred to, respectively, as March 8 and March 14, after major demonstrations they organised in 2005. The pro-Syrian "March 8" consists principally of the Shi'ite Amal and Hizballah, and is now allied with the Free Patriotic Movement (Christian, led by Michael Aoun) while the anti-Syrian majority with 72 out of 128 seats "March 14" includes the Future Movement (Sunni), Progressive Socialist Party (Druze), Lebanese Forces and Qornet Shehwan Gathering (coalition of centre-right politicians), both Christian, and the Democratic Left secular movement. In addition to domestic parties, there are branches of pan-Arab secular parties (Ba'ath, socialist and communist parties) that were active in the 1960s and throughout the period of civil war.⁴⁵
- 3.7.7** There are differences both between and among Muslim and Christian parties regarding the role of religion in state affairs. There is a very high degree of political activism among religious leaders across the sectarian spectrum. The interplay for position and power among the religious, political, and party leaders and groups produces a complex political tapestry. In the past, the system worked to produce a viable democracy. The civil war resulted in greater segregation across the confessional spectrum. Whether in political parties, places of residence, schools, media outlets, even workplaces, there is a lack of regular interaction across sectarian lines to facilitate the exchange of views and promote understanding.
- 3.7.8** Some Christians favour political and administrative decentralisation of the government, with separate Muslim and Christian sectors operating within the framework of a confederation. Muslims, for the most part, prefer a unified, central government with an enhanced share of power commensurate with their larger share of the population. The Ta'if Agreement points towards a non-confessional system, but there has been no real movement in this direction in the decade and a half since Ta'if. Efforts to alter or abolish the confessional system have been at the centre of Lebanese politics for decades.
- 3.7.9** Since its independence in 1943, assassinations have been a feature of Lebanese politics, targeting throughout the past decades three prime ministers, two presidents and dozens of politicians and journalists. Rarely has a politically-motivated killing been solved. Today, every Lebanese confessional group, whether Shi'a, Sunni, Maronite Christian or Druze, has a former leader who has achieved a near sanctified status after an assassination or a

⁴⁴ United States Institute of Peace

⁴⁵ US Department of State Background Note: Lebanon(01/09)

"disappearance". In the past five years, what was an intermittent practice has become a pattern, taking the lives of eleven Lebanese politicians, journalists and security officials. The fact that most of those targets were active in the anti-Syrian coalition bolstered accusations of Syrian involvement; counter-arguments and conspiracy theories proliferated, blocking any political or legal accountability for the assassinations. The severe political polarisation following the assassination of Rafiq Hariri, in 2005 once again unleashed conspiracy theories and bickering, obscuring the issue of accountability.⁴⁶

3.7.10 On 1 March 2009, the Special Tribunal for Lebanon formally convened for the first time in The Hague, two years after it was established by the UN Security Council and four years after the assassination of Rafiq Hariri. Shortly after the assassination, the UN despatched a fact-finding mission to enquire into the killing and the Lebanese authorities' investigation into it. It noted the negative role of Syrian Military Intelligence and of the leadership of the Lebanese security services in the country and found the investigation to be seriously flawed. The Security Council agreed with the mission's recommendation for an independent investigation, and established the UN International Independent Investigation Commission (UNIIC). This was later charged also with investigating certain other targeted killings and attacks. The Lebanese authorities arrested several high-ranking Lebanese intelligence officials and others, some of whom continue to be detained although, at least as yet, no charges have been brought against them. The UNIIC has published eleven reports, the latest in December 2008. It is now ceasing its work and handing over responsibility for further investigations to the Special Tribunal, which has jurisdiction to try those accused of responsibility for the killing of Hariri and other associated killings and crimes if found to be related. The Special Tribunal is essentially a Lebanese national court that has some international components. The decision to establish both the UNIIC and, subsequently, the Special Tribunal marks an important break from the pattern of impunity of the past in Lebanon.⁴⁷

3.7.11 The fighting which broke out in May 2008 between the Hizballah-led opposition and pro-government groups killed 84 people and injured 200 in two weeks. Members of the opposition groups, Hizballah, Amal and the Syria Social Nationalist Party militarily took over parts of Beirut. They also attacked and shut down media offices affiliated with the Future Movement. Supporters of the pro-government groups, the Future Movement and the Progressive Socialist Party also resorted to violence in areas under their control, including the killing of captive opposition fighters in the northern town of Halba. Sectarian clashes continued to break out between the Druze and Hizballah across the country and between Sunnis and Alawites in the northern part of the country, leading to the deaths of approximately 70 persons and the wounding of 275.⁴⁸ In early September 2008, Sunni and Alawite leaders in northern Lebanon signed a reconciliation agreement calling for an end to the violence between the two groups. In mid-September 2008, fourteen political factions began meeting in reconciliation talks under the direction of the president, Michel Suleiman, as required by the Doha Accord.⁴⁹

3.7.12 A bomb attack on a bus transporting civilians and soldiers killed at least eighteen people in Tripoli in August 2008. Two people died during clashes in late September 2008 between two Christian political organisations, the "anti-Syrian" Lebanese Forces group and the "pro-Syrian" Marada group, in Bsarma in northern Lebanon.⁵⁰ On 2 September 2008 the Public Prosecutor issued charges against 14 persons for the April 2007 kidnap and killing of Zias Ghandour and Ziad Qabalan, two youths affiliated with PSP leader Jumblatt. The ruling requested the death penalty for five brothers; a life term of hard labour for helping conceal the crime; and up to three years' imprisonment for concealing the crime.⁵¹

⁴⁶ Guardian 'The politics of assassination' 8.03.09

⁴⁷ Amnesty International 'Lebanon: The Special Tribunal: Selective Justice?' 18.01.09

⁴⁸ USSD 2008

⁴⁹ Immigration and Refugee Board of Canada: Lebanon: Political events 2008

⁵⁰ Immigration and Refugee Board of Canada: Lebanon: Political events 2008

⁵¹ USSD 2008

3.7.13 It was reported on 16 February 2009 that a PSP follower, Lutfi Zeineddin, had died of stab wounds at the weekend in clashes that erupted in several areas of Beirut and outlying regions on Saturday during a mass rally commemorating the fourth anniversary of former premier Rafiq Hariri's assassination. Jumblatt's party accused supporters of the alliance led by Hizballah of being behind Lutfi Zeineddin's killing. However, Jumblatt said the incident was isolated and urged his followers to refrain from revenge attacks.⁵²

3.7.14 Sufficiency of protection The security forces consist of the Lebanese Armed Forces (LAF) which under the Ministry of Defence controls borders, and may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF) under the Ministry of the Interior (MOI), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus, which reports to the prime minister and the Surete General (SG) under the MOI, both of which collect information on groups deemed a possible threat to state security.

3.7.15 Laws against bribery and extortion by government security officials and agencies also apply to the police force. In practice, however, due to a lack of strong enforcement, their effectiveness was limited. The government acknowledged the need to reform law enforcement, but security issues and lack of political stability hampered these efforts. The ISF maintained three hotlines for complaints which are believed to operate efficiently. Each operation centre received approximately 50 calls per day with the exception of the Beirut centre which receives approximately 100 calls per day.⁵³ Several prosecutions were reported in 2008.⁵⁴

3.7.16 In 2000, following the Israeli Defence Forces (IDF) withdrawal from the south, the Government deployed more than 1,000 police and soldiers to the former Israeli security zone. However, the Government has not attempted to disarm Hizballah, nor have the country's armed forces taken sole and effective control over the entire area.⁵⁵ UNSCR 1701 significantly strengthened UNIFIL'S mandate and authorised its enlargement up to a maximum of 14,000. Bolstered by UNIFIL, which by the beginning of 2007 had more than 11,000 personnel, the Lebanese Armed Forces deployed to southern Lebanon and the border with Israel for the first time in almost four decades.⁵⁶ Hizballah, however, retains a dominant presence in the area.

3.7.17 Internal Relocation. The law provides for freedom of movement, and the government generally respected this right for Lebanese citizens. The law prohibits direct travel to Israel. The government maintained security checkpoints, primarily in military and other restricted areas. The security services used checkpoints to conduct warrantless searches for smuggled goods, weapons, narcotics, and subversive literature.⁵⁷

3.7.18 Hizballah operates in the southern suburbs of Beirut, the Bekaa Valley, and southern Lebanon. For those fearing Hizballah, internal relocation to an area of Lebanon not controlled by Hizballah would be a viable option in the majority of cases and is not considered unduly harsh. However, those of serious adverse interest to the Hizballah are unlikely to be able to escape the attentions of the organisation by moving to another area of the country.

3.7.19 Conclusion Hizballah is considered to be a legitimate resistance movement by Arab countries and the Lebanese government because of its actions in defending Lebanon against Israeli occupation of its territory. It is a member of the Lebanese unity government set up in August 2008 which, with its allies, has the power of veto over parliamentary decisions (see 2.15, recent elections). It retains a dominant presence in southern Lebanon and other areas. Lebanon has a history of political assassinations across all confessional

⁵² 'Lebanon's Jumblatt urges restraint after deadly clashes' 16.02.09

⁵³ USSD 2008

⁵⁴ USSD 2008

⁵⁵ COI Lebanon Country Report para 6.164

⁵⁶ US Department of State, Background Note: Lebanon January 2009

⁵⁷ USSD 2008

groups for which the perpetrators have not generally been identified. The Special Tribunal for Lebanon has convened to investigate some of the targeted killings since and including former Prime Minister Hariri's assassination.

- 3.7.20** The inter-factional fighting which broke out in May 2008 led to many deaths and injuries. However there are no known reports of reprisals by Hizballah against individuals for affiliation to a particular Lebanese political group. Should an applicant nevertheless fear the actions of individual Hizballah members locally, internal relocation to an area not under Hizballah control is likely to be an option in the majority of cases. A grant of asylum or Humanitarian Protection is not therefore likely to be appropriate in most cases.
- 3.7.21** Individuals who are able to establish that they are of significant adverse interest to Hizballah may be unable to obtain protection in Hizballah areas or relocate. In such cases a grant of asylum or Humanitarian Protection is likely to be appropriate.
- 3.7.22** Case owners should note that some groups in Lebanon have been responsible for human rights abuses. If it is accepted that a claimant was an active operational member or combatant for such a group and the evidence suggests that he/she has been involved in such actions, then case owners should consider whether one of the exclusion clauses is applicable. Case owners should refer such cases to a Senior Caseworker in the first instance.
- 3.8 Fear of persecution by Amal**
- 3.8.1** Some claimants make asylum or human rights claims based on ill-treatment amounting to persecution due to a fear of revenge killing by Amal as they or a family member are suspected of carrying out an attack on an Amal member. Alternately they may claim to fear reprisals for having deserted the Amal militia.
- 3.8.2 *Treatment*** The Amal movement was established in 1975 by Imam Musa as Sadr, an Iranian-born Shi'a cleric of Lebanon Ancestry who had founded the Higher Shi'a Islamic Council in 1969. Amal, which means *hope* in Arabic, is the acronym for Afwaj al Muqawamah al Lubnaniyyah (Lebanese Resistance Detachments), and was initially the name given to the military arm of the Movement of the Disinherited.⁵⁸ It was organised to confront what were seen as Israeli plans to displace the Lebanese population with Palestinians.⁵⁹ By the early 1980s, Amal was the most powerful organisation within the Shi'a community and was perhaps the largest organisation in the country. Its organisational strength lay in its extension to all regions of the country inhabited by Shi'as. It stressed resistance to Israel and Amal's leadership was perceived by many to be pro-Syrian. The Amal platform called for national unity and equality among all citizens and rejected confederation schemes. Amal was linked less closely to Iran than some other Shi'a organisations, and it did not propose the creation of an Islamic state in Lebanon.⁶⁰
- 3.8.3** In the mid-1980s, the Amal militia laid siege to Palestinian refugee camps in Beirut, (known as the War of the Camps). Although in time the Shi'a of Lebanon would come to support the Palestinians in their struggle against Israel, the PLO's and the more radical Rejectionist Front groups' behaviour in South Lebanon had made many Lebanese Shi'a resent the Palestinian presence because they had put the Shi'as at risk by attacking the Israelis from their border.⁶¹
- 3.8.4** The movement's fortunes declined in the late 1990s; it barely managed to keep its seats in the parliament in the 2000 election. Hizballah benefited from the reputation for corruption and insensitivity that surrounded Amal leaders and deputies, but the Syrian government, of which Amal was a strong supporter after 1990, forced Hizballah and Amal to run for election together in South Lebanon to bolster Amal's declining popularity. Amal and Hizballah have

⁵⁸ US Library of Congress

⁵⁹ Global Security: Lebanon Civil War 1975-1991

⁶⁰ US Library of Congress

⁶¹ US Library of Congress Country Studies: Amal

often clashed and competed for votes in various parts of Lebanon. Although Amal is older, Hizballah has been able to attract larger numbers of the Shi'ite population mainly because of the generosity of its social services.⁶² In 2003 Nabi Berri revealed an internal crisis in Amal when he forced the resignation of his two representatives in the cabinet, accusing them of corruption, although his motives were most likely political. Berri remained protected by strong Syrian support, although his popularity in South Lebanon suffered greatly.⁶³ After Rafiq Hariri's assassination in 2005, Amal opposed the Syrian withdrawal and did not take part in the Cedar revolution.⁶⁴

3.8.5 The coalition Amal/Hizballah group is now the main Shi'ite party in Lebanon. Amal contested the 2005 legislative elections with Hizballah as the Resistance and Development Bloc.⁶⁵ In both the South and the Bekaa Valley, Hizballah and Amal, together with local figures, drew up lists for all available seats, Shi'ite and non-Shi'ite, fielding their own candidates together with other Syrian loyalists. The Hizballah/Amal list won overwhelmingly in the South and the Bekaa.⁶⁶ Amal held 15 seats after the legislative elections.⁶⁷ Since 1990, the party has been continuously represented in the parliament and the government. Nabih Berri was elected speaker of parliament in 1992, 1996, 2000, and 2005. In August 2008, parliament approved a national unity cabinet, giving Hizballah and its opposition allies (Amal and followers of Christian former army general Michel Aoun) veto power with eleven of thirty cabinet seats.⁶⁸ (see 2.15, recent elections)

3.8.6 Sufficiency of Protection The security forces consist of the Lebanese Armed Forces (LAF) under the Ministry of Defence, which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF) under the Ministry of the Interior (MOI), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus, which reports to the prime minister and the SG under the MOI, both of which collect information on groups deemed a possible threat to state security. Laws against bribery and extortion by government security officials and agencies also apply to the police force. In practice, however, due to a lack of strong enforcement, their effectiveness was limited. The government acknowledged the need to reform law enforcement, but security issues and lack of political stability hampered these efforts. The ISF maintained a hotline for complaints.⁶⁹ In 2000, following the Israeli Defence Forces (IDF) withdrawal from the south, the Government deployed more than 1,000 police and soldiers to the former Israeli security zone.⁷⁰ Outside the South of Lebanon there is no evidence that in general those fearing Amal could not approach the Lebanese authorities for protection.

3.8.7 Internal Relocation The law provides for freedom of movement, and the government generally respected this right with some limitations. The law prohibits direct travel to Israel. The government maintained security checkpoints, primarily in military and other restricted areas. There were few police checkpoints on main roads or in populated areas. The security services used checkpoints to conduct warrantless searches for smuggled goods, weapons, narcotics, and subversive literature.⁷¹ High profile individuals of serious adverse interest to Amal may have difficulty relocating to another area of the country. However, when the interest is from a local militia or individuals, internal relocation to areas that are not Amal strongholds is likely to be viable.

3.8.8 Conclusion Whilst there is evidence that Amal as an organisation has been involved in violent activity, there are no reports of individual ill-treatment by Amal of those who oppose it. Nevertheless, for those who fear individuals in their local area and are unable to obtain

⁶² Lebanon Wire 'New party aims at changing Shiite traditional equation' 7.08.04

⁶³ Amal: Resistance Movement in Lebanon encyclopaedia

⁶⁴ 'The Amal Movement'

⁶⁵ COIS Lebanon Country Report Annex B

⁶⁶ International Crisis Group

⁶⁷ COI Lebanon Country Report Annex B

⁶⁸ Council on Foreign relations: Hizballah backgrounder

⁶⁹ USSD 2008

⁷⁰ COI Lebanon Country Report para 6.195

⁷¹ USSD 2006 Section 2

protection in that area, internal relocation to another part of the country away from Amal influence is likely to be a viable option and would not be unduly harsh in most cases. A grant of asylum or Humanitarian Protection would not, therefore, usually be appropriate. If the claimant has a high profile and may be unable to obtain protection or avoid the adverse interest of Amal by moving to another area of the country, a grant of asylum may be appropriate.

3.9 Domestic violence and honour crimes

3.9.1 Some claimants make an asylum or human rights claim based on ill treatment amounting to persecution due to domestic violence from their spouse and/or victimisation by their spouse's relatives.

3.9.2 *Treatment* The law provides for equality among all citizens but, in practice, some aspects of the law and traditional beliefs discriminated against women.⁷² Family law (which is determined by religious affiliation) is frequently discriminatory.⁷³ For example, Sunni inheritance law provides a son twice the inheritance of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the agreement of their husbands. Immigration law discriminates against women, who may not confer citizenship on their spouse and children, except for widows, who may confer citizenship on their minor children. Men sometimes exercised considerable control over female relatives, restricting their activities outside of the home or their contact with friends and relatives. Women may own property but often ceded control of it to male relatives for cultural reasons and because of family pressure.⁷⁴

3.9.3 Lebanon is made up of many heterogeneous communities and societies, and there are many very different mindsets throughout the country. There are, for example, tribal communities which have very strict laws on a woman's virginity but there is also, particularly among Lebanese Christians, a very open mentality that indulges and even permits common-law relationships. A woman's age and financial situation play a large role in determining the risks she faces. A woman of 40 or even 35 years may be spared, as well as a divorced woman.⁷⁵

3.9.4 Women have the right to vote, and there are no legal barriers to their participation in politics; however, there were significant cultural barriers. Prior to October 2004, no woman had held a Cabinet position; however, at that juncture, two women were named to the Cabinet.⁷⁶ The law prohibits rape, and the minimum sentence for a person convicted of rape is five years in prison. The minimum sentence for a person convicted of raping a minor is seven years. Spousal rape is not criminalised.⁷⁷

3.9.5 Foreign domestic servants, usually women, are often mistreated and have no practical legal recourse available to them.⁷⁸ After a two-year combined effort by human rights groups and migrant workers, it was reported in March 2009 that the Lebanese Ministries of Labor and Social Justice had promised to enact a unified contract for migrant domestic workers - a community that numbers more than 200,000 in Lebanon, and are still legally considered servants, rather than employees.⁷⁹

3.9.6 The law does not specifically prohibit domestic violence, and domestic violence against women remained a problem in 2008. There were no authoritative statistics on the extent of spousal abuse. Despite a law prohibiting battery with a maximum sentence of three years in

⁷² USSD Lebanon 2008

⁷³ COI Lebanon Country Report para 6.160

⁷⁴ USSD Lebanon 2008

⁷⁵ COI Lebanon Country Report para 6.165

⁷⁶ COI Lebanon Country Report para 6.161

⁷⁷ USSD Lebanon 2008

⁷⁸ USSD Lebanon 2008

⁷⁹ Menassat (website on media in Middle East and North Africa region) 'Organising themselves – female migrants in Lebanon take action' 4.03.09

prison for those convicted, some religious courts legally may require a battered wife to return to her home in spite of physical abuse. Women were sometimes compelled to remain in abusive marriages because of economic, social, and family pressures.⁸⁰ Possible loss of custody of children and the absence of an independent source of income prevented women from leaving their husbands.⁸¹

3.9.7 The Government provided legal assistance to domestic violence victims who could not afford it. However, in most cases, police ignored complaints submitted by battered or abused women. A local NGO, the Lebanese Council to Resist Violence Against Women (LCRVAW), worked actively to reduce violence against women by offering counselling and legal aid and raising awareness about domestic violence. From January to August 2008, the LCRVAW received 51 cases, excluding consultations it received on its hot line. From January to October 2008, local NGO KAFA (Enough) Violence and Exploitation received 133 cases.⁸²

3.9.8 The legal system remained discriminatory in its handling of honour crimes in 2008. According to the Penal Code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. For example, while the Penal Code stipulates that murder is punishable by either a life sentence or the death penalty, if a defendant can prove it was an honour crime, the sentence is commuted to seven years imprisonment at most. Although honour crimes were not widespread in the country, every year a number of women were killed by male relatives under the pretext of defending family honour. Several honour crimes that resulted in convictions were reported in the media.⁸³

3.9.9 Work is being done to improve the situation in Lebanon. There is now more interest in the subject of domestic violence, with the media willing to cover cases and a number of medical students writing their thesis on battery and abuse. The Social Affairs Ministry has launched a national campaign to highlight violence against women, children and the elderly, although this is hampered by a lack of funding and an unwillingness to transgress traditional boundaries. KAFA opened the first centre for abused women in 2005. Their Listening and Counselling Centre offers free counselling, legal consultation, court representation, psychiatric assessment and follow-up and referral to safe houses. In conjunction with the Lebanese Council to Resist Violence Against Women and other organisations KAFA also undertakes advocacy work, lobbying the government to implement fair laws and policies. Leila Awada-Dawi, who is responsible for all legal services at KAFA, says that many women who come to the centre do not pursue their claims because family members fear that legal proceedings will cause a scandal. Part of KAFA's work involves training programmes to inform women of their rights, and awareness-raising in schools and youth groups on principles of gender equality and non-violence.⁸⁴

3.9.10 Sufficiency of Protection The law does not specifically prohibit domestic violence although legal provision exists against battery. The Government provides legal assistance to domestic violence victims who are unable to afford it but in most cases police reportedly ignored complaints submitted by battered or abused women. Protection is, therefore, not given by the authorities in many cases. Case owners should consider what action applicants have taken to seek assistance from the authorities and also whether other support, for example from NGOs or extended family, may be available in individual cases.

3.9.11 The legal system is discriminatory in its handling of honour crimes and cultural constraints may prevent victims from seeking protection from the authorities. However, convictions have been reported in the media. It appears, therefore, that the authorities are willing and able to offer sufficiency of protection in some cases.

⁸⁰ USSD 2008

⁸¹ COIS Lebanon Country Report para 6.163

⁸² COIS Lebanon Country Report para 6.166

⁸³ USSD 2006 Section 5

⁸⁴ Arabs and Muslims against Honour Crimes – A project by Mid-East youth - archives

3.9.12 Internal Relocation The law provides for freedom of movement, and the government generally respected this right with some limitations. The law prohibits direct travel to Israel. The government maintained security checkpoints, primarily in military and other restricted areas. The security services used checkpoints to conduct warrantless searches for smuggled goods, weapons, narcotics, and subversive literature.⁸⁵ In general internal relocation to an area away from the localised threat of domestic violence or honour crimes at the hands of family relations will not be considered unduly harsh. However factors such as the support network, and social, economic and professional background of an individual claimant must be carefully considered when determining relocation as an option.

3.9.13 Conclusion Domestic violence and honour crimes are serious problems in Lebanon and the authorities are not always able and willing to provide sufficiency of protection. However, protection may be available in individual cases from the authorities, NGOs or extended family. Alternatively, internal relocation to escape a localised threat from a husband or member of the family may be an option and would not be unduly harsh in many cases. Factors such as the economic, social and professional background of an individual claimant as well as other factors including the individual's support network must be carefully considered when determining the viability or otherwise of internal relocation. A grant of Humanitarian Protection may be appropriate in some cases.

3.10 Palestinians in Lebanon and conditions in Palestinian Refugee camps

3.10.1 Some claimants will make an asylum or human rights claim based on ill treatment amounting to persecution due to being Palestinian in Lebanon and/or that the conditions within the Palestinian refugee camps are so harsh as to amount to persecution or a breach of their human rights.

3.10.2 UNRWA has the sole mandate to provide health, education, social services, and emergency assistance to Palestinian refugees residing in Lebanon as well as in the West Bank, Gaza, Syria, and Jordan. As of 30 September 2008, there were approximately 419,285 UNRWA-registered Palestinian refugees living in or near 12 camps throughout the country. The vast majority of Palestinian refugees were those displaced during the Arab-Israeli war of 1948 and their descendents. Additional Palestinians arrived in 1967 after the Six-Day War and in the 1970s after many were expelled from Jordan.⁸⁶

3.10.3 Palestinian refugees residing in the country are not able to obtain Lebanese citizenship and are not citizens of any other country. However, Palestinian refugee women married to Lebanese men are able to obtain citizenship and transmit Lebanese citizenship to their children. Thousands of Palestinians do not have any form of identification and are not receiving assistance from UNRWA; they are commonly referred to as non-ID Palestinian refugees. Some 20,000 Palestinians are believed to have been naturalised as Lebanese; however it appears that the status of some of the naturalised Palestinians is not secure as there were reports that their Lebanese nationality may be annulled.⁸⁷ The Christian and Muslim Lebanese communities considered that mass-naturalisation of the Palestinians would endanger the delicate ethno-religious balance and threaten the country's stability.⁸⁸

3.10.4 Palestinian refugees have limited social and civil rights, restricted access to governmental public health and education, and no access to public social services. The majority rely entirely on UNRWA for education, health, relief, and social services. Lebanon is the only country in which UNRWA operates secondary schools to address restricted access to public schools and the high costs of private schools. Palestinian refugees in Lebanon have the worst socioeconomic situation in all of UNRWA's five fields of operations resulting in the

⁸⁵ USSD 2008

⁸⁶ UNWRA

⁸⁷ COI Lebanon Country Report para 6.95

⁸⁸ COI Lebanon Country Report para 5.07

highest percentage of Special Hardship Cases (SHCs). SHCs receive direct humanitarian support from UNRWA, including food aid, cash assistance, and shelter rehabilitation. There were approximately 50,144 registered SHCs during the year, which totalled 12 per cent of the registered Palestinian refugee population in the country, in comparison with 9 per cent in Gaza and 3 per cent in Jordan.⁸⁹

- 3.10.5** According to a credible international human rights group, Palestinian refugees face severe restrictions in their access to work opportunities and diminished protection of their rights at work. Very few Palestinians receive work permits, and those who find work usually are directed into unskilled occupations. Some Palestinian refugees work in the informal sector, particularly in agriculture and construction. Palestinian incomes continue to decline. In 2005 the Minister of Labour issued a memorandum authorising Palestinian nationals born in the country and duly registered with the MOI to work in 50 (out of 72) professions banned to foreigners. However, there are no indications that this memorandum was implemented consistently.⁹⁰
- 3.10.6** Children of Palestinian refugees face discrimination in birth registration and access to adequate housing, social security, and education. The government does not provide health services or education to Palestinian refugees, who rely on UNRWA for these services. Many Palestinian children reportedly have to leave school at an early age to help earn income. Poverty, drug addiction, prostitution, and crime reportedly prevail in the camps, although reliable statistics are not available.⁹¹
- 3.10.7** Property laws do not explicitly target Palestinian refugees but bar those who are not bearers of nationality of a recognised state from owning land and property. Under this law Palestinians may not purchase property, and those who owned property prior to the 2001 issuance of this law are prohibited from passing it on to their children. The parliament justified these restrictions on the grounds that it was protecting the right of Palestinian refugees to return to the homes they fled after the creation of the state of Israel in 1948. All other foreigners may own a limited-size plot of land, but only after obtaining the approval of five different district offices.⁹²
- 3.10.8** The amount of land allocated to official refugee camps in the country has only marginally changed since 1948, despite a fourfold increase in the registered refugee population. Two refugee camps previously destroyed in the civil war were never reconstructed. Consequently, most Palestinian refugees lived in overpopulated camps that suffered repeated heavy damage as a result of fighting during the 1975-90 civil war, the 1980s Israeli invasion of the country, continuing camp feuds, the July-August 2006 conflict between Israel and Hizballah, and the May-September 2007 Nahr al-Barid conflict. The government generally prohibited the construction of permanent structures in the camps on the grounds that such construction encouraged refugee settlement in the country. Refugees frequently feared that the government might reduce the size of the camps or eliminate them completely.⁹³
- 3.10.9** Over the last three years, the government, in coordination with UNRWA, has taken concrete steps to improve relations between Palestinian refugees and the Lebanese community and address the housing conditions in the camps. In October 2005 Prime Minister Siniora supported the launch of UNRWA's multi-year Early Recovery Plan and Camp Improvement Initiative to support new infrastructure development projects, by improving housing and upgrading sewage, water and electricity systems in the camps.⁹⁴

⁸⁹ UNWRA

⁹⁰ USSD 2008

⁹¹ USSD 2008

⁹² USSD 2008

⁹³ USSD 2008

⁹⁴ USSD 2008

3.10.10 Sufficiency of protection. Where this category of claimants' fear is of ill treatment/persecution by the state authorities they cannot apply to these authorities for protection. Where the claim is related to the general living conditions within the camps the availability of sufficient protection is not relevant.

3.10.11 Internal relocation. Where this category of claimants fear is of ill treatment amounting to persecution by the state authorities relocation to a different area of the country to escape this threat is not feasible, however for localised threats in specific camps, relocation to another camp is not unduly harsh. Where the claim is related to the general living conditions for Palestinians the availability of internal relocation is not relevant. The government issued travel documents to Palestinian refugees to enable them to travel and work abroad.

3.10.12 Case law.

KK IH HE [2004] CG UKIAT 00293

"Having considered these matters as a whole, as we have done in some detail above, we have concluded that to the extent that there is a discriminatory denial of third category rights in Lebanon for the Palestinians, this does not amount to persecution under the Refugee Convention or breach of protected human rights under Article 3 of the ECHR. Paragraph 106. In the circumstances, therefore, we consider that the Article 3 threshold would not be crossed in any of these cases on the basis of general attitudes in Lebanon towards Palestinians. Paragraph 107. Our view is that although there is evidence as we have described briefly concerning the serious problems in the camps, to regard the circumstances in the camps as life-threatening is excessive and objectively unfounded, having regard to the information in the international reports provided to us." Paragraph 86.

MM and FH (Stateless Palestinians – KK, IH, HE CG reaffirmed) Lebanon CG [2008] UKIAT 00014

- (i) "The differential treatment of stateless Palestinians by the Lebanese authorities and the conditions in the camps does not reach the threshold to establish either persecution under the Geneva Convention, or serious harm under paragraph 339C of the Immigration Rules, or a breach of Articles 3 or 8 under the ECHR
- (ii) The differential treatment of Palestinians by the Lebanese authorities is not be reason of race but arises from their statelessness.
- (iii) The decision in KK, IH, HE (Palestinians – Lebanon – camps) Lebanon CG [2004] UKIAT 002963 is reaffirmed."

3.10.13 Conclusion. Whilst it is acknowledged that the situation for Palestinians in Lebanon is poor with some differential treatment due to statelessness, conditions in the camps are not considered to reach the threshold to establish either persecution or a breach of human rights.

3.10.14 Conditions for Palestinians who live outside the camps are also difficult, but these also would not generally amount to persecution or breach the Article 3 threshold. A grant of either asylum or humanitarian protection would not, therefore, be appropriate for those claiming a risk on return on the basis of the conditions for Palestinians inside or outside the refugee camps in Lebanon.

3.11 Fear of Lebanese authorities due to membership of a Palestinian group

3.11.1 Some claimants will make an asylum or human rights claim based on ill treatment amounting to persecution by the Lebanese authorities due to involvement with an armed Palestinian group (further information on Palestinian groups is contained at Annex B, COI report 2006).

3.11.2 Treatment The refugee question remains at the heart of politics in Lebanon. The Palestinian presence was a catalyst of the 1975-1990 civil war, Israel's 1982 invasion and Syrian efforts to control the Palestine Liberation Organisation (PLO). Although the Palestinian presence was at first peaceful, it rapidly became militarised by the armed struggle against Israel. Today the refugee question is intricately related to Lebanon's sectarian divisions. Palestinians are Sunni Muslims and, as the prospect of return to Israel diminishes, fear has revived of their permanent settlement in Lebanon which would affect the confessional balance. The Christian leadership, in particular, has played on such apprehension. Because Palestinian presence has always been considered temporary, they have been granted a high degree of political autonomy and the notion of armed struggle against Israel has been cited as a purported rationale for the existence of multiple paramilitary groups and an abundance of weapons in the camps. The situation has been further complicated by regional issues: the West and its Lebanese allies desire to advance Lebanese sovereignty and disarm all groups, including Hizballah; the internal Palestinian conflict between Hamas and Fatah manifests in the camps; Syria's interest in some of the armed groups in its negotiations with Israel; and the spread of militant Islamist groups within the camps suggests they are becoming recruiting grounds for international jihadist movements.⁹⁵

3.11.3 The Palestinian political scene in Lebanon comprises three broad categories:

- members of the PLO, including Fatah, the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine and several other less significant factions;
- the Alliance of Palestinian Forces known as Tahaluf, founded in 1993 in opposition to the Oslo peace accords. Its members do not recognise Israel and advocate armed struggle. It regroups into eight factions which enjoy close relations with Syria: Hamas, Islamic Jihad, the Popular Front for the Liberation of Palestine – General Command (PFLP-GC), Fatah al-Intifada, al-Saiqa, the Palestinian Popular Struggle Front, the Palestinian Liberation Front and the Palestinian Revolutionary Communist Party.
- Jihadi-leaning Islamist forces, an eclectic assortment of movements that espouse the use of violence rather than a coherent or organised group. Includes Usbat al-Ansar, Hizb al-Haraka al-Islamiyya al-Muhahida and Ansar Allah which engage with Lebanese state and army. More extreme movements reject any dealing with Lebanese institutions or Fatah and include Jund al-Sham, Usbat al-Nour and other less significant groups.⁹⁶

3.11.4 Refugee camps are scattered throughout the country. Four are in the capital, Beirut, and its suburbs. There are six camps in South Lebanon, in which Fatah generally boasts a strong, often dominant presence. **Ain al-Helweh** camp is in South Lebanon. There are two camps in the North, Nahr al-Bared and Beddawi. **Narh al-Bared** is divided into two sections; one, recognised by UNRWA, is known as the “old camp”; the unofficial one is known as the “new camp”. It was dominated by Tahaluf factions during Syria's military presence and subsequently witnessed a power struggle that facilitated the growth of less disciplined jihadi groups. In mid 2007, violent clashes opposed the Lebanese army and one such group, Fatah al-Islam, destroying the old and much of the new camp. Most of the 30,000 refugees fled, but some 10,000 have returned. Beddawi is five kilometres from Tripoli and accommodates some 16,000. It was profoundly affected by the Narh al-Bared events as many refugees sought sanctuary. More than most, it is known for maintaining cooperative relations among Palestinians.⁹⁷

⁹⁵ International Crisis Group ‘Nurturing Instability; Lebanon's Palestinian refugee camps’ 19.02.09

⁹⁶ International Crisis Group ‘Nurturing Instability; Lebanon's Palestinian refugee camps’ 19.02.09

⁹⁷ International Crisis Group ‘Nurturing Instability; Lebanon's Palestinian refugee camps’ 19.02.09

- 3.11.5** The Cairo agreement which brought an end to the 1967 Arab/Israeli war recognised both the Palestinians' right to wage their struggle against Israel from Lebanese soil and their political/socioeconomic rights. It also endorsed the principle of camp self-management through the establishment of local administrative committees (known as popular committees and the creation of the Palestinian Armed Struggle Organisation as responsible for law and order as well as security coordination with Lebanese authorities. During the early part of the Lebanese civil war, the PLO, led by Fatah, seized control of West Beirut, a large part of the south and the camps. Israel's 1982 invasion brought this process of expanding Palestinian control to a halt. PLO institution and infrastructure were destroyed and several camps wiped out. The Sabra and Chatila massacre perpetrated by the Lebanese Forces remains an emotional scar among Palestinian refugees.⁹⁸
- 3.11.6** After the civil war, Syrian involvement contributed to a change in camp politics. Fatah was further weakened and their political presence restricted to camps in the south. Its rivals extended their influence to camps in the North, Beirut and the Bekaa. Hamas entered Lebanon in 2000 and its presence also began to be felt. The refugee camps were kept beyond Lebanon's sovereign reach and this, combined with the PLO's weakened status left the camps without clear leadership which left other Palestinian factions to fill the vacuum haphazardly. Despite the 1989 Taif accord calling on all militias to disarm, Palestinian weapons within the camps remained intact and the issue was ignored between 1990 and 2004. It re-emerged on 2 September 2004 with the UN Security Council's adoption of Resolution 1559, which called for Syria's withdrawal from Lebanon and the disarmament of all Lebanese and non-Lebanese militias. The more militant factions oppose disarmament and, to date, Palestinian factions have reached only minimal consensus, spurred by events in **Ain al-Helweh** in June/July 2008. However, violence continues in **Ain al-Helweh** where, in September 2008, a clash between Fatah and Jund al-Sham resulted in the death of two Islamists and one Fatah member. The state lacks the means to take over security responsibilities within the camps and progress depends on genuine inter-Palestinian and Palestinian-Lebanese consensus. A further obstacle to disarmament is the sense of security in the face of constant threat which refugees have experienced.⁹⁹
- 3.11.7** Syrian withdrawal in 2005 gave Fatah room to regain some of its lost influence. It reopened offices in several camps and relations between the PLO and the Lebanese government were restored in May 2006 with a view to weakening the pro-Syrian Palestinian factions. 2005 was also a major turning point when the government actively supported UNWRA's efforts to upgrade conditions in the camps, and the cabinet's decision to create an inter-ministerial consultative body, the Lebanese-Palestinian Dialogue Committee (LPDC). The Committee has launched a dialogue between Lebanese and Palestinian political parties, facilitated access to camps and issued over 1,000 IDs to non-ID refugees. However, further progress has been hampered by the 2006 war, the following parliamentary deadlock, the 2007 Nahr al-Bared conflict and Palestinians divisions.¹⁰⁰
- 3.11.8** Although the PLO's governing institutions ended all cooperation with Hamas following its Gaza takeover in June 2007, Lebanon was exempted and an agreement reached in April 2008 between the PLO and Tahaluf factions created an Emergency Command, the first attempt at creating a coordinating mechanism since the reopening of the PLO office. The agreement included formation of a Political Command to be presided over by the PLO's Abbas Zaki and comprising six members, three each from Tahaluf and the PLO; it was supposed to coordinate camp management as well as law and order. The agreement called for broadening membership in the Armed Struggle Organisation (given responsibility for law and order in the camps by the Cairo accords) to the Tahaluf faction, right of return, rejection of Palestinian naturalisation, the need to rebuild Nahr Al-Bared and a commitment not to harbour any criminals in the camps. However the ever-worsening conflict between Hamas and Fatah in the occupied territories has inevitably affected Lebanon and implementation of the agreement. The Fatah-Hamas conflict is not the only one to have damaged the situation

⁹⁸ International Crisis Group 'Nurturing Instability; Lebanon's Palestinian refugee camps' 19.02.09

⁹⁹ International Crisis Group 'Nurturing Instability; Lebanon's Palestinian refugee camps' 19.02.09

¹⁰⁰ International Crisis Group 'Nurturing Instability; Lebanon's Palestinian refugee camps' 19.02.09

in the camps. Tensions within the PLO and especially within its dominant movement Fatah, both of which intensified following Yasser Arafat's death in 2005, have also weakened internal cohesion.¹⁰¹

3.11.9 Popular committees are semi-official organisations operating in the camps, fulfilling municipal functions such as providing water and electricity, collecting social contributions in return for such services, coordinating several UNRWA activities and managing security in cases of theft, personal disputes and so forth. They also purportedly represent camp residents before the Lebanese authorities, UNRWA and other organisations. However they face two obstacles: the first is shortage of resources and skills and the second is political divisions and rivalries.¹⁰²

3.11.10A top PLO official and one time aide to Arafat, Kamal Medhat, and three other people were killed on 23 March 2009 in a roadside bombing outside the Mieh Mieh refugee camp in southern Lebanon. He had visited the camp to pay condolences to the family of Raef Naufal, the head of Fatah's committee in the southern camp who died during armed clashes over the weekend in an apparent settling of accounts between rival clans.¹⁰³

Nahr al-Bared

3.11.11 In May 2007, violent clashes erupted between the army and Fatah al-Islam, which took refuge in Nahr al-Bared in the north. The conflict began in North Lebanon on 20 May when suspected bank robbers – members of the jihadi group Fatah al-Islam (FAI) – were confronted by the internal security forces. The fighting spread to Tripoli and near Nahr al-Bared, where army members were attacked. Several hours later, an army patrol was ambushed in Qalamoun, a few kilometres south of Tripoli. The same day, two explosions racked Beirut. In Tripoli the army and security forces took over the buildings in which some militants were located. Nahr al-Bared soon became the central arena of the confrontations which lasted over three months. Discord between the PLO/Fatah and Tahaluf factions, particularly Hamas, about the approach to Fatah al-Islam indirectly contributed to the events in Nahr al-Bared in that the lack of coherent representation effectively allowed the jihadi group freedom of action and impunity.¹⁰⁴

3.11.12 The confrontation had devastating consequences for the army and camp residents and damaged Lebanese-Palestinian relations. Despite repeated official Lebanese statements distinguishing between the jihadi movement and refugees, many Lebanese still blamed the refugees. The clashes broke a political taboo. It was the first time since the civil war that the army had entered a camp, conducted intensive, at times brutal, military operations and sought to impose order. The military operations deepened Palestinian mistrust of the state without strengthening faith in the army's efficiency.¹⁰⁵

3.11.13 47 civilians were killed and the camp's infrastructure and housing devastated. Approximately 30,000 were displaced of which only 10,000 have moved back. Most reside in temporary shelters in Beddawi Camp and a small number in other camps.¹⁰⁶ During and after the fighting, the government provided emergency relief, with assistance from UNRWA, the international donor community, and relief NGOs, to Palestinian refugees who had fled Nahr al-Barid. UNRWA, in coordination with the government, provided temporary housing in schools in nearby Beddawi camp and started efforts to begin removing the rubble in preparation for new camp housing to be built. Most humanitarian assistance to refugees was provided through UNRWA's 2007 and 2008 Emergency Relief Appeal. At the end of

¹⁰¹ International Crisis Group 'Nurturing Instability; Lebanon's Palestinian refugee camps' 19.02.09

¹⁰² International Crisis Group 'Nurturing Instability; Lebanon's Palestinian refugee camps' 19.02.09

¹⁰³ BBC News 'Lebanon bomb kills PLO official' 23.03.09

http://news.bbc.co.uk/1/hi/world/middle_east/7959290.stm

¹⁰⁴ International Crisis Group 'Nurturing Instability; Lebanon's Palestinian refugee camps' 19.02.09

¹⁰⁵ International Crisis Group 'Nurturing Instability; Lebanon's Palestinian refugee camps' 19.02.09

¹⁰⁶ International Crisis Group 'Nurturing Instability; Lebanon's Palestinian refugee camps' 19.02.09

2008, small numbers of refugees had returned to areas adjacent to the camp; however, a full return was expected to take three years or longer.¹⁰⁷

Ain al-Helweh

3.11.14 Ain al-Helweh in southern Lebanon, the most populated Lebanese camp, was established by the Red Crescent in 1949 in Saida. It houses some 46,000 refugees though local residents and camp officials claim the number to be closer to 70,000. It is a microcosm of the Palestinian political universe. All PLO, Tahaluf and jihadi factions are represented and perpetually compete for influence and power, resulting in frequent clashes.¹⁰⁸ Palestinian militant groups continued to capitalise on the lack of government control within the camps. Some of these groups, such as AQ-affiliated Asbat al-Ansar and Jund al-Sham, have been able to find safe haven within the camps to support their actions, most notably in the Ain el-Hilwah camp.¹⁰⁹ In March 2008 heavy clashes erupted between Jund al-Sham militants and fighters of the mainstream Fatah faction. Rival fighters exchanged rocketfire for four hours until a ceasefire was agreed following mediation by another Islamist group. A Fatah leader said at least four people had been wounded in the clashes. The Jund al-Sham fighters would leave the camp and Fatah security agents would take control. The Lebanese army blocked the entrance to the camp while allowing civilians to leave. A Palestinian official said that the militants of Jund al-Sham had been angered by Fatah's seizure of a commander of the group and his handover to the Lebanese army. The captive was suspected of links to militant groups outside Lebanon.¹¹⁰ On 15 September 2008 a Jund al-Sham member was killed in further clashes between the group and Fatah. Jund al-Sham is believed to be ideologically aligned with Al-Qaeda. Reports said the Lebanese army had taken up positions at the entrance of the camp just metres away from the fighting.¹¹¹

3.11.15 Sufficiency of protection. As this category of claimants' fear is of ill treatment/persecution by the state authorities they cannot apply to these authorities for protection.

3.11.16 Internal relocation. This category of applicants' fear is of ill treatment/persecution by the state authorities. This does not mean that case owners should automatically presume that internal relocation is not an option. As Lord Bingham observed in Januzi ([2006] UKHL 5):

"The more closely the persecution in question is linked to the state, and the greater the control of the state over those acting or purporting to act on its behalf, the more likely (other things being equal) that a victim of persecution in one place will be similarly vulnerable in another place within the state. The converse may also be true. All must depend on a fair assessment of the relevant facts."

Very careful consideration must be given to whether internal relocation would be an effective way to avoid a real risk of ill-treatment/persecution at the hands of, tolerated by, or with the connivance of, state agents. If an applicant who faces a real risk of ill-treatment/persecution in their home area would be able to relocate to a part of the country where they would not be at real risk, whether from state or non-state actors, and it would not be unduly harsh to expect them to do so, then asylum or humanitarian protection should be refused.

3.11.17 Conclusion In assessing any risk from the Lebanese authorities to those who claim to have been a member of an armed Palestinian group, the type of group and level of involvement will need to be considered. Consideration should also be given to the reasons for leaving a refugee camp and how the claimant was able to avoid the authorities when leaving Lebanon. In general, the Lebanese authorities do not enter Palestinian camps.

¹⁰⁷ USSD 2008

¹⁰⁸ Adnkronos 'One dead after clashes in Palestinian refugee camp'

¹⁰⁹ USSD Terrorism Report 2008

¹¹⁰ France 24 'Calm returns after clashed in Lebanese camp 22.03.08

¹¹¹ Adnkronos 'One dead after clashes in Palestinian refugee camp'

Palestinian groups operate autonomously in refugee camps and in the majority of cases would be able to offer the protection needed from within these camps. Claimants who have not been directly involved in criminal or militant acts and who support more moderate groups, such as Fatah, are unlikely to have come to the attention of or be of interest to the Lebanese authorities. A grant of asylum or Humanitarian Protection would not usually be appropriate in such cases. However, if it is accepted that the claimant has been involved in armed groups of particular interest to the Lebanese authorities, such as the Abu Nidal Organisation, Asbat Al-Ansar/Al Nur and Jund al-Sham, or can otherwise demonstrate adverse interest and inability to access protection, it may be appropriate to grant asylum.

3.11.18 Case owners should note that members of armed Palestinian groups have been responsible for numerous serious human rights abuses. If it is accepted that a claimant was an active operational member or combatant of an armed Palestinian group and the evidence suggests he/she has been involved in such actions, then case owners should consider whether one of the Exclusion clauses is applicable. Case owners should refer such cases to a Senior Caseworker in the first instance.

3.12 Fear of Islamic Palestinian Groups in the Ein el-Hilweh refugee camp

3.12.1 Some claimants will make an asylum or human rights claim based on ill treatment amounting to persecution in Ein el-Hilweh camp due to extremist groups present in the camp, notably Usbat al-Ansar/Nur, Jund al-Sham, or Fatah Revolutionary Council (aka Abu Nidal Organisation). See 3.11.3 and Annex B, COI report.

3.12.2 *Treatment.* See Section 3.11

3.12.3 *Sufficiency of Protection* Although their control is weak, claimants can seek the protection of Fatah. The refugee camps are outside the government's control and so in those areas the Lebanese authorities would not be able to offer sufficiency of protection from extremist Palestinian groups. However, the Lebanese authorities may be able to offer protection outside the refugee camps.

3.12.4 *Internal Relocation.* As this category of claimants' fear is of ill treatment amounting to persecution by extremist Palestinian groups, relocation to escape this localised threat in specific camps to another camp or elsewhere in Lebanon is feasible and not unduly harsh.

3.12.5 *Caselaw*

BS [2005] UKIAT 00004

"Such evidence as we have, from the country report, indicates as we have said that Fatah are believed to be in overall control of Ein el-Hilweh and that adds significance to the ability of the claimant to relocate to that camp. He is clearly an intelligent and educated man and that is of relevance also with regard to the possibilities for employment that would exist for him in the camp."

Paragraph 17 "We consider that the evidence shows that relocation in this case for the claimant to a different camp, in particular Ein el-Hilweh, would not be unduly harsh". Paragraph 19

MA [2004] UKIAT 00112

"The camps in the north are camps where there is only a minimal presence of Arafat supporters and indeed the camps seem to be under the control of people who are antipathetic to Arafat. If he were to relocate to one of those camps we cannot see that there would be any real risk that he would be persecuted by Fatah or indeed by anyone else". Paragraph 14

"We further consider that it could not be said to be a cause of undue hardship to him that he would be required for his own safety to move to one of these camps, because in these camps there are not the gross conditions of overcrowding that there are in some camps in the south, and rents tend to be lower. Thus it would seem to us that there is no foundation for an undue hardship argument in this case". Paragraph 15.

3.12.6 *Conclusion* Within the Ein el-Hilweh camp there have been in the past, and continue to be, various factions of extremist Palestinian groups struggling for power leading to occasional outbreaks of violence. In individual cases consideration needs to be given as to why the

claimant would be of interest to the extremist Palestinian groups and the level of that interest. The Tribunal have found that it is not unduly harsh to relocate between camps in Lebanon. Many of the most extreme groups have limited support in Lebanon, especially outside the refugee camps. It is therefore considered that a claimant could find safety in another camp or elsewhere in Lebanon where the specific extremist Palestinian group he fears does not have a significant presence. Protection may also be available to the claimant from other Palestinian groups, particularly Fatah. Therefore a grant of asylum or Humanitarian Protection would not usually be appropriate for claims on this basis.

3.13 Fear of Palestinian groups on account of collaboration with their enemies.

3.13.1 Many claimants will make a claim for asylum or human rights on the basis that they have been accused of passing information to Israel, Lebanon, Syria or rival Palestinian groups and so are now in fear of the group they were previously involved in (usually Fatah).

3.13.2 *Treatment* By confronting and defeating FAI in the Nahr el-Barid camp, the Lebanese government army (LAF) took a strong incremental step in combating and preventing terrorist activities. The battle against FAI marked the first time in 40 years that the LAF fought a major conflict as a single entity, and it was the first time the army entered a Palestinian refugee camp to eliminate an Islamic militant terrorist group and reestablish order and security. Also, the LAF continued to strengthen its border presence and increased patrols in the south, with assistance from UNIFIL. Even with the conflict in north Lebanon, the LAF was able to maintain its deployment commitments in the south.¹¹²

3.13.3 While the Lebanese government has made progress, there are still concerns about its ability to combat terrorism. The Lebanese government has not fully implemented provisions of UNSCR 1559, which call for respect for the sovereignty and political independence of Lebanon, the end of foreign interference in Lebanon, and the disarming and disbanding of all Lebanese and non-Lebanese militias.¹¹³

3.13.4 On 28 March 2009, it was reported that a senior Shi'ite cleric had criticised attempts by some political quarters to pardon criminals who collaborated with the Israelis during the occupation of south Lebanon. He was referring to a proposal by some lawmakers to introduce an amnesty law that would pardon some of the Lebanese who were convicted of certain crimes. These MPs argue that Taif Accord has pardoned all the crimes that were committed before 1991. The cleric said that amnesty in Lebanon had become part of the political game based on sectarian and confessional considerations. He accused some politicians of raising sensitive issues during the elections.¹¹⁴

3.13.5 *Sufficiency of Protection* The security forces consist of the Lebanese Armed Forces (LAF) under the Ministry of Defence, which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF) under the Ministry of the Interior (MOI), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus, which reports to the prime minister and the SG under the MOI, both of which collect information on groups deemed a possible threat to state security. Laws against bribery and extortion by government security officials and agencies also apply to the police force. In practice, however, due to a lack of strong enforcement, their effectiveness was limited. The government acknowledged the need to reform law enforcement, but security issues and lack of political stability hampered these efforts. The ISF maintained a hotline for complaints.¹¹⁵

3.13.6 Given that the Government of Lebanon does not exercise authoritative control over areas in the Hizballah-dominated south and inside the Palestinian-controlled refugee camps, armed groups can operate relatively freely in both locations. Therefore sufficiency of protection

¹¹² USSD Terrorism Report 2008

¹¹³ USSD Terrorism Report 2008

¹¹⁴ The Daily Star 'Fladlallah slams attempts to pardon collaborators' 28.03.09

¹¹⁵ USSD 2008

would not generally be available from the Lebanese authorities inside the camps. For those who fear persecution at the hands of a rival group, sufficiency of protection inside the refugee camp may be available from another group. There is no evidence to show that the authorities would be unwilling or unable to offer sufficiency of protection outside the refugee camps to those fearing Palestinian groups.

3.13.7 Internal Relocation The law provides for freedom of movement, and the government generally respected this right with some limitations. The law prohibits direct travel to Israel. The government maintained security checkpoints, primarily in military and other restricted areas. There were few police checkpoints on main roads or in populated areas. The security services used checkpoints to conduct warrantless searches for smuggled goods, weapons, narcotics, and subversive literature.¹¹⁶ Few Palestinian groups have influence outside the refugee camps and relocation to another camp or elsewhere in Lebanon is also not likely to be unduly harsh.

3.13.8 Caselaw

BS Lebanon [2005] UKIAT 00004.

"It is clear from the country report that Palestinian refugees in Lebanon are free to relocate from one camp to another and only need to inform the UNRWA if they wished to continue to claim UNRWA services in the camp to which they have moved. (Paragraph 17) Such evidence as we have, from the country report, indicates as we have said that Fatah are believed to be in overall control of Ein el-Hilweh and that adds significance to the ability of the claimant to relocate to that camp. He is clearly an intelligent and educated man and that is of relevance also with regard to the possibilities for employment that would exist for him in the camp. (Paragraph 17) We consider that the evidence shows that relocation in this case for the claimant to a different camp, in particular Ein el-Hilweh, would not be unduly harsh, given the fact that it is believed to be overall in the control of Fatah which is the organisation he supports and that as a young man with abilities and qualifications he could relocate there without undue difficulties." (Paragraph 19)

WD (Lebanon – Palestinian- ANO- risk) Lebanon CG [2008] UKIAT 00047

"The Abud Nidal Organisation (ANO) exists now as no more than separate cells and individuals operating on their own, and hence is very unlikely to pose a real threat to an individual who has in the past been the object of its hostility."

3.13.9 Conclusion. Consideration needs to be given to the level of involvement as a collaborator, who the claimant worked for, what information the claimant was in a position to give and their position in that group. In the majority of cases within the refugee camps the Lebanese authorities would not be able to provide sufficiency of protection. However, few Palestinian groups have influence outside the refugee camps and the Lebanese authorities would be in a position to offer sufficiency of protection in the remainder of the country. However if the claimant is a known Israeli collaborator the Lebanese authorities might not offer protection. Internal relocation to another camp away from a particular Palestinian group feared would not be unduly harsh. Therefore in the majority of cases a grant of asylum or Humanitarian Protection would not usually be appropriate.

3.14 General country situation in light of the conflict between Hizballah and Israel

3.14.1 Some claimants will make a human rights claim on the basis that the situation in Lebanon is unstable due to the conflict between Hizballah and Israel and/or that they cannot return to Lebanon due to the damage caused by the conflict and the current uncertain situation.

3.14.2 Treatment On 12 July 2006, Hizballah launched a rocket attack on Israeli positions; abducting two Israeli soldiers and killing three others during a cross border raid between the towns of Zar'it and Shtula.¹¹⁷ The Israeli response to Hizballah's actions was to bomb Hizballah positions and blockade Lebanon's sea ports, whilst Israeli Defence Force (IDF)

¹¹⁶ USSD 2008

¹¹⁷ COI Bulletin 8 December 2006 para 4.01

ground troops entered Lebanese territory.¹¹⁸ Hizballah countered by firing hundreds of rockets from Lebanese territory into Israel, which reached as far as the towns of Haifa and Tiberias. Hizballah fighters also put up fierce resistance to the Israeli ground forces that entered Lebanon.¹¹⁹

- 3.14.3** The conflict resulted in the deaths of over a thousand Lebanese, the majority of them civilians, and the injury of several thousand more. There was also extensive damage to Lebanon's infrastructure¹²⁰ – including the destruction of roads, bridges, and water and power supplies.¹²¹ Up to a million people were displaced from their homes during the conflict, mainly from the south of the country.¹²²
- 3.14.4** On 11 August 2006 after four weeks of conflict, the UN Security Council passed Resolution 1701, which called for a full cessation of hostilities, the deployment of the United Nation's Interim Force in Lebanon (UNIFIL) and Lebanese armed forces in southern Lebanon – accompanied by the withdrawal of Israeli Defence Forces from Lebanese territory – and the enlargement of UNIFIL to a maximum strength of 15,000 troops.¹²³ Within hours of the ceasefire coming into effect (at 05.00 GMT on 14 August 2006) tens of thousands of displaced Lebanese began flooding back to southern Lebanon, the districts of south Beirut, and the Bekaa Valley in east Lebanon; estimates of how many have already returned range from 550,000 – 735,000.¹²⁴
- 3.14.5** On 15 November 2006, UNHCR released a further position paper that superseded its August 2006 stance. Although additional considerations were urged for specificities – such as political, religious or communal affiliations and humanitarian concerns – generally: “UNHCR's current position is that, given the cessation of hostilities and efforts being made toward recovery and reconstruction, Lebanese and individuals who fled Lebanon due to the armed conflict should no longer be presumed automatically to be in need of international protection because of the conflict. Any international protection needs should be examined individually based on the merits of the case, taking into account the update of the situation provided in this document. In States parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol, the criteria set out in the Convention should be applied and claims examined in fair and efficient asylum procedures to determine refugee status.”¹²⁵
- 3.14.6** In August 2008, it was reported that the threat of cluster munitions left by the conflict has been reduced but not eliminated in the south. The UN Mine Action Coordination Centre of South Lebanon coordinates the operations of about 950 clearance personnel as well as mine action personnel of the UNIFIL and the Lebanese army. The organisation has stated that since clearance operations and measures to educate the public about the dangers of cluster munitions began two years ago, the civilian accident rate has dropped from around 57 a month in 2006 to two a month. The economic toll caused by the cluster munitions has been high as many people in South Lebanon earn a living from agriculture and could not farm when the land contains unexploded munitions.¹²⁶
- 3.14.7 Sufficiency of Protection** The availability of sufficient protection from the state authorities is not relevant.
- 3.14.8 Internal Relocation** The internal relocation option is unlikely to be relevant in this category.

¹¹⁸ COI Bulletin 8 December 2006 para 4.02

¹¹⁹ COI Bulletin 8 December 2006 para 4.03

¹²⁰ FCO Country Profile 11 August 2006

¹²¹ COI Bulletin 8 December 2006 para 4.02

¹²² FCO Country Profile 11 August 2006

¹²³ COI Bulletin 8 December 2006 para 4.05

¹²⁴ COI Bulletin 8 December 2006 para 4.07

¹²⁵ COI Bulletin 8 December 2006 para 4.13

¹²⁶ United Nations News Service 'Two years on from war in Lebanon, progress on cluster munitions'

3.14.9 Conclusion. Although significant damage was done to the infrastructure of Lebanon, within hours of the ceasefire coming into effect tens of thousands of internally displaced Lebanese started to return to the areas most heavily involved in the conflict (southern Lebanon, the districts of south Beirut, and the Bekaa Valley). Considering the time which has elapsed since the conflict, the withdrawal of Israeli troops, the continuing ceasefire and the presence of UN troops to police the border area, claimants who make a human rights claim based on the general human rights or humanitarian situation in Lebanon are not likely to be able to demonstrate that they will suffer conditions that would engage the UK's obligations under Article 3 of the ECHR.

3.15 Prison conditions

3.15.1 Claimants may claim that they cannot return to Lebanon due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in Lebanon are so poor as to amount to torture or inhuman and degrading treatment.

3.15.2 The guidance in this section is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of Humanitarian Protection. If imprisonment would be for a Refugee Convention reason, or in cases where for a Convention reason a prison sentence is extended above the norm, the claim should be considered as a whole but it is not necessary for prison conditions to breach Article 3 in order to justify a grant of asylum.

3.15.3 Consideration. Prison conditions were poor in 2008 and did not meet minimum international standards. Prisons were overcrowded, and sanitary conditions in the women's prison, in particular, were very poor. According to HRW failure to provide appropriate medical care and negligence of authorities were likely causes of 13 deaths in prisons during 2008. The government did not consider prison reform a high priority. The number of inmates was estimated to be 4,700, including pre-trial detainees and remand prisoners. The government made a modest effort to rehabilitate some inmates through education and training programs.¹²⁷

3.15.4 Overcrowding and limited prison facilities meant that pre-trial detainees were often held together with convicted prisoners, and juveniles may have occasionally been held with adults during 2008. The government permitted independent monitoring of prison conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC). In February 2007 the ICRC and judicial and security authorities signed a protocol enabling the ICRC to visit all prisons in the country. The ICRC carried out 59 visits, visited 6,764 detainees and monitored the cases of 415 detainees in 2007. According to its January-April 2008 report, the ICRC carried out 15 visits to detainees in seven prisons so far that year.¹²⁸

3.15.5 Conclusion. Whilst prison conditions in Lebanon are poor with overcrowding and lack of sanitary facilities being a particular problem conditions are unlikely to reach the Article 3 threshold. Therefore even where claimants can demonstrate a real risk of imprisonment on return to Lebanon a grant of Humanitarian Protection will not generally be appropriate. However, the individual factors of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3, relevant factors being the likely length of detention the likely type of detention facility and the individual's age and state of health. Where in an individual case treatment does reach the Article 3 threshold a grant of Humanitarian Protection will be appropriate.

4 Discretionary Leave

¹²⁷ USSD 2008

¹²⁸ USSD 2008

- 4.1** Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See Asylum Instructions on Discretionary Leave) Where the claim includes dependent family members consideration must also be given to the particular situation of those dependants in accordance with the Asylum Instructions on Article 8 ECHR.
- 4.2** With particular reference to Lebanon the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should *not* imply an automatic grant of DL. There may be other specific circumstances related to the applicant, or dependent family members who are part of the claim, not covered by the categories below which warrant a grant of DL - see the Asylum Instructions on Discretionary Leave and on Article 8 ECHR.

4.3 Minors claiming in their own right

- 4.3.1** Minors claiming in their own right who have not been granted asylum or HP can only be returned where they have family to return to or there are adequate reception, care and support arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate reception, care and support arrangements in place.
- 4.3.2** Minors claiming in their own right without a family to return to, or where there are no adequate reception, care and support arrangements, should, if they do not qualify for leave on any more favourable grounds, be granted Discretionary Leave for a period as set out in the relevant Asylum Instructions.

4.4 Medical treatment

- 4.4.1** Claimants may claim they cannot return to Lebanon due to a lack of specific medical treatment. See the IDI on Medical Treatment which sets out in detail the requirements for Article 3 and/or 8 to be engaged.
- 4.4.2** There is a significant private health sector. Medical treatment can be expensive. Most hospitals are well equipped. Doctors are generally well qualified though nursing standards vary.¹²⁹
- 4.4.3** The total cumulative number of HIV and AIDS cases detected until 2000 was 613, and the majority were male aged 30-49 and 8% occurred among drug users. 353 people with advanced HIV infection were receiving anti-retroviral therapy in June 2004. The Lebanese government reported that in 2003 there was a National Aids Control Program in place, which was developing a national strategic plan to combat HIV/AIDS in co-ordination with the Ministry of Health (MOH). It also stated that antiretroviral drugs were being provided to all eligible patients following national guidelines for treatment free of charge through the MOH.¹³⁰
- 4.4.4** The WHO Mental Health Atlas 2005 reported that though the national mental health programme had been initiated in 1987, its progress has not been satisfactory due to the war. The survey noted that mental health facilities were present in the primary health care system and that some therapeutic drugs were available at primary health care level.¹³¹ Many persons with mental disabilities are cared for in private institutions, many of which are subsidised by the Government.¹³²
- 4.4.5** **Palestinians:** UNRWA stated that, regionally, the primary health care services provided include outpatient medical care, disease prevention and control, mother-and-child health,

¹²⁹ COI Lebanon Country Report para 5.35

¹³⁰ COI Lebanon Country Report para 5.39

¹³¹ COI Lebanon Country Report para 5.41

¹³² COI Lebanon Country Report para 5.42

family planning advice and health education. UNRWA also offers help with secondary care, especially emergency and life-saving treatment through contractual agreements with non-governmental and private hospitals or through partial reimbursement of treatment costs.¹³³

4.4.6 UNRWA 2005 recorded that in Lebanon, the Agency maintained its environmental health services in refugee camps throughout its areas of operation, introducing and/or improving sewage disposal, storm water drainage, provision of safe drinking water and refuse collection. UNRWA's camp profiles also stated that the majority [of Palestinians] rely entirely on UNRWA as the sole provider of education, health and relief and social services. UNRWA 2005 stated that "Physical disabilities and mental and psychological problems, especially among children in the occupied Palestinian territory and Lebanon, were on the increase."¹³⁴

4.4.7 The same source also reported on the developments in the Agency's health programmes, between 1 July 2004 and 30 June 2005, including primary medical care, secondary care, health protection and promotion, and disease prevention and control.¹³⁵

4.4.8 **Conclusion** The Article 3 threshold will not be reached in the majority of medical cases and a grant of Discretionary Leave will not usually be appropriate. Where a case owner considers that the circumstances of the individual claimant and the situation in the country reach the threshold detailed in the IDI on Medical Treatment making removal contrary to Article 3 or 8 a grant of Discretionary Leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave.

5 **Returns**

5.1 Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules, in particular paragraph 395C requires the consideration of all relevant factors known to the Secretary of State, and with regard to family members refers also to the factors listed in paragraphs 365-368 of the Immigration Rules.

5.2 Lebanese nationals may return voluntarily to any region of Lebanon at any time by way of the Voluntary Assisted Return and Reintegration Programme (VARRP) implemented on behalf of the UK Border Agency by the International Organisation for Migration (IOM) and co-funded by the European Refugee Fund. IOM will provide advice and help with obtaining any travel documents and booking flights, as well as organising reintegration assistance. The programme was established in 1999, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Those wishing to avail themselves of this opportunity for assisted return should be put in contact with the IOM offices in London on 0800 783 2332 or www.iomlondon.org.

¹³³ COI Lebanon Country Report para 5.44

¹³⁴ COI Lebanon Country Report para 5.45

¹³⁵ COI Lebanon Country Report para 5.46

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