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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Kham Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Lebanese prisons: "violation and ill treatment"

For prisons and places of deprivation of liberty in Lebanon, it should be noted first of all the absence of the state's efforts to secure many of the civil, economic, cultural and social rights, in society in general and in jails in particular.

Also we can note that most of the Lebanese prisons are located in the Serail of the area, on the ground floor or the first so the sun does not enter into most of the rooms and even into the courtyard this in addition to bad ventilation in rooms. There is not a distribution in prisons, in the Lebanese prisons, they put all prisoners from different age groups and different crimes in the same rooms, the thief can learn drug trafficking and the killer can learn the drug abuse and even the prisoner enter to jail on charges of simple crime he can come back again with biggest crime.

At the economical rehabilitation, there is a lack of vocational rehabilitation for prisoners there are some NGO play this role, which is not enough, the prisoners spend most of their time sitting without any useful work for this the government should work on developing rehabilitation programs for prisoners to not re-enter to the prisons with another crime after his release he will be able to find work.

In the reality of deprivation of liberty must be the highlight of the two axes: the first regards the trial and the second regards residence itself.

First, for the trial: the existence of actual challenges to ensure the right to a fair trial

1. There is a big delay in the trial of the detainees, which is a flagrant violation of the standards of a fair trial and the right of defence and the presumption of innocence.

2. In this regard, we are witnessing a significant delay in some Criminal Procedure, caused by the failure to convene the session of the investigation or trial, or for logistical reasons, as well as some delays in the trial is happening because of the delay of judges in issuing decisions indictments and Militate indictment and judgments.

- Where are we in front of a fair trial standards Suspended for the offense of abuse of a prisoner for more than 16 months without trial, and a lost file at the Public Prosecution Appeal.

4. In addition, we refer to the absence of any effective system of legal aid and legal assistance is the responsibility of the government, which is an abdication flagrant violation of the duties of the Lebanese government to devote guarantees of the right to defence, legal assistance and advice, as well as the fact that this actually it constitutes a flagrant violation of fair trial standards, and a significant diminution of the right to defence.

One of the reasons for overcrowding are the slow in trials, from our five visits, you find: that we have 295 prisoners without trials from the total of 468 prisoners it shows that more than 50% of prisoners are without trial, also there are a number of prisoners remain in prison despite the end of their sentences because of their inability to pay fines owed to them. Through our visits we can monitor, for example, in Nabatiyeh prison there are 130 prisoners distributed into four rooms with an average of 32 prisoners in each room.

Second: For accommodation in prisons and other places of deprivation of liberty

I. The reality of overcrowding in Lebanese prisons and other places of deprivation of liberty.

1. We can find in prisons in Lebanon, a total of 6222 person deprived of liberty distributors mainly on the 25 prison, in addition to a number of police stations, where they are subject to the management of the Directorate General of Internal Security Forces.

2. These people are detained in places do not comply with the minimum requirements for the treatment of prisoners, especially in terms of food and medical care and the separation of prisoners and detainees, and the point of punishment and discipline.

3. Slow righteous in the process of transfer of the prison administration to the Ministry of Justice.

4. Against this grim reality, the most dangerous remains the presence of an unknown number of detainees in prisons and places of detention and detention run by the Directorate of the Lebanese army, where it is not allow to any party of civil society and human rights to access to conditions of detention, and cannot have access to these places only by the international Red Cross.

In addition, it is necessary to point out the reality of suffering and abuses in Palaces of Justice and police stations.

These people remain in inhumane and degrading detention conditions, special in Justice Palace in Baabda (Mount Lebanon), which lies under the ground in very dire in terms of overcrowding, humidity, lack of natural ventilation and natural lighting, and the lack of a place for space, eliminates detainees for long periods of violation of the law, up to months, knowing that the periods of detention in these places should not exceed the hours needed for their appearance

before the judges. In addition to the absence of health care, and exposure to many of the abuses and deprivation of their basic rights.

Each prison must have available qualified doctor at least and should have some knowledge in psychiatry. It should be organized medical services closely related to local public health or national management. It must also include a branch of Psychiatry in order to diagnose and treat mental abnormality when necessary.

All prisoners should have access to health services available in the country without discrimination on the basis of their legal status

Through our visits we can conclude that most prisons provide medical service but varying degrees and the absence of a regular health system and the shortage of medicines and better health services we have seen in Nabatiyeh prison where there is universal coverage in terms of health.

At the psychological level, there is no great interest in this level, which is one of the basic things of prisoners.

For example, in Jezzine prison, a psychiatrist attends, but sometimes does not view any prisoner under the pretext that they do not have any suffering (by the prison administration) and this is not realistic. In Baalbek prison, most prisoners suffer from anxiety, lack of sleep, depression, headache... and there is no psychological service for prisoners was the only visit where prisoners are required psychological rather than medical service.

It is noteworthy in this context to the lightness and the lack of seriousness in the approach to this dilemma through the justification to be provided by the judicial and security authorities, it is that the prisons are overcrowded and not enough places where there are, referring to the Public Prosecutions cover these violations by giving signals to retain custody for Secretariat for the benefit of different judicial or security bodies, which is against the law to know the judges who issue these instructions, sometimes by their own admission and their justification necessarily winning and overcrowding in prisons.

Recommendations:

- Prepare Rehabilitation programs for prisoners (medical, psychological, social and professional). Connecting the prison with government hospitals in each area and the need for a permanent doctor in every prison in addition to the psychotherapist.
 - The need to conduct laboratory tests and periodic examination by doctor's competence of all prisoners without exception (praise that Nabatiyeh prison applied this service and is not present in the rest of the prison).
 - Speed up trials to decrease the overcrowding and required to declare a state emergency court, the development of alternative sentences.
 - Need to separate prisoners according to the type of crime.
 - The need to close the current prisons and the development of new prisons matching international standards.
 - Emphasis on the government's obligations and a key role in the follow-up to the qualifying conditions, of prisons at health and social level.
 - Formation of a national preventive mechanism to prevent torture qualitative step would strengthen controls on prisons and protect prisoners and to investigate cases of torture.
 - The role of the internal security forces mainly in the prevention of torture and the implementation of preventive mechanism.
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