

(Translated from Arabic)

Lebanese Republic

Directorate General of the Internal Security Forces

General Staff, Service and Operations Branch

Question 1

A table of the number of persons in detention for drug-related offences as a percentage of the total population (7,706 detainees) in all prisons and courthouse detention facilities in the Gendarmerie Unit on 10 March 2020:

No.	Type of offence	Number of persons	Percentage of the total number of detainees as of 10 March 2020 (7,706)	Remarks
1	Possession and transfer of drugs	4	0.051	
2	Drug trafficking	2 066	26.81	
3	Drug smuggling	20	0.259	
4	Drug cultivation	24	0.311	
5	Drug use	2 727	35.38	
6	Drug trade	2 521	32.714	
Total drug-related cases		7 362	95.525	

Question 2

The dealing, use and acquisition of drugs are offences punishable by law. Those involved are prosecuted and punished with imprisonment for a period specified in the Criminal Code.

Under the Lebanese Criminal Code, the use and possession for personal use of drugs are considered misdemeanours. Members of the Public Prosecution Service in Beirut and Mount Lebanon allow persons arrested for drug use who do not have a record of previous drug-related offences to remedy their situation and undergo voluntary treatment.

The number of people arrested for the use of drugs who have been diverted out of the criminal justice system – that is, who have undergone treatment after going before the Addiction Control Committee – are as follows: 462 (2019), 243 (2018), 141 (2017), 133 (2016), 100 (2015) and 40 (2014).

Alternative measures to which they are subjected: The Act on Narcotic Drugs, Psychotropic Substances and Precursors (Act No. 673 of 16 March 1998), especially articles 182 to 190, establishes the right of drug users to request to undergo the necessary treatment for their addiction, provided by the State, and not to be prosecuted so long as they complete the treatment. Consequently, prosecution for any act that falls under article 127 of the above act (drug abuse) is dropped.

Question 3

The State has not decriminalized the acquisition, use or possession of drugs for personal use, which are considered misdemeanours. The specific penalties imposed are decided by the competent court and range from 3 months' to 3 years' imprisonment.

Question 4

Nobody has been unlawfully or arbitrarily arrested for drug-related offences. Anyone who is subjected to arbitrary arrest or who is threatened with arrest or detention can file a complaint before the courts.

Question 5

No distinction is made between criminal procedures for persons alleged to have committed drug-related offences and persons suspected of being involved in ordinary offences. Persons alleged to have committed drug-related offences are treated like other suspects; the same laws and procedures are applied to all suspects regardless of the offences with which they are charged.

Question 6

Our units are bound by the Code of Criminal Procedure (Act No. 328 of 2 August 2001), a modern and up-to-date law that provides for the protection of the rights of suspects. Upon arrest, suspects have their rights, as established in article 47 of the Code, read to them, and the questioning begins. These procedures are noted in the record, which is signed by the person concerned and the person in charge of the investigation. The maximum human rights guarantees are provided during the preliminary investigation, and all international treaties related to human rights law and protection against human rights violations are observed. Great importance is attached to raising awareness among law enforcement agents. Act No. 17 of 6 September 1990 sets out the tasks of the Internal Security Forces in terms of protecting freedoms within the framework of the law, respecting human dignity, protecting personal freedom, and not violating anybody's rights by means of threats, violence or any other means of pressure or physical or moral coercion. The Committee against Torture makes frequent unannounced visits to the detention facilities of narcotics offices, examines the conditions of detainees, and conducts interviews with them to determine their state of health and whether they have been subjected to any torture or abuse during interrogations.

If a person detained for a drug-related offence is exposed to any form of torture, he or she can submit a complaint using the complaints box available in prisons. Such complaints are followed up by the competent court and the Human Rights Office of the General Inspectorate of the Internal Security Forces. The Committee against Torture of the Internal Security Forces is mandated to visit places of detention under the responsibility of the security forces at any time, including outside opening hours.

Question 7

There are two State-run drug treatment centres in Lebanon – in Rafik Hariri University Hospital and Daher Elbachek Governmental Hospital – where individuals receive care up until their final recovery. Although the State does not have sufficient official treatment and awareness institutions, Lebanon has many non-State institutions that deal with social affairs and rehabilitation in general and issues related to the scourge of drugs in particular, whose activities cover the areas of awareness, treatment, social welfare and rehabilitation. These institutions contribute significantly to the work of official institutions in addressing social problems, including the drug problem.

Treatment is not compulsory. Articles 182 to 190 of the Act on Narcotic Drugs, Psychotropic Substances and Precursors (Act No. 673 of 16 March 1998) establish the right of drug users to request to undergo the necessary treatment for their addiction, provided by the State, and not to be prosecuted as long as they continue the treatment. Consequently, prosecution for any act that falls under article 127 of the above act (drug abuse) is dropped.

Treatment includes inpatient rehabilitation and post-rehabilitation social and psychological follow-up. Treatment programmes and methods include the induction programme, individual and family social support, individual and group psychological support, spiritual support, legal support, health support and vocational and recreational rehabilitation activities.

Question 8

There are many institutions in Lebanon that deal with social affairs and rehabilitation in general and issues related to the scourge of drugs in particular. Their activities cover the areas of awareness, treatment, social care and rehabilitation. These institutions contribute significantly to the work of official institutions in addressing social problems, including the drug problem. Treatment is voluntary, not forced or compulsory.

These institutions are under the supervision of the Ministry of Health and the Ministry of Social Affairs. If an individual does not complete treatment, the prosecution will resume.

Question 9

There are no specialized drug courts that seek to use treatment as an alternative to imprisonment. However, the above-mentioned Act on Narcotic Drugs establishes the right of drug users to request to undergo the necessary treatment for their addiction, provided by the State, and not to be prosecuted as long as they continue the treatment. Consequently, prosecution for any act that falls under article 127 of the above act (drug abuse) is dropped.

Question 10

There are no specialized courts for persons accused of drug-related offences.

Question 11

The State does not use military courts to try people for drug-related offences.

Question 12

Drug use is a misdemeanour under the Lebanese Criminal Code and therefore users are arrested, particularly if it is a repeat offence and the individual has a previous drug-related record.

Such individuals are entitled to exercise all the rights set out in the Code of Criminal Procedure.

Question 13

Pregnant women who use drugs are committing a misdemeanour that warrants their arrest. The courts hear all such cases brought before them, especially if the drug use constitutes a danger to the fetus or if one of the woman's relatives lodges a complaint against her in this regard.

Question 14

The answers to questions 2, 7 and 9 mentioned that drug users have the right to apply to the State for addiction treatment after their case has been presented to the Addiction Committee. This committee began its work by receiving drug users referred to the courts for the offence of drug use and held several meetings in the presence of all its members, during which it approved two official centres for the treatment and care of drug users:

1. The department of psychotherapy and addiction at Rafik Hariri University Hospital.

2. The department of psychotherapy and addiction at Daher Elbacheh Governmental Hospital, which has commenced work. The Committee only refers individuals who are arrested for the offence of drug use and who are willing to undergo treatment. The Committee informs the individual of his or her rights under article 193 and onward of the Act on Narcotic Drugs. The committee has also approved the Oum el Nour association as a representative of civil society organizations, as it is the only drug treatment clinic approved by the Ministry of Health.

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All detainees, including migrants, can apply for treatment.

Question 15

Those involved in drug-related offences are arrested even if they are minors, and minors suspected of the misdemeanour of drug use may be arrested. Minors are held in separate facilities from other detainees and are also detained in juvenile prisons. They enjoy the same rights as adults in terms of requesting to undergo elective drug addiction treatment with the consent of their legal guardian.

Question 16

The answer to this question falls under the purview of the Ministry of Justice.

Question No. 17

No.

Question No. 18

No.

Kindly take note.

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Lebanese Republic

Ministry of Defence

Jurisdiction of the military courts

In accordance with article 27 of the Code of Military Justice (Act No. 24/1968), amended by Act No. 306 of 3 April 2001, military courts have jurisdiction to try the following categories of persons, whatever their nationality and whatever the crime with which they are charged:

- Military and similar personnel, except recruits who commit offences unrelated to the job.
- Members of the internal security and public security forces.
- Members of foreign armies and their civilian staff, unless there is a valid agreement to the contrary on this matter between the Lebanese Government and the authorities of the countries of these foreign armies.
- Civilian officers of the Ministry of National Defence, the army, the military courts and the internal security and public security forces if their crimes were committed in the exercise of their duties or are subject to this law.
- The perpetrators, accomplices and instigators of crimes referred to the military courts all belong to one of the categories listed above.

In accordance with article 150 of the Act on Narcotic Drugs, Psychotropic Substances and Precursors (Act No. 673 of 16 March 1998), the penalty is increased if the perpetrator of the crime holds public office and committed the crime while in office, or if the crime was committed in a correctional or military institution.

Based on the foregoing, military courts have jurisdiction over drug-related crimes committed by persons covered by article 27 of the Code of Military Justice.

Provision of judicial guarantees

Officers of the military judicial police and the military court follow the procedures set out in the Code of Military Justice and the legal principles stipulated in the relevant general laws, in particular article 47 of the Code of Criminal Procedure (Act No. 328/2001), which states the following:

“Judicial police officers, acting as assistants to the Public Prosecutor’s Office, shall perform the duties assigned to them by the Public Prosecutor’s Office. They investigate offences not discovered at the time of their commission or immediately afterwards, gather information, make inquiries aimed at identifying the perpetrators and accomplices and gather evidence against them, including the seizure of incriminating materials and the conduct of physical searches of crime scenes, scientific and technical analyses of any samples, and taking statements from witnesses without requiring them to take an oath and statements from suspects or persons against whom complaints have been filed. If they refuse to make a statement or remain silent, this fact shall be mentioned in the record; they may not be coerced to speak or to undergo questioning, on pain of their statements being invalid.

Judicial police officers shall inform the Public Prosecutor’s Office of the measures they take and abide by its instructions. They may not search a home or person without obtaining prior permission from the Public Prosecutor’s Office. If permission for a search is granted, they must abide by the legal rules applicable to the Public Prosecutor in the case of offences discovered at the time of their commission or immediately afterwards. Any search conducted in breach of these rules shall be null and void. However, the nullity shall be applicable only to the search and not to other unrelated measures.

Judicial police officers may not detain a suspect at the police station without a decision by the Public Prosecutor’s Office, and the period of detention shall not exceed 48 hours. This

period may be extended by a similar period subject to the consent of the Public Prosecutor's Office. The period of custody shall be calculated from the time of the arrest. Suspects or persons against whom a complaint has been made shall enjoy the following rights from the time of their arrest for the purposes of the investigation:

- To contact a member of their family, their employer, a lawyer of their choosing or an acquaintance.
- To meet with a lawyer they appoint by a declaration noted in the record, without the need for a duly drafted power of attorney.
- To ask for the assistance of a sworn interpreter if they are not proficient in the Arabic language.
- To submit a request for a medical examination to the public prosecutor, either directly or through their counsel or a member of their family.
- The public prosecutor must appoint a doctor as soon as the request is submitted. No judicial police officers shall be present while the doctor conducts the examination. The doctor shall submit a report to the Public Prosecutor within 24 hours. A copy of the report shall also be provided to the public prosecutor who ordered the examination. The detainee and any of the above-mentioned persons may request an additional examination if the period of custody is extended.
- The judicial police officer must inform suspects, as soon as they are taken into custody, of the rights listed above, and this measure must be noted in the record.”

During the prosecution and trial of persons accused of drug crimes, military courts emphasize the provision of general judicial guarantees at all stages, in terms of legal aid, the use of the services of an interpreter and social assistance.

The military courts apply the Act on Narcotic Drugs, Psychotropic Substances and Precursors (Act No. 673), especially:

- Automatic treatment before prosecution.
- Treatment during the investigation, trial and sentencing stages.

The work of the military police and field units with offenders

The powers of the units in charge of maintaining security are limited to identifying violations, documenting seizures and driving arrested individuals to the nearest military police station. These units therefore have no role in investigations. Once the arrested persons have been dropped off by the field units, the military police prepares a report of the incident and calls the Military Prosecutor's Office, which indicates that the arrested individuals will be handed over to the relevant department of the internal security forces if the crime does not come under the jurisdiction of the military court. The military police then carry out the public prosecutor's orders.

However, if the offence does fall under the jurisdiction of the military court in accordance with article 27 of the Code of Military Justice, the investigation is pursued under the supervision of the Military Prosecutor's Office until the file is stamped and deposited with the Prosecutor's Office together with the arrested persons and seized items within 48 hours. This period can be extended for a further 48 hours in accordance with article 47 of the Code of Criminal Procedure.

The army command has issued instructions concerning the army's involvement in security operations, which specify the measures to be taken by field units when participating in security operations, including the arrest of offenders and the seizure of contraband. Consequently, the seizure of drugs and the arrest of persons in possession of drugs takes place automatically at checkpoints and during raids, and those arrested and the drugs seized are handed over to the competent judicial authority.

These instructions also indicate that anyone who does not comply with a police officer's orders will be arrested using force commensurate with the situation and as necessary, without excessive or arbitrary use of force, in order to ensure legitimate self-defence.

Training and coordination with the units in charge of maintaining security

Coordination takes place in accordance with a standard operating procedure that covers all aspects of the law enforcement process from the moment the violation is detected until the offenders and the seized material are handed over to the military police. This standard operating procedure is included in the centralized training curricula of military colleges and institutes and the decentralized curricula of operational units. There is an effective and strict monitoring and accountability system in the event of any violation or negligence of these instructions. There is also training on the rules of judicial investigations and how to document seizures and build a legal case supported by the material facts necessary to file these legal data with the military prosecution.

The instructions issued by the army command on the army's involvement in security operations define the general principles to be followed, including treating citizens firmly and with respect and observing the laws, rules on the proportionate use of force, and the provisions of international humanitarian law and human rights. The army command also organizes regular training courses in this respect, which all military personnel are required to undergo. International humanitarian law and human rights have been included in the programme for all basic military courses.
