

Country File
LEBANON



Last updated: **July 2009**

Region	Middle East and Northern Africa
Legal system	Islamic Law/Civil Law
UNCAT Ratification/ Accession (a)/ succession (d)	5 October 2000 (a)
Relevant Laws	<ul style="list-style-type: none"> • Criminal Code of 1 March 1943 • Criminal Procedure Code of 2001
Relevant Articles	<ul style="list-style-type: none"> • Prohibition of Torture: Article 47 in conjunction with Article 77 of the Criminal Procedure Code • Definition of Torture: • Penalties: Articles 401 and 569 of the Criminal Code • Others: <ol style="list-style-type: none"> 1. Exclusion of Evidence: Article 47 of the Criminal Procedure Code in conjunction with Article 77 of the Criminal Procedure Code 2. Prohibition of coerced confession: Article 47 of the Criminal Procedure Code
Languages Available	<ul style="list-style-type: none"> • English
Other Relevant Information	

Relevant Articles – LEBANON

ENGLISH (Translation)

Criminal Code Code of 1 March 1943

Article 401

Anyone who inflicts violent practices not permitted by the law against another person with the intention to extract a confession of a crime or information related to it will be imprisoned from three months to three years. If the violent practices have led to sickness or caused wounds, the minimum period of imprisonment is one year.

Article 569

Anyone who deprives another person of his individual liberty by kidnapping or by any other means will be temporarily imprisoned. He will also be imprisoned for life (...) [i]f the one whose liberty was deprived was mentally or physically tortured (...). The sanction will be strengthened if the crime caused the death of a person because of terror or for any other reason related to the crime.

Criminal Procedure Code of 2001

Article 41 Duties of the Judicial Officer proceeding to the scene of a crime committed in flagrante delicto

When a crime is committed in flagrante delicto, the Judicial Officer must immediately proceed to the crime scene and inform the competent Attorney General. He must preserve the traces, features and evidence which could be erased and anything that can help discovering the truth. He shall seize the weapons and materials used in the crime or resulting from it. He shall also listen to the witnesses without swearing them in, conduct inquiries, arrest anyone who is strongly suspected of having committed the crime or of having participated in it. He shall search this person's house and seize any criminal or illegal materials. He will call for expert advice if the need arises. He has the right to interrogate the suspect, provided that the latter makes his deposition consciously and of his own free will, without any form of coercion being used against him. If the suspect remains silent, he must not be forced to speak.

The Judicial Officer in charge of investigating a crime committed in flagrante delicto must inform the competent Attorney General about its developments and must abide by his instructions.

If the competent Attorney General assigns certain tasks which fall under his authority to the Judicial Officer, the latter must comply with the substance of the assignment.

Article 47 Duties of the Judicial Officers in the investigation of crimes other than those committed in flagrante delicto and procedures concerning the search of houses and the detention of suspects

The Judicial Officers, in their capacity of assistants to the Public Prosecution, are entrusted with the responsibility of investigating crimes other than those in flagrante delicto, collecting information related to them, conducting inquiries with the aim of discovering the perpetrators and the participants in the crime as well as collecting evidence, with whatever that may entail regarding seizing criminal materials, physical inspections of the crime scenes, conducting scientific and technical studies on traces and features left behind, listening to the statements of the witnesses without swearing them in and to the declarations of the subjects of the complaints or the suspects. If they refuse to speak and remain silent, this must be mentioned in the official report. They must not be forced to speak or to be interrogated, under penalty of invalidity of their statements.

The Judicial Officers must inform the Public Prosecution of their proceedings and follow its instructions. They do not have the right to search a house or a person without the prior authorization of the Public Prosecution, in which case they must abide by the procedures defined by law for the Attorney General to follow in cases of flagrante delicto. Every search they conduct in violation of these procedures will be considered as null and void. However, the invalidation will be limited to the search and will not go beyond to include other independent proceedings.

They are prohibited from holding the suspect in their lock-up rooms except by decision of the Public Prosecution and for a period which does not exceed 48 hours. This period can be extended for a similar period of time if the Public Prosecution approves it.

The detention period starts running from the time of the suspect's arrest.

When being detained for investigation purposes, the suspect or the subject of the complaint has the following rights:

- 1- To call a member of his family, or his employer, or a lawyer of his choice or any of his acquaintances.
- 2- To meet with a lawyer he appoints by a declaration noted on the official report without having to duly draw up powers of attorney.
- 3- To request the assistance of a sworn translator if he is not proficient in Arabic.
- 4- To make a direct request or via his legal representative or a member of his family to the Attorney General for a medical examination. The Attorney General will appoint a doctor for him immediately upon receipt of the request. The doctor must carry out the examination without any judicial officer being present and submit his report to the Attorney General within a period not exceeding 24 hours. The Attorney General will provide the applicant with a copy of this report as soon as he receives it. The detainee, or any of the persons previously mentioned, have the right to request a new medical examination if the detention period is extended.

The judicial police must inform the suspect, immediately upon his detention, about his rights as previously stated and must record this proceeding in the official report.

Article 48 Pursuit of the Judicial Officer if he violates the procedures regarding the detention of the defendant or the suspect

If the Judicial Officer violates the procedures regarding the detention of the defendant or the suspect, he will be pursued and charged with restriction of freedom, a punishable crime as stipulated in Article 367 of the Penal Code(2), in addition to the behavioral punishment whether the crime was in flagrante delicto or not.

Article 77 Procedures for the interrogation of the defendant before the Examining Judge

The Examining Judge must take into consideration the principle of freedom of will of the defendant during his interrogation. He must ensure that the defendant gives his statement without any external influence, be it moral or physical.

If the defendant refuses to answer and remains silent, the Examining Judge does not have the right to force him to speak.

If the defendant pretends to be afflicted with a physical, psychological or mental illness during his interrogation, medical experts can be consulted to determine his real condition.