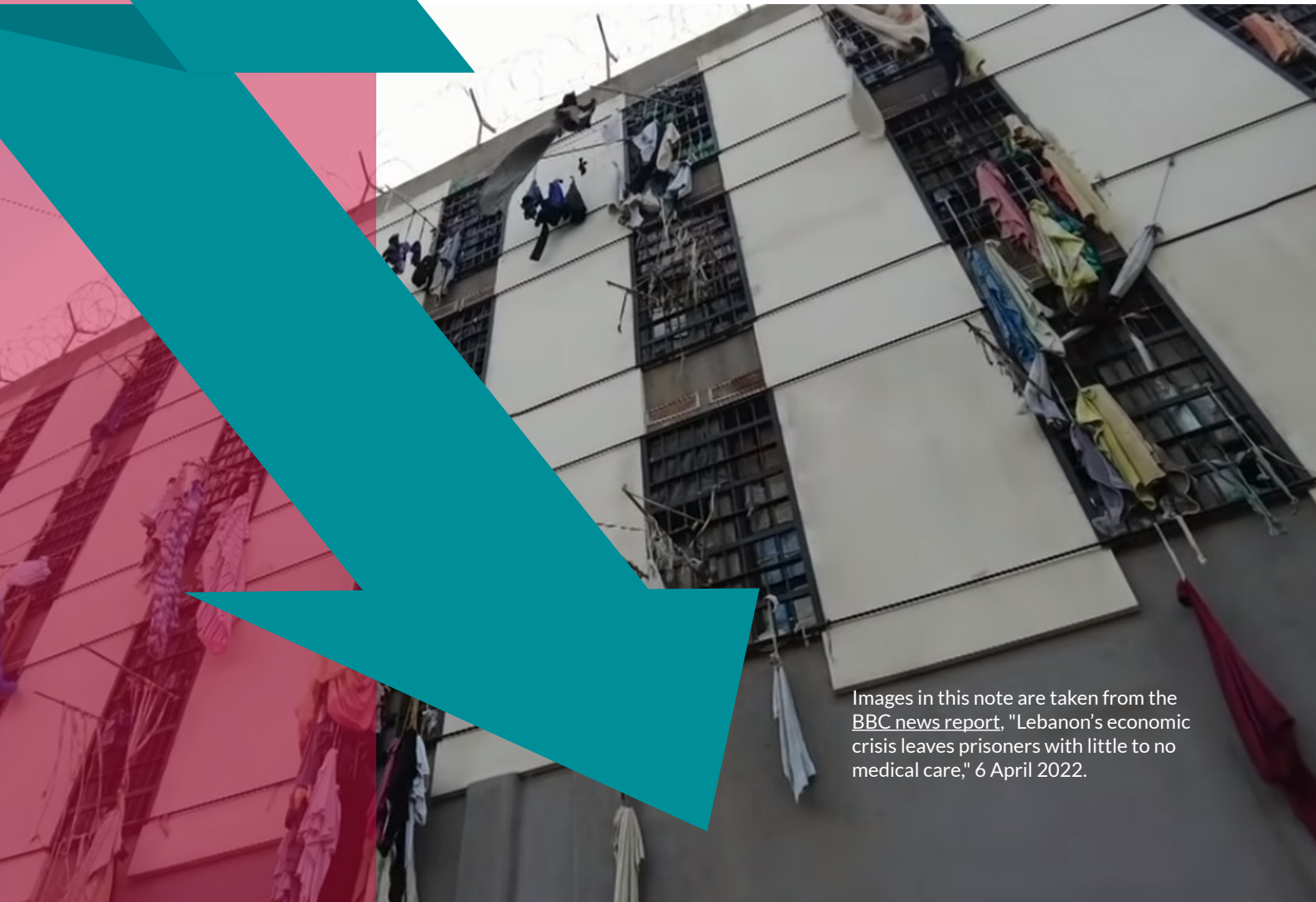


Crisis in Lebanon's prisons

Summary note from
a multi-stakeholder
workshop on interventions
to reduce overcrowding



Images in this note are taken from the [BBC news report](#), "Lebanon's economic crisis leaves prisoners with little to no medical care," 6 April 2022.

On 7 July 2023, Siren held a workshop with key stakeholders¹ to address overcrowding in prisons in Lebanon. The objective of the workshop was to come to a consensus understanding on the:

- i. Drivers of overcrowding in prisons
- ii. Contextual limitations and opportunities to reduce overcrowding
- iii. The interventions that are viable to address this issue



Siren presented its analysis and proposed interventions which were discussed in break-out groups. The first session addressed objective (i) and the second tackled objectives (ii) and (iii). The workshop was held under the Chatham House Rule, ensuring confidentiality, and this summary provides a concise overview of the main discussions held during the session.

SUMMARY OF PRESENTATIONS

The session analysed the key drivers, underlying causes, contextual limitations, interventions, and ways forward for prison overcrowding in Lebanon. The overarching issue revolves around alarmingly high occupancy levels, prolonged detention periods surpassing sentencing and pre-trial limits, and the consequent detrimental effects on health, basic needs, and security. The driving factors to prison overcrowding in Lebanon can be attributed to the excessive use of arrests, inadequate transportation,

insufficient provision of legal counsel (particularly affecting vulnerable detainees), the overuse of pre-trial detention, insufficient coordination between entities, and antiquated case management practices. Building upon these key drivers, Siren proposed two potential interventions: (1) establishing central and regional level task forces and (2) providing support to the judiciary in streamlining its case management processes.

SUMMARY OF BREAK-OUT DISCUSSIONS

Key drivers of overcrowding

The majority of participants agreed with the [six drivers of overcrowding](#) identified by Siren and added additional factors, with common themes emerging, including issues with the legal framework, a lack of digitalisation, and infrastructural challenges.

Participants mentioned the lack of maintenance in prisons and the availability

of functional cells as a significant driver of overcrowding, with closures of ill-kept facilities reducing already limited capacity.

Political hypocrisy, specifically the recurring proposal to grant prisoner amnesties at politically opportune moments while dismissing other viable solutions to overcrowding, was noted as a significant challenge, along with the lack of adequate legislation regarding prison management.

¹ Including national NGOs, international organisations, donors, Government of Lebanon

Conversely, judges are under a great deal of personal pressure to ensure that defendants do not abscond and this may also shape their decisions around the apparent over use of pre-trial detention, to avoid the risk of significant public criticism and the jeopardy of potential dismissal.

Participants acknowledged that prison overcrowding is impacting other areas of the criminal justice system, and that a reduction in the number of those in pre-trial detention would also provide a significant benefit to the courts by reducing their caseloads, and potentially benefiting the ISF by enabling it to redeploy resources from prison officer roles. Prison overcrowding is not the only cause of blockages in the courts but the two are closely interlinked and an improvement in one part will provide tangible improvements in the other.



Introducing new technologies or better using existing physical resources to generate efficiencies that increase the flow of cases through the courts could ease overcrowding, as well as enhance detainee access to legal counsel and judge availability. These solutions include the use of video conference facilities in prison for simple hearings, or the use of existing court facilities at some of the larger detention sites.

There is, however, some resistance towards these solutions. This is due to a range of

issues. There are practical challenges for lawyers and judges to access the prison facilities, which are intimidating, remote from their office bases and lacking in infrastructure. For instance, Roumieh Prison lacks dedicated parking, refreshment facilities, internet access or even toilets for visiting lawyers. The facilities for legal interviews / consultations are also extremely basic and lawyers regularly complain that, due to security staff misunderstanding, they are not allowed to bring copies of statements or paper or pens (to make notes) into prison. This makes lawyers' tasks very difficult. Due to the financial crisis, lawyers also feel that it is much more efficient to conduct legal visits at court, as they are closer and the lawyer is not required to waste time driving to prison and then waiting to be admitted. There are also legal/procedural challenges, as lawyers are concerned that video conferencing could be abused and that their clients are made vulnerable if a legal representative is not present in person, even for the simplest of hearings. Additionally, it was mentioned that legal and electricity issues had hindered the implementation of courtroom video call sessions in Roumieh prison during the COVID-19 pandemic.

A culture that does not instil accountability was also recognised as a driving factor, highlighting the need to address policing practices and embed concrete mechanisms so that officers, prosecutors and investigative judges can be held to account if they fail to perform their duties or act in the public interest.

Another factor mentioned by participants included the near absence of rehabilitation programs, which has driven high rates of recidivism. They also stated the need to address problems in criminal policy and explore the categorisation of detainees. For example, drug-related offenses were recognised as a significant driver of overcrowding, with confusion between 'users' and 'facilitators' in both practice and the law causing security and justice sector

actors to almost exclusively treat users as facilitators, leading to a higher than necessary number of drug-related arrests and extended detention periods. The improper placement of individuals with mental disorders in prisons instead of mental health institutions was also identified as a contributing factor.

Participants stressed the importance of establishing/empowering an independent oversight mechanism for funding allocated to prisons to ensure accountability and transparency. They emphasised that lessons needed to be learned from past instances of corruption and mismanagement in the sector, which saw (donor-provided) funding allocated to new prison projects being diverted. Participants stated that stronger monitoring mechanisms for fund allocation would act as a deterrent in this regard, while promoting accountability for mismanagement and corruption.

Finally, participants identified the Syrian refugee crisis as a factor exacerbating overcrowding. One participant offered insights on the common misconception that the high arrest rate amongst refugees is related to their lack of paperwork. He underlined that it is instead largely due to their precarious situation, which has pushed many to turn to theft and other minor misdemeanours.

Interventions to reduce overcrowding

The participants highlighted the multifaceted nature of overcrowding, emphasising the need for strategic approaches to address these key drivers incrementally, as no single overarching solution exists.

Participants critiqued two interventions that Siren proposed to reduce overcrowding (1. A central and regional level task force; 2. Rationalising and digitising case management in the judiciary) and suggested amendments to those interventions. One example included building upon the already existing working group ('Working Group on Prisons') instead

of creating a new one. It was suggested to implement effective modifications to the working group by reviewing the terms of references (ToR) and ensuring representation from various civil society organisations (CSOs). The need for enhanced clarity on the roles of those in the working group as well as clarification on the extent of their authority in reviewing criminal policies was mentioned. Strengthening decision-making capabilities within the working group and fostering effective coordination between CSOs was emphasised.

In terms of the case management intervention, participants suggested to add a digitalisation component and to start with a pilot project in the Court of Baabda. Participants stressed the need to conduct risk assessments for pilot interventions and emphasised the importance of digitalisation to streamline processes for issues such as document transfers and notice resolution. Participants proposed other amendments, including addressing challenges related to data maintenance due to electricity shortages, and focusing on addressing the pre-trial backlog. Encouraging judges to ease bail requirements, reactivating the court room in Roumieh to mitigate the issue of transportation to courtrooms, and expediting procedures for foreign nationals were identified as potential actions to improve efficiency.



Exploring feasible legal reforms was identified as a priority. For example, a participant suggested the modification of Article 108 to clarify obligations and deadlines for release, though participants also acknowledged that such reforms were unlikely to occur soon in the current context. As well as making sure that current legislation is being abided by, participants stressed the need to support the rehabilitation process, particularly for juveniles. Additionally, the need to focus on government reforms and to adopt a two-tier approach to decreasing mental health and drug-related arrests were highlighted. Participants also recommended addressing the legal requirements for video conferencing, as well focusing on automation and staff rejuvenation.

Challenges such as donor fatigue due to lengthy legal procedures and reduced funding for detention-related projects were acknowledged. Mobilising support from key change champions within the judiciary and security agencies was seen as crucial to enabling progress on overcrowding. Facilitating their involvement, including through the Working Group on Prisons, was deemed high priority. In addition, building stronger partnerships with judges and increasing the involvement of the Lebanese Armed Forces and Directorate General were observed as key success factors.

Next step and ways forward

Finally, representatives offered recommendations for next steps.

One participant suggested conducting a follow-up roundtable discussion to present the findings, produce tangible results, and gain buy-in from key entities in the Government of Lebanon.

Another participant recommended advocating for sustained donor support to prevent budget cuts


Another participant extended an invitation to a roundtable meeting held by the Working Group for Prisons

A final participant suggested collaborating with international police donors by establishing a working group to ensure effective coordination, while also focusing resources on priority areas and developing a strategy that emphasises a targeted approach.

KEEP IN TOUCH

 **Lebanon**

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