

THE STATE OF LEBANON'S SECURITY SECTOR

1.0 EXECUTIVE SUMMARY

Lebanon's history has been marked by sectarian violence, political corruption and unstable relations with neighboring countries. The country is now in its third year of an unprecedented, devastating and compounded economic and political crisis, which has widespread consequences, and which shows no signs of abating. As the public in Lebanon becomes progressively poorer, and the security ramifications of the crisis continue to spike, political ossification has obstructed any meaningful reform and prevented the release of international financial support packages. ¹

The deteriorating economic situation has led to increased unemployment and food insecurity. According to the United Nations Economic and Social Commission for Western Asia, 82% of households in Lebanon live in multidimensional poverty, and 40% suffer from extreme multidimensional poverty. The COVID-19 pandemic placed immense strain on the country's economy and health system, and the Beirut port explosion on 4 August 2020 killed hundreds, damaged thousands of homes and fueled intense popular anger.

These contextual developments have both exacerbated and created new types of social tensions. Armed clashes over fuel, food, water, and other basic resources have become normal. The failure of the State to provide even the most basic services, such as electricity, health, food and fuel has driven protests and riots across the country. Crime rates have spiked, with the recorded incidence of some crimes (such as murder) increasing by almost 90% from pre-crisis levels. Xenophobia against refugees—Syrians in particular—has grown more pronounced as Lebanon's population is increasingly protective of the limited resources in the country.

The broader politico-economic crisis has had a significant effect on Lebanon's security sector, which now faces a challenging future. The above-described dynamics have caused internal crises within security institutions, most obviously exemplified by the devaluation of wages, depleted vehicle fleets, and increased absenteeism. Not only must security agencies become more responsive and effective in tackling evolving security challenges, they must do so with fewer resources.

While the crisis presents an existential threat to many security agencies, including the Internal Security Forces ('ISF') in their current form, the upheaval also represents an unprecedented opportunity for organizational change. Friedrich-Ebert-Stiftung ('FES') has an opportunity to capitalize on this opportunity through the findings and recommendations contained in this report.

¹ The World Bank, 'Lebanon Sinking into One of the Most Severe Global Crises Episodes, amidst Deliberate Inaction', 1 June 2021, https://www.worldbank.org/en/news/press-release/2021/05/01/lebanon-sinking-into-one-of-the-most-severe-global-crises-episodes; Centre for Operational Analysis and Research, 'Conflict Analysis Lebanon National Level', 14 January 2022, https://coar-global.org/2022/01/14/conflict-analysis-lebanon-national-level/.

² United Nations ESCWA, 'Multidimensional poverty in Lebanon (2019-2021)', September 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/21-00634- multidimentional poverty in lebanon - policy-brief - en.pdf, p.2.

³ Mona Yacoubian, 'Lebanon: Assessing Political Paralysis, Economic Crisis and Challenges for U.S. Policy', United States Institute of Peace, 29 July 2021, https://www.usip.org/publications/2021/07/lebanon-assessing-political-paralysis-economic-crisis-and-challenges-us-policy.

⁴ The Monthly Magazine, 'Robberies, murders, suicides, and road accidents (2019-2020)', 1 March 2021, https://monthlymagazine.com/article-desc 4961 robberies-murders-suicides-and-road-accidents-2019-2020.

2.0 METHODOLOGY

The methodology used in this report is threefold: (i) primary data from sources within Lebanon's security agencies and key stakeholder institutions; (ii) secondary data from an extensive open-source desk review of legal texts, academic articles, social and traditional media content, and reports from local and international organizations; and (iii) observations made and opinions formed by the expert author during their interactions with Lebanon's security agencies. Gender and social inclusion perspectives have been incorporated deliberately and systematically in the report. All sources interviewed as part of this research have spoken to the expert author on condition of anonymity.

This report is a summary version of a longer, confidential report commissioned by FES.

3.0 LIMITATIONS

This report has a number of limitations. First, due to length restrictions, it does not provide a detailed account of the social, political and economic history of Lebanon, which is necessary to understanding fully the state of Lebanon's security sector today. Second, information regarding Lebanon's security sector is difficult to access, which restricts the comprehensiveness and accuracy of some of the data and conclusions. Third, Lebanon's security agencies are an understudied phenomenon, which has an impact on the robustness of the report's academic foundations.

4.0 CHAPTER I: BACKGROUND AND CONTEXT

The Taif Accord that brought an end to Lebanon's civil war was signed in 1989.⁵ Lebanon has nine governates (in Arabic, *muhafazat*). There are 18 official ethno-religious groups in Lebanon.⁶ The International Labour Organization estimates a current population at just over 4.2 million.⁷ Lebanon hosts the highest number of refugees per capita of any country in the world. Geostrategically, Lebanon is situated between Syria and Israel.

The Republic of Lebanon is a constitutional parliamentary democracy. ⁸ The President of the Republic, elected for a non-renewable six-year term by parliament, heads the state. ⁹ He is also the commander-in-chief of the armed forces. ¹⁰ Legislative power rests with the Chamber of Deputies (the parliament), consisting of 128 representatives. In consultation with parliament, the President

https://www.ilo.org/beirut/countries/lebanon/WCMS 526989/lang--en/index.htm.

⁵ Lauren Lewis, 'Remembering the Taif Accord', Middle East Monitor, 22 October 2020, https://www.middleeastmonitor.com/20201022-remembering-the-taif-accord/.

⁶ Tamirace Fakhoury, 'Debating Lebanon's Power Sharing Model: An Opportunity or an Impasse for Democratization Studies in the Middle East?', The Arab Studies Journal, Vol.22(1): 230-250, https://www.jstor.org/stable/24877905, p.230.

⁷ International Labour Organization, 'The ILO in Lebanon',

⁸ Presidency of the Republic of Lebanon, 'Overview of the Lebanese system',

https://www.presidency.gov.lb/English/LebaneseSystem/Pages/OverviewOfTheLebaneseSystem.aspx. ⁹ *Ibid*.

¹⁰ *Ibid*; Article 49, Constitution of 1926 with Amendments through 2004, Constitute Project, https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en.

selects a Prime Minister, who heads the Council of Ministers (the government). ¹¹ Provincial governors and district chiefs are appointed by presidential decree. ¹² Municipal elections are held every six years to elect mayors, municipal government officials, and local administrative officials (in Arabic, *mokhtar*).

The macro-financial crisis that hit Lebanon in 2019 is one of the worst economic crises any country has suffered in the last 150 years. The repercussions in Lebanon have been severe. The impact of the crisis has been felt most sharply by the poor and lower middle class who do not have access to foreign currency. As the economic crisis has deepened, people have become increasingly desperate. In April 2022, the former government reached a staff-level agreement with the International Monetary Fund to release approximately US\$3 billion in assistance. The International Monetary Fund rescue package is contingent on Lebanon implementing key structural reforms.

The Lebanese public's trust in, and support for, government institutions and their representatives is low. Trust was further eroded following the Beirut port explosion on 4 August 2020.¹⁷ The massive public protests that characterized the October 2019 *thawra* largely came to an end in 2021 as the *thawra* lost momentum, and the economic crises forced families to prioritize fulfilling daily needs of procuring food, medicine, water and electricity. In 2021, and particularly in 2022, an increased number of smuggling boats left Lebanon's coastline carrying mostly Lebanese, Syrian and Palestinian migrants to Europe.¹⁸

Lebanon's media is amongst the most open in the region. Civil society groups are ubiquitous in the country.

Lebanon has a codified civil law legal system inspired by a French Napoleonic arrangement. Broadly speaking, the domestic legal environment is framed by five key documents:

• The Constitution¹⁹

¹¹ United States Department of State, '2021 Country Reports on Human Rights Practices: Lebanon', https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/lebanon/, Executive Summary.

¹² Presidency of the Republic of Lebanon, 'Overview of the Lebanese system',

https://www.presidency.gov.lb/English/LebaneseSystem/Pages/OverviewOfTheLebaneseSystem.aspx.

¹³ The World Bank, 'The World Bank in Lebanon', 2 November 2022 (last updated), https://www.worldbank.org/en/country/lebanon/overview.

¹⁴ Anchal Vohra, 'The Death of Lebanon's Middle Class', Foreign Policy, 21 May 2020, https://foreignpolicy.com/2020/05/21/lebanon-coronavirus-middle-class-poverty/.

¹⁵ Al Jazeera, 'People are 'robbing' banks in Lebanon – to take their own money', 15 September 2022, https://www.aljazeera.com/news/2022/9/15/what-is-behind-lebanons-bank-robberies-explainer.

¹⁶ International Monetary Fund, 'IMF Reaches Staff-Level Agreement on Economic Policies with Lebanon for a Four-Year Extended Fund Facility', Press Release n.22/108, 7 April 2022,

https://www.imf.org/en/News/Articles/2022/04/07/pr22108-imf-reaches-agreement-on-economic-policies-with-lebanon-for-a-four-year-fund-facility.

¹⁷ Edward M. Gabriel, 'After Two Years, Lebanon Has Done Nothing in Response to the Port of Beirut Blast', Wilson Center, 3 August 2022, https://www.wilsoncenter.org/article/after-two-years-lebanon-has-done-nothing-response-port-beirut-blast.

¹⁸ News Wires, 'Several dead, dozens rescued after migrant boat capsizes off Lebanon', France 24, 24 April 2022, https://www.france24.com/en/middle-east/20220424-migrant-boat-capsizes-off-lebanon-45-rescued-at-least-1-dead.

¹⁹ Constitution of 1926 with Amendments through 2004, Constitute Project, https://www.constituteproject.org/constitution/Lebanon-2004.pdf?lang=en.

- The Taif Accord²⁰
- The Criminal Code²¹
- The Code of Criminal Procedure²²
- The Code of Civil Procedure²³

The legal system also includes religious law with jurisdiction primarily over family issues. Lebanon has also ratified numerous international legal instruments and incorporated many international norms and rules into its domestic legislation.

The judicial system in Lebanon is organized in three categories:

- Ordinary courts²⁴
- Religious courts²⁵
- Special Courts²⁶

5.0 CHAPTER II: SECURITY AGENCIES

Lebanon is home to a complex and dynamic web of security actors, characterized by a high degree of variability in terms of formality, size, core interest, geographical reach, and community served.

5.1 ISF

The ISF was established formally in 1953.²⁷ ISF personnel grew from 4,600 members and officers in 1960 to more than 23,000 in 2013. The ISF Directorate-General was later assigned 29,495 personnel.²⁸

²⁰ Taif Accord, negotiated in Ta'if, Saudi Arabia, in September 1989 and approved by the Lebanese parliament on 4 November 1989,

https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the_taif_agreement_english_version_.pdf, Section III Other Reforms, Second B).

²¹ Criminal Code, 1944, https://sherloc.unodc.org/cld/uploads/res/document/lebanon-penal-code https://sherloc.unodc.

²² New Code of Criminal Procedure, Printed and distributed by Legal Publications Agency under the supervision of Mr Houssam Afif Chamseddine, English version (STL Draft Official Translation from Arabic): Version 1.1, https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89874/103351/F-330451556/LBN89874%20Eng.pdf.

²³ United Nations Democracy Fund, 'For an equal personal status law in Lebanon', https://www.un.org/democracyfund/news/equal-personal-status-law-lebanon.

²⁴ Karim Merhej, 'Towards an Independent Judicial Branch in Lebanon? Part 1: The Civil Judiciary', The Tahrir Institute for Middle East Policy, 26 October 2021, https://timep.org/commentary/analysis/towards-an-independent-judicial-branch-in-lebanon-part-1-the-civil-judiciary/.

²⁵ Liisa Tuhkanen, 'Lebanon's religious courts are failing women, HRW says', Reuters, 19 January 2015, https://www.reuters.com/article/us-lebanon-women-rights-idUSKBN0KS1T820150119.

²⁶ International Commission of Jurists, 'The Jurisdiction and Independence of the Military Courts System in Lebanon in Light of International Standards: A Briefing Paper', May 2018, https://www.icj.org/wp-content/uploads/2018/05/Lebanon-Memo-re-army-courts-Advocacy-Analysis-Brief-2018-ENG.pdf, p.10.

²⁷ Decree n.59 of 24 March 1953.

²⁸ The Monthly Magazine, 'The Internal Security Forces directorate general', 11 November 2014, https://monthlymagazine.com/article-desc 1509 the-internal-security-forces-directorate-general.

As a governmental agency, the ISF falls under the authority of Lebanon's Ministry of Interior and Municipalities.²⁹ The organization's role is to:³⁰

- Maintain order and consolidate security;
- Secure public wellbeing;
- Protect individuals and property;
- Protect freedoms within the framework of the law; and
- Ensure the proper implementation of laws and regulations entrusted to them.

Two core documents govern the operations of the ISF:31

- Law n.17 of 6 September 1990 'Organization of the Internal Security Force', which states that the ISF are armed public forces with powers over the Lebanese territory, Lebanese waters and airspace.³² The law outlines the basic organizational structure, regulation and principles of the ISF as well as its relation with other government ministries; and
- Decree n.1157 of 20 March 1991 'Organizational Structure of the ISF', which delineates and details the functions of the 10 units of the ISF:³³
 - 1. Staff Section;
 - 2. Central Administration Section;
 - 3. General Inspection;
 - 4. Territorial Gendarmerie;
 - 5. Mobile Forces;
 - 6. Police of Beirut:
 - 7. Judicial Police;
 - 8. Security of Embassies, Administrations, and Public Establishments;
 - 9. ISF Institute: and
 - 10. Social Services.

The ISF Code of Conduct, now in its second edition, forms an additional component of the core principle texts governing the institution.³⁴ A number of regulations, instructions, and internal memos are also issued by the Director-General of the ISF and are binding upon staff of the ISF.

The Inspectorate-General of the ISF^{35} is the unit charged with upholding accountability within the institution. The ISF has made efforts to increase the protection and promotion of human rights,

²⁹ United States Department of State, '2021 Country Reports on Human Rights Practices: Lebanon', https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/lebanon/, Executive Summary.

³⁰ ISF, 'The Internal Security Forces (I.S.F) in Lebanon: Their creation – History – Development', https://www.isf.gov.lb/files/isf-hist-en.pdf.

³¹ ISF, 'Internal Security Forces – Official Site', https://www.isf.gov.lb/en/menu/12/Laws.

³² Article 1, Law n.17 of 6 September 1990 'Organization of the ISF', https://www.isf.gov.lb/files/250603930law%2017.pdf.

³³ Article 2, Decree n.1157 of 20 March 1991 'Organizational Structure of the ISF', https://www.isf.gov.lb/files/916903300law1157e.pdf.

³⁴ ISF, 'Code of Conduct', 2011 (2nd ed. 2016), https://www.isf.gov.lb/files/1582100364CoCEnglish.pdf.

³⁵ ISF, 'Internal Security Forces – Official Site: Inspection General', https://www.isf.gov.lb/en/article/201.

including the establishment of a Human Rights Division under the Inspectorate-General in 2009,³⁶ and an Anti-Torture Committee in 2011.³⁷

5.2 LEBANESE ARMED FORCES

The Lebanese Armed Forces ('LAF') falls under the Ministry of Defense.³⁸ It is by far the largest security organization in Lebanon. One estimate from 2014 places the total personnel number at approximately 65,000 personnel.³⁹ Another estimate from 2021 is 77,000-80,000 personnel.⁴⁰ The LAF faces considerable stress because of the economic collapse. Like the ISF, there has been a hiring freeze in place since 2017.⁴¹

The LAF has three core missions: <u>defense</u>, *i.e.*, traditional defense responsibilities with a focus on the conflict with Israel; <u>development</u>, primarily through war-time reconstruction and infrastructure development; and <u>security</u>, including counter-terrorism, interventions in 'security incidents', fighting organized crime, and controlling the borders.⁴²

A significant overlap exists between the LAF and ISF's functions. This overlap in jurisdiction is principally due to legal dictate. The Taif Accord states that the LAF shall "protect public order when the danger exceeds the capability of the Internal Security Forces to deal with such a danger on their own" and "shall be used to support the Internal Security Forces in preserving security under conditions determined by the [Council of Ministers]".⁴³

The LAF and the ISF are both subject to oversight by military courts. The 1968 Code of Military Justice, in Articles 25, 25, 26 (those related to its qualitative jurisdiction) and 27, 28 (those related to personal jurisdiction), have made all crimes (both felonies and misdemeanors) related to military personnel subject to the authority of the military courts.⁴⁴

³⁶ ISF, 'Internal Security Forces – Official Site: Inspection General', https://www.isf.gov.lb/en/article/201.

³⁷ Van Meguerditchian (The Daily Star), 'Lebanon: ISF launches committee to monitor torture in prisons', The Arab Network for the Study of Democracy, 9 February 2011,

https://ademocracynet.com/index.php?page=news&id=881&action=Detail.

³⁸ United States Department of State, '2021 Country Reports on Human Rights Practices: Lebanon', https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/lebanon/, Executive Summary.

³⁹ Karine Meunier, 'The LAF - Hezbollah duopoly: a stake for the Lebanese safety and the regional security', Confluences Méditerranée, Vol.2016/2(97):175-189, https://www.cairn.info/revue-confluences-mediterranee-2016-2-page-175.htm, para.13.

²⁻page-175.htm, para.13.

40 Emma Graham & Hadley Gamble, 'Lebanon's army needs \$100 million immediately for soldiers' basic needs, general says', CNBC, 15 July 2021, https://www.cnbc.com/2021/07/15/lebanons-army-needs-100-million-to-pay-soldiers-general-says.html.

⁴¹ Emma Graham & Hadley Gamble, 'Lebanon's army needs \$100 million immediately for soldiers' basic needs, general says', CNBC, 15 July 2021, https://www.cnbc.com/2021/07/15/lebanons-army-needs-100-million-to-pay-soldiers-general-says.html.

⁴² Karine Meunier, 'The LAF - Hezbollah duopoly: a stake for the Lebanese safety and the regional security', Confluences Méditerranée, Vol.2016/2(97):175-189, https://www.cairn.info/revue-confluences-mediterranee-2016-2-page-175.htm, paras.13-15.

⁴³ Taif Accord, negotiated in Ta'if, Saudi Arabia, in September 1989 and approved by the Lebanese parliament on 4 November 1989,

https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the_taif_agreement_english_version_.pdf, Section III Other Reforms, Second C) 2).

⁴⁴ Alkarama, 'Lebanon Legislation', https://www.alkarama.org/en/countries/lebanon/legislation.

5.3 GENERAL SECURITY

General Security falls under the purview of the Ministry of Interior and Municipalities. 45 General Security's main function is internal intelligence-gathering in an effort to ensure stability and national security. Article 1 of Decree n.139 of 12 June 1959 'General Security Regulatory Decree' mandates the organization to gather political, economic and social information, and entrusts it with carrying out investigations into any violations exclusively committed against the state's internal or external security. It is not considered a military force.

The body carries out investigations as well as counter-terrorism missions, and is responsible for border security, monitoring resident aliens within Lebanon, and issuing passports and other travel documents to Lebanese citizens. 46 They are also the agency tasked with state censorship of media.⁴⁷ Taken together, General Security, LAF and ISF could be considered the 'core' of the national security assemblage, with broadly overlapping functions and jurisdictions. This is particularly the case with regards to intelligence and counter-terrorism.

5.4 MUNICIPAL POLICE

The Municipal Police have a long history and tradition of engaging with communities across Lebanon, providing first-response policing and a raft of minor duties within Lebanon's municipalities. The Municipal Police is not affiliated with the Ministry of Interior and Municipalities; in accordance with municipal law, it remains subject to the authority of the local mayor. Its close connection to local communities makes it a valuable partner in community policing. However, it has low capacity, is relatively weak and does not play an essential role in maintaining security in cities, villages or municipalities.

5.5 OTHER SECURITY AGENCIES

A number of additional state agencies complete the formal security architecture.

State Security is under the direct control of the Supreme Defense Council, reporting to the Prime Minister. 48 This directorate was established by Decree n.102 of 16 September 1983 'Defense Law', as a security organization affiliated with the Higher Defense Council.

Airport Security is one of the agencies affiliated with the Ministry of Interior and Municipalities, and was established by Decree n.1540 of 25 November 1978, later amended by Decree n.5137 of 22 April 1983. It is responsible for monitoring all movement to, from and within Beirut's airport.

⁴⁵ Brigadier General Dr Amine Saliba, 'The Security Sector in Lebanon: Jurisdiction and Organization', September 2012, https://carnegieendowment.org/files/Security Sector in Lebanon2.pdf, p.32; United States Department of State, '2021 Country Reports on Human Rights Practices: Lebanon', https://www.state.gov/reports/2021-countryreports-on-human-rights-practices/lebanon/, Executive Summary.

⁴⁶ General Directorate of General Security, 'Functions of the general security', https://www.generalsecurity.gov.lb/en/posts/3.

⁴⁷ Ibid.

⁴⁸ United States Department of State, '2021 Country Reports on Human Rights Practices: Lebanon', https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/lebanon/, Executive Summary.

Parliament Security was established in 1943 during the era of Sabri Hamadeh, the Speaker of Parliament at the time. With the entry in force of the Parliament Internal Regulations in 1994, the responsibility for maintaining order and security within parliament and around its premises became a function exclusive to Parliament Security, overseen by the Speaker. ⁴⁹ Only the Speaker has authority to give orders to Parliament Security. Personnel are recruited at the Speaker's discretion. ⁵⁰

Civil Defense or 'General Directorate of the Lebanese Civil Defense' is not officially a security agency, however it falls under the Ministry of Interior and Municipalities and has to coordinate with security providers in its response to emergency situations in the country.⁵¹

Lebanese Customs Administration falls under the responsibility of the Ministry of Finance and is responsible for the "collection of customs duties and other duties and taxes that may be imposed on goods imported to Lebanon, as well as duties that might be imposed on certain exported goods in accordance to customs law or any other law or agreement which Lebanon is a party of". ⁵²

6.0 CHAPTER III: SECURITY STAKEHOLDERS

The security landscape described above is complemented by the presence of peripheral security stakeholders both international and national.

At the international level, key security stakeholders include foreign states and their donor bodies, the United Nations and other multinational agencies, and international NGOs. All exert a tangible force on the security environment and on Lebanon's security actors. Foreign governments exert a direct influence through diplomatic and occasionally military interventions, and an indirect influence through their national or transnational donor agencies. Similarly, the United Nations operates at the diplomatic level (largely through the Security Council), at the military level (United Nations Interim Force in Lebanon, 'UNIFIL'), and at the donor and program level (*inter alia*, the United Nations High Commissioner for Refugees, 'UNHCR', the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 'UNRWA', the United Nations Children's Fund, 'UNICEF', the United Nations Development Programme, 'UNDP' and the United Nations Office on Drugs and Crime 'UNODC'). International NGOs play a 'watch-dog' role and often provide goods and services directly to beneficiaries.

At the national level, civil society organizations come into direct contact with security agencies through human rights monitoring and advocacy, service provision (such as emergency goods, legal aid or medical support to detainees), capacity-building and training delivery, as well as during public demonstrations.

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⁴⁹ Article 206, Law n.17 of 6 September 1990 'Organization of the ISF', https://www.isf.gov.lb/files/250603930law%2017.pdf; Article 55, Decision n.90 of 18 October 1985 'Organizing the Parliament'; Article 126(B), Decree n.1157 of 20 March 1991 'Organizational structure of the ISF', https://www.isf.gov.lb/files/916903300law1157e.pdf.

⁵⁰ Article 8, Parliament Internal Regulations of 18 October 1994.

⁵¹ General Directorate of the Lebanese Civil Defense, http://www.civildefense.gov.lb/.

⁵² Republic of Lebanon Customs Administration, http://www.customs.gov.lb/.

Political parties, local officials and religious actors also play a significant role as intermediaries between security institutions and Lebanese citizens. These actors are physically and culturally rooted in communities and are often relied on for domestic and community dispute resolution. Finally, the media plays an important role in informing and shaping public opinion.

Historically, the largest donors across the security sector have been the European Union, the United States, UNRWA and France.⁵³ Other important donors include the Arab Fund, UNIFIL and several bilateral donors: Qatar, Kuwait, Germany, Spain, Italy and Turkey.⁵⁴ Some aid, for example that provided by Saudi Arabia and Iran, is unrecorded.⁵⁵

7.0 CHAPTER IV: SECURITY SECTOR CHALLENGES

7.1 ORGANIZATION RESILIENCE

In general terms, security agencies have continued to provide effective security across Lebanon, despite the novel and often unprecedented operational demands that have arisen as the crises has evolved. However, these organizations are in a double bind. The workforce is comprised of Lebanese citizens particularly vulnerable to the deleterious effects of the economic crisis. At the same time, the worsening social and economic conditions provide fertile ground for criminality, and so security agencies are faced with increased and changing safety and security threats to which they must attend.

7.2 OVERLAPPING SECURITY MANDATES

No security agency in Lebanon enjoys an exclusive mandate. These overlapping formal mandates for security agencies generate inefficiencies, and also open a pathway for supposedly official processes to be subsumed by informal dynamics. Nevertheless, overlapping mandates between security agencies are regulated through coordination bodies to help avoid conflict, including the Supreme Defense Council⁵⁶ and the Central Internal Security Council.⁵⁷

The Central Internal Security Council is composed of the Minister of Interior and Municipalities, the General Prosecutor before the court of Cassation, the Governor (in Arabic, *mohafez*) of Beirut, the LAF Commander-in-Chief, the DG of the ISF, and an officer at least of the rank of Lieutenant

⁵⁵ *Ibid*, p.3.

⁵³ Emilie Combaz, 'International aid to Lebanon', GSDRC Helpdesk Research Report 97, University of Birmingham, 2 August 2013, http://gsdrc.org/docs/open/hdq979.pdf, p.2.

⁵⁴ *Ibid*, p.2.

⁵⁶ See also Article 49, Constitution of 1926 with Amendments through 2004, Constitute Project, https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en; Presidency of the Republic of Lebanon, 'The Supreme Defense Council, chaired by President Michel Aoun:', 3 December 2020, https://www.presidency.gov.lb/English/News/Pages/Details.aspx?nid=26310; Najia Houssari, 'Higher Defense Council extends general mobilization period in Lebanon', Arab News, 22 December 2021, https://www.arabnews.com/node/1991426/middle-east; L'Orient-Le Jour, 'Higher Defence Council leaves election security to Interior Ministry', 29 April 2022, https://today.lorientlejour.com/article/1298149/higher-defence-council-leaves-election-security-to-interior-ministry.html.

⁵⁷ Decree n.4082 of 14 October 2000 'Organizational Structure of the Ministry of Interior and Municipalities'.

Colonel.⁵⁸ It is mandated to deal with matters relating to security, and to ensure the exchange of information between the security agencies represented in the council.

7.3 FORMAL V. INFORMAL POWER STRUCTURES

One hurdle to an effective security framework in Lebanon is that formal legal and judicial structures often are subservient to informal structures. The first reason for this is resource constraints. Using the criminal investigation process as an example, the formal legal structure, which guarantees due process rights to detainees under preliminary investigation, is solid. ⁵⁹ However, due to the dire economic situation, these articles are often not able to be applied in practice.

The second reason is entrenched power dynamics. Despite Lebanon's solid external human rights framework, entrenched power dynamics in Lebanon's political, judicial and security communities often take precedence over formal legal and judicial frameworks. One example of this phenomenon is the sponsorship (in Arabic, *kafala*) system. The third reason is the inapposite nature of formal frameworks. In some instances, the formal structure of rules and laws is in place, but cannot be followed because it is inapt, or ill-fitted to the reality.

7.4 ACCOUNTABILITY

Lebanon's National Human Rights Commission acts on paper as a non-partisan oversight body for human rights violations. In reality, successive budgets passed by the government do not allocate funds to the NHRC, ostensibly because it does not possess an 'implementing decree'. ⁶⁰ The National Human Rights Commission is joined by the National Prevention Mechanism against Torture, an independent body set up by Law n.65 of 26 October 2017 'On Punishment of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'. The National Prevention Mechanism against Torture is mandated to prevent torture and ill-treatment in centers of detention and has the authority to conduct regular, unannounced visits to all places of detention. ⁶¹ The establishment of the National Human Rights Commission and the National Prevention Mechanism against Torture represented milestones in Lebanon's path towards adherence to international human rights standards.

Local and international advocacy plays a critical role in demanding better police accountability in Lebanon. In relation to *thawra* demonstrations, for example, the Committee of Lawyers for the Defense of Protestors, founded in 2015, received over 100 telephone calls per week at the height

⁵⁹ Law n.191 of 30 September 2020 amends Lebanon's Code of Criminal Procedure, particularly Article 47.

⁵⁸ Articles 23 & 25, Law n.17 of 6 September 1990 'Organization of the ISF', https://www.isf.gov.lb/files/250603930law%2017.pdf.

⁶⁰ The Lebanese Centre for Human Rights, 'Lebanon Torture Situation after Legislating law 65/2017: "An inception study on the Law aiming at punishing torture", 31 July 2019, http://www.cldh-lebanon.org/HumanRightsBrie/2019 - Lebanon Torture Situation after Legislating law 65.pdf, p.15.

⁶¹ Although the ISF falls under the auspices of the military courts, Law n.65 of 26 October 2017 'On Punishment of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' goes some way towards promoting civilian oversight of the police body. Law n.65 of 26 October 2017 'On Punishment of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' recommends cases of torture be tried in criminal, rather than military, courts, although it does not give exclusive jurisdiction to civilian courts.

of the *thawra*.⁶² They provided *pro bono* legal aid for detained protestors and brought cases of torture against the ISF under Law n.65 of 26 October 2017 'On Punishment of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'.⁶³ National and international civil society groups continue to actively monitor and report on police activities.

Internally in the ISF, accountability is overseen by the Inspector-General. The Inspector-General is the Head of the ISF's Inspectorate-General. The Head is officially appointed by decree by the Council of Ministers, on recommendation by the Ministry of Interior and Municipalities. The Inspector-General answers directly to the Ministry of Interior and Municipalities. The Inspector-General is tasked with monitoring all ISF sections to ensure that policing is delivered within the bounds of applicable laws and regulations. The unit is responsible for investigating complaints that it receives, via its two operational divisions: Complaints and Investigations Division, and Human Rights Division.

Judicial oversight over the ISF is weak, principally because ISF personnel fall under the jurisdiction of military courts,⁶⁷ which are historically opaque.⁶⁸ Military courts in Lebanon are routinely criticized for contravening due process procedures and for being ill-suited to trying civilian matters.⁶⁹

7.5 Human resources

Lebanon's security agencies faced a number of human resources challenges before the economic crisis, which have only been exacerbated since. Security agency personnel's salary now does not cover basic living needs, causing an imbalance in the sanctions and rewards system associated with public service in Lebanon. This has had a catastrophic impact on morale, particularly among NCOs. One of the most urgent issues facing security agencies from a human resources point of view is the lack of women in the organizations.

7.6 Public order events

Civil unrest and large-scale civilian demonstrations have been at an all-time high in Lebanon over the last three years, peaking in intensity during the *thawra* in October 2019 and after the Beirut port explosion on 4 August 2020.

⁶² Sam Brennan, 'Protests expose archaic Lebanese legal system, give lawyers hope for change', Al-Monitor, 6 December 2019,

https://www.al-monitor.com/originals/2019/12/lebanon-protests-lawyers-laws-arrests-violations.html. 63 *Ibid*.

⁶⁴ ISF, 'Internal Security Forces – Official Site: Inspection General', https://www.isf.gov.lb/en/article/201.

⁶⁵ Article 12, Law n.17 of 6 September 1990 'Organization of the ISF',

https://www.isf.gov.lb/files/250603930law%2017.pdf.

⁶⁶ Article 13, Law n.17 of 6 September 1990 'Organization of the ISF', https://www.isf.gov.lb/files/250603930law%2017.pdf.

⁶⁷ Alkarama, 'Lebanon Legislation', https://www.alkarama.org/en/countries/lebanon/legislation.

⁶⁸ International Commission of Jurists, 'The Jurisdiction and Independence of the Military Courts System in Lebanon in Light of International Standards: A Briefing Paper', May 2018, https://www.icj.org/wp-content/uploads/2018/05/Lebanon-Memo-re-army-courts-Advocacy-Analysis-Brief-2018-ENG.pdf, p.9. ⁶⁹ *Ibid*, pp.3-4.

Following the Beirut port explosion on 4 August 2020, the Supreme Defense Council called a state of emergency in Lebanon. 70 This changed the security landscape in Lebanon by transferring the overall and lead responsibility for internal security to the LAF.

During this period, various human rights violations were attributed to the LAF, the ISF, and the Parliament Security. For example, on 8 August 2020, Human Rights Watch reported that security forces fired live ammunition, metal pellets, and kinetic impact projectiles such as rubber balls, including at health workers, in response to protests that broke out across Beirut.⁷¹ The use of force in these circumstances did not meet the international human rights law standards of 'necessity' and 'proportionality', and constituted to serious violations of human rights. This included violations of the right against arbitrary deprivation of life and the right against torture, which cannot be derogated from in any circumstances.

7.7 HUMAN RIGHTS AND DUE PROCESS IN DETENTION

Some of the most urgent ongoing human rights violations in Lebanon occur in the context of detention, both in police custody cells and in ISF-administered prisons. Overcrowding of these detention facilities is of particularly pressing concern and is exacerbated by the over-use of pretrial detention, ambiguities in legal codes, delays in processing from the judiciary, and inefficiencies in the broader criminal justice system.

Although local and foreign civil society organizations help to fill the gap—providing everything from food to medications, vaccinations for children and equipment maintenance—it is not enough. The judiciary strike in 2022 has only worsened the already dire situation. ⁷² Although some judges are still working, there were enormous delays in the processing of judicial matters in the country in 2022.

The passing of Law n.191 of 30 September 2020 was an important milestone in the fight against human rights and due process abuses during the judicial process. Although civil society considered the law a victory for justice with its close alignment to international best practice (access to lawyer, doctor, interpreter, video recording, etc.), the reality in Lebanon is that the law is very much aspirational.

7.8 Domestic violence and sexual harassment

The main legal text governing domestic violence in Lebanon is Law n.293 of 7 May 2014 'On the Protection of Women and Other Family Members from Domestic Violence'. 73 With its latest

⁷⁰ Ghaida Ghantous & Jonathan Oatis, 'Lebanon defense council recommends military oversee security in 'disasterstricken' Beirut', Reuters, 5 August 2020, https://www.reuters.com/article/us-lebanon-security-blast-councilidUSKCN2502XS.

⁷¹ Human Rights Watch, 'Lebanon: Lethal Force Used Against Protestors: Attacks on Fleeing Demonstrators, Health Workers, Media', 26 August 2020, https://www.hrw.org/news/2020/08/26/lebanon-lethal-force-used-againstprotesters

⁷² *Ibid*.

⁷³ See DCAF, 'Law No. 293 of 07/05/2014 (Official Gazette No. 21 of 15/05/2014)', Lebanese Republic Chamber of Deputies,

amendment,⁷⁴ the law defines domestic violence as any act, omission, or threat committed by a family member against one or more other family members, during marital life or because of it, resulting in death, bodily/physical injury, or psychological, sexual or economic harm/injury. The family, as defined in the law, is composed of the spouses, mother and father of either spouse, siblings of the spouses and lineage thereof (ascending or descending, either legitimate or illegitimate).

The ISF is involved in the judicial process for combatting domestic violence and other forms of sexual violence and harassment from its onset. The ISF is the first security responder to reported incidents of sexual harassment (including online harassment). The ISF also operates the national domestic violence telephone hotline (#1745), launched in 2018.⁷⁵

Adopted in December of 2020, Law n.205 'For the criminalization of sexual harassment and the rehabilitation of its victims' criminalizes sexual harassment anywhere, including online and cyber harassment. Its adoption was hailed as a first of its kind in the Arab world. As explained by HRW, Law n.205 of December 2020 defines sexual harassment as "any bad and repetitive behavior that is extraordinary, unwelcome by the victim, and with sexual connotation that constitutes a violation of the body, privacy, or emotions". ⁷⁶

In May 2020, in the midst of the COVID-19 pandemic, and prior to Law n.205 of December 2020 'For the criminalization of sexual harassment and the rehabilitation of its victims', the ISF had reported a 184% increase in the number of blackmail and sexual harassment incidents including through cyberbullying.⁷⁷ To address this concern and to provide increased security and protection, in coordination with National Commission for Lebanese Women, the ISF dedicated a special phone number to receive sexual harassment and blackmail complaints (+961/ (0)1-293293), and urged residents to report any such act.⁷⁸

7.9 Human trafficking

 $\underline{https://learningpartnership.org/sites/default/files/resources/pdfs/Law\%20On\%20the\%20Protection\%20of\%20Women-Lebanon.PDF.}$

⁷⁴ Law n.204 of 1 July 2021. See KAFA (enough) Violence & Exploitation, 'On the protection of women and other family members from domestic violence: Law No. 204 Amending law No. 293/2014, of 7/5/2014', https://kafa.org.lb/sites/default/files/2021-10/law-204-english.pdf.

⁷⁵ KAFA (enough) Violence & Exploitation, 'Hotline No. 1745', 2 November 2018, https://www.facebook.com/KAFALebanon/videos/478966305958611/; IOM Lebanon – UN Migration Agency, 'Call the Internal Security Forces hotline 1745 if you are subjected to domestic violence or if you witness such violence', 26 November 2019, https://www.facebook.com/watch/?v=597176954356451.

⁷⁶ Human Rights Watch, 'Lebanon: Sexual Harassment Law Missing Key Protections', 5 March 2021, https://www.hrw.org/news/2021/03/05/lebanon-sexual-harassment-law-missing-key-protections#:~:text=On%20December%2021%2C%20200%2C%20Lebanon%20passed%20the%20%E2%80%9C Law,sexual%20harassment%20a%20crime%20and%20outlining%20whistleblower%20protections.

⁷⁷ UN Interagency Coordination Lebanon, 'Gender alert on COVID-19 Lebanon' UNFPA Gender Alert Series Issue n.3, 3 June 2020, https://lebanon.unfpa.org/sites/default/files/pub-pdf/gender%20alert%20on%20covidlebanon%20issue%203english.pdf, p.3.

⁷⁸ National Commission for Lebanese Women, 'Inform the Internal Security Forces in the event of extortion and sexual harassment at 01293293', 5 May 2020,

https://nclw.gov.lb/4024/%d8%a8%d9%84%d9%91%d8%ba%d9%88%d8%a7-%d9%82%d9%88%d9%89-%d8%a7%d9%84%d8%a3%d9%85%d9%86-%d8%a7%d9%84%d8%af%d8%a7%d8%ae%d9%84%d9%8a-%d9%81%d9%8a-%d8%ad%d8%a7%d9%84-%d8%a7%d9%84%d8%aa%d8%b9%d8%b1%d9%91/.

Law n.164 of 24 August 2011 'On the punishment for the crime of trafficking in persons' defines trafficking in persons as the enticement, transportation, harboring, detention or sheltering of a person, by means of the threat or use of force or abduction, deception, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits or the use of such means against someone having power over another person, for the purpose of exploiting that person or facilitating his exploitation by others. The ISF is the main law enforcement agency in charge of protecting individuals, including from trafficking. It has an established anti-trafficking body in the Judicial Police unit. ⁸⁰

7.10 **LGBTQ**+

Article 534 of the Criminal Code criminalizes 'any sexual intercourse contrary to the order of nature'. This article is regularly enforced against transgender women, and trans people are also arrested on charges such as 'violating public morality' and 'incitement to debauchery'. Many courts also consider consensual same sex acts as against nature. 82

The General Directorate of General Security conducts targeted crackdowns, including by forcing the cancellation of Beirut Pride festivities in both 2018 and 2019 and detaining its head organizer. ⁸³ General Security shut down a regional conference on gender and sexuality organized by the Arab Foundation for Freedoms and Equality held in September 2018. ⁸⁴ The Ministry of Telecommunications also issued a judicial order to ban on the gay social app Grindr in May 2019. ⁸⁵

More recently, Lebanon's authorities banned gatherings of LGBTQ+ people. The ban violates LGBTQ+ people's "constitutional rights to equality, free expression, and free assembly and Lebanon's obligations under international law and comes during an economic crisis and a worsening climate" for the rights of LGBTQ+ people in the country. Local NGOs like Helem,

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⁷⁹ UN Women, 'Global Database on Violence against Women: Law No. 164 of 2011 (Penalize Trafficking of Persons)', https://evaw-global-database.unwomen.org/en/countries/asia/lebanon/2005/law-no-164-of-2011-penalize-trafficking-of-persons.

⁸⁰ ISF, 'Internal Security Forces – Official Site: Judicial Police', https://www.isf.gov.lb/en/article/149/Judicial-Police

⁸¹ Human Rights Watch, 'Lebanon: End Systemic Violence Against Transgender Women' 3 September 2019, https://www.hrw.org/news/2019/09/03/lebanon-end-systemic-violence-against-transgender-women.

⁸² United States Department of State Office to Monitor and Combat Trafficking in Persons, '2022 Trafficking in Persons Report: Lebanon', https://www.state.gov/reports/2022-trafficking-in-persons-report/lebanon/.

⁸³ Rachel Savage, 'Beirut Pride organizers cancel opening event after threats', Reuters, 27 September 2019, https://www.reuters.com/article/us-lebanon-lgbt-rights-idUSKBN1WC01B.

⁸⁴ The Legal Agenda, 'Lebanon: Entry Ban Follows Gender, Sexuality Conference', 27 August 2019, https://english.legal-agenda.com/lebanon-entry-ban-follows-gender-sexuality-conference/.

⁸⁵ Amnesty International, 'Lebanon: Ban on gay dating app Grindr a blow for sexual rights and freedom', 29 May 2019, https://www.amnesty.org/en/latest/press-release/2019/05/lebanon-ban-on-gay-dating-app-grindr-a-blow-for-sexual-rights-and-freedom/.

⁸⁶ Human Rights Watch, 'Lebanon: Unlawful Crackdown on LGBTI Gatherings', 4 July 2022, https://www.hrw.org/news/2022/07/04/lebanon-unlawful-crackdown-lgbti-gatherings.

the first LGBTQ+ organization in the Arab world, ⁸⁷ and Legal Agenda, ⁸⁸ fight tirelessly against these decisions, including through the courts. ⁸⁹

8.0 CHAPTER V: AVENUES TO ADVANCE SECURITY-SECTOR REFORM

There are numerous avenues to build capacity in Lebanon's security sector. However, an examination of prior and current intervention strategies suggests that there are some pitfalls to avoid.

First, coordination and communication. Any capacity-building activity by FES will benefit from coordination and communication with other key actors before, during and after implementation. The current global recession creates a further incentive for increasingly cash-short donors to come together and create joint plans to coordinate their support to the security sector, play to each other's strengths and thereby maximize impact and value for money.

Second, the intervention logic. FES' intervention logic must be sound, geared towards the long-term, and in line with the security agencies' own priorities.

Third, human rights. Many foreign partners—particularly the UK, the EU and the United States—share a policy discourse that conceives of SSR both as a long-term process of institutional transformation toward democratic governance, and as tool to pursue short-term stabilization objectives. In practice, however, there has been less focus on bringing about effective civilian oversight, performance and legal accountability, and transparency over decision making. FES should place human rights at the forefront of their capacity-building activities in the security sector.

Fourth, beneficiaries must be carefully chosen. Since the economic collapse, the EU, the World Bank and the United Nations have all demonstrated an aversion to working through Lebanon's government, citing concerns about corruption. The crisis and its consequences have caused a profound shift in many (Western) donor perspectives on Lebanon, characterized by a heightened emphasis on accountability, transparency and meaningful governance reform. FES should be vigilant about its partners, avoiding overtly corrupt institutions and certain categories of assistance.

9.0 CONCLUSION

Lebanon's security sector—indeed its entire public sector—faces a challenging future. The local currency collapse, rampant and evolving insecurity, and the ossification of the political sphere have manifested in internal crisis within the sector, most obviously exemplified by the devaluation of wages, depleted fleets of vehicles, and increasing absenteeism.

⁸⁷ Helem, 'About the organization', https://www.helem.net/about.

⁸⁸ The Legal Agenda, 'Who we are', https://english.legal-agenda.com/about-us/.

⁸⁹ Nour Braidy, 'State Council suspends LGBTQ+ gatherings ban', L'Orient-Le Jour, 15 November 2022, https://today.lorientlejour.com/article/1318154/state-council-suspends-lgbtq-gatherings-ban.html.

Not only must security agencies become more responsive and effective in tackling evolving security challenges, they must do so with fewer resources. While the crisis presents an existential threat to security agencies in their current form, there is also an unprecedented opportunity for organizational change. With the information and tools from this report, FES is in a position to make strategic and important interventions to promote SSR and build urgent capacity in this most critical of periods.