



Bashar Abdul Saud Torture Turned Negligence Case

The case of Bashar Abdul Saud marks a pivotal moment in the fight against torture in Lebanon and the pursuit of accountability for perpetrators. After a historic indictment was issued by the investigating judge at the Permanent Military Court in Beirut, finding that members of the General Directorate of State Security had beaten and tortured detainees, resulting in the death of Bashar Abdul Saud. Charges were brought against the officers under Article 1 of Law 65/2017, Clause 4, of the Lebanese anti-torture law.

However, on November 1st, 2024, The Permanent Military Court in Beirut, issued a ruling that ignored all the findings of the indictment regarding the death of Bashar's death from of torture. The court reclassified the charges from the felony of torture leading to death to misdemeanors of causing death through negligence and violating military instructions. It is important to note that this ruling was not unanimous; it was approved by the court's president and two officers from the General Directorate of State Security, while a military officer and a civilian judge objected the removal of the torture classification.

This ruling has several gaps that must be addressed:

First - Ignoring the Findings of the Indictment:

The indictment clearly and unequivocally established that Bashar Abdul Saud was subjected to torture which led to his death, based on irrefutable evidence, including:

- Several forensic doctors examined Bachar's body, and two forensic experts confirmed in their reports and testimonies that his death resulted from beating.
- The indictment noted that on September 2nd, 2022, the government commissioner at the permanent military court in Beirut visited the Tebnine governmental hospital in South Lebanon and examined Bashar



Abdul Saud's body. He took photos and videos documenting visible signs of torture across various parts of his body, including his head.

- The defendants explicitly admitted their repeated use of violence and beatings. The indictment highlighted the significant role of one officer known for his aggression, who beat, kicked, and whipped Bashar for several minutes before his death. The roles of others varied from helping to restrain Bashar on the ground or tying him up from behind, to merely watching without any intervention or objection or without even leaving the torture room. The indictment stated: The investigation of the offense of torture does not require defendants to have authority to stop torture, as they could simply have objected to what was happening or at least left the interrogation room.
- The officers confessed during investigations that the beating occurred in their presence, under vigilance, and with the approval of the officer responsible.

These individual pieces of evidence, along with numerous reports and confessions confirm—if not assert—the death of Bashar Abdul Saud due to torture.

Second - Changing the Criminal Classification to Causing Death by Negligence:

The new classification of actions as torture not leading to death, as stipulated in Article 1 of Law 65/2017, clause 1, and causing death by negligence as outlined in Article 564 of the Lebanese Penal Code, involving both perpetrators and accomplices, does not align with the facts of the case and the confessions of the officers.

First, Article 564 of the Lebanese Penal Code assumes that the act was unintentional. However, the severe beating of a detainee on various parts of his body, as stated in the indictment and reported by one officer from the General



Directorate of State Security who testified, "I beat Bashar Abd Saud for ten minutes all over his body and on his head," cannot be described as negligence or an unintentional act.

Second, the ruling issued by the military court distorted what was attributed to the defendants, particularly regarding the legal characterization of torture, and did so without any clear justification. For example, while the indictment had charged the responsible officer under Article 1 of Law No. 65/2017, clause 4, which criminalizes torture leading to death, the ruling of the Permanent Military Court merely classified him as an accomplice in the crime of torture not leading to death as stipulated in Article 1 of Law No. 65/2017, clause 1, and in the crime of causing death by negligence as outlined in Article 564 of the Lebanese Penal Code. On one hand, the designation of "accomplice" does not align with the confessions presented in the indictment from the officers who acknowledged that the beating occurred in the presence, with the approval and observation of the responsible officer. On the other hand, the existence of conclusive evidence proving that Bashar Abd Saud died due to torture makes this new classification of actions an attempt to downplay the reality of the torture that Bashar Abd Saud suffered.

Third - The Jurisdiction of the Permanent Military Court in Beirut to Hear Torture Cases:

The ruling issued by the Permanent Military Court in Beirut, denying the existence of death due to torture, came after the indictment had confirmed the jurisdiction of military courts to address torture cases committed by judicial police officers. Although the indictment was significant as it described the actions of security personnel as torture under Law No. 65/2017, it contradicted international standards by affirming the jurisdiction of the Permanent Military Court in Beirut to hear the case regarding Bashar Abdul Saud's death under torture.



Article 15 of the Code of Criminal Procedure states in its last paragraph that ordinary courts are competent to hear violations committed by judicial police officers. While some may argue that there is ambiguity and contradiction in this article, as it also stipulates that the public prosecutor may request an investigation from the government commissioner at the Permanent Military Court in Beirut in cases where there is suspicion of a criminal offense during preliminary investigations (which is naturally held before the military court). This contradiction must be interpreted consistently with international agreements ratified by Lebanon that emphasize principles of fair trial and justice. Victims of torture cannot file personal lawsuits before the Permanent Military Court in Beirut. Furthermore, there are no guarantees for a fair trial before this court, making it difficult to achieve justice and hold perpetrators accountable, especially given the absence of any justification for its rulings. Especially that victims of torture cannot file personal lawsuits before the Permanent Military Court in Beirut, which eliminates guarantees of a fair trial, especially given the absence of any justification for its rulings.

It should be noted that the parliamentary majority insisted on repealing the article that removes the jurisdiction to hear all torture crimes from the military court or that exempts the need for prior permission. While some (including the Speaker of the Parliament) justified the repeal of this article as unnecessary in light of Article 15 of the Code of Criminal Procedure, which assigns ordinary courts to hear any violations committed by the judicial police during the investigation of a crime.

Moreover, recognizing the jurisdiction of military courts to hear torture cases contradicts the legislative intent and justifications for Law No. 65/2017, which affirms the exclusive jurisdiction of ordinary courts over torture cases.

Therefore, we call upon the public prosecutor to exercise his right under Article 15 of the Code of Criminal Procedure to refer all torture cases to the ordinary judiciary, in line with the spirit of international agreements and to close the gap present in Law No. 65/2017. Additionally, we urge him to utilize the powers



granted to him under Article 80 of the Military Judiciary Law to request that the government commissioner at the Military Court of Cassation overturn the decision issued by the military court.

Finally, it is very surprising that the government commissioner at the Permanent Military Court in Beirut has not submitted a request to overturn the ruling issued by this court, in accordance with the powers granted to him under Article 74 of the Military Judiciary Law, especially in light of his documentation of the torture that occurred with the naked eye.