



OPERATIONAL GUIDANCE NOTE

LEBANON

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1. Introduction

- 1.1 This document summarises the general, political and human rights situation in Lebanon and provides information on the nature and handling of claims frequently received from nationals/residents of Lebanon. It must be read in conjunction with any COI Service Lebanon Country of Origin Information at:

http://www.homeoffice.gov.uk/rds/country_reports.html

- 1.2 This document is intended to provide clear guidance on whether the main types of claim are or are not likely to justify the granting of asylum, Humanitarian Protection or Discretionary Leave. Caseworkers should refer to the following Asylum Policy Instructions for further details of the policy on these areas:

API on Assessing the Claim
 API on Humanitarian Protection
 API on Discretionary Leave
 API on the European Convention on Human Rights
 API on Article 8 ECHR

- 1.3 Claims should be considered on an individual basis, but taking full account of the information set out below, in particular Part 3 on main categories of claims. In considering

claims where the main applicant has dependent family members who are a part of his/her claim, account must be taken of the situation of all the dependent family members included in the claim in accordance with the API on Article 8 ECHR.

Source documents

1.4 A full list of source documents cited in footnotes is at the end of this note.

2. Country assessment

- 2.1** Lebanon was created in its present boundaries in 1920 under a French mandate and became independent in 1943.¹ Lebanon is a parliamentary republic of 4.5 million citizens; the unwritten National Pact of 1943 stipulates that the president is a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the chamber of deputies a Shi'a Muslim.² The 1989 Taif Accord, which ended the country's 15-year civil war, reaffirmed this arrangement but resulted in increased Muslim representation in Parliament and reduced the power of the Maronite President.³
- 2.2** The crisis in the Gulf region, which was precipitated by Iraq's invasion of Kuwait in August 1990, had important repercussions for Lebanon. Syria was effectively granted freedom of action in Lebanon, in return for its participation in the US-led multinational force deployed against Iraq and received assurances of US support for its continued dominance in Lebanon.⁴ Since 1990 there has been no significant fighting in the country (excepting the troubles in South Lebanon) and the main political groupings accept the Taif Accord as the basis of a post-war settlement.⁵
- 2.3** President Emile Lahoud was elected in 1998 and his term was due to expire in November 2004; however, in September 2004, the Syrian regime pressured parliamentarians to pass a constitutional amendment that extended President Lahoud's term until November 2007. That coerced decision set off a chain of political events that led to massive demonstrations following former prime minister Rafiq al-Hariri's assassination on 14 February 2005, the eventual withdrawal of Syrian military forces from the country in April 2005, parliamentary elections in May and June 2005, and in July 2005 the first Lebanese government formed without Syrian control since the end of the civil war. The chamber of deputies (Majlis al-Nuwab) consists of 128 deputies, equally divided between Christian and Muslim representatives. According to international observers, the May-June elections for the chamber of deputies were considered generally free and fair, although most political observers considered the boundaries of the electoral districts to be unfair. The elections resulted in a new, pro-independence majority in the parliament opposed to Syrian interference in the country. That majority used Lebanon's constitutional process to select Fouad Siniora as prime minister in July 2005, reflecting the growing support for Lebanese freedom and democracy.⁶
- 2.4** Following the end of the civil war, south Lebanon remained the one area of active fighting. Israel continued to occupy part of south Lebanon with Israeli Defence Force (IDF) soldiers and a Lebanese proxy-army, the South Lebanon Army (SLA). UNSCR 425 in 1978 called for Israel's unconditional withdrawal from Lebanese territory and established the United Nations Interim Force in Lebanon. UNIFIL was deployed in Lebanon outside this so-called 'security zone' but could not intervene in the fighting. The Israelis withdrew from southern Lebanon in May 2000. The United Nations established a 'Blue Line' on the ground. The Blue Line is the best possible assessment of the international border (based on the 1923 border agreed between Britain and France). There have, however, been continual breaches

¹ FCO Lebanon Country Profile 2 June 2005

² USSD 2005 Introduction and Section 2

³ COIS Lebanon Country Report para 5.02

⁴ COIS Lebanon Country Report para 4.04

⁵ FCO Lebanon Country Profile 2 June 2005

⁶ USSD 2005 Introduction

and the potential for escalation remains high. Hizbollah emerged as the main Shia militia opposing the Israeli occupation and the Lebanese government continues to accept their control of south Lebanon after the Israeli withdrawal to the Shaba'a Farms.⁷

- 2.5** During 2005 significant improvements were noted in some areas, but the government's overall human rights record remained problematic. Human rights problems were reported in the limitations on the right of citizens to peacefully change their government, arbitrary or unlawful deprivation of life, incidents of excessive use of force and torture prior to April, poor prison conditions, lengthy pre-trial detention and long delays in trials, lack of judicial independence, infringement on citizens' privacy rights, restriction on freedoms of speech, press, and assembly prior to April, targeting of journalists, limitations on freedom of movement for unregistered refugees, government corruption and lack of transparency, domestic violence and societal discrimination against women, violence against children, widespread, systematic discrimination against Palestinians and child labour.⁸
- 2.6** Throughout 2005 but particularly after April when Syrian military forces and intelligence agencies departed the country following a 29-year period of control, the country made significant progress with respect to human rights under a democratically elected parliament and a reform-oriented government. With the end of the Syrian occupation, press and media self-censorship decreased considerably, with most political taboos broken by the year's end. Government attempts to restrict freedom of assembly during mass demonstrations also decreased after the first few months of the year.⁹
- 2.7** Lebanon remains host to numerous armed groups and the government has continued to demonstrate an unwillingness to take steps against Lebanese Hizbollah, Palestinian Islamic Jihad (PIJ), the Popular Front for the Liberation of Palestine-General Command (PFLP-GC), the Abu Nidal organization (ANO), and Hamas.¹⁰ However, under the leadership of Prime Minister Fouad Siniora, the Government of Lebanon has taken small but critical steps in 2005 to restrict the freedom of several groups, specifically the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) and Fatah al-Intifada, to operate in Lebanon. The Lebanese Armed Forces (LAF) strengthened border control posts and increased patrols along the Lebanese-Syrian border. Given that the Government of Lebanon does not exercise authoritative control over areas in the Hizbollah-dominated south and inside the Palestinian-controlled refugee camps, armed groups can operate relatively freely in both locations.¹¹
- Hizbollah**
- 2.8** Sporadic clashes and ongoing tension between Hizbollah and Israeli forces along Lebanon's southern border continued to be reported by international news agencies during 2005.¹² The Lebanese Government recognized as legitimate resistance groups organisations that target Israel and permitted them to maintain offices in Beirut. Lebanese leaders, including President Emile Lahud, reject assessments of Lebanese Hizbollah's global terror activities, though the group's leadership has openly admitted to providing material support for terror attacks inside Israel, the West Bank, and Gaza. Hizbollah, which holds 10 seats in the Lebanese parliament, is generally seen as a part of Lebanese society and politics.¹³
- 2.9** On 12 July 2006, Hizbollah launched a rocket attack on Israeli positions along the border with Lebanon; abducted two Israeli soldiers and killed a number of others.¹⁴ The Israeli response to Hezbollah's actions was to bomb Hezbollah positions and blockade Lebanon's sea ports, whilst Israeli Defence Force (IDF) ground troops entered Lebanese territory for

⁷ FCO Country Profile 11 August 2005

⁸ USSD 2005 Introduction

⁹ USSD 2005 Introduction

¹⁰ COIS Lebanon Country Report para 6.193

¹¹ USSD Report on Terrorism and Patterns of Global Terrorism 2005. Chapter 5

¹² COIS Lebanon Country Report para 4.12

¹³ COIS Lebanon Country Report para 6.195

¹⁴ COIS Bulletin 31 August 2006 para 3.01

the first time since May 2000.¹⁵ Hezbollah countered by firing hundreds of rockets from Lebanese territory into Israel, which reached as far as the towns of Haifa and Tiberias. Hezbollah fighters also put up fierce resistance to the Israeli ground forces that entered Lebanon.¹⁶

- 2.10** The conflict resulted in the deaths of over a thousand Lebanese, the majority of them civilians, and the injury of several thousand more. There has also been extensive damage to Lebanon's infrastructure¹⁷ – including the destruction of roads, bridges, and water and power supplies.¹⁸ Up to a million people were displaced from their homes during the conflict, mainly from the south of the country.¹⁹
- 2.11** On 11 August 2006 after 4 weeks of conflict, the UN Security Council passed Resolution 1701, which called for a full cessation of hostilities, the deployment of the United Nation's Interim Force in Lebanon (UNIFIL) and Lebanese armed forces in southern Lebanon – accompanied by the withdrawal of Israeli Defence Forces from Lebanese territory – and the enlargement of UNIFIL to a maximum strength of 15,000 troops.²⁰ Within hours of the ceasefire coming into effect (at 05.00 GMT on 14 August 2006), tens of thousands of displaced Lebanese began flooding back to southern Lebanon, the districts of south Beirut, and the Bekaa Valley in east Lebanon; estimates of how many have already returned range from 550,000 – 735,000.²¹

Palestinians

- 2.12** The UN Relief and Works Agency (UNRWA) reported that the number of Palestinian refugees in the country registered with the UNRWA was approximately 402,000²², although the numbers actually living in Lebanon may be less than this figure. In addition there are some 20,000 Palestinian refugees living in Lebanon not registered with UNRWA. Palestinian refugees living in Lebanon are denied citizenship rights and face restrictions on working, building homes, and purchasing property.²³
- 2.13** Palestinian militias held significant influence within the refugee camps and in a few bases outside of these camps. Palestinian groups, including armed factions, continued to operate autonomously in refugee camps throughout the country in 2004. Rival groups, such as Fatah and Asbat al-Ansar/Nur in Ein el-Hilweh, regularly clash over territorial control, sometimes leading to fatal gunfights or the detention of rival members.²⁴

3. Main categories of claims

- 3.1** This Section sets out the main types of asylum claim, human rights claim and Humanitarian Protection claim (whether explicit or implied) made by those entitled to reside in Lebanon. It also contains any common claims that may raise issues covered by the API on Discretionary Leave. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/ punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection and internal relocation are set out in the relevant API's, but how these affect particular categories of claim are set out in the instructions below.

¹⁵ COIS Bulletin 31 August 2006 para 3.02

¹⁶ COIS Bulletin 31 August 2006 para 3.03

¹⁷ FCO Country Profile 11 August 2006

¹⁸ COIS Bulletin 31 August 2006 para 3.07

¹⁹ FCO Country Profile 11 August 2006

²⁰ COIS Bulletin 31 August 2006 para 3.05

²¹ COIS Bulletin 31 August 2006 para 3.07

²² USSD 2005 Section 2

²³ COIS Lebanon Country Report para 5.06

²⁴ COIS Lebanon Country Report para 6.24

- 3.2** Each claim should be assessed to determine whether there are reasonable grounds for believing that the claimant would, if returned, face persecution for a Convention reason - i.e. due to their race, religion, nationality, membership of a particular social group or political opinion. The approach set out in *Karanakaran* should be followed when deciding how much weight to be given to the material provided in support of the claim (see the API on Assessing the Claim).
- 3.3** If the claimant does not qualify for asylum, consideration should be given as to whether a grant of Humanitarian Protection is appropriate. If the claimant qualifies for neither asylum nor Humanitarian Protection, consideration should be given as to whether he/she qualifies for Discretionary Leave, either on the basis of the particular categories detailed in Section 4 or on their individual circumstances.
- 3.4** This guidance is **not** designed to cover issues of credibility. Caseworkers will need to consider credibility issues based on all the information available to them. (For guidance on credibility see para 11 of the API on Assessing the Claim)

All APIs can be accessed via the IND website at:

http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/policy_instructions/apis.html

3.5 Involvement in the South Lebanon Army (SLA)

- 3.5.1** Some claimants make an asylum or human rights claim based on ill treatment amounting to persecution from the Lebanese authorities and/or Hizbollah on account of their SLA involvement.
- 3.5.2** **Treatment** The South Lebanon Army was an armed militia founded and led by South Lebanese Christians (some of its militia men were Muslim or Druze) and financed and trained by Israel with a view to control the so-called Israeli-occupied 'security zone' in the South of Lebanon.²⁵ Human Rights Watch has documented SLA practices in the occupied zone that were in contravention of international humanitarian law, including forced recruitment of men and children into the militia, the expulsion of individuals and entire families, and torture of detainees held without charge in Khiam prison.²⁶
- 3.5.3** In early May 2000, as soon as Israel began to withdraw from the 'Security Zone', fearing falling in the hands of Hizbollah, half of SLA's militia men surrendered to the Lebanese army, whilst the other half sought asylum for themselves and their families in Israel.²⁷ The Government initially held incommunicado most of the 3,000 SLA members who surrendered to the authorities; however, lawyers and family members have since been provided access. Most SLA members have served their sentences and have been released; others continued to serve their sentences as regular prisoners.²⁸
- 3.5.4** During 2004 the Military Court concluded the cases of the remaining SLA militiamen who surrendered to the Government following the Israeli Defence Force withdrawal. Domestic human rights groups and international nongovernmental organizations (NGOs) reported that the trials were open to journalists and members of the public but were not fair. The standard defence presented by lawyers was that the Government had been unable to defend citizens living under Israeli occupation, and the residents had no choice but to work with the occupiers. Approximately one-third of the former SLA members received 1-year prison sentences and approximately one-third received sentences of 3 to 4 weeks. The Military Court denied every recommendation for the death sentence.²⁹

²⁵ COIS Lebanon Country Report para 6.198

²⁶ Human Rights Watch Report 2000

²⁷ COIS Lebanon Country Report para 6.198

²⁸ COIS Lebanon Country Report para 6.199

²⁹ COIS Lebanon Country Report para 6.199

- 3.5.5** Hizbollah (Party of God) is a militant Shi'ite faction, which became the leading organisation of Lebanon's Shi'a community and a recognized political party. Hizbollah operates in the southern suburbs of Beirut, the Beka'a Valley, and southern Lebanon.³⁰ Hizbollah holds 10 seats in the Lebanese parliament and is generally seen as a part of Lebanese society and politics.³¹ (See paragraph 3.6.2) Unlike in previous years, in 2005 there were no reports that Hizbollah subjected former Southern Lebanese Army (SLA) soldiers who returned to their villages to harassment.³²
- 3.5.6** *Sufficiency of protection.* The government acknowledged that violent abuse of detainees usually occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite national laws that prevent judges from accepting confessions extracted under duress.³³ (See 3.13 prison conditions) Claimants in this category whose fear is of ill treatment by the state authorities, cannot apply to these authorities for protection. It is considered that the sentences received are generally commensurate to the acts committed whilst involved in the SLA. Apart from prosecuting SLA personnel there is no evidence that the authorities take other action against SLA members. It is noted that in 2005 Hizbollah did not subject former SLA soldiers to harassment. It is considered that Hizbollah are likely to hand over those suspected of involvement in the SLA to the Lebanese authorities for the appropriate sentencing. Sufficiency of protection is generally available for those individuals fearing Hizbollah, even though this might sometimes result in their prosecution of activities as members of the SLA. However this may not be the case for some high profile former SLA members who may not be able to access sufficiency of protection to escape the attentions of Hizbollah.
- 3.5.7** *Internal relocation.* The law provides for freedom of movement, and the government generally respected this with some limitations. The law prohibits direct travel to Israel. Until their withdrawal from Lebanon on April 26 2005, Syrian troops maintained checkpoints throughout much of the country. Lebanese Armed Forces (LAF) troops also maintained similar checkpoints.³⁴ For claimants in this category who fear ill treatment by the state authorities, relocation to a different area of the country to escape this threat is not feasible.
- 3.5.8** Hizbollah operates in the southern suburbs of Beirut, the Beka'a Valley, and southern Lebanon.³⁵ Whilst internal relocation is not likely to be unduly harsh in the majority of cases, any individual on a Hizbollah target list are unlikely to be able to escape the attentions of the organisation by moving to another area of the country. Internal relocation to an area not controlled by Hizbollah would be a viable option, for the majority of cases who are not of significant interest to Hizbollah, and is not considered unduly harsh.
- 3.5.9** *Conclusion.* SLA members have been prosecuted by the Lebanese authorities for their activities in south Lebanon however the sentences have generally been lenient and there is no evidence that these were disproportionate for the crimes committed or that any particular individuals are targeted for prosecution. Outside of these prosecutions there is no evidence that the Lebanese government persecutes, mistreats or harasses members or former members of the SLA. Whilst Hizbollah is clearly a group which opposes the actions of SLA there is no evidence that ordinary former SLA members are targeted by the group to the extent that they face persecution or treatment amounting to a breach of Article 3 at the hands of Hizbollah. Therefore a grant of asylum or Humanitarian Protection will not generally be appropriate. However for individuals who are able to demonstrate that they are of particular interest to Hizbollah the situation will be different. There is evidence that Hizbollah's profile and ability to act within Lebanon is such that for these individuals there

³⁰ COIS Lebanon Country Report Annex B

³¹ COIS Lebanon Country Report para 6.195

³² USSD 2005 Section 1

³³ USSD 2005 Section 1

³⁴ COI Report Annex B

³⁵ USSD 2005 Section 2

may not be a sufficiency of protection and internal relocation may not allow them to escape the attentions of Hizbollah. In these cases a grant of asylum may be appropriate.

3.5.10 Caseworkers should note that members of SLA have been responsible for numerous serious human rights abuses. If it is accepted that a claimant was an active operational member or combatant for SLA and the evidence suggests he/she has been involved in such actions, then caseworkers should consider whether one of the Exclusion clauses is applicable. Caseworkers should refer such cases to a Senior Caseworker in the first instance.

3.6 Members of left wing parties fearing Hizbollah

3.6.1 Some claimants make an asylum or human rights claim based on ill-treatment amounting to persecution at the hands of Hizbollah due to their membership of left wing parties such as the National Liberal Party or Socialist and Progressive Party or Lebanese Communist Party.

3.6.2 *Treatment* Hizbollah received, training, weapons, explosives, political, diplomatic, financial and organisational aid from Iran, and also diplomatic, political and logistical support from Syria. Hizbollah is closely allied with, and often directed by, Iran but has the capability and willingness to act independently.³⁶ Hizbollah is a militant Shi'ite faction, which became the leading organisation of Lebanon's Shi'a community and a recognized political party. The group demanded the withdrawal of Israeli forces from the occupied Shebaa Farms area of southern Lebanon and has been a strong ally in helping Syria advance its political objectives in the region. Hizbollah operates in the southern suburbs of Beirut the Beka'a Valley, and southern Lebanon.³⁷ Hizbollah holds 10 seats in the Lebanese parliament and is generally seen as a part of Lebanese society and politics.³⁸ (See paragraph 3.5.5)

3.6.3 Dedicated to opposing Israel, Hizbollah has formally advocated the ultimate establishment of Islamic rule in Lebanon. Hizbollah are known or suspected to have been involved in numerous anti-US and anti-Israeli terrorist attacks. Hizbollah has an estimated membership of several thousand supporters; a few hundred operatives and operates in the southern suburbs of Beirut, the Beka'a Valley, and southern Lebanon.³⁹

3.6.4 In Resolution 1655, adopted on 30 January 2006, the Security Council extended the mandate of UNIFIL by six months to 31 July 2006. The peacekeeping mission was created in 1978 after the Israeli invasion of southern Lebanon. The Israelis finally withdrew in 2000.⁴⁰ UNIFIL's initial mandate was to confirm the Israeli withdrawal from Lebanon, restore international peace and security and help the Lebanese government reinstate effective authority in the area, which is yet to be completed. Hizbollah retained particular significant influence over parts of the country and violent cross-border incidents involving Hizbollah and Israel forces continued during 2004. Four such incidents occurred in January, March, May and July 2004.⁴¹ (See paras 2.9-2.11 and Section 3.13 for details of the recent Hizbollah - Israeli conflict.)

3.6.5 Of the more left wing parties the Lebanese Communist Party (LCP) never developed into a mass organization, but influenced many intellectuals. It has had little impact on Lebanese politics.⁴² The National Liberal Party (NLP) is a political party in Lebanon, founded in 1958. It is now under the leadership of Dory Chamoun. Like most Lebanese political organisations, it has a sectarian basis; the NLP is mainly supported by Christians.⁴³ The

³⁶ COIS Lebanon Country Report Annex B

³⁷ COIS Lebanon Country Report Annex B

³⁸ COIS Lebanon Country Report para 6.195

³⁹ COIS Lebanon Country Report Annex B

⁴⁰ IRIN News February 2006

⁴¹ IRIN News February 2006

⁴² COIS Lebanon Country Report Annex B

⁴³ COIS Lebanon Country Report Annex B

Government scrutinized requests to establish political movements or parties and to some extent monitored their activities.⁴⁴

- 3.6.6** People in southern Lebanon know that if they join Hizbollah they will receive better protection and financial security. The population in this region knows not to go against Hizbollah because it depends on it. Since Hizbollah is supported by most of the population in southern Lebanon, there is generally no need to force people to join the group. However, it has been reported that some people have been punished for not joining.⁴⁵
- 3.6.7** On several occasions in 2004, Hizbollah operatives interfered with the freedom of movement of U.N. Interim Forces in Lebanon (UNIFIL) personnel. Nevertheless, in December 2005 it was reported that, following the Syrian withdrawal and recent elections, the state gradually is extending its presence to no-go zones, those run by Syrian allies, and in particular those being held by pro-Syrian Palestinian groups.⁴⁶
- 3.6.8** **Sufficiency of protection** The security forces consist of the Lebanese Armed Forces (LAF) under the Ministry of Defence, which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF) under the Ministry of the Interior (MOI), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus, which reports to the prime minister and the SG under the MOI, both of which collect information on groups deemed a possible threat to state security.⁴⁷ In 2000, following the Israeli Defence Forces (IDF) withdrawal from the south, the Government deployed more than 1,000 police and soldiers to the former Israeli security zone. However, the Government has not attempted to disarm Hizbollah, nor have the country's armed forces taken sole and effective control over the entire area.⁴⁸ Outside the South of Lebanon there is no evidence that in general members of these parties could not approach the Lebanese authorities for protection therefore in the remainder of the country there is a sufficiency of protection.
- 3.6.9** **Internal Relocation.** The law provides for freedom of movement, and the government generally respected this with some limitations. The law prohibits direct travel to Israel. Until their withdrawal from Lebanon on April 26, Syrian troops maintained checkpoints throughout much of the country. Lebanese Armed Forces (LAF) troops also maintained similar checkpoints.⁴⁹ Whilst internal relocation is not likely to be unduly harsh for any individual those on Hizbollah target list are unlikely to be able to escape the attentions of the organisation by moving to another area of the country.
- 3.6.10** **Conclusion** There have been no known reports of reprisals against people by Hizbollah, or any accounts of enforced recruitment. The authorities are willing and able to offer sufficiency of protection and internal relocation is not unduly harsh in the majority of cases. A grant of asylum or Humanitarian Protection is not therefore likely to be appropriate for ordinary members of these groups.
- 3.6.11** However, individuals who establish that they are of significant interest to Hizbollah, may not be able to obtain protection in South Lebanon and other Hezbollah areas and may not be able to internally relocate, therefore in some cases a grant of asylum or Humanitarian Protection may be appropriate. Caseworkers should note that Hizbollah are just as likely to pursue people for non-convention reasons such as those they have personal feuds with or those who have lost out in power struggles to those whose politics, ethnicity or religion they do not like.

⁴⁴ COIS Lebanon Country Report para 6.62

⁴⁵ COIS Lebanon Country Report para 5.33

⁴⁶ COIS Lebanon Country Report para 6.22

⁴⁷ USSD 2005 Section 1

⁴⁸ COIS Lebanon Country Report para 6.164

⁴⁹ USSD 2005 Section 2

3.6.12 Caseworkers should note that members of Hizbollah have been responsible for numerous serious human rights abuses. If it is accepted that a claimant was an active operational member or combatant for Hizbollah and the evidence suggests that he/she has been involved in such actions, then caseworkers should consider whether one of the exclusion clauses is applicable. Caseworkers should refer such cases to a Senior Caseworker in the first instance.

3.7 Fear of persecution by Amal

3.7.1 Some claimants make asylum or human rights claims based on ill-treatment amounting to persecution due to a fear of revenge killing by Amal as they or a family member are suspected of carrying out an attack on an Amal member. Alternately they may claim to fear reprisals for having deserted the Amal militia.

3.7.2 **Treatment** The Amal movement was established in 1975 by Imam Musa as Sadr, an Iranian-born Shia cleric of Lebanon Ancestry who had founded the Higher Shia Islamic Council in 1969. Amal, which means *hope* in Arabic, is the acronym for Afwaj al Muqawamah al Lubnaniyyah (Lebanese Resistance Detachments), and was initially the name given to the military arm of the Movement of the Disinherited.⁵⁰

3.7.3 By the early 1980s, Amal was the most powerful organization within the Shia community and perhaps was the largest organization in the country. Its organizational strength lay in its extension to all regions of the country inhabited by Shias. However, tensions between Amal and Hizbollah repeatedly boiled over as both groups rushed into south Lebanon to establish their presence in the former Israeli-occupied zone.⁵¹

3.7.4 Amal contested the 2005 legislative elections with Hizbollah as the Resistance and Development Bloc.⁵² In both the South and the Bekaa Valley, Hizbollah and Amal, together with local figures, drew up lists for all available seats, Shiite and non-Shiite, fielding their own candidates together with other Syrian loyalists. The Hizbollah/Amal list won overwhelmingly in the South and the Bekaa.⁵³ Amal held 15 seats after the legislative elections and their leader Nabih Berri was re-elected as Speaker.⁵⁴ In an atmosphere of relative insecurity and fear, ordinary citizens increasingly look to their sectarian communities for succour and protection; meanwhile, many leaders have either withdrawn to mountain-top bases or taken temporary refuge abroad.⁵⁵

3.7.5 Rumours concerning ongoing rearmament of various factions abound.⁵⁶ An Amal militiaman alleged in December 2005 that training had resumed in preparation for a potential showdown, and his movement was coordinating with smaller pro-Syrian movements.⁵⁷

3.7.6 **Sufficiency of Protection** The security forces consist of the Lebanese Armed Forces (LAF) under the Ministry of Defence, which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF) under the Ministry of the Interior (MOI), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus, which reports to the prime minister and the SG under the MOI, both of which collect information on groups deemed a possible threat to state security.⁵⁸ In 2000, following the Israeli Defence Forces (IDF) withdrawal from the south, the Government deployed more than 1,000 police and soldiers to the former Israeli security

⁵⁰ US Library of Congress

⁵¹ MEIB 2000

⁵² COIS Lebanon Country Report Annex B

⁵³ International Crisis Group

⁵⁴ COIS Lebanon Country Report Annex B

⁵⁵ International Crisis Group

⁵⁶ International Crisis Group

⁵⁷ COIS Lebanon Country Report para 6.61

⁵⁸ USSD 2005 Section 1

zone.⁵⁹ Outside the South of Lebanon there is no evidence that in general those fearing Amal could not approach the Lebanese authorities for protection therefore in the remainder of the country there is a sufficiency of protection.

3.7.7 Internal Relocation The law provides for freedom of movement, and the government generally respected this with some limitations. The law prohibits direct travel to Israel. Until their withdrawal from Lebanon on April 26, Syrian troops maintained checkpoints throughout much of the country. Lebanese Armed Forces (LAF) troops also maintained similar checkpoints.⁶⁰ Whilst internal relocation is not likely to be unduly harsh for any individual those of such high profile to be of national interest are unlikely to be able to escape the attentions Amal by moving to another area of the country. Internal relocation to areas that are not Amal strongholds when the interest stems from a local militia is not considered unduly harsh.

3.7.8 Conclusion Whilst there is evidence that Amal as an organisation has used violence there are no reports of individual ill-treatment by Amal or those who oppose it. In the majority of cases there is sufficiency of protection available outside of South Lebanon. Internal relocation to an area away from Amal influence would not be unduly harsh in the majority of cases therefore a grant of asylum or Humanitarian Protection would not usually be appropriate. If the claimant has such a high profile to be of national interest they are unlikely to avoid the attentions of Amal by moving to another area of the country. In those circumstances a grant of asylum would be appropriate.

3.8 Domestic violence and honour crimes

3.8.1 Some claimants make an asylum or human rights claim based on ill treatment amounting to persecution due to domestic violence from their spouse and/or victimisation by their spouse's relatives.

3.8.2 Treatment Men sometimes exercised considerable control over female relatives, restricting their activities outside of the home or their contact with friends and relatives. Women may own property but often ceded control of it to male relatives for cultural reasons and because of family pressure.⁶¹ However, according to Article 7 of the Lebanon's Constitution, all Lebanese are equal before the law. They equally enjoy civil and political rights and equally are bound by public obligations and duties without any distinction.⁶²

3.8.3 Lebanon is made up of many heterogeneous communities and societies, and there are many very different mindsets throughout the country. One can therefore find tribal communities that have very strict laws on a woman's virginity but there is also, particularly among Lebanese Christians, a very open mentality that indulges and even permits common-law relationships. One would also have to take into consideration that a woman's age and financial situation play a large role in determining the risks she faces. A woman of 40 or even 35 years may be spared, as well as a divorced woman.⁶³

3.8.4 Women have the right to vote, and there are no legal barriers to their participation in politics; however, there were significant cultural barriers. Prior to October 2004, no woman had held a Cabinet position; however, at that juncture, two women were named to the Cabinet.⁶⁴ The law prohibits rape, and the minimum sentence for a person convicted of rape is 5 years in prison. The minimum sentence for a person convicted of raping a minor is 7 years. During the year, the courts issued several sentences in cases involving rape; most offenders received 5 to 7 years in jail.⁶⁵

⁵⁹ COIS Lebanon Country Report para 6.195

⁶⁰ USSD 2005 Section 2

⁶¹ COIS Lebanon Country Report para 6.167

⁶² COIS Lebanon Country Report para 6.160

⁶³ COIS Lebanon Country Report para 6.165

⁶⁴ COIS Lebanon Country Report para 6.161

⁶⁵ COIS Lebanon Country Report para 6.162

Domestic violence

- 3.8.5** There were no authoritative statistics in 2005 on the extent of spousal abuse; however, most experts agreed that the problem affected a significant portion of the female population. Cases reported were believed to be only a fraction of the actual number. Possible loss of custody of children and the absence of an independent source of income prevented women from leaving their husbands. Despite a law prohibiting battery with a maximum sentence of 3 years in prison for those convicted some religious courts legally may require a battered wife to return to the house in spite of physical abuse and many women are compelled to remain in abusive marriages because of social and familial pressures.⁶⁶
- 3.8.6** The Government had no separate program to provide medical assistance to battered women; however, it provided legal assistance to victims who could not afford it regardless of their gender. In most cases, police ignored complaints submitted by battered or abused women. A local NGO, the Lebanese Council to Resist Violence Against Women, worked actively to reduce violence against women by offering counselling and legal aid and raising awareness about domestic violence.⁶⁷

Honour crimes

- 3.8.7** In 2004 it was reported that the legal system was considered discriminatory in its handling of honour crimes. According to the Penal Code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. For example, while the Penal Code stipulates that murder is punishable by either a life sentence or the death penalty, if a defendant can prove it was an honour crime, the sentence is commuted to 1 to 7 years' imprisonment. Several honour crimes are reported in the media every year. No person has been convicted in a case legally considered an honour crime.⁶⁸ Men convicted of honour crimes against women usually receive lenient sentences.⁶⁹
- 3.8.8** A Canadian Research Directorate information response stated that, according to the December 2000 edition of *The Middle East Quarterly*, marriage to the person who raped or otherwise violated her, or to another man, can save her honour.⁷⁰
- 3.8.9** A Beirut-based lawyer, who specialised in honour crimes, provided information to the Canadian Research Directorate in February 2004 which stated that most deaths linked to honour crimes are not reported to the police and are covered up by the family as suicides or accidents. The shame brought upon a family should the socially [translation] 'unacceptable' behaviour of the woman killed ever be discovered, as well as the will to protect the killer from potential legal repercussions, lead to the silencing of many honour killings. The Research Directorate also stated that with regard to the protection available from the government or other organizations to potential female victims of violence, the lawyer is of the opinion that [translation] no protection is offered at any level. If she is going to be killed, nothing will protect her.⁷¹
- 3.8.10 Sufficiency of Protection** The law does not specifically prohibit domestic violence and domestic violence against women was a common problem in 2004. There is no legally recognised competent authority to which women may have recourse, for instance, if they are subjected to violence in the home.⁷² Therefore it is unlikely that the authorities will be able to offer sufficiency of protection to victims of domestic violence.

⁶⁶ COIS Lebanon Country Report para 6.163

⁶⁷ COIS Lebanon Country Report para 6.166

⁶⁸ COIS Lebanon Country Report para 6.169

⁶⁹ Freedom House 2005

⁷⁰ COIS Lebanon Country Report para 6.162

⁷¹ COIS Lebanon Country Report para 6.170

⁷² COIS Lebanon Country Report para 6.163

- 3.8.11** There is a lack of legal procedures in place to prosecute perpetrators of honour killings and individuals may not be able to access sufficiency of protection due to cultural constraints. Therefore it is unlikely that the authorities will be able to offer sufficiency of protection.
- 3.8.12 *Internal Relocation*** The law provides for freedom of movement, and the government generally respected this right in practice.⁷³ In general internal relocation to an area away from the localised threat of domestic violence or honour crimes at the hands of family relations will not be considered unduly harsh. However factors such as the social and professional background of an individual claimant must be carefully considered when determining relocation as an option.
- 3.8.13 *Conclusion*** Domestic violence and honour crimes are serious problems in Lebanon and the authorities are not always able or willing to provide sufficiency of protection. However, internal relocation to escape a localised threat from a husband/member of their family is usually an option and is not considered to be unduly harsh. Therefore in the majority of cases a grant of asylum or Humanitarian Protection will not be appropriate.
- 3.8.14** However factors such as the social and professional background of an individual claimant must be carefully considered when determining internal relocation and there may be individual cases where internal relocation is not an option. In general women in Lebanon are not considered a particular social group and therefore in most cases if internal relocation is considered to be unduly harsh a grant of Humanitarian Protection will be appropriate. However, if a caseworker considers in an individual case that the evidence suggests that protection is denied by the authorities simply because the claimant is a woman and not because of the authorities general inability to protect its citizens, men or women, and that internal flight is unduly harsh a grant of asylum may be appropriate.

3.9 Palestinians in Lebanon and conditions in Palestinian Refugee camps

- 3.9.1** Some claimants will make an asylum or human rights claim based on ill treatment amounting to persecution due to being Palestinian in Lebanon and/or that the conditions within the Palestinian refugee camps are so harsh as to amount to persecution or a breach of their human rights.
- 3.9.2 *Treatment.*** Palestinians were forced to flee or were expelled from their homes and lands at the time of the establishment of the State of Israel in 1948 and again when Israel occupied the West Bank and Gaza Strip in 1967. Many of them took refuge in Lebanon, where they remain today, together with their descendents. The majority of Palestinians in Lebanon live in refugee camps run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).⁷⁴
- 3.9.3** The exact size of the Palestinian refugee population actually *residing* in Lebanon is not known, although several estimates based on various sources and methodologies exist.⁷⁵ UNRWA's own figures, as of 30 June 2005, recorded that the number of registered Palestinian refugees in Lebanon amounted to 401,071. The number of these registered refugees within the camps in Lebanon amounted to 211,593.⁷⁶ There are 12 official Palestinian refugee camps existing in Lebanon.⁷⁷ In addition [to the registered refugees], Lebanon has between 10,000 and 40,000 Palestinian refugees that are not registered with UNRWA and not receiving any assistance from it. Thousands more do not have any form of identification and are not receiving assistance from UNRWA; they are commonly referred to as non-ID Palestinian refugees. Some 20,000 Palestinians are believed to have been

⁷³ USSD 2005 Section 2

⁷⁴ AI News March 2004

⁷⁵ COIS Lebanon Country Report para 6.93

⁷⁶ COIS Lebanon Country Report para 6.94

⁷⁷ COIS Lebanon Country Report para 6.96

naturalized as Lebanese; however it appears that the status of some of the naturalized Palestinians is not secure as there were reports that their Lebanese nationality may be annulled.⁷⁸ The number of Palestine refugees registered with UNRWA in Lebanon is nearly 400,000, or an estimated 10 percent of the population.⁷⁹ The Christian and Muslim Lebanese communities considered that mass-naturalisation of the Palestinians would endanger the delicate ethno-religious balance and threaten the country's stability.⁸⁰

- 3.9.4** Of the original 16 official camps in Lebanon, three were destroyed during the years of conflict and were never rebuilt or replaced. A fourth camp, Gouraud in Baalbeck, was evacuated many years ago and its inhabitants were transferred to Rashidieh camp in the Tyre area. Today, all 12 official refugee camps in the Lebanon suffer from serious problems - no proper infrastructure, overcrowding, poverty and unemployment.⁸¹
- 3.9.5** Refugee camps have their own bureaucracy and leadership, the most important being the camp manager and popular committees (PC). The popular committees are quasi-official bodies mostly concerned with the daily running of the camps, conflict resolution and arbitration, dispensing social provisions (together with UNRWA) and being the camps' mouthpiece vis-à-vis Lebanese authorities and law enforcement agencies. The popular committee's main function is to ensure law and order within the camps. The leadership in the camps is not based on a popular vote or the projected strength of one group or party over others. Instead, the make-up of the committees tends to reflect the strength of third-party interests, in particular those of Syria.⁸²
- 3.9.6** Since the camps function largely as autonomous bodies, internal 'policing' is left to the political leadership of the camp. Conflict resolution is mostly local and follows customary rules and regulations rather than those inscribed in the Lebanese penal code. This does not mean that the camps and their residents are out of reach of Lebanese laws. With the lifting of the Cairo Accords by the Lebanese authorities in 1987, the right to conduct military activities from Lebanese soil ended, as did the refugees' formal right to bear arms. The demand for surrendering arms was never enforced. To this day the refugee camps are flooded with light arms. While the Lebanese security forces can, and sometimes do, enter the camps to round up suspects or search for weapons, the authorities prefer monitoring and surveillance instead of military involvement in the camps.⁸³
- 3.9.7** When Palestinians venture out of the camps to look for work, they are hit by laws that discriminate against them. The Lebanese government will grant the right to work to foreign nationals to the extent that their state grants the right to Lebanese nationals. Palestinians are at a particular disadvantage as they do not have a state that could provide reciprocal treatment to Lebanese nationals.⁸⁴ Some Palestinian refugees worked in the informal sector, particularly in agriculture and construction. On June 7 2005, the minister of labour issued a memorandum authorizing Palestinian nationals born in the country and duly registered with the MOI to work in 50 (out of 72) professions banned to foreigners. However, there were no indications that this memorandum was implemented consistently.⁸⁵
- 3.9.8** Palestinian refugees do not have the right to own property in the country. Palestinians no longer may purchase property and those who owned property prior to 2001 will be prohibited from passing it on to their children. The Parliament justified these restrictions on the grounds that it was protecting the right of Palestinian refugees to return to the homes they fled after the creation of the state of Israel in 1948. The Government did not provide

⁷⁸ COIS Lebanon Country Report para 6.95

⁷⁹ COIS Lebanon Country Report para 6.93

⁸⁰ COIS Lebanon Country Report para 5.07

⁸¹ COIS Lebanon Country Report para 6.111

⁸² COIS Lebanon Country Report para 6.112 and 6.113

⁸³ COIS Lebanon Country Report para 6.114

⁸⁴ Al News March 2004

⁸⁵ USSD 2005 Section 5

health services or education to Palestinian refugees, who relied on UNRWA for these services.⁸⁶

- 3.9.9** The Report of the Commissioner-General of UNRWA for Palestinians in the Near East, covering the period 1 July 2004 - 30 June 2005 recorded that Palestine refugees in Lebanon are among the most disadvantaged in the region. While entry of construction materials to camps is subject to approval from the Lebanese army, this did not cause delays during the reporting period. Legislation preventing Palestine refugees from buying immovable property remains in force.⁸⁷
- 3.9.10** Lebanese Prime Minister Fouad Siniora met with Palestinian President Mahmoud Abbas in December 2005 to discuss the status of hundreds of thousands of Palestinian refugees, striving to bolster the roles of both the Palestinian Authority and Fatah at the expense of Syrian-affiliated groups. They agreed to place Palestinian weapons inside the camps under the combined control of the Lebanese Army and Fatah command and remove any weapons outside their boundaries. The agreement is potentially as significant for the refugees as for Lebanon, though pro-Syrian factions have refused to submit to Fatah oversight and tensions remain high. Regularisation of the refugees' status requires extending basic civil rights to them, including removing onerous employment and property restrictions. This is highly controversial, as some Lebanese view it as a start to tilting the demographic balance toward Sunnis and lessening job opportunities.⁸⁸
- 3.9.11** *Sufficiency of protection.* Where this category of claimants' fear is of ill treatment/persecution by the state authorities they cannot apply to these authorities for protection. Where the claim is related to the general living conditions within the camps the availability of sufficient protection is not relevant.
- 3.9.12** *Internal relocation.* Where this category of claimants fear is of ill treatment amounting to persecution by the state authorities relocation to a different area of the country to escape this threat is not feasible, however for localised threats in specific camps relocation to another camp is not unduly harsh. Where the claim is related to the general living conditions for Palestinians, even though conditions vary from camp to camp, the availability of internal relocation is not relevant.
- 3.9.13** *Caselaw.*

KK IH HE [2004] CG UKIAT 00293

Having considered these matters as a whole, as we have done in some detail above, we have concluded that to the extent that there is a discriminatory denial of third category rights in Lebanon for the Palestinians, this does not amount to persecution under the Refugee Convention or breach of protected human rights under Article 3 of the ECHR. Paragraph 106. In the circumstances, therefore, we consider that the Article 3 threshold would not be crossed in any of these cases on the basis of general attitudes in Lebanon towards Palestinians. Paragraph 107. Our view is that although there is evidence as we have described briefly concerning the serious problems in the camps, to regard the circumstances in the camps as life-threatening is excessive and objectively unfounded, having regard to the information in the international reports provided to us. Paragraph 86.

- 3.9.14** **Conclusion.** Whilst it is acknowledged that the situation for Palestinians in Lebanon is poor, with some discriminatory treatment this does not amount to a sustained and systematic abuse of human rights to warrant any form of protection. The general circumstances, as shown in KK IH HE UKIAT 00293, do not amount to persecution and therefore it would not be appropriate to grant asylum or Humanitarian Protection. Whilst the situation in refugee camps in Lebanon for Palestinians is poor as has been established in KK IH HE the conditions in the camps are not so poor that they amount to persecution or torture or inhuman or degrading treatment so that they breach the high

⁸⁶ COIS Lebanon Country Report para 6.98

⁸⁷ COIS Lebanon Country Report para 6.99

⁸⁸ COIS Lebanon Country Report para 6.100

threshold of article 3. Conditions for Palestinians who live outside the camps are also difficult, however these too do not amount to persecution or breach the Article 3 threshold. Therefore a grant of any form of leave would not be appropriate for those claiming a risk on return on the basis of the conditions for Palestinians inside or outside the refugee camps in Lebanon.

3.10 Fear of Lebanese authorities due to membership of a Palestinian group

3.10.1 Some claimants will make an asylum or human rights claim based on ill treatment amounting to persecution by the Lebanese authorities due to involvement with an armed Palestinian group.

3.10.2 *Treatment* Ein el-Hilweh camp was the stronghold of the Fatah movement during the late 1980s. The Abu Nidal Organisation [ANO] had been defeated by Fatah in a bloody three-day war for control of the camp in September 1990.⁸⁹ Syrian concerns over the rise of Islamist groups in the camp resulted in the Syrian authorities allowing Fatah to reassert its authority in Ein el-Hilweh in late 1998, primarily by pouring Palestinian Authority (PA) funds into the camp. However, with the in absentia conviction of Fatah's leader in Lebanon, Sultan Abu al-Aynayn, of forming an armed gang and the subsequent arrest of three senior Fatah officials, Syrian support of Fatah's authority in Ein el-Hilweh was again curtailed, seemingly in favour of Asbat al-Ansar/Nur.⁹⁰

3.10.3 Other groups are present in Ein el-Hilweh, such as Jamal Suleiman's Fatah's Martyrs' Battalion; the Popular Front for the Liberation of Palestine (PFLP); the 10 to 20 fighters who constituted the remnants of the Dinniyeh Group - initially a 200-300 strong group of Islamic militants; and the Asbat al-Ansar breakaway group - Asbat al-Nur. Another small, but important al-Qaeda affiliate is Al-Haraka al-Islamiya al-Mujahida (The Islamic Struggle Movement), led by Sheikh Jamal Khattab, the imam of Al-Nour Mosque in the Safsaf neighbourhood of Ein el-Hilweh.⁹¹

3.10.4 Syria has a long history of sponsoring Palestinian militant groups with an armed presence in Lebanon, most notably the Popular Front for the Liberation of Palestine – General Command [PFLP-GC], led by Ahmad Jibril. Numerically, Islamists do not appear to be a significant threat.⁹² During Syria's military presence in Lebanon, Palestinian groups were – like Hizbollah – spared from the Taif Accord's disarmament requirement. They took charge of seven of Lebanon's twelve Palestinian refugee camps and maintained bases in the Bekaa Valley and south of Beirut. On a visit to the largest camp, Ein el-Hilweh, Crisis Group saw portraits of the late Hamas leader Ahmed Yassin vying for space in alleyways with Yasser Arafat's. Fatah leaders appeared confident of their control, and uniformed Palestinian police patrolled the main thoroughfare. However, plain-clothes gunmen predominated in the back streets, and camp residents said Fatah was challenged politically by Hamas and Islamic Jihad through their social networks and militarily by *jihadi* groups.⁹³

3.10.5 In October 1999, a Lebanese court convicted the leader of Fatah in Lebanon, Sultan Abu al-Aynayn, of "forming an armed gang" and sentenced him in absentia to death (he since remained in the Rashidieh refugee camp, near Lebanon's southern-most port city of Tyre).⁹⁴ In March 2006 Sultan Abu al-Aynayn surrendered to a military court, which quickly retried him and found him innocent. It is thought that resolving this case will reduce tensions between the authorities and Palestinians in Lebanon.⁹⁵

⁸⁹ COIS Lebanon Country Report para 6.141

⁹⁰ COIS Lebanon Country Report para 6.143

⁹¹ COIS Lebanon Country Report para 6.144

⁹² COIS Lebanon Country Report para 6.190

⁹³ COIS Lebanon Country Report para 6.191

⁹⁴ MEIB June 2003

⁹⁵ Naharnet News Desk March 2006

- 3.10.6** Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice. For example, local popular committees in the camps attempted to solve disputes using tribal methods of reconciliation. If the case involved a killing, the committees occasionally used their good offices to hand over the perpetrator to Lebanese authorities for trial.⁹⁶
- 3.10.7** Palestinian and Lebanese militias, particularly Hizbollah, often acted as Syrian proxies and retained significant influence over parts of the country after the Syrian withdrawal in April 2005. UN Security Council (UNSC) resolutions 1559 and 1614 require the government to take effective control of all Lebanese territory and disarm militia groups operating in Lebanese territory. By the end of 2005 the government had begun taking steps to isolate and limit Palestinian arms; however, citing the need for an internal dialogue, the government had not taken steps to disarm extra-legal armed groups or to disarm Hizbollah.⁹⁷ Nor have the country's armed forces taken sole and effective control over the entire area, with Hizbollah, a terrorist organization operating in the south. Palestinian groups, including armed factions, operated autonomously in refugee camps throughout the country.⁹⁸
- 3.10.8 *Sufficiency of protection.*** As this category of claimants' fear is of ill treatment/persecution by the state authorities they cannot apply to these authorities for protection.
- 3.10.9 *Internal relocation.*** As this category of claimants fear is of ill treatment/persecution by the state authorities relocation to a different area of the country to escape this threat is not feasible.
- 3.10.10 *Conclusion*** In assessing any risk, from the Lebanese authorities, to those who claim to have been part of armed Palestinian groups the type of group and the level of involvement will be a necessary consideration. Consideration should also be given to why it would be necessary for an individual to leave a refugee camp and how a claimant was able to avoid the authorities when leaving Lebanon. It is considered that Palestinian groups operate autonomously in refugee camps and in the majority of cases would be able to offer the protection needed from within these camps, therefore a grant of asylum or Humanitarian Protection would not usually be appropriate. Claimants who have not been directly involved in criminal or militant acts and who support more moderate groups, such as Fatah, are unlikely to have come to the attention or interest of the Lebanese authorities and therefore a grant of asylum or Humanitarian Protection would not usually be appropriate in those cases. If it is accepted that the claimant has been involved in armed groups that the Lebanese authorities are active in targeting, such as the Abu Nidal Organisation, Asbat Al-Ansar/Al Nur and Jund al-Sham, or has a particularly high profile and is active in more moderate groups, and unable to access their protection, it may be appropriate to grant asylum.
- 3.10.11** Caseworkers should note that members of armed Palestinian groups have been responsible for numerous serious human rights abuses. If it is accepted that a claimant was an active operational member or combatant of an armed Palestinian group and the evidence suggests he/she has been involved in such actions, then caseworkers should consider whether one of the Exclusion clauses is applicable. Caseworkers should refer such cases to a Senior Caseworker in the first instance.
- 3.11 Fear of Islamic Palestinian Groups in the Ein el-Hilweh refugee camp**
- 3.11.1** Some claimants will make an asylum or human rights claim based on ill treatment amounting to persecution in Ein el-Hilweh camp due to extremist groups present in the camp, notably Asbat al-Ansar/Nur, Jund al-Sham, or Fatah Revolutionary Council (aka Abu Nidal Organisation).

⁹⁶ USSD 2005 Section 1

⁹⁷ USSD 2005 Introduction

⁹⁸ USSD 2004 Introduction

- 3.11.2 *Treatment.*** There have been various groups and power struggles within Ein el-Hilweh over the last two decades. Ein el-Hilweh, the largest Palestinian refugee camp in then Syrian-occupied Lebanon, has been linked to virtually every case of al-Qaeda activity in Lebanon. Despite the status of Ein el-Hilweh as a ‘zone of unlaw’, Damascus did not directly control most operatives within the camp. Most radical groups were in fact anti-Syrian.⁹⁹
- 3.11.3** Syrian concerns over the rise of Islamist groups in the camp resulted in the Syrian authorities allowing Fatah to reassert its authority in the Ein el-Hilweh. However, with the in absentia conviction of Fatah’s leader in Lebanon, Sultan Abu al-Aynayn, of forming an armed gang and the subsequent arrest of three senior Fatah officials, Syrian support of Fatah’s authority in Ein el-Hilweh was again curtailed, seemingly in favour of Asbat al-Ansar/Nur.¹⁰⁰
- 3.11.4** Asbat al-Ansar/Nur is a Sunni extremist group composed primarily of Palestinians. The group is reported to justify violence against civilian targets to achieve political ends and is a proscribed group. Since 2003 the Lebanese Government has monitored Asbat al-Ansar/Nur and the group’s activities have apparently been less successful. The group commands about 300 fighters in Lebanon. The Abu Nidal Organisation (ANO) was founded by Sabri al-Babba, a.k.a Abu Nidal, after splitting from the PLO in 1974. In August 2002 Nidal died in Iraq. The current leadership and strengths of the group remain unclear however it is also a proscribed organisation.¹⁰¹
- 3.11.5** The Lebanese security forces remain unable or unwilling to enter Palestinian refugee camps, the operational nodes of armed groups such as Asbat al-Ansar/Nur and other Palestinian armed groups, and to deploy forces into areas dominated by Lebanese Hizbollah, including the Beka’a Valley, southern Beirut, and the south of the country up to the UN-demarcated Blue Line. Syria’s predominant role in Lebanon facilitated the Lebanese Hizbollah and Palestinian terrorist presence in portions of Lebanon. In addition, Syrian and Iranian support for Lebanese Hizbollah activities in southern Lebanon, and for Palestinian armed groups throughout the country, help promote an environment where terrorist elements flourish.¹⁰²
- 3.11.6** Abuses occurred in areas outside the government’s control, including in Palestinian refugee camps. During 2005 there were reports that members of the various groups that controlled specific camps detained their Palestinian rivals. Rival groups, such as Fatah and Asbat al-Ansar/Nur, regularly clashed over territorial control in the various camps, sometimes leading to exchanges of gunfire and the detention of rival members.¹⁰³
- 3.11.7 *Sufficiency of Protection*** Claimants can seek the protection of Fatah who are believed to be in control of the camp. The refugee camps are considered areas outside the government’s control and so in those areas the Lebanese authorities would not be able to offer sufficiency of protection from extremist Palestinian groups. However, the Lebanese authorities may be able to offer protection outside the refugee camps.
- 3.11.8 *Internal Relocation.*** As this category of claimants fear is of ill treatment amounting to persecution by extremist Palestinian group’s relocation to escape this localised threat in specific camps to another camp or elsewhere in Lebanon is feasible and not unduly harsh.

3.11.9 *Caselaw*

BS [2005] UKIAT 00004

Such evidence as we have, from the country report, indicates as we have said that Fatah are believed to be in overall control of Ein el-Hilweh and that adds significance to the ability of the claimant to relocate to that camp. He is clearly an intelligent and educated man and

⁹⁹ COIS Lebanon Country Report para 6.140

¹⁰⁰ COIS Lebanon Country Report para 6.143

¹⁰¹ USSD Report on Terrorism and Patterns of Global Terrorism 2005. Chapter 8

¹⁰² COIS Lebanon Country Report para 6.194

¹⁰³ USSD 2005 Section 1

that is of relevance also with regard to the possibilities for employment that would exist for him in the camp. Paragraph 17

We consider that the evidence shows that relocation in this case for the claimant to a different camp, in particular Ein el-Hilweh, would not be unduly harsh. Paragraph 19

MA [2004] UKIAT 00112

The camps in the north are camps where there is only a minimal presence of Arafat supporters and indeed the camps seem to be under the control of people who are antipathetic to Arafat. If he were to relocate to one of those camps we cannot see that there would be any real risk that he would be persecuted by Fatah or indeed by anyone else. Paragraph 14

We further consider that it could not be said to be a cause of undue hardship to him that he would be required for his own safety to move to one of these camps, because in these camps there are not the gross conditions of overcrowding that there are in some camps in the south, and rents tend to be lower. Thus it would seem to us that there is no foundation for an undue hardship argument in this case. Paragraph 15.

3.11.10 Conclusion Within the Ein el-Hilweh camp there have been in the past, and continue to be, various factions of extremist Palestinian groups struggling for power leading to occasional outbreaks of violence. In individual cases consideration needs to be given to why the claimant would be of interest to the extremist Palestinian groups and the level of that interest. The Tribunal have found that it is not unduly harsh to relocate between camps in Lebanon. Many of the most extreme groups have limited support in Lebanon, especially outside the refugee camps. It is therefore considered that a claimant could find safety in another camp or elsewhere in Lebanon where the specific extremist Palestinian group he fears does not have a significant presence. Protection may also be available to the claimant from other Palestinian groups, particularly Fatah. Therefore a grant of asylum or Humanitarian Protection would not usually be appropriate for claims on this basis.

3.12 Fear of Palestinian groups on account of collaboration with their enemies.

3.12.1 Many claimants will make a claim for asylum or human rights on the basis that they have been accused of passing information to Israel, Lebanon, Syria or rival Palestinian groups and so are now in fear of the group they were previously involved in (usually Fatah).

3.12.2 Treatment Militias and non-Lebanese forces operating outside the area of central government authority frequently violated citizens' privacy rights. Various factions also used informer networks and the monitoring of telephones to obtain information regarding their perceived adversaries.¹⁰⁴

3.12.3 In July 2004, the militant Shiite organization Hezbollah seized a resident of Nabatieh, Fouad Mazraani, on charges of "collaborating with Israel" and held him for at least a week before turning him over to the authorities. Dozens of Islamist militants were arrested during the year on national security grounds. One of them, the leader of an alleged al-Qaeda cell, Ismail al-Khatib, died in the custody of security forces shortly after his arrest in September 2004.¹⁰⁵

3.12.4 Sufficiency of Protection The security forces consist of the Lebanese Armed Forces (LAF) under the Ministry of Defence, which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF) under the Ministry of the Interior (MOI), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus, which reports to the prime minister and the SG under the MOI, both of which collect information on groups deemed a possible threat to state security.¹⁰⁶ The Government of Lebanon continued to demonstrate an unwillingness to take steps against Lebanese Hizbollah, Palestinian Islamic Jihad (PIJ), the Popular Front for the Liberation of Palestine-General Command (PFLP-GC), the Abu Nidal organization (ANO),

¹⁰⁴ USSD 2005 Section 1

¹⁰⁵ Freedom House 2005

¹⁰⁶ USSD 2005 Section 1

and HAMAS.¹⁰⁷ However, under the leadership of Prime Minister Fouad Siniora, the government has taken small but critical steps in 2005 to restrict the freedom of several groups, specifically PFLP-GC and Fatah al-Intifada, to operate in Lebanon. The Lebanese Armed Forces (LAF) strengthened border control posts and increased patrols along the Lebanese-Syrian border. Given that the Government of Lebanon does not exercise authoritative control over areas in the Hizbollah-dominated south and inside the Palestinian-controlled refugee camps, armed groups can operate relatively freely in both locations.¹⁰⁸ Therefore sufficiency of protection would not generally be available from the Lebanese authorities inside the camps. For those who fear persecution at the hands of a rival group, sufficiency of protection inside the refugee camp may be available from another group. There is no evidence to show that the authorities would be unwilling or unable to offer sufficiency of protection outside the refugee camps to those fearing Palestinian groups.

3.12.5 Internal Relocation The law provides for freedom of movement, and the government generally respected this.¹⁰⁹ Few Palestinian groups have influence outside the refugee camps and in line with the current caselaw relocation to another camp is also not unduly harsh.

3.12.6 Caselaw

BS Lebanon [2005] UKIAT 00004.

It is clear from the country report that Palestinian refugees in Lebanon are free to relocate from one camp to another and only need to inform the UNRWA if they wished to continue to claim UNRWA services in the camp to which they have moved. (Paragraph 17) Such evidence as we have, from the country report, indicates as we have said that Fatah are believed to be in overall control of Ein el-Hilweh and that adds significance to the ability of the claimant to relocate to that camp. He is clearly an intelligent and educated man and that is of relevance also with regard to the possibilities for employment that would exist for him in the camp. (Paragraph 17) We consider that the evidence shows that relocation in this case for the claimant to a different camp, in particular Ein el-Hilweh, would not be unduly harsh, given the fact that it is believed to be overall in the control of Fatah which is the organisation he supports and that as a young man with abilities and qualifications he could relocate there without undue difficulties. (Paragraph 19)

3.12.7 Conclusion. Consideration needs to be given to the level of involvement as a collaborator, who the claimant worked for, what information the claimant was in a position to give and their position in that group. In the majority of cases within the refugee camps the Lebanese authorities would not be able to provide sufficiency of protection. However, few Palestinian groups have influence outside the refugee camps and the Lebanese authorities would be in a position to offer sufficiency of protection in the remainder of the country. However if the claimant is a known Israeli collaborator the Lebanese authorities might not offer protection. Internal relocation to another camp away from a particular Palestinian group feared would not be unduly harsh. Therefore in the majority of cases a grant of asylum or Humanitarian Protection would not usually be appropriate.

3.13 General country situation in light of the recent conflict between Hizbollah and Israel

3.13.1 Some claimants will make a human rights claim on the basis that the situation in Lebanon is unstable due to the recent conflict between Hizbollah and Israel and/or that they cannot return to Lebanon due to the damaged caused by the conflict and the current uncertain situation.

3.13.2 Treatment On 12 July 2006, Hizbollah launched a rocket attack on Israeli positions along the border; abducted two Israeli soldiers and killed a number of others.¹¹⁰ The Israeli

¹⁰⁷ COIS Lebanon Country Report para 6.193

¹⁰⁸ USSD Report on Terrorism and Patterns of Global Terrorism 2005. Chapter 5

¹⁰⁹ USSD 2005 Section 2

¹¹⁰ COIS Bulletin 31 August 2006 para 3.01

response to Hezbollah's actions was to bomb Hezbollah positions and blockade Lebanon's sea ports, whilst Israeli Defence Force (IDF) ground troops entered Lebanese territory.¹¹¹ Hezbollah countered by firing hundreds of rockets from Lebanese territory into Israel, which reached as far as the towns of Haifa and Tiberias. Hezbollah fighters also put up fierce resistance to the Israeli ground forces that entered Lebanon.¹¹²

- 3.13.3** The conflict resulted in the deaths of over a thousand Lebanese, the majority of them civilians, and the injury of several thousand more. There has also been extensive damage to Lebanon's infrastructure¹¹³ – including the destruction of roads, bridges, and water and power supplies.¹¹⁴ Up to a million people were displaced from their homes during the conflict, mainly from the south of the country.¹¹⁵
- 3.13.4** On 11 August 2006 after 4 weeks of conflict, the UN Security Council passed Resolution 1701, which called for a full cessation of hostilities, the deployment of the United Nation's Interim Force in Lebanon (UNIFIL) and Lebanese armed forces in southern Lebanon – accompanied by the withdrawal of Israeli Defence Forces from Lebanese territory – and the enlargement of UNIFIL to a maximum strength of 15,000 troops.¹¹⁶ Within hours of the ceasefire coming into effect, (at 05.00 GMT on 14 August 2006) tens of thousands of displaced Lebanese began flooding back to southern Lebanon, the districts of south Beirut, and the Bekaa Valley in east Lebanon; estimates of how many have already returned range from 550,000 – 735,000.¹¹⁷
- 3.13.5** As of 30 August 2006 the following troop pledges to the multinational peace-keeping force have been received: France: Leadership and 2,000 troops, Italy: 2,500-3,000 troops, Bangladesh: Two battalions (up to 2,000 troops), Malaysia: One battalion, Spain: One mechanised battalion, Indonesia: One battalion, an engineering company, Nepal: One battalion, Denmark: At least two ships, Poland: 500 troops, Finland: 250 troops, Belgium: 302 troops, later rising to 392, Germany: Maritime and border patrols but no combat troops, Norway: 100 soldiers.¹¹⁸
- 3.13.6 *Sufficiency of Protection*** In light of the nature of this category of claims, the availability of sufficient protection from the state authorities is not relevant.
- 3.13.7 *Internal Relocation*** In light of the nature of this category of claims, the availability of an internal relocation option is not relevant.
- 3.13.8 *Conclusion.*** Although significant damage has been done to the infrastructure of Lebanon the situation is gradually improving and within hours of the ceasefire coming into effect over 550,000 internally displaced Lebanese started to return to the areas most heavily involved in the conflict (southern Lebanon, the districts of south Beirut, and the Bekaa Valley). Considering the continuing ceasefire, the withdraw of Israeli troops and the presence of UN troops to police the border area claimants who make a human rights claim based on the general human rights or humanitarian situation in Lebanon are not likely to be able to demonstrate that they will suffer conditions that would engage the UK's obligations under Article 3 of the ECHR.
- 3.13.9** Any grant of Discretionary Leave will only be appropriate where the circumstances of the individual are such that their return will engage our obligations under Article 3; or in some cases where the Article 3 rights of a dependant family member would be breached. In these cases, return of the individual where the dependent cannot be returned may be a breach of

¹¹¹ COIS Bulletin 31 August 2006 para 3.02

¹¹² COIS Bulletin 31 August 2006 para 3.03

¹¹³ FCO Country Profile 11 August 2006

¹¹⁴ COIS Bulletin 31 August 2006 para 3.07

¹¹⁵ FCO Country Profile 11 August 2006

¹¹⁶ COIS Bulletin 31 August 2006 para 3.05

¹¹⁷ COIS Bulletin 31 August 2006 para 3.07

¹¹⁸ COIS Bulletin 31 August 2006 para 3.09

Article 8 ECHR. However proportionality must always be considered. Refer to the API on Article 8 ECHR for more information.

3.14 Prison conditions

- 3.14.1** Claimants may claim that they cannot return to Lebanon due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in Lebanon are so poor as to amount to torture or inhuman and degrading treatment.
- 3.14.2** The guidance in this section is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of Humanitarian Protection. If imprisonment would be for a Refugee Convention reason, or in cases where for a Convention reason a prison sentence is extended above the norm, the claim should be considered as a whole but it is not necessary for prison conditions to breach Article 3 in order to justify a grant of asylum.
- 3.14.3 *Consideration.*** Prison conditions were poor in 2005 and did not meet minimum international standards. Prisons were overcrowded, and sanitary conditions in the women's prison, in particular, were very poor. There were no serious threats to health, but indirect threats were noted, such as physical and mental stress; the latter was especially noteworthy in Yarze prison, southeast of Beirut. The government did not consider prison reform a high priority. The number of inmates was estimated to be five thousand, of whom one third had yet to be tried or convicted. The government made a modest effort to rehabilitate some inmates through education and training programs.¹¹⁹
- 3.14.4** Although there was some effort to keep pre-trial detainees separate from convicted prisoners, overcrowding often prevented such separation. The government held security detainees and prisoners in regular prisons. The four senior security officials arrested in the al-Hariri investigation were initially held in substandard conditions in the facilities of the Internal Security Forces, but after complaints were filed by their families and inquiries made by diplomatic missions, these prisoners were transferred to regular facilities.¹²⁰
- 3.14.5** Unlike in previous years, in 2005 the government permitted independent monitoring of prison conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC).¹²¹
- 3.14.6 *Conclusion.*** Whilst prison conditions in Lebanon are poor with overcrowding and lack of sanitary facilities being a particular problem conditions are unlikely to reach the Article 3 threshold. Therefore even where claimants can demonstrate a real risk of imprisonment on return to Lebanon a grant of Humanitarian Protection will not generally be appropriate. However, the individual factors of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3, relevant factors being the likely length of detention the likely type of detention facility and the individual's age and state of health. Where in an individual case treatment does reach the Article 3 threshold a grant of Humanitarian Protection will be appropriate.

4 Discretionary Leave

- 4.1** Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See API on Discretionary Leave) Where the claim includes dependent family members consideration must also be given to the particular situation of those dependants in accordance with the API on Article 8 ECHR.

¹¹⁹ USSD 2005 Section 1

¹²⁰ USSD 2005 Section 1

¹²¹ USSD 2005 Section 1

- 4.2** With particular reference to Lebanon the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should *not* imply an automatic grant of DL. There may be other specific circumstances related to the applicant, or dependent family members who are part of the claim, not covered by the categories below which warrant a grant of DL - see the API on Discretionary Leave and the API on Article 8 ECHR.
- 4.3 Minors claiming in their own right**
- 4.3.1** Minors claiming in their own right who have not been granted asylum or HP can only be returned where they have family to return to or there are adequate reception, care and support arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate reception, care and support arrangements in place.
- 4.3.2** Minors claiming in their own right without a family to return to, or where there are no adequate reception, care and support arrangements, should if they do not qualify for leave on any more favourable grounds be granted Discretionary Leave for a period of three years or until their 18th birthday, whichever is the shorter period.
- 4.4 Medical treatment**
- 4.4.1** Claimants may claim they cannot return to Lebanon due to a lack of specific medical treatment. See the IDI on Medical Treatment which sets out in detail the requirements for Article 3 and/or 8 to be engaged.
- 4.4.2** There is a significant private health sector. Medical treatment can be expensive. Most hospitals are well equipped. Doctors are generally well qualified though nursing standards vary.¹²²
- 4.4.3** The total cumulative number of HIV and AIDS cases detected until 2000 was 613, and the majority were male aged 30-49 and 8% occurred among drug users. 353 people with advanced HIV infection were receiving anti-retroviral therapy in June 2004. The Lebanese government reported that in 2003 there was a National Aids Control Program in place, which was developing a national strategic plan to combat HIV/AIDS in co-ordination with the Ministry of Health (MOH). It also stated that antiretroviral drugs were being provided to all eligible patients following national guidelines for treatment free of charge through the MOH.¹²³
- 4.4.4** The WHO Mental Health Atlas 2005 reported that though the national mental health programme had been initiated in 1987, its progress has not been satisfactory due to the war. The survey noted that mental health facilities were present in the primary health care system and that some therapeutic drugs were available at primary health care level.¹²⁴ Many persons with mental disabilities are cared for in private institutions, many of which are subsidized by the Government.¹²⁵
- 4.4.5 Palestinians:** UNRWA stated that, regionally, the primary health care services provided include outpatient medical care, disease prevention and control, mother-and-child health, family planning advice and health education. UNRWA also offers help with secondary care, especially emergency and life-saving treatment through contractual agreements with non-governmental and private hospitals or through partial reimbursement of treatment costs.¹²⁶

¹²² COIS Lebanon Country Report para 5.35

¹²³ COIS Lebanon Country Report para 5.39

¹²⁴ COIS Lebanon Country Report para 5.41

¹²⁵ COIS Lebanon Country Report para 5.42

¹²⁶ COIS Lebanon Country Report para 5.44

- 4.4.6** UNRWA 2005 recorded that in Lebanon, the Agency maintained its environmental health services in refugee camps throughout its areas of operation, introducing and/or improving sewage disposal, storm water drainage, provision of safe drinking water and refuse collection. UNRWA's camp profiles also stated that the majority [of Palestinians] rely entirely on UNRWA as the sole provider of education, health and relief and social services. UNRWA 2005 stated that "Physical disabilities and mental and psychological problems, especially among children in the occupied Palestinian territory and Lebanon, were on the increase."¹²⁷
- 4.4.7** The same source also reported on the developments in the Agency's health programmes, between 1 July 2004 and 30 June 2005, including primary medical care, secondary care, health protection and promotion, and disease prevention and control.¹²⁸
- 4.4.8** **Conclusion** The Article 3 threshold will not be reached in the majority of medical cases and a grant of Discretionary Leave will not usually be appropriate. Where a caseworker considers that the circumstances of the individual claimant and the situation in the country reach the threshold detailed in the IDI on Medical Treatment making removal contrary to Article 3 or 8 a grant of Discretionary Leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave.

5 Returns

- 5.1** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim.
- 5.2** Lebanon nationals may return voluntarily to any region of Lebanon at any time by way of the Voluntary Assisted Return and Reintegration Programme run by the International Organisation for Migration (IOM) and co-funded by the European Refugee Fund. IOM will provide advice and help with obtaining travel documents and booking flights, as well as organising reintegration assistance in Lebanon. The programme was established in 2001, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Lebanon nationals wishing to avail themselves of this opportunity for assisted return to Lebanon should be put in contact with the IOM offices in London on 020 7233 0001 or www.iomlondon.org.

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