

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. What is the current obligation with regard to compulsory military service in Lebanon?
2. At what age must a person perform military service?
3. Is there any provision for conscientious objectors to avoid serving in the military?
4. What is the punishment for failing to fulfil a person's obligations in relation to military service?
5. Are those who have not yet performed military service subject to any travel restrictions?
6. Is there any evidence that Hizbollah cooperates with the Lebanese army at a military level.
7. The Lebanese Army official website indicates that law no.665 issued on 4 February 2005 will abolish military service after two years from the date of publication of the law in the official newspaper. On what date is military service to be abolished?
8. The Lebanese Army website also states that the arresting of people who fail to join the military service will be stopped. Is there any evidence that punishment of those who do not perform military service has been stopped in practice?
9. What is the status and effect of a "Final Waiver Card"?
10. Is it possible to receive a waiver on the basis of being the "brother of a conscript"?

RESPONSE

In October 2006, the Department of Foreign Affairs and Trade prepared a report concerning military service and reserve service. The following general statement was made that is relevant Questions 1-5 and 7-10.

We note that there is some confusion surrounding the question of compulsory military service and recall to duty in Lebanon at this time. We have requested but not yet received a response in writing (Department of Foreign Affairs and Trade 2006, *Country Information Report No. 06/60 Military Service*, 16 October. CISNET Lebanon CX163632 – Attachment 1).

1. What is the current obligation with regard to compulsory military service in Lebanon?

Compulsory Military Service continues to exist in Lebanon and is known as Flag Service, and is for 6 months:

The military service period determined by the article 105 from the decree – law number 102 in 16/9/1983 will be lessened to six months, and to be executed in the army units till the final cancellation of this service.

...

Every citizen recruited or has reached the age of 18 should present himself to his regional mobilization department to declare his place of residence, receive indications concerning his drafting and present the necessary documents concerning his eventual exemption, adjournment or enrol ('Military service – Flag Service' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/FlagService.asp> – Accessed 6 December 2006 – Attachment 2).

2. At what age must a person perform military service?

As stated in Question 1, a person upon reaching 18 years of age is required to register with the mobilization department. It appears that the mobilization department then issues an order when required formally calling up the person, at which point they need to present the necessary paperwork ('Military service – Flag Service' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/FlagService.asp> – Accessed 6 December 2006 – Attachment 2).

Upon completion of Military Service, a person is placed in the reserve and is liable to called up for duty until the age of 40 ('Military Service Remarks & Requirements' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/Remarks.asp> – Accessed 6 December 2006 – Attachment 3).

The age at which they undertake Military Service can be delayed due to the following temporary exemptions available for people:

- undertaking study
- temporarily medically unfit
- single supporter of their family
- married
- reside outside Lebanon
- are employed ('Military Service Adjournment for one renewable year' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/Adjournment.asp> – Accessed 6 December 2006 – Attachment 4).

In addition there are temporary exemptions for people whilst they are;

- Members of the Government/Parliament
- residing outside of Lebanon
- who's brother is currently serving in the military
- in prison for less than 5 years
- under arrest/interrogation
- sole brother of a missing brother ('Military Service Temporary Exemption' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/Temporary.asp> – Accessed 6 December 2006 – Attachment 5)

3. Is there any provision for conscientious objectors to avoid serving in the military?

There is no provision within the temporary exemption, permanent exemption, or postponement rules for conscientious objectors as outlined in response Question 2.

In its 1996 report to the Human Rights Committee, Lebanon stated:

33. Young Lebanese have to do one year of military service; exemptions are granted in the case of an eldest son, an only son, etc. Conscientious objector status is not recognized (United Nations High Commissioner for Human Rights 1996, *Second periodic reports of States parties due in 1988 : Lebanon*. 22/11/96. CCPR/C/42/Add.14. (State Party Report), 22 November – Attachment 6).

4. What is the punishment for failing to fulfil a person's obligations in relation to military service?

Nominally all prosecutions for failing to attend military service were to have ceased:

The arresting of people who failed to join the military service will be stopped and all provisions which is related to this matter will be abolished after the publication of this law ('Military service – Flag Service' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/FlagService.asp> – Accessed 6 December 2006 – Attachment 2).

Though elsewhere on the Lebanese Army website it states that people will be prosecuted:

The defaulter from the military service are chased in front of the military courts, and applied on them the military rules, also everyone that make himself unsuitable for duty on purpose, temporary or finally, and everyone that hide a defaulter, except the ascendant and the descendant, husbands, sisters, and brothers ('Military Service Remarks & Requirements' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/Remarks.asp> – Accessed 6 December 2006 – Attachment 3).

A DFAT response relating to reserve personnel states:

A.2. Non-compliance with a recall to duty results in arrest and trial by the military court. Our contacts have not yet been able to advise the penalty but a prison term is likely Department of Foreign Affairs and Trade 2006, *Country Information Report No. 06/60 Military Service*, 16 October. CISNET Lebanon CX163632 – Attachment 1).

5. Are those who have not yet performed military service subject to any travel restrictions?

Once called for military service, then a person can not leave Lebanon, except in a few exempt cases:

Every Lebanese called for military service will be forbid of practicing the following:

- Selecting and candidate for all committees and counsels and others
- To be employed or work in both public and private sector including contractual.
- Pursuing any free lance.
- Traveling out side Lebanon.
- Affiliating to schools and universities.

Remark:

who is exempted or postponed legally will be an exception of these rules.

It's possible for the called person to leave Lebanon in the following situations:

- If he has a total exemption card.
- If he has a legal postponed clearly written on the military service card and has at least one month of time to expire before traveling time.
- If he has a legal traveling license issued from the mobilization directorate ('Military Service Remarks & Requirements' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/Remarks.asp> – Accessed 6 December 2006 – Attachment 3).

6. Is there any evidence that Hizbollah cooperates with the Lebanese army at a military level.

The International Crisis Group in its report on the Israel/Lebanon conflict made the following statements concerning Hizbollah and the Lebanese Armed Forces (LAF):

42 Hizbollah still is referred to as a partner. At the time of the LAF's deployment to the south, Michel Soleiman, the commander in chief, called on soldiers to "prepare yourselves to deploy side by side with our resistance [*muqawamatina*] and with our people whose resilience continues to surprise the world". *As-Safir*, 17 August 2006.

...

In the meantime, political bureau member Ghalib Abou Zeinab explained, Hizbollah would pursue a policy in the south of being "present but hidden" (*biqua wa ikhfaa*): its fighters would remain, as legitimate inhabitants of the villages, but its weapons would be invisible.⁶⁸ It reached agreement with the LAF that the latter would not touch its weapons as long as its fighters were not seen to be carrying any. UNIFIL would have to be subordinate to the LAF. Hizbollah's response to perceived U.S. and Israeli attempts to paralyse the movement through Resolution 1701 would be to use the LAF as a barrier to neutralise UNIFIL.⁶⁹

...

Lebanon has requested night-vision equipment but Israel reportedly raised objections, citing concerns that the gear would fall into Hizbollah's hands, which already has some. Crisis Group interview, Amos Harel, military correspondent with *Haaretz*, Tel Aviv, 19 September 2006.

...

Shiite members of the LAF deployed in the south would likely be sources of intelligence both for Hizbollah and on Hizbollah.

...

it (Hizbollah) had long enjoyed very close relations with the LAF – indeed, far closer than with the government¹⁵⁷

¹⁵⁷ During the recent war, the LAF leadership had direct and high-level contacts with Hizbollah; in contrast, the government had to go through intermediaries, notably the oil minister, Muhammad Fneish and parliament speaker Nabih Berri. Crisis Group interviews with LAF senior official and with an advisor to Prime Minister Siniora, Beirut, August 2006 (International Crisis Group 2006, *Israel/Hizbollah/Lebanon: Avoiding Renewed Conflict*, 1 November – Attachment 7).

7. The Lebanese Army official website indicates that law no.665 issued on 4 February 2005 will abolish military service after two years from the date of publication of the law in the official newspaper. On what date is military service to be abolished?

According to a recent DFAT report:

A.3. In 2005 a new law was introduced which, among other changes, phases out mandatory military service (conscription) by mid-2007. Given the strain imposed on the LAF by deployments in the south of Lebanon, there is some speculation that this deadline may not be achieved (Department of Foreign Affairs and Trade 2006, *Country Information Report No. 06/60 Military Service*, 16 October. CISNET Lebanon CX163632 – Attachment 1).

8. The Lebanese Army website also states that the arresting of people who fail to join the military service will be stopped. Is there any evidence that punishment of those who do not perform military service has been stopped in practice?

As noted in question 4, there are contradictory statements on the Lebanese Army website concerning the continued prosecution of people who fail to undertake military service.

The US State Department Report for 2005 mentions Draft evaders without commenting on the abolition of prosecutions:

Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion (see Section 1.e.).

...

The Military Court has jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians may be tried for security issues, and military personnel may be tried for civil issues. The Military Court has two tribunals--the permanent tribunal and the cassation tribunal--the latter hears appeals from the former. A civilian judge chairs the higher court. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts (US Department of State 2006, *Lebanon Country Reports on Human Rights Practices – 2005*, 8 March – Attachment 8)

9. What is the status and effect of a “Final Waiver Card” of the type referred to above?

On the 8 December 2006 a request was sent to the Embassy of Lebanon in Washington concerning the status of the Final Waiver card and whether it could be cancelled (RRT Country Research 2006, Email to Embassy of Lebanon in Washington: ‘Request for information’ 9 December – Attachment 9).

On the 11 December 2006 a further request was sent to the Embassy of Lebanon in Canberra (RRT Country Research 2006, Email to Embassy of Lebanon in Canberra: ‘Request for information’ 11 December – Attachment 10). Contact was made with the Lebanese Embassy in Canberra by phone on the 18 December 2006 which confirmed that the request had been received and was being acted upon.

No response has been received to date. Once a response is received, it will be forwarded to the Member.

10. Is it possible to receive a waiver on the basis of being the “brother of a conscript”?

According to DFAT, a person is able to receive a waiver if their brother has completed military service:

A.4. Under the 2005 law, men are exempted from compulsory military service if they are the only male child, married, living or studying abroad, university students, or if they have a brother who has already completed his compulsory military service. Once a man has completed his military service he can be recalled to duty at any time and can only claim exemption if he is now the only male child (requiring the death of a male sibling) or if he has a brother currently enlisted in the LAF (Department of Foreign Affairs and Trade 2006, *Country Information Report No. 06/60 Military Service*, 16 October. CISNET Lebanon CX163632 – Attachment 1).

Though the Lebanese Army website qualifies this as being:

Case 20:

The brothers of that who is executing the military duty for a three person family and less. One or two brothers of the called which one of the following situations applies to:

- He should have finished the whole period of the military service in Lebanon.
- He should have finished at least six months of service and has been released, definitively exempted, or has got a postponement for private or health reasons.

Required Documents:

- A certified family identification card.
- A copy about the reserve card of the brother who has executed the duty, or a statement from the army staff personnel – mobilization directorate which proves the verity of executing the military service.

Case 21:

The rest of the children whose brothers are executing the military service in a three family individuals and more.

The rest of the called brothers (two) one of the following conditions applies to the situation of each of them:

- If he has finished the full period of the service in Lebanon.
- If he has finished at least a six months service and has been released, definitively exempted, or has got a postponement for private or health reasons.

Required Documents:

- A certified family identification card.
- A copy about the reserve card of the brother who has executed the duty, or a statement from the army staff personnel–Mobilization directorate which proves the verity of executing the military service (‘Military Service Exemption’ (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/definitive.asp> – Accessed 6 December 2006 – Attachment 11).

Note that regardless of the number of brothers, a person is temporarily exempt whilst a brother is serving (see response to question 2).

List of Sources Consulted

Internet Sources:

Government Information & Reports

Lebanese Armed Forces <http://www.lebarmy.gov.lb>

US Department of State <http://www.state.gov/>

United Nations <http://www.un.org>

International News & Politics

BBC News <http://news.bbc.co.uk>

International Crisis Group <http://www.crisisgroup.org>

Search Engines

Google <http://www.google.com.au/>

Copernic <http://www.copernic.com/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

List of Attachments

1. Department of Foreign Affairs and Trade 2006, *Country Information Report No. 06/60 Military Service*, 16 October. CISNET Lebanon CX163632
2. 'Military service – Flag Service' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/FlagService.asp> – Accessed 6 December 2006
3. 'Military Service Remarks & Requirements' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/Remarks.asp> – Accessed 6 December 2006
4. 'Military Service Adjournment for one renewable year' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/Adjournment.asp> – Accessed 6 December 2006
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6. United Nations High Commissioner for Human Rights 1996, Second periodic reports of States parties due in 1988 : Lebanon. 22/11/96. CCPR/C/42/Add.14. (State Party Report), 22 November
7. International Crisis Group 2006, *Israel/Hizbollah/Lebanon: Avoiding Renewed Conflict*, 1 November
8. US Department of State 2006, Lebanon Country Reports on Human Rights Practices – 2005, 8 March
9. RRT Country Research 2006, Email to Embassy of Lebanon in Washington: 'Request for information' 9 December

10. RRT Country Research 2006, Email to Embassy of Lebanon in Canberra: 'Request for Information' 11 December
11. 'Military Service Exemption' (undated) Lebanese Army Website, <http://www.lebarmy.gov.lb/English/definitive.asp> – Accessed 6 December 2006