



UNODC

United Nations Office on Drugs and Crime

Country Review Report of Lebanon

Review by Iran and the Seychelles of the implementation by Lebanon of articles 15 – 42 of Chapter III. “Criminalization and law enforcement” and articles 44 – 50 of Chapter IV. “International cooperation” of the United Nations Convention against Corruption for the review cycle 2010 - 2015

I. Introduction

1. The Conference of the States Parties to the United Nations Convention against Corruption was established pursuant to article 63 of the Convention to, inter alia, promote and review the implementation of the Convention.
2. In accordance with article 63, paragraph 7, of the Convention, the Conference established at its third session, held in Doha from 9 to 13 November 2009, the Mechanism for the Review of Implementation of the Convention. The Mechanism was established also pursuant to article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
3. The Review Mechanism is an intergovernmental process whose overall goal is to assist States parties in implementing the Convention.
4. The review process is based on the terms of reference of the Review Mechanism.

II. Process

5. The following review of the implementation by Lebanon of the Convention is based on the completed response to the comprehensive self-assessment checklist received from Lebanon and supplementary information provided in accordance with paragraph 27 of the terms of reference of the Review Mechanism and the outcome of the constructive dialogue between the governmental experts from Iran and Seychelles by means of telephone conferences, e-mail exchanges or any further means of direct dialogue in accordance with the terms of reference and involving two experts from Iran and Seychelles, Mr. Alireza Deihip and Ms. Gayethri Pillay respectively, Lebanon Focal points Mr. Charbel Sarkis, Judge Arlette Jreissati (at the time of the review) and subsequently Judge Rana Akoum¹ with the members of the National team of experts, assisted by UNODC staff members.
6. A country visit, agreed to by Lebanon, was conducted from December 17 to 21, 2014.

III. Executive summary

1. Introduction

1.1. Overview of the legal and institutional framework of Lebanon in the context of implementation of the United Nations Convention against Corruption

Lebanon deposited the instrument of ratification of the United Nations Convention against Corruption (UNCAC) on 22nd April 2009 and the Convention entered into force in the country on 22nd May 2009. The Constitution establishes Lebanon as a parliamentary democratic republic. International treaties, ratified by the Lebanese parliament, are part of the

¹ Judge Rana Akoum has been assigned since May 2015, after the retirement of Judge Jreissati, as the new Focal Point from the Lebanese Ministry of Justice for Anti-Corruption Cooperation with UNODC, including the country review.

domestic legal system and according to article 2 of the Code of Civil Procedure, are given supremacy over the domestic laws.

Lebanon follows a mixed legal system of civil law based on the French civil code, Ottoman legal traditions, and religious laws covering personal status, marriage, divorce, and other family relations of the, Islamic and Christian communities.

The Lebanese legal framework against corruption includes provisions from the Lebanese Criminal Code (LCC), Criminal Procedure Law and the Law No. 318 of 20 April 2001 (amended in 2003, 2008²) on the fight against money-laundering, the Civil Servants Regulations and the Labor law.

The relevant anti-corruption bodies in Lebanon are the General Prosecution and Central Inspection Body. There are further the Disciplinary Board, in charge of civil servants, the Judiciary Inspection for judges, and the Court of Account. The Law No. 32 of 16 October 2008 extended the powers of the Special Investigation Commission (SIC), Lebanon's Financial Intelligence Unit (FIU), which was first established by the Law No. 318, to provide for its exclusive right to freeze bank accounts and lift bank secrecy pursuant to applicable conventions and laws on the fight against corruption.

2. Chapter III: Criminalization and law enforcement

2.1 Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15,16, 18 and 21)

Lebanon criminalizes active bribery in article 353 LCC in conjunction with articles 351 and 352. Passive bribery is criminalized in articles 351 and 352 LCC. The meaning of "others" and "third persons" in Articles 351 and 352 LCC include legal entities. In addition, article 355 LCC covers cases in which the offer or promise is declined and article 356 LCC covers cases of retroactive payments of a bribe.

As article 351 LCC relates to the performance of work and articles 352 and 355 LCC relate to delay or neglect of work, the active bribery of a public official in order to induce him to refrain from acting is sufficiently covered. The indirect commission of an act of bribery is not explicitly covered.

Bribery of foreign public officials and officials of public international organizations is not criminalized.

Lebanon does not criminalize active trading in influence. Passive trading in influence is criminalized in article 357 LCC, but the term "remuneration" includes only monetary advantages and does not cover the indirect commission of the act.

² After the country visit, Lebanon adopted the new Law n.44/2015 dated 24/11/2015 on combatting money laundering and terrorism financing, replacing that of 318/2001 amended in 2003 and 2008. The country review is based on the available legislation that was discussed during the country visit. The new law, which was adopted after the agreement of all parties on the Executive Summary of Lebanon, could therefore not be fully assessed by the reviewing experts in the course of this country review, but the legislative reform is generally welcome.

Bribery in the private sector is criminalized in Article 354 LCC which punishes the disclosure of secrets or information related to the work of an employer or performing, or refrain from performing, an action with a view to inflict physical or mental damage to the employer or to the interests of the work. Although it was acknowledged that many cases could be covered under this provision, it is still narrower than Article 21(a) of the Convention.

Embezzlement, abuse of functions and illicit enrichment (arts 17, 19, 20 and 22)

Embezzlement is criminalized in articles 359 to 362 LCC, article 60 of the Court of Account Law and article 191 of the Public Account Law. Further, articles 363 and 364 LCC regulate punishment for criminal offences of misappropriation and misuse of public funds. Articles 365 and 366 indicate the scope of public officials covered by these provisions.

Abuse of functions is regulated in detail in articles 350, 363, 364 and 371 to 377 LCC. Authorities further referred to article 357 LCC which criminalizes cases where a public official would hire a family member. Depending on each case, such act could also be prosecuted as trading in influence.

Illicit enrichment is criminalized in the Law of 1999 with the basic duty for public officials to disclose the assets. The draft law is under consideration.

Embezzlement of property in the private sector is regulated in articles 670 to 673 LCC. Immovable assets can be covered under article 671 LCC.

Money laundering, concealment (arts 23 and 24)

Articles 1, 2 and 3 of Law No. 318 of 20 April 2001³ define the predicate offences, money laundering acts and punishments respectively, and these provisions cover sufficiently the requirements of article 23 (1) (a) and (b) of the Convention.

However, the law falls short of the requirement from article 23 (2)(a) and (b) considering the narrower list of predicate offences in its Article 1, which does not cover the illicit funds derived from UNCAC offences, except in cases of embezzlement of public or private funds. The law also does not provide for jurisdiction over participatory acts to money laundering committed outside of Lebanon, which is not in line with the requirements from article 23 (2) (c). The law does not have a provision that would preclude a conviction for self-laundering.

In regard to concealment, article 221 LCC criminalizes anyone who conceals or disposes of effects "owned by others", but it fails to criminalize the continued retention of a property, as a result of UNCAC offences.

Obstruction of justice (art 25)

In relation to article 25 (a), authorities referred to articles 407 and 408 LCC, which punish false testimony in criminal procedures and before military and judiciary authorities, article 573 LCC which criminalizes threats with the use of force and article 578 LCC, which establishes as a criminal offence inciting someone to give false testimony.

³ Shortly after the agreement of the Executiv Summary, Lebanon adopted a new law No. 44 of 24 November 2015, which replaces the old legislation. The review was still based on the old legislation.

In relation to article 25 (b), authorities referred to article 379 LCC and Article 381 LCC.

Liability of legal persons (art 26)

Lebanese legislation fully complies with the requirements of this article. Articles 108 to 111 LCC provide for civil and administrative punishment and article 210 LCC provides for the criminal responsibility of a legal entity. Article 210 also provides sanctions for legal entities for acts of their directors and managers, representatives and employees in addition to the general principle of criminalization of natural persons.

Participation and attempt (art 27)

Articles 213, 219 and 220 of LCC regulate all acts of participation that are criminalized under this Convention. Further, the acts of instigation are criminalized in article 217 LCC. Article 257 LCC establishes the penalty of organizing the participation in a crime or managing the acts of participants.

Attempt, as an independent criminal offence, is regulated in article 200 LCC. Lebanon does not criminalize the preparation for an offence, unless the act of preparation represents a crime itself. Authorities cited article 335 LCC, which refers only to the complicity or conspiracy to commit a crime.

Prosecution, adjudication and sanctions: cooperation with law enforcement (arts 30 and 37)

In general, the sanctions applicable to persons who have committed corruption related crimes appear to be sufficiently dissuasive. There are no sentencing guidelines; judges are free in the determination of the sanction, taking into consideration the punishment for particular crime set forth in the LCC, the gravity of offences, circumstances of the case, the impact of the offence on public funds and any repetition of the crime.

The extent and scope of the immunities from prosecution for public officials appear limited, with possibilities to prosecute dependent upon approval. In regard to Members of the Parliament (MPs) the immunity applies only while Parliament is in session and the prosecutor is required to obtain the permission from the relevant Parliamentary committee. Outside parliamentary sessions, MPs do not enjoy the immunity. Similarly, the Public Prosecution has to obtain the approval of the administration prior to prosecution of civil servants if the crime arises out of his or her employment. Yet, article 13 CPC provides Public prosecution with powers to give such approval counter to any administrative or non-judiciary decisions or legislation.

The Lebanese legal system relies on mandatory prosecutions and aggravated penalties contribute to the effectiveness of law enforcement measures. The discretionary legal powers in sanctioning persons for offences in accordance with the Convention permit the imposition of other measures, e.g. disciplinary or administrative measures.

Release pending trial is allowed under the LCC and investigative judges can apply measures to ensure the presence of a person at a trial. Article 111 of the Summary Trial Law provides for sufficient range of these measures.

The terms and conditions on early release and parole of persons convicted of offences are adequately regulated in Law No. 463/2002 amended by the Law No. 183 of 2011. The amendments establish for which criminal offences early release is not allowed including financial crimes and money laundering. The general terms for early release require at least half of the sentence to have been served, proper and good behavior, the absence of danger for society and the prisoner's prospects of having a life outside of prison. The request is examined by a judge who makes the final proposal to the Tribunal; in cases where the early release is requested on medical grounds, the adequate medical reports will be adduced.

Disciplinary measures including transfer, reassignment and suspension both for civil servants and judges, are adequately regulated.

Protection of witnesses and reporting persons (arts 32 and 33)

Lebanon does not have legislation on the protection of witnesses nor on the protection of reporting persons, although the civil sector has been promoting the concept and mechanisms through various on-line applications.

Freezing, seizing and confiscation; Bank secrecy (arts 31 and 40)

Articles 69 and 89 LCC recognize both object and value confiscation of assets resulting from, or used for committing a crime. Provisions also allow for confiscation of items that were destined to be used in offences.

As regards transformed or intermingled property, article 69 LCC and Chapters on Preventive and Executive seizure in the Criminal Procedures Code (CPC) appear sufficiently wide to capture these cases. Lebanese authorities also indicated articles 887-892 Civil Procedures Code that allow seizure at a value exceeding the limits of mixed interests.

Seized and confiscated assets are managed by the SIC under article 8 of Law 318/2001 and by judicial authorities under the CPC. When real estate is confiscated, a judge nominates a guardian who manage the property in accordance with a judge's decision and adequate notification is entered in the real estate registry. Movables are seized under court supervision and bank accounts remain frozen without any disposition or management absent a court order.

Lebanon does not have a requirement in its legislation for an offender to demonstrate the lawful origin of alleged proceeds of crime or other property liable for confiscation. Bona fide third parties are protected in Lebanon under provisions of the Code of Obligations and Contracts.

Bank secrecy is regulated in the Bank Secrecy Law with strict confidentiality. In case there is a need to lift bank secrecy, the SIC is the only entity empowered to lift bank secrecy and freeze accounts across the country if there is a suspicion of a money laundering offence. These powers of the FIU had been expanded to include corruption offences (unique article of the Law 32/2008) and their decisions are executed without delays.

Statute of limitations, criminal records (arts 29 and 41)

The statute of limitations is regulated in articles 162-168 LCC and article 10 of the Lebanese Criminal Procedure Code, which regulate a maximum period of limitations that amounts to

ten years in the case of a felony, three years in the case of a misdemeanour, and one year in the case of a petty offence. Authorities underlined that any action to prosecute will suspend the period of limitations which will then start again.

The suspension of the statute of limitations is stipulated in article 2 of the Prescription Periods Suspension Law No. 50 of 1991 which refers to the suspension of the rights provided for in the civil and commercial administrative articles and article 168 LCC.

As regards criminal records, Lebanese authorities indicated that only in cases where bilateral agreements or treaties exist, it would be possible to use and obtain access to foreign criminal records. They referred to the successful, but limited cooperation with INTERPOL and Arab Councils of Ministers, on access and exchange of criminal records.

Jurisdiction (art 42)

Lebanese legislation establishes jurisdiction over offences committed within the national territory (articles 15, 16 and 17 LCC) and on board of Lebanese vessels and planes. Exemptions to Lebanese jurisdiction are cited in article 18 LCC. However, the legislation does not regulate the concept of extraterritorial jurisdiction.

Article 20 LCC establishes jurisdiction over crimes committed by any Lebanese, whether he is a wrongdoer, instigator or an accomplice, in Lebanon or outside Lebanese territories. Furthermore, the term "...if he acquired the Lebanese nationality after committing the felony or misdemeanor." may cover "a stateless person who has his or her habitual residence in its territory", since such a fact constitutes a condition for obtaining the citizenship.

As regards extradition, Article 30 LCC does not allow extradition of any individual to a foreign country, unless stipulated by provisions of law or by a treaty that has power of a law. Article 32 LCC prohibits extradition for crimes falling under Lebanese territorial and personal jurisdiction. In regard to requirements from article 42 (3) and (4) it appears that in cases where article 34 LCC, would apply it would not follow with due criminal procedures.

Consequences of acts of corruption; compensation for damages (arts 34 and 35)

Article 142 of the Public Accounting Law establishes 3 levels of prohibition for legal persons violating the tendering procedure to participate in tenders : for 3 months; for 1 year or indefinitely, in cases where the third violation was registered within five years.

Regarding compensation for damages, in addition to the general provisions in the Code of Obligations and Contracts that relate to compensation for damages sustained by third persons out of contracts, articles 129, 132, 134 and 135 LCC provide for compensation, but fall short of requirements of article 35 of the Convention in that they relate to the performance and quality rather than acts of corruption.

Authorities also referred to the available procedure where a victim may apply directly to a prosecutor, or to the Court of Audit, which would review the request and, if allegations are found serious and warrant further investigation would forward the request to the prosecutor. In addition, the Administrative Tribunal has a right to rescind a contract which is found to be based on fraudulent ground.

Specialized authorities and inter-agency cooperation (arts 36, 38 and 39)

There is no centralized institution for combatting corruption in Lebanon in terms of article 36 of the Convention. Competencies are divided among the General Prosecutor's Office, the Central Inspection (for civil servants), the Court of Account and Judicial Inspection, each of them having adequate independence and clear mandates in their respective legislations.

In addition, the SIC, operating within the Central Bank of Lebanon, is a specialized body (FIU) in charge of financial investigations, money laundering and financing of terrorism. The Commission was established by Law No. 318 of 2001, amended in 2003, 2008⁴.

Cooperation between public institutions is regulated by their respective laws, giving them rights and powers to seek documents or request an investigation, but there is no obligation for public officials to report suspicion on corruption. Given the well-established cooperation, any complaint or a suspicion lodged with the prosecutor will be handled and duly forwarded to competent authorities.

The cooperation with the private sector is limited to potential money laundering cases and suspicious transactions, by virtue of the Law No. 318 of 2001 and thus does not reach the requirements of the Convention.

2.2 Successes and good practices

With regard to the implementation of Chapter III in Lebanon, the following may be highlighted:

- Well regulated system of early release and parole.

2.3 Challenges in implementation

While noting considerable efforts of Lebanon to harmonize the domestic legal system with the Convention's criminalization and law enforcement provisions, the following steps could further strengthen existing anti-corruption measures:

- Ensure that the bribery provisions are also applied to cases of indirect commission of the act. (art. 15);
- Criminalize the active form of bribery of foreign public officials and officials of public international organizations and consider criminalizing the passive form (art. 16);
- Consider enhancing the offense of bribery in a private sector (art 21(b))
- Consider criminalizing the active form of trading in influence and fully criminalizing the passive form (including by extending the term "remuneration" in article 357 LCC) (art. 18);
- Consider criminalizing illicit enrichment (art. 20);
- Expand the scope of predicate offences for the purpose of money laundering (art. 23(2)(a) and (b));
- Expand the jurisdiction over money laundering cases if the participatory acts were committed outside jurisdiction of Lebanon (art. 23(2)(c));

⁴ See footnote above.

- Consider enhancing provisions of concealment as criminal offence to the continued retention of property [and to cover criminal proceeds not owned by another person] (art. 24);
- Take measures to adequately criminalize the use of physical force, threats or intimidation to induce false testimony or interfere with the giving of testimony or the production of evidence, and with the exercise of official duties by a justice or law enforcement official (art. 25);
- Consider regulating a proper and consolidated management of seized and confiscated assets (art. 31);
- Take appropriate measures to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning UNCAC offences and, as appropriate, for their relatives and other persons close to them, as well as for victims (art. 32);
- Consider adopting measures to ensure the protection of reporting persons (art. 33);
- Take measures to establish cooperation between national authorities and private sector to include all offences from the Convention;
- Continue efforts to ensure there are no unnecessary delays or obstacles in obtaining banking information, notably by taking measures to ensure lifting of bank secrecy in line with the Convention requirements (art. 40);
- Consider extending the jurisdiction provisions to include cases against Lebanese nationals outside Lebanese territory (extraterritorial jurisdiction) (art. 42(2)(a)).

2.4. Technical assistance needs identified to improve implementation of the Convention

- Good practices/lessons learned, capacity building assistance, and legislation drafting with regard to most articles of chapter III;
- Model legislation (art.31).

3. Chapter IV: International cooperation

3.1.Observations on the implementation of the articles under review

Extradition (article 44)

Extradition is provided for in the LCC. This Act allows for extradition if no bilateral or multilateral treaty is applicable. Lebanon has entered into 20 bilateral agreements on extradition and judicial cooperation and plans to conclude more. The country can also use UNCAC as basis for extradition although no request based on UNCAC has been received so far; the Secretary-General of the United Nations has not been notified in this regard. In the absence of a treaty, the LCC and reciprocity principle are applicable.

Dual criminality is required for an offence to be extraditable and the offence must be a felony or a misdemeanor, meaning punishable by at least one year of imprisonment (art. 33(1) LCC). Extradition agreements require one year or six months. All UNCAC offences that have been criminalized in Lebanon satisfy this requirement. However, not all mandatory and non-mandatory offences are criminalized.

According to article 34 LCC and agreements, extradition may be refused for political crimes or if the request appears to have a political purpose. Political crimes are crimes committed with a political motive, as well as “offences against public and individual political rights,

unless the perpetrator was prompted by a selfish motive” (art. 196-197 LCC). Further, “offences closely connected with political offences are deemed to be political offences, unless they constitute most serious felonies or attempted felonies in terms of morals and ordinary law, such as (...) aggravated theft”. The LCC and agreements do not allow for the refusal of a request on the basis that it involves fiscal matters.

Simplified extradition proceedings with the consent of the person sought have only been regulated in agreements with Jordan and Syria. Bilateral extradition agreements list the documents required to grant extradition based on prima facie evidence. Communication through diplomatic channels is allowed. The LCC does not comprise any such procedural regulations. No deadlines in regard to the processing of requests are established and the average timeframe varies depending on the case.

Article 35 LCC and the agreements provide for provisional arrest issued by the Public Prosecutor after interrogating the person requested. Such arrest may be made on the basis of a provisional request containing evidence of the arrest warrant or conviction and with the formal extradition request to be made in a reasonable time (e.g., 40 days as foreseen in the agreement with Bulgaria). Provisional detention requests can be referred through Interpol.

Lebanon does not extradite its nationals (art. 32 LCC). The principle of “aut dedere aut judicare” is regulated in bilateral agreements but not in the LCC. If extradition for enforcing a sentence is refused, because the person sought is a national, punitive measures can be taken.

Persons regarding whom extradition proceedings are being carried out enjoy the same rights and guarantees of fair treatment as provided for in the domestic laws of Lebanon. According to article 34 LCC, extradition shall be rejected if the request is contrary to the Lebanese social system. The agreements specify that extradition should be rejected if there are significant reasons to believe that the person will be discriminated against for reasons related to gender, nationality, language or political convictions, or shall be subject to brutal or inhumane treatment or any actions that violate basic human rights.

The obligation to consult with the requesting State party is captured in bilateral agreements. If the information provided in a request is not enough, the requested party should request additional information. The LCC does not include such an obligation, but it was confirmed that it was done as a matter of practice.

Transfer of sentenced persons and transfer of criminal proceedings (articles 45, 47)

There are no provisions in the laws of Lebanon on the transfer of sentenced persons or criminal proceedings. Lebanon has entered into agreements with Cyprus, Egypt and Jordan on the transfer of persons who have been convicted and sentenced to imprisonment if the person agrees. Lebanon plans to enter into further agreements.

Mutual legal assistance (article 46)

Lebanon has no law on the issue of MLA. It can provide MLA based on a treaty and in the absence of a treaty on the basis of reciprocity. The country has signed several bilateral agreements, including with Italy, Tunisia, Greece, and Bulgaria and is party to the Arab Convention on the Suppression of Terrorism. Lebanon has also used UNCAC as legal basis for MLA.

In practice, absence of dual criminality is a ground for refusal of MLA in regard to coercive measures, even though not clearly regulated. Non-coercive measures can be taken even in the absence of double criminality. Article 7 of the agreement with Tunisia specifies that MLA requests could be rejected if their execution would not correspond with the legislation of the requested state or if they affect the sovereignty, security or public order of the country it has to be implemented in. No other regulation or detailed list of measures exists on the matter in any agreement. This means by implication, that generally all MLA requests for measures which are in line with the national laws should be agreed to and executed, also according to the special method requested.

In practice, Lebanon does not spontaneously transmit information without a request, although nothing in the law seems to preclude this. The bilateral agreement with Tunisia only foresees this in article 40 in regard to rulings issued by judicial authorities regarding felonies or misdemeanors committed by the citizens of the other country.

The Ministry of Justice is the central authority for MLA that will transmit requests to the Public Prosecutor or to the relevant national authority for execution. Requests are transmitted through diplomatic channels and are received in Arabic, of which the Secretary-General of the United Nations has not been notified. In urgent cases, requests may be submitted orally or through any other means, provided that these are followed up by a formal request. There are no specific deadlines in regard to the processing of requests and the average timeframe varies depending on the nature of the request.

According to article 12 of the treaty with Tunisia, Lebanon can transfer arrested persons as witnesses to another State party, even if they do not give their informed consent. No further regulatory framework exists for such transfers, including regarding the receiving of credit for service of the sentence during this time.

The current laws do not provide for the possibility to use video-conferencing for the hearing of witnesses or experts and the Convention has not been used directly in this regard. There is also no provision on the principle of speciality or specific requirement to keep information provided confidential.

Bilateral agreements provide for thirty days of safe conduct of persons giving testimony, whatever their nationality.

Ordinary costs of execution of MLA requests are assumed by Lebanon, except experts' fees.

Law enforcement cooperation; joint investigations; special investigative techniques (articles 48, 49, 50)

In practice, police to police cooperation with other countries takes place in particular through Interpol or informal contacts and is facilitated by the Office of the Internal Security Forces (ISF). UNCAC has not been used as legal basis for law enforcement cooperation. So far, no exchange of personnel or posting of liaison officers has taken place. Further cooperation is facilitated through MENAFATF.

Joint investigations with foreign law enforcement authorities have been done on a case-by-case basis, but not in relation to corruption offences. Lebanon has not concluded bilateral or multilateral agreements or arrangements to allow for their establishment.

Interception of telephone and other telecommunication are used as special investigative techniques (Law No. 140/1999 as amended by Law No. 158/2000). Controlled delivery operations have only been regulated by the Drug Trafficking Law.

3.2. Successes and good practices

Overall, the following points are regarded as successes and good practices in the framework of implementing Chapter IV of the UNCAC:

- Lebanon's legal system offers a broad spectrum of options for extradition ranging from statutory to treaty based extradition, use of UNCAC and the reciprocity principle.

3.3. Challenges in implementation, where applicable

To further strengthen international cooperation, it is recommended that Lebanon:

- recognize all the Convention offences as being extraditable offences (art. 44(1));
- could grant the extradition of a person in the absence of dual criminality (art. 44(2)) and in regard to accessory extradition (art. 44(3));
- continue to ensure in the future that any crime established in accordance with the UNCAC is not considered or identified as a political offence (art. 44(4));
- inform the Secretary-General that the Convention will be accepted as a legal basis for extradition (art. 44(6));
- further endeavor to expedite extradition and to simplify evidentiary requirements (art. 44(9));
- further strengthen data-collection and monitoring of the duration of extradition proceedings and MLA and refusals (art. 44(9) and art. 46(1));
- establish in the LCC an obligation to submit cases for prosecution at the request of the State party seeking extradition when extradition requests are denied on the grounds of nationality (art. 44(11)) and provide for the possibility to enforce a foreign sentence if extradition is refused because the person sought is a national (art. 44(13));
- Continue consulting with the requesting State to provide it with the opportunity to present its opinions and relevant information before extradition is refused and include this obligation in the LCC (art. 44(17));
- continue to ensure that all forms of MLA can be provided (art. 46(3));
- extend the possibility for spontaneous transmission of information (art. 46(4)) and specify regulations on keeping the information confidential upon request (art. 46(5));
- consider adopting measures to enable the provision of a wider scope of assistance in the absence of dual criminality (art. 46(9c));
- Consider specifying the limited grounds for refusal and refusing MLA for coercive measures in the absence of dual criminality (art. 46(9) and (21));
- establish a regulatory framework that should include a requirement for the consent of detained persons to be transferred (art. 46(10-12)) for cases in which the direct application of the Convention is not possible;
- notify the Secretary-General of the United Nations of its central authority for MLA (art. 46(13)); and the languages acceptable for MLA requests (art. 46(14));
- could permit hearings to take place by video conference (art. 46(18));

- Seek the consent of the requested State party prior to using information furnished by another State party for purposes other than those specified in the request (art. 46(19)) and consider specifying matters of confidentiality (art. 46(20));
- consider adopting measures to allow for the transfer of proceedings in the interests of the proper administration of justice (art. 47);
- use the Convention as legal basis for law enforcement cooperation, further strengthen the effective coordination and promote the exchange of law enforcement personnel (art. 48);
- consider entering into bilateral, regional or international agreements or arrangements and to strengthen domestic legislation to facilitate direct cooperation between law enforcement agencies, joint investigations and the use of further special investigative techniques at the international level (arts. 48 to 50).

3.4. Technical assistance needs identified to improve implementation of the Convention

- On-site assistance by an anti-corruption expert in the creation of a new or strengthening of the existing department to deal with international cooperation and on coordination between the Central Authority and the Prosecutor General, development of an action plan for implementation and model treaty(ies).
- Summary of good practices and on-site assistance in regard to the transfer of criminal proceedings (art. 47).
- Summary of good practices; Technical assistance; and training on forensic accounting in regard to law enforcement cooperation (art. 48).
- Model agreements and arrangements on joint investigations (art. 49).
- Capacity-building assistance with regards to special investigative techniques (art. 50).

IV. Implementation of the Convention

A. Ratification of the Convention

7. The Lebanese Government was mandated to accede to the United Nations Convention against Corruption (UNCAC) under Law No. 33 of 16 October 2008. Lebanon deposited its instrument of ratification with the Secretary-General on 22nd April 2009⁵ and the Convention entered into force on 22nd May 2009.

Further details of the anti-corruption framework

8. A Ministerial Anti-Corruption Committee and a Technical Committee to assist it were established on 27 December 2011 and entrusted with the task of developing a National Anti-Corruption Strategy among other measures for the implementation of the abovementioned Convention, under Decisions No. 2011 / 156 / and 2011 / 157 / issued by the President of the Council of Ministers.

⁵ <http://treaties.un.org/doc/Publication/CN/2009/CN.239.2009-Eng.pdf>

9. On 28 December 2012, the Lebanese delegation in Vienna informed the United Nations Office on Drugs and Crime (UNODC) of the decision of the President of the Council of Ministers appointing official Lebanese experts to review the implementation of UNCAC.
10. Under Decision No. 43 of 5 February 2013 issued by the Minister of State for Administrative Development, a Select Committee stemming from the above Technical Committee was set up to answer the self-assessment checklist.
11. On 14-16 April 2013, the Fourth Conference of the Arab Anti-Corruption and Integrity Network (ACINET) was held. This meeting issued a set of resolutions and recommendations under the title 'Beirut Declaration', and Lebanon, represented by its Minister of Justice, took over the Presidency of the Network.
12. On 19 April 2013, the Minister of State for Administrative Development issued Decision No. 85 setting up a committee in charge of formulating proposals on the National Anti-Corruption Strategy and the Implementation Plan thereof.
13. On 22 April 2013, The Minister of Justice and the Minister of State for Administrative Development issued Joint Decision No. 90 appointing two Liaison Officers to the United Nations Office on Drugs and Crime in Vienna.

B. Legal system of Lebanon

The Convention and the Legal System of the Republic of Lebanon

14. The Lebanese Constitution stipulates, in its preamble, the following:
 - b. Lebanon is Arab in its identity and in its association. It is a founding and active member of the League of Arab States and abides by its pacts and covenants. Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception.
 - c. Lebanon is a parliamentary democratic republic based on respect for public liberties, especially the freedom of opinion and belief, and respect for social justice and equality of rights and duties among all citizens without discrimination.
 - d. The people are the source of authority and sovereignty; they shall exercise these powers through the constitutional institutions.
 - e. The political system is established on the principle of separation, balance, and cooperation amongst the various branches of Government.
 - f. The economic system is free and ensures private initiative and the right to private property.
15. The rules generally accepted in international law and the international conventions which were ratified by Lebanon on the basis of a respective law and which entered into force, are an integral part of the domestic law of the Republic of Lebanon, and take precedence over any contrary provisions in domestic law.

16. Article 2 of the Code of Civil Procedure reads as follows:

“The courts shall adhere to the principle of the hierarchy of legal materials. When the provisions of international treaties are inconsistent with the provisions of ordinary law, the former shall have precedence over the latter.

The courts may not declare the invalidity of the work of the legislative authority on the grounds that ordinary laws do not apply to the Constitution or international treaties.”

17. Despite of the delicate security, economic, and political situation that Lebanon has experienced for a long time, the subject of the fight against corruption has been given special attention in recent years through the development of bills relating to the implementation of the abovementioned Convention.
18. Besides the Constitution and Code of Civil Procedure, the Lebanese legal framework against corruption includes provisions from the Criminal Code and Criminal Procedure Law. It further contains specific legislation like the law No.318 of 20 April 2001 (amended 2003) on the fight against money-laundering, the Civil Servants Regulations and Labour law.
19. In addition, the Lebanese laws in force include the following texts in relation to the provisions of the said Convention:
1. Decree Law No. 112 of 12 June 1959 (Civil Servants Regulations), specifically Articles 15 and 100 thereof on prohibited activities and conflicts of interest;
 2. Decree Law No. 114 of 12 June 1959 (Establishment of the Council of Civil Service);
 3. Decree Law No. 115 of 12 June 1959 (Establishment of the Central Inspection (in charge of monitoring administrations, public institutions, municipalities, and the activities of civil servants in the public sector;
 4. Decree Law No. 82 of 16 September 1983, as amended, on the organization of the Court of Auditors whose mission is to exercise previous and subsequent administrative inspection over administrations, public institutions, and municipalities (including public tenders), and judicial inspection over civil servants and accounts;
20. Law No. 65/54 of 2 October 1965, as amended by Law No. 201 of 26 May 2000, establishing the High Disciplinary Board, as amended, reporting to the Council of Ministers, permanently dedicated to considering irregularities for which civil servants are referred to it; Law No. 318 of 20 April 2001, as amended, (Fight against money-laundering) establishing the Special Investigation Commission at the Bank of Lebanon; and Law No. 32 of 16 October 2008 expanding the powers of the Special Investigation Commission to include corruption offences Lebanon joined to the Arab Anti-Corruption and Integrity Network (ACINET) in which it is represented by the Ministry of Justice, the Ministry of State for Administrative Development, the Court of Auditors, and the Central Inspection Board. The Lebanese Justice Minister was elected as Chairman of

ACINET at its Fourth Session (2013-2014), at the Third ACINET Conference held in Fez in December 2011.

21. Lebanon's civil society takes an active part in the fight against corruption. It includes a number of associations that act in this area, such as the local branch of Transparency International and the Lebanese Association of Certified Public Accountants (LACPA).
22. Lebanon listed the following law, policies and other measures that are cited in the responses the self-assessment checklist:
23. Articles 219, 220, 350, 351, 352, 353, 355, 373, 380 of the Penal Code, in addition to the Civil Servants Regulations, .i.e. Legislative Decree No. 112 of 12 June 1959 and Decree Law No. 1959/115 establishing the Central Inspection, provide for actions that can be taken in the event of obstruction to inspection:

Article 7

- (a) The Inspector General may impose, where appropriate, on all permanent officials of the second category and below, in case of proven violations or in cases of obstruction of inspection work, within the limits of the penalties covered by the powers of the Director-General, one of the penalties, the first and the second, of first-class, set forth in Article 55 of Decree-Law No. 112 of 12 June 1959, while taking into account the provisions of paragraph 6 of Article 56 of the said Decree-Law.

The Inspector may impose, where appropriate, for the same reasons, in accordance with the fundamentals set forth in paragraph (a) above, within the limits of the punishments covered by the powers of directors and heads of departments, one of the two penalties mentioned, on all permanent officials of the third category and below.

The powers granted to all Inspectors General and Inspectors, also include temporary officials, contractual staff and agents in public administrations, and anyone who receives a salary or wage from their funds, within the limits of the scale of penalties stipulated in the laws and regulations to which they are subject.

They also include permanent and temporary officials, contractual staff, agents, salaried staff in public enterprises, independent agencies, and municipalities, and anyone who receives a salary or wage from their funds, within the limits of the scale of penalties stipulated in the laws and regulations to which they are subject.

If the laws and regulations mentioned in the preceding two paragraphs do not provide for disciplinary sanctions, the series of punishments set forth in Article 55 of the Staff Regulations shall apply.

If it is not possible to match categories of positions with categories of cadres of public administrations, salaries and wages may be used as a basis for comparison.

- (b) Pending the implementation of the penalty card system, the Inspector General or the Inspector may request in writing the opinion of the immediate supervisor of the official on the penalty he intends to impose on the blamed official.

The immediate supervisor shall express his opinion in writing about the proposed penalty within 24 hours of the notification of the proposal; otherwise his opinion shall be dismissed.

- (c) The person concerned may object to the proposed penalty within 24 hours of the notification to the Central Inspection Board through the Special Inspector General within five days from the date of notification of the penalty.

- (d) The Central Inspection Board shall consider the objection in accordance with ordinary principles. If it determines that the objection is unfounded it shall harden the penalty.

24. Decree No. 2862 of 16 December 1959, as amended (Inspection Fundamentals) provides for the following:

Article 10:

The Inspector prepares a preliminary report on important points he notes while performing his mission and immediately submits such report to the Head of the Central Inspection Board through the Inspector General so that it may be urgently presented to the Central Inspection Board.

26. In regard the institutional framework in Lebanon, the relevant anti-corruption bodies in Lebanon are the General Prosecution and Central Inspection Body. Furthermore there is a Disciplinary Board, an independent body which conducts disciplinary rules over civil servants and a Judiciary Inspection for judges. Also the Court of Account serves as a specialized body.

27. Furthermore, Law No. 32 of 16 October 2008 provides for the extension of the powers of the Special Investigation Commission established under Law No. 318 of 20 April 2001 on the fight against money-laundering as follows:

"Article 23, paragraph 88:
Single Article

The Special Investigation Commission, established under Law No. 318 of 20 April 2001 on the fight against money-laundering, shall have the exclusive authority to freeze and lift bank secrecy on bank accounts pursuant to applicable conventions and laws on the fight against corruption, especially the United Nations Convention against Corruption, and shall observe the fundamentals set forth in Law No. 318 mentioned above.

This law shall be effective immediately upon its publication in the Official Gazette."

28. In addition, Lebanese authorities pointed out during the country visit the delays and huge backlog in the Parliament. Due to political stall and incapacity of the Parliament to hold sessions. there is a number of important draft laws that are pending the adoption, most notably the proposal on establishing the National Authority for combatting corruption, on Whistleblower protection, on Access to Information, Financial Audit Court and on Disciplinary Court and similar.

C. Implementation of selected articles

Chapter III. Criminalization and law enforcement

Article 15 Bribery of national public officials

Subparagraph (a)

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

(a) Summary of information relevant to reviewing the implementation of the article

29. Lebanon confirmed that it fully implemented this provision of the Convention and provided the texts of Articles 350, 351, 352, 353, 355 and 356 of the Criminal Code that relate to the active bribery as follows:

Criminal Code

Article 350 as amended by Article 15 of Legislative Decree No. 112/83 and replaced by:

“For the purposes of this chapter, "Employee" shall mean any person employed in the public administrations and institutions, municipalities, the armed forces, the judiciary, or civil servant; or any person appointed or elected to perform a public service whether paid or unpaid.

Article 351 as amended by Legislative Decree No. 112 of 16 September 1983 provides:

“Any employee and any person assigned to the public service, whether elected or appointed, and any person entrusted with an official mission such as an arbitrator, an expert, or a trustee, who solicits or accepts for himself or for others a gift, a promise, or any other benefit to perform a legal work that falls within his functions, shall be punishable by imprisonment from three months to three years and a fine of at least twice the value of what he took or accepted.”

Article 352 as amended by Legislative Decree No. 112 of 16 September 1983: “Any of the persons above-mentioned who solicits or accepts for himself or for others a gift or promise, or any other benefit to perform a work that is incompatible with his functions, or claims that it falls within the scope of his functions, or neglects or delays a work that falls within his functions, shall be punishable by imprisonment with hard labour and a fine of at least three times the value of what he took or accepted.”

Article 353 as amended by Legislative Decree No. 112 of 16 September 1983: “The penalties provided for in Articles 351 and 352 are also applicable to the briber. The briber or mediator shall be exempted therefrom if it reveals the matter to the competent authorities or confessed it before the case is referred to the court.”

Article 355: Anyone who offers to the persons referred to in Article 351 a gift or any advantage or promises the same on the basis of an undue remuneration for performing a work that falls within the scope of his functions or neglects or delays its implementation, shall be punishable, if the offer or promise is declined, by imprisonment of at least three months and a fine not less than twice the value of the offer or promise.

Article 356: “Any of the persons referred to in Article 351 who accepts an undue remuneration for a work already carried out within the scope of his duties or missions, shall be punishable by imprisonment from one month to one year and a fine of at least twice the value of what was accepted.”

Lebanon provided the following cases:

- Ruling No. 186/2009 of 12 November 2009 - Criminal Court of Cassation - A prisoner bribes internal security forces officers in exchange for the delivery of a number of objects whose introduction in prison is prohibited (Offence - Article 353 / Criminal Code).

- Ruling No. 24/2001 of 31 January 2001 - Criminal Court of Cassation - Two customs agents committed acts contrary to their functions in return for money. Their act induced a loss of fees for the Treasury (Article 353 / Criminal Code).

- Ruling No. 245/2005 of 10 April 2005 - Criminal Court of Cassation - A defendant acted as an intermediate between a third person and a sergeant so that the former pays a sum of money to the latter so that he refrains from drafting a seizure report and a traffic violation (Bribery offence - Article 352 - Penalties provided for Article 219 of the Criminal Code).

For more examples, the authorities offered the review of the Jurisprudence number: 2, 3, 15, 27, and 33 in Document No. 39.

According to Lebanese authorities it was not possible to provide the comprehensive national statistics because the Ministry of Justice was undertaking the automation process which would take a full year. The reference was made to the information provided in Documents No. 14,15,16,17 and 18.

Available statistics was provided in the previous paragraph.

In addition, the following Article of the Criminal Code was provided by Lebanon

Article 210 of the Criminal Code “No one shall be sentenced to a penalty unless he consciously and willingly committed the act. Legal persons shall be criminally responsible for the actions of their directors, management staff, representatives and employees when such actions are undertaken on behalf of or using the means provided by such legal persons. They may be sentenced only to a fine, confiscation and publication of the judgment. If the law provides for a primary penalty other than a fine, that penalty shall replace the fine and shall be imposed on the legal persons within the limits set by Articles 53, 60 and 63”.

(b) Observations on the implementation of the article

Active bribery is criminalised in articles 353 of the Criminal Code (CC) in conjunction with 351 and 352 of the CC. In addition, article 355 of the CC covers cases in which the offer or promise is declined (basically a specific offence relating to the attempt of active bribery) and article 356 of the CC covers cases of retroactive payments of a bribe.

In more detail: Articles 352 and 353 of the CC relate to passive bribery as they refer to solicitation or acceptance of bribery and not promise or offer to bribe. In conjunction with article 353 CC, they also criminalize acts of the "briber". It was discussed if this construction would allow to capture all acts defined in article 15 of the Convention, namely "promise", "offer" or "giving" of a bribe. As article 351 and 352 of the CC refer to the three acts of solicitation, acceptance and promise and as

article 353 refers to the corresponding acts of the counterpart, it was concluded that in fact all acts were included.

Article 351 of the CC relates to the performance of work, articles 352 and 355 of the CC also relates to delay or neglect of work. Thus, the active bribery of a public official in order to induce him to refrain from acting is sufficiently covered (see as example the ruling No. 245/2005 of 10 April 2005).

An additional comment in relations to Articles 351 and 352 of the Criminal Code was that they might not cover the promise, offer or giving of an undue advantage to an 'entity' as it was not clear whether the word 'others' in those articles referred to natural persons only or also to legal persons. It was clarified that this was a translation issue into English language and that the word in the Arabic version was sufficiently wide to include both, natural and legal persons, as third-party beneficiaries.

Furthermore, it was clarified that the scope of public official was in line with Article 15(a) of UNCAC as Article 350 of the CC was referred to as providing a broad definition of a public "employee". Articles 351 et seq. would use this term of employee and also include "any person assigned to the public service, whether elected or appointed, and any person entrusted with an official mission (...)". This was deemed to capture the full scope of the term public official as defined in article 2 (a) of the Convention.

It was concluded that the provision was implemented with the caveat that the indirect commission of an act of bribery did not seem to be explicitly covered. It was therefore recommended that Lebanon should ensure that the bribery provisions are also applied in cases of indirect commission of the act.

Article 15 Bribery of national public officials

Subparagraph (b)

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

(a) Summary of information relevant to reviewing the implementation of the article Lebanon confirmed that it fully implemented this provision of the Convention and provided the following law :

Article 351 of the Criminal Code (as amended by Legislative Decree No. 112 of 16 september 1983): "Any employee and any person assigned to public service, whether elected or appointed, and any person assigned to an official function such as referees, experts and liquidators who requests or accepts for itself or for a third party a gift or a promise or any other benefit to perform a legitimate action of its function shall be punishable by

imprisonment for a term of between three months to three years and by a fine of no less than double the value of what it has taken or accepted”.

Article 352 of the Criminal Code (as amended by Legislative Decree No. 112 of 16 september 1983): “Any of the afore-mentioned persons who requests or accepts for itself or for a third party a gift or a promise or any other benefit to perform an action against its function, to claim it to be within its function or to neglect or delay his duty shall be punishable by temporary hard labor and by a fine of no less than threefold the value of what it took or accepted. The same shall be applicable to the lawyer who commits any such act”.

Article 356 of the same law provides: “Any of the persons referred to in Article 351 who accepts an undue remuneration for a work already carried out within the scope of his duties or missions, shall be punishable by imprisonment from one month to one year and a fine of at least twice the value of what was accepted.”

Lebanon provided also the following cases:

Ruling No. 32/2008 of 19 February 2008, a summary of which is included in the Appendix, convicts public officials for soliciting bribes to carry out acts contrary to their functions, under Articles 352 and 353 of the Criminal Code.

Ruling No. 320/2012 of 8 November 2012, a summary of which is included in the Appendix, convicts a teacher at the Lebanese University for committing a bribery, under Article 352 of the Criminal Code.

Ruling No. 77/2012 of 15 March 2012, a summary of which is included in the Appendix, convicts a female prison guard for bribery offence, under Articles 352 and 353 of the Criminal Code.

(b) Observations on the implementation of the article

Passive bribery is fully criminalised in articles 351 and 352 of the CC. In addition, article 356 of the CC covers cases of retroactive payments of a bribe.

It was noted that the rulings did only relate to articles 352 and 353 but not to Article 351 of the CC.

In the responses and during the country visit it was clarified that the word "others" or "third persons" includes legal entities and that therefore "solicitation" and "acceptance" of bribes applied to them as well (see also above under article 15 (a) of the Convention).

Lebanese authorities reiterated that under the Article 352 of the CC, neglecting a duty and acting in contradiction with public office constituted a "refrain from acting". As regard to reference to "indirect promise, offer or giving" the reference was made to the Article 355 that included "promise" and "offer" and Article 353 that included "giving". All articles would include direct and indirect commission of the offence.

Lebanese authorities also provided additional relevant cases:

1. Decision No. 32/2008 dated 2/19/2008 of the Court of Cassation, Chamber 6, President Ralph Riachi:

Bribing civil servants: The defendants' acts concerning their solicitation of bribes that is inconsistent with their jobs and their neglect of duties with regard to the detection of violations and to not referring violators to the competent authorities, in return for cashing money, are subject to the felony stipulated in Article 352 of the Criminal Code.

2. The decision of the High Commission for Discipline No. 13/2013 dated 3/26/2013:

The judge solicited a bribe by asking the briber to satisfy the court advisers by offering them sums of money to be used as a deposit, without the knowledge of the court advisors of a suit pending in the court he heads, which constitutes a serious breach of his judicial duties and a disgraceful act that is damaging to his honor and dignity, and to the honor and dignity of his two colleagues in the court. This applies to the provisions of Article 83 of Legislative Decree No. 83/150, and necessitates questioning and the imposition of disciplinary sanctions pursuant to Article 89 of the same decree (the sanction of dismissal).

3. Decision No. 24/2001 dated 31/01/2001 of the Court of Cassation, Chamber 3, President Afif Chamseddine:

Bribery: Two customs employees, who committed acts that are inconsistent with their jobs in return for sums of money, and whose acts resulted in additional fees for the Treasury, must be proven guilty. The provisions of Article 352, not Article 351, of the Criminal Code are applicable to their acts.

See observation above.

(e) Technical assistance needs

20. Lebanon has indicated that the substantial technical assistance was needed in regard implementation of this Article of the Convention, namely to conduct awareness campaigns intended especially for citizens with a view to enhancing awareness about forms of corruption, its causes, and grave consequences for the national economy. The campaign should also encourage citizens to file complaints about corruption in all its forms.

Lebanon also indicated the need to train senior public officials in all administrations to be a nucleus in the fight against corruption in such administrations, to inform relevant authorities of incidents of corruption in such administrations, and to submit proposals aimed at combating corruption

Article 16 Bribery of foreign public officials and officials of public international organizations

Paragraph 1

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon indicated that they have not implemented this provision of the Convention as there is no special legislation on foreign public officials. Articles 350 to 353 would only criminalise the briber or corruptor who promised or offered a bribe to a national public official but not if the briber or corruptor promised or offered a bribe to a foreign public official or official of an international organization. They further referred to the general principles set forth in the Criminal Code on criminalization explained in relation to Article 15 of the Convention. Also, they referred to the Article 15 of the Lebanese Criminal Code which establishes that the Lebanese law applies to all offences committed on the Lebanese territory. .

(b) Observations on the implementation of the article

It was clarified that the focus of article 16, paragraph one was the criminalisation of the bribe giving to a foreign public official and that the provision had to be clearly distinguished from article 16, paragraph 2 of the Convention.

In view of the information provided during the country visit, it is recommended that Lebanon comply with the requirements under the Article 16 of the Convention and adopt the adequate provisions in the law that would clearly establish as a criminal offence the promise, offering or giving to a foreign public official or an official of a public international organization of an undue advantage for the official himself or another person or entity to act or to refrain from acting in the exercise of his official duties.

Article 16 Bribery of foreign public officials and officials of public international organizations

Paragraph 2

2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon indicated that they have not implemented this provision of the Convention and that there was no special legislation on foreign public officials. They again referred to the general principles set forth in the Criminal Code on criminalization mentioned above. They also specified that under the Article 15 of the Criminal Code, Lebanese law applies to all offences committed on the Lebanese territory.

(b) Observations on the implementation of the article

Observations from the reviewing team reiterated the questionable application of this article of the Criminal Code on foreign public officials and officials of public international organizations due to the degree of immunity they enjoy in Lebanon so that offences committed by them on the Lebanese territory are not subject to criminal proceedings.

During the country visit the level of immunity of foreign officials was further explained and clarified. In providing immunity to foreign diplomats Lebanon fully comply with the Vienna Convention on Diplomatic Relations. However, the specific status is enjoyed by diplomats and staff of the United Nations Interim Force in Lebanon (UNIFIL), where according to the special agreement a prosecutor may seek the permission to prosecute. Not any other foreign official will enjoy immunity for offences committed under Lebanon jurisdiction and in cases where a foreign official would offer a bribe to a Lebanese civil servant, he would be prosecuted unless he is a diplomat. Furthermore, foreign officials who enjoy partial immunity may be prosecuted under Lebanese criminal code for offering the bribe. It was recommended that Lebanon should consider criminalizing the passive form of bribery of foreign public officials and officials of international organizations.

(d) Challenges, where applicable

26. In light of information provided during the country visit the reviewing team encouraged Lebanese authorities to consider adopting legislation and provisions that would establish as criminal offence the solicitation or acceptance of undue advantage by a foreign public official or an official of a public international organization to act or refrain from acting in the exercise of his official duties.
27. Furthermore and according to the information provided by authorities there is a need to build capacities in the area of legislation drafting.

(e) Technical assistance needs

29. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:

Summary of good practices/lessons learned;

Model legislation;

Legislative drafting;

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 17 Embezzlement, misappropriation or other diversion of property by a public official

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention. They indicated that the Criminal Code included the provisions relating to this matter.

In relation to the punishment for embezzlement, the Lebanese authorities provided Articles 359 , 360, 361 and 362 as follows:

Article 359 of the Criminal Code: “Any employee who embezzles funds or other property it is ex officio assigned to manage, collect or maintain for the state or for someone shall be punishable by imprisonment for a term of between three months to three years and by a fine of no less than the value of the revenues”.

Article 360 of the Criminal Code: “If the embezzlement occurs by way of inserting incorrect writings in the invoices or records or by counterfeiting or damaging accounts and papers or other documents or by any trick in general aiming at preventing the discovery of embezzlement shall be punishable by temporary hard labor in addition to the fine imposed in the previous article”.

Article 361 of the Criminal Code: “Any employee who forces a person or has it perform or promise to perform what the employee knows as non-obligatory for the person, or increases the due amount of taxes, fees or similar revenues shall be punishable by imprisonment for a term of one year at least and by a fine of no less than double the value of the revenues”.

Article 362 of the Criminal Code: “The same punishment shall be applicable to any employee who grants exemption from taxes, fees, fines and other revenues where this exemption is not allowed by law”.

Further, Lebanese authorities provided provisions from the Criminal Code on criminal offences of misappropriation and misuse of public funds as follows:

Article 363 of the Criminal Code: “As repealed by Article 18 of Legislative Decree No. 112/83: Shall be punishable by imprisonment for a term of between three months to three years and by a fine of 200,000 to a million Lebanese Pounds:

1. Any person who is assigned to buy or sell or manage movable or immovable property on behalf of the state or on behalf of a public administration or institution, a municipality, a public body or an institution of public utility or in which the state has a part of its shares, and the person commits fraud in any of these works or violates the laws applicable thereto either to achieve a personal gain or to favor a party which would inflict damages to the other party or the public interest or funds, or if the person commits gross misconduct;

2. Any person who enters, in peacetime, into a contract of construction, public works, transportation, manufacturing, maintenance or repairs or a contract to provide services, supplies or logistics with any of the entities mentioned in the previous paragraph, whether the contract is a result of a tender, a compromised assignment or any other way, and the person resorts to different types of intentional procrastination or tricks to hinder or lengthen the term of the implementation thereof with the intention of inflicting damages to the projects of the state or to achieve gains for itself or for a third party, or if the person cheats in the materials used or provided or in the installation or manufacturing thereof or in the substantial specification of the same;
3. The contractors who act in collusion to damage the concessions or to make the same exclusive to one of them which would inflict damage to the official contracting party;
4. The employee who is entrusted with overseeing the tender or compromised assignment or any other way of contracting or with monitoring the stages of the implementation or handing over the works after the completion thereof, if the employee performs actions that would favor a party over the other in concession or assignment, or if it condones detecting the violations or neglects the monitoring process or if it fails to take against the violating party the measures provided in the competent laws;
5. The contractor, mediator or any other person who as a result of a tender, a compromised assignment or any other way provides invalid materials to the administrations, public institutions and municipalities, and the employee who accepts or receives the same shall be deemed an accomplice in the crime.

In addition to that, the penalties in the crime of bribery shall also be applied if committed”.

Article 364 of the Criminal Code: “Any employee who obtains a personal benefit from a transaction of the administration to which it belongs, whether directly, through another person or through superficial documents shall be punishable by imprisonment for a term of between three months to two years and by a fine of no less than 200,000 Lebanese Pounds”.

Articles 365 and 366 of the Criminal Code have been further provided to indicate the scope of public officials covered by these provisions:

Article 365 of the Criminal Code: “The penalties in the previous article shall be imposed to the judges, money collectors, administration representatives, army and police officers and any other public service officer taking its salary from the government if they openly or by resort to direct superficial documents or through another person trade in which they exercise power in grains, foods and other primarily necessary supplies except for the production of their property in the area”.

Article 366 of the Criminal Code: “The penalties provided in articles 359 through 362 shall be reduced to the half if the damage inflicted and the profit earned by the criminal are trivial or if the damage is fully compensated for before the case is referred to the court. If the restitution or compensation occurs during the trial and prior to any ruling even if it is not final, the penalties shall be reduced to one forth”.

Besides, the Lebanese legislator under the law on retirement and dismissal from service (Decree-Law No. 47) provides that a public official who commits embezzlement shall be deprived from the end of service allowance.

Article 36 of Legislative Decree no. 47 of 1983 (retirement and termination of service):

“A person who is proven by a court ruling to have: embezzled the state property; embezzled the trusts deposited with him or the materials he received, for which he should submit a statement; taken a bribe in issues related to his job; or forged official documents which helped in the embezzlement of the state property shall permanently forfeit the right to pension or compensation for dismissal, even if both are settled”.

Article 37 of Legislative Decree no. 47 of 1983 (retirement and termination of service):

“No general or special amnesty shall be given to restore the rights forfeited pursuant to the provisions of the preceding article”.

Article 38 of Legislative Decree no. 47 of 1983 (retirement and termination of service):

“The entitlement of the retired to pension shall be permanently forfeited if Lebanese nationality is lost or rescinded or a criminal court sentence is given for the confiscation of his movable or immovable property.

However, in case of a sentence imposing a penalty other than the aforementioned, the family members of the person shall receive his pension as in the case of his death. If he restores his rights later, he shall receive his pension as of the date of the causes that led to the suspension thereof are not found and the family entitlements shall also be cancelled as of the said date”.

Article 39 of Legislative Decree no. 47 of 1983 (retirement and termination of service):

The entitlement of any family member to pension shall be permanently forfeited if the Lebanese nationality is lost or rescinded; or a criminal court sentence is given for the confiscation of his movable or immovable property.

However, in case of a sentence imposing a penalty other than the aforementioned, the pension shall be suspended for the duration of the penalty provided that it shall be restored by the person entitled thereto as of the date the cause thereof are not found.

The country under review provided the following cases:

**Criminal Justice and the Court of Accounts
Cases of Corruption resulting from Embezzlement of Public Funds**

First: Some Embezzlement Cases Considered by Criminal Justice

In order for an embezzlement offence to be established, the embezzler must be an official and the embezzlement act affects public or private funds whose management, collection, or safeguarding were entrusted to the official as part of his functions, and that the embezzler had a criminal intent, including the general intent and the specific intent.

Prosecution is conducted before criminal justice under Articles 359 to 366 of the Criminal Code.

Below are some of the cases:

- Ruling No. 259/2000 issued by the Criminal Court of Cassation, 7th Chamber, on 26 December 2000 - Embezzlement by the insertion of incorrect writings in transfers in order to prevent the discovery of embezzlement (offence provided for in Article 360 and Article 359 of the Criminal Code).

- Ruling No. 291/2003 issued by the Criminal Court of Cassation, 6th Chamber, on 26 December 2000 - Embezzlement by an official of some funds he was in charge of collecting on behalf of a public enterprise (offence provided for in Article 360 and Article 359 of the Criminal Code).

- Ruling No. 67/2005 issued by the Criminal Court of Cassation, 6th Chamber, on 10 March 2005 - Officials removed tax stamps and delivered them to a third person to affixed them on other transactions documents instead of new stamps and then shared among themselves the amounts of money resulting from these acts, which constitutes an offence of embezzlement of public funds (offence provided for in Article 360 and Article 359 of the Criminal Code).

- Ruling No. 334/2005 issued by the single judge of the Criminal Court in Beirut on 27 December 2007 - A branch manager stole money from the bank (offence provided for in Article 360 and Article 359 of the Criminal Code).

- Ruling No. 122/2009 issued by the Criminal Court of Cassation, 6th Chamber, on 16 July 2009 - The defendant embezzled a amount of money belonging to a detainee and placed in the custody of the Division of Public Security Inspection while he was in charge of preserving it on account of his functions, which constitutes an offence of public funds embezzlement (offence provided for in Article 360 and Article 359 of the Criminal Code).

- Ruling No. 125/2009 of 16 July 2009 issued by the Criminal Court of Cassation, 6th Chamber - The defendant received transfer amounts and kept them in his possession instead of depositing them in the Treasury or the Mutual Fund of Judges. He placed a copy of the Transfer Order in the file and gave the persons concerned a payment receipt without mentioning in the file or in the record that the amount of the transfer was received by *LibanPost*.

- Ruling No. 228/2009 issued by the Criminal Court in Beirut on 30 July 2009 - Conviction of officials in a Cooperative of State Officials for an offence provided for in Articles 359 and 360 of the Criminal Code for associating in the embezzlement of public funds belonging to the Cooperative by inserting false information.

- Ruling No. 89/2010 of 30 March 2010 issued by the Criminal Court of Cassation, 6th Chamber - Prosecution of officials on charges of embezzlement of public funds pursuant to Article 360 of the Criminal Code (the relevant minister gave permission to prosecute at the request of the Public Prosecution under Article 61 of the Staff Regulations – Decree-Law No. 112/1959). It should be noted that the referral of the case by the Financial Appellate Public Prosecutor to the Office for Combating Financial Crimes for investigation, should suspend the statute of limitations on public proceedings.

- Ruling No. 350/2011 of 5 September 2011 issued by the Criminal Court of Cassation, 6th Chamber - Prosecution of officials on charges of embezzlement by inserting false entries in the invoices or books, by forging or destroying accounts, documents, and other instruments, and in general, by using any ploy to prevent the discovery of embezzlement (priority is to

enforce Article 360 of the Criminal Code in the event of aggravating circumstances. Enforcement of Article 359 of the Criminal Code is ruled out pursuant to the rule stipulated in Article 181 of the Criminal Code, so that the defendant is not convicted twice for the same criminal act).

- Ruling No. 263/2012 of 24 August 2012 issued by the Criminal Court of Cassation, 6th Chamber - Prosecution of an official on charges of embezzlement of public funds as he received a check and deposited it in his bank account and benefited from its value.

Second: Reviews and Judgments rendered by the Court of Accounts in embezzlement cases

Prosecution before the Court of Auditors is conducted at the request of the Public Prosecutor of the Court. The relevant Chambers undertake the trial of officials accused of embezzlement pursuant to Articles 60 and 61 of the Law on the Organisation of the Court of Accounts, promulgated by Decree-law No. 82 of 16 September 1983, as amended, and pursuant to Article 191 of the Law on Public Accounting and all other financial laws and regulations in force in administrations, public enterprises, and municipalities (see below).

Public Accounting Law

Article 190:

Any misrepresentation in a receipt issued by a treasurer or a collector, or in any copy thereof, for whatever reason, shall be deemed to be mala fides, and the perpetrator shall receive the sentences set forth in Articles 461 and 462 of the Penal Code, unless the misrepresentation causes no damage to the public property.

Article 191:

An official receipt with any sum of public money received must be issued, and any person who receives public money and gives no official receipt shall be deemed an embezzler.

Court of Accounts Law

Article 60:

Any officer who committed or participated in any of the offences mentioned below is liable to pay a fine from one hundred fifty thousand to one million five hundred thousand Lebanese pounds. This does not preclude civil obligations, and criminal and disciplinary penalties decided by the competent authorities:

- 1- The commitment of an expenditure in violation of the law
- 2- The commitment of an expenditure without obtaining the approval of the controller of spending commitments
- 3- The failure to submit a transaction to the prior control of the Audit Court; or the execution of a transaction without abiding by the conditions decided by the Court.
- 4- The non-compliance with the disapproval of the Audit Court, or that of the controller of spending commitments.
- 5- The improper entry of an expenditure for the purpose of covering a transaction exceeding a budget appropriation.

6- The execution of an illegal order received from a person other than his immediate supervisor.

7- The illicit enrichment of a person transacting with the administration or the attempt of such an enrichment.

8- The commitment of an error or negligence which may result in damage to the public funds or the Treasury funds.

9- The failure to submit the requested accounts, documents or clarifications to the Audit Court, or to the Public Prosecutor's Office at the Court within the time limits specified by existing laws and regulation.

10- The violations of the provisions governing to the management or use of public funds or of Treasury funds.

Article 61:

If it is found that the violations mentioned in Article 60 of the present decree-law have resulted in damage or loss to public or Treasury funds, the Court may, in addition to the fine stipulated by Article 60, punish the offender, with a fine calculated in proportion to the seriousness of the violation and to the gross salary of the officer if he received a salary, or to the pay or fees he received if he does not receive a salary.

The additional fine shall not be less than the monthly salary or the monthly benefits of the officer, or their equivalent, at the time of the violation. It may not exceed his annual salary or annual benefits, or their equivalent, at the said time. If the work of the officer is not remunerated the fine shall be between one thousand and ten thousand Lebanese pounds.

The officer on trial before the Audit Court may hire an attorney-at-law.

Such reviews and judgments include the following:

- Review No. 9/1045 of 1 February 2010 - Prosecution of the treasurer of the municipality of Ajaltoun on charges of embezzlement of municipal funds (referral to the Court of Accounts and the Public Prosecution of the Court of Cassation).

- Review No. 123/2946 of 17 October 2011- Misappropriation of funds from a payment fund of the Ministry of Finance (prosecution before the Court of Accounts and referral to the Public Prosecution of the Court of Cassation).

- Review No. 128/1484 of 31 October 2011 - Misappropriation of funds belonging to the Lebanese power utility (EDL).

- Review No. 142/3745 of 23 November 2011- Misappropriation of funds from one of the funds of the water utility of Beirut and Mount Lebanon (Court of Accounts + Court of Cassation).

- Review No. 71/1323 of 28 March 2012 - Misappropriation of funds from the Telephone Exchange of Mazraa by the Treasurer (prosecution before the Court of Accounts and referral to the Public Prosecution of the Court of Cassation).

- Review No. 78/1654 of 10 April 2012 - Misappropriation of customs funds and duties - Port of Beirut.

- Court Ruling No. 72 of 13 July 2010 - Officials fined for embezzling public funds from the General Directorate of Public Security.

- Court Ruling No. 75 of 6 October 2011 - Tax collectors fined for collecting funds for the Water Utility of Beirut and Mount Lebanon without remitting them to the Fund.

Lebanese authorities stated that there was no accurate statistics on the subject.

Studies and Court Rulings Issued by the Criminal Judiciary and the State Audit Bureau in Cases of Corruption Resulting from Public Property Embezzlements:

First, Some Embezzlement Cases Heard by the Criminal Judiciary

In order for the crime of embezzlement to occur, the embezzler must be a civil servant and embezzlement must occur to the state's or an individual's property which the servant is entrusted to manage, collect or safeguard by virtue of his job duties. An embezzler must have the mens rea, including both general and special intent, and he shall be prosecuted by the criminal judiciary invoking Articles 359 through 366 of the Penal Code.

Stated below are some of these cases:

Decision No. 259/2000 issued by the Criminal Court of Cassation – the Seventh Circuit on December 26, 2000; an embezzlement through inserting incorrect writings in the remittances with a view to preventing the discovery of the embezzlement (felony under Article 360 in addition to Article 359 of the Penal Code).

Decision No. 291/2003 issued by the Criminal Court of Cassation – the Sixth Circuit on December 26, 2000; an civil servant embezzled some of the property he/she is entrusted with by collecting the same for the benefit of a public institution (felony under Article 360 in addition to Article 359 of the Penal Code).

Decision No. 67/2005 issued by the Criminal Court of Cassation – the Sixth Circuit on March 10, 2005; two civil servants removed and gave tax stamps to a third person who stuck them on other transactions documents instead of new stamps; and the three persons shared the money resulted therefrom, which constitutes a crime of embezzlement of public money (felony under Article 360 in addition to Article 359 of the Penal Code).

Decision No. 122/2009 issued by the Criminal Court of Cassation – the Sixth Circuit on July 16, 2009; the defendant embezzled a sum of money which is revenue of an endowment deposited as a trust with the department of the supervision on public security and he/she is entrusted with keeping by virtue of his/her job duties, which constitutes a crime of embezzlement of public property (felony under Article 360 in addition to Article 359 of the Penal Code).

Decision No. 125/2009 dated July 16, 2009 (Criminal Court of Cassation – the Sixth Circuit); the defendant received the original remittances while keeping the money in his/he possession and failed to pay the money to the treasury fund or the judges solidarity fund;

filing a copy of the original bail, and giving the stakeholders a statement that the fine was paid failing to mention the same in the file; and recording on the report that the value of the bail was paid by the Liban Post.

Decision No. 228/2009 issued by the Criminal Court of Beirut on July 30, 2009; the judgment on two civil servants in the Cooperative of the State Civil Servants on the crime punishable by Articles 350 and 360 of the Penal Code for collaborating in embezzling the public property of the cooperative through inserting incorrect statements.

Decision No. 350/2011 dated September 5, 2011 (Criminal Court of Cassation – the Sixth Circuit); the prosecution of two civil servants with the crime of embezzlement where the embezzlement occurred by inserting incorrect writings in the invoices or records by misrepresentation or destroying the accounts, papers and other documents or by any tricks in general with a view to preventing the discovery of the embezzlement (priority given the application of Article 359 of the Penal Code when extenuating circumstances excluding thereby the application of Article 181 of the Penal Code to avoid the dual criminality for the same criminal act).

Decision No. 263/2012 dated August 24, 2012 (Criminal Court of Cassation – the Sixth Circuit); the prosecution of a civil servant with the crime of the embezzlement of public money through receiving and depositing a check in his/her bank account and benefitting from the value thereof.

Decision No. 2006/367 dated 5/11/2006 of the Criminal Court of Mount Lebanon, Deputy President Jean Bsaibes:

The defendant, a former governor, is proven to have illegally cashed sums of money from owners of crushers and quarries, without such sums being deposited in the Treasury. Felony stipulated in Article 352 of the Criminal Code.

(b) Observations on the implementation of the article

Embezzlement is criminalized in articles 359 to 362 of the CC, Article 60 of the Courts of Accounts Law and Article 191 of the Public Accounts Law. Misappropriation of movable or immovable is criminalized in article 363 of the CC.

The provisions do not clearly capture cases which relate to third-party recipients, but it was explained that the embezzlement provisions focused on the fact of embezzlement irrespective of who would benefit. The provision relating to misappropriation would use the term “private gain” but could be interpreted broadly to capture also cases of third-party beneficiaries.

During the country visit the reviewing team was provided with detailed explanation related to the cases before the Court of Accounts. Lebanese authorities also explained the independent nature of procedures before the Court of Accounts and referred to the Article 191 of the Public Accounting Law and Articles 60 and 61 of the Court of Accounts Law.

It was concluded that UNCAC provision was adequately implemented.

(e) Technical assistance needs

35. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:

1. *Summary of good practices/lessons learned;*
2. *Model legislation;*
3. *On-site assistance by an anti-corruption expert;*
4. *Development of an action plan for implementation;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 18 Trading in influence

Subparagraph (a)

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person;

(a) Summary of information relevant to reviewing the implementation of the article

36. Lebanon confirmed that it fully implemented this provision of the Convention and referred to the Articles 357 and 358 of the Criminal Code as applicable to address this issue:.

Article 357

Any person who takes or solicits an undue remuneration, or accepts a promise of the same, whether for himself or for others, for providing or seeking to provide a position, a job, contracts, projects, other advantages, grants from the State or from public administrations, or for influencing the decisions of the authorities in any way whatsoever, shall be punishable by imprisonment from two months to two years and a fine of at least twice the value of what was taken or accepted.

Article 358

If the act is committed by a lawyer to obtain the indulgence of a judge, arbitrator, trustee, or expert in a case, he shall be punishable by imprisonment from one year to three years and prevented from exercising his profession for life.

Lebanon also provided the following cases:

- Ruling No. 128/2003 of 30 April 2003 – Criminal Court of Cassation - Exerting influence and giving promises to regularize the situation of conscripts for their exemption from military service.

- Ruling No. 29/2004 of 23 January 2004 – Criminal Court of Cassation – Soliciting the enrolment of a person in the Military Academy in exchange for a sum of money.
See also the Jurisprudence included in Document No. 37.

- An agent in the Power Utility of Lebanon modified a circuit breaker and removed seizures to reduce the readings of the meter of power supply consumed in return for three hundred (300) United States dollars (the Central Inspection Board issued a recommendation to refer the agent to the Higher Disciplinary Commission to toughen disciplinary sanctions, in addition to filing a copy of the file with Public Prosecutor of the Court of Cassation.

Lebanon didn't provide any statistical information.

(b) Observations on the implementation of the article

It was noted that Article 18 of the Convention criminalized "promise, offering or giving an undue advantage" while cited Articles 357 and 358 of the Criminal Code criminalize "taking or soliciting" of an undue remuneration, hence it was concluded that they did not cover the active trade in influence.

To that regard also the adduced cases did not show on what legal provisions the convictions were based.

In light of the information provided, the reviewing team concluded that UNCAC provision in this regard was not implemented. It is recommended that Lebanon should consider to criminalise the active side of trading in influence.

Article 18 Trading in influence

Subparagraph (b)

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.

(a) Summary of information relevant to reviewing the implementation of the article

39. Lebanon confirmed that it fully implemented this provision of the Convention and cited the Articles 357 and 371 of the Criminal Code as applicable in this regard:

Article 357

Any person who takes or solicits an undue remuneration, accepts a promise of the same, whether for himself or for others, for providing or seeking to provide a position, job, contracts, projects, other advantages, grants from the State or from public administrations, or for influencing the decisions of the authorities in any way whatsoever, shall be punishable by imprisonment from two months to two years and a fine of at least twice the value of what was taken or accepted.

Article 358:

If the action is committed by a lawyer under the pretext of gaining the sympathy of a judge, a referee, a liquidator or an expert in a case shall be punishable by imprisonment for a term of between one to three years and shall be prevented from practicing its profession forever.

Article 371

Any official who uses his authority or influence, directly or indirectly, to hinder or delay the enforcement of laws or regulations, the collection of fees or taxes, or the enforcement of a court ruling or a judicial warrant, or any order issued by the relevant authority, shall be punishable by imprisonment of three months to two years.

If the person who uses such authority or influence is not a public official, the punishment shall not exceed one year.

As regard cases, Lebanese authorities referred to the previous paragraph..

(b) Observations on the implementation of the article

In regard to compliance with the Article 18 (b) of UNCAC that relates to the passive act of trading in influence, it was noted that the term "remuneration" in the cited Article 357 of the Lebanese Criminal Code may fall short of the term "undue advantage" from the Convention.

It was also noted that the Article 357 did not clearly indicate if the indirect passive trading in influence was criminalized because the term "in any way whatsoever" indicated the nature of the influence, whether real or supposed but did not denote the direct or indirect influence.

It was further noted that so far the provision had not been applied in practice as no case examples were provided.

It was confirmed during the country visit that the term "remuneration" would mean only monetary advantages, and that Article 357 of the CC did not specifically address the issue of indirect trading in influence,

In light of information provided the reviewing team concluded that the UNCAC provision under review was partially criminalized. It is recommended that Lebanon should consider to extend the scope of the provision in order to fully criminalize the passive side of trading in influence.

(d) Challenges for the implementation of article 18

43. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

1. *Specificities in its legal system;*
2. *Competing priorities;*
3. *Limited capacity (e.g. human/technological/institution/other; please specify);*
4. *Limited resources for implementation (e.g. human/financial/other; please specify);*

(e) Technical assistance needs

44. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:

1. *Summary of good practices/lessons learned;*
2. *Model legislation;*
3. *On-site assistance by an anti-corruption expert;*
4. *Development of an action plan for implementation;*
5. *Other assistance (please specify).*

None of these forms of technical assistance has been provided Lebanon to-date.

Article 19 Abuse of Functions

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance of or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.

(a) Summary of information relevant to reviewing the implementation of the article

45. Lebanon confirmed that it fully implemented this provision of the Convention and has cited the following articles from the Criminal Code as applicable:.

Article 350 of the Criminal Code - repealed by Article 15 of Legislative Decree No. 112/83 and replaced by: “For the purposes of this chapter, "Employee" shall mean any person employed by in the public administrations and institutions, municipalities, the armed forces, the judiciary, or civil servant; or any person appointed or elected to perform a public service whether paid or unpaid”

Subsection 2 – Abuse of Power

Article 357:

Any person who takes, requests or accepts the promise of undue remuneration for itself or for a third party with a view to giving or seeking to give others a job, a work, contracting projects, enterprises or other similar profits, or to give others grants from the state or from a public administration or with a view to influence the authorities in any way whatsoever shall be punishable by imprisonment for a term of between two months to two years and by a fine of no less than double what it has taken or accepted.

Article 358:

If the action is committed by a lawyer under the pretext of gaining the sympathy of a judge, a referee, a liquidator or an expert in a case shall be punishable by imprisonment for a term of between one to three years and shall be prevented from practicing its profession forever.

Article 363 (as amended by Decree-law No. 112 of 16 September 1983 and Law No. 239 of 27 May 1993

Shall be punishable by imprisonment of three months to three years and a fine of two hundred thousand pounds to one million pounds:

1. Any person responsible for buying, selling, or managing movable or immovable assets for the State, an administration, a public enterprise, a municipality, a public body, a public utility, or in which the State owns a stake, who commits fraud while carrying out such activities or breaches the provisions governing them, either to obtain a benefit for himself by favouring a party and harming other parties or the public interest or public funds, or commits a blatant and serious mistake.
2. Any person who, in time of peace, required by contract to undertake public works, transfer, construction, maintenance, repairs, provision of services, accessories, or supplies, for one of the parties set forth in the preceding paragraph, whether the contract is a result of a tender based on specifications or mutual agreement or otherwise, and resorts to intentional delaying tactics or trickery to impede implementation or lengthen duration in order to harm Government projects or to draw benefits for himself or for others, or commits fraud on the type of materials used or provided or the composition, manufacture, or essential specifications of such materials.
3. Contractors who agree in collusion with each other to corrupt the process of outsourcing or restrict the commitment to one of them to harm the official contracting authority.
4. The official responsible for supervising the tender, the commissioning by mutual agreement or any other way, monitoring the stages of implementation, the receipt of works after completion, if he commits acts to favour a party over another in the outsourcing process or the commissioning, or if he condones the control of infringements or neglects surveillance, or does not take against the offender measures provided for in relevant laws.
5. A contractor or intermediary or any other person who supplies as a result of a tender, a contract by mutual agreement, or any other way, materials that are corrupt or unsuitable for administrations, public enterprises, and municipalities; the official or agent who accepts or receives such materials shall be considered as an accomplice in the offence.

This is in addition to the penalties provided for in case of bribery.

Article 364 (as amended by Law No. 239 of 27 May 1993)

Any official who receives a personal benefit from a transaction of the administration to which he belongs, whether he does so directly, through a proxy, or by using virtual instruments, shall be punishable by imprisonment of three months to two years and a fine of at least two hundred thousand pounds.

Articles 371 to 375 also cover other cases of abuse of office, but do not include the aspect of an undue advantage which would constitute the specific corruption element.

Article 376 (as amended by Law No. 239 of 27 May 1993)

Any official who, to obtain a benefit to himself or to others, or in order to harm a third party, performs an act not provided for in the law and contrary to the duties of his profession, shall be punishable by imprisonment from one month to three years and a fine of twenty thousand to two hundred thousand pounds.

Article 377

With the exception of the cases in which the law orders specific penalties on offences committed by officials, officials who, in their stated capacity, abuse the power or influence of their positions, commit any offence, whether they are instigators, accomplices, or participants, shall incur the severe the punishments provided for in Article 257.

Lebanon provided the following cases:

- Decision of the Central Inspection Board (Document No. 25): The investigation determined the existence of suspicious transactions carried out by a former Director General for obtaining material benefits: the amounts of some invoices were inflated.
- All the floors of a building under construction, from the ground floor to the third floor inclusive, were included while only the ground floor and the first floor were achieved.

No statistics were provided by the reviewed country :

Statistics are not available, except what is contained in Documents No. 18 and 37.

See also Documents No. 15, 16 and 17.

In addition, Lebanon referred to the Articles 39 and 40 of the Lebanese Constitutionsa as follows: :

Article 39 of the Lebanese Constitution (as amended by the Constitutional Law of October 17, 1927): “No member of the Chamber may be prosecuted because of ideas and opinions expressed during the period of his mandate”.

Article 40 of the Lebanese Constitution (as amended by the Constitutional Law of October 17, 1927): “No member of the Chamber may, during the sessions, be prosecuted or arrested for a criminal offense without the permission of the Chamber, except when caught in the act”.

(b) Observations on the implementation of the article

The comment from the reviewing team referred to the possibilities to charge, on the ground of the cited articles, Members of the Parliament in case of abuse of their functions. During the country visit, the issue was clarified by reference to the Article 350 which defines the term "employee" including "...any person appointed or elected..." Furthermore, it was explained that under Lebanese laws, Members of the Parliament enjoy immunity only during and when in Parliamentary sessions. In those periods they can only be prosecuted if a permission is granted by Parliament to the prosecutor. There is no immunity for MPs outside session periods. However, with reference to the article 2 of the Code of Civil Procedure, which establishes the principle of hierarchy of legal materials, and when provisions of international treaties are inconsistent with provisions of ordinary law, the former shall have precedence over the latter, the reviewing team remained unconvinced that Articles

19 and 357 could overrule the explicit provisions of Lebanese Constitution, hence, without any cases presented, was not in a position to conclude that the prosecution could continue if permission is not granted.

In addition, during the country visit the Lebanese authorities referred to the Article 357 of the Criminal Code which would constitute grounds for criminalizing an act of abuse of office in cases where a public official would hire a member of his family. Depending on each case it could also be criminalized as trading in influence.

In light of all received information the reviewing team concluded that UNCAC provision under review has been fully implemented.

(d) Challenges, where applicable

49. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

1. *Inadequacy of existing normative measures (Constitution, laws, regulations, etc.);*
2. *Specificities in its legal system;*
3. *Competing priorities;*
4. *Limited capacity (e.g. human/technological/institution/other; please specify);*
5. *Limited resources for implementation (e.g. human/financial/other; please specify);*
8. *Other issues (please specify).*

(e) Technical assistance needs

50. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:

1. *Summary of good practices/lessons learned;*
2. *Model legislation;*
3. *On-site assistance by an anti-corruption expert;*
4. *Development of an action plan for implementation;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 20 Illicit Enrichment

Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.

(a) Summary of information relevant to reviewing the implementation of the article

51. Lebanon confirmed that it fully implemented this provision of the Convention and referred to Articles 4 and 6 of the Law on Illicit Enrichment No. 145 of December 27, 1999 which is enforced..

Articles 4 and 6 of the said Law , make it compulsory for any judge, public official, and anyone who provides a public service, to declare their assets, within three months upon taking of the office, otherwise they shall be considered as having resigned. They are also required to declare their assets within three months from the end of their functions under penalty of not being paid the dues.

However, Lebanese authorities indicated that the Law above mentioned is partly implemented, due to several reasons. There is an issue of compliance with the obligation as only some officials provide the requested declarations. It should be also noted that such declarations are confidential and cannot be accessed, which makes them further ineffective.

Lebanon also has not formally evaluated the effectiveness of texts on the declaration of asserts. As explained during the country visit the main obstacle is the provision in the Law on Illicit Enrichment that establishes a very high fee for logging a complainant in case of a suspicion on illegal enrichment, which discourage anyone who might have a grounds for suspicioun to initiate this procedure. Given this low level of their review and control over their accuracy against legal income these declarations lose their fundamental value.

Another obstacle to having an efficient system of controlling the illicit enrichment under current legislation is the multiplicity of instances to which the declarations are submitted. This leads tos an overlap of responsibility and duplication of follow-up efforts. Authorities also stated that there were no provisions in the said law that would allow government authorities to share these information with other countries.

Lebanese authorities indicated that all these reasons have lead to the new Draft Law on illicit enrichment that has been finalized and has been under consideration at the Committee on Administration and Justice of the Chamber of Deputies.

Lebanon didn't provide any cases related to this example of implementation.

No comprehensive statistics are being kept over all such cases, investigations and prosecutions.

(b) Observations on the implementation of the article

The reviewing team noted that the content of the cited Articles 4 and 6 of the Law on Illicit Enrichment (1999) refered only to the compulsory asset declaration. However, the significant increase of the assets of public officials, without reasonable explanation, has not been criminalized.

Therefore it could not be confirmed that the requirements envisaged in Article 20 of UNCAC have been met. It is recommended that Lebanon should consider criminalizing illicit enrichment as foreseen in article 20 of the Convention. The reviewers acknowledged that Lebanon was currently considering the criminalization of this provision, but noted that the review would focus on the laws in place during the time of the review/country visit. It was therefore not possible to assess the draft law and to make it a part of the review process.

(d) Challenges, where applicable

55. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

1. *Inadequacy of existing normative measures (Constitution, laws, regulations, etc.);*
2. *Specificities in its legal system;*
3. *Limited capacity (e.g. human/technological/institution/other; please specify);*
4. *Limited resources for implementation (e.g. human/financial/other; please specify);*

(e) Technical assistance needs

56. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:

2. *Summary of good practices/lessons learned;*
3. *Model legislation;*
4. *On-site assistance by an anti-corruption expert;*
5. *Development of an action plan for implementation;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 21 Bribery in the private sector

Subparagraph (a)

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;

(a) Summary of information relevant to reviewing the implementation of the article

57. Lebanon indicated that they have implemented this provision of the Convention and cited the

Article 354 of the Criminal Code, which makes bribery an offence in the private sector in accordance with the following:

Article 354 (As amended by Legislative Decree No. 112 of 16 September 1983 and Law No. 239 of 27 May 1993): “Any worker in the private sector, whether an employee, an expert, or an advisor, and any person having an employment contract in consideration of a remuneration who requests or accepts for himself or for a third party a gift or a promise or any other benefit to reveal secrets or information that undermines the work or to perform or refrain from performing an action with a view to inflict physical or mental damage to the employer or to the interests of the work shall be punishable by imprisonment for a term of

between two months to two years and by a fine of between 100,000 to 200,000 Lebanese Pounds.

The same shall be applicable to the briber.”

Lebanon provided the following cases:

In addition to what is mentioned in paragraph 63 above, in 2012, 47 rulings were issued by criminal courts in Beirut punished owners of shops and restaurants and 12 trading companies for selling foodstuffs past their expiry dates, by imposing on them fines ranging from one hundred thousand to fifteen million Lebanese pounds.

A ruling was issued in 2012 to close warehouses harbouring drugs past their expiry date. The judicial authorities are prosecuting the owners of the businesses that own these warehouses.

Lebanon didn't provide any statistical information.

(b) Observations on the implementation of the article

The reviewing experts noted that even though the provision has established that the briber should incur the same punishment, it was not clear to what extent the act of the briber would cover 'the promise' or 'offer' of undue advantage. In this regard it was clarified that the same logic as explained under article 15 of the Convention would apply. The act of the briber would constitute the corresponding counterposition to the request or acceptance of a gift or a promise or any other benefit. The reviewing experts were satisfied with this explanation.

In addition, it was noted that the scope of Article 354 was restricted to criminalizing the disclosure of secrets or information predicable to the work of an employer or to perform or refrain from performing an action with a view to inflict physical or mental damage to the employer or to the interests of the work. Although it was acknowledged that many case examples could be covered under the provision, the provision was still more limited as Article 21(a) of the Convention.

It was also noted that it was not clear if also persons directing the work of a private sector entity were fully covered by the provision (e.g. members of the board of directors).

The provided cases with the charges of selling expired foodstuffs or drugs do not indicate whether the imposed punishments were due to Bribery.

In light of received information the reviewing team concluded that provision under review has been partially criminalized. It is recommended that Lebanon should consider to fully criminalise the active form of bribery in the private sector.

Article 21 Bribery in the private sector

Subparagraph (b)

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.

(a) Summary of information relevant to reviewing the implementation of the article

36. Lebanon indicated that they have implemented this provision of the Convention and cited the following applicable measures:

Article 354 (As amended by Legislative Decree No. 112 of 16 September 1983 and Law No. 239 of 27 May 1993):

“Any worker in the private sector, whether an employee, an expert, or an advisor, and any person having an employment contract in consideration of a remuneration who requests or accepts for himself or for a third party a gift or a promise or any other benefit to reveal secrets or information that undermines the work or to perform or refrain from performing an action with a view to inflict physical or mental damage to the employer or to the interests of the work shall be punishable by imprisonment for a term of between two months to two years and by a fine of between 100,000 to 200,000 Lebanese Pounds. The same shall be applicable to the briber”.

. In addition, they referred to the Article 2 of the Lebanese Code of Civil Procedure, which provides for the hierarchy over domestic and international legal treaties, stating it would make the provisions of any ratified international document binding legal document for national authorities.

Relevant articles of the Code of Civil Procedure:

Article 2:

The courts shall comply with the principle of the rules of hierarchy. In the event of conflict between the provisions of international treaties and those of ordinary law, the former shall take precedence over the latter.

Courts shall not declare null the legislative authority's activities on the grounds of inconsistency of ordinary laws with the Constitution or international treaties.

As regard cases, Lebanon referred to the above paragraph 39 of this document. Lebanon didn't provide any statistical information.

(b) Observations on the implementation of the article

Reference is made to the observations under article 21 (a) of the Convention.

The scope of the cited Article 354 of the Criminal Code is narrower than the meaning of the Article 21(b) of the Convention.

In light of information provided the reviewing team concluded that UNCAC provision under review is partially criminalized. It is recommended that Lebanon should consider to fully criminalise the active form of bribery in the private sector.

(d) Challenges, where applicable

37. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

1. *Inadequacy of existing normative measures (Constitution, laws, regulations, etc.);*
2. *Specificities in its legal system;*
3. *Limited resources for implementation (e.g. human/financial/other; please specify);*

(e) Technical assistance needs

38. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:

1. *Summary of good practices/lessons learned;*
2. *Model legislation;*
3. *On-site assistance by an anti-corruption expert;*
4. *Development of an action plan for implementation;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 22 Embezzlement of property in the private sector

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position

(a) Summary of information relevant to reviewing the implementation of the article

39. Lebanon considered that it partly implemented this provision of the Convention and cited the following applicable measures:

Articles 635 *et seq* of the Criminal Code which provides for financial crimes.

Article 670 of the Criminal Code: “A person who intentionally conceals, embezzles, forfeits, damages or tears up a document comprising an undertaking or discharge; or any other movable article it receives under a trust, proxy, lease, or under a loan for utilization or mortgage, or to perform a paid or unpaid job provided that it returns, offers or uses it for a particular purpose, shall be punishable by imprisonment for a term of two months to two years and by a fine of one fourth to half of the value of the loss, suspension and damage provided that it shall not be less than 50,000 Lebanese Pounds”.

Article 671:

A person who disposes of any sum of money or any other property he received for a particular work and knows or should have known that he cannot return its similar value and it fails to

submit a release from liability despite a warning notice shall be punishable by imprisonment for a term up to one year and by a fine up to one fourth of the value of the loss, suspension and damage provided that it is no less than 50,000 Lebanese Pounds.

Article 672:

As amended by Article 44 of Legislative Decree No. 112 dated September 16, 1983:

A person abuses the trust regarding a property given to or entrusted in him in accordance with the provisions of any of the afore mentioned Articles 670 and 671 if he is an overseer of an endowment; the chairperson of a charitable institution or organization and any person responsible for the property thereof; the custodian and/or representative of a minor child and of an incapacitated person; the executor or marriage registrar; any attorney, notary public or authorized agent; any employee or hired worker and any person engaged under an employment contract in consideration of remuneration for any private institution; or any person delegated by the authority to manage or safeguard the property of the state or of individuals shall be punishable by imprisonment for a term of between three months to three years.

The culprit may be prevented from performing the work associated with his crime.

Article 673 of the Criminal Code: “Any person who acquires, embezzles, refuses to return or conceals found property or any movable property that is accidentally, casually or by force majeure added to his possessions shall be punishable by imprisonment for a term up to one year and by a fine up to one fourth of the value of the loss, suspension and damage provided that it shall be no less than 20,000 Lebanese Pounds.

The provisions of this article shall be applicable to any person who finds a treasure to the extent of the share of another person”.

Furthermore, they referred to the, Article 74, paragraph 6, of the Labour Law that allows an employer to dismiss an employee without compensation or prior notice if the latter is sentenced to one year imprisonment or more for committing a felony or if he commits a misdemeanour in the workplace or in the course of this work.

Relevant articles of the Labor Code

Article 74: “The employer is entitled to cancel the work contract without paying any indemnity nor serve advance notice in the following cases:

If the wage-earner or salary-earner has been sentenced to a year’s imprisonment or more for a crime he has committed or if he has been guilty of an offence on the premises of his work and during work hours, or if the wage-earner or salary-earner has been condemned for facts or acts designated and sanctioned by article 344 of the penal code”

In regard the relevant cases, Lebanon indicated the rulings of the Criminal Court of Cassation (in 2010, 2011, and 2012) (Document No. 42).

Lebanon didn’t provide any statistical information.

General statistics are not available as shown above

(b) Observations on the implementation of the article

During the country visit Lebanese authorities explained in details the application of the cited Articles of the CC and further informed the reviewing team about Article 672 which establishes the aggravated penalty if perpetrator is at the executive position.

Several provisions relate to parts of embezzlement in the private sector. Articles 670 of the CC does not cover immovable assets, but those could be captured by article 671. In sum, it was concluded that the provisions sufficiently cover embezzlement in the private sector.

(e) Technical assistance needs

Lebanon has indicated that it does require any available form of technical assistance in this regard.

Article 23 Laundering of proceeds of crime

Subparagraph 1 (a) (i)

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

(a) Summary of information relevant to reviewing the implementation of the article

40. Lebanon confirmed that it fully implemented this provision of the Convention. The country under review provided the following laws:

Law No. 318 of 20 April 2001 Fighting Money-laundering and criminalizing the laundering of criminal proceeds⁶:

(Full law text available in English and Arabic at <http://www.sic.gov.lb/law.shtml>)

Article 1 (As amended by Law No. 547 of 20 Oct. 2003)

Under the provisions this Law, 'illicit funds' are to be understood as any assets resulting from the commission of any of the following offences:

1. The growing, manufacturing, or trading of narcotic drugs;

⁶ After the country visit, Lebanon adopted the new Law n.44/2015 dated 24/11/2015 on combatting money laundering and terrorism financing, replacing that of 318/2001 amended in 2003 and 2008. The country review is based on the available legislation that was discussed during the country visit. The new law, which was adopted after the agreement of all parties on the Executive Summary of Lebanon, could therefore not be fully assessed by the reviewing experts in the course of this country review, but the legislative reform is generally welcome.

2. Acts committed by associations of wrongdoers, that are specified by Articles 335 and 336 of the Criminal Code, and internationally considered as organized crimes;
3. Terrorist acts, as specified in Articles 314, 315, and 316 of the Criminal Code.
4. The financing or contributing to the financing of terrorism, terrorist acts, or terrorist organizations, in accordance with the concept of terrorism as defined in the Lebanese Criminal Code.
5. Illegal arm trade;
6. The Offences of theft or embezzlement of public or private funds or their appropriation by fraudulent means, counterfeiting, or breach of trust, occurring on banks, financial institutions, and institutions listed in Article 4 of this Law, or occurring within the scope of their activities.
7. The counterfeiting of money, credit cards, debit or charge cards, or any official document or commercial paper, including checks.

Article 2

Money laundering is any act committed with the purpose of:

1. Concealing the real source of illicit funds, or giving, by any means, a false justification about the said source.
2. Transferring or substituting funds, while being aware of the illicit nature of these funds, for the purpose of concealing or disguising their source, or helping a person involved in the offence to dodge responsibility.
3. Acquiring, holding or using illicit funds, or investing such funds in purchasing movable or immovable assets, or in carrying out financial operations, while being aware of the illicit nature of these funds.

Article 3

Any person who undertakes money laundering operations, or intervenes or participates in such operations, shall be punishable by imprisonment for a period of three to seven years, and by a fine of no less than twenty million Lebanese Pounds.

Article 8

1. Upon receiving information from the concerned parties mentioned in Article 7, or from official Lebanese or foreign authorities, the Commission shall convene immediately.
2. After perusing the received information, the Commission shall, within a period of three working days, take a temporary decision to freeze the suspected account (s) for a period of five days that can be one-time renewable if the source of funds remains unknown or is suspected to proceed from a money laundering offence. During said period, the Commission shall investigate the suspected account (s) either directly or through a delegated person chosen among its members or its concerned officers, or through its Secretary or an appointed auditor. All designated persons shall discharge their duties under the obligation of confidentiality, and the

provisions of the Bank secrecy Law of September 3, 1956 shall be opposed to none of them.

3. After completing its investigations and during the temporary freezing period of the suspected account (s), the Commission shall take a final decision on whether to free the said account (s) if the source of funds is not found to be illicit, or to lift the bank secrecy regarding the suspected account (s) and maintain the freezing. If, at the end of the period stipulated in Paragraph 2 above, the Commission does not render any decision, the said account (s) shall be automatically deemed free. The Commission's decisions are not subject to any ordinary or extraordinary form of administrative or judicial recourse, including recourse in case of abuse of power.
4. In case of a decision on lifting the bank secrecy, the Commission shall send a duplicate of its justified final decision to the General Prosecutor of the Supreme Court, the Higher Banking Commission through its Chairman, the concerned party, the concerned bank, and the concerned foreign authority, either directly or through the official party through which the information was provided.

Article 9

The Chairman of the Commission or any of the members delegated by him may directly communicate with any Lebanese or foreign authority (judicial administrative, financial, or security authority) in order to request information or take cognizance of the details of previous investigations that are linked or related to ongoing investigations by the Commission. And the concerned Lebanese authorities must immediately respond to such an information request.

Article 10

The Commission shall establish a central body named the Financial Investigation Administrative Unit, which will function as the competent authority and the official centre for monitoring, collecting and archiving information on money laundering offences, and for exchanging information with foreign counterparts.

The Financial Investigation Administrative Unit shall periodically provide the Commission with all available information on money laundering offences.

The Commission shall determine the number of the members of this Unit, their functions and their compensation. It shall take against them disciplinary measures and terminate their employment in case of breach of duty, without precluding the possibility of civil or criminal prosecution.

All these persons shall be submitted to the same obligations incumbent upon the members of the Commission, especially the obligation of confidentiality.

Article 13

Any person who violates the provisions of Articles 4, 5, 7 and 11 of this Law shall be punishable by imprisonment for a period of two months to one year and by a fine not exceeding ten million Lebanese pounds, or by either penalty.

Article 14

The movable or immovable assets that are proved, by a final court ruling, to be related to, or proceeding from, any of the offences listed in Article 1 of this Law, shall be confiscated to the State, unless the owners of the said assets prove in court their legal rights thereupon.

Lebanese authorities also informed that , the powers of the Special Investigation Commission were expanded under the Law No. 32, of 16 October 2008, as they now include powers to "freeze and lift bank secrecy on bank accounts pursuant to applicable conventions and laws on the fight against corruption, particularly the United Nations Convention against Corruption". In this regard, the fundamentals stipulated in Law No. 318 of 20 April 2001 on the fight against money-laundering shall be applied.

Statement by the Secretary of the Commission in the Annual Report for 2012:

"In 2012, the Special Investigation Commission reviewed 284 cases that were submitted to a mechanism of investigation and analysis. Ninety-nine (99) of the cases were of external source and 185 of them were internal. The cases concerned were the subject of many special attention notifications; in-depth investigations were conducted to determine the primary source of funds and the lawfulness or unlawfulness of activities associated with the persons and companies involved. Moreover, a number of Memorandums of Understanding were signed with counterpart Units, and 225 field audit missions were completed to ascertain compliance by banks and other institutions, which are submitted to the obligated to report, with applicable regulations and laws. In this regard, the Commission took the necessary decisions concerning the exchange of information with relevant bodies and authorities, restricted certain banking operations, and froze a number of suspicious accounts."

See also Document No. 14 (Statistics of 2011/2012 on Money-laundering).

Lebanon didn't provide any statistical information.

(b) Observations on the implementation of the article

Article 2 (2) of the Law No. 318 criminalizes the transfer or substitution of funds, knowing that the funds are of illicit nature, for the purpose of concealing or disguising their source, or helping a person involved in the offence to evade legal consequences.

During the review it was discussed if the word "funds" was more limited than the provision of the Convention, which speaks of "any property". The Convention further specifies in article 2 (d) that this would mean "assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to or interest in such assets". Article 1 clarifies the issue, as it defines illicit funds as "any assets" derived from the listed offences. This includes movable as well as immovable assets (see Article 14 of the Law No. 318). This was deemed wide enough to encompass all possibilities listed under the Convention.

The provision is fully implemented.

As regards the question of predicate offences (which is more limited than the Convention requires), reference is made to the observations under article 23, paragraph 2 of the Convention (below).

Article 23 Laundering of proceeds of crime

Subparagraph 1 (a) (ii)

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) (ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

(a) Summary of information relevant to reviewing the implementation of the article

41. Lebanon considered that it partly implemented this provision of the Convention and cited the aforementioned Law No. 318, as amended, as relevant.

Article 2

Money laundering is any act committed with the purpose of:

1. Concealing the real source of illicit funds, or giving, by any means, a false justification about the said source.
2. Transferring or substituting funds, while being aware of the illicit nature of these funds, for the purpose of concealing or disguising their source, or helping a person involved in the offence to dodge responsibility.
3. Acquiring, holding or using illicit funds, or investing such funds in purchasing movable or immovable assets, or in carrying out financial operations, while being aware of the illicit nature of these funds.

Lebanon provided the following cases:

In relation to relevant cases, Lebanon has referred to the already mentioned Al-Madina Bank case in which the accounts of individuals and companies convicted of multiple criminal acts were frozen. The file of Al-Madina Bank is pending before Lebanese criminal courts and officials of this bank are being tried on money-laundering charges, laundering of proceeds of crime, falsifying official documents, including the signature of the Governor of the Banque du Liban, and embezzlement.

Lebanon didn't provide any statistical information.

Lebanon didn't outline step or actions that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

Article 2 (1) of the Law. No 318 criminalizes the concealment of the real source of illicit funds, or giving, by any means, a false justification about the said source. The act of giving a false justification corresponds to the act of disguising in the Convention, but only uses a different terminology.

It was further clarified during the country visit that the concealment of “the source” would be interpreted widely and that this could include the nature, location, disposition, movement or ownership of the illicit funds.

The provision under review is fully implemented.

Lebanon also highlighted that the annual reports of the Special Investigation Committee’s Annual Report for 2012 were available online in English and that they which included in its Section III Laws and Regulations: <http://www.sic.gov.lb/reports.shtml>

As regards the question of predicate offences (which is more limited than the Convention requires), reference is made to the observations under article 23, paragraph 2 of the Convention (below).

In regard the cited case of Al-Madina Bank the reviewing team held it did concern the money laundering charges, but did not specify the concealment or disguise of the illicit funds derived from commission of UNCAC offences. Lebanese authorities explained further that the case revolved around allegations of abuse of authority by senior employees, bribery inside and outside the bank, embezzlement of private funds and fraud.

Article 23 Laundering of proceeds of crime

Subparagraph 1 (b) (i)

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(b) Subject to the basic concepts of its legal system:

(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

(a) Summary of information relevant to reviewing the implementation of the article

42. Lebanon confirmed that it fully implemented this provision of the Convention and provided in that regard the Articles 1 and 2 of the Law No. 318/2001.

In regard cases Lebanon referred to the previous paragraphs.

Lebanon provided the following statistical information on the implementation of the provision under review:

Files transmitted to G.P. and their issues

	2010	2011	2012	Total
Cases passed on to GP				
Information provided	10	19	4	33
Secrecy lifted	31	40	28	99
Total	41	59	32	132
GP decision				
<i>Cease of Pursuit</i>	4	10	19	33
<i>Pursuit</i>	13	9	8	30
Total	17	19	27	63
Court decision	0	3	0	3

(b) Observations on the implementation of the article

The provision is fully implemented. Article 2 of the Law No. 318 criminalizes the acquisition, holding or use of illicit funds as well as their investment or use in financial operations.

Reviewing team took into consideration the provided legislation and table with statistics on relevant cases and found the provided cases insufficient to the conclusion that the criminal offences therein related to the acquisition, possession or use of property arising from crimes stipulated in Articles 15,16, 17, 18, 19 and 20 of the Convention.

As regards the question of predicate offences (which is more limited than the Convention requires), reference is made to the observations under article 23, paragraph 2 of the Convention (below).

Article 23 Laundering of proceeds of crime

Subparagraph 1 (b) (ii)

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(b) Subject to the basic concepts of its legal system:

(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the Articles 2 and 3 of the above mentioned Law No.318 further stating that Lebanon's accession to the International Convention against Corruption and bribery makes this matter one of the priorities.

In addition, authorities pointed that Articles 2 and 3 of the Law No. 318, order a punishment and a fine on anyone who commits, intervenes in, or takes part in money-laundering.

Article 3

Any person who undertakes money laundering operations, or intervenes or participates in such operations, shall be punishable by imprisonment for a period of three to seven years, and by a fine of no less than twenty million Lebanese Pounds.

Lebanon referred to the cases included in the Report of the Special Investigation Commission for 2011 (pages 40-51) and the Report for 2012.

Lebanon provided the statistical information on the implementation of the provision under review (see above):

(b) Observations on the implementation of the article

The reviewing team noted the different term used in Article 3, namely ‘**intervenes**’ instead of the aiding, abetting, facilitating and counseling the commission of money-laundering. During the country visit Lebanese authorities provided additional explanation that the words “participation and intervention” used in Law No. 318 would be interpreted broadly and therefore would capture different forms envisioned in the Convention. Further they referred to the fact that the Law No. 318 was used in connection with the general rules regarding participation, Articles 213 to 220 from the Criminal Code, and would therefore cover the requirements from the Article 23 (1) (b) (ii).

As regards the question of predicate offences (which is more limited than the Convention requires), reference is made to the observations under article 23, paragraph 2 of the Convention (below).

Article 23 Laundering of proceeds of crime

Subparagraph 2 (a) and (b)

2. For purposes of implementing or applying paragraph 1 of this article:

(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;

(b) Each State Party shall include as predicate offences at a minimum a comprehensive range of criminal offences established in accordance with this Convention;

(a) Summary of information relevant to reviewing the implementation of the article

43. Lebanon confirmed that it fully implemented this provision of the Convention and referred to the Article 1 of the Law No. 318/2001 as amended which sets out the primary offences relating to the laundering of proceeds of crime.

Article 1 (as amended by Law No. 547 of 20 October 2003):

1. The growing, manufacturing, or trading of narcotic drugs.
2. Acts committed by associations of wrongdoers, that are specified by Articles 335 and 336 of the Criminal Code, and internationally considered as organized crimes.
3. Terrorist acts, as specified in Articles 314, 315 and 316 of the Criminal Code.
4. The financing or contribution to the financing of terrorism, terrorist acts, or terrorist organizations, in accordance with the concept of terrorism as defined in the Lebanese Criminal Code.
5. Illegal arm trade.
6. The offences of theft or embezzlement of public or private funds or their appropriation by fraudulent means, counterfeiting, or breach of trust, occurring on banks, financial institutions, and institutions listed in Article 4 of this Law, or occurring within the scope of their activities.
7. The counterfeiting of money, credit cards, debit cards or charge cards, or any official document or commercial paper, including checks.

Article 1 before the amendment:

Under the provisions this Law, 'illicit funds' are to be understood as any assets resulting from the commission of any of the following offences:

1. *The growing, manufacturing, or trading of narcotic drugs;*
2. *Acts committed by associations of wrongdoers, that are specified by Articles 335 and 336 of the Criminal Code, and internationally considered as organized crimes;*
3. *Terrorist acts, as specified in Articles 314, 315, and 316 of the Criminal Code.*
4. *Illegal arm trade;*
5. *The offences of theft or embezzlement of public or private funds or their appropriation by fraudulent means, punished by the Lebanese legislation by a criminal penalty;*

6. The counterfeiting of money and public bonds.

In addition Lebanon referred to Law No. 547/2003 which was amended by Law 32/2008 to includes as a predicate offence all corruption crimes as per the UNCAC:

“Unique Article:

The Special Investigation Commission established pursuant to Law 318 of April 20, 2001 on Fighting Money Laundering, has the exclusive right to freeze and lift banking secrecy on bank accounts, in accordance with the anti-corruption agreements and laws in force, particularly the United Nations Convention against Corruption, provided the procedures specified in Law 318 are adopted.”

Statement by the Secretary of the Commission in the Annual Report for 2012:

"In 2012, the Special Investigation Commission reviewed 284 cases that were submitted to a mechanism of investigation and analysis. Ninety-nine (99) of the cases were of external source and 185 of them were internal. The cases concerned were the subject of many special attention notifications; in-depth investigations were conducted to determine the primary source of funds and the lawfulness or unlawfulness of activities associated with the persons and companies involved. Moreover, a number of Memorandums of Understanding were signed with counterpart Units, and 225 field audit missions were completed to ascertain compliance by banks and other institutions, which are submitted to the obligated to report, with applicable regulations and laws. In this regard, the Commission took the necessary decisions concerning the exchange of information with relevant bodies and authorities, restricted certain banking operations, and froze a number of suspicious accounts."

Lebanon provided the following cases:

Cases by Predicate offence

	2010	2011	2012	Total
Forgery	40	31	28	99
Terrorism or TF	24	21	13	58
Embezzlement of Private Funds	6	15	12	33
Embezzlement of Public Funds	1	7	3	11
Organized Crime	3	1	3	7
Trade of Narcotics	8	11	9	28
Illegal Trade Arms	0	0	0	0
Total	82	86	68	236

Lebanon provided the following statistical information on the implementation of the provision under review:

Cases related to Corruption

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>
FIUs	1	2	2	5

Banks	1		1	2
Customs	1			1
Embassies		2		2
Judicial Authorities		1	1	2
GP		1	2	3
Total	3	6	6	15

(b) Observations on the implementation of the article

Lebanon applies a list approach instead of a serious offence approach. The list of predicate offences is comprised in Article 1 of the Law 318.

Taking into consideration the exclusively cited offences of embezzlement of public or private funds and appropriations as predicated offences, in light of provided information and cases the reviewing team concluded that this regulation does not seem to include the widest possible range of the predicated offences for money-laundering.

The definition of money laundering, cited in the Article 2 of the law No.32 of 2008, does hence not relate to illicit funds derived from UNCAC offences, except in case of embezzlement of public or private funds. The cited article of Law No. 547/2003 as amended by Law 32/2008 seems to be dealing only with the Rules of procedure of the Special Investigation Commission, but does not expand the list of predicate offences in Article 1 of Law 318.

Further the reviewing team noted that the provided statement, made by the Secretary of the Commission in 2012, did not indicate if the adjudicating process of the committed offences or charges, for the conversion or transfer of property, derived from UNCAC offences.

It was concluded that the money-laundering provisions of Article 2, in relation with Article 1 of the Law No. 318 did not relate to the widest possible range of offences and did also not include at a minimum a comprehensive range of UNCAC offences.

Article 23 Laundering of proceeds of crime

Subparagraph 2 (c)

2. For purposes of implementing or applying paragraph 1 of this article:

(c) For the purposes of subparagraph (b) above, predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;

(a) Summary of information relevant to reviewing the implementation of the article

44. Lebanon confirmed that it fully implemented this provision of the Convention and referred to the following Law as applicable:

Law No. 32 of 16 October 2008 -Furthermore Lebanon provided the following cases:

- Decision of the Public Prosecutor No. 1608/m/2010 dated 27/4/2010 to prosecute W.H with the crime of money laundering as provided in Art 3 and Art 1 & 2 from Law 318 and deposited the file to the Public Prosecution Appeal in Beirut to take the necessary legal procedures.

- Decision of the Public Prosecutor at the Court of Cassation No. 2083/m/2010 dated 30/5/2011 to prosecute J.M with the crime of money laundering as provided in Art 3 and Art 1 & 2 from Law 318 and deposited the file according to jurisdiction to the Financial Public Prosecution to take the necessary legal procedures.

- Decision of the Public Prosecutor at the Court of Cassation No. 3278/m/2011 dated 25/11/2011 to transfer F.H in front of the public prosecution at appellate level in Mount Lebanon to prosecute him criminally with money laundering.

- Decision of the Public Prosecutor to the Court of Cassation No. 5497/m/2011 dated 26/4/2012 transfer each of R.K and M.K and A.A in front of the public prosecution at appellate level in Beirut to prosecute them criminally with the crime of money laundering.

- Decision of the Public Prosecutor at the Court of Cassation No. 394/m/2011 dated 7/2/2011 to prosecute each of Y.D and F.K and M.S with the crime of money laundering as provided in Art 3 and Art 1 & 2 from Law 318 and deposited the file according to jurisdiction to the public prosecution at appellate level to take the necessary legal procedures.

- Decision of the Public Prosecutor at the Court of Cassation No. 3741/m/2011 dated 11/4/2012 to prosecute K.S with the crime of money laundering as provided in Art 3 and Art 1 & 2 from Law 318 and deposited the file according to jurisdiction to the public prosecution at appellate level in Mount Lebanon to take the necessary legal procedures.

(b) Observations on the implementation of the article

Based on information provided by authorities and cases referred above, the reviewing team could not conclude that these inferred that the requirements from the provision under review has been implemented. It seems that Lebanon does not exercise jurisdiction over money-laundering if the predicate offence was committed outside of the jurisdiction of Lebanon.

Article 23 Laundering of proceeds of crime

Subparagraph 2 (d)

2. For purposes of implementing or applying paragraph 1 of this article:

(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

(a) Summary of information relevant to reviewing the implementation of the article

45. Lebanon confirmed that it fully implemented this provision of the Convention and referred to the following:

We mention a link in this self-assessment: the webpage of the FIU comprises in addition to Law No. 318/2001, and Law No 32, all circulars issued by the Banque du Liban on this subject. <http://www.sic.gov.lb/law.shtml>

Basic Circular No. 83 issued by the *Banque du Liban* addressed to banks and financial institutions

Regulations on the Control of Financial and Banking Operations for Fighting Money-laundering and Terrorist Financing

(These regulations were last amended by Intermediate Circular No. 277 of 22 August 2011)

Article 1:

These Regulations are set under the provisions of Article 5 of Law No. 318 of April 20, 2001, on Fighting Money Laundering.

Banks must control their operations with customers in order to avoid any involvement in operations related to money laundering or terrorist financing, by following at least the rules set forth in these Regulations.

(b) Observations on the implementation of the article

It was explained that the requirement in relation to article 23, paragraph 2 (d), could be fulfilled if the relevant laws were shared officially with UNODC. As the list of relevant laws and circulars was provided in the process of the review, it was deemed that Lebanon had complied with this obligation under the Convention.

Article 23 Laundering of proceeds of crime

Subparagraph 2 (e)

2. For purposes of implementing or applying paragraph 1 of this article:

(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and cited the .

Law No. 318 of 2001 (Fighting Money-laundering), provided as Document No. 9 in the Appendix, as applicable. The law criminalizes in its Articles 1 and 2 the predicate act and the act of money-laundering.

Lebanon also provided the cases and statistics in additional document No.14 (Reports of the Special Investigation Commission):

(b) Observations on the implementation of the article

Lebanon explained that there was no provision in the law that precluded the conviction for self-laundering, meaning that a person would be prosecuted and convicted for money-laundering even if the same person had committed the predicate offence.

No case example was provided.

(d) Challenges, where applicable

46. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

1. *Inter-agency co-ordination;*
3. *Specificities in its legal system;*
4. *Competing priorities;*
5. *Limited capacity (e.g. human/technological/institution/other; please specify);*
6. *Limited resources for implementation (e.g. human/financial/other; please specify);*

(e) Technical assistance needs

47. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:

1. *Summary of good practices/lessons learned;*
2. *Model legislation;*
3. *On-site assistance by an anti-corruption expert;*
4. *Development of an action plan for implementation;*

Lebanon has received the following form of technical assistance from European Union.

In regard these identified needs, Lebanon stated it has participated at sporadic workshops organised by the Banque du Liban with the help of some EU countries, which do not fall under a specific programme.

Article 24 Concealment

Without prejudice to the provisions of article 23 of this Convention, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally after the commission of any of the offences established in accordance with this Convention without having participated in such offences, the concealment or continued retention of property when the person involved knows that such property is the result of any of the offences established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and cited, as applicable, the following :

Article 221 of the Criminal Code which provides that anyone who, knowingly, conceals or disposes of effects owned by others, which were taken, misappropriated, or obtained by felony or misdemeanour, shall be punishable by imprisonment from three months to two years and a fine of 20,000 to 400,000 Lebanese Pounds.

Article 2 of Law No. 318/2001 on Money-laundering.

Lebanon didn't provide any example of cases or statistical information.

(b) Observations on the implementation of the article

The reviewing team noted that Article 221 of the Criminal Code does not refer to the crime of the continued retention of the property, as a result of the UNCAC offences, which is an independent criminal act distinguished from concealment or disposal of the property.

During the country visit it was confirmed that the cited article did not cover the act of "continued retention" hence the reviewing team concluded that UNCAC provision under review was partially implemented.

(e) Technical assistance needs

48. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

2. *Summary of good practices/lessons learned;*
3. *Model legislation;*
4. *On-site assistance by an anti-corruption expert;*
5. *Development of an action plan for implementation;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 25 Obstruction of Justice

Subparagraph (a)

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention;

(a) Summary of information relevant to reviewing the implementation of the article

49. Lebanon confirmed that it fully implemented this provision of the Convention and cited the following Laws as applicable:.

Article 16 of Decree-Law No. 115 of 12 June 1959, mentioned above, addressing this issue in addition to the Article 398 *et seq* of the Criminal Code.

Article 16 (as amended by Decree No. 15317 of 5 February 1964)

Terms of reference of the inspectors:

1. Inspectors General and inspectors may have access to all documents, records, registers, and papers in the departments they are in charge of inspecting, take copies of the same if they want, inspect the conditions of works, machines, depots, warehouses, and, in general, all activities that falls within the terms of reference of the Department Inspector.
2. They may perform inspection of matters that have a confidential character, and may only take copies of related documents with a special authorization from the Prime Minister after the approval of the relevant minister.
3. They may ask questions to officials and call for the testimony of whomever they deem necessary. If one of the officials refuses to respond to the call or obstructs inspection work, the inspector draws up a report thereon and submits it to the head of the administration to which the official belongs and propose measures to be taken in relation to such official. The relevant administration shall decide on the matter within twenty four hours of receipt of the report.
4. They may instruct officials to work outside official working hours, stop granting leaves during inspection, take all precautionary measures required by proper investigation, including temporarily suspending the work of the officials being investigated, subject to informing the relevant minister within twenty-four hours of the measures so that he may decide on the matter and the Head of the Central Inspection Board to take note of it.
5. They may collect, where appropriate, from private institutions and individuals, oral or written information, which, they deem, would make their job easier in their opinion.
6. They may call upon experts in matters whose knowledge and understanding require technical expertise, provided that the Head of the Central Inspection Department

approves the same, assigns the experts himself, and determines their remunerations, when appropriate, within the limits of the funds allocated for this purpose in the budget.

7. (a) The Inspector General may order, where appropriate, on all permanent officials of the second category and below, in case of proven violations or in cases of obstruction of inspection work, within the limits of the penalties covered by the powers of the Director-General, one of the penalties, the first and the second, of first-class, set forth in Article 55 of Decree-Law No. 112 of 12 June 1959, while taking into account the provisions of paragraph 6 of Article 56 of the said Decree-Law.

The Inspector may order, where appropriate, for the same reasons, in accordance with the fundamentals set forth in paragraph (a) above, within the limits of the punishments covered by the powers of directors and heads of departments, one of the two penalties mentioned, on all permanent officials of the third category and below.

The powers granted to all Inspectors General and Inspectors, also include temporary officials, contractual staff and agents in public administrations, and anyone who receives a salary or wage from their funds, within the limits of the scale of penalties stipulated in the laws and regulations to which they are subject.

They also include permanent and temporary officials, contractual staff, agents, salaried staff in public enterprises, independent agencies, and municipalities, and anyone who receives a salary or wage from their funds, within the limits of the scale of penalties stipulated in the laws and regulations to which they are subject.

If the laws and regulations mentioned in the preceding two paragraphs do not provide for disciplinary sanctions, the series of punishments set forth in Article 55 of the Staff Regulations shall be applied.

If it is not possible to match categories of positions with categories of cadres of public administrations, salaries and wages may be used as a basis for comparison.

- (b) Pending the implementation of the penalty card system, the Inspector General or the Inspector may request in writing the opinion of the immediate supervisor of the official on the penalty he intends to order on the blamed official.

The immediate supervisor shall express his opinion in writing about the proposed penalty within 24 hours of the notification of the proposal; otherwise his opinion shall be dismissed.

- (c) The person concerned may object to the proposed penalty within 24 hours of the notification to the Central Inspection Board through the Special Inspector General within five days from the date of notification of the penalty.

- (d) The Central Inspection Board shall consider the objection in accordance with ordinary principles. If it determines that the objection is unfounded it shall harden the penalty.

Penalties

Article 398

Any Lebanese who becomes aware of an offence against State security and does not report it to the public authority immediately shall be punishable by imprisonment from one year to three years and prevention of civil rights.

Article 399 (as amended by Law No. 239 of 27 May 1993)

Any official in charge of investigating offences or prosecution who neglects or delays reporting an offence relating to his work shall be punishable by imprisonment from one month to three years and a fine of twenty thousand to two hundred thousand pounds.

Any official who neglects or delays reporting to the relevant authority on a felony or a misdemeanour he identified in the performance of his functions or in connexion therewith shall be punishable by the fine specified above.

All the above unless the offence he did not report is the subject of a complaint by a person.

Article 400

Any person who practises a health profession and rescues a person who appears to have been the victim of a felony or a misdemeanour that may be prosecuted without complaint and does not report the same to the authorities, shall be punishable by the fine set forth in the preceding article.

Imposition by an administrative inspector of a penalty against an official who did not respond to his requests for information and documents (Document No. 18 - Decisions of the Central Inspection Board).

The Manager of a company under sequestration did not object to his brother, who claims ownership of a house which he removed from sequestration without a judicial decision of the competent authority (Court of Cassation - Decision No. 160/2012 of 17 May 2012 - Document No. 42).

Lebanon referred to having provided statistical information on the implementation of the provision under review in Documents No. 14 to 18.:

Lebanon has also indicated the following Articles from the Criminal Code as applicable::

Articles 217 of the Criminal Code: “Anyone who induces or seeks to induce another person to commit, by whatever means, an offence shall be deemed to be an instigator.

The responsibility of the instigator shall be separate from that of the person induced to commit the offense”.

Article 357 of the Criminal Code: “Any person who takes, requests or accepts the promise of undue remuneration for itself or for a third party with a view to giving or seeking to give others a job, a work, contracting projects, enterprises or other similar profits, or to give others grants from the state or from a public administration or with a view to influence the authorities in any way whatsoever shall be punishable by imprisonment for a term of between two months to two years and by a fine of no less than double what it has taken or accepted”.

(b) Observations on the implementation of the article

The reviewing team noted that cited provisions mostly criminalize or penalize, through disciplinary measures, any refusal to respond, obstruction of inspection or reporting obligations. However, the main crux of Article 25(a) is the use of physical force, threats or intimidation or promise, offering or giving of undue advantage to induce false testimony or to interfere in giving testimony or production of evidence. Therefore the Reviewing team is of the opinion that the cited provisions have a narrow scope of application and hence partially covering the obligations envisaged by Article 25 (a).

During the country visit the issue was further discussed focusing at the main criminal element of inducement, that is enticing or persuasion on someone in order to commit an offence. It was explained that inducement (article 217 of the CC) could be committed in any form, e.g. in light of Article 25 (a) through the use of a bribe, physical force, threats or intimidation.

To this regard Lebanese authorities referred to the Article 407 of the Criminal Code which criminalizes false testimony and the inducer or intimidator would be punished as instigator from the provision. They further referred to articles 573 of the CC which criminalizes the threat with the use of force and Article 578 of the CC establishing as criminal offence inciting someone to give false testimony.

Article 573

Whoever has threatened another with weapons is punished by imprisonment for a period not exceeding six months. The sanction ranges from two months to one year if the weapon is a firearm and was used by the perpetrator.

Article 578

Every other threat to cause a wrongful harm is punishable, based on the complaint, with a fine not exceeding one hundred thousand pounds, if such a threat was done by words or by one of the means mentioned in Article 209, and had severely affected the victim.

Lebanese authorities have also additionally provided the following cases:

Verdict of the single criminal judge in Tyre No. 156/2012 dated 3/8/2012.

The misdemeanor of abuse of authority and complicity.

The acts of defendant B regarding his request for the sum of LL 10,000,000 from witness X in order to influence the decision of the Court of Appeal, constitute a misdemeanor (Article 357 penal code).

The act of defendant A regarding his complicity in defendant B's solicitation of the said sum by contacting the witness and assuring him that B is well-connected, and his complicity, without which B would have been unable to reach the witness, constitute a misdemeanor (Article 357/202 penal code).

Based on Article 181/ penal code, they are convicted of fraud attempt and of complicity, both of which apply to them, for being the most severe sentence

In light of all information and legislation provided it was concluded that the provision under review was only implemented in a fragmented way. It was recommended that Lebanon Take measures to adequately criminalize the use of physical force, threats or intimidation to induce false testimony or interfere with the giving of testimony or the production of evidence, and with the exercise of official duties by a justice or law enforcement official.

Article 25 Obstruction of Justice

Subparagraph (b)

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences established in accordance with this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public official.

(a) Summary of information relevant to reviewing the implementation of the article

50. Lebanon confirmed that it fully implemented this provision of the Convention and in regard relevant legislation referred to the paragraph above adding to it the reference to the Article 379 of the Criminal Code:.

Article 379 of the Criminal Code (As amended by the Law of 5 February 1948): “A person attacking or violently resisting a civil servant who applies the law and regulations, and levies fees and taxes, and a person challenging the implementation of a legal decision, a judgment note or any order issued by the competent authority, shall be punished as follows:

1-If the act is committed by an armed group with more than twenty people, they shall be punished by a prison sentence ranging between three months and three years. But if they are unarmed, the sentence would range between two months and two years.

2-If the act is perpetrated by a group of less than twenty people, they shall be punished by a prison sentence ranging between two months and two years. But if they are unarmed, they shall be sentenced to imprisonment ranging between ten days and three months, and they shall be fined a sum between LL 20.000 and LL 200.000”.

Lebanon provided the following cases:

In recent years, several judges and inspectors from the Central Inspection Board were subjected to threats and terrorism acts aimed at preventing them from carrying out their official duties.

Also, there are several cases in this respect, including a review from the Public Prosecutor at the Court of Accounts No. 62/3257 of 12 April 2010 and review No. 175/2412 of 23 December 2010.

No statistics were provided by the reviewed country.

(b) Observations on the implementation of the article

During the country visit the scope of the article 379 was discussed and the reviewing team was of opinion that it falls short of the ambit of Article 25 (b) of the Convention as it was not clear if aspects of intimidation were covered and if all cases relating to the exercise of official duties by a justicr or law enforcement official were covered.

Lebanese authorities referred to the Article 381 of the CC, which punishes anyone who causes harm or act violently towards an official, with aggravated form of the offence in cases it is inflicted on a judge. The reference was also made to the Article 381 of the CC which deals with threats to inflict a harm.

Article 381 (modified pursuant to the decree-law 112 Date of 16/9/1983)

Whoever hits an employee or treats him or her with violence and intensity, during the exercise of his or her function or because of it, shall be punished with imprisonment from six months to three years.

If the act was addressed to a judge at any time, the penalty shall be one to three years.

The sanctions imposed in the preceding paragraphs shall be aggravated, as set forth in Article 257, if the acts of violence were deliberately committed or if they were committed by a group of at least three persons or if they resulted in wounds or disease.

If the acts of violence were serious enough to warrant more severe penalties than those provided for in this article, the penalty shall be aggravated in accordance with Article 257 of the Penal Code.

In light of all informaiton provided the reviewing team concluded that the provision under review was only implemented in a fragmented way and that Lebanese authorities should monitor the implementation to assure that all aspects covered under article 25 (b) could be adequately covered by the cited provisions.

(e) Technical assistance needs

51. Lebanon] has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

2. *Summary of good practices/lessons learned;*
3. *Model legislation;*
4. *Development of an action plan for implementation;*

None of these forms of technical assistance has been provided Lebanon to-date.

Article 26 Liability of legal persons

Paragraph 1

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

52. Lebanon confirmed that it fully implemented this provision of the Convention and referred to the Articles 108-111 of the Criminal Code that provide for civil and administrative punishment and Article 210 of the same Code which provides for the criminal responsibility of a legal entity.

Article 108

Any trade union, company, or association may be suspended, except for public administrations, if its directors, members of management, representatives, or employees commit on its behalf or with its means a deliberate felony or misdemeanour punishable by at least two years of imprisonment.

Article 109

The bodies mentioned above may be dissolved in the cases referred to in the previous article if:

1. It does not comply with the requirements for legal establishment;
2. The goal or the intended goal of its establishment is contrary to the laws;
3. It violates legal provisions stipulated as reasons for dissolution;
4. It was suspended pursuant to a final decision dated less than five years.

Article 110

Suspension may be decided for at least one month to two years at the most. It entails the cessation of all activities of the body even if its name is changed, and its directors or management members are different. It prevents the abandonment of the premises, provided the rights of third parties of goodwill are preserved.

Dissolution entails the liquidation of the funds of the legal entity. The directors or members of the management and any officials thereof lose the ability to establish or manage a similar body.

Article 111 (as amended by Law No. 239 of 27 May 1993)

Any violation of the above provisions shall be punishable by imprisonment from one to six months and a fine of one hundred thousand pounds to two million pounds.

Article 210

Nobody can incur a penalty if he does not commit an act consciously and of his own will. Legal entities are criminally responsible for the acts of its directors, members of management, representatives, and officials when they carry out such acts on behalf of the said entities or with their means. They can only be sentenced to a fine, confiscation, and publication of the judgment.

If the law provides for an original penalty other than a fine, the fine shall be replaced by the said penalty and ordered on the legal entities within the limits defined in Articles 53, 60, and 63.

Lebanese authorities also referred to the following articles from the Commercial Law as relevant:

Article 155 (2): “As amended by the Law of 23 November 1948 as follows:

The chairman of the board is not considered a trader under Article 153, except regarding the following matters:

- The trade court shall issue a verdict denying his rights, which the law considers concomitant with bankruptcy, in the event that the company went bankrupt and the bankruptcy resulted from fraud or gross mismanagement.
- If the duties of the chairman of the board were referred, totally or partially, to a board member, as with the case mentioned in Article 153, this member shall assume the duties and responsibilities assigned to him, as specified in the said article, in place of the chairman of the board”.

(2) Article 155 (old version): “The chairman of the board is considered a trader in accordance with Article 153.

In the event that the company went bankrupt, the chairman shall be denied his rights, which the law considers concomitant with bankruptcy.

The Court of Trade may exempt him from this denial of rights when it is proved that bankruptcy is not attributed to gross management.

If the duties of the chairman of the board were referred, totally or partially, to a board member, in accordance with paragraphs 4 and 5 of Article 153, this member shall assume the duties and responsibilities assigned to him, as specified in the said article, in place of the chairman of the board”.

They further stated that cases were rare and provided the following:

The Decision No. 60/2010 of 9 March 2010 - Court of Cassation, 6th Chamber - Document No. 38 item 18. A bank, as a legal entity, is convicted on appeal: an official of this bank tampered with the accounts of a customer of the bank by keeping savings books belonging to him. However, the Court of Cassation overturned the appellate decision and ruled not to attribute criminal responsibility to the defendant bank as it is not possible to prosecute legal entities without their directors or representatives committing criminal acts on their behalf, or with one of their means.

There is a case under consideration relating to the penal responsibility of Al Madina Bank as its directors committed corruption offences.

Lebanon didn't provide any statistical information on the liability of legal persons but referred to numerous examples in the past two years that involve companies, namely the .

closing of depots of expired drugs, meats and foodstuffs with expired consumption dates, cases of private companies who bribed customs agents, falsification of customs seals and data, as the permits for transported goods were incorrect to avoid the payment of applicable fees.

(b) Observations on the implementation of the article

In light of all information provided and cited legislation the Reviewing team concluded that as far as UNCAC offences are concerned, the cited laws and provisions fully cover the said provision.

Article 26 Liability of legal persons

Paragraph 2

2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

(a) Summary of information relevant to reviewing the implementation of the article

53. Lebanese authorities referred to the legislation provided in the previous paragraph and the following has been cited:

Relevant articles of the Criminal Code

Article 53: “As amended by the Act of 10 December 1960 and the fine was amended by Article 2 of Act No. 239 of 27 May 1993

The fine for misdemeanors shall range from 50,000 to 2 million Lebanese pounds, unless otherwise provided by law.

On the basis of a special provision in the ruling, the fine may be paid in instalments that are at least equal to the minimum penalty, provided that the deadline for the final instalment is not later than one year from the day on which the decision became irrevocable.

If an instalment is not paid on time, the fine shall be payable in its entirety”.

Article 60: “As amended by Article 7 of the Act of 5 February 1948

The term of imprisonment for a petty offence shall range from 1 to 10 days.

Relevant articles of the Commercial Law Act

Article 155 (2): “As amended by the Law of 23 November 1948 as follows:

The chairman of the board is not considered a trader under Article 153, except regarding the following matters:

- The trade court shall issue a verdict denying his rights, which the law considers concomitant with bankruptcy, in the event that the company went bankrupt and the bankruptcy resulted from fraud or gross mismanagement.
- If the duties of the chairman of the board were referred, totally or partially, to a board member, as with the case mentioned in Article 153, this member shall assume the duties and responsibilities assigned to him, as specified in the said article, in place of the chairman of the board”.

(2) Article 155 (old version): “The chairman of the board is considered a trader in accordance with Article 153.

In the event that the company went bankrupt, the chairman shall be denied his rights, which the law considers concomitant with bankruptcy.

The Court of Trade may exempt him from this denial of rights when it is proved that bankruptcy is not attributed to gross management.

If the duties of the chairman of the board were referred, totally or partially, to a board member, in accordance with paragraphs 4 and 5 of Article 153, this member shall assume the duties and responsibilities assigned to him, as specified in the said article, in place of the chairman of the board”.

(b) Observations on the implementation of the article

In light of all information provided and cited legislation the Reviewing team concluded that as far as UNCAC offences are concerned, the cited laws and provisions fully cover the said provision.

Article 26 Liability of legal persons

Paragraph 3

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

(a) Summary of information relevant to reviewing the implementation of the article

54. Lebanon confirmed that it fully implemented this provision of the Convention and cited the following provisions from the Criminal Code as relevant:

Article 210 of the CC provides for sanctions on the liability of legal entities for acts of their directors and management members, representatives and employees. Besides, any such natural person may be prosecuted in accordance with the general principle of criminalization. In this respect Lebanese authorities further referred to the Article 166 of the Trade Law which reads:

" The members of the Board of the Directors are liable, even in relation to third parties, for all acts of fraud and for any violation of the law and police regulations."

They referred to other provisions in the Trade law dealing with the same issue, including the Article 155.

In regard cases, Lebanon referred to the previous paragraph.

Lebanon didn't provide any statistical information.

Legislation provided by Lebanon:

Relevant articles of the Criminal Code

Article 53: “As amended by the Act of 10 December 1960 and the fine was amended by Article 2 of Act No. 239 of 27 May 1993

The fine for misdemeanors shall range from 50,000 to 2 million Lebanese pounds, unless otherwise provided by law.

On the basis of a special provision in the ruling, the fine may be paid in instalments that are at least equal to the minimum penalty, provided that the deadline for the final instalment is not later than one year from the day on which the decision became irrevocable. If an instalment is not paid on time, the fine shall be payable in its entirety”.

Article 60: “As amended by Article 7 of the Act of 5 February 1948
The term of imprisonment for a petty offence shall range from 1 to 10 days.

Relevant articles of the Commercial Law Act

Article 155 (2): “As amended by the Law of 23 November 1948 as follows:

The chairman of the board is not considered a trader under Article 153, except regarding the following matters:

- The trade court shall issue a verdict denying his rights, which the law considers concomitant with bankruptcy, in the event that the company went bankrupt and the bankruptcy resulted from fraud or gross mismanagement.
- If the duties of the chairman of the board were referred, totally or partially, to a board member, as with the case mentioned in Article 153, this member shall assume the duties and responsibilities assigned to him, as specified in the said article, in place of the chairman of the board”.

(2) Article 155 (old version): “The chairman of the board is considered a trader in accordance with Article 153.

In the event that the company went bankrupt, the chairman shall be denied his rights, which the law considers concomitant with bankruptcy.

The Court of Trade may exempt him from this denial of rights when it is proved that bankruptcy is not attributed to gross management.

If the duties of the chairman of the board were referred, totally or partially, to a board member, in accordance with paragraphs 4 and 5 of Article 153, this member shall assume the duties and responsibilities assigned to him, as specified in the said article, in place of the chairman of the board”.

(b) Observations on the implementation of the article

In light of all information provided and cited legislation the Reviewing team concluded that as far as UNCAC offences are concerned, the cited laws and provisions fully cover the said provision.

Article 26 Liability of legal persons

Paragraph 4

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

(a) Summary of information relevant to reviewing the implementation of the article

55. Lebanon confirmed that it fully implemented this provision of the Convention and referred to the previous paragraphs as well as following cases and legal provisions:.

Lebanese Law subjects legal persons who are held liable for participation in acts punished under this Convention to either criminal or financial penalties or both (Articles 210, 53, 60 and 63 of the Criminal Code).

No statistics were provided by the reviewed country.

Legislation provided by Lebanon:

Relevant articles of the Criminal Code

Article 53: “As amended by the Act of 10 December 1960 and the fine was amended by Article 2 of Act No. 239 of 27 May 1993

The fine for misdemeanors shall range from 50,000 to 2 million Lebanese pounds, unless otherwise provided by law.

On the basis of a special provision in the ruling, the fine may be paid in instalments that are at least equal to the minimum penalty, provided that the deadline for the final instalment is not later than one year from the day on which the decision became irrevocable.

If an instalment is not paid on time, the fine shall be payable in its entirety”.

Article 60: “As amended by Article 7 of the Act of 5 February 1948

The term of imprisonment for a petty offence shall range from 1 to 10 days.

Relevant articles of the Commercial Law Act

Article 155 (2): “As amended by the Law of 23 November 1948 as follows:

The chairman of the board is not considered a trader under Article 153, except regarding the following matters:

- The trade court shall issue a verdict denying his rights, which the law considers concomitant with bankruptcy, in the event that the company went bankrupt and the bankruptcy resulted from fraud or gross mismanagement.
- If the duties of the chairman of the board were referred, totally or partially, to a board member, as with the case mentioned in Article 153, this member shall assume the duties and responsibilities assigned to him, as specified in the said article, in place of the chairman of the board”.

(2) Article 155 (old version): “The chairman of the board is considered a trader in accordance with Article 153.

In the event that the company went bankrupt, the chairman shall be denied his rights, which the law considers concomitant with bankruptcy.

The Court of Trade may exempt him from this denial of rights when it is proved that bankruptcy is not attributed to gross management.

If the duties of the chairman of the board were referred, totally or partially, to a board member, in accordance with paragraphs 4 and 5 of Article 153, this member shall assume the duties and responsibilities assigned to him, as specified in the said article, in place of the chairman of the board”.

(b) Observations on the implementation of the article

In light of all information provided and cited legislation the Reviewing team concluded that as far as UNCAC offences are concerned, the cited laws and provisions fully cover the said provision.

(d) Challenges, where applicable

56. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

1. *Limited capacity (e.g. human/technological/institution/other; please specify);*

Lebanon is in need of specialized training courses in the field of information technology and statistics.

2. *Limited resources for implementation (e.g. human/financial/other; please specify);*

Lebanon is in need of financial and technical resources.

(e) Technical assistance needs

57. Lebanon has indicated that the following forms of technical assistance, if available, would assist in better implementing the provision under review:

1. *On-site assistance by an anti-corruption expert;*

2. *Development of an action plan for implementation;*

They notably highlighted the need of an action plan to record all the legal provisions, procedures, court judgments, decrees and decisions issued to this effect.

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 27 Participation and attempt

Paragraph 1

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

58. Lebanon confirmed that it fully implemented this provision of the Convention and referred to the Articles 213, 219 and 220 of the Criminal Code as most relevant in regard participation in any crime..

These legal provisions naturally cover the acts that are criminalized by virtue of this Convention.

The acts of instigation are further criminalized under Article 217 of the Criminal Code.

Article 213- Participants in a crime are subject to the respective sanctions contemplated in the Law.

Under the provisions of Article 257 of the Criminal Code, the penalty of organizing the participation in a crime or managing the acts of participants is further aggravated and enhanced.

Article 219 (As amended by Legislative Decree No. 112, dated 16/9/1983):

Any person who:

- 1- gives instructions to commit a felony, even if such instructions fail to assist in such an act,
- 2- Encourages the perpetrator by any means,
- 3- For the purpose of moral or material interest, proposed that the perpetrator commits such felony,
- 4- Assists the perpetrator to commit acts that arrange for, or facilitate, the crime.
- 5- Enters into an agreement with the perpetrator or one of the intervening parties prior to committing the crime or participates in concealing the crime, hiding or removing its consequential effects, or hiding one or more persons who participated in the crime in order to avoid proper administration of justice.
- 6- Is aware of the criminal history of the perpetrators who are accustomed to commit banditry or other violent acts that cause harm to the security of State, public safety, persons or property, or provides the perpetrator with food, shelter, cache or place of meeting, shall be deemed as intervener in a misdemeanour or a felony.

Article 220- Intervener who but for his assistance the crime could have not been committed, shall be subject to the same penalty ordered on the perpetrator. Meanwhile, the remaining interveners shall be subject to either lifetime hard labour imprisonment or temporary hard labour imprisonment for a period ranging from ten to twenty years if the perpetrator is subject to death penalty. If the perpetrator's penalty is lifetime hard labour or lifetime detention, the interveners shall be subject to the hard labour imprisonment for a period ranging from seven to fifteen years. In other cases, interveners shall be subject to the same penalty ordered on the perpetrator after reducing the related period by one-sixth to one-third. Interveners may further be subject to precautionary measures as if they are perpetrators of the crime.

Lebanon provided the following cases:

There is in the 2011 annual report, titled "Central Inspection Authority Decisions", a number of examples regarding the violations that require prosecution for embezzlement of public funds, misuse of power when receiving materials and misuse of power and violation of job duties, as well as other examples contained in the hereto attached report.

They also refferred to the Decree No. 277/2010, dated 8/12/2010, (Retributive Cassation-Third Chamber), regarding the defendant's involvement with others in crimes of deceiving the immigrations circuit, bribing public employees, possessing credit cards, using forged instruments and taking funds from individuals for helping them to secure their status at the customs circuit. Please also refer to Decree No. 295/2011, dated 5/5/2011- Retributive Cassation (Doc No. 42).

Decree No 29/2004, dated 23/1/2004- Retributive Cassation, with respect to encouraging another defendant to accept to arrange for a person's successful enrolment in the military school in return for certain funds.

Lebanon provided the statistical information on the implementation of the provision under review in documents 15,16,17,18,41 and 42.

(b) Observations on the implementation of the article

In light of all information provided and legislation cited, the Reviewing team concluded that UNCAC provision under review has been fully implemented.

Article 27 Participation and attempt

Paragraph 2

2. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, any attempt to commit an offence established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention.

Stating that the liability of instigators in general is separate from that of the crime-committing instigators, they referred to the following Articles of the Criminal Code as relevant:

Article 218: Instigator shall be subject to the penalty designated for the crime desired to be committed, whether such crime is completely committed, only intended to be committed or incompletely committed. If instigation to perpetrate a misdemeanour or felony does not achieve the desired result, penalty shall be reduced at the rate provided for in Paragraphs 2,3 and 4 of Article 220.

Instigation to commit a contravention shall not be penalized, if such instigation is not accepted.

Precautionary measures are applied to the instigator as if he is the crime perpetrator.

Article 219 (As amended by Legislative Decree No. 112, dated 16/9/1983):

Any person who:

- 1- gives instructions to commit a misdemeanour or a felony, even if such instructions fail to assist in such an act,
- 2- Encourages the perpetrator by any means,
- 3- For the purpose of moral or material interest, has accepted the perpetrator's proposal to commit a misdemeanour or a felony,
- 4- Assists the perpetrator to commit the acts that arrange for, or facilitate, a crime.
- 5- Enters into agreement with the perpetrator or one of the intervening parties prior to committing the crime or participates in concealing the features of the crime, hiding or removing its consequential effects, or hiding one or more persons who participated in the crime in order to avoid the proper administration of justice.

- 6- Is aware of the criminal history of the perpetrators who are accustomed to commit banditry or other violent actions that cause harm to the security of State, public safety, persons or property, or provides the perpetrator with food, shelter, cache or place of meeting, shall be deemed as intervener in such a misdemeanour or felony.

Article 200 of the Criminal Code as amended by Article 21 of the Act of 5 February 1948, as follows: “Any attempt to commit a felony that began with acts aimed directly at its commitment shall be deemed to constitute the felony itself if its completion was prevented solely by circumstances beyond the control of the perpetrator.

The penalties prescribed by law may; however, be commuted as follows:

The death penalty may be replaced with hard labour for life or fixed-term hard labour for 7 to 20 years;

Hard labour for life may be replaced with fixed-term hard labour for at least five years; life imprisonment may be replaced with fixed term imprisonment for at least five years;

Any other penalty may be commuted by one half to two thirds.

Any person who begins to commit an act and then voluntarily desists shall be punished only for acts that he committed which constituted offences per se”.

No cases were provided by the reviewed country.

As regard statistical information, Lebanon provided it in documents 15,16,17 and 29.

(b) Observations on the implementation of the article

Taking into consideration that attempt to commit an offence is a common criminal offence, and is independent from participation, instigation, assistance or preparation, the reviewing team noted that the cited Article 218 covered only one aspect of the attempt.

However taking into consideration all information provided and notably the Article 200 of the CC, the reviewing team concluded that UNCAC provision under review has been fully implemented.

Article 27 Participation and attempt

Paragraph 3

3. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, the preparation for an offence established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention.

In referring to the applicable provisions, Lebanese authorities cited the direct application of the UN Convention Against Corruption in Lebanon, as integral part of domestic legislation following its ratification by the Lebanese State.

Furthermore they stated that preparation for committing acts as punishable in the Convention could not be legally penalized in Lebanon unless such preparatory act, per se, represents a crime regulated in the Criminal Code.

In this respect authorities cited Article 335 of the Criminal Code:

Article 335 (As amended by Legislative Decree 112, dated 16/9/1983)

"If two or more persons move for forming an association or concluding a written or oral agreement with the intention of committing felonies that cause prejudice to people, funds, State's authority, prestige or dignity or any civil, military, financial or economic institutions, they shall be penalized by temporary hard labour imprisonment of not less than ten years if perpetrators intend to cause offence against the life of others or the life of employees in public institutions or public administrations. Nevertheless, the persons who disclose the matter of such association or agreement or any other information on any or all the criminals shall be discharged from such penalty.

Lebanon didn't provide any cases and any statistical information.

(b) Observations on the implementation of the article

The reviewing team noted that Article 335 of the Criminal Code refers to the complicity or conspiracy which is independent from crime of preparation.

Thus, the said Article covers the crime of accomplice or conspiracy but not preparation, which is an act even prior to the stage of attempt.

Due to the fact that the mere integration of the UNCAC, as part of the Lebanese Law, is not sufficient to cover the preparation as offence, that is to say, UNCAC is not self-executive, the Reviewing team is not convinced that Lebanon has implemented this provision.

(e) Technical assistance needs

Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *Summary of good practices/lessons learned;*
2. *Model legislation;*
3. *Legislative drafting;*
4. *Legal advice;*
5. *On-site assistance by an anti-corruption expert;*
6. *Development of an action plan for implementation;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 29 Statute of limitations

Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence established in accordance with this Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and cited the following legislation as relevant:.

Article 10 of the Lebanese Criminal Procedure Code provides for the following:

"Public case lapses by prescription after expiry of ten years, three years and one year with respect to felonies, misdemeanours and contraventions respectively. The legally prescribed period starts from the date of committing the following crimes, while starts from the date of finalizing the criminal act with respect to the continued, extended or sequential crimes.

Prosecution, investigation or trials suspend the legally prescribed period of the public case."

The provisions of Criminal Code, especially in Articles 162 and thereafter, apply to the legally prescribed periods of the penalties adjudicated.

Prescription Periods Suspension Law No. 50, dated 23/5/1991, provides in Article 2 thereof for the following:

"All legally prescribed periods granted to the public and private right persons for the purpose of exercising all types of rights provided for in the civil and commercial administrative articles shall all be legally suspended during the period falling between the enforcement date of Legislative Decree No. 12/1983, as amended by Legislative Decree No. 66/83, and the enforcement date of this Law (i.e., Law No. 50/91). Whether these periods are granted formally or procedurally, their effect shall be extended on the basis of the right.

Lebanon provided the following cases:

There are various examples published in the annual reports of the Accountancy Bureau(Court of Audit) (Doc. 27) regarding this matter, given that Article 65 of the Accountancy Bureau Law provides that the five-annual prescription period commences from the date of perpetration of the violation if apparent and from the date of discovering the same if hidden.

Lebanon didn't provide any statistical information.

(b) Observations on the implementation of the article

During the country visit authorities also provided further explanations, notably referring to the Article 163 of the Criminal Code which requires a double period of the verdict to expire for statute of limitations and underlying the regulation that any action to prosecute will suspend the period of limitations and it will start again.

In light of provided legislation the Reviewing team concluded that the cited Articles, particularly article 10 of the Lebanese Criminal Procedure Code, fully cover the statutory rules of Article 29.

(e) Technical assistance needs

Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *Summary of good practices/lessons learned;*
2. *Model legislation;*
3. *Legal advice;*
4. *On-site assistance by an anti-corruption expert;*
5. *Development of an action plan for implementation;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 30 Prosecution, adjudication and sanctions

Paragraph 1

1. Each State Party shall make the commission of an offence established in accordance with this Convention liable to sanctions that take into account the gravity of that offence.

(a) Summary of information relevant to reviewing the implementation of the article

3. Lebanon confirmed that it fully implemented this provision of the Convention. Lebanon provided the following applicable measures:

In terms of criminalization and penalties enforcement, penalties are incremented according to the volume of crimes, as stated in the Criminal Code (Articles 350 to 378), in the Accountancy Bureau System (Articles 61 and 62) and in the Central Inspectorate (Article 55 of the Employees System).

The currently applicable Lebanese laws almost criminalize all the corruption acts provided for in the UN Convention, such as bribery, manipulation, embezzlement and misuse of power (Articles 351 to 366 of the Criminal Code), including the participation, instigation and intervention in the crimes falling in the scope of corruption. Lebanese Law further stresses the criminal liability of the legal entities for the acts of their managers, board members, representatives and employees who would commit such acts in the name of, or through, the said entities. This is properly clarified in the provisions of Article 210 of the Criminal Code.

However, Lebanese authorities indicated that the scope of bribery crimes in the Lebanese Criminal Code should be expanded to cover the acts committed by the foreign public employees and the employees serving in any public international institution. It is further recommended that the scope of bribery crimes would, in this respect, cover all types of corruption practices involved in the international commercial transactions according to the provisions of the Convention.

Moreover, Paragraph (8) of Article (60) of the Accountancy Bureau Regulatory Law provides for penalizing any employee who makes, or tries to allow other persons contracting with the administration to make, illegitimate gain. It also penalizes the employee who commits any fault, failure or negligence that would cause prejudice to the public funds or the funds deposited with the treasury. Article 61 further enhances such penalties in case such damage is confirmed to have occurred.

Lebanese authorities further reported that immediately after the Cabinet's approval of acceding to the Convention, the Central Bank of Lebanon prepared a draft law, accompanied by an approval of the Legislation and Consultation Authority at the Ministry of Justice, aiming to amend Article 1 of the Anti-Money Laundering Law, whereby all crimes of corruption, especially those contained in the Convention, are to be added to the crimes stated in this Article.

In regard to law 32/2008 the Lebanese authorities mentioned: This law helps the investigation authority referred to herein above to remove bank secrecy from any and all corruption crimes. It widens the scope of powers vested in this Authority to cover all the crimes of corruption. It further widens the scope of powers of the administrative unit duly assigned to gather financial information, given that such unit is deemed the proper source and official centre duly assigned to monitor, collect, maintain and exchange with peer foreign units any information on money laundering crimes.

Indeed, the scope of powers vested in the "special investigation commission" has been widened by virtue of Law No. 32, dated 16/10/2008 which was published in the Official Gazette, Issue No. 43, on 20/10/2008, Page 4237⁷. These powers now include "the freezing of bank accounts and the lifting of bank secrecy from the bank accounts, in application of the UN Convention Against Corruption, provided that the anti-money laundering provisions stated in Law No. 318, dated 20/4/2001 shall be applied to this effect.

Lebanon didn't provide any example of implementation.

Lebanon didn't provide information on criminal and non-criminal sanctions ordered.

(b) Observations on the implementation of the article

The Reviewing team noted that the information on criteria applicable to determine the gravity of the offence was missing and during the country visit Lebanese authorities explained that the law does not establish those criteria, rather court (Court of Accounts notably) takes into account the circumstances of a case, the impact of the offence on public money and repetitiveness of the crime when deciding on a sanction.

In light of all information provided the Reviewing team concluded that UNCAC provision under review has been adequately implemented.

Article 30 Prosecution, adjudication and sanctions

Paragraph 2

⁷ Upon finalisation of the country review and agreement on the executive summary, Lebanon adopted a new Law No. 44 (24/11/2015) which was published in the Official Gazette Issue No. 48 on 26/11/2015, page 3313.

2. Each State Party shall take such measures as may be necessary to establish or maintain, in accordance with its legal system and constitutional principles, an appropriate balance between any immunities or jurisdictional privileges accorded to its public officials for the performance of their functions and the possibility, when necessary, of effectively investigating, prosecuting and adjudicating offences established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention.

Lebanon provided the following applicable measures:

Article 61 of Legislative Decree No. 1959/112 (Employees System) provides that
"1- Any employee whose activities constitute a crime duly punishable by the Criminal Code and the other applicable laws shall be referred to courts.
2- If the crime arises out of an employment, the employee shall not be prosecuted except after obtaining the approval of the administration in which he is employed.

No public right case shall be raised through direct personal prosecution, and the Public Prosecution shall obtain the approval of the administration prior to prosecution if the crime arises out of employment.

Article 31 of Legislative Decree No. 150, dated 6/9/1983 stipulates, in its last paragraph which was added by virtue of Legislative Decree No. 22, dated 23/3/1985, that "In all cases which entail penal prosecution, a permission or approval is required to be obtained from sources other than courts. In the event a conflict arises between any such sources and the public prosecution of appeal or the State Commissioner at the Military Court, the Public Prosecutor at the Court of Cassation shall- notwithstanding any general or special legal provision to the contrary- have the right to decide upon this conflict.

As regards prosecution before the Accountancy Bureau, Article 27 of Accountancy Bureau Regulatory Law No. 1983/82, as amended, provides that "If a request for prosecution is raised by the Public Prosecutor at the Accountancy Bureau, this prosecution shall take effect without permission from the administrative authority. The same case applies when the Central Inspectorate requests that any employee be prosecuted. (Paragraph 2, Article 19, Legislative Decree No. 1959/115). As regards the Parliament Members and the Ministers, Articles 40, 70 and 80 "Paragraph 1" shall apply.

Furthermore, Lebanon referred to the following articles of the Criminal Code as applicable in this matter:

Article 53 of the Criminal Code (as amended by the Act of 10 December 1960 and the fine was amended by Article 2 of Act No. 239 of 27 May 1993): "The fine for misdemeanors shall range from 50,000 to 2 million Lebanese pounds, unless otherwise provided by law.

On the basis of a special provision in the ruling, the fine may be paid in instalments that are at least equal to the minimum penalty, provided that the deadline for the final instalment is not later than one year from the day on which the decision became irrevocable.

If an instalment is not paid on time, the fine shall be payable in its entirety".

Article 351 (As amended by Legislative Decree No. 112 of 16 September 1983): “Any employee and any person assigned to public service, whether elected or appointed, and any person assigned to an official function such as referees, experts and liquidators who requests or accepts for itself or for a third party a gift or a promise or any other benefit to perform a legitimate action of its function shall be punishable by imprisonment for a term of between three months to three years and by a fine of no less than double the value of what it has taken or accepted”.

Article 363 (As repealed by Article 18 of Legislative Decree No. 112/83): “Shall be punishable by imprisonment for a term of between three months to three years and by a fine of 200,000 to a million Lebanese Pounds:

1. Any person who is assigned to buy or sell or manage movable or immovable property on behalf of the state or on behalf of a public administration or institution, a municipality, a public body or an institution of public utility or in which the state has a part of its shares, and the person commits fraud in any of these works or violates the laws applicable thereto either to achieve a personal gain or to favor a party which would inflict damages to the other party or the public interest or funds, or if the person commits gross misconduct;
2. Any person who enters, in peacetime, into a contract of construction, public works, transportation, manufacturing, maintenance or repairs or a contract to provide services, supplies or logistics with any of the entities mentioned in the previous paragraph, whether the contract is a result of a tender, a compromised assignment or any other way, and the person resorts to different types of intentional procrastination or tricks to hinder or lengthen the term of the implementation thereof with the intention of inflicting damages to the projects of the state or to achieve gains for itself or for a third party, or if the person cheats in the materials used or provided or in the installation or manufacturing thereof or in the substantial specification of the same;
3. The contractors who act in collusion to damage the concessions or to make the same exclusive to one of them which would inflict damage to the official contracting party;
4. The employee who is entrusted with overseeing the tender or compromised assignment or any other way of contracting or with monitoring the stages of the implementation or handing over the works after the completion thereof, if the employee performs actions that would favor a party over the other in concession or assignment, or if it condones detecting the violations or neglects the monitoring process or if it fails to take against the violating party the measures provided in the competent laws;
5. The contractor, mediator or any other person who as a result of a tender, a compromised assignment or any other way provides invalid materials to the administrations, public institutions and municipalities, and the employee who accepts or receives the same shall be deemed an accomplice in the crime.

In addition to that, the penalties in the crime of bribery shall also be applied if committed”.

Article 373: If a civil servant neglects his duties in public administration and municipal offices for no valid reason, or does not execute legal orders issued by his superior, he shall be punished by imprisonment for up to two years and shall be fined a sum ranging between LL 200,000 and LL 1,000,000 or he shall receive either of the two punishments.

If this acts results in damage to the interests of concerned public administrations and municipalities, the penalty shall be increased in accordance with the provisions of Article 257, and he may be fined a sum equivalent to the damage.

Relevant articles of the Court of Accounts Law:

Art 60: “Any officer who committed or participated in any of the offences mentioned below is liable to pay a fine from one hundred fifty thousand to one million five hundred thousand Lebanese pounds. This does not preclude civil obligations, and criminal and disciplinary penalties decided by the competent authorities:

- 1- The commitment of an expenditure in violation of the law
- 2- The commitment of an expenditure without obtaining the approval of the controller of spending commitments
- 3- The failure to submit a transaction to the prior control of the Audit Court; or the execution of a transaction without abiding by the conditions decided by the Court.
- 4- The non-compliance with the disapproval of the Audit Court, or that of the controller of spending commitments.
- 5- The improper entry of an expenditure for the purpose of covering a transaction exceeding a budget appropriation.
- 6- The execution of an illegal order received from a person other than his immediate supervisor.
- 7- The illicit enrichment of a person transacting with the administration or the attempt of such an enrichment.
- 8- The commitment of an error or negligence which may result in damage to the public funds or the Treasury funds.
- 9- The failure to submit the requested accounts, documents or clarifications to the Audit Court, or to the Public Prosecutor’s Office at the Court within the time limits specified by existing laws and regulation.
- 10- The violations of the provisions governing to the management or use of public funds or of Treasury funds

Lebanon provided the examples of implementation in the paragraph above.:

Lebanon confirmed that there are concrete instances where the issue of immunities and/or jurisdictional or other privileges accorded to public officials has arisen and addressed in official documents :

Examples were provided in the above paragraph.

Yes, there are several cases related to the managers, including for example the case of the ex-general manager of antiquities. As regards the Parliaments Members, a member's immunity has once been lifted. He was then subject to trial and was punished by imprisonment. As regards the Ministers, a Minister has once been arrested and subjected to investigation. He was then released against bail.

Lebanon didn’t provide any relevant official inquiries or reports:

These cases are not published.

(b) Observations on the implementation of the article

In response to the question raised by the Reviewing team, to be provided with any case of conflict between public prosecutor and the prior approval by pertinent administration through which the public prosecutor has decided to the contrary, Lebanese authorities indicated the following case:

A decision where the Public Prosecutor authorized the prosecution of an employee for bribery and neglect of official duties and abuse of authority for personal benefit based on Art 373 and 363 and 351 and 52 and 53 and 57 in spite of the Finance Minister's decision to deny request to waive immunity. Decision Number 2491M/2013.

In light of all information provided the Reviewing team concluded that UNCAC provision under review has been adequately implemented.

Article 30 Prosecution, adjudication and sanctions

Paragraph 3

3. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences established in accordance with this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the following legislation as relevant:.

Article 257 of the Criminal Code provides that : "If the Law does not set out a legal effect of reasons aggravating penalties, the reasons available shall per se entail aggravation of penalties as follows:

"Execution may replace lifetime hard labour imprisonment, temporary punishment may be increased from one-third to half time and fine may be doubled.

Lebanon didn't provide any example of implementation and any statistical information.

(b) Observations on the implementation of the article

In regard implementation of this Article of the Convention and provided legal provisions from Lebanese legislation, the Reviewing team noted that thee aggravation of penalties is one type of effectiveness of the law enforcement measures. However thee Reviewing team was focused to finding if r, in case of impossibility of imposing aggravated punishment, the discretionary powers permitted the imposition of other measures; e.g., disciplinary or administrative measures. Provision of case law to this effect was also welcomed.

During the country visit authorities provided additional legal provisions, namely those relating to the adequate procedure in exercising discretionary legal powers in prosecuting persons for offences established in accordance with the Convention. They indicated the Articles 5,6, 11 to 28 et seq. of the Criminal Procedure Code.

Article 5 - Responsibility for initiating a public prosecution, the purpose of which is to prosecute the perpetrators of offences and the participants therein and to subject them to penalties and preventative measures, lies with the Judges of the Public Prosecution Office in accordance with this Code. Whereas civil action for compensation for damages suffered as a result of an offence lies with every aggrieved party. Any person against whom a public

prosecution is initiated shall be termed a defendant; a person charged with a misdemeanour shall be termed “a person charged with a misdemeanour”; and a person accused of committing a felony shall be termed an accused.

Article 6 - The Public Prosecution Office has the duty to exercise the public prosecution. It may not relinquish the public prosecution or arrange a settlement. A civil action may be initiated following the public prosecution before the judicial authority before which that prosecution was initiated. The civil action may also be brought separately before the civil authority. An offence is deemed to have been committed when the acts of the offence were carried out, irrespective of the time at which the result occurred.

In light of all information provided the Reviewing team concluded that UNCAC provision under review has been adequately implemented.

Article 30 Prosecution, adjudication and sanctions

Paragraph 4

4. In the case of offences established in accordance with this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions ordered in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.

(a) Summary of information relevant to reviewing the implementation of the article

4. Lebanon confirmed that it fully implemented this provision of the Convention. Lebanon provided the following applicable measures:

Criminal Procedure Code:

Article 111: Penal Provisions

The investigating magistrate, irrespective of the type of crime, may, after obtaining the opinion of the Public Prosecution, replace the procedure of arresting the defendant with the procedure of placing the defendant under judicial control, and may further direct the defendant to apply certain duties that are deemed to be required for the purpose of judicial control, including the defendant's commitment to:

- a) Reside in certain city, town or village and not to leave it.
- b) Cease visiting certain stores or places.
- c) Deposit his passport with the investigation circuit and notify the public directorate of security of the above.
- d) Stay within the limits of control and prove his presence periodically at the control centre.
- e) Refrain from joining certain professions prohibited by the investigating magistrate during the period of control.
- f) Be subject to medical examinations and laboratory tests periodically during a period specified by the investigating magistrate.
- g) Pay a bail (judicial guarantee) duly specified by the investigating magistrate.

The investigating magistrate may desist from the duly ordered control requirements whenever believed appropriate.

If the defendant fails to meet one of the duly ordered control requirements, the investigating magistrate may, after consulting with the Public Prosecution, issue an arrest memorandum against the defendant and attach the paid bail in favour of the treasury.

Article 108: "Except for the persons against whom punishments of at least one year imprisonment have previously been issued, the period of arrest shall not exceed two months in case of misdemeanours. This period may, however, be extended for another two months in case of prime necessity. Except for the crimes of murder, drug trafficking and assault against the State security, the comprehensive risk crimes, the terroristic crimes, and the case where the arrested persons have previously been subject to criminal punishments, the period of arrest shall under no circumstances exceed six months in misdemeanours, which period may however be extended for one time by virtue of a reasoned decision.

The investigating magistrate may prevent any person from travel for a period not exceeding two months in case of misdemeanours and for one year in case of felonies, starting from the date of his release or discharge".

Paragraph 2 of Article 108 of Law No. 28 (prior to amendment by virtue of Law No. 111, dated 26/6/2010), provides that "Except for the crimes of murder, drug trafficking, assault against the State security, the comprehensive risk crimes and the cases where the arrested persons have previously been subject to criminal punishments, the period of arrest shall under no circumstances exceed six months extendable for one time by virtue of a reasoned decision.

Article 111 of the Summary Trials Law provides for a number of arrangements that could be taken by the investigating magistrate after releasing the defendant, including the latter's appearance for the purpose of resuming the investigations currently conducted against him.

Lebanon didn't provide any example of implementation and any statistical information.

(b) Observations on the implementation of the article

It was noted that the cited provisions did provide information in relation to bail or similar measures, with due regard to the rights of the defence, to guarantee the presence of the defendant at the subsequent criminal proceedings. During the country visit it was explained that the decision on imposing the measure that would insure the presence of a defendant at a subsequent trial remains fully on a judge.

Given that article 111 provides a range of different options, which include bail and specific restrictions, the reviewers were satisfied with the information provided and conclude that Lebanon has sufficient measures in place to assure the presence of the defendant during trial in line with the provision of the Convention.

Article 30 Prosecution, adjudication and sanctions

Paragraph 5

5. Each State Party shall take into account the gravity of the offences concerned when considering the eventuality of early release or parole of persons convicted of such offences.

(a) Summary of information relevant to reviewing the implementation of the article

5. Lebanon confirmed that it fully implemented this provision of the Convention. Lebanon provided the following applicable measures:

Lebanon didn't provide any example of implementation and any statistical information.

(b) Observations on the implementation of the article

The terms and conditions as well as adequate legal provisions on early release and parole of persons convicted of offences were explained and provided during the country visit.

According to the information, the Law regulating the early release and parole in Lebanon was first adopted in 2002, Law No. 463/2002 and was amended by the Law No 183 of 2011.

Main conditions for considering the request for early release are (a) that the person has been convicted to at least 6 months imprisonment; (b) that he has served at least half of the sentence; (c) good behavior in the custody; and (d) that compensations have been paid to the victim/s. Authorities further explained that the danger for a society would also be assessed. According to the said Law, any prisoner can apply directly, on the forms that are available at the detention centers and no legal aid is needed. In considering logged requests, there are 2 level for decision: First, the request is reviewed by the Committee composed of judge, psychologist, social worker, doctor and prisoner himself. Grounds for early release may in this case involve medical reasons. A request is submitted to the judge, who deals only with early release requests. Once the information is completed, he will convene a Commission, that will make a proposal to reduce the sentence. The second level of decision is judicial, where such a proposal is reviewed by a tribunal, panel of three judges, and the final decisions is at the level of a province. In case of rejected requests, a prisoner may submit a new one after 6 months. In cases of life sentences, a prisoner is liable to submit a request for early release after 18 years of imprisonment.

According to the said legislation, certain offences are excluded from a possibility to request an early release, as follows: (i) terrorism acts; (ii) offences against state finances; (iii) drug trafficking offences; (iv) money laundering offences.

In support to these explanations, Lebanese authorities provided the the following articles of the law as relevant:

Law No. 183 of 5 October 2011, amending Law No. 463 on the Enforcement of Sentences of 17 September 2002

Article 1

Notwithstanding any other provision, the criminal sentences of imprisoned convicts who display good behavior may be reduced in accordance with the provisions of this Law.

Article 3

Throughout the year, the Committee shall propose, with detailed reasons, the names of convicts eligible for a sentence reduction.

It shall examine the condition of each imprisoned convict and take into account, while making its proposals, the following grounds and principles:

1. It must be satisfied that the convict has a good record and that his release would not constitute, in light of his psychological, mental, health, or social condition, a danger to himself or to others;
2. That the substantive penalty is not less than imprisonment for six months;
3. That the convict meets the requirements for the category to which he belongs, according to the classification set forth in Article 4 of this Law;

Article 4

Convicts are classified within the following categories:

Category 1:

1. Convicts sentenced to temporary misdemeanor or criminal sentences;

Each of them is eligible to a reduction of a sixth to half of the sentence if he has served at least half the sentence and meets the general requirements described in Article 3 of this Law;

2. Convicts sentenced to temporary criminal penalties under Article 549 of the Penal Code;

Each of them is eligible to a reduction of a sixth to a third of the sentence if he has served at least half his sentence and meets the general requirements described in Article 3 of this Law.

A convict who is a second-strike offender also benefits from the reduction provided for in this paragraph.

Category 2:

1. Convicts sentenced to life imprisonment for a criminal offence are eligible to a sentence reduction if they have served at least eighteen (18) years of their sentence and meet the general requirements, provided that the total mandatory sentence reduction is not less than twenty (20) years and not more than twenty-five (25) years;

2. Convicts sentenced to life imprisonment for a criminal offence under Article 549 of the Penal Code are eligible to a sentence reduction if they have served at least twenty (20) years of their sentence and meet the general requirements, provided that the total mandatory sentence reduction is not less than twenty-five (25) years and not more than thirty (30) years.

A convict who previously benefited from a commutation from death sentence to life sentence under a judgment based on a general amnesty law or a special amnesty decree, cannot apply for a sentence reduction before he serves at least twenty-five (25) years, provided that meets the general requirements and that the total mandatory sentence reduction is not less than thirty (30) years and not more than thirty-five (35) years.

Category 3:

A convict who is diagnosed in prison with blindness or who suffers a stroke or any incurable disease, or who suffers from a serious illness that threatens his life or the life of others prisoners, or is crippled and cannot cater for himself or perform any work.

Any convict of this category may be exempted from the rest of his sentence if the Commission ascertains that he is affected by any of the conditions listed in the previous paragraph and is not covered by the exceptions provided for in Article 15 of this Law.

The Commission must be satisfied that the release of convicts of this category does not constitute a danger to others.

Category 4:

Convicts sentenced to death who serve thirty years (30) in prison and meet all the general requirements set forth in this Law, in addition to forfeiting their personal right, are eligible to a reduction of their sentence, provided that the total mandatory sentence reduction is not less than twenty-five (35) years and not more than thirty (40) years.

Article 12

The court shall make the sentence reduction conditional upon the observance of the following obligations:

1. The convict shall deposit a bail determined by the court;

The bail shall be returned to the bailor if the convict does not commit - within a two-year (2) probation period for a short-term or misdemeanor sentence and five (5) years for a criminal sentence - an offense equivalent to or more serious than the offense for which the sentence was reduced.

2. The convict who forfeits his personal rights shall prove that he has paid the compensations imposed on him.

Article 15

[Persons convicted for the] following crimes are excluded from sentence reduction:

- Crimes against state security and public funds;
- Counterfeiting or imitation of currency, not distribution; and
- Drug trafficking, not distribution.

In light of all information provided the Reviewing team concluded that UNCAC provision under review is adequately implemented.

Article 30 Prosecution, adjudication and sanctions

Paragraph 6

6. Each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures through which a public official accused of an offence established in accordance with this Convention may, where appropriate, be removed, suspended or reassigned by the appropriate authority, bearing in mind respect for the principle of the presumption of innocence.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and provided the following Laws as relevant:.

Article 58, paragraph (6-12) of the Employees System provides that:

- 1- The employee shall be referred to the disciplinary board by virtue of a decree or a decision duly issued by the authority having the right to appoint him. The employee may also be referred to the disciplinary board by virtue of a decision from the Central Inspectorate.
- 2- The decree or decision, which rules for referral to the disciplinary board, may rule for suspension of the employee's services. The employee may remain suspended until the disciplinary board adjudicates on his violation, or else the authority which referred the employee to the disciplinary board may cease such referral.
- 3- The Minister may suspend the services of any second class employees or employees of lower rank prior to referring them to the disciplinary board, provided that such suspension shall not exceed fifteen days. If the employees are not referred to the disciplinary board within such grace period, their salaries shall continue to be fully payable.

Article 16, paragraph 4 of the Central Inspectorate Establishment Law provides that: " The employee may be assigned to work for extra time outside the official working hours and the granted leave may be revoked during the period of inspection or investigation. They shall further take all precautionary measures required for the purpose of safe and proper investigation, including the temporary suspension of services of the employees falling under inspection, provided that such measures shall be notified within twenty four hours to the competent Minister to decide upon the matter and to the Head of the Central Inspectorate for his knowledge.

Article 54: Disciplinary responsibility

A public employee is responsible from a disciplinary perspective, and he is subject to disciplinary sanctions if he intentionally or inadvertently fails to perform the duties set out by the laws and regulations in force, particularly as regards the duties stipulated by Articles 14 and 15 of this legislative decree. Disciplinary prosecution does not preclude prosecuting this employee when necessary in the competent civil or criminal courts.

Article 55 (As amended by Decree No. 58 dated 12/15/1982) Disciplinary sanctions

There are two stages of disciplinary sanctions:

Stage 1:

- 1- Reprimands
- 2- Salary deduction for 15 days at most
- 3- Delaying promotion for 6 months at most

Stage 2:

- 1- Delaying promotion for 30 months at most
- 2- Unpaid discontinuation of work for a period not exceeding 6 months
- 3- Demotion to a lower grade or more within the same rank
- 4- Demotion
- 5- Ending his service
- 6- Isolation

Relevant Articles of Legislative Decree No. 115 of 12/6/1959 establishing the Central Inspection

Article 1 as amended by decree No. 15317 dated 5/2/1964

Establishes within the presidency of the ministry a Central Inspection whose mandate includes of all public administrations and public institutions and independent departments and municipalities, those who are working in these departments, institutions and municipalities, be they permanent or temporary employees or users or holders or contractors, and all those who receive a salary or remuneration from the funds of the enumerated entities, as part of the provisions of the texts which they are subject .

The government can, in a decree issued by the Council of Ministers, subject to the authority of the Central Inspection, permanently or in an emergency all institutions controlled by the Court of Audit.

Do not fall under the Central Inspection's authority the judiciary or the army or the internal security forces or general security, unless relating to the financial field and within the limits laid down in its own laws.

Lebanese authorities further provided legislation pertaining to judiciary that is relevant to application of Article 30 under review here:

Article 90 of Legislative Decree No. 83 on the Courts of Justice provides that:

"The Minister of Justice is entitled to suspend the services of the judge who is referred to the disciplinary board, based on a recommendation from the board of Judicial Inspectorate. The judge whose service is suspended shall receive half of his salary and other remunerations."

Lebanon also provided the following examples of implementation:

The provisions of Article 90 were applied to a several labour cases in 2011 and 2012. Decisions were issued by the Disciplinary Board of Judges ruling for dismissal of three judges and suspension of services of other four judges.

No statistics were provided by the reviewed country.

During the country visit additional provisions were indicated, notably Article 83 of Judicial Code regulating that any violation of a duty of a judge and any act that violates the honor or dignity of a judge will be considered as disciplinary violation.

Article 89 of the same law regulates disciplinary penalties such are: warnings, reprimand, postponed promotion for up to 2 years, degrading, suspension without salary, termination, dismissal without pension.

Lebanese authorities also explained that relocation of a judge could also be a consequence of disciplinary sanction.

(b) Observations on the implementation of the article

Several laws regulate the possibility of suspension pending investigation or trial. In regard provided legislation it was clarified during the country visit that it covered all judges and public officials accordingly, as defined in the Code of Employees and the Central Inspection Law. Lebanese authorities further clarified that these laws covered disciplinary measures, whereas a conviction of a judge or public official to a criminal offence, hence any offence from the Convention, would lead to his dismissal from office.

In light of information provided the Reviewing team concluded that UNCAC provision under review is adequately implemented.

Article 30 Prosecution, adjudication and sanctions

Subparagraph 7 (a)

7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

(a) Holding public office; and

(a) Summary of information relevant to reviewing the implementation of the article

6. Lebanon confirmed that it fully implemented this provision of the Convention and provided the following Laws as relevant

Code of Public Employees

Article 1: Public employees and wage earners

- 1- Public employees are classified as civil servants and temporary staff.
- 2- A civil servant is appointed in a permanent position in a cadre specified by the law, whether the retirement law governs him or not.
- 3- A temporary staff member is given a job created for a certain period or for a specific purpose.
- 4- A wage earner is considered to be any person serving the state and not belonging to any category mentioned in points 2 and 3 of this article.

Article 2: Legal status

Civil servants are subject to the legal and regulatory provisions related to public employment. All subsequent legal and regulatory provisions apply to them, without their being entitled to any acquired right to benefit from the preceding provisions.

Article 4: Conditions of public employment

1- Every seeker of public positions should meet the following conditions:

- a. He should be Lebanese nationals for at least 10 years.
- b. He should be 20 years of age.
- c. He should not be above 35 years if he is applying for a position in one of the fifth or fourth grades. However, if he is applying for a position in other grades, or for a technical position in any grade, the difference between his age and the retirement age specified for this position should not be less than the minimum period separating him from the due date for pension payment.
- d. He should submit a certificate issued by the official medical committee and proving that he does not suffer from any diseases or disabilities that prevent him from fulfilling the duties of his jobs.
- e. He has to submit a copy of his criminal record proving that he enjoys his civil rights and he is not convicted of a felony, a felony attempt of any kind, an infamous misdemeanor, or an attempted infamous misdemeanor. Infamous misdemeanors include: thefts, fraud, bad credit, checks without provision, embezzlement, bribery, rape, intimidation, forgery, making use of forged material, false testimony, false oath, immoral crimes stipulated in Chapter VII of the Criminal Code, and crimes relating to drug substances or trading in them. These provisions apply to the persons who underwent rehabilitation or benefited from amnesty.
- f. He should have the required degrees and qualifications, and should pass the civil service entrance exam in all cases provided for by the law.

2- Every ministry bylaws set out the additional and specific requirements that should be met by the applicants for technical jobs or some administrative jobs.

Article 14: The duties of public employees

A public employee should generally fulfill the following duties:

- 1- He should serve the public interest exclusively, and ensure the application of laws and regulations in force without infringement, violation, or neglect.
- 2- He should obey his immediate superior and execute his orders and instructions, unless such orders and instructions violate the law clearly and explicitly. In this case, the public employee should draw his superiors' attention to the violation in writing. He is not bound to execute these orders and instructions unless there are confirmed by the superior in writing, and he has the discretion to send copies of the letters/memos to the Central Inspection Board.
- 3- He should personally assume the responsibility of executing the orders and instructions given by his superiors.
- 4- He should complete the transactions of the concerned parties in a quick, precise and sincere manner in accordance with his competence.
- 5- (Paragraph appended under Law No. 144 dated 5/6/1992 - C.R. No. 20) In the event that he is a member of political parties, organizations, councils, and political or confessional associations of a political nature, he has to completely give up any task or duty in such parties, organizations, councils or associations.

Article 15: Prohibited acts

A public employee is banned from doing any acts prohibited by the laws and regulations in force, particularly:

(Paragraph 1 of Article 15 of the public employees code was deleted and replaced by the following text pursuant to Law No. 144 dated 5/6/1992 - C.R. No. 20):

- 1- Making and publishing speeches, publishing articles, making and publishing statements, or having publications in any subject matter without the written authorization of the head of his administrative unit.
- 2- Joining professional organizations or trade unions.
- 3- Going on strike or inciting others to go on strike.
- 4- (As amended by Law 3/6/1964) Practicing any commercial or industrial profession, or any other paid profession or occupation other than teaching at a university or a high school in accordance with conditions explicitly set out in a decree issued by the Council of Ministers, other cases explicitly stipulated by special laws, membership in joint stock companies or in limited partnerships by shares, and having material direct or indirect (through others) interests in institutions operating under his supervision or the supervision of his administrative unit.
- 5- Undertaking tasks pertaining to parliamentary, municipal and mayoral elections, along with his administrative tasks, as stipulated by the laws regulating such jobs.
- 6- Undertaking any paid job that undermines the dignity of his job or that is related to it.
- 7- Soliciting or accepting recommendations, and soliciting or accepting gifts, gratuities or donations of any kind, directly or through an intermediary, on account of his position.
- 8- Disclosing information he obtained on the job or even following the expiration of the term of service, unless his respective ministry has issued a written authorization.
- 9- (Appended paragraph under Law 3/6/1964) Organizing petitions relating to his job, or his participation in the organization of petitions, regardless of the reasons and motives.

Article 54: Disciplinary responsibility

A public employee is responsible from a disciplinary perspective, and he is subject to disciplinary sanctions if he intentionally or inadvertently fails to perform the duties set out by the laws and regulations in force, particularly as regards the duties stipulated by Articles 14 and 15 of this legislative decree. Disciplinary prosecution does not preclude prosecuting this employee when necessary in the competent civil or criminal courts.

Article 55 (As amended by Decree No. 58 dated 12/15/1982)

Disciplinary sanctions

There are two stages of disciplinary sanctions:

Stage 1:

- 1- Reprimands
- 2- Salary deduction for 15 days at most
- 3- Delaying promotion for 6 months at most

Stage 2:

- 1- Delaying promotion for 30 months at most
- 2- Unpaid discontinuation of work for a period not exceeding 6 months
- 3- Demotion to a lower grade or more within the same rank
- 4- Demotion
- 5- Ending his service
- 6- Isolation

There are some decrees ruling for termination of the services of public employees for losing *sui juris* (loss of legal capacity) as required to remain in office.

Lebanese authorities further referred to the several labor cases in 2011 and 2012 where the Article 90 of the Criminal Code was applied. Decisions were issued by the Disciplinary Board of Judges ruling for dismissal of three judges and suspension of services of other four judges.

They further referred to the Article 2 of the Code of Employees: Legal status

Civil servants are subject to the legal and regulatory provisions related to public employment. All subsequent legal and regulatory provisions apply to them, without their being entitled to any acquired right to benefit from the preceding provisions.

No statistics were provided by the reviewed country.

(b) Observations on the implementation of the article

Lebanon has considered the provision and has relevant measures in the Code of public employees. Article 4, paragraph e) makes it a precondition for public employment that the applicant proves that he has not been convicted for an infamous misdemeanors, which includes bribery and embezzlement. Although only indirectly implied in the law text, the regulation establishes a disqualification to be appointed to the public service once convicted of such an offence.

Articles 89 establishes the possibility to dismiss a judge subjected to disciplinary penalties.

Article 30 Prosecution, adjudication and sanctions

Subparagraph 7 (b)

7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

(b) Holding office in an enterprise owned in whole or in part by the State.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and provided the following Laws as relevant:

Article 4, paragraph H of the Employment Law, that provides that the person nominated for a public position shall submit a copy of his police record proving that he enjoys his civil rights and that no judgment has been passed against him imposing a penalty for committing, or attempting to commit, a misdemeanour or a felony of whatever type. The crimes of theft, robbery, fraud, breach of trust, embezzlement, bribery, rape, intimidation, forgery, use of forged deeds, perjury, false oath, the crimes breaching ethics as provided for in Chapter Seven of the Criminal Code, and the crimes of planting and trafficking drugs are all deemed to be abominable misdemeanours. These provisions apply to the persons who were rehabilitated or benefited from amnesty.

These conditions are required to be met not only when a public position is occupied but also all along the term of employment.

Lebanon didn't provide any example of implementation.

Lebanon provided statistical information on the implementation of the provision under review in enclosed documents:

14, 15, 16, 17, 39, 38, 37, 18, 41 and 41 (Arabic language only).

(b) Observations on the implementation of the article

It could not be clarified sufficiently if the provision of Article 4 in conjunction with Article 1 also concerned the temporary or continuous disqualification from holding office in an enterprise owned fully or partially by the State. Lebanon should consider to expand the procedures of disqualification accordingly.

Article 30 Prosecution, adjudication and sanctions

Subparagraph 8

8. Paragraph 1 of this article shall be without prejudice to the exercise of disciplinary powers by the competent authorities against civil servants.

(a) Summary of information relevant to reviewing the implementation of the article

7. Lebanon confirmed that it fully implemented this provision of the Convention and provided the following Laws as relevant:.

Article 61 (Criminal Liability) of the Employment System provides that:

- 1- Any employee who is found that his acts represent a crime punishable by the Criminal Code and the other applicable laws shall be referred to courts.
- 2- If the crime arises out of job duties, the employee shall not be prosecuted unless an approval is given by the administration for which the employee works.

3-The public right case shall not be raised by means of a direct personal claim, and the Public Prosecution shall obtain the approval of the related administration prior to prosecution if the crime arises out of job duties.

4-If a conflict arises between the Public Prosecution and the competent administration regarding the description of a crime, i.e., whether or not such crime arises out of job duties, the matter shall be raised to the Civil Service Board for adjudication thereon if the employee falls in the scope of its authority. Meanwhile, if the employee works for a circuit that does not fall in the scope of authority of the Civil Service Board, the matter shall be finally and conclusively adjudicated on by the competent administration.

5- The public right case is separate from the disciplinary action. The public right case cannot prevent either the filing of, proceeding with and/or adjudicating on a disciplinary action.

Article 62: Civil Liability

"If an employee, in the course of or due to performing his job duties, commits an act causing harm to a third party, the liability for the employee's act vis-à-vis the third party shall be borne by the State. If adjudicated that disruption or damage is caused by the State, that State may charge the employee of causing such disruption or damage if it is believed that he committed material fault that could have been avoided"

Article 2 of the Code of employees: Legal status

Civil servants are subject to the legal and regulatory provisions related to public employment. All subsequent legal and regulatory provisions apply to them, without their being entitled to any acquired right to benefit from the preceding provisions.

Article 54: Disciplinary responsibility

A public employee is responsible from a disciplinary perspective, and he is subject to disciplinary sanctions if he intentionally or inadvertently fails to perform the duties set out by the laws and regulations in force, particularly as regards the duties stipulated by Articles 14 and 15 of this legislative decree. Disciplinary prosecution does not preclude prosecuting this employee when necessary in the competent civil or criminal courts.

Lebanon provided the following examples of implementation:

Referral of the Case of Corruption to Courts by the Central Inspectorate

1-Manipulation of Hospital's Invoices

Whereas, it is found that the pharmacist stated that the medicine was taken from the pharmacy to the patient on the basis that he had access to the hospital on... and left it on ..., while the actual date of leave –according to the computer data and the file deposited with the hospital- was ...,

Whereas, this act is considered to be a fraud and swindle, and could interpret the shortage suffered by the hospital,

Whereas, it is found that the pharmacist stated that the main reason for the very low purchase rate of medicine during the period between ...and ..was due to the companies' rejection of providing the hospital with any type of medicine and that medicine is provided to the patients through drug stores disbursing small quantities of medicine against cash,

Whereas, this interpretation is illogic, given that the hospital still operative and the number of patients has only been reduced at low rate, which reveals that the purchased medicine is misused and illegally disposed thereof,

2- Forging a Decision Intended to Amend Classification of Real Estates

Whereas, it is clear from the investigation that the Public Directorate deposited with the Chairmanship of...Board via fax Decision No..., issued on, which provides for amendment of the classification of Real Estates Nos. ..., Real Estate Region of .., without reverting to the Board for the matter of the real estates,

Whereas, ...indicated in his letter no..., dated..., as referred to herein above, that his review of the entries and documents at hand reveal that Decision No. .., dated ... was subject to forgery both in form and on the merits and that such forgery included a change in the number of the minutes, the subject of the decision as well as the form and merits of the schedule of the session held on such date,

Whereas, investigation reveals that the Deputy Head of ...Department at the General Directorate, Mr...., stated that the Head of ...Municipality deposited with the General Directorate a copy of the forged Decision and that the Central Inspectorate requested, by virtue of its decision no. ..., dated..., the General Inspectorate to elaborate the investigation to this effect,

Whereas, it was found that the documents under complaint as regards its validity are related to classification of two buildings nos..., Real Estate Region, owned by Mr. and building no..., Real Estate Region, owned by Mr....,

Whereas, the Municipality Board Member in ...Municipality has obtained a copy of Board Decision No..., subject to this case, from ... during his presence in a real estate office located in ..county and managed by a person from, and that the Public Prosecution conducted investigation with the said persons,

Whereas, investigation did not find that the General Directorate's engineers are ever related to the forgery of the Decision or the related documents or decisions issued by ...Ministry, which denies any vocational liability on the part of the said employees vis-à-vis this authority,

Whereas, forgery represents a crime punishable by the Lebanese Criminal Code,

Whereas, investigating third parties other than the said employees falls out of the scope of authority of the Central Inspectorate,

Whereas, is case is thus falls in the scope of authority of the Public Prosecution, which required that the Public Prosecution be provided with a copy of the investigation file,

Whereas, it is required that a court judgment be issued adjudicating on matters based on its requisites,

Therefore, after deliberation and under the circumstances of the case, it is hereby ruled that ...shall have the investigation file deposited with the Public Prosecution.

3-Loss of Assets of Official Institution

Whereas, in the process of transporting the assets and fixtures of ...office, it was found that some assets were missing,

Whereas, the management of the institution conducted the required investigation with the inventory and takeover committees and undertook the appropriate disciplinary actions against the violators by virtue of decisions issued by the general manager ofinstitution, which require that the case of this entity be archived,

Whereas, a number of invoices- related to an imperst (long-term advance) paid to Mr..., Head of ...Department- was found to have not included the legally required documents, especially the copies of the I/Ds of the labourers who were assigned to transport the assets and fixtures as well as the signature of the official in charge of disbursement of the fund payable to them,

Whereas, investigation did not hear the statements of the said labourers to confirm the validity of the procedures undertaken for transporting the assets and fixtures from ..office to the other administrative units,

Whereas, it is clear the institution's management has referred the file of losing some assets to the competent summary court, which requires that the file be deposited with the public prosecution in support of investigation currently conducted into the matter,

Therefore, after legal deliberation and under the circumstances of the case, it is hereby Ruled that:

- 1- The file is to be deposited with the Public Prosecution in support of the currently conducted investigation into the matter.

4-Acceptance of Bribe

Whereas, the investigation conducted by the public inspectorate of ...institution concluded that Mr., an employee in ...circuit, contacted the controller of ...circuit to inform him that the driver of Mr... will call him (the controller) to inspect two meters in ...area to find means for reducing the consumption rate, claiming that the two meters were damaged,

Whereas the employee, Mr.... prepared vouchers nos... considering that the two meters have actually been damaged without prior inspection thereof according to the principles and further replaced the two meters in illegal manners through the employee incircuit Mr..... who explicitly admitted his fault before the General Inspectorate,

Whereas, it was found that the employee in ...circuit Mr..... has changed the digitizer (subscription enumerator) in ..area, separated the cleats from the connectives box to reduce the registration of the consumption rate in return of US\$ 300 (Three Hundred United State Dollars), (received from Mr.... who denied this act although it was confirmed by the General Inspectorate onusing its various and confirmed methods,

Whereas, the employee at the secretariat of ...circuit has applied fraudulent methods to use Messrs. ... who are employed at ...circuit to perform illegal acts to obtain personal gains against the public interest,

Whereas, this employee declared that he received a cheque of US\$ 6000 from the occupant of the building Mr....., and then returned the cheque after the matter was discovered,

Whereas, the General Inspectorate at ..Institution proposed that the penalties of delaying his promotion, transferring him to circuit and taking disciplinary action of three days deduction from his salary be applied to the employee Mr., and that a penalty of 15-day unpaid suspension be applied to the employee Mr....., in accordance with the disciplinary system applied by the Institution,

Whereas, the penalties proposed by the General Inspectorate are insufficient, which require that the Labour Office be notified to refer the employees, named in this decision, to High Disciplinary Authority to review the potential of aggravating their penalties in addition to depositing a copy of the file with the Public Prosecution,

Therefore, after deliberation and under the circumstances of the case, it is hereby **Ruled** thatInstitution shall be requested to refer Messrs.... to the High Disciplinary Authority and a copy of the file be deposited with Public Prosecution.

5-Manipulation of Certificate of Origin

Whereas, it is clear from the affidavit of ...Department that Certificate of Lebanese Origin No. .., dated ... is related to "domestic wheat", not "check peas", and that the weight of load is 100.000 kg (One Hundred Kilograms of Wheat), not the weight stated in the suspected certificate of origin which states that the load is 30.090 kg of check peas,

Whereas, it is found that the names of both the supplier and the exporter are the same in the original and the suspected certificates of origin,

Whereas, the controller, ..office, has prepared the data of the transaction on the basis of exportation of check peas to ...Republic, without adding to the transaction's documents any agricultural health certificate based on lab analyses allowing for exporting this type of goods and consuming same, in accordance with Ministerial Decree No..., dated ..,

Whereas, this incident was confirmed by the statement of the said controller when interrogated and by the fact that no health certificate was issued by the quarantine centre for the transaction under investigation,

Whereas, the acts of the controller, as referred to herein above, represents a violation of the provisions of Article 14 of Legislative Decree No. 59/112, as amended (Employees System),

Whereas, this violation holds him vocationally liable and that his statements in the interrogation minutes and other written defence cannot release him from such liability, which require that this controller be subject to appropriate vocational arrangements in accordance with the provisions of Articles 54 and 55 of Legislative Decree No. 59/112, as amended (Employees System),

Whereas, the employee Mr... was found to have kept the documents related to Statement No. ..., contrary to the principles, and that the evidences available in the investigation refer to the possibility that the employees in ... have jointly or severally handed over the said documents,

Whereas, power to investigate falls out of the authorities of the Central Inspectorate, which require that the Directorate be recommended to conduct investigation with respect to the violations hereby claimed to have been committed by the said employees and to deposit with the Central Inspectorate the results of such investigation,

Whereas, it is found that the main beneficiary of manipulating certificates of origin nos. ... is...,

Whereas, indentifying the liability of manipulators and those who participated in manipulation requires legal proceedings and investigations that do not fall in the scope of authorities of the Central Inspectorate,

Whereas, the Minister has previously referred the case file to the Public Prosecution, which require that a copy of the investigation file be referred to the Pubic Prosecution in support of its currently conducted investigations,

Therefore, after deliberation and under the circumstances of the case...

6-Acceptance of Bribe

Whereas, it is found that Mr. ..who has been acting as official inarea one year ago and a distribution controller in ..Institution executed a subscription application submitted by Mr. and accordingly extended a line of 1300 Meter in length from the public network to Mr. ..'s house,

Whereas, this employee obtained from the beneficiary (applicant) an amount of US\$ 2000 in return for the extension services, without undertaking the administrative procedures and without reporting his management on the results of his services rendered to the house of Mr....,

Whereas, the employee has not obtained the approval of his management to extend the line on the account of the applicant,

Whereas, these services should have been made under supervision of the works department, not the control and distribution department, which indicates that the said employee has misused his position and exceeded the limits of his authorities to obtain illegitimate gains,

Whereas, it is found that the head of controllers of ...circuit in ...Institution, Mr...is the employee who submitted ordinary application for subscription in favour of Mr...., inspected building no...., extended a line for 370 Meter in length starting from the public network to the

house of Mr...., and then reported this management that said house is only 20 meters far from the network,

Whereas, the said employee obtained from the beneficiary an amount of US\$ 2300 by virtue of cheques drawn on his name in return for executing the said services which were rendered even prior to submission by Mr... of an official subscription application,

Therefore, Mr. shall, under these circumstances, have misused his position and exceeded the limits of his authorities to obtain illegitimate gains.

Whereas, the acts made by Messrs.... represent a violation of the provisions of Articles 12 and 13 of Decree No...., (Employees System in ...Institution) and the provisions of Memorandum No... issued by the General Manager of the Institution on ... as regards the assignment of duties of ...circuit, and accordingly hold them vocationally liability for these violations,

Whereas, the contents of the interrogation minutes of both Mr... and Mr.... and their written defences cannot release them from liability, which require that vocational arrangements be taken against them in accordance with the provisions of Article 56 and 57 of Decree No.... (Employees System of ...Institution), and

Whereas, this acts fall under the provisions of the Criminal Code, which require that the file be deposited with the Public Prosecution,

Therefore, after deliberation and under the conditions of the case,

7- Misuse of Position and Forgery of Receipt

Whereas, it is clear from the file documents that Messrs ... stated in their complaints that a conflict arose out of a pathway nearby Building No....,

Whereas, this pathway separates between Building No.. and Building No.., which are privately owned properties,

Whereas, Messrs... moved to the buildings circuit and accidentally met with an employee in the said circuit, i.e., Eng..., who offered his assistance to accomplish their transaction by procuring a deed permitting the construction of a parapet for building no. ..and accordingly settle the conflict,

Whereas, these services were offered to be rendered in return for payment of US\$ 2500,

Whereas, investigation reveals that Mr...., as agent for ...association, submitted an application to obtain permission to construct a parapet for building no..., and this application was recorded incircuit under no. .. and included a signature of Eng... in her capacity as a self-employed engineer supervising the construction of the parapet,

Whereas, this application was referred on ... by the head of the First Group in ...Circuit to Eng.... who concluded on... , i.e., one day thereafter, to proceed with the license as no violation exists in building no..and in the common area between building no... and building no..., and a document was accordingly issued permitting construction on..,

Whereas, it was found that on ... the owner of building no., ...municipality, sent a letter claiming removal of a trespass in a private common pathway nearby common building no..., as a result of constructing a parapet besides building no...,

Whereas, this application was recorded under no... and referred to Eng...onwho stated on ..., i.e., one month and more thereafter, that it is not possible to learn whether or not a trespass was committed except in light of a map demarcating the limits of the building,

Whereas, this map was provided by the applicant according to the principles and the trespass was proven to have been committed,

Whereas, the said trespass was removed by the owners of building no..., by virtue of technical minutes no., dated .., which require that the case be archived in this part,

Whereas, it was found that the employee inmunicipality, ...circuit, i.e., eng... exceeded the limits of his occupational authorities and misused his position,

Whereas, this engineer acted as a mediator between Eng.... (through her brother Mr...) and Mr. .. for the purpose of accomplishing the transaction of permitting the construction of the said parapet for building no..., and that Eng....was delayed in his response regarding this transactions, and signed a receipt of US\$ 2500 as fees for accomplishing the transaction required by Mr. ...as referred to herein above,

Whereas, this receipt was signed in the name of Mr..., which represents a violation of the provisions of Articles 13 and 14 of Municipality Employees Regulations and thus holding him vocationally liable,

Whereas, it was not found in the interrogation minutes of Eng. Mr..., ...Department, ...Circuit, and in his written defence any pleas releasing him from liability, which require that vocational arrangements be undertaken against him in accordance with the provisions of Articles 51 and 52 of the Employees System,

Whereas, the violations committed by the said engineer falls under the provisions of the Lebanese Criminal Code, which require that the file be deposited with the Public Prosecution,

Whereas, a number of engineers in ...Department,Municipality, have intervened in the said transaction and such intervention falls out of the scope of their authorities and accordingly causes prejudice the reputation of their management,

Whereas, permanently assigning engineers to certain real estate groups paves the way for creation of personal relations between the engineers and the beneficiaries, which accordingly affects the impartiality and subjectivity of the employees in work,

Whereas, this requires that the Municipality be recommended to issue a circular to all its employees claiming that they should not intervene in any transaction in a manner falling out of their authorities and that the engineers be acting in periodical shifts and in swaps between them thus ensuring impartiality and subjectivity of work,

Therefore, after deliberation and under the circumstances of the case,....

8- Takeover Committee Members' Preparation of Unrealistic Reports and Insertion of Members' Signature without their Knowledge

Whereas, it is found that the takeover committee members, Messrs..., prepared reports which were contrary to reality, stating that the transacted works are performed in accordance with the special conditions note, that the planted trees are in good condition and free of dried leafs and that it is permissible to disburse the entitlements of the entrepreneur,

Whereas, it was proven in the investigation that there were various defects and faults staining the execution of works and that the poplar trees were in some areas suffering dryness, contrary to the data of the final takeover committee's minutes dated ... and ...,

Whereas, it was further proven that only 3251, out of 18.000, planted poplar trees were still alive and that 2000 poplar trees were not planted in the area,

Whereas, these facts indicate that the takeover committee members failed to fulfil their assigned duties, including the failure to examine the entire work sites,

Whereas, this holds them vocationally and financially liable and entail that appropriate vocational and financial measures be undertaken against them in accordance with the provisions of Employees Law, as amended,

Whereas, it is found that the technical inspection committee assigned for execution of the forestation works of the gardens and public roads in ...Governorate, (which was formed under Decree No..., dated..., under chairmanship of.. and with membership of ...), failed to properly supervise the plantation of the trees and neglected to fully review conditions note no. ..., including the technical specifications of the trees, their irrigation, and the distance between each tree and the other,

Whereas, the committee's takeover of incompletely executed works according to the principles holds the committee's chairman and members liable for breach of their vocational duties,

Whereas, the executed works were incompliant with the specifications referred to herein above, which caused harm and financial damage to the public funds,

Whereas, this failure requires that Messrs... be referred to the Accountancy Bureau under article 60 of the related regulatory law and to its public prosecution,

Whereas, inserting the signature of Messrs... in the committee's minutes dated.... without their knowledge represents an act punishable by the Criminal Code, which requires that the file be deposited with the High Public Prosecution for review on whether or not the crime elements have been met in this case and to undertake the appropriate proceedings to this effect,

Therefore, after deliberation and under the circumstances of the case,...

9- Cheat in Official Exams

Whereas, in the course of the Educational Public Inspectorate's follow up of the official exams for the general education certificates, and, on, while the competition documents are assorted and reviewed for declaring the initial results of exceptional course of the year, the reviewers found, when reviewing the documents of some candidates for the ordinary and exceptional courses, that the Arabic and English handwriting is not identical in the two course,

Whereas, some candidates were found to have applied for the ordinary French course as a foreign language, while they were found to have also applied for the exceptional course of the English language,

Whereas, the General Educational Directorate prepared a schedule of the said candidates including those who bear the following numbers..., and their results were declared,

Whereas, these facts show that other candidates have impersonated the original candidates and applied in their names for these official exams with the aim of facilitating their success therein,

Whereas, this attitude holds them liable under the Criminal Code and is deemed to be cheat in official exams discovered after the results are declared, which require that the file be deposited with the Public Prosecution to complete investigations and that the Ministry of High Education, General Education Directorate, be recommended to apply the provisions of Article ...of Decree No..., dated... (Official Exams System) for the two certificates with their four branches according to the new curricula,

10- Suspicious Transactions and Violations in Pubic Institution

Whereas, it is clear from the results of investigation that the ex-general manager, Mr..., has mismanaged the public transportation utility by conducting suspicious transactions in large amounts for purchase of spare parts of transportation buses (Karosa),

Whereas, this type of buses has structural defects, thus causing risks to the public safety,

Whereas, the annual maintenance costs of these buses reached approximately US\$ 3000 per bus, and the buses have been entirely broken down after expiry of ten years period, which caused harm to the public funds,

Whereas, the said ex-general manager has neglected to take effective control over his subordinates, labourers, takeover committee members, warehouse inventory committees and the central warehouse secretariats, in violation of the regulations of labourers system, financial system and warehouses and materials accounting system,

Whereas, the investigation revealed that suspected transactions were concluded for gaining financial benefits and that a number of invoices were forged and issued in highly exaggerated

amounts, which require that the case file be deposited with the high public prosecution to undertake the appropriate legal proceedings in addition to the investigations conducted by the Financial Public Prosecution regarding this matter,

Whereas, other violations were found, duly materialized in the failure to keep and maintain stockpiling cards for some types of card-registered goods, to properly handover these goods using the cards, to record the data on the cards, to have the fuel oil takeover coupons signed by ... refinery and to have the fuel oil takeover coupons signed in Beirut which represents a violation of Law, to takeover temporary lists from ...company and refer same to the General Directorate for analysis and then to the Accountancy Department for disbursement which represents a violation of the principles, and to assign a takeover committee regarding the reports and technical studies submitted by the said company to clarify the scope of feasibility of such entrepreneurship,

Whereas, all these acts require that a copy of the file be deposited with the Accountancy Department for review by its public prosecution and that the Ministry be recommended to review the financial and investment systems applied todepartment and to set a general plan to develop this sector from the structural and organizational perspectives and to train the staff employed therein, ...

11- Assortment of Not-Fully-Constructed Buildings

Whereas, Mr.... has assorted two blocks in the marked sections according to the granted license, however, the two block were found to be contrary to reality as all levels were assorted in the section marked "F" in block no..from the first lower floors "downstairs" to the third floor inclusively, and the only constructed part was the first lower floors "downstairs" and the ground floors with pillars,

Whereas, all levels in the section marked "G" were assorted, including the first lower floors "downstairs" to the third floor inclusively, and the only constructed part was the first lower floors "downstairs" and the ground floors with pillars,

Whereas, these facts reveal that the technical assistant in the Survey Circuit, Mr...., has not accurately and honestly conveyed the real image of construction of Building No. ..., which resulted in the issuance of a real deed for sections that do not really exist in violation of the provisions of Article ... of Legislative Decree No...., as amended, (Employees System),

Whereas, Mr.cannot be questioned due to termination of his services for having reached the age of retirement,

Whereas, it is found that the real-estates registrar was at that time Mr....and that he certified the said assortment on ..., and accordingly such certification was recorded in the real estate gazette,

Whereas, the contents of all sections were surveyed and a phrase of "under construction" was added, as described in the assortment minutes,

Whereas, there was, nevertheless, a contradiction between the assessment affidavit issued bycircuit on ...and the technical minutes prepared by the technical assistant Mr.... for the second and third floors licensed in block..., with respect to the sections marked in the technical minutes from .. to,

Whereas, the sections of the block were marked in spite of the lack of assessment for such block, in contradiction to the provisions of Article ...of Decree No...., dated,

Whereas, Mr. ...cannot be vocationally questionable regarding such violations due to termination of his services as public employee for reaching the age of retirement,

Whereas, the surveyor in the civil planning circuit, Mr..., has inspected building no../.. according to the application submitted by the building owner for renewal of the building license, and stated that the block is fully constructed, that the second lower floors "downstairs" in the sections part and the first lower floor "downstairs" in the building have

been constructed and that the first lower floors "downstairs" and the ground floor with pillars in the Block which is composed of F and G have also been constructed,

Whereas, the Civil Planning Circuit has re-inspected the said building and found that block A and B have been fully constructed, while the remaining blocks from ... to ... have not been fully constructed and that nine sections were assorted and recorded in the real estate gazette but were not existing in reality,

Whereas, Mr..... cannot be questionable for these violations due to termination of his services as public employee for reaching the age of retirement,

Whereas, the inability to hold the said ex-employees vocationally questionable due to termination of their services as public employees cannot preclude them from being held criminally liable, which require that the file be deposited with the high public prosecution in accordance with the provisions of Article

(b) Observations on the implementation of the article

Articles 54, 61 and 62 clarify that the criminal process exists without prejudice of the exercise of disciplinary powers by the competent authorities against civil servants.

Initial observations of the Reviewing team were that the provided article of the Employment System Act was not sufficiently clear to fully comply with the Article 30 Para. 8 which requires that all categories of public officials whether holding a legislative, administrative, executive or judiciary office are subjected to the exercise of disciplinary powers, in case of commission of any corruptive offences envisaged in the UNCAC. However, during the review and country visit, the authorities referred to the scope of public officials defined by the Article 2 of the Code of Employees as applicable.

Article 30 Prosecution, adjudication and sanctions

Paragraph 10

10. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

8. Lebanon considered that it partly implemented this provision of the Convention and provided the following information:.

The Ministry of Justice is in the process of preparing the cultural and occupational programs with the aim of improving the conditions of prisoners and qualifying them to be naturally involved in the society after expiry of their imprisonment periods. These programs include a literacy program and informatics learning and training courses. Programs further include the opening of mechanical workshops to repair cars and other machines used by the internal security forces, and dressmaking and garnishment workshops for ladies. This is in addition to the other professions and handcrafts.

Lebanon didn't provide any example of implementation and any statistical information.

Further, Lebanon outlined the steps or action with related timeframe that domestic or other authorities would need to take to ensure the full implementation of the provision under review:

The Anti Corruption Ministerial Committee is in the process of studying an overall plan for all the steps and procedures required to be undertaken by the authorities to ensure full execution of the present judgment.

(b) Observations on the implementation of the article

Lebanon currently has no dedicated programme in place focusing on the reintegration of offenders into society. However, as provided in the information above, the country is currently in the process of preparing specific programmes. The reviewing experts encourage the authorities to continue with the efforts to adopt and implement such reintegration programme.

(d) Challenges, where applicable

9. Lebanon has not specified challenges and issues in implementing the provision under review:

(e) Technical assistance needs

10. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *No assistance would be required;*
2. *Summary of good practices/lessons learned;*
3. *Model legislation; ;*
4. *On-site assistance by an anti-corruption expert;*
5. *Development of an action plan for implementation;*
6. *Other assistance (please specify).*

Lebanon has received the following form of technical assistance from the European Unit

The Crimes and Drugs Combat Office in Beirut provided significant assistance in this respect. It has also automated the registries of the prisoners and provided a fully equipped "oven" to produce bread inside the premises of Romaic Prison, which is the central prison in Lebanon.

Article 31 Freezing, seizure and confiscation

Subparagraph 1 (a)

1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:

(a) Proceeds of crime derived from offences established in accordance with this Convention or property the value of which corresponds to that of such proceeds;

(a) Summary of information relevant to reviewing the implementation of the article

Lebanese authorities referred to the following articles of the Criminal Code as applicable:

Article 69: Without prejudice to the rights of bona fide third parties, all the elements resulting from, or used for committing, an intentional misdemeanour or a felony may be confiscated. Such elements may also be confiscated in an unintentional misdemeanour or contravention, if the law contains an explicit provision requiring so. If the elements that should be confiscated are not captured, the condemned shall be granted a grace period to handover these elements, or to pay their value as appraised by the judge. The Court, if required, may resort to an expert to appraise the value of the elements required to be handed over, and their value may be collected in the manner applied for collection of fines.

Article 98: Confiscated elements shall be the elements that the manufacture, sale or use of which is illegitimate. Such elements shall be confiscated even if they are not owned by the defendant or the condemned or the person whose prosecution has not resulted in a judgment. If the elements that should be confiscated are not captured, the condemned or the defendant shall be granted a grace period to handover these elements, or to pay their value as appraised by the judge. The Court, if required, may resort to an expert to appraise the value of the elements required to be handed over, and their value may be collected in the manner applied for collection of fines.

Lebanon provided the following examples of implementation related to Seized Funds Arising out of Criminal Acts:

- The Australian Case: A sum resulting from money laundering was frozen and recovered in favour of Australia, in accordance with the mutual cooperation principles.
- The Iraqi Case: A sum resulting from corruption and embezzlement of public funds after the collapse of the previous Iraqi regime was frozen and recovered, in accordance with the UN Resolutions.
- The Tunisian Case: A sum resulting from corruption and embezzlement of public funds claimed to have been obtained by the previous President of Tunisia was frozen and recovered, in accordance with the UN Resolutions.
- The Libyan Case: A sum related to the previous Libyan regime was frozen.

The authorities further referred to the previous paragraph in relation to the information on the number and types of cases in which proceeds were confiscated.

Further, Lebanon outlined the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review:

Namely, after the seizure and freezing procedures of the crime-related assets are finalized, an execution order must be obtained for the foreign judgments and the seizure and seizure decisions. Obtaining an execution order is a summary procedure, given that the issuance of such execution order is only requested after confirming that the decision requiring it is legitimate and that the decision conforms to the terms and conditions contained in the domestic law.

(b) Observations on the implementation of the article

The right to confiscate all the elements resulting from, or used for committing, an intentional misdemeanour or a felony is regulated in articles 69 and 89 of the C

Authorities also referred to the Article 214 of the Criminal Code that regulate police authorities on use of weapons, ID search, arrest and assets seizure if assets are forbidden.

Also, according to the Article 217 of the same law, they are authorised to arrest persons upon judicial order.

In light of information provided the reviewing team concluded that UNCAC provision under review has been adequately implemented.

Article 31 Freezing, seizure and confiscation

Subparagraph 1 (b)

1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:

(b) Property, equipment or other instrumentalities used in or destined for use in offences established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon referred to the above mentioned Articles 69 and 98 of the Criminal Code as relevant for this provision.

Article 69: Without prejudice to the rights of bona fide third parties, all the elements resulting from, or used for committing, an intentional misdemeanour or a felony may be confiscated. Such elements may also be confiscated in an unintentional misdemeanour or contravention, if the law contains an explicit provision requiring so. If the elements that should be confiscated are not captured, the condemned shall be granted a grace period to handover these elements, or to pay their value as appraised by the judge. The Court, if required, may resort to an expert to appraise the value of the elements required to be handed over, and their value may be collected in the manner applied for collection of fines.

Article 98: Confiscated elements shall be the elements that the manufacture, sale or use of which is illegitimate. Such elements shall be confiscated even if they are not owned by the defendant or the condemned or the person whose prosecution has not resulted in a judgment. If the elements that should be confiscated are not captured, the condemned or the defendant shall be granted a grace period to handover these elements, or to pay their value as appraised by the judge. The Court, if required, may resort to an expert to appraise the value of the elements required to be handed over, and their value may be collected in the manner applied for collection of fines.

The authorities also referred to the above mentined examples of implementation. .

Lebanon didn't provide specific information on the amount/types of property, equipment or other instrumentalities confiscated.

Lebanon didn't provide information on recent cases in which such confiscations took place. Lebanon outlined the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review:

(b) Observations on the implementation of the article

During the country visit authorities further clarified the scope of cited Articles 69 and 98 of the Criminal Code, namely the terms "elements resulting from, or used for committing..." and the reviewing team concluded that it fully complied with the terms "property, equipment or other instrumentalities used in or destined for use" from the provision under review.

Article 31 Freezing, seizure and confiscation

Paragraph 2

2. Each State Party shall take such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention.

The country under review provided the following laws:

Law No. 547/2003 was amended by Law 32/2008 which includes as a predicate offence all corruption crimes as per the UNCAC:

“Unique Article:

The Special Investigation Commission established pursuant to Law 318 of April 20, 2001 on Fighting Money Laundering, has the exclusive right to freeze and lift banking secrecy on bank accounts, in accordance with the anti-corruption agreements and laws in force, particularly the United Nations Convention against Corruption, provided the procedures specified in Law 318 are adopted.”

The Anti-Money Laundering Special Investigation Authority in the Bank of Lebanon is the entity empowered to lift bank secrecy and freeze accounts in the entire banks of Lebanon if a suspicion of money laundering is present. As regards real properties, the Real Estate Register could be reviewed to know their owners, location and the means of transfer of their ownership.

The Units Annual Reports and further information can be found online in Arabic and English language. <http://www.sic.gov.lb/reports.shtml>

Lebanon provided the following examples of implementation:

Out of 150 requests raised to the Special Investigation Authority referred to herein above, bank secrecy was lifted in respect of at least 26 cases.

Frozen accounts

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>
<u>Nb. Of cases frozen</u>	25	12	17	54
<u>Nb. Of Accounts Frozen</u>	90	153	29	272
<u>Amounts</u>	Millions of USD			

Lebanon also provided information on the cases and amount of money/value of property frozen or seized:

- The Australian Case: A sum resulting from money laundering was frozen and recovered in favour of Australia, in accordance with the principles of mutual cooperation.
- The Iraqi Case: A sum resulting from corruption and embezzlement of public funds after the collapse of the previous Iraqi regime was frozen and recovered, in accordance with the UN Resolutions.
- The Tunisian Case: A sum resulting from corruption and embezzlement of public funds claimed to have been obtained by the previous President of Tunisia was frozen and recovered, in accordance with the UN Resolutions.
- The Libyan Case: A sum related to the previous Libyan regime was frozen.

Authorities also referred to the Article 214 of the Criminal Code that regulate police authorities on use of weapons, ID search, arrest and assets seizure if assets are forbidden.

Also, according to the Article 217 of the same law, they are authorised to arrest persons upon judicial order.

Lebanon didn't outline any further steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

The reviewing team noted the information provided and reference to the Anti money laundering legislation and special authority in the Bank of Lebanon and concluded that the scope of the powers of the FIU to trace and freeze funds had been expanded to include not only money-laudnering but also corruption offences (see also FIU Annual Report 2013, pages 20 and 62).

Further article 214 of the CC was referred to, if the asset was not only supposedly resulting from corruption, but also illegal/forbidden.

The reviewing team concluded that UNCAC provision under review was implemented.

Article 31 Freezing, seizure and confiscation

Paragraph 3

3. Each State Party shall adopt, in accordance with its domestic law, such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property covered in paragraphs 1 and 2 of this article.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referred to the following laws as applicable:.

Article (8) of Money Laundering Law No. 318/2001 provides that:

1- The Authority shall convene immediately upon receiving information from the concerned persons referred to in Article 7 herein above or upon receiving information from official Lebanese or foreign authorities.

2- After confirming the validity of the information received, the Authority shall, within a grace period of three business days, issue a temporary decision freezing the suspected account(s) for a period of five days that may be renewed only for one time if the fund source is still unknown or if suspected that such funds arise out of money laundering crime. Within the said grace period, the Authority shall conduct investigations into the suspected account(s) either directly or through a delegate from its members or officials in charge or through its secretary or a person to be appointed from among its watch plenipotentiaries. All those persons shall carry out his duties on the condition of abiding by the condition of secrecy and without prejudice to the provisions of the Bank Secrecy Law issued on 3/9/1956.

3- After investigation is conducted, the Authority shall, during the grace period of freezing the suspected account(s), issue a final decision either to release the account(s) if found that such account(s) is/are not related to any illegitimate source or lift the bank secrecy as regards the suspected account(s) and resume freezing same. If the Authority does not issue a decision after expiry of the grace period referred to in Paragraph Two herein above, the account shall be deemed to be legally released. The Authority's decision shall be subject to no ordinary or extraordinary, administrative or judicial appeal, given that such appeal shall be interpreted as exceeding of power.

4-If approved that the bank secrecy is lifted, the Authority shall send a true copy of its final reasoned decision to the High Public Prosecutor and the High Banking Authority, addressing their chairmen, to the beneficiary (beneficial owner), to the concerned bank and to the concerned foreign entity, either directly or through the reference entity through which the information was received.

Lebanon further provided the following examples of implementation:

With respect to the movables (chattels), seizure shall take place under supervision of courts, whereupon a receiver shall be appointed to supervise, manage and maintain these movables until court judgments are issued to this effect. As regards the frozen account(s) with banks, such account(s) shall remain as is(are) without any disposition or management thereof until court judgments are issued to this effect. As regards the real estates, these assets shall be marked with "Restrained and Seized" in the real estate registry.

Lebanon also provided the examples of Tunisian and Libyan funds that were frozen in relation to the administration of frozen, seized or confiscated property :

(b) Observations on the implementation of the article

Taking into consideration initial comments by the reviewing team that the cited legislation dealt mostly with legitimacy of bank accounts, during the country visit Lebanese authorities referred also to the rules in the Criminal Procedure Code, by which a judge will nominate a guardian who will manage the property in accordance with judicial order. Authorities also indicated that notwithstanding the effective management of seized assets under the current legislation, the efforts have been taken to adopt the special law on management and disposal of seized and confiscated assets.

In light of information provided the reviewing team concluded that UNCAC provision under review has been partially implemented and recommend to strengthen the administration of frozen, seized or confiscated property.

Article 31 Freezing, seizure and confiscation

Paragraph 4

4. If such proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referred to the following provisions of the Criminal Procedure Law as relevant.

Article 69: Without prejudice to the rights of bona fide third parties, all the elements resulting from, or used for committing, an intentional misdemeanour or a felony may be confiscated. Such elements may also be confiscated in an unintentional misdemeanour or contravention, if the law contains an explicit provision requiring so. If the elements that should be confiscated are not captured, the condemned shall be granted a grace period to handover these elements, or to pay their value as appraised by the judge. The Court, if required, may resort to an expert to appraise the value of the elements required to be handed over, and their value may be collected in the manner applied for collection of fines.

Chapter Two: Preventive seizure (*Saisie conservatoire*)

(As amended by Legislative Decree No. 866-20, dated 23/3/1985)

The creditor may request the Head of the Execution Circuit to order a preventive seizure on the debtor's funds to guarantee the debts due to the creditor. However, such seizure shall not be ordered to guarantee a debt that has not yet been payable or pending a condition that has not yet been fulfilled, except for certain cases provided for in Article 111 of the Requisites

and Contracts Law. If the debt is not documentarily proven, the Head of the Execution Circuit may order such seizure if he has evidence proving the existence of such debt.

Article 867- (As amended by Legislative Decree No. 20, dated 23/3/1985)

The request for seizure is submitted by means of a petition duly accompanied by the debt deeds and any other documents required. If the debt is not defined in terms of amount, the Head of the Execution Circuit shall assess the debt temporarily, provided that such assessment shall include the principle debt, the interest thereon, another one year interest not fallen due and other forecasted charges and expenses.

Article 868- (As amended by Legislative Decree No. 20, dated 23/3/1985)

The Head of the Execution Circuit shall issue a ruling either imposing or rejecting the seizure or rendering execution thereof pending a bail or a temporary assessment of the debt, without serving prior notice on the debtor. The ruling for rejection of a seizure request shall be subject to appeal within the legally prescribed period and under the principles of orders on petitions (*Ordonnance sur requête*). Meanwhile, the ruling imposing a seizure and temporarily assessment of debts may be appealed against before the judge who made the ruling within a period of five days starting from the date when the ruling was notified. The appeal shall be examined according to the principles of summary cases.

Article 869:

Execution Commissioner shall undertake the acts and procedures required for imposing the seizure on the funds decided to be seized and shall notify the Real Estate Secretariat of such seizure through the assistance office, if such seizure is related to a building, or may notify the official circuits competent for keeping the entries of seized funds or notarizing the related transactions that are currently conducted. He may further notify the debtor of the seizure order after the seizure is ordered. Movable seizure shall be subject to the duly applied principles of executive seizure of chattel. Meanwhile, the seizure of real estates shall be subject to duly applied principles of executive seizure of real estates, except for the principles that do not conform to the nature and/or the object of such preventive seizure.

Article 870- (As amended by Legislative Decree No. 20, dated 23/3/1985)

Seizure shall be forfeited if the seizure petitioner fails to provide his executive deeds or file a case before the competent court to obtain a judgment awarding him the value of the debt under seizure within a period of five days starting from the date on which the seizure decision is issued, unless the petitioner had previously submitted such petition or filed such case. Seizure petitioner shall provide documents proving the proceedings undertaken within a period of five days starting from the date of notifying him in writing to this effect by the Execution Circuit, otherwise the Head of the Execution Circuit shall automatically declare the seizure forfeited. However, the creditor may validly submit an execution petition of debt deed which has not yet been matured in order to avoid forfeiture of the seizure, provided that execution of seizure procedures shall not be undertaken prior to the maturity date of the debt. A copy of the execution petition or the case writ provided for in Paragraph One shall be served on all the circuits to which the seizure decision is notified. Service of execution petition shall take place, at the request of the seizure execution petitioner, through the Execution Circuit or the Court Clerks Department as the case may require. The Execution Circuit shall notify all the seizure forfeiture decision to all the circuits which had previously notified of the seizure decision for the purpose of mark the seizure out as forfeited.

Article 871-

Preventive seizure shall be converted into an executive seizure when an applicable judgment is issued proving the creditor's right. If the seizure is based on a directly applicable deed or instrument, conversion of the seizure shall not take place before the expiry of the period of notice without raising objection against execution.

Article 872-

Transactions of executive seizure shall be normally conducted at the request of the seizure petitioner without the need for imposing any new seizure. The Head of the Execution Circuit shall declare the preventive seizure converted into executive seizure and the Execution Commissioner shall serve notice on the Real Estate Secretariat of such transformation if the attached asset is a real estate or to the competent circuit if the attached asset is an object the disposition of which is subject to registration by the said circuit.

Article 873-

The debtor whose assets are attached may request the Head of the Execution Circuit, vis-à-vis the seizure petitioner, that the seizure be lifted if the debtor submits a surety or a bill guaranteeing the right of the creditor, provided that such surety or bill shall be equivalent in value to the debt under seizure together with its supplements. Surety or bill shall be subject to assessment by the Head of the Execution Circuits in terms of its nature and value.

Article 874-

Seizure may be lifted at the request of the seizure petitioner without the need for notice or summoning the debtor.

Article 875- (As amended by Law No. 529, dated 20/6/1996)

Preventive seizure on movables prevents the debtor from disposing of this property by mean of transfer of ownership thereof or creation of any rights thereon. If the property is in the form of real estates or movables, the related entries and current transactions shall be kept with the official circuits. Nevertheless, the debtor may dispose of his property or create rights thereon or partition same, provided that the new owner of this property or the right acquirer thereof shall bear the results of such seizure or the case related to the debt that caused the seizure. In all cases, the property under seizure may still be used and its proceeds enjoyed until such time when the Head of the Execution Circuit appoints a receiver to administer such property.

Article 876-

If the property under preventive seizure is owned by a third party, the commissioner assigned to order seizure (or garnishment) shall provide this third party with a copy of the seizure or garnishee order and a copy of the seizure or garnishment minutes.

Chapter Three: Merits Seizure

Article 877-

Any person having a privilege or observation right over movables may request the Head of the Execution Circuit in which jurisdiction such movables are located to give permission to order a merits seizure on such movables.

Lebanon didn't provide any example of implementation and any statistical information. The country under review didn't outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

During the country visit it was discussed that the language of article 69 of the CC “all elements resulting from...a misdemeanour or a felony” was deemed sufficiently wide to capture the cases of transformed or converted property. In practice, e.g. if the property was intermingled in part, the value would of the proceeds of crime would be assessed and a preventive seizure could be ordered. In case the value could not be paid, the debt would be settled through the seized property.

In this regard, the reviewing team also took note of the Legislative Decree No. 866-20 dated 23/3/1985 relating to the preventive seizure on the creditor as well as the Head of the Execution Circuit's authority towards imposing or rejecting the seizure or for forfeiture of the seizure.

The review team was satisfied with the explanation provided, but recommends to monitor and assure the wide interpretation of the article to assure also freezing, seizure and confiscation of property that was converted or transformed.

Article 31 Freezing, seizure and confiscation

Paragraph 5

5. If such proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and provided the following:

Lebanese authorities indicated that Law allows seizure at a value exceeding the limits of mixed interests, according to the General Principle of Hypothecation.

Further, Lebanese authorities referred to the following provisions of the Criminal Procedure Law:

Article 887 - Without prejudice to the provisions of Bank Secrecy Law, no entries of a current account shall be garnished separately; however, balance may be garnished. Serving a notice of garnishment on the garnishee shall entail suspension of the account and liquidate same for the purpose of garnishment, which liquidation shall be based on the previously conducted transactions even if such transactions have not been recorded in the account.

Article 888- (As amended by Legislative Decree No. 20, dated 23/3/1985)

Garnishment order and related documents shall be notified to the garnishee without delay. The garnishee shall be assigned to disclose, within five days, the funds or debts maintained and to provide a statement of the movables and the amount or balance of the debts with the

related reasons, conditions, transfers and seizures. The notice of garnishment shall include the provisions of Article 890. The garnishee order and the related documents shall not be notified to the person whose properties are garnished except after the notice of garnishment is first received by the garnishee. The notice of garnishment shall be sent to the garnishee within a maximum period of five days starting from the date of receiving notice instrument. If the garnishee or the persons whose properties are garnished reside outside Lebanon, the notice of garnishment shall be serviced according to the provisions of Article 431.

Article 889- (As amended by Legislative Decree No. 20, dated 23/3/1985)

The garnishee shall prepare its statement of disclosure in the form of a response to the garnishee order duly inscribed either on the garnishment memorandum or the garnishment minutes. It may further be given in the form of a petition or sent in a letter with acknowledgement of receipt within a period of five days from the date of the notice of garnishment. The garnishee shall further provide additional statement of disclosure regarding all the seizures ordered on or transfers made to the debt as well as any damage sustained by the property under garnishment after the date of the first statement, provided that the second statement shall be given within five days from the date of receiving notice regarding the seizure, transfer or damage. The execution commissioner shall notify the garnishor, without delay, of the contents of the statement provided by the garnishee to enable the garnishor to dispute same if required. The original and additional statements of disclosure shall be exempted from any charges of stamp duties.

Article 890- (As amended by Legislative Decree No. 20, dated 23/3/1985)

If the garnishee fails to give the original statement of disclosure within the prescribed period, the latter shall be obliged, vis-à-vis the garnishor, to settle the amount that caused such garnishment, unless the garnishee gives reasons worthy of acceptance at the sole discretion of the court. If the garnishor specifies the amount of the debt under garnishment, the garnishee shall merely be liable for the amount specified.

Article 891- (As amended by Legislative Decree No. 2411, dated 07/05/1992 and Decree No. 3800, dated 6/9/2000)

Both the garnishor and the person whose property is subject to a garnishee order may dispute the validity of the statement of disclosure issued by the garnishee, by means of summoning the garnishee to appear before the competent court in accordance with the general rules. If it is found that the garnishee acts with mala fide, the garnishee shall be subject to a judgment imposing a fine ranging from Twenty Thousand to Two Hundred Thousand Lebanese Lira, without prejudice to the right of the garnishor to obtain compensation for the damage incurred as a result of the garnishee's acts, including the compensation for delay or expenses. If the disputed statement of disclosure is related to movables, the execution commissioner shall, with the permission of the Head of the Execution Circuit, have access to these movables and garnish same. If these movables are, or attempted to be, hidden by the garnishee with mala fide, the garnishee shall be subject to the penalty of embezzlement and damaging of garnished property.

Article 892- Garnishment shall result in: 1- foreclosing the entire property under garnishment which is in possession of the garnishee starting from the date of receiving a notice of garnishment and preventing the garnishee from handing over or paying the garnished property to its creditor or from setting off the debt, 2- preventing the person whose property is subject to a garnishee order from taking over the property or from receiving, extinguishing or reducing the value of the debt, from granting a grace period to his debtor or from disposing of

his garnished property to cause harm to the garnishor, or 3- considering the garnishee as guardian of the property under garnishment. Garnishment shall not prevent the interest from being owed by the garnishee, provided that such interest shall no longer be operative upon deposit. If garnishment is ordered on a registered bond or debenture, the related capital, interest and proceeds shall not be subject to any disposition.

Article 893- The Head of the Execution Department may, at the request of the person whose property is subject to a garnishee order, decide, under the principles applied to summary cases, to limit the garnishment to part of the property that is sufficient to settle the debt. The garnishor shall have privilege over such part of property under garnishment. The person whose property is garnishment partially may settle the remaining part of his property from his debtor.

Lebanon didn't provide any statistical information and didn't outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

During the country visit Lebanese authorities provided further reference to the application of the Article 69 of the Criminal Code as relevant for implementation of the article under review.

In light of all information provided, the reviewing team concluded that UNCAC provision under review has been adequately implemented. (See also observations under article 31, paragraph 4 of the Convention).

Article 31 Freezing, seizure and confiscation

Paragraph 6

6. Income or other benefits derived from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referred to the following provisions of the Criminal Procedure Law:

Article 887 -

Without prejudice to the provisions of Bank Secrecy Law, no entries of a current account shall be garnished separately; however, balance may be garnished. Serving a notice of garnishment on the garnishee shall entail suspension of the account and liquidate same for the purpose of garnishment, which liquidation shall be based on the previously conducted transactions even if such transactions have not been recorded in the account.

Article 893-

The Head of the Execution Department may, at the request of the person whose property is subject to a garnishee order, decide, under the principles applied to summary cases, to limit the garnishment to part of the property that is sufficient to settle the debt. The garnishor shall

have privilege over such part of property under garnishment. The person whose property is garnishment partially may settle the remaining part of his property from his debtor.

Lebanon didn't provide any statistical information and didn't outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

In light of all information provided, also in relation to the interpretation of Article 69 of the CC, the reviewing team concluded that UNCAC provision under review has been implemented.

Article 31 Freezing, seizure and confiscation

Paragraph 7

7. For the purpose of this article and article 55 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or seized. A State Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and provided the following laws as relevant:

Article (2) of the Bank Secrecy Law, dated September 3rd, 1956, provides that: "The managers and employees of banks as referred to in Article One and any other persons having the right to review by any means whatsoever, on the strength of their capacities or posts, any book entries, transactions or bank correspondences, shall be required to keep this data in strict confidentiality for the best interest of the bank customers. They shall not disclose the names, properties and other affairs of the customers which came to their knowledge to any person or any public, administrative, military or judicial authority, unless and until a written permission is given by the concerned person, his heirs or guardians or unless this person is declared bankrupt or if a case is initiated with respect to bank transactions conducted between the banks and their customers."

As regards the remaining registries, whether financial or commercial, these registries shall remain available under the applicable law

Lebanon didn't provide any statistical information and didn't outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

Taking into consideration that even judicial authorities, unless the concerned person gives written permission, are not entitled to have access to the disclosure of the book entries, or any

bank transaction, which are in strict confidentiality, the reviewing team found that such rules fall short of the requirements of the provision in questions and concluded that UNCAC provision under review is not fully implemented.

Article 31 Freezing, seizure and confiscation

Paragraph 8

8. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of such alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the fundamental principles of their domestic law and with the nature of judicial and other proceedings.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referred to the application of general rules in this regard.

Lebanon didn't provide any statistical information and didn't outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

In light of the reference of the Lebanese authorities to the general rules of evidence, the reviewing team concluded that Lebanon did not consider the establishment of such requirement.

Article 31 Freezing, seizure and confiscation

Paragraph 9

9. The provisions of this article shall not be so construed as to prejudice the rights of bona fide third parties.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it fully implemented this provision of the Convention and referred to the provisions of the Requisites and Contract Law providing for the protection of bona fide third parties.

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

During the country visit the content of the relevant law was discussed and cited and in light of all information provided the reviewing team concluded that UNCAC article under review has been adequately implemented. Article 69 of the CC for instance makes direct reference to the rights of bona fide third parties.

(e) Technical assistance needs

11. However, Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *Summary of good practices/lessons learned;*
2. *Model legislation;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 32 Protection of witnesses, experts and victims

Paragraph 1

1. Each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referred to the draft Corruption Detectors Protection Law which according to the authorities is under review of the Parliamentary Committee on Administration and Justice.

The Lebanese law n.164/2011 dated 24/8/2011 on combatting human trafficking ensures in its article 370(2) the protection of the witness especially when the human trafficking crime in question is sanctioned by a felony punishment reaching 5 years of arrest and when the information submitted by the witness endangers his life or that of his family or relatives.

Lebanon didn't provide examples of implementation. There is also no information concerning the number of witnesses or experts and their relatives or other persons close to them who have required protection and how long they needed it and the estimated cost per protected person.

(b) Observations on the implementation of the article

In light of information provided the reviewing team concluded that the provisions under review has not been implemented and encouraged authorities to take all the efforts and adopt the said legislation that would ensure effective protection for witnesses and experts who give testimony for offences from the Convention from any retaliation or intimidation.

Article 32 Protection of witnesses, experts and victims

Subparagraph 2 (a)

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention . and referred to the draft Corruption Detectors Protection Law which according to the authorities is under review of the Parliamentary Committee on Administration and Justice.

Lebanon didn't provide any example of implementation. There is also no information related to the number of witnesses or experts who have received physical protection, type of protection received and cost.

(b) Observations on the implementation of the article

In light of information provided the reviewing team concluded that the provisions under review has not been implemented and encouraged authorities to take all the efforts and adopt the said legislation that would ensure measures for the physical protection of witnesses and experts who provide testimony for offences from the Convention.

Article 32 Protection of witnesses, experts and victims

Subparagraph 2 (b)

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

(b) Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other adequate means.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referred to the draft Corruption Detectors Protection Law which according to the authorities is under review of the Parliamentary Committee on Administration and Justice..

Lebanon didn't provide any example of implementation and any recent cases in which witnesses or experts have given testimony using video or other communications technology. \

(b) Observations on the implementation of the article

In light of information provided the reviewing team concluded that the provisions under review has not been implemented and encouraged authorities to take all the efforts and adopt the said legislation that would ensure the safety of witnesses and experts who provide testimony for offences from the Convention.

Article 32 Protection of witnesses, experts and victims

Paragraph 3

3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and provided the following information:

A number of protocols were concluded with the Special Tribunal for Lebanon, in application of the Witnesses Protection Scheme provided for in the regulations of this court.

Lebanon didn't provide any statistical information and didn't outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

The reviewing team could not establish that the protection program as reported was applicable for victims of UNCAC corruption offences, therefore the reviewing team remained inconclusive that UNCAC provision under review is adequately implemented.

Article 32 Protection of witnesses, experts and victims

Paragraph 4

4. The provisions of this article shall also apply to victims insofar as they are witnesses.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the information provided in the above paragraph .

Lebanon didn't provide any example of implementation. There is also no information concerning the protection program (how many victims have been protected by it and in how many different cases), the number of victims who have received physical protection, the number of victims who have been permitted to give testimony in a manner that ensures their safety, such as video or other communications technology and the number of victims that have been relocated to other States through arrangements or agreements.

(b) Observations on the implementation of the article

The reviewing team noted that the jurisdiction of the ad hoc Special Tribunal for Lebanon is apparently restricted to a specific case, therefore could not conclude if the protection program could be applied to the victims of UNCAC corruption offences. The reviewing team remained unconclusive on the full or partial implementation of the provision under review.

Article 32 Protection of witnesses, experts and victims

Paragraph 5

5. Each State Party shall, subject to its domestic law, enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon indicated that they have not implemented this provision of the Convention. .

(b) Observations on the implementation of the article

The reviewing team concluded that the UNCAC provision under review has not been implemented.

(e) Technical assistance needs

Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

2. *Summary of good practices/lessons learned;*
3. *Model legislation;*
4. *Legal advice;*
5. *Capacity-building programmes for authorities responsible for establishing and management witness and expert protection programmes*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 33 Protection of reporting persons

Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referred to the draft Corruption Detectors Protection Law, which adoption is pending in the Parliament (*see above paragraphs*).

Lebanon also outlined the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review. According to the authorities, :

within the framework of the preparation for the approval of the draft law of the protection of the corruption whistleblowers, the civil society has already taken action and informed citizens through media or through specialized websites including www.alrashwa.com and www.leliac.com affiliated to the Transparency society, Lebanon branch, for encouraging

citizens to report corruption cases, stressing the fact that there is a hotline and websites for the same purpose for the majority of the official ministries and departments of the state.

(b) Observations on the implementation of the article

Further to the reference on the draft legislation, during the country visit authorities referred to the Article 352 of the Criminal Code. The reviewing team took note of such reference and noted that the said article dealt with passive bribery, rather than protection of the reporting persons. The reviewing team therefore could not confirm that the cited articles covered even partly the provision under review. The reviewing team encouraged Lebanese authorities to take all the efforts to adopt the necessary legislation that would ensure the effective and adequate protection of persons who report suspicions concerning offences from the Convention.

(e) Technical assistance needs

2. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:
 1. *Model legislation;*
 2. *Legal advice;*
 3. *On-site assistance by an anti-corruption expert;*
 4. *Development of an action plan for implementation;*
 5. *Other assistance (please specify).*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 34 Consequences of acts of corruption

With due regard to the rights of third parties acquired in good faith, each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to address consequences of corruption. In this context, States Parties may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and provided relevant information and documents in separate document.
(document no.19 – Arabic only).

Lebanon also provided the example of implementation in the same document.

Lebanon didn't outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

During the country visit, Lebanese authorities indicated the application of article 63 of Criminal Code which imposes the penalty for legal persons following the conviction for a corruption offence.

They further referred to the Article 142 of the Public Accounting law where companies are prohibited to participate in tenders again. According to this article, there are 3 levels of prohibition: companies cannot participate in any bid for 3 months, for 1 year or for life.

Authorities further provided the text of the Decree 8117 of August 29, 1967 as follows:
Text of Article 142/comptab. general law and decret nb. 8117/1967.

Exclusion of contractors from participating in bids and government procurement in Lebanon

Article 142 of the Public Accountancy Law provides as follows:

The contractor whose works are placed under the responsibility of the administration or are recommissioned at his expenses pursuant to this Law or to the general specifications shall be excluded from bidding:

- For three (3) months, when these measures are implemented for the first time;
- For one (1) full year, when these measures are implemented for a second time within twelve months;
- Definitively, when these measures are implemented for the third time in five years.

The time periods mentioned above start from the date of the first decision to place the works under the responsibility of the administration or to recommission them.

On the basis of this article, Decree No. 8117 of 29/08/1967 regulating the exclusion from participation in public procurement was issued.

This decree determines the way in which contractors are deregistered or excluded from participating in the implementation of public procurement. Its provisions deal with the following matters:

- Possibility to deregister contractors or exclude them from participating in the implementation of public procurement as a temporary or definitive measure, depending on the circumstances of each individual case;
- The deregistering decision is taken by the competent minister or the supervising minister upon the proposal of an administrative committee set up for this purpose;
- The way in which the administrative committee studies the deregistering or exclusion requests received from the public administrations concerned, as a prelude to making the appropriate decision, by consensus or by a majority, or referral to the competent minister or the supervising minister; and
- The publication of decisions in the Official Gazette and reconsideration of such decisions on the basis of the request of the parties concerned.

In light of information provided the reviewing team concluded that UNCAC provision under review has been adequately implemented.

(e) Technical assistance needs

3. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *No assistance would be required;*
2. *Summary of good practices/lessons learned;*
3. *Model legislation;*
4. *Legal advice;*
5. *On-site assistance by an anti-corruption expert;*
6. *Development of an action plan for implementation;*
7. *Other assistance (please specify).*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 35 Compensation for damage

Each State Party shall take such measures as may be necessary, in accordance with principles of its domestic law, to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referring to the general provisions stipulating a right to compensation of damages in the Law on Obligations and Contracts provided in addition the following laws as relevant:

Article 61 of the Decree No. 10434, dated 14/6/1975 and its amendments stipulated the following:

“First instance administrative courts in particular shall consider:

1. Claims for compensations for damage inflicted due to public work, public interest projects or damage resulting from the administrative work of the representative council.
2. In the administrative cases related to contracts, transactions, obligations, administrative concessions made by the public departments or administrative circuits in the representative council to secure the provision of public interests.

Article 135 of the Public Accountability Law issued by the Decree no. 14969 of 30/11/63 and its amendment:

If a certain amount of money is due on a contractor within the context of implementation, as per the bid requirements, the management shall deduct this amount from performance bond and shall call on the contractor to supplement the guarantee with the deducted amount within a certain period of time. If he failed to do so, he shall be considered to have failed to fulfil his obligations and the management shall either conduct the tender again or require him to conduct the transactions in an honest manner. If the new tender or transaction conducted in an honest manner led to reduction in cost, the amount of reduction shall be returned to treasury.

And if cost is increased, the management shall request the uncommitted contractor to pay the difference.”

In all cases a temporary guarantee shall be temporality seized till the transaction is settled as per the provisions of this article.

Article 140 of the same law stipulated:

“If the contractor violated tender conditions or some of its provisions, the concerned department shall warn him officially to completely abide by them within a certain period of time as per its discretion. If this period passed and the contractor did not implement what he was required to perform, the management may consider him, taking the tender conditions into considerations, uncommitted and may apply the provisions of article 135 of this law against him.

In case of re-tendering the uncommitted contractor may not participate in this tender again. If the receiving committee believe that the deal has been generally performed according to the tender conditions in spite of the fact that there are some minor shortages and defects that might not prevent receiving it, it can receive it as per conditions mentioned in a decree issued by the cabinet.

Article 129 of the Criminal code stipulates: the civil obligations that a criminal judge can rule are:

1. Restitution
2. Damage
3. Confiscation
4. Publication of the ruling
5. Cost

Article 132 of the Criminal code provides that:

“The provisions of articles 134 and 136 shall be applicable as part of obligations and contracts law on damage and judgment shall be passed according to them as per the request of the plaintiff

In case of exoneration, they can be used as per the request of the defender or the team charged to be civil official if the plaintiff is proved to be exceeding limits in his case.

The judge may estimate the value of damages in a felony or a misconduct leading to death or permanent halt of work, as a lifelong payment to plaintiff or his heirs if they requested that.

Article 134 stipulated the following: damages due to be paid to the person on whom an offense or quasi-offense is inflicted should be basically equivalent to the damage inflicted on him.

Moral damage is as significant as material damage and the judge may take amity issues into consideration if it is justified by lawful relationship or doing good to relatives.

Indirect damage should also be taken into consideration on condition that it has a clear link to the offense or quasi-offense.

Originally, current inflicted damage is only considered in calculating compensations. The judge may, as an exception, consider future damage if its inflection is confirmed, on the one hand, and the judge has the necessary means to calculate its real value in advance, on the other.

Article 135 of the Criminal code stipulated that: originally, compensation should be provided in money, and it is given as a replacement of damage. However, the judge may give it a form that suits best the person who sustained the damage and make the compensation in kind. It can be in the form of publication in newspapers.

Lebanon didn't provide any example of implementation because there's no recent examples. They didn't also outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review because it doesn't exist.

(b) Observations on the implementation of the article

The reviewing team noted the narrower scope of the cited articles, 135, and 140 of the Public Accountability Law or the Article 61 of the Decree no. 10434 (1975), as they do not go beyond the compensation for the damages inflicted through public work or contracts or what is understood as part of performance guarantee.

During the country visit however, Lebanese authorities provided further explanations of the cited regulations, and further referred to the procedure available to persons who have suffered damages as a result of corruption offences. They also referred to articles 6 to 8 of the Criminal Procedure Code. A victim thus may apply directly to a prosecutor, or may apply to the Court of Audit, which would review the request and if finds that allegations are serious and warrant further investigation, they would forward the request to the prosecutor. Authorities also explained that the Administrative Tribunal has a right to rescind a contract which is found to be based on fraudulent grounds.

In light of all information provided the reviewing team concluded that UNCAC provision under review has been adequately implemented.

(e) Technical assistance needs

Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *Summary of good practices/lessons learned;*
2. *On-site assistance by an anti-corruption expert;*
3. *Development of an action plan for implementation;*
4. *Other assistance (please specify).*

None of these forms of technical assistance has been provided Lebanon to-date.

Article 36 Specialized authorities

Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the proposal for establishing the National Authority for combating corruption which is pending in the Parliament. They also indicated the State Mediator Law which has been passed but has not entered into force, which

includes provisions on independence of judicial monitoring authorities and immunity of its members and heads as well as allocating independent budgets for them except the judicial inspection authority.

(b) Observations on the implementation of the article

During the country visit, Lebanon authorities clarified that specialized institution for combatting corruption in line with the Article 36 of the Convention are the General Prosecutor Office, the Central Inspection, the Court of Account and Judicial Inspection, each of them having adequate independence and clear mandate, as already explained in details in regard to the application of other specific Articles of the Convention.

In light of all the information provided, the reviewing team concluded that UNCAC provision under review has been adequately implemented, and has encouraged authorities to take efforts to finalize the procedure to adopt the law on centralized authority for combatting corruption which would comply with requirements from the article in question as regards independence, effective safeguards, having appropriate specialized training, financial and human resources.

(e) Technical assistance needs

5. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:
 2. *Summary of good practices/lessons learned;*
 3. *Model legislation*
 6. *On-site assistance by an anti-corruption expert;*
 7. *Development of an action plan for implementation;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 37 Cooperation with law enforcement authorities

Paragraph 1

1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referred to the following article of the Criminal Code as relevant:

Article 353 of the Criminal Code

...the briber or facilitator of bribery shall be acquitted if he admitted to have committed the offense to the competent authorities or admitted it before referring the case to court.

Lebanon didn't provide any example of implementation and didn't provide information on the number and nature of such cases that have contributed to depriving offenders of the proceeds of crime and to recovering such proceeds.

(b) Observations on the implementation of the article

The reviewing team noted the provision of the Criminal code and concluded that it is of a narrower scope than the remit of the paragraph 1 in question, which refers to the more encouraging ways and means for individuals,, through submission of useful information regarding the commission of the corruption offences and not only relating to bribery. The provision of immunity or mitigation of punishment as refererd to in Article 37, paragraphs 2 and 3 of the Convention are two possible ways to encourage cooperating offenders to come forward.

The reviewing team therefore concluded that UNCAC provision under review has been partially implemented. It is recommended that Lebanon should consider to strengthen the measures in place in this regard.

Article 37 Cooperation with law enforcement authorities

Paragraph 2

2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referred to the following law as relevant:

Article 366 of the Criminal code which stipulates that:

Penalties stipulated in articles 359 and 362 shall be reduced to half if the damage inflicted or the benefit sought by the criminal are minimal or if he paid the compensation in full for the damage before the case is referred to court.

If refund or damage has taken place during trial and before passing any judgment, a quarter of the punishment shall be reduced.

Lebanon didn't provide examples of implementation and any statistical information.

(b) Observations on the implementation of the article

The reviewing team tok note of the Article 353 of the Criminal Code, citede in the previous paragraph, and during the country visit it was clarified it more applied under this provision of the Convention.

However, in light of all the informartion provided the reviewing team concluded that UNCAC provision under review has been partially implemented.

Article 37 Cooperation with law enforcement authorities

Paragraph 3

3. Each State Party shall consider providing for the possibility, in accordance with fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon referred to the information provided under paragraph 1.

(b) Observations on the implementation of the article

Reference was made to the observation made under paragraph 1 and 2. There is only a provision in relation to bribery but no other measures to grant immunity to cooperating offenders.

It is recommended that Lebanon should consider measures in this regard.

Article 37 Cooperation with law enforcement authorities

Paragraph 4

4. Protection of such persons shall be, mutatis mutandis, as provided for in article 32 of this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referred to the draft legislation on whistleblower protection which is pending in the Parliament. They stated that the draft has been made in compliance with Article 32 of the Convention.

Lebanon didn't provide any example of implementation and didn't outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

The reviewing team took note of the information provided and maintained that the protection of witnesses as in Article 32 has different scope to protection of persons, who participate or have participated in the commission of corruption offences on one hand, and provide substantial cooperation in investigation or prosecution of the offence on the other hand and encouraged authorities to take efforts to ensure the proper implementation of the article under review.

Article 37 Cooperation with law enforcement authorities

Paragraph 5

5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and considered that nothing can prevent concluding international agreements within the framework of international Mutual Legal Assistance in this regard.

Lebanon didn't provide any example of implementation and didn't outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

The reviewing team took note of the information provided and remained unconclusive on the implementation of the provision under review since authorities have not provided a substantial evidence of their statement.

(e) Technical assistance needs

Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *Summary of good practices/lessons learned;*
2. *On-site assistance by an anti-corruption expert;*
3. *Development of an action plan for implementation;*
4. *Model legislation;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 38 Cooperation between national authorities

Subparagraph (a) and (b)

Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may include:

- (a) *Informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the offences established in accordance with articles 15, 21 and 23 of this Convention has been committed; o*
- (b) *Providing, upon request, to the latter authorities all necessary information.*

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the following laws as relevant: .

Articles 26, 27, and 28 of the law governing the Auditing Department

Article 26 of the legislative decree no. 82 of 16/9/1983 and its amendments for governing the Auditing Authority

The competent authorities should inform the Attorney General at the Auditing Authority of irregularities stipulated in this legislative decree and the central inspection department should give the Attorney General at the auditing authority copies of the financial inspection reports.

The Attorney General shall audit those reports and send them, together with his notes and suggestions to the central inspection department to take the necessary administrative or judicial measures against employees in charge.

Article 27: The Attorney General shall request the public prosecution at the court of cassation to take punitive action against any employee who is seen to commit or participate in committing one of the offenses that might harm the public management or public funds or deposited funds in the treasury.

He shall also request taking such a punitive action if the bureau so decided.

Punitive action shall be taken, without approval of administrative authority, and concerned department and central inspection department shall be notified.

Article 28: the bureau or the Attorney General may request the central inspection department to conduct any inspection or investigation for the public good. If requested to do so, the central inspection department should give priority to such an action.

Article 8, paragraph 4 of the Money Laundering law no. 318/2001

Article: 8, Para4 of law no. 32/2008 when lifting the privacy of the bank accounts is approved "The authority shall send a true copy of the original of the final reasoned decision to the court of cassation attorney general and the chief of the higher banking authority, the concerned individual, concerned bank, concerned external body, either directly or through the competent authority through which the information has been obtained.

Lebanon further provided the following examples of implementation:

Statistics of the investigation authority on combating money laundering in the Central Bank of Lebanon

2011/2012 files are to be referred from the "authority" to the summary public prosecution 5931 answers of the summary public prosecution pursued, not pursued 17 10 7 29 11 9

Examples of irregularities addressed by the decisions of the central inspection authority

Performing prohibited actions*

- **Practicing commercial or industrial professions**
- Giving speeches and publishing articles
- Abuse of administrative competencies*
- (2) – conniving on setting a limit for the irregularities of subordinates.
- (2) – Negligence in self monitoring.
- Abuse of power
- Inexperience in job tasks

- Employment of individuals without following the prescribed rules
- Failure to enforce the law

Breaking the prescribed rules*

(2) – **Failure to bring it to the boss’s notice in writing when receiving instructions which contradict the law.**

- Failure to abide by the instructions of superiors

Failure to abide by administrative rules*

- **Delay and negligence at work**
- Violation of the internal systems of schools
- Failure to perform tasks
- Signing a document in a way which is against the rules
- Leaking official information in a wrong way
- Failure to comply with administrative instructions
- Keeping a document without a legal justification

Violation of financial rules *

Concluding transactions whose value is more than 75 million Lebanese Liras without a tender

- Preparing a cash receipt in an illegal way
- (4)- Violation of accountancy department law
- Processing a document without without making sure that the prescribed tax stamp has been affixed.
- Approving expenses in a way contrary to the applicable rules
- (2)- Doing harm to public funds

Irregularities related to assets of material department*

-Receiving and handing over work locations in a way which is contrary to applicable rules.

Irregularities that entail punitive actions*

- **Embezzlement of public funds**
- (2) - Abuse of power in receiving materials
- Abuse of power and failure to perform duties of the job

Lebanon provided information on the number of times and cases in which such information has been shared:

The central inspection department received during 2012 around 17 anonymous reports 3 of them were ruled out for invalidity, 1 for lack of seriousness, and the rest were being investigated to take the proper action.

Cooperation among national authorities

Para3 of article 19 of the legislative decree no.115 dated 12/6/1959 and its amendments (establishment of the central inspection department)

-The authority deliberates regarding deciding, enforcing, undertaking, against permanent employees all punitive actions of the first and second degrees as prescribed in article 55 of the

employees' regulations with the exception of demotion, downgrading, termination of service and dismissal.

As for temporary employees, contracted staff, servants and labourers, the authority may order on them all the punitive actions stipulated in the laws and regulations related to them with the exception of demotion, downgrading, termination of service and dismissal.

If those laws and regulations did not stipulate any punitive actions, they shall be subject to punitive actions mentioned in article 55 of the employees' regulations.

The same rules, mentioned in Para(2) above, shall be applied on permanent and temporary employees, contracting staff, civil servants and labourers in public institutions, independent authorities, and municipalities and whoever obtains a salary or a wage from their funds.

As for the first degree employees at public departments, institutions, independent authorities, and municipalities, the authority may not order any penalties against them, directly, except the first degree penalties.

The authority may, following imposing the prescribed punitive action, refer the official to the concerned punitive council and decide referring him to the Auditing Department or request the summary public prosecutor to prosecute him criminally; such referral or prosecution does not require taking the approval of the administrative authority.

Subject to the provisions of Para6 below, the decisions or rulings of the three said powers shall not have any impact on the decision of the authority.

3- The decision related to punishment shall be forwarded to the departments and authorities concerned with enforcement, to the civil service council and the concerned employee. The Auditing Department and the summary public Prosecutor shall also be notified if the issue is related to financial matters.

-Decree no. 2862 dated 16/12/1959 and its amendments (inspection rules)

“Article 10: The inspector shall prepare a preliminary report including key points that pop up to him during his mission. He shall forward the report immediately to the chief of Central Inspection Department to be forwarded urgently to the Inspection Authority.

If the inspector found out that there is an irregularity that represents a criminal act, he may propose sending the official in charge to court without waiting till the completion of inspection. In this case, the provisions of article 13 of this decree regarding the right of defending oneself should be observed.”

Article 15: the chief of central inspection department shall send a copy of the inspectors' reports, and suggestions of public inspectors which addresses financial issues to the Prosecutor General at the Auditing Department for auditing it and sending them back before the end of the specified 10 days period designated for forwarding the inspection reports to the authority.

Article 61 of the legislative decree no. 112 dated 12/6/1959 (Employees regulations)

Article 61 – criminal responsibility

- 1- The employee whose acts are seen as to be an offense punishable by the Criminal code and other enacted laws shall be sent to court.
- 2- If the offense emanated from the job, then the employee cannot be prosecuted until approval of the department he belongs to is obtained.

- 3- Public interest litigation cannot be filed through taking a direct civil action and the prosecution should obtain the approval of the concerned department before starting steps of prosecution if the offense emanates from the job.
- 4- If a dispute took place between the public prosecution and the concerned department on the description of the offense and whether it is emanating from the job or not, the issue shall be submitted to the board of the Civil Service Council to settle it if the employee is working in one of the departments under its supervision; if the employee is not working in one of the departments under its supervision, then the concerned department shall have the final say.
- 5- The public interest litigation is separated from the punitive action. Filing the public interest litigation does not prevent filing the punitive action, proceeding with it and issuing a ruling in it.

Law no.89 issued in September 1991 (1991 budget law) increasing the fines ruled by courts
Article 30: Different fines, as defined by laws, which are ordered by courts shall be increased by 100 times except fines mentioned in the laws passed since 1983 that would be increased by 80 times.

The legislative decree no. 59/112

Article 61: criminal responsibility

- 1- The employee whose acts are seen as to be an offense punishable by the Criminal code and other enacted laws shall be sent to court.
- 2- If the offense emanated from the job, then the employee cannot be prosecuted until approval of the department he belongs to is obtained.
- 3- Public interest litigation cannot be filed through taking a direct civil action and the prosecution should obtain the approval of the concerned department before starting steps of prosecution if the offense emanates from the job.
- 4- If a dispute took place between the prosecution and the concerned department on the description of the offense and whether it is emanating from the job or not, the issue shall be submitted to the board of the Civil Service Council to settle it if the employee is working in one of the departments under its supervision; if the employee is not working in one of the departments under its supervision, then the concerned department shall have the final say.
- 5- The public interest litigation is separated from the punitive action. Filing the public interest litigation does not prevent filing the punitive action, proceeding with it and issuing a ruling in it.

Article 62: civil responsibility

If an employee performed an act that inflicted harm on a third party during his practice of his job or whatever practices, the state shall be responsible towards third party regarding the act of the employee.

In case a damages ruling was passed against the state, the state may require the employee to pay it if it believed that he made a grave mistake that he could easily avoid.

Immunity

Legislative decree 59/115

Article 7: amended as per the law dated 2/10/1965, decree no. 10904 of 5/3/1976, law no. 116 of 7/6/1991 and law no. 604 of 28/2/1997.

Condition of transfer, disciplinary actions, and termination of service

- 1- General inspectors, inspectors and assisting inspectors cannot be transferred without the approval of the central inspection authority.
- 2- General inspectors, inspectors and assisting inspectors shall be referred to a disciplinary council as prescribed in the employees regulations by a decree issued by the cabinet as per a proposal from the ministry who is in charge of the Ministry where the inspection is taking place or by a decision issued by the central inspection authority through a proposal made by its chief.
- 3- The service chief of the central inspection department may be terminated or sent back to his original post if he was appointed as per a cabinet decree through a written request submitted by him. He may also be transferred to another department or his service might be terminated for any of the reasons that justify termination of service of employees. In this case, the decree is issued upon the proposal of Prime Minister based on the approval of a special committee comprising the chairman of the court of cassation, as a chairman, the speaker of the Shura Council, chairman of the Auditing Department, Civil Service Council and the most senior directors General.
- 4- The provisions of the previous article are applicable to the Chief of Research and Guidance department.

Defending oneself in court

Decree no. 59/2862

Article 13: amended as per decree no. 1849 dated 22/1/ 1963

If the report of the inspector included a proposal for punishing one of the employees, the general Inspector has to notify the employee in question of the report or a summary of it so that he can provide a written defence within a week at least of the date of notification.

This period is reduced to three days, and it can be renewed once, based on a reasoned decision issued by the general inspector, if the order of conducting investigation made by chief of Central Inspection Department indicated that the investigation is urgent and has top priority.

In all cases, if the employee in question has formerly given a written confession during the investigation or inspection that he committed what he was accused of, or if he issued a written statement in this regard, or if such a statement was made by others, and he did not object to it, and it proved the incident under investigation in a way that does not give any room for doubt or misinterpretation by the general inspector, then the latter may refrain from informing the said employee of the accusations so as not to get same answers once again.

Punitive action, suspension of employee, and preventive measures

Article 16: amended as per decree no. 5317 dated 5/2/1964

Inspectors' competences

1. General inspectors, and inspectors shall review all documents, records, entries, and papers in the departments they are charged to inspect and they may take copies of them if they so required, they inspect works and machinery, wards and stores, and, in general, all that lies within the competency of the inspected department.
2. They practice inspection in classified matters and they do not take photocopies of relevant documents unless they get a special permit from the prime minister and after getting the approval of the concerned minister.
3. They pose questions to employees and summon whomever they deem necessary to listen to their testimonies. If one of the employees rejected to attend or impeded the tasks of inspection, the inspector shall prepare a report in this regard and forward it to chairman of the department in which the employee works giving proposals for measures to be taken against him. The concerned department should take a decision in this regard within 24 hours of receiving the report.
4. They may charge employees to work outside official working hours, to prevent them from getting leaves during inspection, to take all preventive measures that guarantee the safety of the investigation, including temporarily suspending employees whose work is being inspected, on condition that they inform the concerned minister to approve it and the central inspection department to be aware of that.
5. They may gather, if need be, from private institutions and individuals verbal and written information that would facilitate their mission.
6. They may depend on experts in issues that require technical expertise to understand, after the approval of the chairman of the central inspection department who shall appoint experts himself and specify their payments within the limits of budget allocations for this purpose.

Penalties

Article 19- amended by decree no. 15317 dated 5/2/1964

Inspection results:

1. The chairman of the central inspection department shall forward inspection reports to the authority within a month of receiving them; as for the inspection reports sent to the General Prosecutor at the Auditing Department, they are subject to the said grace period since returning them after perusal.
2. The authority shall deliberate upon the report and directly order all punitive actions against first and second degree employees as mentioned in article 55 of the employees regulations with the exception of demotion, downgrading, termination of service and dismissal.

As for temporary employees, contracted staff, civil servants and labourers, the authority may directly order on them all the punitive actions stipulated in the laws and regulations related to them with the exception of demotion, downgrading, termination of service and dismissal. If those laws and regulations did not stipulate any punitive actions, they shall be subject to punitive actions mentioned in article 55 of the employees' regulations.

The same rules mentioned in the paragraphs 2 and 3 of Para2 above shall be applied to permanent and temporary employees, contracting staff, civil servants and labourers in public and independent institutions, municipalities and whoever takes a salary or wage from their funds.

As for the first degree employees at public departments, institutions, independent authorities, and municipalities, the authority may not order any penalties against them, directly, except the first degree penalties.

The authority may, following imposing the prescribed punitive action, refer the official to the concerned punitive council and decide referring him to the Auditing Department or request the summary public prosecutor to prosecute him criminally; such referral or prosecution does not require taking the approval of the administrative authority.

Subject to the provisions of Para6 below, the decisions or rulings of the three said powers shall not have any impact on the decision of the authority.

3. Punitive action taken by the authority has to be reported to concerned departments, bodies concerned with enforcement, civil service council and the concerned employees. The rest of the resolutions, if need be, shall be reported to the minister or the chief of concerned department, civil service council, Auditing Department and its General Prosecutor if the issue has a financial aspect.

The authority shall publish the resolutions mentioned in the article in the newspapers referring to the names of the concerned employees, civil servants, and labourers.

4. The resolutions issued by the Authority, due to challenges submitted to it, are considered effective and final and are not subject to any review. As for other resolutions directly issued by the authority, the concerned employee might ask the authority to reconsider them, or appeal them before the Shura council, within thirty days of the day of notifying the concerned employee with the penalty.

Reconsideration of resolutions might not be requested except when a material mistake, a negligence of facts, or new circumstances has been found out that might lead to changing the resolution.

The challenge or request for reconsidering the resolution by the central inspection authority, without prejudice to chain of command, should be submitted to the central inspection department, either in person in return of a receipt, or by return registered mail against a receipt, within the specified period of time.

Resolutions mentioned in paragraph 2 of Para4 above which are issued by the central inspection authority cannot be challenged before that Shura council unless on the bases on invalidity or violating procedural rules with the exception of grace periods or violation of rules.

If the Shura council reversed a resolution passed by the authority, it shall return the file of the case to the chairman of the central inspection authority so that the authority shall reconsider the case in view of the decision of the council, then its decision shall be conclusive and would not be subject to review.

Conditions of occupation of public posts

Legislative decree 59/112

Article 4

e. He should provide a copy of criminal record proving that he enjoys civil rights and is not convicted in any felony or any criminal act whatsoever, or a shameful misdemeanour, an attempt to shameful misconduct. The following are considered shameful misdemeanour: theft, fraud, bad credit, issuing dud cheques, embezzlement, bribery, rape, intimidation, forgery, using a forged document, false testimony, perjury, immoral crimes set forth in chapter four of the Criminal code, and crimes relevant to cultivation of drugs or drug trafficking. These provisions shall apply to the persons who were to be considered or benefited from the amnesty.

Enjoying civil rights and not convicted of a felony, or an attempt of a felony, a shameful misdemeanour or an attempt of a shameful misdemeanour (violations mentioned in the employees regulations are considered as shameful misdemeanour) legislative decree no. 112 dated 12/6/1959 and its amendments (such provisions are applicable to the persons who were rehabilitated or benefited from amnesty. Law no. 87 of 6/3/2010 and amendments of articles 133, 666, and 667 of the Criminal code should be taken into consideration (with the exception of the dud cheques from the description of the shameful misdemeanour).

5. Not terminated from employment or fired due to punitive action from a job or service in one of the departments, public institutions, or municipalities, municipalities union, and he should not be retired or terminated according to exceptional or special legal provisions.

Legislative decree 59/112

Article 61- criminal responsibility

- 1- The employee whose acts are seen as to be an offense punishable by the Criminal code and other enacted laws shall be sent to court.
- 2- If the offense emanated from the job, then the employee cannot be prosecuted until approval of the department he belongs to is obtained.
- 3- Public interest litigation cannot be filed through taking a direct civil action and the prosecution should obtain the approval of the concerned department before starting steps of prosecution if the offense emanates from the job.
- 4- If a dispute took place between the public prosecution and the concerned department on the description of the offense and whether it is emanating from the job or not, the issue shall be submitted to the board of the Civil Service Council to settle it if the employee is working in one of the departments under its supervision; if the employee is not working in one of the departments under its supervision, then the concerned department shall have the final say.
- 5- The public interest litigation is separated from the punitive action. Filing the public interest litigation does not prevent filing the punitive action, proceeding with it and issuing a ruling in it.

Article 62: civil responsibility

If an employee performed an act that inflicted harm on a third party during his practice of his job or whatever practices, the state shall be responsible towards third party regarding the act of the employee.

In case a damages ruling was passed against the state, the state may require the employee to pay it if it believed that he made a grave mistake that he could easily avoid.

Immunity

Legislative decree 59/115

Article 7: amended as per the law dated 2/10/1965, decree no. 10904 of 5/3/1976, law no. 116 of 7/6/1991 and law no. 604 of 28/2/1997.

Condition of transfer, disciplinary actions, and termination of service

- 1- General inspectors, inspectors and assisting inspectors cannot be transferred without the approval of the central inspection authority.
- 2- General inspectors, inspectors and assisting inspectors shall be referred to a disciplinary council as prescribed in the employees regulations by a decree issued by the cabinet as per a proposal from the ministry who is in charge of the Ministry where the inspection is taking place or by a decision issued by the central inspection authority through a proposal made by its chief.
- 3- The service chief of the central inspection department may be terminated or sent back to his original post if he was appointed as per a cabinet decree through a written request submitted by him. He may also be transferred to another department or his service might be terminated for any of the reasons that justify termination of service of employees. In this case, the decree is issued upon the proposal of Prime Minister based on the approval of a special committee comprising the chairman of the court of cassation, as a chairman, the speaker of the Shura Council, chairman of the Auditing Department, Civil Service Council and the most senior directors General.
- 4- The provisions of the previous article are applicable to the Chief of Research and Guidance department.

Defending oneself in court

Decree no. 59/2862

Article 13: amended as per decree no. 1849 dated 22/1/ 1963

If the report of the inspector included a proposal for punishing one of the employees, the General Inspector has to notify the employee in question of the report or a summary of it so that he can provide a written defence within a week at least of the date of notification.

This period is reduced to three days, and it can be renewed once, based on a reasoned decision issued by the general inspector, if the order of conducting investigation made by chief of Central Inspection Department indicated that the investigation is urgent and has top priority.

In all cases, if the employee in question has formerly given a written confession during the investigation or inspection that he committed what he was accused of, or if he issued a written statement in this regard, or if such a statement was made by others, and he did not object to it, and it proved the incident under investigation in a way that does not give any room for doubt or misinterpretation by the general inspector, then the latter may refrain from informing the said employee of the accusations so as not to get same answers once again.

Punitive action, suspension of employee, and preventive measures

Article 16: amended as per decree no. 5317 dated 5/2/1964

Inspectors' competences

1. General inspectors, and inspectors shall review all documents, records, entries, and papers in the departments they are charged to inspect and they may take copies of them if they so required, they inspect works and machinery, wards and stores, and, in general, all that lies within the competency of the inspected department.
2. They practice inspection in classified matters and they do not take photocopies of relevant documents unless they get a special permit from the prime minister and after getting the approval of the concerned minister.
3. They pose questions to employees and summon whomever they deem necessary to listen to their testimonies. If one of the employees rejected to attend or impeded the tasks of inspection, the inspector shall prepare a report in this regard and forward it to chairman of the department in which the employee works giving proposals for measures to be taken against him. The concerned department should take a decision in this regard within 24 hours of receiving the report.
4. They may charge employees to work outside official working hours, to prevent them from getting leaves during inspection, to take all preventive measures that guarantee the safety of the investigation, including temporarily suspending employees whose work is being inspected, on condition that they inform the concerned minister to approve it and the central inspection department to be aware of that.
5. They may gather, if need be, from private institutions and individuals verbal and written information that would facilitate their mission.
6. They may depend on experts in issues that require technical expertise to understand, after the approval of the chairman of the central inspection department who shall appoint experts himself and specify their payments within the limits of budget allocations for this purpose.

Penalties

Article 19- amended by decree no. 15317 dated 5/2/1964

Inspection results:

1. The chairman of the central inspection department shall forward inspection reports to the authority within a month of receiving them; as for the inspection reports sent to the General Prosecutor at the Auditing Department, they are subject to the said grace period since returning them after perusal.

2. The authority shall deliberate upon the report and directly order all punitive actions against first and second degree employees as mentioned in article 55 of the employees regulations with the exception of demotion, downgrading, termination of service and dismissal.

As for temporary employees, contracted staff, civil servants and labourers, the authority may directly order on them all the punitive actions stipulated in the laws and regulations related to them with the exception of demotion, downgrading, termination of service and dismissal.

If those laws and regulations did not stipulate any punitive actions, they shall be subject to punitive actions mentioned in article 55 of the employees' regulations.

The same rules mentioned in the paragraphs 2 and 3 of Para2 above shall be applied to permanent and temporary employees, contracting staff, civil servants and labourers in public and independent institutions, municipalities and whoever takes a salary or wage from their funds.

As for the first degree employees at public departments, institutions, independent authorities, and municipalities, the authority may not order any penalties against them, directly, except the first degree penalties.

The authority may, following imposing the prescribed punitive action, refer the official to the concerned punitive council and decide referring him to the Auditing Department or request the summary public prosecutor to prosecute him criminally; such referral or prosecution does not require taking the approval of the administrative authority.

Subject to the provisions of Para6 below, the decisions or rulings of the three said powers shall not have any impact on the decision of the authority.

3. Punitive action taken by the authority has to be reported to concerned departments, bodies concerned with enforcement, civil service council and the concerned employees. The rest of the resolutions, if need be, shall be reported to the minister or the chief of concerned department, civil service council, Auditing Department and its General Prosecutor if the issue has a financial aspect.

The authority may publish the resolutions mentioned in the article in the newspapers referring to the names of the concerned employees, civil servants, and labourers.

4. The resolutions issued by the Authority, due to challenges submitted to it, are considered effective and final and are not subject to any review. As for other resolutions directly issued by the authority, the concerned employee might ask the authority to reconsider them, or appeal them before the Shura council, within thirty days of the day of notifying the concerned employee with the penalty.

Reconsideration of resolutions might not be requested except when a material mistake, a negligence of facts, or new circumstances has been found out that might lead to changing the resolution.

The challenge or request for reconsidering the resolution by the central inspection authority, without prejudice to chain of command, should be submitted to the central inspection department, either in person in return of a receipt, or by return registered mail against a receipt, within the specified period of time.

Resolutions mentioned in paragraph 2 of Para4 above which are issued by the central inspection authority cannot be challenged before that Shura council unless on the bases on

invalidity or violating procedural rules with the exception of grace periods or violation of rules.

If the Shura council reversed a resolution passed by the authority, it shall return the file of the case to the chairman of the central inspection authority so that the authority shall reconsider the case in view of the decision of the council, then its decision shall be conclusive and would not be subject to review.

Conditions of occupation of public posts

Legislative decree 59/112

Article 4

e. He should provide a copy of criminal record proving that he enjoys civil rights and is not convicted in any felony or any criminal act whatsoever, or a shameful misdemeanour, an attempt to shameful misconduct. The following are considered shameful misdemeanour: theft, fraud, bad credit, issuing dud cheques, embezzlement, bribery, rape, intimidation, forgery, using a forged document, false testimony, perjury, immoral crimes set forth in chapter four of the Criminal code, and crimes relevant to cultivation of drugs or drug trafficking.

These provisions shall apply to the persons who were to be considered or benefited from the amnesty.

Enjoying civil rights and not convicted of a felony, or an attempt of a felony, a shameful misdemeanour or an attempt of a shameful misdemeanour (violations mentioned in the employees regulations are considered as shameful misdemeanour) legislative decree no. 112 dated 12/6/1959 and its amendments (such provisions are applicable to the persons who were rehabilitated or benefited from amnesty).

Law no. 87 of 6/3/2010 and amendments of articles 133, 666, and 667 of the Criminal code should be taken into consideration (with the exception of the dud cheques from the description of the shameful misdemeanour).

5. Not terminated from employment or fired due to punitive action from a job or service in one of the departments, public institutions, or municipalities, municipalities union, and he should not be retired or terminated according to exceptional or special legal provisions.

In regard to referring corruption cases to court by the central inspection authority reference was made to the case examples provided under article 30, paragraph 8 of the Convention.

(b) Observations on the implementation of the article

Taking into consideration main concerns of the reviewing team relating to the scope of the competence of the Auditing Department, whether it is authorised to request information from all public authorities and officials, it was clarified during the country visit that all the institutions cooperate and that anyone can lodge the complaint or a suspicion with the prosecutor, it will be handled and duly forwarded to competent authorities.

In light of information provided the reviewing team concluded that UNCAC provision under review has been adequately implemented.

(e) Technical assistance needs

Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *Summary of good practices/lessons learned;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 39 Cooperation between national authorities and the private sector

Paragraph 1

1. Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to matters involving the commission of offences established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the following laws as relevant:

Article 7 of the Money Laundering law no.318/2001 and the circulars issued by the Bank of Lebanon attached to the annual report of the special investigation authority for the year 2011 shown in the annex

Article 7

1. The individuals referred to in articles four and five of this law to immediately report the details of the operations they suspect that they imply money laundering to the authority.
2. Observers working for the banks supervision committee have to notify the authority through the chairman of the committee any operations they suspect during performing their tasks that they include money laundering

In regard examples of implementation, Lebanon referred to the Examples mentioned in the response to the previous Para and Parano.150. There are several examples in the annual report of the special investigation authority in pages no. 31,32,33 which came under the following titles: embezzlement of private funds, financing terrorism, suspicious operations, fraud using credit cards and organized crimes.

Lebanon didn't provide information on recent cases in which entities of the private sector have collaborated with national investigating or prosecuting authorities.

(b) Observations on the implementation of the article

The reviewing team took note of the legislation and information provided and concluded that the said Law on Money Laundering No. 318/2001 and the circulars of the Bank of Lebanon, cover only the cooperation in regard laundering of proceeds of crime, whereas the scope of the provision under review related to cooperation between national authorities and private sector entities in relation to all corruption offences from the Convention.

The reviewing team therefore concluded that UNCAC provision under review has been partially implemented.

Article 39 Cooperation between national authorities and the private sector

Paragraph 2

2. Each State Party shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the following laws and information as relevant:

The Complaints box: there are lots of hotlines and boxes for receiving citizens' complaints relevant to corruption cases that include, among others, a complaints box in the presidency and another at the Central Inspection department.

Lebanon provided the following examples of implementation:

In regard examples of implementation Lebanon indicated to the Annual Report of the Central Inspection Department of 2011

Lebanon didn't provide information on hotlines or other mechanisms for offences to be reported.

Further, Lebanon provided details on the financial incentives offered to encourage such reports, stating that there are provisions allowing the customs department to grant financial incentives to employees who unveil corruption cases and reporters of such cases.

Concerning the reports received which have contributed to the investigation or prosecution of an offence established in accordance with the Convention, Lebanon provided the following details:

The public prosecution at the accountability bureau and the Central Inspection department sometimes receive anonymous data relevant to corruption cases; relevant investigations are conducted as per prescribed rules on condition that they are serious and significant.

(b) Observations on the implementation of the article

The reviewing team took note of the information provided and found that the Annual report of the Central Inspection Department of 2011 limits the reporting obligation to the banking system and money laundering.

The reviewing team also noted in the Report that the complaints boxes and hotlines refer to receiving a lot of anonymous data relevant to corruption cases and, on the existing financial incentives within customs department, noted its narrower scope, as it obligates the customs employees but not the private sector.

The reviewing team therefore concluded that UNCAC provision under review has been partially implemented.

(e) Technical assistance needs

Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

2. *Summary of good practices/lessons learned;*
3. *Model legislation*
9. *Capacity-building programmes for authorities responsible for the establishment and management of reporting programmes*

None of these forms of technical assistance has been provided to Lebanon to-date. .

Article 40 Bank secrecy

Each State Party shall ensure that, in the case of domestic criminal investigations of offences established in accordance with this Convention, there are appropriate mechanisms available within its domestic legal system to overcome obstacles that may arise out of the application of bank secrecy laws.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the following laws as relevant:

Law no.32 dated 16/10/2008 which has expanded the competencies of the special investigation authority, which was established by law no.318 dated 20/4/2001 which is relevant to combating money laundering.

The sole article reads as follows:“The special investigation authority” established by law no.318 dated 20/4/2001 has the sole power of freezing bank accounts and breaking their confidentiality as per mutual agreements and laws relevant to combating corruption especially the UN Convention against corruption on condition that it will ratify the provisions of the abovementioned law no. 318.

This law shall enter into effect immediately after it is published in the official newspaper

Lebanon provided the following examples of implementation:

There are initial information regarding 26 cases of breaking the confidentiality of bank account by the special investigation authority out of 150 requests for doing so it received in 2012.

(b) Observations on the implementation of the article

The reviewing team expressed its concerns in regard above mentioned legislation, as it appears of a narrower scope to the article under review relating solely to the money laundering offences.

During the country visit, however, it was clarified that the Special Investigation Commission (SIC) serves as a central authority with exclusive right to freeze bank accounts and to lift bank secrecy, hence it will act upon requests of competent authorities in all corruption cases.

The reviewing experts recommend to continue efforts to ensure there are no unnecessary delays or obstacles in obtaining banking information, notably by taking measures to ensure lifting of bank secrecy in line with the Convention requirements.

(e) Technical assistance needs

Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *On-site assistance by an anti-corruption expert;*
2. *Capacity-building programmes for relevant legislative and investigating authorities;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 41 Criminal record

Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and provided the information that application of the said article would only be possible in Lebanon when there are agreements and treaties relevant to this topic in addition to the cooperation of the Lebanese state with the Interpol and the Arab council of Ministers of the Interior

Lebanon didn't provide any example of implementation and didn't provide information on recent cases.

(b) Observations on the implementation of the article

The reviewing team took note of the information provided by the authorities in regard article under review and encouraged them to continue analysing the need to adopt measures in accordance with this provision of the Convention.

(d) Challenges, where applicable

Lebanon has identified the following challenges and issues in fully implementing the provision under review:

1. *Limited capacity (e.g. human/technological/institution/other; please specify);*
2. *Limited resources for implementation (e.g. human/financial/other; please specify);*
3. *Limited or no cooperation from other States*

(e) Technical assistance needs

Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

2. *Summary of good practices/lessons learned;*
6. *On-site assistance by an anti-corruption expert;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 42 Jurisdiction

Subparagraph 1 (a)

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:

(a) The offence is committed in the territory of that State Party; or

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the following laws as relevant:

Articles 15,16 and 17 of the Criminal Code stipulating the following:

Article 15- the implementation of the Lebanese legislations on all the crimes committed on Lebanese lands. A crime is considered committed on Lebanese land when:

1. If one of the elements of the crime or an act of the acts of a complete crime or principal or secondary act of participation in the crime is committed in Lebanon
2. If the result of the crime took place on this territory or is expected to take place on it.

Article 17- amended by law 513 of 6/6/1996

For the purpose of the implementation of the criminal legislations, the following is considered Lebanese territories:

1. The territorial waters to the extent of 20 km from the shore in the lowest level of ebbing.
2. The airspace covering the territorial waters
3. Lebanese Ships and aircrafts
4. Foreign territories occupied by the Lebanese army if the committed crimes represent a risk to the safety of the army and its interests.

5. Adjacent region and economic ban area and the Lebanese continental shelf and stationary platform on this continental shelf in implementation of the provisions of the UN Convention on the law of the sea signed on 10/12/1982 in Montego Bay (Jamaica). The government joint is as per law no. 29 of 22/2/1994.

Article 18- as amended by law 168 of 12/1/1946 and the legislative decree no. 112 of 16/9/1983

The Lebanese legislations are not applied:

1. In the Lebanese airspace on crimes committed on board of a foreign aircraft if the crime did not surpass the borders of the aircraft. Crimes that do not surpass the boarders of the aircraft may be subject to Lebanese legislations if the wrongdoer is Lebanese or if the aircraft landed in Lebanon after the crime had been committed.
2. In the Lebanese territorial waters or the airspace covering it on crimes committed on board of foreign ships or aircrafts if the crime did not surpass the boarders of the ship or aircraft
3. Cancelled.
 - The Lebanese legislations are applicable to crimes of seizing foreign ships or goods on their board if those ships entered the Lebanese territorial waters.
 - Any crime committed in or on board of a ship is subject to Lebanese legislations without prejudice to the international agreements approved by the Lebanese authorities
 - The Lebanese legislations are also applicable to seizing the goods on board of ships if it took place outside the territorial waters if those goods entered into the Lebanese territories for local consumption or for transit purposes.

Lebanese authorities also referred to thee articles in the Section Two of the Lebanese Criminal code (articles 15 to 23) that specify the competencies of the Lebanese state in pursuing defendants, if the regional, personal, and comprehensive competencies. In all cases, litigation of persons wanted in more than one country is based on agreements between Lebanon and those countries through concluding agreements related to extradition of convicts or handing them over.

In regard examples of implementation, Lebanese authorities considered themselves authorized to litigate and try Lebanese people who transferred funds from Iraq to Lebanon on board of a Lebanese private plane.

(b) Observations on the implementation of the article

The reviewing team took note of the information provided by authorities and concluded that UNCAC provision under review has been adequately implemented.

Article 42 Jurisdiction

Subparagraph 1 (b)

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:

(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.

(a) Summary of information relevant to reviewing the implementation of the article

65. Lebanon confirmed that it fully implemented this provision of the Convention and referred to the Articles of the Criminal code cited in the above paragraph.

(b) Observations on the implementation of the article

The reviewing team took note of the information provided by authorities and concluded that UNCAC provision under review has been adequately implemented

Article 42 Jurisdiction

Subparagraph 2 (a)

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(a) The offence is committed against a national of that State Party; or

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and stated that there was no provision regulating the issue specifically. However, they referred to the following laws as relevant:

Article 30 Paragraph 3 of the Criminal code stipulates the following: “No individual shall be extradited to a foreign country except in the cases stipulated by the provisions of the law unless this happens in implementation of a treaty that has the power of a law.”

Article 32 of the same law stipulates: “Extradition cannot be performed for crimes falling under the Lebanese regional, personal jurisprudence as specified in articles 15 to 17 and the last part of article 18 and articles 19 to 21.

Lebanon didn’t provide any example of implementation and didn’t outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

In light of the information provided the reviewing team noted that the cited articles of the Criminal code do not relate directly to the article under review and taking into consideration that further information on possible effects of establishing the passive jurisdiction has not been provided, concluded that UNCAC provision under review has not been implemented.

Article 42 Jurisdiction

Subparagraph 2 (b)

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon considered that it partly implemented this provision of the Convention and referred to the following laws as relevant:

Article 20 of the Criminal code, stipulating the following:

The Lebanese legislation shall be implemented on every Lebanese, whether he is a wrongdoer or an instigator or accomplice, if he committed outside the Lebanese territories a felony or a misdemeanour punishable by the Lebanese law

The issue remains as such even if the defendant was missing or if he acquired the Lebanese nationality after committing the felony or misdemeanour.

c. The Lebanese legislation applies the standards of the judicial jurisprudence and shall include comprehensive rulings relevant to the comprehensive regional and personal competencies.

d. Such a case might be dealt with according to bilateral agreements and regional and international protocols and the principle of reciprocity.

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

The reviewing team took note of the cited legislation and additional information provided during the country visit, that it would apply to all offences from the Convention if committed by a Lebanese national. Further the reviewing team established that the term "...if he acquired the Lebanese nationality after committing the felony or misdemeanour .." may involve "stateless person who has habitual residence in its territory.." from the Convention, since such a fact constitutes a condition for obtaining the citizenship. Further the reviewing team established that the cited articles also include acts of instigating or accomplicing, thus covering in full the provision under review.

The reviewing team concluded that UNCAC provision under review has been adequately implemented.

Article 42 Jurisdiction

Subparagraph 2 (c)

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(c) The offence is one of those established in accordance with article 23, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 23, paragraph 1 (a) (i) or (ii) or (b) (i), of this Convention within its territory; or

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the above cited articles of the Criminal Code as relevant and obligatory for the public order.

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

Taking into consideration the explicit obligation of the cited Article 20 of the Criminal Code denoting to "...if he committed outside Lebanese territories a felony or a misdemeanour punishable by Lebanese law.." the reviewing team is of the opinion that Lebanon has fully implemented the provision under review.

Article 42 Jurisdiction

Subparagraph 2 (d)

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(d) The offence is committed against the State Party.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the bilateral, regional and international agreements relevant in this regard.
Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

The reviewing team took note of the information provided and remained unconclusive on implementation of the provision under review having in mind that authorities have not provided examples of any of the above referred agreements that would allow for assessment of effects of established passive jurisdiction.

Article 42 Jurisdiction

Paragraph 3

3. For the purposes of article 44 of this Convention, each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon indicated that they have not implemented this provision of the Convention.

(b) Observations on the implementation of the article

The reviewing team took note of the information provided and recommended to authorities to take measures to comply with obligations from the provision under review

Article 42 Jurisdiction

Paragraph 4

4. Each State Party may also take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite him or her.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the Article 34 of the Criminal Code as relevant:

Article 34 – Criminal code

Article 34- extradition is rejected when:

1. Extradition is requested regarding a crime with a political nature of that appears to have a political purpose.
2. If the defendant had been enslaved in the country that calls for the extradition
3. If the punishment in the country calling for extradition contradicts with the social system

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

The reviewing team took note of the cited Law and information provided and established that the Article 34 of the Criminal code is explicit and refers to the grounds for refusing the extradition. However, the scope of the provision under review refers more to the establishment of the jurisdiction for offences from the Convention when the offender is present in its territory and is not extradited, hence the reviewing team is not fully convinced that in cases where the Article 34 would apply, it would follow with due criminal procedures and remains inconclusive into full compliance with the provision under review.

Article 42 Jurisdiction

Paragraph 5

5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that any other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to bilateral agreements in that regard as relevant.

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

In light of scarce information provided by authorities the reviewing team could not properly establish that the existing legislation or bilateral agreements allow for effective coordination in conducting investigations in another State Party in cases deriving from para 1 and 2 of the Article of the Convention. It has notably remained concerned over the mechanisms that would allow Lebanon to learn about such investigations on a regular basis, and encouraged therefore authorities to further efforts in establishing such mechanisms.

Article 42 Jurisdiction

Paragraph 6

6. Without prejudice to norms of general international law, this Convention shall not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon confirmed that it fully implemented this provision of the Convention and referred to the obligatory rules on jurisdiction in its laws.

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

Taking into consideration the above cited laws and information, the reviewing team is of the opinion that nothing in this Convention would exclude the rules on criminal jurisdiction in Lebanese domestic law.

(d) Challenges, where applicable

Lebanon has identified the following challenges and issues in fully implementing the provision under review:

- 1. Limited resources for implementation (e.g. human/financial/other; please specify);*
- 2. Limited or no cooperation from other States;*
- 3. Limited awareness of existing cross-boarder cooperation and coordination mechanisms;*

(e) Technical assistance needs

Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

- 1. Summary of good practices/lessons learned;*

2. *On-site assistance by an anti-corruption expert;*
3. *Development of an action plan for implementation;*

None of these forms of technical assistance has been provided to Lebanon to-date.

UNODC

Chapter IV. International cooperation

General observations:

The theoretical basis for extradition is territoriality which means that the requesting State must first have territorial jurisdiction over the alleged offence before a request can be made to Lebanon for the extradition of the offender.

In principle, under Lebanese law an extradition treaty, convention or agreement is not a prerequisite to extradition, which means that extradition of a person from Lebanon to another country can be granted based on the statutory regulations in the domestic law if no bilateral or multilateral treaty is applicable.

While many States rely upon the bilateral treaties and agreements, as the vehicle of choice for international assistance, Lebanon can utilize its domestic law as the foundation, in whole or in part, for either extradition or mutual legal assistance. Lebanon therefor extradites based on the statutory provisions in the LCC as the domestic law addresses the issue of dealing with incoming requests for extradition. Also its domestic legislation specifies the procedure to be followed in processing requests, the type of requests that can be processed and how those requests are to be transmitted. A review of Lebanon's legislation prior to sending the request can be highly beneficial, as it allows the requesting State to converse knowledgeably about the request that it intends to make and provide clarity for the incoming steps. Domestic law can therefore provide direction and assistance to a requesting or requested State in two ways as also it can be used for the implementation of treaties as well as a legal basis for international assistance.

However, treaties exist between Lebanon and States to facilitate this process as they can be adapted and provide a high degree of certitude regarding the obligations and expectations in the extradition process. This is particularly the case when States share the same legal tradition. Lebanon seeks to conclude bilateral treaties in this domain aiming towards facilitating international cooperation.

In regard to extradition and mutual legal assistance, Lebanon has entered into 20 bilateral treaties (full list in Annex 1).

Additionally, Lebanon can use the UNCAC as a basis for extradition, where it is possible and as long as there is no provision that does not allow it. However, so far Lebanon did not receive any extradition request based on UNCAC and therefore used the LCC or bilateral treaties.

Bilateral and multilateral treaties prevail over national law.

Article 2 of the Code of Civil Procedures reads as follows:

“The courts shall adhere to the principle of the hierarchy of legal materials. When the provisions of international treaties are inconsistent with the provisions of ordinary law, the former shall have precedence over the latter.

The courts may not declare the invalidity of the work of the legislative authority on the grounds that ordinary laws do not apply to the Constitution or international treaties.”

Alternatively, the application of the principle of reciprocity has long been an established principle in the relations of States with Lebanon with respect to matters of international law and diplomacy. It is basically a promise that the requesting State will provide the requested State the same type of assistance in the future, should the requested State ever be asked to do so. This principle is usually incorporated into treaties, and domestic law and it can also be a useful tool in a situation in which there is no treaty.

Both, the Criminal extradition treaty between the Arab League States of 1954 and the Riyadh Arab Agreement for judicial cooperation are not yet applicable in Lebanon (only signed not ratified by the country).

A full list of the extradition requests received and sent by Lebanon in the years 2010 to 2014 is comprised in Annex 5. It was explained that the statistics are collected manually at the registry of the Lebanese General Prosecution Bureau and that not all details were included. The requests reflect all offences and are not disaggregated into the different categories (e.g. corruption and others). In summary it can be said that all request of Lebanese citizens are rejected and requests for the extradition of foreigners are mostly granted with some exceptions that will be mentioned in this report where necessary.

How long the processing of a request will take, depends on the requesting state and on the negotiations and assessment of the conditions for acceptance of the request. Therefore, it is not possible to make accurate and standard estimations of a time frame in advance. It is based mainly on case-by-case situation.

Article 44 Extradition

Paragraph 1

1. This article shall apply to the offences established in accordance with this Convention where the person who is the subject of the request for extradition is present in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.

(a) Summary of information relevant to reviewing the implementation of the article

6. Lebanon confirmed that it fully implemented this provision of the Convention.
7. Article 31 LCC allows for extradition when the crimes relevant to this extradition are committed on the territories of the country requesting such extradition, or if the crimes affect its security or financial status, or if they were committed by one of its citizens.
8. Articles 32 and 33 LCC mentioned cases where extradition is rejected and they can be summarized as follows:
9. Article 33, paragraph 1 of the Lebanese Criminal Code (LCC) rejects extradition if the Lebanese legislation does not punish the crime as a felony or misdemeanour and it will be

the opposite if the circumstances comprising the crime cannot be available in Lebanon for its geographical location.

10. This means that extradition is refused, if the punishment stipulated in the legislation of the country requesting the extradition or of the country on whose territories the criminal actions have been committed does not exceed one year imprisonment for all the crimes relevant to the request.

Article 30 - Nobody may be extradited to a foreign state in cases other than those provided for in this Code, except pursuant to a legally binding treaty.

Article 31 - The following may give rise to extradition:

1. Offences committed in the territory of the requesting state;
2. Offences that adversely affect its security or financial status;
3. Offences committed by one of its nationals.

Article 32 - Offences falling within the territorial jurisdiction or the jurisdiction *rationae materiae* or *ratione personae* of Lebanese law, as stipulated in Articles 15 to 17, Article 18.1 *in fine* and Articles 19 to 21, may not give rise to extradition.

Article 33 LCC - amended as per the legislative decree no. 112 of 16/9/1983

Extradition is rejected:

1. When the Lebanese legislation doesn't punish the crime as a felony or a misdemeanour. It shall be the contrary if the circumstances comprising the wrongdoing cannot be available in Lebanon due to its geographical location.
2. If the penalty stipulated by the legislation of the country requesting the extradition or that of the country on whose territories the crime has been committed is no more than one year imprisonment for the total crimes relevant to the request, and in case of issuing a ruling of no more than two months imprisonment.
3. If a conclusive ruling has been issued regarding the crime in Lebanon or if the public right case has been dropped as per the Lebanese legislation or the legislation of the country requesting the extradition or the legislation of the country on whose territory the crime has been committed.

Article 34

Extradition shall be rejected too:

1. If the extradition requisition is relevant to a political crime or appeared to have a political purpose;
2. If the defendant has been enslaved in the country requesting the extradition;
3. If the penalty stipulated by the legislations of the country that submitted the requisition is contrary to the Lebanese social system.

See also, for instance, article 2 (2) of the extradition agreement between the Republic of Lebanon and the Republic of Bulgaria [Law No. 468 issued on 12/12/2002]

Article 2- crimes that allow for extradition

1. Extradition is approved in connection to actions, inactions or inadvertence which are considered penal crimes by the laws of both sides, and they are punishable by imprisonment of no less than one year or a heavier penalty. When the extradition requisition refers to one or more penalties including cases towards which collective sentences were given, the remaining period of punishment should not be less than six months.
2. If the extradition requisition is relevant to several separate crimes, and that the conditions mentioned in Paragraph 1 are not available in them regarding the duration of the penalty, extradition shall be granted only for the crimes that meet the specific conditions. This rule is applied to crimes that meet other requirements in this agreement.

- Lebanon does not extradite any individual that could be tried within Lebanon as per its judicial jurisprudence which means the exception of:
- crimes committed on Lebanese territories;
- crimes committed by a Lebanese citizen or a foreigner, or a person without nationality outside the Lebanese territories, or on board of a foreign aircraft, or ship which violates the security of the state or imitating its seal, forgery of currency, bank securities, passports, IDs, Lebanese birth certificates (personal);
- felonies or misdemeanours committed by Lebanese citizens abroad.

Further:

- The country does not extradite its citizens;
- There is no extradition in political crimes;
- The state does not extradite those who have been enslaved on the territories of the country requesting the extradition;
- There is no extradition except in significant crimes;
- There is no extradition when the public case was elapsed by prescription;
- There is no extradition regarding a ruling issued in Lebanon;
- There is no extradition in case the punishment is contrary to the Lebanese social system.

11. Lebanon explained the meaning of the second part of article 33 as follows: In some cases the geographical location was different in the requested country, to the one in the requesting country, which would make the crime unable to be committed in Lebanon (the requested country), therefore the extradition would be accepted in this case due to the inability of committing it in Lebanon, and the acceptance of the request in the current situation was based only on a lack of possibility of committing the offence for geographical reasons regardless of whether there was a dual criminality.
12. Further, Lebanon explained that political crimes were defined to be, according to article 196-197 of LCC, the crimes committed with a political motive, as well as offences against public and individual political rights unless the criminal has succumbed to motivation for a selfish purpose, as well as the offences that are connected or complementary to the political crimes, unless it is by itself a very serious crime in terms of morality and public rights such as murder, serious assault on property, burning or dumping or theft, committed with guns and violence. However, article 197 considers that in case of civil war or rebellion the connected crimes are not considered political ones unless the war habits don't forbid it and in case these acts were not acts of barbarism or vandalism.
13. Lebanon provided the following examples of implementation:
14. A Qatari citizen was extradited to his country relevant to corruption and money laundering cases. The extradition was based on the provisions in the LCC and reciprocity principle; Several Iraqi citizens were extradited on the charge of the embezzlement of public funds in Iraq. The extradition was based on the extradition treaty with Iraq. One of those cases related to Iraqi an administrative officer who has been extradited on the request of the National Committee for Integrity and Anti-Corruption based on embezzlement of public

funds from Iraq, and Iraq is seeking for the recovery of the assets that were frozen in Lebanon.

(b) Observations on the implementation of the article

15. According to articles 30 to 33 Lebanon only extradites if the double criminality standard is met. The threshold for extraditable offences is that those offences must be significant and punishable by 1 year of imprisonment or more (which means all felonies and misdemeanours). All UNCAC offences are punishable by imprisonment or fine and most have a maximum penalty of 3 years (except money-laundering which foresees a higher penalty of imprisonment). They therefore fall within the scope of misdemeanour which makes the offences extraditable.

Article 179 – An offence is defined as a felony, a misdemeanour or a contravention and is accordingly punishable by a penalty for a felony, a misdemeanour or a contravention. The legal definition is based on the maximum level of the heaviest penalty imposed by law.

Article 39 – The customary penalties for misdemeanours are:

1. Imprisonment with labour;
2. Ordinary imprisonment;
3. A fine.

Article 51 – The term of imprisonment shall range from 10 days to 3 years, unless otherwise provided by law. Persons sentenced to imprisonment with labour shall be subject to the regime provided for in Article 46 concerning persons sentenced to extended imprisonment. Persons sentenced to ordinary imprisonment shall not be required to work. They may, however, on request, opt for employment in one of the activities organized by the prison. If they choose such employment, they shall be required to pursue it until they have served their sentence.

16. The offence is considered significant when it is important by its nature, in case it threatens the security and stability of the society and when its punishment is above the one year imprisonment.
17. This threshold of one year is also referred to in bilateral treaties (e.g. with Bulgaria). In other treaties, such as the treaty with Tunisia (see annex 2), the threshold is a crime punishable by at least six months (see article 23 of the agreement). In this case, the treaty regulation would prevail over the LCC.
18. Lebanon explained that the principle of dual criminality was applied in a conduct based approach and not the label or elements approach, meaning that it was sufficient if the same conduct was criminalized even if the categorization of the crime or the terminology used would differ. Technical differences in the manner in which another country categorizes or denominates the offence would not pose an impediment to the provision of the extradition. As example Lebanon referred to the case of extradition of the Italian senator "Marcello Dellutri" based on the offence known in Italy as the "concorso esterno in associazione di tipo Mafioso", which has its equal in Lebanon known as "intervention in criminal associations" even though Lebanon has no history in mafia crimes. According to Lebanese laws, most UNCAC offences are punishable by two to three months up to two to three years, with the exception of money-laundering which has a higher penalty frame. This penalty frame fulfills the requirements of Article 33 and the bilateral treaty example which request a maximum penalty of one year of more.

19. What has to be noted, though, is that Lebanon has not fully criminalized all mandatory UNCAC provisions, namely article 16, paragraph 1 and parts of article 23 of the Convention. In regard to these offences the dual criminality standard would not be fulfilled (see also observations on paragraph 2 below). Reference is made to the recommendations to fully criminalize these mandatory provisions (see Chapter III) which would also assure that extradition requests could be executed for those offences. It is therefore recommended that Lebanon should recognize all the Convention offences as being extraditable offences.

Paragraph 2

2. Notwithstanding the provisions of paragraph 1 of this article, a State Party whose law so permits may grant the extradition of a person for any of the offences covered by this Convention that are not punishable under its own domestic law.

(a) Summary of information relevant to reviewing the implementation of the article

20. Lebanon confirmed that it has not implemented this provision of the Convention and referred to articles 30 to 33 of the LCC mentioned above and to its extradition treaties.
21. The Lebanese law does not allow for extradition of a convict in case of the absence of double criminality.

(b) Observations on the implementation of the article

22. Lebanon applies the double criminality standard.
23. Although the reviewers took note that Lebanon would look at the conduct of the offence and not on the technical terminology or categorization, the fact that certain offences are not fully criminalised in Lebanon, could pose a challenge to extradition in regard to those offences. Not punishable under the Lebanese law are currently the following mandatory UNCAC offences: the active form of bribery of foreign public officials (Article 16, paragraph 1) and certain money-laundering offences relating to corruption as predicate offence (Article 23). In regard to non-mandatory UNCAC offences, Lebanon has criminalised some, but not all of them.
24. Neither the LCC provisions nor the bilateral treaties include a provision which permit to grant extradition for an offence which is not punishable by the laws of Lebanon, thus there seems to be a strict application of the double criminality standard. Keeping in mind that the paragraph under review did not entail a mandatory obligation, the reviewing experts recommend that Lebanon may consider exploring possibilities to grant extradition in regard to the offences not yet fully criminalised and possibly even the non-mandatory offences which are not fully criminalised in Lebanon. Reference was made to the recommendations in Chapter III to assure full criminalization of the mandatory offences and to consider criminalization of the non-mandatory offences.

Article 44 Extradition

Paragraph 3

3. If the request for extradition includes several separate offences, at least one of which is extraditable under this article and some of which are not extraditable by reason of their period of imprisonment but are related to offences established in accordance with this Convention, the requested State Party may apply this article also in respect of those offences.

(a) Summary of information relevant to reviewing the implementation of the article

25. Lebanon confirmed that it fully implemented this provision of the Convention.

26. Lebanon cited the following applicable measures:

- Extradition is conducted when the requirements stipulated in article 30 et seq. LCC are available and no reason to reject extradition is given, as defined in article 33.

See also, for instance, article 2 (2) of the extradition agreement between the Republic of Lebanon and the Republic of Bulgaria [Law No. 468 issued on 12/12/2002]/

Article 2- crimes that allow for extradition

3. Extradition is approved in connection to actions, inactions or inadvertence which are considered penal crimes by the laws of both sides and they are punishable by imprisonment of no less than one year or a heavier penalty. When the extradition requisition refers to one or more penalties including cases towards which collective sentences were given, the remaining period of punishment should not be less than six months.
4. If the extradition requisition is relevant to several separate crimes, and that the conditions mentioned in Paragraph 1 are not available in them regarding the duration of the penalty, extradition shall be granted only for the crimes that meet the specific conditions. This rule is applied to crimes that meet other requirements in this agreement.

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

27. Lebanon did not implement the (optional) provision. In the case of connected offences, where one offence is extraditable and the other not due to a short period of imprisonment, neither the LCC nor the bilateral treaty clearly regulate the option to extend extradition to the latter offence too. The extradition treaty with Bulgaria in Article 2 (2) even clarifies that in those cases extradition would only be granted for the crime that meets the specific conditions. Reference is also made to the exclusiveness principle in Article 7 of the extradition treaty with Bulgaria.

28. According to its laws and existing extradition agreements, Lebanon would only be able to extradite in regard to the offence which meets the minimum penalty requirement and not in regard to the other offences. In regard to UNCAC offences, the reviewing experts referred to their observation under paragraph 2, stating that Lebanon may wish to explore possibilities of a more flexible approach to the double criminality standard in this situations of accessory extradition.

Article 44 Extradition

Paragraph 4

4. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them. A State Party whose law so permits, in case it uses this Convention as the basis for extradition, shall not consider any of the offences established in accordance with this Convention to be a political offence.

(a) Summary of information relevant to reviewing the implementation of the article

29. Lebanon confirmed that it fully implemented this provision of the Convention.

30. Lebanon can use the UNCAC as basis for extradition, however, until now the country didn't receive any extradition request based on the UNCAC and did not inform the Secretary General that the agreement is the basis for the extradition of the criminals. Thus, the LCC has been applied unless there was a bilateral treaty between Lebanon and the requesting country.

Article 34

Extradition shall be rejected too:

4. If the extradition requisition is relevant to a political crime or appeared to have a political purpose;
5. If the defendant has been enslaved in the country requesting the extradition;
6. If the penalty stipulated by the legislations of the country that submitted the requisition is contrary to the Lebanese social system.

See also example of the extradition agreement between the Republic of Lebanon and the Republic of Bulgaria.

Article 3- Rejection of extradition requisitions

1. Extradition requisitions are rejected in the following cases: (...)
 - E. If the crime in question in the extradition requisition is considered by the requested party a political crime or is relevant to a political crime or a military crime.

31. Lebanon provided the following example of implementation:

Several Iraqi citizens were extradited on the charge of the embezzlement of public funds in Iraq. The extradition was based on the extradition treaty with Iraq. One of those cases related to an Iraqi administrative officer who has been extradited on the request of the National Committee for Integrity and Anti-Corruption based on embezzlement of public funds from Iraq, and Iraq is seeking for the recovery of the assets that were frozen in Lebanon.

(b) Observations on the implementation of the article

32. Lebanon applies a minimum imprisonment approach in the LCC as well as in extradition treaties (see list of treaties as well as an example in Annex 1 and 2), which makes all offences for which the dual criminality standard and the minimum imprisonment approach apply, extraditable offences.

33. In regard to the UNCAC offences which are criminalized in Lebanon, it is recommended that Lebanon should continue to assure that those are included as extraditable offences in extradition treaties. As regards the mandatory offences which are not yet criminalized in

Lebanon, the reviewers refer to the observations under article 44, paragraphs 1 to 3 of the Convention.

34. Lebanon can use UNCAC as basis for extradition, but clarified that this has not happened in practice so far.
35. Further, Lebanon explained that corruption offences were not considered political offences. Political crimes were defined to be, according to article 196-197 of LCC, crimes committed with a political motive, as well as offences against public and individual political rights unless the criminal has succumbed to motivation for a selfish purpose, as well as the offences that are connected or complementary to the political crimes, unless it is by itself a very serious crime in terms of morality and public rights such as murder, serious assault on property, burning or dumping or theft, committed with guns and violence. However, article 197 of LCC considers that in case of civil war or rebellion the connected crimes are not considered political ones unless the war habits don't forbid it and in case these acts were not acts of barbarism or vandalism.

Subsection 3 - Political offences

Article 196 – Political offences are intentional offences committed by the perpetrator for a political motive. They are also offences committed against general and individual political rights unless the perpetrator was prompted by a selfish and base motive.

Article 197 – Complex offences or offences closely connected with political offences are deemed to be political offences, unless they constitute most serious felonies or attempted felonies in terms of morals and ordinary law, such as homicide, grievous bodily harm, attacks on property by arson, explosives or flooding, and aggravated theft, particularly those involving the use of weapons and violence. At times of civil war or insurrection, complex or closely related offences shall not be deemed to be political unless they constitute non-prohibited customs of war and they do not constitute acts of barbarity or vandalism.

36. As corruption offences, considering their penalty frame, do not necessarily classify as felonies or serious felonies, it is not clear if they would fall under the exception of article 197 of LCC.
37. It is therefore recommended that Lebanon should continue to ensure that offences in accordance with this Convention are not considered political offences.

Article 44 Extradition

Paragraph 5

5. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.

(a) Summary of information relevant to reviewing the implementation of the article

38. Lebanon confirmed that it fully implemented this provision of the Convention. Reference was made to the explanations provided above.
- 39.

(b) Observations on the implementation of the article

40. Lebanon does not make extradition conditional on the existence of a treaty but could extradite based on statutory rules in the LCC. However, despite the existence of the LCC, Lebanon can enter and has already entered into bilateral agreements on extradition (see Annex 1) and could also use the Convention directly if a country would make a request based on UNCAC.

Article 44 Extradition

Subparagraph 6 (a) and (b)

6. A State Party that makes extradition conditional on the existence of a treaty shall:

(a) At the time of deposit of its instrument of ratification, acceptance or approval of or accession to this Convention, inform the Secretary-General of the United Nations whether it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and

(b) If it does not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.

(a) Summary of information relevant to reviewing the implementation of the article

41. Lebanon provided the following information:

42. The Secretary General has not been informed.

(b) Observations on the implementation of the article

43. It was clarified that paragraph 6, in principle, did not apply to States parties that were able to extradite pursuant to a statute. Although Lebanon can and has entered into bi- and multilateral agreements on the issue of extradition, the country can also extradite in the absence of a treaty by using the provisions in the LCC or the reciprocity principle.

44. It was recommended that Lebanon should still consider informing the Secretary-General of the possibility to use the Convention as a basis for extradition (next to statutory basis) as this would be a measure that could inform future requesting States of this possibility and therefore facilitate future extradition requests based on the Convention.

Article 44 Extradition

Paragraph 7

7. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.

(a) Summary of information relevant to reviewing the implementation of the article

45. Lebanon referred to the information provided above.

46. The country under review provided the following example of implementation:

47. A Qatari citizen was extradited to his country relevant to corruption and money laundering cases. The extradition was based on the provisions in the LCC and reciprocity principle.

(b) Observations on the implementation of the article

48. Lebanon applies a minimum imprisonment approach in the LCC as well as in extradition treaties (see list of treaties as well as an example in Annex 1 and 2), which makes all offences for which the dual criminality standard and the minimum imprisonment approach apply, extraditable offences. The UNCAC offences which are criminalized in Lebanon are therefore covered. However, not all mandatory offences are fully criminalized (see observations above).

Article 44 Extradition

Paragraph 8

8. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.

(a) Summary of information relevant to reviewing the implementation of the article

49. Lebanon confirmed that it fully implemented this provision of the Convention.

50. Lebanon referred to the information provided under article 44, paragraph 1 of the Convention (see above).

Article 33 LCC - amended as per the legislative decree no. 112 of 16/9/1983

Extradition is rejected:

4. When the Lebanese legislation doesn't punish the crime as a felony or a misdemeanour. It shall be the contrary if the circumstances comprising the wrongdoing cannot be available in Lebanon due to its geographical location.
5. If the penalty stipulated by the legislation of the country requesting the extradition or that of the country on whose territories the crime has been committed is no more than one year imprisonment for the total crimes relevant to the request, and in case of issuing a ruling of no more than two months imprisonment.
6. If a conclusive ruling has been issued regarding the crime in Lebanon or if the public right case has been dropped as per the Lebanese legislation or the legislation of the country requesting the extradition or the legislation of the country on whose territory the crime has been committed.

Article 34 LCC

Extradition shall be rejected too:

7. If the extradition requisition is relevant to a political crime or appeared to have a political purpose;
8. If the defendant has been enslaved in the country requesting the extradition;

9. If the penalty stipulated by the legislations of the country that submitted the requisition is contrary to the Lebanese social system.

51. See also example of the extradition agreement between the Republic of Lebanon and the Republic of Bulgaria.

Article 3- Rejection of extradition requisitions

1. Extradition requisitions are rejected in the following cases:
 - B. If the person requested to be extradited had previously prosecuted or tried by the judicial authorities of the requested party regarding the crime he was requested to be extradited for.
 - C. If the ruling or the public right has elapsed by prescription as per the law of one of the two parties at the time of receiving the extradition requisition.
 - D. If a general pardon was issued by the party requesting extradition regarding the crime in question
 - E. If the person who is requested to be extradited shall be subject to an extraordinary trial by the requesting party
 - F. If the crime in question in the extradition requisition is considered by the requested party a political crime or is relevant to a political crime or a military crime.
 - G. If the person who is requested to be extradited is a citizen of the requested party at the time of receiving the extradition requisition.
2. The extradition requisition shall be rejected if there are significant reasons why the person requested to be extradited is believed to:
 - A. Be subjected to a trial that does not guarantee the minimum rights of defence. Undertaking the criminal procedures in the absence of the wanted person does not represent per se a reason for the rejection of the extradition requisition on condition that the requesting party shall pledge that it shall give a new trial in the presence of the wrongdoer in implementation of the domestic law of the requesting party.
 - B. Be prosecuted or there shall be discrimination against him for reasons related to his gender, nationality, language, political convictions, or shall be subject to brutal or inhumane treatment or any actions that violate some of the basic human rights.

Article 4- optional reasons for rejecting the extradition requisition

The extradition requisition may be rejected if:

- A. If the action or inaction relevant to the extradition requisition has been committed fully or in part on the territories of the requested party or within a place which it considers a part of its territories.
- B. The crime in question had been committed outside the territories of both parties and that the law of the requested party does not apply to that crime

(b) Observations on the implementation of the article

52. Lebanon applies a minimum imprisonment approach in the LCC as well as in extradition treaties. All UNCAC offences are punishable by imprisonment or fine and most have a maximum penalty of 3 years (except money-laundering which foresees a higher penalty of imprisonment). They therefore fall within the scope of misdemeanour which makes the offence extraditable (see observations under article 44, paragraph 1).

53. Both the LCC and the bilateral treaty provided as example, list specific reasons which lead to the rejection of the extradition request.

The reviewing experts raised that the statute of limitation regulated in the bilateral treaty Article 3 (1) (B) could pose a challenge as sometimes acts of corruption are only discovered and investigated several years after the commission of an offence (reasons could be for

example late detection in relation to a long-term major construction project, investigation after a regime change). Article 10 of the Summary Trials Principles Law establishes a 3 year state of limitation for most corruption offences. This could mean that Lebanon according to its bilateral treaties might not be in a position to extradite persons if the requesting country had only submitted the request 3 years after the offence was committed. During the discussions this was noted as a potential challenge in practice, which Lebanon may wish to address.

Article 44 Extradition

Paragraph 9

9. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.

(a) Summary of information relevant to reviewing the implementation of the article

54. Lebanon confirmed that it fully implemented this provision of the Convention.

55. Lebanon cited the following applicable measures:

Article 35- amended as per the legislative decree no. 112 of 16/9/1983

The extradition requisition shall be referred to the Public Prosecutor at the Court of Cassation, who shall verify whether the legal conditions have been fulfilled and whether the charge has been adequately established. He may issue an arrest warrant for the person requested to be extradited after interrogating him. Then he shall refer the file to the Minister of Justice together with a report.

He responds to the extradition requisition with a decree issued as per a proposal from the Minister of Justice.

Article 36- amended as per the legislative decree no. 112 of 16/9/1983

The accused who shall be extradited cannot be prosecuted adversarial, or subjected to a penalty or extradited to a third country for any offence that was committed prior to the extradition other than the offence given rise thereto, unless the government of the country who is requested to extradite him agrees to this as part of the conditions mentioned in the previous article.

Approval in this case is not confined to the provisions of Para2 of article 33

See also, for instance, article 8 of the extradition agreement between the Republic of Lebanon and the Republic of Bulgaria

Article 8- documents attached to extradition requisition

1. The extradition requisition should be attached with:
 - a. The original or a copy of the warrant arrest or any other document relevant to limiting personal freedom or when extradition is requested for implementing a sentence – the conclusive ruling should be attached with a document proving the remaining part of the sentence to be implemented.
 - b. Description of the crimes relevant to the extradition requisition while specifying the time and date of committing them and their legal description.
 - c. The text of the legal provisions applied including the provisions of preventive measures
 - d. Special features of the person, all other information available with the requesting party which help specify the identity of the person

- e. If it appeared that the information provided is not enough, the requested party should request providing it with additional information by the requesting party specifying the duration of providing it. This period could be extended upon a reasoned request.

Article 16- Communications

For the purposes of this agreement, communications are conducted:

1. For the Lebanese republic, by the Minister of Justice and for the republic of Bulgaria by the Minister of Justice. Communications through diplomatic channels are also allowed. The provisional detention request could be referred through the Interpol.
2. All extradition requisitions and other reports as well as all other attached and legal documents in the language of the requesting party together with an accredited translation to the language of the requested party as per the rules.
3. The original and accredited copies of the legal documents should not be legally or officially authenticated or any similar action.

56. Lebanon provided the following examples of implementation:

57. In fact, as an example the following has been mentioned in the two agreements signed by the Arab Republic of Syria and the Hashimite Kingdom of Jordan regarding extradition of criminals : “If the defendant admitted that he is the wanted person and admitted committing the crime he was accused of and the concerned authorities found out that this crime is one of the crimes regarding which extradition can be conducted, as per the provisions of the agreement, and the defendant agreed to be extradited without the file of extradition requisition to the government requesting extradition, the concerned authority may order his extradition.

(b) Observations on the implementation of the article

58. Lebanon implements the provision under review. The extradition agreements with Syria and Jordan comprise a specific regulation in case the defendant admits the crime and agrees to the extradition.

59. The bilateral agreement with Bulgaria, for examples, in article 8 comprises a list of documents which are required. Based on this provision, prima facie evidence seems sufficient. These documents are required and considered as standard information but in urgent cases administrative extradition can be approved if bilateral treaties state this matter (Treaties with Jordan and Syria).

60. The bilateral agreement also establishes in article 16 the possibility to use different possible communication channels (Ministry, diplomatic and Interpol for provisional detention).

61. It was clarified that there were no deadlines in regard to the processing of a request and that it was not possible to assess the average time taken as this would vary very much on a case by case basis. The time frame depends on the date of submission of the file and the required documents. The sooner the State requesting the extradition send the necessary information with the extradition file, the faster the demand is resolved.

62. The reviewing experts were satisfied with the information provided. They recommend to further endeavour to expedite extradition and to simplify evidentiary requirements, including collection of data and monitoring of the duration of extradition proceedings.

Article 44 Extradition

Paragraph 10

10. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.

(a) Summary of information relevant to reviewing the implementation of the article

63. Lebanon confirmed that it fully implemented this provision of the Convention.

64. Lebanon cited the following applicable measures:

Article 35- amended as per the legislative decree no. 112 of 16/9/1983

The extradition requisition shall be referred to the Public Prosecutor at the Court of Cassation, who shall verify whether the legal conditions have been fulfilled and whether the charge has been adequately established. He may issue an arrest warrant for the person requested to be extradited after interrogating him. Then he shall refer the file to the Minister of Justice together with a report. He responds to the extradition requisition with a decree issued as per a proposal from the Minister of Justice.

65. Further, bilateral agreements and reciprocity principle are applicable

66. See also example of the extradition agreement between the Republic of Lebanon and the Republic of Bulgaria.

Article 9- provisional and initial detention

1. If one of the two parties presented a request for a provisional detention of one of the persons for whom it is intended to provide an extradition requisition, the other party, before receiving the extradition requisition, has to detain this person or take any other coercive measures according to its laws.
2. The provisional detention request should include information relevant to the arrest warrant and another document providing for limiting the personal freedom or the conclusive ruling against the person requested to be extradited, and a statement that the extradition requisition shall be provided, a description of the crime referring to the time and place of committing the crime, the legal description of the crime, the sentence passed and, when necessary, the remaining period of the sentence in addition to necessary information for specifying the identity of the person.
3. The requested party shall immediately notify the other party regarding the processing of the request and it should consult with it regarding the date of detention and the implementation of any other coercive measures towards that person.
4. Detention of the person and any other coercive measures shall come to an end if the extradition requisition and documents mentioned in article 8 have not been received by the requested party within 40 days of the date specified in Para3. This should not lead to a new detention or the implementation of other coercive measures for the purpose of extradition if the extradition requisition has been received after the end of the period specified above.
5. Upon receiving the extradition requisition, the requested party shall detain the person requested to be extradited till handing him over or to take any proper preventive measures to stop this person from leaving its territories.

67. Lebanon didn't provide any example of implementation or cases.

(b) Observations on the implementation of the article

68. Lebanon implements the provision under review. The prosecutor may issue an arrest warrant as provided for by article 35 LCC to take the person for which extradition is sought into custody/detention.
69. Relevant provisions are also included in the bilateral agreements such as the agreement between Lebanon and Bulgaria. In these cases communication through Interpol is possible (see article 8 of the agreement)
70. In some cases, the requested State takes measures to ensure the presence of the person intended to be extradited when the requesting state applies such measures in case of reciprocity, specifically in case there is no bilateral treaties.

Article 44 Extradition

Paragraph 11

11. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

(a) Summary of information relevant to reviewing the implementation of the article

71. Lebanon confirmed that it fully implemented this provision of the Convention.

72. Lebanon cited the following applicable measures:

Article 32 - Offences falling within the territorial jurisdiction or the jurisdiction *rationae materiae* or *ratione personae* of Lebanese law, as stipulated in Articles 15 to 17, Article 18.1 *in fine* and Articles 19 to 21, may not give rise to extradition.

73. **Extradition of citizens:** A Lebanese citizen shall not be extradited but he shall be subject to the Lebanese judiciary system as per the personal jurisprudence stipulated in article 20 LCC stating that the Lebanese legislation shall be applied to every Lebanese citizen, whether he is a wrongdoer, instigator or accomplice who committed a felony or a misdemeanour outside the Lebanese territories that is punishable by the Lebanese legislations “ thus the Lebanese republic is committed in this connection to principle of “extradite or try”.
74. Based on what is called the comprehensive jurisprudence mentioned in article 23 LCC “the Lebanese legislation shall also be applied on any foreigner or any individual without nationality who is resident or entered Lebanon and was a wrongdoer, accomplice, instigator or involved in any felony or misdemeanour outside Lebanon if his extradition was requested or approved.”

75. In addition, the Lebanese republic does not extradite any person even if he committed, outside its territories, a crime against its national security, imitating its seal, forged passports, entry card, IDs, Lebanese birth certificates and other crimes mentioned in article 19 LCC under the title of self-jurisprudence because such crimes are harming the state entity and its interests.
76. Based on all of the above, we state that the Lebanese republic is committed to “extradition” and “trial” for Lebanese citizens or any foreigner, or a person without nationality present in Lebanon if he committed a crime abroad including money laundering in case it is requested to extradite him, if it was asked to extradite him and the request was rejected for a legal reason, and every foreigner or a person without nationality who committed abroad one of the crimes mentioned in article 19 above.
77. Lebanon didn’t provide any example of implementation or cases.
78. See also example of the extradition agreement between the Republic of Lebanon and the Republic of Bulgaria.

Article 6- providing punitive procedures for the requested party

1. When extradition is rejected as per article 3, the requested party shall submit the issue to the concerned authorities to embark on punitive measures if the other party so requested. For this purpose, the requesting party should secure a procedural file and all the required data for the prosecution or to take the necessary legal actions.
2. The requested party should immediately inform the other party about action taken regarding the request and the processing of the case filed

Each contracting party, when asked by the other party, to undertake punitive actions against its citizens who committed a crime on the territories of the requesting party when he is approved to be expedited as per the provisions of this agreement. For this purpose, all proofs relevant to the crime should be sent to the requested party. The requesting party should be notified of the result of processing the request.

(b) Observations on the implementation of the article

79. Lebanon implements the provision as follows: Lebanon does not extradite its nationals according to article 32 of the LCC which states that the extradition is refused in case there is regional or personal competence for Lebanon and by personal it means that the accused is one of its nationals (see article 19 and 20 of the LCC).
80. As regards the extradition treaty with Bulgaria, Lebanon has the obligation to initiate domestic criminal proceedings and will cooperate with the requesting State in regard to the case file and evidence according to Article 6.
81. Even in the case where there is no bilateral agreement, the LCC articles are applicable and therefor the requests are rejected or accepted on the basis of the provisions of the domestic law to which the foreign authorities should abide to. And the trial of the nationals is automatically done before the national jurisdiction based on the extradition file. In practice, all the rejected extradition requests for Lebanese citizen are immediately and automatically referred to national jurisdiction for trial on the basis of extradition file.
82. The procedure is clearly regulated in the bilateral treaties, but not in the LCC. Lebanon should incorporate a similar provision into the LCC for strengthened legal certainty and harmonization of the procedural rules. Thus, it is recommended that Lebanon should

establish in the LCC an obligation to submit cases for prosecution at the request of the State party seeking extradition when extradition requests are denied on the grounds of nationality.

Article 44 Extradition

Paragraph 12

12. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence ordered as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 11 of this article.

(a) Summary of information relevant to reviewing the implementation of the article

Lebanon explained that it did not implement the provision as it would not extradite its nationals.

(b) Observations on the implementation of the article

83. It was explained that in principle Lebanon would not extradite its nationals.

84. However, it was explained that Lebanon could accept a request based on an exceptional bilateral agreement in which the requesting state party would need to guarantee the return of the national it is asking to extradite to Lebanon. Such a bilateral agreement would prevail over the regulation of article 32 of the LCC. However, in practice, this has not been done to date.

Article 44 Extradition

Paragraph 13

13. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested State Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting State Party, consider the enforcement of the sentence ordered under the domestic law of the requesting State Party or the remainder thereof.

(a) Summary of information relevant to reviewing the implementation of the article

85. Lebanon confirmed that it fully implemented this provision of the Convention. It considered that:

There are no special provisions and we should refer to bilateral agreements (e.g. see article 6 of the Agreement with Bulgaria).

Article 6- Providing punitive procedures for the requested party

1. When extradition is rejected as per article 3, the requested party shall submit the issue to the concerned authorities to embark on punitive measures if the other party so requested. For this purpose, the

requesting party should secure a procedural file and all the required data for the prosecution or to take the necessary legal actions.

2. The requested party should immediately inform the other party about action taken regarding the request and the processing of the case filed.

86. Lebanon didn't provide any example of implementation or any cases.

(b) Observations on the implementation of the article

87. The extradition of nationals for enforcing a sentence can be facilitated based on bilateral agreements or treaties which generally include provisions on the execution of penal foreign judgement. Lebanon "can" enforce the sentence, when the person is sentenced outside the country as long as the decision is in conformity with the domestic law. It was hence recommended that Lebanon should provide in the LCC for the possibility to enforce a foreign sentence if extradition is refused because the person sought is a national.

Article 44 Extradition

Paragraph 14

14. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.

(a) Summary of information relevant to reviewing the implementation of the article

88. Lebanon confirmed that it fully implemented this provision of the Convention.

89. Lebanon cited the following applicable measures:

Article 47, Criminal procedures

Article 47: judicial officers, being assistants of public prosecutors, shall embark on tasks entrusted to them by the general prosecution including investigating crimes with no eyewitnesses, collecting information related to them, and conducting investigations to discover wrongdoers and accomplices, and collecting evidence against them, including seizing criminal tools, examination of crime scenes and conducting technical and scientific studies on traces and landmarks and listening to the testimony of eyewitnesses without swearing them in and the statements of defendants or suspects. If they rejected to give statements or kept silent, this should be mentioned in a report and they don't have the right to force them to give statements or interrogate them and if they do their statements shall be null and void.

They have to notify the general prosecution of the measures they are taking and they should adhere to instructions. They cannot search a house of a person unless they get a prior search warrant from the general prosecution. In case they got a search warrant, they should abide by the rules prescribed by the law for the general prosecutor in the said crime. Any search they conduct, which is contrary to those rules, shall be considered null and void. Nullification is confined to the search and shall not include any other procedures which are independent from it.

* The third paragraph of article no. 47 of law no. 359 dated 16/8/2001 provides:

They are not allowed to detain suspects in their point of view unless they have a decision from the public prosecution and for a period that does not exceed 48 hours that could be extended for a similar period as per the approval of the public prosecution. The period of detention is calculated starting the date of arrest.

After being subject to detention for investigation, the suspect and the person whom there is a complaint against shall enjoy the following rights:

1. Contacting one of the family members, employer, or a lawyer or one of his acquaintances.
2. Meeting a lawyer he nominates with a permit to be mentioned in the report without the need for an organizing agency as per the rules
3. Getting an sworn interpreter if he does not speak Arabic
4. Submitting a direct request or through his agent or one of his family members to the public prosecutor for him to be examined by a physician. The public prosecutor assigns a physician for him once he receives the request. The physician should examine him in the absence of judicial officers and he shall forward a report to the public prosecutor in no more than 24 hours. The public prosecutor shall send a copy of this report to the arrested and the arrested or any of the abovementioned persons may submit a new examination request, if his detention has been extended. The judicial officer should inform the suspect, once detained, of the said rights and should put down this procedure in the report.

Principles and procedures prescribed by the law of Principles of Criminal Trials before investigation judge and during the trial.

Lebanon provided the following examples of implementation:

There are examples in this regard in the daily cases seen by courts regarding securing the right of defence through getting a lawyer and assigning an interpreter, if need be, or a physician in emergency cases.

(b) Observations on the implementation of the article

90. Lebanon applies the same rights and guarantees in criminal proceedings as provided for in the general laws of Lebanon to any person regarding whom extradition proceeding are being carried.

Article 44 Extradition

Paragraph 15

15. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons.

(a) Summary of information relevant to reviewing the implementation of the article

91. Lebanon confirmed that it fully implemented this provision of the Convention.

Lebanon cited the following applicable measures:

Articles 33 and 34 LCC:

Article 34

Extradition shall be rejected too:

1. If the extradition requisition is relevant to a political crime or appeared to have a political purpose;
2. If the defendant has been enslaved in the country requesting the extradition;
3. If the penalty stipulated by the legislations of the country that submitted the requisition is contrary to the Lebanese social system.

92. Lebanon provided the following cases:

Lebanon rejected to extradite a Libyan citizen wanted on corruption charges for maintaining his safety and for political reasons.

93. See also example of the extradition agreement between the Republic of Lebanon and the Republic of Bulgaria.

Article 3- Rejection of extradition requisitions

(...)

2. The extradition requisition shall be rejected if there are significant reasons why the person requested to be extradited is believed to:

- A. Be subjected to a trial that does not guarantee the minimum rights of defence. Undertaking the criminal procedures in the absence of the wanted person does not represent per se a reason for the rejection of the extradition requisition on condition that the requesting party shall pledge that it shall give a new trial in the presence of the wrongdoer in implementation of the domestic law of the requesting party.
- B. Be prosecuted or there shall be discrimination against him for reasons related to his gender, nationality, language, political convictions, or shall be subject to brutal or inhumane treatment or any actions that violate some of the basic human rights.

(b) Observations on the implementation of the article

94. Article 34 LCC provides that extradition can be refused if the request appeared to have a political purpose. Other specific reasons are not specifically listed in the law. The bilateral agreements with Bulgaria provides more clarity by listing the rights of defence or discrimination related to his gender, nationality, language, political convictions or shall be subject to brutal or inhumane treatment of violation of basic human rights. Religion, race or ethnic origin are not explicitly listed, but could possibly be subsumed under the wording of the agreement and the reference to “any actions that violate some of the basic human rights”. It was confirmed that most bilateral agreements provide such details and that these principles would also guide the decisions made based on Article 34 LCC. Lebanon may wish to clarify these principles more clearly in the LCC.

95. Lebanon provided further details on examples of implementation of this article: After the ancient Regime in Libya changed, the refusal was no more based on political opinions only but because a new political context was established and it threatened its security. Another example of the implementation of the article is the refusal of the extradition of a French citizen wanted for corruption charges to Algeria on the basis of political and safety personal reason.

Article 44 Extradition

Paragraph 16

16. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

(a) Summary of information relevant to reviewing the implementation of the article

96. Lebanon confirmed that it fully implemented this provision of the Convention.

97. Lebanon cited the following applicable measures:

The articles mentioned above cited this subject.

98. Lebanon didn't provide any examples of implementations or any cases

(b) Observations on the implementation of the article

99. As fiscal matters are not a ground for refusal neither provided for by law nor by any bilateral treaty, Lebanon seems to implement the provision. It is recommended to use the Convention as legal basis in those cases, if possible for the other State party.

Article 44 Extradition

Paragraph 17

17. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.

(a) Summary of information relevant to reviewing the implementation of the article

100. Lebanon confirmed that it fully implemented this provision of the Convention.

101. Lebanon cited the following applicable measures:

102. International treaties organized this subject.

103. Lebanon didn't provide any examples of implementations or any cases.

(b) Observations on the implementation of the article

104. The principle of close communication and request of additional information seems to be implemented through provisions in bilateral agreements. See for instance article 8 of the agreement with Bulgaria.

105. Further, it was confirmed that such consultation is carried out as a matter of practice. Generally, ambassadors as well as diplomats hold negotiations concerning these issues, when requests are submitted to Lebanon from their countries. The extradition of an Italian representative of the Parliament wanted for mafia related offences and corruption issues was made on the basis of the bilateral treaty with Italy and informal negotiation were ongoing in parallel to the extradition request. It was recommended that Lebanon should continue consulting with the requesting State to provide it with the opportunity to present its opinions and relevant information before extradition is refused and include this obligation in the LCC.

Article 44 Extradition

Paragraph 18

18. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.

(a) Summary of information relevant to reviewing the implementation of the article

106. Lebanon confirmed that it fully implemented this provision of the Convention.

107. Lebanon cited the following applicable measures: You are kindly requested to refer to the above-mentioned treaties.

108. Lebanon provided the following examples of implementation: Extradition treaties that have been previously mentioned.

(b) Observations on the implementation of the article

109. Lebanon has entered into several bilateral and multilateral agreements (see Annex 1). There are also plans for closing additional bilateral treaties, (i.e. with France) and Lebanon seeks to conclude new conventions and agreements regarding these matters. There are many bilateral treaties which have been prepared by both states and need to be legally ratified.

(c) Successes and good practices

110. Lebanon's legal system offers a broad spectrum of options for extradition ranging from statutory to treaty based extradition procedures. Further, Lebanon can use UNCAC as basis for extradition and also extradite based on ad hoc agreements and the reciprocity principle.

(d) Challenges, where applicable

111. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

1. *Inadequacy of existing implementing norm measures (laws, regulations etc.);*
2. *Limited capacity (e.g. human/technological/institution/other; please specify);*
3. *Limited resources for implementation (e.g. human/financial/other; please specify);*

(e) Technical assistance needs

112. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

On-site assistance by an anti-corruption expert in the creation of a new department to deal with international cooperation, including extradition and mutual legal assistance.

Assistance in the coordination between the Central Authority and the Prosecutor General (e.g. summary of good practices and lessons learnt, capacity building or else), development of an action plan for implementation and model treaty(ies);

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 45 Transfer of sentenced persons

States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences established in accordance with this Convention in order that they may complete their sentences there.

(a) Summary of information relevant to reviewing the implementation of the article

113. Lebanon considered that it partly implemented this provision of the Convention.
114. Lebanon cited the following applicable measures: Lebanon signed several agreements in this connection including agreements with Cyprus, Egypt and Jordan, which identify the conditions and procedures for the application and acceptance of transferred criminals. Lebanon is working on signing more agreements with other countries.
115. Lebanon didn't provide any example of implementation.
116. Lebanon outlined the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review: This requires that the concerned authorities in Lebanon negotiate with concerned countries to reach a protocol according to which Lebanese authorities shall pledge to guarantee that the convict shall spend in Lebanon the same sentence issued in foreign country.

(b) Observations on the implementation of the article

117. Lebanon explained the general rules that applied in regard to the transfer of sentenced persons as follows: The condemned can submit the request for a transfer to his country and it can also be made by the contracting state when the following conditions are met:
- If the condemned is a national of the state;
 - If the judgment is definitive;
 - If the length of the sentence that remains to execute at the time of receipt of the request is less than six months or if the sentence is of unlimited duration;
 - If the person concerned agrees or if one of the two states considered this necessary measure given the age of the convicted, his state of physical or mental health or his legal representative accepts;
 - If the act or omission which is the origin of the sentence constitutes an offense under the law of the executing state or may constitute an offense if committed on its territory;
 - If both parties accept the transfer through the intermediary of the Minister of Justice.

- Exceptionally the request for transfer can be refused even if the remaining time is less than a period of six months.

The state of the conviction must inform the condemned of the content of the Convention in the case it applies to him. It also has a duty to ensure that the condemned freely accepts his application and he is aware of the legal consequences attached to them as to the procedure for the issuance of consent is subject to the law of the state of the condemnation which should allow the State of the execution, through the intermediary of the Consul or other public official that it is agreed by both parties to ensure that the consent was freely and consciously granted.

In general, in most bilateral treaties on judicial cooperation we can find provision related to transfer of sentenced person. It is recommended that Lebanon may consider entering further bilateral agreements or arrangements on the transfer of sentenced persons as may be necessary and to collect data/statistics on such cases to monitor the application and effectiveness of the agreements.

(d) Challenges, where applicable

118. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

1. *Limited capacity (e.g. human/technological/institution/other; please specify);*
2. *Limited resources for implementation (e.g. human/financial/other; please specify);*

(e) Technical assistance needs

119. Lebanon has indicated that no technical assistance was required in regard to this provision.

Article 46 Mutual legal assistance

Paragraph 1

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

120. Lebanon confirmed that it fully implemented this provision of the Convention.

121. Mutual Legal Assistance – in all fields - is based on agreements. In case there is no agreement, mutual legal assistance can be provided by Lebanon based on the reciprocity principle.

122. Lebanon signed several bilateral agreements with a number of countries. They addressed Mutual Legal Assistance in general and extradition of criminals, and mutual judicial assistance. The agreements organize the formalities and objective conditions relevant to providing assistance or what is called letter rogatory.

123. The Bilateral Agreement on Mutual Legal Assistance, execution of rulings, and extradition agreement signed between Lebanon and Tunisia is comprised as an example of a bilateral agreement in Annex 3.
124. In addition, Lebanon signed multilateral agreements such as an agreement relevant to Mutual Legal Assistance signed among Arab countries on 1998 which is related to terrorism which included letter rogatory in this framework (please refer to Annex 4).
125. Lebanon provided the following examples of implementation:
126. Due to the assistance requests sent by the Tunisian government relevant to funds resulting from corruption crimes committed by the former regime (embezzlement of public funds) Lebanon responded with providing the legal assistance required for investigating where those funds went and freezing them and returning them to Tunisia after the issuance of conclusive judicial rulings in this regard and submitting the executive form to it.

(b) Observations on the implementation of the article

127. Reference is made to the general observations at the beginning of this chapter.
128. A list of relevant bilateral and multilateral agreements in the area of mutual legal assistance is comprised in Annex 1. Those would have precedence over the statutory regulations. In the absence of a treaty and as the national legislation does not regulate the issue of mutual legal assistance (different from extradition which is covered in the LCC) it is noteworthy that UNCAC could be and has been used as a basis for MLA requests whenever needed.
129. In the absence of a treaty, requests can also be dealt with in accordance with the reciprocity principal and domestic law with the purpose of facilitating the cooperation requested as much as possible.
130. During the dialogue phase, Lebanon provided further examples for the application of these different options:
- The principle of reciprocity had been applied in MLA cases with Romania related to corruption
 - MLA with England had been based on UNCAC and
 - MLA with France for political corruption had been based on the reciprocity principle as well as with Iraq
 - MLA requests in relation to Italy concerning legal persons had been based on bilateral treaties.
131. Lebanon explained that double criminality was not necessary if the requested measures were non-coercive. As regards coercive measures, the principle would be applied implicitly.
132. The average timeframe for MLA requests depends on the requesting state and on the time the state needs to provide the necessary information. It depends also on the content

of the request and the measures or information asked for or needed. Therefore, Lebanon would not be in a position to provide an accurate and standard time frame in advance. It can vary based mainly on case-by-case situation.

133. The usual LCC procedures are applicable for MLA requests. The handling of MLA requests is facilitated through the Ministry of Justice who sends it to the General Prosecutor. The Ministry of Justice is considered the central authority. It receives and sends the MLA requests for execution to the competent authority and when the execution is done it sends back the MLA request to the requesting party through diplomatic channels.

134. The MLA requests might be rejected or not responded to in case it is submitted without abiding the domestic law of Lebanon (e.g. the LCC), in case there are no provisions which deal with the subject of the request, in case the disclosure of information protected by bank secrecy is requested, or in case any secret information relevant to the state security is requested. We should note in this regard that whenever a request is not in compliance with the provisions clearly applied it is likely to be rejected. However, as regards corruption cases reference is made to the explanations under paragraph 3, as the FIU has the power to lift bank secrecy for identification, tracing and freezing in regard to all money-laundering and corruption offences.

135. A list of mutual legal assistance requests was shared and is attached as Annex 6. It was recommended that Lebanon should further strengthen data-collection and monitoring of the duration of MLA proceedings and refusals.

Article 46 Mutual legal assistance

Paragraph 2

2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 26 of this Convention in the requesting State Party.

(a) Summary of information relevant to reviewing the implementation of the article

136. Lebanon confirmed that it fully implemented this provision of the Convention.

137. Lebanon cited the following applicable measures: Articles 210-211 stated criminal responsibilities of the moral authority regarding the actions of its director, members, representatives and employees.

138. Article 210 - no one shall be sentenced unless he did a wrongdoing wilfully and consciously.

139. The moral authorities have criminal responsibility for the actions of their directors, members of their board of directors, employees when they conduct such actions in the

name of these authorities or one of its branches. They can only be fined, confiscated and publication of ruling.

140. If the law stipulates an original penalty other than the fine, the fine shall be replaced by the other penalty and the moral authorities shall be punished as per the articles 53, 60 and 63. Article 211- no preventive action shall be taken against any individual if he does not represent a risk to public safety
141. Preventive measures shall be taken after making sure that there is a risk except in cases that the law presumes that they represent a risk.
142. It is considered as a risk against the society each person or a moral authority that commits a crime and is feared to commit further actions punishable by the law.
143. The moral authority shall not be subject except to real preventive measures

(b) Observations on the implementation of the article

144. There seems to be no legal restriction in affording MLA in respect of legal persons. Lebanon referred to examples such as a case with the Sultanate of Oman or another with Italy where MLA was presented to Lebanon asking for information on legal persons related to corruption offences and Lebanon sent the request to the competent authorities and agencies who had the information, collected them and sent them back to the requesting party. Although this example deals with an out-going request and not an incoming request, the provisions of the Lebanese laws seem broad enough to enable the provision of MLA to other States by Lebanon in regard to legal persons.

Article 46 Mutual legal assistance

Subparagraphs 3 (a) to (i)

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

- (a) Taking evidence or statements from persons;*
- (b) Effecting service of judicial documents;*
- (c) Executing searches and seizures, and freezing;*
- (d) Examining objects and sites;*
- (e) Providing information, evidentiary items and expert evaluations;*
- (f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;*
- (g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;*
- (h) Facilitating the voluntary appearance of persons in the requesting State Party;*

(i) Any other type of assistance that is not contrary to the domestic law of the requested State Party;

(a) Summary of information relevant to reviewing the implementation of the article

145. Lebanon confirmed that it fully implemented this provision of the Convention.

146. Lebanon cited the following applicable measures:

147. Assistance can be given through requesting judicial assistance as per the rules whose content is derived from the domestic law. This principle is, for instance, underlined in Article 7 of the bilateral treaty.

Article 7-The authority required to implement letters rogatory can reject implementing them if its legislations do not allow for that or if they affect the sovereignty, security or public order of the country it has to be implemented in.

148. There are no specific provisions relevant to the mutual legal assistance so the whole area is subject to the domestic law.

149. The action that is legal according to the Lebanese legislation could be used in requesting legal assistance and that individuals and institutions that have the right to claim confidentiality of job information cannot be forced to violate this principle except within the framework of the conditions prescribed by the law. It has been stated for example in article 258 of the law of the Principles of Criminal Trials: “He who has to maintain confidentiality of job information cannot be forced to testify if the topic of the testimony unveils one of the secrets he is trusted to keep. If the witness is obliged to maintain confidentiality of job information and a dispute arose about resorting to this right, then the court shall settle the dispute in view of the law that regulates his profession and the nature of his work.” In addition, there are provisions in law No. 318 regarding bank secrecy and taking decisions regarding lifting confidentiality from suspicious accounts as mentioned in details above, which takes place based on information and requests coming from abroad.

150. Competency: there are provisions in chapter 12 of Lebanese Criminal Code, articles from 15 to 23 and throughout the LCC that stipulate the range of competencies of the Lebanese State in pursuing defendants, if the regional competency and the personal, self and comprehensive competency is specified. In all cases litigation of persons wanted in more than one country is based on what is agreed upon by Lebanon and other countries with which agreements for extradition of wanted individuals are signed.

(b) Observations on the implementation of the article

151. Lebanon implements the provision. In principle decision of the requesting state whether a judicial or Court decision is required to respond to such requests, but any kind of a prosecution, investigations based on serious grounds or on reliable and accurate information may be sufficient in this case, to accept the request, without the need of a decision. It is recommended that in case of need Lebanon should use UNCAC as basis for MLA requests.

152. Looking at the mutual legal assistance agreement with Tunisia which was provided to the reviewers, articles 1 to 12 seem to enable Lebanon to facilitate relevant acts of

assistance. The articles (with some slight exceptions) do not refer to specific measures, but article 7 clarifies that MLA requests could be rejected if their execution would not correspond with the legislation of the requested state. This means by implication, that generally MLA requests which are in line with the national laws should be agreed to and executed.

Article 46 Mutual legal assistance

Subparagraph 3 (j) and (k)

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

(j) Identifying, freezing and tracing proceeds of crime in accordance with the provisions of chapter V of this Convention;

(k) The recovery of assets, in accordance with the provisions of chapter V of this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

153. Lebanon confirmed that it fully implemented this provision of the Convention.

154. Lebanon cited the following applicable measures:

This topic is regulated by law no. 318 mentioned above and by law 32.

155. Assistance can be secured taking into consideration that there are banking confidentiality laws and relevant regulations.

156. Lebanon provided the following examples of implementation:

Funds resulting from corruption related to the Libyan and Tunisian former regimes deposited in the Lebanese banks. For example, funds claimed to have been owned by the spouse of the Tunisian Ex-President and his family were frozen temporarily (preventive seizure) prior to issuance of a court judgment condemning her of committing corruption crimes. These funds were returned to the Republic of Tunisia according to the customarily and formally recognized principles.

(b) Observations on the implementation of the article

157. Lebanon implements the provision. Concerning identifying, freezing and tracing proceeds of crime the provisions have been mentioned under chapter III, and in practice MLA requests concerning these measures is facilitated following law No. 318 and its amendment law No. 32 which cover money-laundering and corruption offences. As for the assets recovery, Lebanon has implemented measures in practice, for instance, in a case with Tunisia. A new draft law and a guide on asset recovery are being prepared to cover the chapter five issues that dealt with assets recovery. It was recommended that Lebanon

should continue to ensure that all forms of MLA mentioned in article 46, paragraph 3 of the Convention could be provided.

Article 46 Mutual legal assistance

Paragraph 4

4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party pursuant to this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

158. Lebanon confirmed that it did not implemented this provision of the Convention but didn't cited any measures but just indicated that:

Legal procedures should be followed.

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

159. In practice, in a situation where there is no request, Lebanon does not provide information to inform and disclose any detail of his own to competent authorities for MLA (no proactive transmission of information relating to criminal matters).

160. Such proactive sharing of information was only included in some bilateral agreements on the issue of judicial rulings. For instance, article 40 of the bilateral agreement with Tunisia (See Annex 3) provides that "the two contracting countries shall inform each other of the rulings issued by judicial authorities regarding felonies or misdemeanours committed by the citizens of the other country. Those notifications shall be sent through the ministries of foreign affairs and through diplomatic channels."

161. However, it was clarified that nothing in the law would clearly preclude the possibility. Thus, proactive transmission of information could take place in a situation where the context would require the participation and cooperation because of the seriousness of the case. Under these circumstances Lebanon assumes that it would be possible to reveal information in relation to criminal matters without prior request.

162. Lebanon may wish to use or extend the possibility in regard to corruption offences where it is believed that the transmission of such information could assist the authority of the other country in undertaking or successfully concluding inquiries and criminal procedures or could result in a formal request. These measures could be based directly on the Convention.

Article 46 Mutual legal assistance

Paragraph 5

5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restrictions on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State Party prior to the disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.

(a) Summary of information relevant to reviewing the implementation of the article

163. Lebanon confirmed that it fully implemented this provision of the Convention but it didn't cite any applicable measures or any example of implementation.

(b) Observations on the implementation of the article

164. Reference is made to the observations under paragraph 4. Lebanon is encouraged to apply this provision of the Convention directly in regard to proactive transmission of information.

Article 46 Mutual legal assistance

Paragraph 7

7. Paragraphs 9 to 29 of this article shall apply to requests made pursuant to this article if the States Parties in question are not bound by a treaty of mutual legal assistance. If those States Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the States Parties agree to apply paragraphs 9 to 29 of this article in lieu thereof. States Parties are strongly encouraged to apply those paragraphs if they facilitate cooperation.

(a) Summary of information relevant to reviewing the implementation of the article

165. Lebanon considered that it implemented this provision of the Convention.

(b) Observations on the implementation of the article

166. If no bilateral treaty exists, Lebanon can apply UNCAC directly as basis for MLA or can provide MLA based on the reciprocity principle. An example of the direct implementation in a case concerning the UK was provided above. This direct application should be continued in the absence of a treaty and is encouraged to apply paragraphs 9 to 20 also by agreement between States parties in lieu of an existing bilateral treaty if this would facilitate cooperation.

Article 46 Mutual legal assistance

Paragraph 8

8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.

(a) Summary of information relevant to reviewing the implementation of the article

167. Lebanon considered that it partly implemented this provision of the Convention and cited the following applicable measures:

Law no. 318 regulated the rules of lifting the confidentiality of the accounts

168. There are no provisions relevant to the mutual legal assistance requests. Therefore, the issue shall be subject to domestic laws. The measure that is applicable in Lebanon according to the Lebanese legislation shall justify request for assistance and that individuals and institutions that have the right to keep job information confidential cannot be forced to violate this principle except within the provisions stipulated by the law. Article 258 of the Principles of Criminal Trials law stipulated that: “those who are committed to keep job information confidentiality shall not be forced to give testimony if such a testimony unveils one of the secrets they are entrusted to keep confidential. If the witness said that he has to maintain confidentiality of job information and a dispute arose in this regard, the court shall settle the dispute in view of the law regulating his profession and the nature of his work.” In addition, provisions of article 318 regarding the bank accounts confidentiality and taking a decision of breaking this confidentiality on suspicious accounts, which were mentioned in detail, based on information and requests coming from abroad.

169. Competency: there are provisions in chapter 12 of Lebanese Criminal code, articles from 15 to 23 that stipulate the range of competencies of the Lebanese state in pursuing defendants, if the regional competency and the personal, self and comprehensive competency is specified. In all cases litigation of persons wanted in more than one country is based on what is agreed upon by Lebanon and other countries with which agreements for extradition of wanted individuals are signed.

170. Lebanon outlined the following steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review:

171. Bank accounts confidentiality law stipulated some cases that allow for lifting such confidentiality and the money laundering law no. 318 also did the same. The provisions of those two laws should be observed when responding to the requests of legal assistance in this domain.

(b) Observations on the implementation of the article

172. Lebanon implements the provision. The law 318/2001 provides an alternative to bank secrecy by giving the competent authority (SIC) the competence of lifting bank secrecy and even the banking secrecy law articles specified cases for lifting bank secrecy- (amendment by law No. 32 of the law 318/2001 which includes all corruption crimes covered by the UNCAC as offences who generates money laundry). See also observations made under article 46, subparagraph 3 (k) to (j).

Article 46 Mutual legal assistance

Subparagraph 9 (a) to (c)

9. (a) *A requested State Party, in responding to a request for assistance pursuant to this article in the absence of dual criminality, shall take into account the purposes of this Convention, as set forth in article 1;*

9.(b) *States Parties may decline to render assistance pursuant to this article on the ground of absence of dual criminality. However, a requested State Party shall, where consistent with the basic concepts of its legal system, render assistance that does not involve coercive action. Such assistance may be refused when requests involve matters of a de minimis nature or matters for which the cooperation or assistance sought is available under other provisions of this Convention;*

9. (c) *Each State Party may consider adopting such measures as may be necessary to enable it to provide a wider scope of assistance pursuant to this article in the absence of dual criminality.*

(a) Summary of information relevant to reviewing the implementation of the article

173. Lebanon confirmed that it fully implemented this provision of the Convention.

174. Lebanon cited the following applicable measures: As per the articles of the Principles of Civil Procedure Code, UNCAC precedes all domestic laws and can be applied directly.

175. There are no binding articles and the whole issue is left to bilateral agreements and reciprocity principle.

(b) Observations on the implementation of the article

176. Neither the LCC nor the bilateral agreements clearly regulate the issue of dual criminality.

177. Lebanon explained that dual criminality would be required (implicitly) – even though not clearly regulated in the law. In the absence of dual criminality coercive measures would be declined, but in regard to non-coercive measures assistance could be rendered.

178. MLA would not necessarily be declined if the request was de-minimis, although on a case by case basis a request could be declined if it was considered not to be serious or ungrounded.

179. It is recommended that Lebanon may consider adopting further measures to widen the scope of applicable measures even in the absence of dual criminality, including through continued direct application of the Convention.

Article 46 Mutual legal assistance

Subparagraph 10 (a) and (b)

10. *A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or*

judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent;

(b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

(a) Summary of information relevant to reviewing the implementation of the article

180. Lebanon confirmed that it fully implemented this provision of the Convention. Lebanon didn't cite applicable measures because:

181. There are no articles in this regard in the LCC but this paragraph is applied in case conditions (a) and (b) are available.

182. The bilateral agreement with Tunisia contains a relevant provision in Part two on the "Appearance of witnesses in criminal cases"

183. Article 11- If it is required that a certain witness in a criminal case is required to appear in court, the government of the country where the witness is living should urge him to respond to the summons he received. In this case, the expenses of travel and accommodation starting from leaving his residence shall be refunded as per the fares and arrangements applied in the country where he is to give his testimony; the consular authorities in the country that submitted the requisition should send him all or part of the travel expenses in advance.

184. The witness who is summoned to one of the two countries and appears with his free will before a court of the other country cannot be, whatever his nationality is, prosecuted or arrested for previous actions or in implementation of previous rulings issued before leaving the territories of the country that received the request; this immunity, however, is lifted after thirty days of giving his testimony if means of leaving the country were available and he did not leave it.

Article 12- The requests for the appearance of arrested witnesses are met unless special condition prevented this and on condition that the arrested witness would be returned within a short period of time.

185. Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

186. It was clarified that no specific provision in the LCC would regulate the case provided. Article 11 of the MLA treaty with Tunisia deals with a similar case, but concerns witnesses in general and not detained or convicted persons who are required for testimony. It therefore relates to Article 46, paragraph 27 of the Convention (see below).

187. Article 12 of the treaty with Tunisia concerns the appearance of arrested witnesses which seems to include both detained and convicted persons. The provision clarifies that

such requests are normally met unless special conditions prevented this and on conditions that the arrested witness would be returned within a short period of time.

188. However, article 12 does not require that the person freely gives his or her informed consent in order for the transfer to happen. It could not be sufficiently clarified if all other elements of article 11 would also apply in regard to arrested witnesses.

189. As the condition of consent is part of general legal principles (including habeas corpus), it is recommended that Lebanon implements this principle not only when the Convention is applied directly, but also in bilateral treaties which prevail.

190. Lebanon provided an example for the implementation, based on a MLA agreement with Saudi Arabia. Saudi Arabia sent a request for testimony of an arrested Saudi Arabian in Lebanon. The person who was detained in the Lebanese territory was sent to Saudi Arabia and then returned to Lebanon based on the cooperation agreement between Lebanon and Saudi Arabia.

191. It was explained that there was no difference whether the person in question was a Lebanese national or a national of another State. However, it depends if there is an agreement concluded between the requesting and the requested States concerning this matter. In such a case the bilateral agreement would always prevail. In case of absence of a bilateral agreement or if the agreement was silent on this particular matter, a response to the MLA request could be based on the Convention or on the reciprocity principle.

Article 46 Mutual legal assistance

Subparagraph 11 (a) to (d)

11. For the purposes of paragraph 10 of this article:

(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;

(b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;

(c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.

(a) Summary of information relevant to reviewing the implementation of the article

192. Lebanon confirmed that it fully implemented this provision of the Convention.

Lebanon didn't cite applicable measures because:

There are no articles in this regard but the principle of reciprocity and agreements signed by Lebanon and other countries are applicable.

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

193. Lebanon referred to the information provided under paragraph 10. Article 12 of the agreement regulates that the person should be returned within a short period of time. The article does not include the aspect that the transferred person should receive credit for service of the sentence being served in the State from which he/she had been transferred.

194. It is recommended that this aspect should be covered in relevant agreements in case the direct application of the Convention is not possible.

Article 46 Mutual legal assistance

Paragraph 12

12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which he or she was transferred.

(a) Summary of information relevant to reviewing the implementation of the article

195. Lebanon confirmed that it fully implemented this provision of the Convention.

Lebanon cited the following applicable measures:

Article 36 LCC was referred to.

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

196. Article 36 of the LCC deals with cases where the person which is extradited in regard to a corruption offence, whereas article 46, paragraph 10 et seq. regulate cases where the person is sought in order to provide a testimony or other assistance.

197. Article 11 of the bilateral agreement with Tunisia regulates this issue, but in regard to witnesses in general. Article 12 does not comprise a similar provision.

198. It is recommended that this aspect should be covered in relevant agreements in case the direct application of the Convention is not possible.

Article 46 Mutual legal assistance

Paragraph 13

13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to

transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent Authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

(a) Summary of information relevant to reviewing the implementation of the article

199. Lebanon confirmed that it fully implemented this provision of the Convention.

200. Lebanon provided the following information:

The Ministry of Justice is the central authority concerned with this issue in Lebanon. Judicial assistance requests come through diplomatic channels as the Ministry of Foreign Affairs and Expatriates receives requests sent to it by foreign countries and it send them in turn to the Ministry of Justice. Afterwards, the Ministry of Justice refers such requests to concerned authorities to act accordingly. When the judicial assistance requests are met (letters rogatory) they are returned to the country that submitted the requisition through diplomatic channels. All MLA requests are sent and executed in this form.

201. Lebanon didn't cite any text because there is no special provision in the domestic law.

202. Letters rogatory shall be addressed as per the international and bilateral agreements signed with Lebanon.

203. Lebanon didn't provide any example of implementation or any cases.

(b) Observations on the implementation of the article

204. The department responsible for the requests is the Directorate General of the Ministry of Justice. There are no specific measures to assure the speedy execution, however Lebanon execute the request as fast as possible depending on the content of the request and its circumstances.

205. It is possible to receive the communication in urgent cases by all means however the submission of the request should be followed through the diplomatic procedures and means in the formal manner adopted for the submission as well as for the response. Therefore, the diplomatic channels are necessary for the acceptance of the request.

206. On another level, MLAs requesting information pertaining to bank accounts and deposits may be transmitted to the Lebanese SIC, FIU from its counterpart in Egmont group through the secure Egmont network or other channels adopted by the FIU.

207. It is recommended that Lebanon should inform the Secretary General of the United Nations of the central authority designated for the purpose of MLA.

Article 46 Mutual legal assistance

Paragraph 14

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally but shall be confirmed in writing forthwith.

(a) Summary of information relevant to reviewing the implementation of the article

208. Lebanon confirmed that it fully implemented this provision of the Convention.

Lebanon provided the following information:

The said requests should be translated into Arabic so that they would be responded to in Arabic as the Arabic language is the official language in Lebanon.

The country under review cited the following measure:

The Lebanese constitution provides for that in article 11.

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

209. Oral requests are not enough for MLA. A request must be followed-up by a written request and should be submitted in Arabic language. As the Secretary General has not been notified on this matter, it is recommended to include this information in the notification on the central authority.

Article 46 Mutual legal assistance

Paragraph 15

15. A request for mutual legal assistance shall contain:

- (a) The identity of the authority making the request;*
- (b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;*
- (c) A summary of the relevant facts, except in relation to requests for the purpose of service of judicial documents;*

- (d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;*
- (e) Where possible, the identity, location and nationality of any person concerned; and*
- (f) The purpose for which the evidence, information or action is sought.*

(a) Summary of information relevant to reviewing the implementation of the article

210. Lebanon confirmed that it fully implemented this provision of the Convention.

Lebanon considered that the bilateral agreements will be applied.

211. We can cite here, the article 14 of the bilateral agreement concluded between Lebanon and Egypt in 5/11/1998 as it states the following: "The request of rogatory letters is submitted in accordance with the law of the requesting state, and must be signed and stamped by the seal of the requesting party with the attached documents and without the need for ratification on it or on the other documents. The request includes a letter rogatory type of the case issued by the requesting state, and the requested state of execution, as well as all the detailed data relating to the facts of the case and the task to be implemented, especially witnesses and places of residence and the questions to be asked for them".

As regards the general frameworks of applying mutual legal assistance requests, the following terms apply:

- 1- Letters rogatory is required to be issued by a legally authorized criminal judiciary.
- 2- Letters rogatory is required to be sent in writing, include the name and identity of the issuer and be signed and imprinted with the official seal of the issuer.
- 3- The request shall include complete data on the identities and residence of the intended persons as well as clarification of the legal evidence proving the crime under pursuit.
- 4-Requests are to be dispatched through diplomatic channels and be accompanied by an Arabic translation thereof. If required, the whole file, with Arabic translations thereof, may also be prepared. In this case, the requesting State shall provide the requested State with the written request and all related documents within a reasonable period of time. The requesting State shall then assess the reasons for such requirement and prepare the requested documents.
- 5- The request is to include the means of proving and uncovering the crime, including the statements of witnesses and experts, the stamps and all related facts.
- 6-The requesting State shall bear all the expenses related to experts.
- 7- Commission rogatory shall be applied based on the legally recognized principles provided for in the recipient State Laws. This is with the exception of the cases where the requesting State requires special means of execution falling in the scope of expertise of the requesting State. Under these circumstances, the recipient State shall accept to apply these special means if they are, in form or on the merits, not in contradiction to the national laws and systems of the recipient State. The State of Lebanon does not reject the executive procedures of commission rogatory if they conform to the Lebanese Law.
- 8-In Lebanon, the evidence arising out of commission rogatory shall have the same evidentiary power and effect of the domestic law.
- 9- The recipient State may reject to apply a letter rogatory if it does not confirm to the principles of sovereignty and internal security, and may give notice of the duly justifiable rejection decision to the requesting State.
- 10- Any person required to be heard shall not be pursued by the requesting State for having been committed a crime on a date preceding the date of request, unless this person resides in

the territories of the recipient State and a reasonable time has passed since the date of requesting his appearance or if the said person returns to the territories of the requesting State.
11-The recipient State may request that the crime objects be maintained, and no information shall be used except within the limits of the crime and the subject of the commission rogatory.

212. Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

213. No provisions exist in the LCC which regulate the form of MLA requests.

214. The bilateral treaty with Egypt contains a provision in article 14 which addresses most points mentioned in the provision under review although different terminology is used. In detail the following points need to be contained in a MLA request according to this bilateral treaty:

(a) The identity of the requesting authority and the letter rogatory needs to be "signed and stamped by the seal of the requesting party"

(b) and (c) The subject matter and nature of the case and a summary of the relevant facts are required as the bilateral treaty asks for "all the detailed data relating to the facts of the case"

(d) to (f) the description of the assistance sought and details of any particular procedure is referred to where article 14 asks for information on "the task to be implemented, especially witnesses and places of residence and the questions to be asked for them".

215. The bilateral treaty with Tunisia does not contain a provision regulating which information or documents would need to be sent along in a MLA request / letter rogatory.

216. It is noted that Lebanon can apply UNCAC directly, which also related to paragraph 15.

217. With regard to the content of a mutual legal assistance request, it seems beneficial to clarify the requirements upfront as much as possible in detail. It is therefore recommended that Lebanon should ensure that requesting countries were familiar with the content and format of mutual legal assistance requests as acceptable to Lebanon.

Article 46 Mutual legal assistance

Paragraph 17

17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

(a) Summary of information relevant to reviewing the implementation of the article

218. Lebanon confirmed that it fully implemented this provision of the Convention.

Lebanon cited the following applicable measures:

There are articles in section two of the Lebanese Criminal code (articles 15 to 23 that specify the competencies of the Lebanese state in pursuing defendants, if the regional, personal, and comprehensive competencies.)

The bilateral MLA treaty with Tunisia contains relevant provisions.

Article 7-The authority required to implement letters rogatory can reject implementing them if its legislations do not allow for that or if they affect the sovereignty, security or public order of the country it has to be implemented in.

Article 9- Upon a clear request from the requesting authority, the requested authority should implement the letter rogatory:

1. According to a special method if the method does not contradict with the legislations of its country',
2. Notifying the requesting authority in due time of the date and place of implementation of letter rogatory so that concerned personnel would attend within the legislations of the country where the letter rogatory is to be implemented.

The role played by the summary public prosecution is receiving the requests of legal assistance and referring them to concerned authorities to address them. In view of the absence of automation, there are no accurate data on this issue.

Lebanon didn't provide any example of implementation.

(b) Observations on the implementation of the article

219. It seems that all measures provided for in the LCC can be provided in case of a mutual legal assistance request. Bilateral treaties clarify the issue as well, such as the sample treaty provided for the review.

Article 46 Mutual legal assistance

Paragraph 18

18. Wherever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.

(a) Summary of information relevant to reviewing the implementation of the article

220. Lebanon confirmed that it fully implemented this provision of the Convention.

221. Lebanon provided the following information:

222. In view of the positive law followed, the draft amended law of the Criminal Code stipulates this (refer to document no. 30).

223. Lebanon referred to the previous paragraph concerning the account of the country's effort to implement this provision and the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review.

(b) Observations on the implementation of the article

224. The current laws do not provide for the possibility to permit/use video-conferencing for the hearing of witnesses and video conferencing has not been used. Lebanon is planning a change of the LCC which would provide for video-conferencing in such cases.

225. It is recommended that the effectiveness of mutual legal assistance proceedings should be strengthened in this regard. This could be done by direct application of the Convention, but might also benefit from regulations at the national level if necessary.

Article 46 Mutual legal assistance

Paragraph 19

19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

(a) Summary of information relevant to reviewing the implementation of the article

226. Lebanon confirmed that it fully implemented this provision of the Convention.

227. Lebanon considered that the bilateral agreements will be applied.

228. The country under review didn't provide any example of implementation.

(b) Observations on the implementation of the article

None of the bilateral agreement on MLA addresses this issue, but it could be dealt with in practice. Apart from this Lebanon would apply the Convention directly. Along this line, it was recommended that Lebanon should seek the consent of the requested State party prior to using information furnished by another State party for purposes other than those specified in the request

Article 46 Mutual legal assistance

Paragraph 20

20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.

(a) Summary of information relevant to reviewing the implementation of the article

229. Lebanon confirmed that it fully implemented this provision of the Convention.

Lebanon considered that the bilateral agreements will be applied.

The country under review didn't provide any example of implementation.

(b) Observations on the implementation of the article

230. The confidentiality of the request is considered a general principle not explicitly mentioned in any bilateral treaties and all state parties should abide to it except in case there is an express opposite provision included clearly or in the urgent cases. Lebanon would apply the Convention directly in those matters. See recommendation made in regard to paragraph 19.

Article 46 Mutual legal assistance

Subparagraph 21 (a) – (d)

21. Mutual legal assistance may be refused:

(a) If the request is not made in conformity with the provisions of this article;

(b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;

(c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;

(d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.

(a) Summary of information relevant to reviewing the implementation of the article

231. Lebanon confirmed that it fully implemented this provision of the Convention.

232. Lebanon cited the following applicable measures:

The bilateral treaty with Tunisia contains relevant provisions.

Article 7-The authority required to implement letters rogatory can reject implementing them if its legislations do not allow for that or if they affect the sovereignty, security or public order of the country it has to be implemented in.

233. Lebanon provided the following information in which it refused mutual legal assistance:

234. A mutual legal assistance request shall be refused if it contradicts with the internal regulations and laws of the State Party. This refusal could take place when investigation or taking unaware procedures are requested to be undertaken in cases where review of files is required prior to deciding upon such requested procedures or if the implementation of such procedures would cause prejudice to the sovereignty, security or public order of the State Party.

(b) Observations on the implementation of the article

235. According to the bilateral treaty with Tunisia Lebanon refuses MLA only if the implementation of the request would not be allowed according to the national laws (e.g. the LCC) or if it would affect the sovereignty, security or public order of the country. This corresponds with the limited list of reasons for refusal which are listed in paragraph 21 and does not include further reasons which could be used to refuse the provision of MLA. In other cases, the Convention is applied directly.

Article 46 Mutual legal assistance

Paragraph 22

22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.

(a) Summary of information relevant to reviewing the implementation of the article

236. The country under review considered that it had already answered to this question.

(b) Observations on the implementation of the article

237. Lebanon explained that there was no law that prohibited the acceptance of requests for fiscal matters, this makes these issues certainly permissible and will not be considered ground for refusal of MLA unless, in case the issue threatens the matters related to the special state regime and which the audience is not allowed to be revealed for the public. As no regulation exists which allows the refusal of MLA on the sole ground that the offence is also considered to involve a fiscal matter and as the Convention can be applied directly, the provision is implemented.

Article 46 Mutual legal assistance

Paragraph 23

23. Reasons shall be given for any refusal of mutual legal assistance.

(a) Summary of information relevant to reviewing the implementation of the article

238. Lebanon confirmed that it fully implemented this provision of the Convention. It didn't provide any text because:

There is no explicit provision to this effect. However, each case is handled separately in application of the national sovereignty principle.

Lebanon provided the following example of implementation:

Mutual legal assistance request would sometimes be refused for failure to abide by the formalities, including the submission of such request through other than the officially recognized channels (i.e., through the Ministry of Foreign Affairs) or if no Arabic translation is provided. Lebanon always gives reasons in case of the refusal of assistance.

(b) Observations on the implementation of the article

239. Although not provided for by law or regulated in any bilateral or multi-lateral MLA treaty, in practice Lebanon always seems to provide the requesting State party with reasons if the assistance is refused.

Article 46 Mutual legal assistance

Paragraph 24

24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requesting State Party may make reasonable requests for information on the status and progress of measures taken by the requested State Party to satisfy its request. The requested State Party shall respond to reasonable requests by the requesting State Party on the status, and progress in its handling, of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

(a) Summary of information relevant to reviewing the implementation of the article

240. Lebanon confirmed that it fully implemented this provision of the Convention. Lebanon cited the following applicable measures:

241. The Summary Trials Principles Law regulates, in Articles 94 to 149 and in Paragraph 2 of Article 149 thereof, the commission rogatory in the territories of Lebanon (including but not limited to hearing witnesses, taking unaware and reporting) with respect to the persons residing in foreign countries. As regards the means of evidence in a foreign country, the Lebanese Legislation does not provide for any such means thus leaving the matter to the mutual agreements.

242. In the absence of a legislative or consensual provision, the mutual legal assistance request shall be subject to the general principle applied by the International Law, i.e. the equal treatment principle. As regards the terms of applying a mutual legal assistance request, if no domestic legal provisions are available, these terms shall be derived from the conventions and treaties signed by the State of Lebanon. (...) Law does not provide for the reference appropriate for adjudicating on a mutual legal assistance case.

The bilateral treaty with Tunisia contains the following provision:

Article 9- Upon a clear request from the requesting authority, the requested authority should implement the letter rogatory:

3. According to a special method if the method does not contradict with the legislations of its country'
4. Notifying the requesting authority in due time of the date and place of implementation of letter rogatory so that concerned personnel would attend within the legislations of the country where the letter rogatory is to be implemented.

243. Concerning the customary length of time between receiving requests for mutual legal assistance and responding to them, Lebanon explained that this was different case by case and no average time frame could be given.

(b) Observations on the implementation of the article

244. Lebanon does not have any regulations that establish deadlines for the execution of MLA requests as this would very much depend on the type of action requested. It was explained that in practice the execution of the requests would be done as soon as possible and would also adhere to special methods requested by the requesting States (see Article 9 of the bilateral agreement). The bilateral agreement also contains a provision to notify the requesting State about the implementation of the action.

Article 46 Mutual legal assistance

Paragraph 25

25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.

(a) Summary of information relevant to reviewing the implementation of the article

245. The country under review considered that it answered to this question in the previous paragraph.

246. Lebanon didn't provide any case because: No response to any request or requisition has been adjourned during the last two years.

(b) Observations on the implementation of the article

247. Lebanon might postpone MLA if it would interfere with an ongoing investigation, prosecution or judicial proceeding. The issue is not clearly regulated in any treaties and no such postponement has happened in the last two years.

Article 46 Mutual legal assistance

Paragraph 26

26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

(a) Summary of information relevant to reviewing the implementation of the article

248. Lebanon confirmed that it fully implemented this provision of the Convention and considered that the bilateral agreements will be applied.

249. The country under review didn't provide any example of implementation because examples have not been documented due to the lack of automation.

(b) Observations on the implementation of the article

250. Although this issue was not regulated in law or bilateral agreements, Lebanon would in practice notify and consult with the requesting State to see how assistance could be granted subject to the given terms and conditions.

Article 46 Mutual legal assistance

Paragraph 27

27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.

(a) Summary of information relevant to reviewing the implementation of the article

251. Lebanon confirmed that it fully implemented this provision of the Convention. No provision in the Lebanese Legislation (e.g. in the LCC) is found.

The bilateral treaty with Tunisia contains a relevant provision:

Article 11- If it is required that a certain witness in a criminal case is required to appear in court, the government of the country where the witness is living should urge him to respond to the summons he received. In this case, the expenses of travel and accommodation starting from leaving his residence shall be refunded as per the fares and arrangements applied in the country where he is to give his testimony; the consular authorities in the country that submitted the requisition should send him all or part of the travel expenses in advance.

The witness who is summoned to one of the two countries and appears with his free will before a court of the other country cannot be, whatever his nationality is, prosecuted or arrested for previous actions or in implementation of previous rulings issued before leaving the territories of the country that received the

request; this immunity, however, is lifted after thirty days of giving his testimony if means of leaving the country were available and he did not leave it.

252. This is similar in other treaties, the provision is included in other cases as well, treaties or arrangement can be made upon request in the absence of bilateral treaties

253. Lebanon didn't provide any example of implementation because:

254. There are some cases, but have not been documented due to the lack of automation.

(b) Observations on the implementation of the article

255. A relevant provision seems to be included in the MLA treaty with Tunisia – see article 11. The immunity is granted for 30 days. The provision is limited to witnesses.

256. Experts and other persons who assist in an investigation are not clearly included although it might be possible to subsume them under the term witness. It is recommended to assure this wide the scope in bilateral agreements. In the absence of a bilateral agreement, the Convention would be applied directly.

Article 46 Mutual legal assistance

Paragraph 28

28. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

(a) Summary of information relevant to reviewing the implementation of the article

257. Lebanon confirmed that it fully implemented this provision of the Convention.

Article 10 of the bilateral treaty with Tunisia foresees:

Implementation of the letter rogatory does not entail any expenses to be paid by the country that submitted the requisition except for the experts' fees.

258. Lebanon didn't provide any example of implementation because: There are some cases, but have not been documented due to the lack of automation.

(b) Observations on the implementation of the article

259. The bearing of the costs of MLA is regulated in bilateral treaties such as in article 10 of the MLA agreement with Tunisia. (Article 4 of the same agreement refers to servicing of documents and article 11 to the appearance of witnesses). All ordinary costs of executing a request are thus borne by the requested party. Only expensed for experts have to be covered by the requesting state.

Article 46 Mutual legal assistance

Subparagraph 29 (a) and (b)

29. The requested State Party:

(a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;

(b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public.

(a) Summary of information relevant to reviewing the implementation of the article

260. Lebanon confirmed that it fully implemented this provision of the Convention.

261. Lebanon didn't cite any applicable measure but provided the following information: There is no legal provision applied to this effect. Requests are responded when the needed registries or information are available to the public.

262. Lebanon provided the following examples of implementation:

There are various examples, including but not limited to the duly published control authorities reports as well as the deeds extracted from the real estate registry (registry of deeds) and the commercial registry etc.

263. In regard to paragraph 29 (b), Lebanon explained the following: The State of Lebanon responds if it finds that the request or requisite does not contradict with the currently applicable laws and systems. However, classified, confidential or secret information cannot be made available to the public domain. These matters are discussed by the draft data access rights law which is adopted by the management and justice committee.

264. Lebanon didn't provide any information on how such records, documents or information can be obtained and how they were provided to the requesting State Party.

(b) Observations on the implementation of the article

265. Lebanon implements the provision in practice.

Article 46 Mutual legal assistance

Paragraph 30

30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhance the provisions of this article.

(a) Summary of information relevant to reviewing the implementation of the article

266. Lebanon confirmed that it fully implemented this provision of the Convention and referred to the bilateral agreements concluded between Lebanon and other States.

(b) Observations on the implementation of the article

267. Lebanon has concluded multiple bilateral and multilateral agreements on mutual legal assistance in criminal matters. In addition Lebanon can apply UNCAC directly or conduct MLA based on the reciprocity principles. Examples of implementation for all different cases were provided (see above).

(d) Challenges, where applicable

268. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

1. *Limited capacity (e.g. human/technological/institution/other; please specify);*

(e) Technical assistance needs

269. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

2. *Summary of good practices/lessons learned;*
4. *On-site assistance by an anti-corruption expert;*
5. *Capacity-building programmes for authorities responsible for international cooperation in criminal matters;*

None of these forms of technical assistance has been provided Lebanon to-date.

270. Lebanon specified that it was in need of legal assistance with respect to automation of the High Public Prosecution and capacity building of its human resources.

Article 47 Transfer of criminal proceedings

States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence established in accordance with this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

(a) Summary of information relevant to reviewing the implementation of the article

271. Lebanon confirmed that it did not implement this provision of the Convention.

272. Lebanon provided the following information:

273. In principle, this article contradicts with the principle of state sovereignty and the standard of personal competence in prosecution. However, in the course of applying the principle of equal treatment, the State of Lebanon permits that bilateral agreements are concluded to this effect.

274. Lebanon explained that until now there were no bilateral agreements concerning this subject.

(b) Observations on the implementation of the article

275. The reviewers took note of the explanations provided by Lebanon that in theory bilateral agreements on the transfer of criminal proceedings could be considered, but that this had not been done so far. They recommend that Lebanon should consider to adopt legislation that would clarify this matter or to consider including the matter in treaties/agreements.

(d) Challenges, where applicable

276. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

1. *Inadequacy of existing normative measures (constitution, laws, regulations etc.);*
2. *Limited capacity (e.g. human/technological/institution/other; please specify);*
3. *Limited resources for implementation (e.g. human/financial/other; please specify);*

(e) Technical assistance needs

277. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *Summary of good practices/lessons learned;*
2. *On-site assistance by an anti-corruption expert;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 48 Law enforcement cooperation

Subparagraph 1 (a) and (b)

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

(a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

(b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:

(i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;

(ii) The movement of proceeds of crime or property derived from the commission of such offences;

(iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

(c) To provide, where appropriate, necessary items or quantities of substances for analytical or investigative purposes;

(d) To exchange, where appropriate, information with other States Parties concerning specific means and methods used to commit offences covered by this Convention, including the use of false identities, forged, altered or false documents and other means of concealing activities;

(e) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;

(f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

278. Lebanon confirmed that it fully implemented this provision of the Convention.

279. Lebanon cited the following applicable measures:

280. Lebanon is a member of the Arab League and accordingly a member of the Council of Arab Ministers of Interior through which the Arab Countries cooperate. Therefore, training courses are given on capacity building and on the coordination and cooperation in the field of corruption combat especially at the level of the security forces and customs.

281. Moreover, the Bank of Lebanon cooperates with the concerned financial authorities in the said countries.

282. Additionally, there is permanent cooperation between the General Public Prosecution, Investigative Police, Interpol and other American and European countries.

283. Police to police cooperation takes place in particular with the Interpol authorities and on a regular basis. Responsible for police to police cooperation is the Office of the Internal Security Force (ISF). The INTERPOL National Central Bureau (NCB) for Lebanon is located at the IFS Headquarters and provides a 24/7 communication channel. It is responsible for:

- Exchange of criminal information at domestic and international levels;
- Arrest and handing over of criminals to the INTERPOL member countries according to the principle of reciprocity in the absence of bilateral treaties;
- Exchanging crime expertise.

(See: <http://www.interpol.int/Member-countries/Asia-South-Pacific/Lebanon>)

284. Further cooperation takes place through MENAFATF, the Administrative Unit For Collection of Financial Information, which is assigned to monitor, collect, maintain and exchange the information on corruption crimes with the peer foreign authorities or agencies.

285. Lebanon is a founding member of the Arab Network for Enhancement of Transparency and Corruption Combat, wherein specialized training courses are given in the field of combatting corruption.

286. It was confirmed during the country visit that the tasks listed in paragraph 1 could be performed by the law enforcement authorities at the international level when cooperating with law enforcement authorities of another State. However, as regards sub-paragraph 1 (e) it was explained that so far no exchange of personnel or posting of Liaison Officers would take place to facilitate cooperation. (Such cooperation only existed at the level of the Military through Military attachés)

287. Moreover, information is exchanged according to the Judicial Assistance Chapter. Lebanon entered into various bilateral and multilateral agreements and arrangements regarding the direct cooperation between the law enforcement authorities, including but not limited to the bilateral agreements concluded with the Arab Republic of Syria, the Kingdom of Jordan and the Arab Republic of Egypt. Information is further exchanged within the limits of the administrative units for collection of information and under a special investigation authority.

(b) Observations on the implementation of the article

288. The Internal Security Force is responsible for police to police cooperation at the international level. INTERPOL, MENAFATF and other regional networks are used as communication channels and for inquiries relating to criminal offences, including corruption and money-laundering.

289. It is recommended that Lebanon should further strengthen the effective coordination and promote the exchange of personnel.

Article 48 Law enforcement cooperation

Paragraph 2

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the States Parties concerned, the States Parties may consider this Convention to be the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

(a) Summary of information relevant to reviewing the implementation of the article

290. Information is exchanged according to the Judicial Assistance Chapter. Lebanon entered into various bilateral and multilateral agreements and arrangements, although these focus on general judicial assistance, such as agreements concluded with the Arab Republic of Syria, the Kingdom of Jordan and the Arab Republic of Egypt. Information is further exchanged within the limits of the administrative units for collection of information and under a special investigation authority.

291. Concerning the implementation of this provision and the applicable measures related on, please also refer to previous paragraph.

292. Lebanon provided the following information on law enforcement cooperation provided or received making use of bilateral or multilateral agreements or arrangements, including international or regional organizations:

293. There is close cooperation between the Lebanese and the Tunisian authorities in the field of exchange of information on crimes proceeds and on freezing the crimes proceeds that arise out of illegitimate enrichment, corruption and misuse of powers by ex-officials.

(b) Observations on the implementation of the article

294. Lebanon has so far only entered into some bilateral agreements on judicial cooperation, but has not concluded bilateral or multilateral agreements or arrangements that focus on direct cooperation of law enforcement agencies. Lebanon is encouraged to consider this and to consider using the Convention as basis for mutual law enforcement cooperation in respect of corruption offences.

Article 48 Law enforcement cooperation

Paragraph 3

3. States Parties shall endeavour to cooperate within their means to respond to offences covered by this Convention committed through the use of modern technology.

(a) Summary of information relevant to reviewing the implementation of the article

295. Lebanon considered that it partly implemented this provision of the Convention.

296. Lebanon cited the following applicable measures:

297. This matter could be reviewed in light of Law No. 140- telephone calls interception, dated 27/10/1999.

298. Lebanon provided the following examples of implementation:

Article 16 of Law No. 140/1999 provides for establishment of a judicial committee to adjudicate on the intercepting and listening requests in accordance with the provisions of the said law.

The US Government requested the Lebanese Government to lift bank secrecy and information exchange with respect to the persons holding the US nationality in Lebanon, in accordance with the FATA Law. Lebanon approved this request based on the applicable laws to this effect, especially the Bank Secrecy Law.

299. Lebanon outlined the following steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review:

Please review the provisions of Article 16 of Law No. 148/1999.

Article 16- (As amended by Law No. 158, issued on 27/12/2000)

An independent entity shall be established, comprising of the President of the Supreme Court, the Head of Shura Council of State and the Head of Accountancy Bureau. This entity shall be authorized to confirm the legality of the procedures undertaken to intercept the phone calls and other telecommunications based on administrative decisions. This entity shall be chaired by the highest ranked judge. The entity shall be notifying its decision on intercepting phone calls and telecommunications based on administrative decision within forty eight hours from the date of issuance of the decision. The entity may, within a grace period of seven days from the date of notifying its decision, review the legality of any objections, and, when necessary, raise its opinion in this respect to the Premier and the competent Minister. The entity may further review the legality of objections after consulting with the persons of interest, in accordance with the same principles, within a period of seven days from the date of providing the first review. The entity or its delegate member shall have the widest authorities to conduct the required investigations with the competent security, administrative or technical entities as well as the private sector institutions involved in the matters of the means of communication. The entity shall have the right to take edge detection measures and resort to experts irrespective of the level of secrecy. The entity shall prepare an annual report including data on its activities and proposals. The annual report shall be raised to the President of the Republic, the Speaker of the Parliament and the Premier. The work system of this entity shall be specified by virtue of a Cabinet Decree duly issued based on a recommendation of the Premier.

(b) Observations on the implementation of the article

300. Lebanon has legislation in place that enables the interception of telephone and other telecommunication based on administrative decisions for the investigation of offences, including corruption. The country also seems able to cooperate with other States to respond to offences committed through the use of modern technology.

(d) Challenges, where applicable

301. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

4. *Limited capacity (e.g. human/technological/institution/other; please specify);*
5. *Limited resources for implementation (e.g. human/financial/other; please specify);*

(e) Technical assistance needs

302. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *Summary of good practices/lessons learned;*
2. *Technical assistance (e.g. set-up and management of databases/ information-sharing systems); and training on forensic accounting.*
3. *On-site assistance by a relevant expert;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 49 Joint investigations

States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations

may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.

(a) Summary of information relevant to reviewing the implementation of the article

303. Lebanon confirmed that it fully implemented this provision of the Convention.

304. Lebanon provided the following information:

305. There are no restrictions preventing the conclusion of bilateral agreements or arrangements for the purpose of establishing common investigation authorities, provided that these procedures shall conform to the Lebanese Law and the principles of national sovereignty when investigation is conducted in the territories of Lebanon.

306. So far joint investigations have been done on a case-by-case basis, but not yet in relation to corruption offences. A wide joint-investigation took place in the case of Prime Minister Hariri assassination. Joint-investigations usually happens in cases that require cooperation in the investigations and useful research in order to highlight and clarify the fact and circumstances of the case at an advanced level, due to the nature of the crime, that could be in some cases on an international level. (Resolution of the ONU number 1595 dated in 25/03/2005 – Fitzgerald commission, in the case of assassination of P.M. Hariri)

(b) Observations on the implementation of the article

307. Lebanon has not concluded any agreements on joint investigative bodies but can enter into such agreements on a case-by-case basis. In practice, such process would be started through an official request. It is recommended that Lebanon should consider such options where necessary and useful in relation to investigations, prosecutions or judicial proceedings.

(d) Challenges, where applicable

308. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

- 4. Limited capacity (e.g. human/technological/institution/other; please specify);*
- 5. Limited resources for implementation (e.g. human/financial/other; please specify);*

(e) Technical assistance needs

309. [State party under review] has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

- 1. Summary of good practices/lessons learned;*
- 2. Model agreement(s)/ arrangement (s);*
- 3. On-site assistance by a relevant expert;*

None of these forms of technical assistance has been provided to Lebanon to-date.

Article 50 Special investigative techniques

Paragraph 1

1. In order to combat corruption effectively, each State Party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived therefrom.

(a) Summary of information relevant to reviewing the implementation of the article

310. Lebanon confirmed that it partly implemented this provision of the Convention.

311. Special investigative techniques have been used, for example, in crimes of terrorism where the Lebanese authorities used as a means the tapping of telecommunication based on a request. Also in terms of cybercrimes the anti-cybercrime office used such measures (pre-dating the draft legislation mentioned below), as it was necessary and in the purpose of combating corruption effectively.

312. It provided the following information:

A draft law on electronic transactions is still under study by the Parliament. Moreover, there is Electronic Calls Interception Law No. 140/1999. However, controlled delivery activities have not been regulated except by the Drug Trafficking Law.

(b) Observations on the implementation of the article

313. Lebanon has a law in place which enabled the authorities to intercept telephone communication (Law No. 140- telephone calls interception, dated 27/10/1999).

314. Controlled delivery is only regulated in regard to drug related offences. Other techniques such as sting/undercover operations or surveillance measures are not clearly regulated in the law. It is recommended that Lebanon should explore the adoption of laws regulating further measures, including their admissibility as evidence in legal proceedings.

Article 50 Special investigative techniques

Paragraph 2

2. For the purpose of investigating the offences covered by this Convention, States Parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.

(a) Summary of information relevant to reviewing the implementation of the article

315. Lebanon confirmed that it fully implemented this provision of the Convention. It didn't cite any applicable measures but provided the following information:

316. There is no special provision to this effect. However, it is possible to enter into bilateral and multilateral agreements and arrangements when the need arises to use special investigation methods in the course of international cooperation. However, the equal sovereignty principle shall be considered when applying these agreements.

317. Lebanon didn't provide any example of implementation or any cases.

(b) Observations on the implementation of the article

318. No specific agreements seem to be in place, although there seem to be no obstacles to conclude agreements in case of need. It was recommended that Lebanon should consider entering into bilateral, regional or international agreements or arrangements and to strengthen domestic legislation to facilitate direct cooperation between law enforcement agencies, joint investigations and the use of further special investigative techniques at the international level.

Article 50 Special investigative techniques

Paragraph 3

3. In the absence of an agreement or arrangement as set forth in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

(a) Summary of information relevant to reviewing the implementation of the article

319. Lebanon confirmed that it fully implemented this provision of the Convention. It didn't cite any applicable measures but provided the following information:

320. There are no defined arrangements or policies in this respect. Therefore, the general principles, applicable laws and currently existing understandings are all applied to each case separately.

(b) Observations on the implementation of the article

321. No concrete information was provided on the implementation of this provision. However, it was explained that in practice decisions could be taken on the use of special investigative techniques (including intercepting or including tasks of the FIU) at the international level on a case-by-case basis.

Article 50 Special investigative techniques

Paragraph 4

4. Decisions to use controlled delivery at the international level may, with the consent of the States Parties concerned, include methods such as intercepting and allowing the goods or funds to continue intact or be removed or replaced in whole or in part.

(a) Summary of information relevant to reviewing the implementation of the article

322. Lebanon considered that it partly implemented this provision of the Convention.

323. It didn't cite any applicable measures but provided the following information:

There are no legal provisions regulating this matter in general. However, controlled delivery is explicitly regulated by the Drug Trafficking Law.

324. No statistics and no cases were provided by the reviewed country.

325. Lebanon outlined the following steps or action (and related timeframe) that domestic or other authorities would need to take to ensure the full implementation of the provision under review:

For the purpose of fully complying with the provision under review, the Legislative Authority should move for issuance of laws as required for corruption crimes.

(b) Observations on the implementation of the article

326. Reference is made to the observations under paragraph 3.

(d) Challenges, where applicable

327. Lebanon has identified the following challenges and issues in fully implementing the provision under review:

4. *Limited capacity (e.g. human/technological/institution/other; please specify);*
5. *Limited resources for implementation (e.g. human/financial/other; please specify);*

(e) Technical assistance needs

328. Lebanon has indicated that the following forms of technical assistance, if available, would assist it in better implementing the provision under review:

1. *Capacity-building programmes for authorities responsible for designing and managing the use of special investigative techniques;*

None of these forms of technical assistance has been provided to Lebanon to-date.

ANNEX 1

Legislative texts

- 1- Penal Code No. 340 of 01.03.1943*
- 2 - Texts relating to the application of criminal law in space*
- 3 - Texts relating to offenses against international law*
- 4 - Texts on terrorism*
- 5 - Act amnesty for offenses committed before 28/03/1991 No. 84 of 08.26.1991*
- 6 - Law on the fight against money laundering No. 318 of 20/04/2001*
- 7 - Texts procedure code criminally No. 328 of 02/08/2001*

Bilateral Agreements

- 1- Judicial agreement between Lebanon and Iraq on the letter rogatory extracted from the English-French convention signed at London on the 02/02/1922*
- 2- Extradition agreement between Lebanon and Iraq (through letter exchange between the high commissioner of the British S.M. in Iraq Bagdad 16/03/1922 and the high commissioner of the French republic in Syria and Lebanon 16/12/1922)*
- 3- Extradition agreement between Lebanon and Turkey - Protocol annex 2 exchange of letters between two countries under the mandate and turkey 11/04/1937*
- 4- Extradition treaty between Lebanon and Yemen signed in Beirut on the 15/10/1950*
- 5- Agreement between Lebanon and Syria concerning the hand off of criminals and the execution of the penal judgment signed in Damascus on the 25/02/1951 , the authorization law of ratification of the 27/10/1951*
- 6- Judicial Agreement between Lebanon and Yugoslavia concerning the exchange of notifications of the penal judgments between the legation of the federal popular republic of Yugoslavia and the foreign affairs Minister on the 28/10/1953*
- 7- Agreement between Lebanon and Jordan (extradition notifications rogatory Letter) signed in Beirut on the 31/08/1953, authorization law of ratification of the 06/04/1954*
- 8- Extradition treaty between Lebanon and Kuwait signed in Beirut on the 25/07/1963, authorization law of ratification of 13/06/1964*

- 9- *Treaty on execution of the judgments concluded between Lebanon and Kuwait in Beirut on the 25/12/1963, authorization law of the 13/03/1964 (judgments of the civil and penal courts concerning the civil reparation)*
- 10- *Extradition treaty between Lebanon and Belgium signed in Beirut on the 24/12/195, authorization law of ratification of the 17/11/1964*
- 11- *Exchange agreement of judicial cooperation and execution of the judgments between Lebanon and Tunisia signed on the 28/03/1964 in Beirut, authorization law of ratification number 38/68 of the date 30/12/1968.*
- 12- *Convention between Lebanon and Italy relative to the mutual judicial assistance in civil, commercial and penal materials and the execution of the judgments and arbitral sentences and to the extradition signed in Beirut on the 10/07/1970 , authorization law of ratification implemented through the decree number 3257 of the 17/05/1975*
- 13- *Judicial Cooperation treaty between Lebanon and Greece signed in Beirut on the 05/04/1975 , authorization law of ratification of 1985*
- 14- *Extradition Treaty between the Lebanese Republic and the Cyprus Republic signed in Nicosia on the 21/10/1994, authorization law of ratification number 418 of the 08/01/1995*
- 15- *Convention Annex to the judicial agreement signed on the 25/02/1951 between the Lebanese Republic and the Syrian Arab republic signed in Beirut on the 26/09/1996 , authorization law of ratification number 630- on the 23/04/1997*
- 16- *Judicial Agreement between the Lebanese Republic and the Egyptian Arab Republic signed at Beirut authorization law of ratification number 693 of the 05/11/1998*
- 17- *Cooperation and mutual assistance Agreement in the domain of drudge between the Lebanese republic and the Armenian Republic signed in Beirut on the 13/03/1997, authorization law of ratification number 688 of the 05/11/1998 (psychotropic controlled narcotic drugs and materials delivery)*
- 18- *Extradition treaty in run of the penal judgment concluded between the Lebanese Republic and the Republic of Bulgaria of which the ratification was authorized by the law number 467 of the 12/12/2002*
- 19- *Judicial cooperation agreement in penal material concluded between the Lebanese Republic and the Republic of Bulgaria of which the ratification was authorized by the law number 469 of the 12/12/2002*

20- Cooperation Agreement in the legal field between the Ministry of Justice of the Republic of Lebanon, and the Ministry of Justice in the State of Qatar Agreement Decree No. 10286 - issued in 04/30/2013

UNODC

Annex 2: Example of a bilateral extradition agreement

Law No. 468 issued on 12/12/2002

The People's Assembly approved this

And the President of the Republic publishes the following text of the law:

Article 1- The government is authorized to conclude an extradition agreements between the Lebanese Republic and the government of the Republic of Bulgaria signed in Beirut on 20/3/2001 attached herein

Article 2- This law shall enter into force once it is published in the official newspaper

Babada on 12 December 2002

Signed : Emile Lahoud

Issued by the President of the Republic

Prime Minister

Signed: Rafiq Al Hariri

Prime Minister

Signed: Rafiq Al Hariri

An extradition agreement between the Lebanese Republic and the government of the Republic of Bulgaria

The government of the Lebanese Republic and the government of the Republic of Bulgaria referred to hereafter as "contracting parties" out of their desire to undertake continuous development of in the field of criminal extradition, agreed on the following:

Article 1- Duty of extradition

Each of the contracting parties pledges, when it is requested, without prejudice to the specific provisions of this agreement, to extradite any person found on its territories if he is wanted by the authorities of the other party for prosecuting him or implementing a conclusive ruling.

Article 2- Crimes that allow for extradition

1. Extradition is approved in connection to actions, inactions or inadvertence which are considered penal crimes by the laws of both sides and they are punishable by imprisonment of no less than one year or a hasher penalty. When the extradition requisition refers to one or more penalties including cases towards which collective sentences were given, the remaining period of punishment should not be less than six months.
2. If the extradition requisition is relevant to several separate crimes, and that the conditions mentioned in Para1 are not available in them regarding the duration of the penalty, extradition shall be granted only for the crimes that meet the specific conditions. This rule is applied to crimes that meet other requirements in this agreement.

Article 3- Rejection of extradition requisitions

1. Extradition requisitions are rejected in the following cases:
 - A. If the person requested to be extradited had previously prosecuted or tried by the judicial authorities of the requesting party regarding the crime he was requested to be extradited for.

- B. If the ruling or the public right has elapsed by prescription as per the law of one of the two parties at the time of receiving the extradition requisition.
 - C. If a general pardon was issued by the party requesting extradition regarding the crime in question.
 - D. If the person who is requested to be extradited shall be subject to an extraordinary trial by the requesting party.
 - E. If the crime in question in the extradition requisition is considered by the requested party a political crime or is relevant to a political crime or a military crime.
 - F. If the person who is requested to be extradited is a citizen of the requested party at the time of receiving the extradition requisition.
2. The extradition requisition shall be rejected if there are significant reasons why the person requested to be extradited is believed to:
- B. Be subjected to a trial that does not guarantee the minimum rights of defence. Undertaking the criminal procedures in the absence of the wanted person does not represent per se a reason for the rejection of the extradition requisition on condition that the requesting party shall pledge that it shall give a new trial in the presence of the wrongdoer in implementation of the domestic law of the requesting party.
 - C. Be prosecuted or there shall be discrimination against him for reasons related to his gender, nationality, language, political convictions, or shall be subject to brutal or inhumane treatment or any actions that violate some of the basic human rights.

Article 4- optional reasons for rejecting the extradition requisition

The extradition requisition may be rejected if:

- A. If the action or inaction relevant to the extradition requisition has been committed fully or in part on the territories of the requested party or within a place which it considers a part of its territories.
- B. The crime in question had been committed outside the territories of both parties and that the law of the requested party does not apply to that crime

Article 5- Execution sentence

If the action or inaction relevant to the extradition requisition is punishable by death sentence as per the law of the requesting party, extradition shall only be performed if the requesting party gave guarantees which are considered sufficient by the requested party that such a sentence shall not be passed and if passed it shall not be executed.

Article 6- Providing punitive procedures for the requested party

1. When extradition is rejected as per article 3, the requested party shall submit the issue to the concerned authorities to embark on punitive measures if the other party so requested. For this purpose, the requesting party should secure a procedural file and all the required data for the prosecution or to take the necessary legal actions.
2. The requested party should immediately inform the other party about action taken regarding the request and the processing of the case filed.
3. Each contracting party, when asked by the other party, to undertake punitive actions against its citizens who committed a crime on the territories of the requesting party when he is approved to be extradited as per the provisions of this agreement. For this purpose, all proofs

relevant to the crime should be sent to the requested party. The requesting party should be notified of the result of processing the request.

Article 7- exclusiveness principle

1. The person who was extradited shall not be subject, without the approval of the requested party, to coercion or any action limiting his personal freedoms, for any crime he committed before extraditing him, rather than the crime he was extradited for.
2. If an amendment was made in the process of punitive procedures for the legal assortment of action or inaction relevant to the expedition, the person who is expedited shall not be prosecuted and his freedom shall not be limited regarding the new legal assortment unless the extradition approval is covering the new legal assortment of the crime.
3. The person who shall be extradited may not be handed over, without the approval of the requested party, to a third country relevant to a crime committed before handing him over to the requesting party.
4. In the cases referred to in items 1 and 3, the requesting party should send a request together with documents mentioned in items 8b and c, and when necessary, documents mentioned in article 8a or, in case of extradition to a third country, the request and proof documents presented by this third country. The request should be attached with the statements of the person required to be extradited he made before the judicial authorities of the requesting party as regards the expansion of the range of extradition or giving an approval for the extradition of that person to a third country.
5. The provisions of the previous items do not apply to cases when the person is allowed to leave the territories of party where the person was extradited to and this person did not do that within 45 days of his final pardoning and he willingly returned to those territories after leaving them.

Article 8- documents attached to extradition requisition

2. The extradition requisition should be attached with:
 - a. The original or a copy of the warrant arrest or any other document relevant to limiting personal freedom or when extradition is requested for implementing a sentence – the conclusive ruling should be attached with a document proving the remaining part of the sentence to be implemented.
 - b. Description of the crimes relevant to the extradition requisition while specifying the time and date of committing them and their legal description.
 - c. The text of the legal provisions applied including the provisions of preventive measures
 - d. Special features of the person, all other information available with the requesting party which help specify the identity of the person
 - e. If it appeared that the information provided is not enough, the requested party should request providing it with additional information by the requesting

party specifying the duration of providing it. This period could be extended upon a reasoned request.

Article 9- provisional and initial detention

1. If one of the two parties presented a request for a provisional detention of one of the persons for whom it is intended to provide an extradition requisition, the other party, before receiving the extradition requisition, has to detain this person or take any other coercive measures according to its laws.
2. The provisional detention request should include information relevant to the arrest warrant and another document providing for limiting the personal freedom or the conclusive ruling against the person requested to be extradited, and a statement that the extradition requisition shall be provided, a description of the crime referring to the time and place of committing the crime, the legal description of the crime, the sentence passed and, when necessary, the remaining period of the sentence in addition to necessary information for specifying the identity of the person.
3. The requested party shall immediately notify the other party regarding the processing of the request and it should consult with it regarding the date of detention and the implementation of any other coercive measures towards that person.
4. Detention of the person and any other coercive measures shall come to an end if the extradition requisition and documents mentioned in article 8 have not been received by the requested party within 40 days of the date specified in Para3. This should not lead to a new detention or the implementation of other coercive measures for the purpose of extradition if the extradition requisition has been received after the end of the period specified above.
5. Upon receiving the extradition requisition, the requested party shall detain the person requested to be extradited till handing him over, or to take any proper preventive measures to stop this person from leaving its territories.

Article 10- the decision of extradition of a person

1. The requested party should immediately inform the other party of its decision regarding the request of extradition of a person. Reasons should be given even if the rejection is partial.
2. When extradition requisition is accepted the requested party should notify the requesting party of the place and date of extradition referring to the coercive measures ordered on the person to be extradited.
3. The period necessary for the extradition is 40 days from the date specified in Para 2. This period could be extended for 20 more days upon a reasoned request presented by the requesting party.
4. The decision giving the extradition decision it effect shall lose its effectiveness if the requesting party failed to accept the person within the specified duration. In this case, the person shall be released and the requested party may reject the extradition requisition for the same crime.

Article 11- extradition which is deferred for a provisional period

1. When punitive actions are undertaken against the person who is requested to be extradited, or who spends a sentence on the territories of the requested party for a crime other than that relevant to the extradition requisition, the requested party shall immediately give a decision regarding the extradition requisition and notifies the other party of it.
2. When the extradition requisition is approved, the requested party might defer extradition till the completion of the punitive actions or the completion of serving the sentence ordered. The requested party might request the other party to retrieve the person for a provisional period as per the terms and conditions agreed upon by the two parties. The extradited person should remain guarded during his stay in the territories of the requesting party and he has to be extradited within the agreed period to the requested party.

Article 12- Handing over criminal tools, supplies and materials

1. The requested party, as per its legislations, shall seize, and when it implements the extradition requisition, shall deliver as a proof to the requesting party, any tools, materials used in committing the crime or upon which the crime was committed.
2. The tools and materials specified in the Para above regardless of the fact that the approved extradition has not been implemented due to the death or escape of the wanted person.
3. The requested party may seize the tools and items mentioned in the Para above for the required period for undertaking punitive actions and can hand it over provisionally on condition that they are to be returned as soon as possible.
4. Third party rights in property should be reserved. In this case, items should be returned immediately to the requested party after the completion of the punitive actions.

Article 13- Accumulation of requests

If one of the parties and another country sent a request of the extradition of the same person to the country that received the requisition should take into consideration in its decision all circumstances especially serious ones, the place of committing the crime, nationality and domicile of the wrongdoer, possibility of later extradition and date of receiving the request.

Article 14- Information about the results of the punitive measures

The party whose request for extradition was accepted to execute punitive measures, he should inform, upon request, the other party about the trial that was conducted.

Article 15- Transit

1. Each party shall, when requested, give transit through its territories to the persons extradited by a third country for transferring them to the country of the other party.
2. The provisions of article 8 are applied on the transit requests. Transit requests might be rejected for the same reasons an extradition requisition is rejected as per this agreement.
3. When using airlines without landing, it is not necessary to get permission from the party on whose territories the airplane flies. This party shall be informed by

the other party about the transit and the other party should provide him with necessary information about the identity of the persons, crime committed, its legal description, and text of the ruling, if necessary. It has to confirm that there is an arrest warrant, or a conclusive ruling limiting freedom. At the time of landing, this information has the same results as the provisional detention request as per article 9.

Article 16- Communications

For the purposes of this agreement, communications are conducted:

4. For the Lebanese republic, by the Minister of Justice and for the republic of Bulgaria by the Minister of Justice. Communications through diplomatic channels are also allowed. The provisional detention request could be referred through the Interpol.
5. All extradition requisitions and other reports as well as all other attached and legal documents in the language of the requesting party together with an accredited translation to the language of the requested party as per the rules.
6. The original and accredited copies of the legal documents should not be legally or officially authenticated or any similar action.

Article 17- Expenses

Expenses arising from extradition should be carried by the party on whose territories they are spent while the air tickets fares, and transit expenses of extradition should be carried by the requesting party.

Article 18- conclusive rulings

1. This agreement shall be subject to ratification and shall enter into effect after thirty days of the exchange of ratification papers.
2. This agreement is concluded for an indefinite period of time. Any party to the agreement might withdraw. Withdrawal shall take effect six months after any of the parties receives a written notification of the cancelation through diplomatic channels.

Issued in Beirut, on 20 March 2001, in two copies in Bulgarian and English. The two texts are equally effective. In case of discrepancy, the English text shall prevail.

For the Lebanese republic

For the Bulgarian republic

Annex 3: Example of a bilateral mutual legal assistance agreement

Law no. 38 issued on 30/12/1958

Authorization of concluding a Mutual Legal Assistance, execution of rulings, and extradition agreement signed between Lebanon and Tunisia.

The People's Assembly approved

And the president of the Republic shall publish the following law:

Article 1- The Lebanese government was authorized to conclude a Mutual Legal Assistance and implementation of sentences, and extradition agreement with the Tunisian government on 28/3/1964

Article 2- This law shall enter into force immediately after it is published in the official newspaper

Sin El Fil – On 30 December 1968

Signature: Charles Helo

Issued by the President of the Republic

Prime Minister

Signature: Abdel Baki Al Yafi

Minister of Foreign Affairs and Lebanese Overseas

Signature: Hussein Al Oweini

A Mutual Legal Assistance, implementation of sentences and extradition agreement
Between the Lebanese Republic and the Tunisian Republic

The government of the Republic of Lebanon

And the government of the Republic of Tunisia

Out of their desire to enhance mutual ties and understanding and implementing justice and close cooperation and adhering to the general provisions of the international law and the world declaration of human rights, they agreed on the following:

First title: Mutual Legal Assistance exchange

Part one: judicial and non-judicial document notification

Article 1- without prejudice to the provisions relevant to extradition of criminals, judicial and non-judicial documents and instruments in the civil, commercial or partial parts, which are pertinent to individuals living on the territories of one of the contracting parties, shall be sent through the Ministries of foreign affairs through normal diplomatic channels.

The provisions of this article shall never prevent the two contracting parties of their rights to send directly through their diplomatic or consular representatives all judicial and non-judicial documents and instruments directed to its citizens themselves; in case of conflict of

legislations, the nationality of the person to whom documents or instruments are pertinent shall be decided as per the law of the country where the documents are sent.

Article 2- the judicial or non-judicial documents should be accompanied by a table including the following:

The authority issuing the document

The type of the document to be sent

The name, surname and title of the two parties

Name, profession, and address of the person to whom the document is addressed

In criminal cases, the description of the crime committed should be mentioned

Article 3- The authority required to deliver the document shall only deliver the document to whom it is required to be served; serving the document is registered through a receipt dated and signed by this person or through a notification report prepared by the serving authority that should include serving the document, its date, its form and the notification or receipt shall be directed to the requesting authority.

Article 4- Each of the contracting parties shall carry the expenses of serving document that takes place on its territories

Article 5- The provisions of previous articles do not prevent, in the civil and commercial articles, the concerned persons living on the territories of one of the contracting parties, from delivering or serving the documents to the persons living in this country on condition that this reporting or serving should be conducted as per the rules applied in the country where the serving of documents takes place.

Part two: Referring letters rogatory and implementing them

Article 6- The letters rogatory in the civil, commercial or criminal articles are implemented on the territories of each of the contracting countries by judicial authorities and they are referred through the ministry of foreign affairs by normal diplomatic channels.

Article 7- The authority required to implement letters rogatory can reject implementing them if its legislations do not allow for that or if they affect the sovereignty, security or public order of the country it has to be implemented in.

Article 8- Individuals required to testify should be summoned by an administrative notice. If they did not show up, the authority that has to implement the letter rogatory has to force them to do so by coercive measures mentioned in the legislation of its country.

Article 9- Upon a clear request from the requesting authority, the requested authority should implement the letter rogatory:

5. According to a special method if the method does not contradict with the legislations of its country'
6. Notifying the requesting authority in due time of the date and place of implementation of letter rogatory so that concerned personnel would attend within the legislations of the country where the letter rogatory is to be implemented.

Article 10- Implementation of the letter rogatory does not entail any expenses to be paid by the country that submitted the requisition except for the experts' fees.

Part two: Appearance of witnesses in criminal cases

Article 11- If it is required that a certain witness in a criminal case is required to appear in court, the government of the country where the witness is living should urge him to respond to the summons he received. In this case, the expenses of travel and accommodation starting from leaving his residence shall be refunded as per the fares and arrangements applied in the country where he is to give his testimony; the consular authorities in the country that submitted the requisition should send him all or part of the travel expenses in advance.

The witness who is summoned to one of the two countries and appears with his free will before a court of the other country cannot be, whatever his nationality is, prosecuted or arrested for previous actions or in implementation of previous rulings issued before leaving the territories of the country that received the request; this immunity, however, is lifted after thirty days of giving his testimony if means of leaving the country were available and he did not leave it.

Article 12- The requests for the appearance of arrested witnesses are met unless special condition prevented this and on condition that the arrested witness would be returned within a short period of time.

Title two- Implementation of non-criminal rulings

Article 13- any conclusive ruling relevant to civil or commercial rights or compensation and issued by criminal courts or relevant to personal status laws and was issued by judicial authorities in one of the two countries as per its judicial or jurisdictional (administrative) powers (it can be implemented in the other country if the following conditions are applicable:

- a. If the convict appeared in court or summoned in a legal way
- b. If the sentence is applicable as per the legislations of the country where it is issued
- c. If the ruling includes something that contradict with the public order in the country and acquired the status of something that is not allowed.

Article 14- Provisions referred to in the previous article cannot be forcefully applied by the authorities of other countries and shall not be subject to any overt measure such as registration and demarcation (putting a mark) and amending public records until a license is issued considering them effective in those countries.

Article 15- The right of the implementation of the ruling is given upon the request of the concerned authorities that have interest in implementing it as per the legislations of the country requesting it and the procedures of implementation shall be subject to the legislations of the country where it is requested to implement it.

Article 16- The role of the concerned court shall be confined to finding out whether the required ruling is meeting the conditions mentioned in the previous article to be implementable. It shall automatically perform the said research and mention the result in the decision it shall take. Implementation of the ruling cannot be granted if it is the subject of an extraordinary challenge.

The concerned court may, when necessary, order taking the necessary action to consider the ruling issued in a foreign country as if it is issued in the same country that approved

considering it effective on its territories. Partial implementation may be granted and it shall not include except some points addressed by the foreign ruling.

Article 17-Rulings issued together with an implementation order shall be in effect regarding all items included in the case of implementation request and in all territories where the provisions are applied.

They allow for that the ruling that entered into effect since the date of the issuance of the implementation decision, and the implementation tools, shall have the same effect as if it is issued by the court that issued the implantation decision.

Article 18- The side that clings to the power of the ruling or is asking for implementing it shall provide:

1. An official copy of the ruling that meet the required conditions
2. The original report by which notification of the ruling was made
3. A certificate from the concerned court clerks proving that the decision has not been challenged, appealed or contradicted(before the court of cassation)
4. An official copy of the summons sent to the party in whose favour a ruling in absentia was issued.

Article 19- Arbitration decisions issued in a legal way in one of the two countries shall be recognized in the other country. They may be considered effective in the other country if they meet conditions mentioned in article 13. The decision implementation permit shall be granted in the same way mentioned in the previous articles.

Article 20- Each country shall specify the concerned judicial authority to which implementation requests is to be submitted, implantation procedures and methods of challenging the decision; such information shall be submitted to the other country.

Title three- Extradition of criminals

Article 21 – The two contracting countries shall be obliged to extradite to each other, as per the prescribed terms and conditions in the following articles, any person found on the territories of the other country and is the subject of prosecution or convicted by the judicial authorities in the other country.

Article 22- Extradition the two countries are obliged to implement does not include its citizens and this shall be decided upon the nationality of the person at the time of committing the crime he is requested to be extradited for.

The country requested to extradite a criminal, however, shall, within the range of its competencies, holding a trial and prosecuting its citizens who commit, on territories of other countries, punishable crimes such as felonies or misdemeanours when the other country directs a request to the other country through diplomatic channels together with files, documents items, information it has. The country that submitted the requisition should be informed of how the request being processed.

Article 23- Extradition shall include:

1. Individuals being prosecuted for felonies, misdemeanours punishable by the legislations of the two contracting countries with an imprisonment sentence which is not less than six months.

2. Individuals who have been convinced in presentia or in absentia by the courts of the requesting countries with an imprisonment sentence that is not less than two months for a felony or a misdemeanour punishable by the legislations of the country requested to extradite him.

Article 24- Extradition shall not be approved if the crime for which extradition is requested is considered by the country that received the requisition as a political crime or relevant to a political crime.

Extradition shall be obligatory in the following cases:

1. Assault of the head of state of any of the two countries, his wife, any of his grandparents or grandsons
2. Manslaughter
3. Terrorist crimes as defined by the country requested to extradite the criminal

Article 25- Extradition may not be granted if the crime relevant to the extradition requisition is related to neglect of military duties.

Article 26- Remunerations - fees (taxes –customs duties) (exchange) pieces (payment shall not be made as per the conditions prescribed in this agreement except in cases agreed upon through exchange of letters by the two countries for each crime or a certain type of crimes.

Article 27- Extradition shall be rejected:

- a. If the crime were committed on the territories of the country requested to extradite the criminal
- b. If conclusive rulings have been issued regarding the crime in the countries requested to extradite the criminals
- c. If the case or penalty was elapsed by prescription as per the legislation of the requesting or the country that received the requisition at the time of receiving the request.
- d. If the crime is committed outside the territories of the country that submitted the requisition by an individual who is not a citizen of this country and when the legislation of the country that received the requisition does not allow for prosecuting such crimes if committed outside its territories by a foreigner. Extradition may be rejected too if the crimes relevant to prosecution were committed in the country that received the requisition or if ruling by a third countries were issued in this regard.

Article 28- Extradition requisition shall be sent through diplomatic channels

It should be sent together with the original of, or an official copy of, the implementable ruling or the arrest warrant or any other document that has the same effect and was forwarded as per the prescribed procedures in the legislations of the country that submitted the requisition mentioning, as much as could be, the circumstances surrounding the actions for which extradition is required, the legal description of the crime, date and place of committing it with reference to the legal provisions applied to this case, a copy of those provisions should be attached, as well as the description, as much as possible, of the individual who is requested to be extradited and all other information necessary for specifying his identity.

Article 29 – When confirmed, and upon the request of the concerned authorities in the country that submitted the requisition, the person requested to be extradited shall be put in custody (provisional detention) until the extradition requisition and documents mentioned in Para2 are received.

The custody (provisional detention) request shall be addressed to the concerned authorities of the country that received the requisition either directly through mail, or telegram, or by any other written means and through diplomatic channels too. The request should include one of the documents mentioned in Para2 of the previous article and statement that there is an intention to send the extradition requisition, the crime for which extradition is requested, date and place of committing the crime, description of the person requested to be extradited accurately; the country that submitted the requisition should be notified without delay of how the request is being processed.

Article 30 – If the country which is requested to extradite a criminal has not received one of the documents mentioned in Para two of article 28 within 30 days of detention, the detained person may be released. Such release shall not prevent detaining him anew if the extradition requisition has been sent later on.

Article 31- if the country to extradite a criminal has found out that it needs additional information to make sure that all the conditions mentioned in this agreement has been met, and it found out that there are certain conditions that can be met, it shall inform the country that submitted the requisition through diplomatic channels before rejecting the request, and it may specify a certain period for obtaining such information.

Article 32- if the country requested to extradite a criminal received several requests from different countries whether for the same crime or for different crimes, it shall freely consider such requests taking into consideration all conditions especially the possibility of extradition later on between the requesting countries, date of receiving requests, how serious the crimes are and place of committing them.

Article 33- when extradition is approved, any items found with the person requested to be extradited at the time of his detention if they relevant to committing the crime or may be used as a proof of committing the crime shall be seized and submitted to the country that submitted the requisition when it so requests.

Such items may be submitted to that country even if the individual has not been extradited because of his death or escape.

Third party rights relevant to those items are reserved and they shall be returned in case of proving those rights as soon as possible at the expense of the country that received the requisition after the completion of the prosecution at the country that submitted the requisition.

The country which is requested to extradite a criminal may temporarily keep the seized items if it considered this necessary for processing a criminal case. It might also keep them when sent to it while there is a right to retrieve them for the previous reason while it shall be committed to return them anew when it is convenient.

Article 34- the country requested to extradite a criminal should inform the country that submitted the requisition through diplomatic channels of the decision it took in this regard. Any partial or complete rejection of extradition requisition should be reasoned.

In case of approval, the country that submitted the requisition shall be notified of the place and date of extradition.

If no agreement has been reached in this regard, the country that is requested to extradite a criminal shall put the person requested to be extradited in the place specified by the diplomatic mission of the country that submitted the requisition.

With the exception of the case referred to in the past Para of this article, the country that submitted the requisition should receive the extradited person by its officers within 30 days starting the date specified as per the provisions of Para3 of this article. After the end of this period, the person is released, and he cannot be requested to be extradited for the same act.

If exceptional circumstances prevented handing over or receiving the person requested to be extradited, the concerned country should notify the other country of this before the end of the specified duration. Then the two countries would agree to a new date and in this case the provisions of the previous article shall be applicable.

Article 35- If the individual requested to be extradited is under prosecution or is a convict in the country requested to extradite him for a crime other than that relevant to the extradition requisition, the said country should give a decision regarding the request and shall inform the country that submitted the requisition of it as per the provisions mentioned in items one and two of the previous article. In all cases, in case of approval, the extradition of the criminal shall be postponed until justice is done in the country requested to extradite him.

Extradition shall be conducted at a date specified as per the provisions of Para3 of the previous article. In this case items 4, 5, and 6 shall be applicable.

Article 36- the person being extradited cannot be prosecuted or tried in presentia or detaining him with the aim of forcing him to serve a sentence for a crime, other than that relevant to the extradition, if committed before that extradition except in the following cases:

1. If he was allowed to exit the territories of the country he was extradited to and he did not for 30 days after the day of his final release or if he exited the country and came back willingly to it.
2. If the country that extradited him accepted this. In this case, a request, together with documents mentioned in Para two of article 28 and a judicial report comprising statements of the extradited person regarding the validity of the extradition mentioning that this person was informed that he had the right to submit a defence note to international authorities requesting him.

If the description of the crime the person is said to commit has been changed, during the procedures, he shall not be prosecuted or tried unless the elements of the crime according to its new description allow for the extradition.

Article 37- The country that submitted the requisition may not extradite to a third country the individual extradited to it unless it gets the approval of the country requested to extradite him. Such an approval shall not be required in case the person stayed on the territories of the country that submitted the requisition or returned to it as per the conditions mentioned in the previous article.

Article 38 – If it is necessary that a person extradited by a third country to one of the contracting countries should transit the territories of the other country, this transit shall be approved as per a request directed through diplomatic channels together with the required documents proving that the crime is one of the crimes that allow for extradition and conditions mentioned in article 23 which are relevant to the duration of the sentences shall be disregarded.

Article 39- The country requesting the extradition shall carry the expenses arising from the extradition procedures and shall not require the country performing the extradition to carry any expenses relevant to procedures, or detention of the person requested to be extradited.

Title four- Final provisions

Article 40- The two contracting countries shall inform each other of the rulings issued by judicial authorities regarding felonies or misdemeanours committed by the citizens of the other country.

Those notifications shall be sent through the ministries of foreign affairs and through diplomatic channels.

Article 41- This agreement shall be ratified as per the constitutional systems applied in the two contracting countries.

Article 42- This agreement shall enter into force starting the date of the exchange of ratification documents for five years. If none of the contracting countries notified the other country before the end of the five years of its desire to end its effect it is renewed for another five years.

The impact of this agreement shall include felonies and misdemeanours committed before its being concluded.

Beirut, 28 March, 1964

For the Government of the Lebanese Republic
Secretary General of the Ministry of Foreign Affairs and Expatriates
Head of the negotiating delegation
Signature: Ambassador Joseph Harfosh

For the Government of the Tunisian Republic
Ambassador of Tunisia in Beirut
Head of the negotiating delegation
Ambassador Ahmad Bin Arafa

Annex 4 – Arab Convention on the Suppression of Terrorism⁸

The government is authorized to conclude the Arab agreement for combating terrorism signed in Cairo on 22/4/1998

Law no. 57- issued on 31/3/1999

The People's Assembly ratified

And The President of the Republic published the following law:

Article 1- The government has been authorized to conclude the Arab Agreement for combating terrorism signed in Cairo on 22/4/1998 which is attached herewith.

Article 2- this law shall enter into force immediately after publishing it in the official newspaper.

Baabda 31 March 1999

Signature: Emile Lahoud

Issued by the President of the Republic

Prime Minister

Signature: Selim Al Hoss

The Arab Convention Against Terrorism

Issued by

Arab Council of Ministers of the Interior and council of Ministers of Justice

Cairo: April 1998

Preamble

The Arab countries signing hereunder

Out of their desire to enhance mutual cooperation for combating terrorist crimes that threaten the security and stability of the Arab nation and represent a risk for its vital interests,

And out of their adherence to the sublime ethical and humanitarian values, especially the provisions of the Islamic laws, and the human heritage of the Arab nation, that reject all sorts of violence and terrorism and calls for protecting human rights, and go in line with the principles of the international law and its foundations based on cooperation of all nations in establishing peace

Out of commitment to the charter of the Arab League and the UN charter and all international covenants and conventions to which the contracting countries are parties to

Confirming the right of peoples to struggle against foreign occupation and aggression using all means possible, including armed struggle for liberating their territories and getting their right to self-determination and independence, and maintaining the territorial integrity of each Arab country, as per the principles of the UN charter and resolutions. They agreed to conclude this agreement calling on all Arab countries who did not participate in concluding it to join it

Part one- Definitions and general provisions

Article 1- The following terms mean what is written beside each of them:

1. The contracting country

⁸ https://www.unodc.org/tldb/pdf/conv_arab_terrorism.en.pdf

Each member state of the Arab league that signed this agreement and submitted its ratification papers to the General Secretariat of the Arab league

2. Terrorism

Any act of violence or threatening whatsoever if its reasons and purposes emanate from the implementation of an individual or a group criminal project and is meant to terrorize people or scare them, hurt them, compromise their freedom and security, inflict harm on environment, private or public utilities or occupy, or seize them or put one of the national resources at risk.

3. Terrorist crime

It is any crime or attempted crime committed for a terrorist purpose in any of the contracting countries, or against its citizens, property, or interests and is punishable by the domestic legislations; the crimes that are mentioned in the following agreements are considered terrorist crimes except those exempted by the legislations of the contracting countries or countries that did not ratify it:

- a. Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft signed on 14/9/1963
- b. Hague Convention for the Suppression of Unlawful Seizure of Aircraft signed on 16/12/1970
- c. Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed on 23/9/1971 and the attached protocol signed in Montreal on 10/5/1984
- d. New York Convention on the Prevention and Punishment of Crimes against internationally protected persons including diplomatic agents signed on 14/12/1973
- e. International Convention against the Taking of Hostages signed on 17/12/1979
- f. The UN Convention on the Law of the Sea of 1983 and its part relevant to hijacking practices.

Article 2-

- a. Struggle with all its types, including armed struggle against foreign occupation or aggression for freedom and self-determination, as per the principles of the international law, and any action meant to maintain the territorial integrity of any Arab country shall not be considered a crime.
- b. Any terrorist action referred to in the previous article shall not be considered a political crime and in application of the provisions of this agreement the following crimes shall not be considered political crimes even if committed with a political purpose:
 1. Transgression against kings and heads of the contracting countries
 2. Transgression against crown princes, vice presidents, prime ministers, or ministers of any contracting country
 3. Transgression against persons who are internationally protected including ambassadors and diplomats accredited to the contracting countries
 4. Manslaughter and coercive robbery conducted against individuals, authorities, means of transportations and communications.

5. Acts of sabotage, damage of public property, and property designated for public services, even if they are owned by another contracting country.
6. Crimes of manufacturing, smuggling, possession of arms, ammunitions, explosives, or other materials prepared to be used in terrorist attacks.

Part 2- Bases of Arab cooperation in combating terrorism

Section one- The security field

First division: measures of combating terrorist crimes

Article 3- The contracting countries shall not to organize, finance, commit or participate in terrorist attacks or participate in them in any way. Out of their keenness on preventing and combating terrorist crimes, as per the domestic legislations in each of them, they shall:

First: Prevention measures

1. They shall prevent using their territories as a scene for planning, organizing, or implementing any terrorist crimes or embarking on them or participating in them by any means, including the prevention of the infiltration of terrorist elements of their borders or their living on their territories individually or in groups or receiving them, giving them shelter, training them, arming them or financing them or providing them with any facilities whatsoever.
2. Cooperation and coordination among contracting countries especially adjacent ones that are suffering from similar or common terrorist crimes
3. Developing and enhancing the systems used in the discovery of transporting, importing, exporting, storing, and using arms, ammunitions and explosives and other tools of aggression, murder and destruction and the measures used in monitoring them in customs houses, and borders to prevent their transportation from one contracting country to another or to other countries except for legal purposes.
4. Developing and enhancing monitoring and security systems on the borders and land, marine and airports to prevent infiltration through any of them
5. Boosting security measures used in protecting personalities, vital installations, and means of public transportation.
6. Boosting protection and safety of prominent personalities, diplomatic and consular missions, regional and international organizations accredited to the contracting countries as per the relevant international conventions.
7. Boosting the security information system and coordination between countries in this field as per their policies to discover any terrorist groups or organizations, foil their plots, and explain how dangerous they are for safety and security.
8. Each contracting country shall create a database for collecting and analyzing data on terrorist elements, groups, movements, and organizations, monitoring the development of the terrorism phenomenon, recognizing successful methods of confronting it, updating such data, providing concerned authorities in contracting countries with such data, within the limits allowed for by the domestic legislations of each of the contracting countries.

Second: Combating measures

1. Arresting perpetrators of terrorist attacks as per the national legislations, or extraditing them according to the provisions of this agreement or any mutual agreements signed by the country requesting extradition and the extraditing country.
2. Providing effective protection for the personnel working in the field of criminal justice
3. Providing effective protection for sources of information and witnesses in terrorist crimes
4. Providing necessary aids for victims of terrorism
5. Establishing effective cooperation between concerned authorities and the public for confronting terrorism, including providing suitable guarantees and incentives to encourage the public to report terrorist acts and provide information that help in discovering them and arresting their perpetrators.

Division two – Arab cooperation for the prevention and combating of terrorist crimes

Article 4- The contracting countries shall cooperate on preventing and combating terrorist crimes as per the domestic regulations and legislations in each of them through:

First: Exchange of information

- 1- The contracting countries shall enhance the exchange of information among them on:
 - a. Activities and crimes of terrorist groups, their leaders, elements, places of assembly, and training, means and sources of financing and arming them, types of arms, ammunition, explosives and other assault, murder and destruction tools they use.
 - b. Means of communications and propaganda used by terrorist groups and method of their work, movement of their leaders and elements, and travelling documents they use.
- 2- Each contracting country shall inform any other contracting country, as soon as possible, of available information about any terrorist crime that took place in its territories and shall target the interest of the other country and its citizens explaining circumstances of the crime, perpetrators, victims, damage inflicted, tools and methods used in committing the crime, to the extent that does not compromise the requirements of search and investigation.
- 3- Contracting countries shall cooperate in exchanging information for combating terrorism. Each contracting country shall inform any other contracting countries of any information or data available to it that could prevent committing terrorist crimes in its territories against its citizens, foreigners or its interests.
- 4- Each contracting country shall provide any other contracting country with any information or data available to it that may:
 - a. Help in arresting a person/persons accused of committing terrorist crimes against the interests of that country or embarking on participation in such crimes through assistance, agreement or instigation.
 - b. Lead to recovery of any arms, ammunitions, explosives or materials or money used or meant to be used in committing a terrorist crime

- 5- Contracting countries shall maintain the confidentiality of information exchanged among them and shall not provide any contracting country or any other party with such information before getting the approval of the source of information.

Second – Investigations

The contracting countries shall enhance cooperation among them and provide assistance in the field of investigations and arresting fugitives, accused, or convicts of terrorist crimes as per the domestic legislations of each country.

Third- Sharing expertise

- 1- Contracting countries shall conduct and exchange studies and researches used in combating terrorism and shall share their expertise in this field.
- 2- Contracting countries shall cooperate, within their resources, in providing available technical assistance for preparing programs or holding joint training courses, or courses for a certain country or a group of countries, if need be, for personnel working in the field of combating terrorism to develop their scientific and practical capabilities and enhance their performance.

Chapter Two: Judiciary

Section One: Extradition

Article 5- Each State Party hereby undertakes to extradite the persons who are accused of or condemned for committing terroristic crimes, in accordance with the terms and conditions of this Convention.

Article 6- Extradition shall not apply to the following cases:

- a. If the crime, for which extradition is required, is deemed to be a political crime under the applicable laws of the State Party to which a requisition is submitted (Recipient State Party),
- b. If the crime, for which extradition is required, is limited to military duties,
- c. If the crime, for which extradition is required, is committed in a territory located in the Recipient State Party, unless such a crime has caused prejudice to the interest of the State Party claiming extradition and its laws provide for tracing and punishing the criminals, save as the Recipient State Party has already started investigation or trial proceedings.
- d. If a final and conclusive judgment (*res judicata*) has already been issued by the judiciary of the Recipient State Party or by the judiciary of another State Party,
- e. When the requisition was received, if the case had been lapsed by prescription or the punishment extinguished under the laws of State Party claiming extradition,
- f. If the crime has been committed outside the territories of the State Party claiming extradition by a person who does not hold its nationality, while the laws of the Recipient State Party does not permit that accusations be raised for such a crime if committed outside its territories by such a person,
- g. If an amnesty is granted covering the perpetrators of such crimes in the State Party claiming extradition, and
- h. If the legal system of the Recipient State Party does not permit it to extradite its citizens; in which case the Recipient State Party shall raise accusation against the persons who commit terroristic crimes in any other States Parties, if the persons' acts are subjected by the two States Parties to freedom-restrictive penalties of not less than one year imprisonment or more aggravated punishment. The nationality of the persons required to be extradited shall be specified on the date of perpetration of the crime for which a requisite is submitted. To this

effect, the results of investigations conducted by the State Party claiming extradition shall be used.

Article -7: If a person, who is required to be extradited, is subject to investigation, trial or condemnation for committing another crime in the Recipient State Party, extradition of this person shall then be adjourned until such investigation or trial is finalized or his punishment is executed. However, the Recipient State Party may temporarily extradite such person for investigation or trial in the other State Party, provided that this person shall be returned to the State Party which extradited him prior to execution of his penalty in the State Party claiming extradition.

Article 8- For the Purpose of extraditing crime perpetrators by virtue of this Convention, the crimes-characterization differences, i.e., whether the crime represents a misdemeanour or a felony, which may arise between the internal laws of the State Parties shall not be recognized, provided that the penalties ordered by both State Parties shall be freedom-restrictive for a period of not less than one year or more aggravated penalty.

Section Two: Letters Rogatory

Article 9- Each State Party may request any other State Party to undertake, in its territories on behalf of the first State Party, any judicial procedures related to a certain case arising out of a terroristic crime, including in particular the following procedures:

- 1- Receiving oral or written witness statements, which are used as evidence,
- 2- Providing any judicial instruments,
- 3- Conducting inspection and seizure operations,
- 4- Conducting examination of objects, and
- 5- Obtaining the documents, instruments and records required, or true copies thereof.

Article 10- Each State Party shall execute the letter rogatory related to the terroristic crimes, but may reject the related execution request in any of the following two cases:

- a. If the crime under request is subject to accusation, investigation or trial in the State Party on which a letter rogatory is served, or
- b. If the letter rogatory would cause prejudice to the sovereignty, security or public order of the State Party which is assigned to execute the letter rogatory.

Article 11- The letter rogatory shall be speedily applied in accordance with the internal laws of the State Party on which this letter rogatory is served. However, the latter State Party may request that execution be adjourned until the related investigation or judicial prosecution procedures are finalized or otherwise the imperative reasons which led to such adjournment are removed, provided that a notice shall be served on the requesting State Party of such adjournment.

Article 12-

- a. The procedures undertaken by means of a letter rogatory shall, in accordance with the conditions of this Convention, have the same legal effect as if undertaken by the competent authorities of the requesting State Party.
- b. The results of executing a letter rogatory shall be used only within the scope of assignments for which the letter of rogatory is issued.

Section Three: Mutual Judicial Assistance

Article 13- Each and every State Party shall provide all possible and/or required assistance in the investigation and trial procedures related to the terroristic crimes.

Article 14-

a. If a State Party has the competence to hold trial for a person accused for a terroristic crime, this State Party may request the other State Party in whose territories the accused exists to hold this trial for such crime, provided that the requested State Party shall approve to do so and the crime is to be subjected by the requested State Party to a freedom-restrictive penalty of not less than one year or any other aggravated penalty. In case thereof, the requesting State Party shall provide the requested State Party with all investigation results, instruments and evidence related to such crime.

b. Under the circumstances, investigation or trial shall be conducted or held based on the fact(s) established by the requesting State Party against the accused person and in accordance with the legal provisions and proceedings applied by the requested State Party

Article 15- Submission by the State Party of a request for trial, according to Clause (a) of the above Article, shall result in suspension of the pursuit, investigation and trial proceedings duly undertaken by it against the accused person who is required to be on trial, with the exception of the requirements for judicial assistance or letters rogatory that should met by the trial-requesting State Party.

Article 16-

a. The procedures undertaken by any of the two States Parties, i.e., the trial-requesting and the trial-requested States Parties, shall be subject to the laws of the trial-requested State Party, which laws shall have the binding force and effect.

b. The trial-requesting State Party may not hold trial or retrial of the accused person(s), unless the State Party which is requested to hold trial (trial-requested State Party) abstains to do so.

c. In all cases, the Trial-Requested State Party shall serve notice on the trial-requesting State Party, regarding the proceedings undertaken to apply such request for trial as well as the results of investigations conducted and trials held.

Article 17- The trial-requested State Party shall undertake all the procedures and measures duly established by its law whether in the period preceding or succeeding the date of arrival of the trial request.

Article 18- Transfer of competence over trial shall not cause prejudice to the rights of injured persons who shall be entitled to resort to the courts of the trial- requesting State Party or the trial-requested State Party to claim their civil rights that arise out of the crime in question.

Section Four- Objects and Proceeds Arising from Crimes and Crime- Control Procedures

Article 19-

a- If it is decided to extradite a wanted person, the States Parties shall be required to seize and handover the objects and proceeds arising out of, used by or related to the terroristic crime to the State Party requesting so, whether these objects or proceeds are found in possession of the wanted person or a third party.

- b. The objects referred to herein above shall be handed over, even if such wanted person is not extradited for being fugitive or dead or for any other reason, after confirming that such objects are related to the touristic crime.
- c. The provisions of the above paragraphs shall not cause prejudice to the rights of any State Party or any other bona fide third party to the said objects or proceeds.

Article 20- The State Party requested to hand over the said objects and proceeds shall undertake all the arrangements and precautionary measures required for meeting its handover obligations and may keep temporarily such objects and proceeds if such objects and proceeds are required for any criminal proceedings undertaken by it. The State Party may however hand over these objects and proceeds to the requesting State Party on the condition of retrieving same by reason of the said proceedings.

Section Five Exchange of Evidence

Article 21- The State Parties hereby undertake to examine, using their specialized devices, the evidence and effects of any terroristic crime that occurred in their territories against a State Party, and may seek the assistance of any other State Parties to this effect. State Parties shall further undertake the procedures required to keep and maintain such evidence and effects and establish their legal significance. State Parties shall have the sole right to provide the State Party, against whose interest the crime was committed, with the results gained if requested, provided that such State Party and any other assisting State Parties shall have no right to notify any other State of the above.

Chapter Three Law Implementation Mechanisms

Section One- Extradition Procedures

Article 22- Requisitions shall be exchanged directly between the competent authorities of the State Parties or through their Ministries of Justice, their substitute entities or the diplomatic channels.

Article 23- Requisition shall be submitted in writing and accompanied by:

- a. The original condemnation judgment, arrest order or any other instruments having the same force and effect duly issued according to the legally established conditions of the State Party which submitted the requisition, or true copies of the above.
- b. A statement of the acts for which extradition is required, clarifying the time and place of committing the crime, the legal characterization thereof, a reference to the legal provisions applicable thereto and a copy of these legal provisions.
- c. A description of the person required to be extradited duly prepared in as much clear manner as possible, and any other data that would lead to properly specifying his persona, nationality and identity.

Article 24-

1- The judicial authorities of the State Party which submitted a requisition may further request, by any means of written communication, that the Recipient State Party remand the accused person or detain him in custody until arrival of the requisition.

2-Under these circumstances, the Recipient State Party may detain or remand in custody the said person. However, if the requisition is not accompanied by the required documents

referred to herein above, the person required to be extradited shall not be detained or remanded in custody for a period exceeding thirty days from the date of arresting him.

Article 25- The State Party which submitted the requisition shall send such a requisition duly accompanied by the documents referred to in Article 23 herein. If the Recipient State Party finds that such requisition is valid, its competent authorities shall execute such requisition in accordance with its law, provided that the State Party which submitted the requisition shall be notified, without delay, of the procedures undertaken with respect to its requisition.

Article 26-

1- In all the cases provided for in the above two Articles, the period of detention or remand in custody shall not exceed sixty days from the date thereof.

2- Temporary release may be granted during the period referred to herein above, provided that the Recipient State Party shall undertake the arrangements believed necessary to prevent the evasion of the wanted person.

3- Release shall not preclude the State Party from recapturing the wanted person and extradite him if a requisite is submitted thereafter.

Article 27- If the Recipient State Party is in need for complementary clarifications to confirm that the conditions stated herein above are all met, the said State Party shall serve notice on the State Party which submitted the requisition specifying date for providing such clarifications.

Article 28- If the Recipient State Party receives a number of requisitions from other various State Parties regarding the same, or different, acts, the Recipient State Party shall decide upon these requisitions considering all the circumstances thereof, especially the potential of subsequent extraditions, the date of arrival of requisitions, the degree of risks posed by the related crimes and the places where the crimes have been committed.

Section Two- Procedures of Letter Rogatory

Article 29- Letters Rogatory shall include the following data for the purpose of applying same accurately:

- a. The competent entity that issued the letter rogatory,
- b. The subject and reasons for the letter rogatory,
- c. The identity and nationality of the person for which the letter rogatory was issued in as much clear description as possible, and
- d. A description of the crime that require such letter rogatory, its legal characterization, the penalty ordered for committing same, and as much information as possible regarding its circumstances.

Article 30-

1- The letter rogatory shall be served by the Ministry of Justice of the Requesting State Party on the Ministry of Justice of the Recipient State Party, and shall be responded in the same manner.

2- In case the letter rogatory is required to be served expeditiously, it shall be given by the Judiciary of the Requesting State Party directly to the Judiciary of the Recipient State Party, provided that a copy of this letter rogatory shall at the same time be sent to the Ministry of

Justice of the Recipient State Party. A response to the letter rogatory, accompanied by the documents regarding application thereof, shall be made by the means provided for herein above.

3- The letter rogatory may be served directly by the Judiciary to the competent authority of the Recipient State Party, and may be responded directly in the same manner.

Article 31- Letters rogatory and the accompanied documents shall be signed and imprinted with the seal of a competent authority or otherwise approved thereby. However, these documents shall not be subject to the formalities that may be required by the legislation of the Recipient State Party.

Article 32- If the authority which received the letter rogatory lacks the competence to handle the same, the said authority shall automatically refer the letter rogatory to the competent authority in its State. In case the letter rogatory is sent through direct channels, the State shall be notified in the same manner.

Article 33- Rejection of letters rogatory shall be reasoned and justified

Section Three: Experts and Witnesses Protection Procedures

Article 34 - If the Requesting State believes that the appearance of witnesses and experts before its judiciary is a matter having special significance, this matter shall be referred to in its letter rogatory. The letter rogatory or summon shall contain a statement approximately defining the amount of compensation and other travel and accommodation expenses together with an undertaking to pay same. The Recipient State Party shall accordingly invite the said experts and witnesses to appear and notify the Requesting State Party of their response.

Article 35-

1- No penalty or other arrangement implying duress may be ordered or taken against the witnesses or experts who refuse to appear, even if the summon includes a statement describing the penalties of failure to appear.

2- If a witness or an expert voluntarily appears in the territories of the Requesting State Party, he shall be summoned in accordance with the provisions of the internal regulations of this State Party.

Article 36-

1-No witness or expert, irrespective of his nationality, shall be subject to trial, detention or a freedom-restrictive penalty in the territories of the Requesting State Party for any acts committed or judgments issued prior to his departure from the territories of the Requesting State Party, if his appearance before the Judiciary of such State Party is based on a summon.

2- No witness or expert, irrespective of his nationality, shall be subject to trial, detention or a freedom-restrictive penalty in the territories of the Requesting State Party for any acts committed or judgments issued prior to his departure from the territories of the Requesting State Party, if he appears before the judiciary of such State Party based on a summon that does refer to such acts or judgments.

3-The immunity referred to herein shall be lifted if the summoned witness or expert stays in the territories of the Requesting State Party for uninterrupted thirty days, in spite of his capability to depart from State Party, after his appearance has no longer been required by the

judiciary or if such witness or expert returns to the territories of the Requesting State Party after his departure.

Article 37-

1- The Requesting State Party hereby warrants that all procedures shall be undertaken as required to protect the witness or the expert from any acts of disclosure that would pose risks for him, his family or his property as a result of his witness statement or expertise, including in particular:

- a. A warrant of secrecy of the date, place and means of arrival in the Requesting State Party,
- b. A warrant of secrecy of his residence, movements and places where he exists, and
- c. A warrant of secrecy of his statements and information provided to the competent judiciary.

2- The Requesting State Party hereby warrants that security protection shall be provided as required by the condition of the witness or expert and his family, by the condition of the case for which he is summoned or by the types of potential risks posed.

Article 38-

1-If the witness or the expert who is required to appear before the judiciary of the Requesting State Party is detained in the Requested State Party, this witness or expert shall then be temporarily transferred to the place of the session in which his statement shall be heard or expertise provided, which transfer shall be allowed under the conditions and on the dates to be ordered and scheduled by the Requested State. Transfer may be rejected if:

- a. The witness or expert refuses to do so,
- b. His presence is necessary for the purpose of other criminal proceedings undertaken in the territories of the Requested State Party,
- c. His transfer would prolong the term of this detention, or
- d. There are other considerations that would prevent his transfer.

2- The transferred witness or expert shall remain detained in the territories of the Requested State Party until he returns to the Requesting State Party, unless the latter State Party claims his release.

Chapter Four- Conclusive Provisions

Article 39- This Convention shall be ratified, approved or adopted by the Signatory State Party and the ratification, approval or adoption deeds shall be deposited with the General Secretariat of the Arab League within a maximum period of thirty days from the date of ratification, approval or adoption. The General Secretariat shall notify the remaining State Parties of deposit of such deeds and the date of deposit.

Article 40-

1- This Convention shall be valid and effective after expiry of thirty days starting from the date of deposit of the ratification, approval or adoption deeds by seven Arab Countries.

2- This Convention shall not be enforced against any other Arab Country except after deposit of the related ratification, approval or adoption deeds with the General Secretariat of the Arab League and expiry of thirty days from the date of deposit.

Article 41- Any State Party may express any reservation which explicitly or implicitly refers to any breach of the provisions of this Convention or departure from its objects.

Article 42- No State Party shall withdraw from this Convention unless a written request to this effect is submitted by it to the Secretary General of the Arab League. Withdrawal shall take effect after expiry of six months from the date of sending the written request to the Secretary General of the Arab League.

The provisions of this Convention shall apply to the requests or requisites submitted prior to expiry of such grace period.

This Convention has been drawn up in the Arabic Language, in the City of Cairo, The Arab Republic of Egypt, on 25/12/1418 AH, 22/4/1998 AC, in one original duly deposited with the General Secretariat of the Arab League and a true copy thereof duly deposited with the General Secretariat of the Cabinet of the Ministries of the Interior. A true copy has been provided to each Signatory or Joining State Party.

In Witness Whereof, their Highness the Arab Ministries of Interior and Justice have set their hands hereunto on behalf of their Countries.

ANNEX 5

Extradition files through Years and number of files issued from Lebanon and received from abroad	Extradition Files for 2010	Extradition files for 2011	Extradition files for 2012	Extradition files for 2013	Extradition files for 2014
	<p>٨٣ files divided as follows:</p> <p>٢٣ files issued from Lebanon</p> <p>٦٠ Files received from abroad</p>	<p>78 files is divided as follows:</p> <p>22 files issued from Lebanon</p> <p>56 Files received from abroad</p>	<p>91 files is divided as follows:</p> <p>21 files issued from Lebanon</p> <p>70 Files received from abroad</p>	<p>60 files is divided as follows:</p> <p>18 files issued from Lebanon</p> <p>42 Files received from abroad</p>	<p>54 files is divided as follows:</p> <p>19 files issued from Lebanon</p> <p>35 Files received from abroad</p>
Files received from abroad are divided as follows:	<p>56 files from Arab countries</p> <p>4 files from the rest of the world</p>	<p>53 files from Arab countries</p> <p>3 files from the rest of the world</p>	<p>63 files from Arab countries</p> <p>7 files from the rest of the world</p>	<p>35 file from Arab countries</p> <p>7 files from the rest of the world</p>	<p>26 files from Arab countries</p> <p>9 files from the rest of the world</p>
Topics files are divided as follows:	<p>35 different files (mostly financial crimes)</p> <p>48 files (check without balance)</p>	<p>46 files (different crimes, including a large section of a financial nature crimes, misuse of credit, fraud)</p> <p>32 files (check without balance)</p>	<p>39 different files (mostly crimes of a financial nature, fraud, misuse of credit, seize other) money</p> <p>49 files (check without balance)</p> <p>42</p>	<p>36 different file (mostly crimes of a financial nature, fraud, misuse of credit, seize other) money</p> <p>24 files (check without balance)</p>	<p>25 different files (of a financial nature, crimes of fraud, misuse of credit, grab the money of others)</p> <p>29 files (check without balance)</p>

			<i>different files (mostly of a financial nature)</i>		
--	--	--	---	--	--

UNODC

ANNEX 6

JUDICIAL WARRANTS for 2011

No.: 96 / M / 2011 Date 01/07/2011	Orthodox spiritual Court - Hama	Report session after reporting date 11.01.2011
No: 161 / M / 2011 Date 12.01.2011	first major instance Paris Dasquie guillaume	executed in 22/02/2011
No: 164 / M / 2011 Date 01.11.2011	Belarus Embassy in Damascus	criminal prosecutions executed in 01/13/2011
No: 211 / M / 2011 Date 14/01/2011	Idlib Criminal Court	warrant reporting witness , without notifying on the 01/19/2011
No: 323 / M / 2011 Date 01/24/2011	Memorandum Syrian Foreign Ministry	implementation of an arrest warrant- for keeping until the implementation of communication research and investigation 02/19/2011
No: 325 / M / 2011	the Netherlands Embassy in Beirut	drug trafficking executed in 15/03/2011
No: 686 / M / 2011	Embassy of Tunisia in Lebanon	implementation of precautionary measures around Zine El Abidine Ali Amlak see 971 / M / 2011
No: 687 / M / 2011 Date 02/11/2011	Public Prosecution in Berlin	request information about drug smuggling Faraj Tabel - in progress
No: 753 / M / 2011 Date 02/18/2011	investigating judge in Latakia	subpoena-demanded File Recovery
Number: 1522 / M / 2011 Date 31/3/2011	Public Prosecutions two	Germany money laundering executed in 27/05/2011
Number: 1523 / M / 2011 Date 30/03/2011	Britain's embassy in Beirut (British Ministry of Finance)	request permission to inspect Iraqi nationals - not executed on 06/04/2011
Number: 2019 / M / 2011 Date 04.27.2001	Bulgaria Embassy in Lebanon	asked to notify papers executed in 09/29/2011
Number: 2071 / M / 2011	Iranian Embassy drug	executed in 11/04/2011
Number: 2086 / M / 2011	the public prosecutor in the Invitation Memorandum 30/6/2011	to inform Damascus executed
Number: 2163 / M / 2011 Date 06/05/2011	Japanese Embassy concerning pre-trial detention procedures	were executed in 10/22/2011
Number: 2297 / M / 2011 Date 05/12/2011	Sweden Embassy in Lebanon,	search for bank accounts, see 5526 / M / 2011
Number: 2299 / M / 2011	Georgia Embassy in Amman by the Embassy of Lebanon-	condemnation models crimes- issued by the Lebanese authorities executed in 01/06/2011
Number: 2362 / M / 2011	Syria Embassy in Beirut	request information about an Italian citizen accused of claiming import and smuggling executed in 05/17/2011
Number: 2451 / M / 2011	Embassy of Belgium About Ahmed Saeed	executed in 06/06/2011
Number: 2553 / M / 2011	in Germany, the public prosecutor to investigate the case	executed related to abduction in 29/07/2011
Number: 2895 / M / 2011	an investigating judge of Latakia - inform the condemned,	a Lebanese citizen called Ali Mohammad Ayyach, not found in 07/26/2011

Number: 2896 / M / 2011 Date 6/13/2011 primitive Court in Damascus implementation of the memorandum, see 4049 / M / 2011
Number: 2933 / M / 2011 Embassy of the Sultanate of Oman request for information about Aidroos Mohammed Ahmed –in progress
Number: 3198 / M / 2011 the public prosecutor in Romania requested information on so-called Hassan Awdi executed in 03/08/2011
Number: 3487 / M / 2011 Office of International Affairs of the Ministry of Justice request called Ashton Roetra (fraud) were executed in 04/04/2012
Number: 3599 / M / 2011 Brazilian family court request the so called Fatima executed in 05/11/2012
Number: 3622 / M / 2011 Tunisian Court of Appeal Report memorandum sentenced in absentia executed in 08/24/2011
Number: 3635 / M / 2011 Hanover German court to inform the witness executed in 08/04/2011
Number: 3987 / M / 2011 San Paulo federal court against Ahmad Al orra implemented in 12/07/2011
Number: 3988 / M / 2011 the public prosecutor in Amsterdam Khalil Bo Malheb executed in 09/08/2011
Number: 4056 / M / 2011 Indian judicial authorities to clarify about the signing of the Convention
Number: 4068 / M / 2011 book Embassy of Syria in Lebanon the previous first instance Criminal Court in Aleppo, executed in 09/15/2011
Number: 5186 / M / 2011 Iraq Embassy of Lebanon Report executed in the official papers 12/14/2011
Number: 5484 / M / 2011 Antalya, Turkey Criminal court papers reporting executed in 12/23/2011

Judicial Warrants for 2012

No.: 47 / m / 2012 Date 5/1/2012 Lebanon Embassy in Bogota Mr. Jean Feghali –drugs crime- deposited to the requesting party 17/1/2012
No: 829 / M / 2012 Date 02/20/2012 Argentina Embassy in Lebanon- reporting- executed in 04/25/2012
Number: 1148 / M / 2012 Date 6/3/2012 Syrian Ministry of Justice and the implementation of the arrest warrants- in progress
Number: 1187 / M / 2012 Date 10/3/2012 Swiss Embassy -Hussein Duheini, request for investigation regarding a theft case- executed in 12/04/2012
Number: 1421 / M / 2012 Date 23/3/2012 Embassy Egypt Dokki Court for Family Affairs request DNA executed in 18/06/2012
Number: 1434 / M / 2012 Date 24/03/2012 Bulgaria About a commander in the ship executed in 04/10/2012
Number: 1580 / M / 2012 Date 03.31.2013 Germany Ashraf Zidane charges of tax evasion executed in 07/18/2014
Number: 1962 / M / 2012 Date 25.04.2012 Paris investigating judge Johnny saade file an investigative judge of Beirut -
Number: 1977 / M / 2012 Date 04.26.2012 resume Babylon Federal Court- Reporting a trial date for the Iraqi Haitham Rahim Hammoud- executed on 11.05.2012
Number: 2042 / M / 2012 Date 04/30/2012 Brazilian judicial authorities to inform the court papers were executed in 06/12/2012
Number: 3538 / M / 2012 Date 13/07/2012 Public Prosecution in Romania requested documents executed in the Report 05/11/2012
Number: 3939 / M / 2012 Date 26/08/2012 Turkey Embassy of judicial papers executed in 09/17/2012
Number: 4094 / M / 2012 the public prosecutor in Germany to freeze an account to a German citizen with the Blom Bank in Lebanon implemented in 26/08/2012
Number: 4327 / M / 2012 first-class penalty court papers Turkey Report executed in 07/25/2012
Number: 5078 / M / 2014 federal court papers Brazil Report executed in 12/26/2012
Number: 5284 / M / 2012 Date 11/10/2012 investigative judge - request documents executed in 27/12/2012
Number: 5398 / M / 2012 Embassy Information executed in Iraq 11/02/2013
Number: 5400 / M / 2012 federal court Parana information carried in 04/02/2013
Number: 5641 / M / 2012 Date 12/13/2012 prosecutorial investigation in Turkey about the misuse of credit card

Judiciary Warrants 2013

No: 177 / M / 2013	Ukrainian Embassy	request information carried in 02/20/2013
No: 214 / M / 2013	Turkey	inform for a business suit Executed in 03/15/2013
No: 388 / M / 2013	Switzerland	requested information
No: 389 / M / 2013	Switzerland	inform users
No: 390 / M / 2013	Switzerland	inform users
No: 514 / M / 2013	Syria	subpoena
No: 515 / M / 2013	Syria	subpoena
No: 637 / M / 2013	Brussels Court	Information request
No: 835 / M / 2013	Syria	requested information on the person executed in 09/05/2013
No: 836 / M / 2013	Egypt	information about killing one person executed in 03/14/2013
Number: 1124 / M / 2013	Greece	terrorism financing
Number: 1125 / M / 2013	Denmark	drug smuggling
Number: 1206 / M / 2013	Syria Report	summary judgment executed in 22/04/2003
Number: 1207 / M / 2013	Turkey	requested information executed in 04/22/2013
Number: 1208 / M / 2013	Ivory Coast	embezzlement executed in 25/04/2013
Number: 1209 / M / 2013	Egyptian Embassy	a copy of the court ruling executed in 03/27/2014
Number: 1468 / M / 2013	Embassy Egypt	Information About Passport
Number: 1473 / M / 2013	Niger embassy against a	request an arrest warrant Lebanese person
Number: 1511 / M / 2013	the public prosecutor in Mexico	request information
Number: 1541/2013	Iranian Ministry of Justice	Financial lawsuit, see 2999 / M / 2013
Number: 1699 / M / 2013	Syria	subpoena with non- implementation
Number: 1739 / M / 2013	Finland	investigation in financial accounts Underway execution
No. 1923 / M / 2013	Embassy of Brazil	Report of a court decision Executed in 04/22/2013
Number: 2275 / M / 2013	Embassy of Lebanon in Tunisia	Lebanese issue Naseeb Elias
Number: 2360 / M / 2013	continued of 4761 / M / 2013	High Court in Paris money- laundering case

Number: 3193 / M / 2013 Syrian customs the executed in	reporting a court decision issued by Criminal Court in Latakia 12/05/2013
Number: 3194 / M / 2013 Syrian customs Darsyche sentence from a Criminal Court 30/9/2013	identity and address of Abdul Rahman decision in Latakia were executed in
Number: 3295 / M / 2013 Embassy of Spain Reporting a judgement to the condemned Halal Al Mokdad regarding the case of executed in	Spanish Court of First Instance- 07/30/2013
Number: 3362 / M / 2013 federal court in Brussels of a Belgian citizen in progress	investigation into the killing
Number: 3492 / M / 2013 Syrian Embassy rendered by a Criminal court of Latakia	informed a judgment
Number: 3493 / M / 2013 Syrian Embassy by a court penalty executed in Latakia 11/15/2013	inform a judgment rendered
Number: 3595 / M / 2013 Embassy Syria by a court of Latakia penalty executed in 07/25/2013	inform a judgment rendered
Number: 3719 / M / 2013 Switzerland Geneva County to issue an order to reserve all the documents of lady Daniel-not executed	judicial assistance sent from
Number: 3720 / M / 2013 Iraq Embassy Haitham Rahim Abboud to attend the session- in progress	inform the defendant
Number: 3807 / M / 2013 Belgium Ambassador with judicial behalf to request information relating to the hearing, accusing of stealing of diamonds – in progress	book of the ambassador
Number: 4136 / M / 2014 the United States from the Court of Appeal in Toronto concerning Khansa Ali –in progress	for judicial assistance
Number: 4794 / M / 2013 Turkey from the first instance Criminal Court in Ankara by the Turkish Embassy in Lebanon related to Hussein Ali Mullah –in progress	judicial assistance sent
Number: 4795 / M / 2013 Switzerland from Liege Court of First Instance rightly named Jean Charbel Abi Chahine for trafficking in counterfeit currency – in progress	international judicial sent
Number: 4806 / M / 2013 Algeria sent from the investigating judge in the sixth room at Sidi Ahmed Court in the case called Tarak Sauna, against Fawzia Meliani –in progress	judicial rogatory letter
Number: 4816 / M / 2013 Bologna sent from the public prosecutor in Warsaw over the killing of Polish Voichig ghafer ychok in Lebanon – in progress	judicial rogatory letter
Number: 5080 / M / 2013 Sweden assistance sent from the Director-General in sweden related to Talal Abdul Rahman-in progress	request for judicial
Number: 5593 / M / 2013 Turkey assistance sent from the main Criminal Court in Barakrki Turkey on behalf of the Lebanese Hassan Jamil Radwan-in progress	request for judicial
Number: 5868 / M / 2013 Spain	request of the named Ali

Hatoum - under consideration		
Number: 6391 / M / 2013	Oman	request of information
continued case 1931 / M / 2014		
Number: 1923 / M / 2013	Embassy of Brazil	Report executed in a court ruling 22/04/2013
Number: 2275 / M / 2013	Embassy of Lebanon in Tunisia	Lebanese issue Naseeb Elias
Number: 2360 / M / 2013 continued 4761 / M / 2013 High Court in Paris money-laundering case		
Number: 3193 / M / 2013	Syrian customs	reporting rule issued by the Criminal Court of Iraq executed in 05/12/2013
Number: 3194 / M / 2013	Syrian customs	identity and address of Abdul Rahman Aldiribaishe sentenced from a court ruling in Latakia were executed in 30/9/2013 Criminal Court
Number: 3295 / M / 2013	Embassy Spain	Spanish Court of First Instance executed in 07/30/2013
Number: 3362 / M / 2013 federal court in Brussels investigation into the killing of a Belgian citizen in progress		
Number: 3492 / M / 2013 Embassy Syria informed judgment rendered by a court of Latakia penalty		
No. 3493 / M / 2013 Syria Embassy Ablah judgment rendered by a court of Latakia penalty carried 11/15/2013		
Number: 3495 / M / 2013 Embassy Syria informed judgment rendered by a court of Latakia penalty carried 07/25/2013		

Judicial Warrants for 2014

No.: 15 / M / 2014	Syria request for help in the implementation of the rule being implemented	
No.: 22 / M / 2014	relating to Britain Alstom group companies- executed in 16/06/2014	
Number: 1230 / M / 2014	Syria – Subpoena-	Send File Recovery
No: 366 / M / 2014	Venezuela- Concerning Said Hamiyyeh-	in progress
No: 391 / M / 2014	Turkey, Anatolia court of first instance-	against Jamal Hassan fraud charges – preserved
No: 441 / M / 2014	Syria - subpoena-	in progress
No: 478 / M / 2014	Turkey - reporting documents-	Report 28/02/2014
No: 541 / M / 2014	Switzerland - abduction of a minor under implementation	
No: 783 / M / 2014	Report sent from Bulgaria and the Bulgarian Ministry of Justice reporting papers- 03/07/2014	
Number: 1067 / M / 2014	Germany requested information about the person under consideration	
Number: 1152 / M / 2014	France the company Saleh Ching- request for information regarding two French officers- executed in 18/06/2014	
Number: 2642 / M / 2014	Turkey complaint against Lebanese persons implemented in 14/07/2014	
Number: 2643 / M / 2014	Turkey complaint against Syrian persons executed in 05/21/2014	

Number: 3181 / M / 2014 Denmark drug under consideration
Number: 3525 / M / 2014 Turkey against Suleiman Shaheen , reporting –in progress
Number: 3551 / M / 2014 Romania against Imad Antonios executed in 07/12/2014
Number: 4364 / M / 2014 Turkey Ghaddar company executed in 17/06/2014
Number: 4365 / M / 2014 France fraud case- in progress
Number: 4366 / M / 2014 Syria murder-in progress
Number: 4368 / M / 2014 Columbia Report papers –in progress
Number: 4766 / M / 2014 Turkey drugs –in progress
Number: 4767 / M / 2014 Turkey drugs –in progress
Number: 5921 / M / 2014 Syria Report lawsuit papers in progress
Number: 5936 / M / 2014 France the Lebanese speech executed in 27/10/2014
Number: 6310 / M / 2014 Turkey bank accounts under consideration