

WHAT ARE YOUR RIGHTS AND WHAT TO DO IF ARRESTED?

Even though Lebanese laws do not provide the necessary protection for the LGBTQ+ community, some provisions offer you temporary protection throughout your arrest and up until the arrival of your lawyer. However, since laws can be used against you, you must know your fundamental rights.

Good knowledge of the law and how the legal system operates may prevent you from becoming a target of violence and discrimination and will help you deal with it when it occurs.

WHAT ARE THE MOST RECURRENT TYPES OF ARREST





Being summoned by police officers to a station: This happens when the judge, based on an accusation, the evidence presented to him, or personal testimony, summons someone.



A raid: If the individual fails to appear in front of the judge or doesn't come to the police station, the judge will issue a warrant and the ISF will raid the individual publicly or in his personal house.



Arrest in a public place after the individual had committed a public act and was either reported to or seen by the police, or due to their gender expression which is an illegal act being committed.

WHAT ARE THE EVIDENCES USED AGAINST LGBTQ + PEOPLE?

Arrest upon performing sexual intercourse: this is the most basic type of evidence; it's when the individual is caught during sexual intercourse.

Confession: basing the arrest or the accusation on the confession of the person. The confession can either be verbal or written and can happen instantly at the police station or recorded elsewhere and presented as evidence.

Evidence: using evidence that has come before the police to arrest someone. This evidence can come in any type or from anyone but must be linked to the arrested individual. It can be phone data such as chats, pictures, dating apps, or other kinds of information that are linked to the person.

Anal Examination: utilizing an outdated and violating rape test, known as a "rectal examination," to attempt to prove a person's sexual orientation. Police officers need a licensed physician to perform the test. This test has been banned in Lebanon but is still practiced in some places due to the lack of oversight.



WHAT ARE THE FREQUENTLY IMPLEMENTED LAWS AGAINST THE LGBTQ + COMMUNITY?

The lack of clarity and the ambiguity of numerous provisions in Lebanese law allows the use of Article 534 of the Lebanese Criminal Code against LGBTQ+ individuals, which criminalizes any intercourse deemed to be "against the order of nature." Since a precise, unified understanding of what constitutes "unnatural sex" is not available today, it is often interpreted at the discretion of police forces and/or judges based on singular and personal interpretation.

In addition to Article 534, LGBTQ+ individuals are incriminated based on other texts in the penal code. These include:

Article 521 of the Lebanese Criminal Code penalizes any man wearing women's clothes and entering places specified for women only with a maximum sentence of 6 months in prison or with a fine of one million Lebanese Lira. This article may be used to arrest transexual individuals due to their appearance.

Articles 523, 524, and **526** of the Lebanese Criminal Code are originally used to punish punish any involvement in sex work and trafficking. Punishable acts include:

- Inciting an individual under 21 years of age to engage in sex work and trafficking
- Encouraging others on committing immoralities using writings, pictures, drawings, or speaking shall be sentenced to time in prison. While "immoralities" is a vague word, it may involve sex work of all types, including the virtual and selling of videos and pictures.
- Any person who encourages others and deports them with their consent to perform such acts shall be sentenced to prison.

Articles 531 and **532** of the Lebanese Criminal Code penalize the "violation of public morals" in public places or public transportation. Consequently, individuals caught in sexual acts in public spaces are arrested and may be convicted.

Article 533 of the Lebanese Criminal Code criminalizes the act of creating writings, drawings, and pictures that violate public morals. This article is used to penalize individuals of the LGBTQ+ community based on private images, writings, and messages found on their phones, deeming them a violation of public morals.

Article 32 of the Law on the "Entry to, Residency in, and Exit from Lebanon" criminalizes any illegal residency occurring in Lebanon or providing false information and documents to hide their identity. Illegal residency means staying in Lebanon without legal papers such as valid passports with visas or residency, national ID, or refugee cards. This article is used to arrest LGBTQ+ individuals under the pretext that their residence is illegal. While they are arrested, they might be pushed to confess their sexual orientation and hence be punished on the basis of other articles especially articles 533 and 534 of the Penal Code.

Article 127 of the Law on Drugs punishes every individual who acquires or owns a small quantity of drugs without a medical or addiction prescription. The arrest can happen if the police find the individual using drugs or are instructed towards the person by an accusation. The police use the excuse of using drugs, according to this article, without this accusation being accurate, so that they can lure the person into confessing their sexual orientation of the arrested and criminalize them based on articles 533 and 534 of the Penal Code.



WHAT SHOULD I DO AND WHAT ARE MY RIGHTS IF I GET ARRESTED?

- Do not panic, do not show signs of fear or hesitation. If in this state, remain silent until your lawyer arrives.
- Do not antagonize the arresting officer especially when alone without any witnesses.
- Don't run away and don't object to police orders. Do as instructed and demand the presence of your lawyer as soon as you can.
- You are entitled to a phone call with a lawyer of your choice, any member of your family, your employer, or anyone of your acquaintances. Make sure you memorize the number and name of family members, trusted friends, and your legal counsel or an NGO you trust.
- Before beginning the interrogation process, the arresting officer must inform you of the crime you are accused of and the evidence supporting their accusations.
- You have the right to the presence of a lawyer during your interrogation or questioning. You also have the right to remain silent until their arrival, as everything you say can be used against you.
- You have the right to undergo an investigation without harm being inflicted on you. Therefore, any verbal threats or physical abuse you face are prohibited and penalized.
- You have the right to an immediate investigation process. The investigation should start within an hour of your arrest and must be performed unimpededly without any stalling.

WHAT SHOULD I DO AND WHAT ARE MY RIGHTS IF I GET ARRESTED?

- Remember that your sexual relationships are part of your private life. Thus, you may remain silent and reject answering any question related to your sexual orientation.
- You have the right to preserve your privacy. Regardless of what the officer or anyone else tells you, no one can demand access to your private messages and calls, including pictures, videos, and dating apps. Consequently, you can deny opening your phone until written permission from an investigative judge is granted.
- You have the right to be assisted by a sworn translator.
- You have the right to use the bathroom without any surveillance.
- In case of emergency or medical discomfort, you have the right to be treated by a visiting doctor, the Lebanese Red Cross, or transferred to the hospital. Also, you can demand to be examined by a forensic doctor whenever exposed to any violence or physical abuse.
- If arrested, officers might threaten to do an anal examination or other means of forced illegal examination. However, in Lebanon, such exams have been prohibited by the Ministry of Justice and the Syndicate of Physicians, thus giving you the right to refuse such examinations.
- You have the right not to be detained without a public prosecutor's decision. The judicial police are not allowed to detain you in their station before the trial.
- You have the right to demand the transfer of your case in front of a judge after four days of your arrest at most.
- You must be provided access to food and water.

WHAT ARE THE IMPORTANT PREVENTIVE MEASURES I SHOULD KNOW?

- •Do not share your location, videos, face pictures, or pictures that include marks that reveal your identity such as birthmarks or tattoos with people that you do not know.
- •Do not share your sexual orientation in writing or using voice messages with anyone that you don't know, or met before.
- When you go out, avoid taking any medications or drinks from anyone that you don't know or don't trust.
- Avoid sending intimate photos on dating or social media apps, and if you are to do so, it is recommended that the photos do not contain identifying markers such as the face, birthmarks, moles, or tattoos.
- Do not store photos or conversations on your phone that indicate sexual relationships, intercourse, or any proof that can be used against you in detention or court. Always use passwords and avoid using face or finger print recognition.
- •Use mobile applications that lock your information on your phone or other devices.
- •If you are at a high risk of arrest or detained call trusted organization specializing in case management or legal intervention.