

**MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF THE LEBANESE REPUBLIC
CONCERNING THE PROVISION OF ASSURANCES IN RESPECT
OF PERSONS SUBJECT DEPORTATION**

Application and Scope

A request for assurances under this Memorandum may be made by the sending state in respect of any citizen of the receiving state, any stateless person who was habitually resident in the receiving state, or any third-country national whom the receiving state is prepared to admit.

Such requests will be submitted in writing either by the British Embassy in Beirut to the Ministry of the Interior or by the Lebanese Embassy in London to the Home Office. The Government to which the request is made will acknowledge receipt of the request within 5 working days.

A final response to a such a request will be given promptly in writing by the Home Secretary in the case of a request made to the United kingdom, or by the Ministry of Justice in the case of a request made to Lebanon.

To assist a decision on whether to request assurances under this Memorandum. The receiving state will inform the sending state of any penalties outstanding against a person, and of any outstanding convictions or criminal charges pending against him and the penalties which could be imposed.

Requests under this Memorandum may include requests to the receiving state for further specific assurances.

The Governments of the United Kingdom and of the Lebanese Republic will comply with their human rights obligations under international law regarding a person in respect of whom assurances are given under this Memorandum. The assurances set out in the following paragraphs (numbered 1-7) will apply to such a person, together with any further specific assurances provided by the receiving state.

An independent body will be nominated by both Governments to monitor the implementation of the assurances given under this Memorandum, including any specific assurances, by the receiving state (“the monitoring body”). The responsibilities of the monitoring body will include, but are not limited to, monitoring the return of, and any detention, trial or imprisonment of, the person. The monitoring body will report to both Governments.

Assurances

- 1 If arrested, detained or imprisoned following his deportation, the person will be afforded adequate accommodation, nourishment, and medical treatment, and will be treated in a humane and proper manner, in accordance with internationally accepted standards.
2. If the person is arrested or detained, he will be informed promptly by the authorities of the receiving state of the reasons for his arrest or detention, and of any charge against him. The person will be entitled to consult a lawyer promptly.
- 3 If the person is arrested or detained, he will be brought promptly before a judge or other official authorized by law to exercise judicial power in order that the lawfulness of his detention may be decided.
4. The person will have unimpeded access to the monitoring body for three years after his return except at any time when he is arrested, detained or imprisoned. If the person is arrested, detained or imprisoned in respect of matters occurring before or within three years after the date of his return, he will be entitled to contact promptly, and in any event within 48 hours, a representative of the monitoring body. Thereafter he will be entitled to regular visits from a representative of the monitoring body. Such visits will include the opportunity for private previews with the person and, during any period before trial, will be permitted at least once a week. If the representative of the monitoring body considers a medical examination of the person is necessary, he will be entitled to arrange for one or to ask the authorities of the receiving state to do so.
5. The person will be allowed to follow his religious observance following his return, including while under arrest, or while detained or imprisoned.

6. If the person is charged with an offence he will receive a fair and public hearing without undue delay by a competent, independent and impartial tribunal, properly constituted by law. The person will be allowed adequate time and facilities to prepare this defence, and will be permitted to examine or have examined the witnesses against him and to call and have examined witnesses on his behalf. He will be allowed to defend himself in person or through legal assistance of his own choosing, or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.
7. Any judgment against the person will be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Withdrawal

Either Government may withdraw from this Memorandum by giving 6 months notice in writing to the Embassy of the other government.

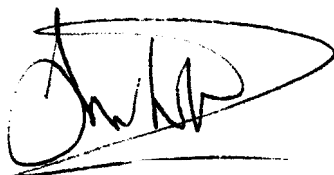
Where one or other Government withdraws from the Memorandum any assurances given under it in respect of a person will continue to apply in accordance with its provisions.

Signature

This Memorandum of Understanding represents the understandings reached between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Lebanese Republic upon the matters referred to therein.

Signed in duplicate at *Beirut* on *23 December 2005* in the English and Arabic languages, both texts having equal validity.

**For the Government of the
United Kingdom of Great Britain
And Northern Ireland**



**For the Government of the
Lebanese Republic**

Side letter

Today we have signed a Memorandum of Understanding (MOU) on behalf of our two Governments regulating the provision of undertakings in respect of persons prior to deportation, Signature of the MOU reflects the British Government's strong wish to strengthen co-operation with the Lebanese Government to counter the threat of international terrorism. The content of the MOU also reflects the British Government's intention to respect its international and domestic human rights obligations and responsibilities and Lebanese law and sovereignty.

During our discussions on the MOU we agreed that it would be right to exchange letters on the use of the death penalty on which, for constitutional reasons, the Lebanese Government has been unable to give an undertaking in the MOU itself. The MOU and this letter set out the joint understanding of our two Governments on this issue.

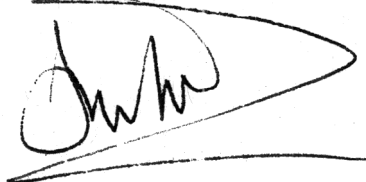
The British Government is opposed to the use of the death penalty in all circumstances. We would not return a person to Lebanon if that person faced significant risk of the death penalty on return. If a person returned to Lebanon is, at any time after his return, subsequently sentenced to death, the British Government would consider asking the Lebanese Government to commute the sentence.

The Lebanese Government has indicated that it would be open to the Lebanese Government to give a specific assurance in relation to a particular case within the limits of the Lebanese Constitution. Such specific assurances being sought by either Government is recognized in the MOU itself (5th paragraph under application and scope). The British Government records here that it may well seek a specific assurance on this issue in relation to particular cases.

In our discussions, both Governments have recognized the vital importance of appointing independent bodies capable of monitoring the execution of the undertakings given under the MOU, including any specific assurances given in particular cases. Our discussions continue on the identity and specific terms of reference of these bodies.

The MOU requires the two Governments to consult closely on the circumstances and identity of those who might be subject to its provisions. The British Government attaches considerable importance to maximum transparency and timely consultation. The MOU also provides for the two Governments to seek assurances specific to individual cases, in addition to the issue of the death penalty described in this letter. The British Government considers this provision an important means of meeting the counter-terrorism and human rights objectives which underpin the MOU.

**For the Government of the
United Kingdom of Great Britain
And Northern Ireland**



**For the Government of the
Lebanese Republic**

