

Press Release: 24-year-old Lebanese Man Declares Illegitimacy of Military Court, Declares His Non-Compliance with Its Orders and Threatens to Go on an Open Hunger Strike

Nour Merheb Calls upon Military Court Judges to Resign and Threatens to Go on an Open Hunger Strike in Case He is Arrested

Beirut on May 28, 2010

Human rights activist Nour Merheb (24 years old) found himself being unfairly prosecuted before the Military Court for accusations that might cost him up to three years in jail, after being assaulted by a neighbor who happened to be an off-duty military man.

“After the military police launched an investigation and held the off-duty officer ‘fully responsible’ for the incident and recorded it in the minutes of the hearing, the Lebanese Army surprisingly compelled me to pay LL2,500,000, despite the fact that I was the one who got attacked and the one who filed the complaint,” said Nour. The young activist refused to pay the said amount and was consequently prosecuted before the military court for accusations punishable with imprisonment for up to three years.

“For them, the defendant is guilty and he has to prove his innocence, whereas the legal, legitimate, and moral principle calls for the opposite!” The human rights activist says that initially he had intended to cooperate, but he soon lost faith in the impartiality and fairness of the Court after personally witnessing and experiencing its procedures that go against human rights principles. “I then remembered this Court’s history in violating human rights and the Lebanese citizens’ rights,’ he added.

This realization shocked him at first “but, then,” he says, “when I managed to get the officer to confess that his alleged accusations against me in the preliminary investigation were untrue and succeeded in recording that in the minutes of the hearing, I concluded that they had absolutely nothing left against me, even if fictional, and then I remembered how I had always been among those who preached others about how they should speak out and denounce injustice. I saw how I was driven to cooperate and comply with this injustice, without even noticing, and so I finally made up my mind and took this decision despite the risks.”

The young man also notes that: “The military court violates all standards of justice. This court is deemed unfair by International Law and is in contradiction with the Lebanese Constitution and the guarantees it provides for citizens.” For those reasons, Nour explains, he sent a registered mail to the Permanent Military Court in Beirut and to the

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government commissioner to the military court, in which he declares that he would not attend the hearing scheduled for Friday May 28, 2010, for the case no. 2769/2008 of People versus Nour Merheb.

In his letter, which was distributed to civil society organizations and to some Lebanese MPs and ministers, as well as to Lebanese, Arab, and foreign media, Nour highlights that “it is not permissible for a legislator to undermine what the Lebanese Constitution guarantees in terms of fundamental rights or freedom, whether through eliminating these guarantees without compensating them with any other guarantees or through replacing them with ones less strong and efficient.”

Nour explained that the point of view he expresses in his letter is that “the Military Law came to eliminate the fundamental guarantees granted to the citizen in other laws such as in the Penal Code, the Lebanese Constitution and the International Treaties.” His letter stated that he based his defense on the decisions and interpretations of the Lebanese Constitutional Council, and in particular, on the famous resolution taken by the Council by virtue of which Law No. 452, dated January 12, 1995 regarding the amendment of some provisions of the Law concerning the regulation of the Sunnite and Jaafari Islamic Courts was revoked, considering it is in contradiction with the Constitution, especially Article 20 thereof. In his letter, Nour called upon the judges to resign “in the name of human conscience and in defense of human rights, human dignity and the dignity of Lebanese citizens.”

Nour has also created a website (www.case2769.org) in which he explains the details of his case and publishes a copy of the relevant proceedings as well as the letter he sent to the Military Court and that lists the reasons and legal evidence that support his case. The young activist knows fully well that the military court is legally authorized to issue an arrest warrant against him for not attending the hearing, to which he responds by refusing to submit to the orders of the military court which he deems illegitimate, to cooperate with it or even to defend himself before it. The 24-year old demands from the state of Lebanon and the Lebanese Parliament to propose and pass a summary law that immediately abrogates all the authorities of the military court, and to broaden the jurisdiction and competencies of the Constitutional Council so that it looks into the constitutionality of all laws promulgated since Independence until this day, without abiding by the 15-day deadline given from the date of publication of the law.

Nour makes it clear that he is not fleeing the “Law” but will remain in his house, in the locality of Dbayeh- Matn area (North of Beirut). He confirms that he will face any decision by the military court stipulating his arrest with methods of “Nonviolent non-cooperation” including non-compliance with orders and absolute inactivity. He also points out that he will exercise “total personal non-cooperation” in case he got arrested, that is, he will refrain from doing any movement and any other activity of any kind and will remain in his place. “The military court will have to assign someone to move me around whenever any movement is asked from me, and I hereby declare that I will go on open hunger strike the moment I am taken in,” he said.

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Finally, it is worth mentioning that Nour Merheb is a human rights activist, who came to be well-known by the media and civil society, after he launched in 2003 a campaign calling for free education for all in public schools in Lebanon, based on Article 26 of the Universal Declaration of Human Rights. The young activist's campaign was marked by protests, sit-ins and several field actions that lasted twenty-three days and succeeded in achieving a number of demands.

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