

## Annex 1

*A brief sample of the violations committed by the Military Court:*<sup>1</sup>

- 1- One of the most appalling cases is the one of Dr. Muhamad Mugarby, a human rights lawyer and defender, who was accused in 2006 of slandering the country's military establishment and prosecuted in the military court for dissent. The state initially attempted to prosecute Mugarby for criminal slander before a military court, but the Military Court of Cassation threw out the case on April 15, 2006 for lack of jurisdiction. The charges had arisen from a speech that Muhammad Mugarby gave to a European Parliament delegation in Brussels on 4 November 2003, which criticized the Lebanese government for using the judiciary, in particularly the military court, to suppress dissent. On 27 November 2008, a Criminal Court in Beirut dismissed the charges of criminal slander brought against him. However, numerous other legal actions remain pending against Mugarby<sup>2</sup>.
  
- 2- On June 7, 2006 Muhamoud Rafeh was arrested by the Intelligence Services of the Lebanese Army and subsequently detained at the Ministry of Defense. In the weeks following his arrest, Rafeh is alleged to have been subjected to torture at the detention center of the Defense Ministry in order to force him to sign documents he was not allowed to read. Yet, every time Mr. Rafeh has tried to complain about the torture, he suffered harsh reprisals by the Army's Intelligence Services. In its response, the Lebanese government also indicates that "the premises where people are held in custody for questioning at the National Defense Ministry provide very satisfactory sanitary conditions. Detainee Rafeh takes a daily walk in fresh air and in the sunlight, unhindered. Moreover, he is provided, at his request, with religious books and books on social issues, as well as cultural magazines. Detainee Mahmoud Rafeh receives regular visits from his parents<sup>3</sup>". Mr. Rafeh has been for a total of two years and nine months in detention in isolation in the basement of the Defense Ministry. He allegedly was first held in a tiny isolation cell deprived of a toilet with only a bottle to relieve himself. It is only after a year and a half of detention that he was allowed to go outside, once or several times a week, for 10 minutes, while handcuffed to a guard. Family visits did take place under the strict control of the Army's Intelligence Services that denied him any communication with his family. He was able to see an attorney only after two years, in the presence of an officer of the Army's Intelligence Services<sup>4</sup>.

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<sup>1</sup> See "Military Tribunal: a breach in the integrity of the judicial system" ALEF 2010

<sup>2</sup> See ALEF press release of 4 December 2008, including cases filed by the Higher Judicial Council, former and current judges, and the Beirut Bar Association.

<sup>3</sup> Letter of the Lebanese Government to the Special Rapporteur on Torture, January 7, 2008 (cf. A/HRC/10/44/Add.4).

<sup>4</sup> See joint communiqué Justice: The "confessions" Mr. Mahmoud Qassem Rafeh was forced to sign under torture should not be used against him – CLDH (Lebanese Center for Human Rights), ALEF (Lebanese Association for education and training) and Al Karama for Human Rights, 14 August 2009.

- 3- Faysal Ghazi Moqalled appeared before the military Court on 5 August 2006. Moqalled had no legal representation and has reportedly suffered serious reprisals from prison officers. He is charged of treason and cooperation with the Mossad. On July 31, 2009, the military court sentenced him to life imprisonment<sup>5</sup>.

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<sup>5</sup> See joint communiqué: Allegations of illegal detention and torture in the case of Mr. Moqalled – CLDH, ACAT France (Action by Christians Against Torture), AEDH (Agir Ensemble pour les Droits de l'Homme).