

Real consequences: reactions to the judgment of the Military Court in “Lebanon” toward “Michel Samaha”

"Michel Samaha" received a prison sentence for four and a half years and stripped of the right to exercise civil rights by the Military Court in “Lebanon”, because of transferring explosives from Syria to Lebanon to carry out assassination operations against Syria figures and deputy and Lebanese clerics in northern Lebanon plans to implement it in the summer of 2012.

“Samaha” is supposed to be out of prison after seven months by adding the duration he spent in pre-trial detention, and to be prevented from exercising the right to stand as candidates in the elections or participate in the vote. In addition, he was prevented from assuming any official position or Government in the future.

“Samaha” was a former minister of “8 march”, and has a wide relations with Lebanese, regional and international politicians. He was close to the Syrian regime, and worked as media adviser for Bashar al-Assad. He was arrested on 9 August 2012, when he was caught red-handed with bombs, explosives and weapons.

The Lebanese television stations aired one of videos recorded by a person called "Birth of Kfourri" who works for internal security forces, in which “Samaha” explained the indicated targets and the Syrian president former knowledge, but the military court did not face him with the videos.

Internal reactions:

There were many reactions to the verdict against Michel Samaha, and could be noticed as follows:

At the judicial level:

the judge "Saqr Saqr" -commissioner of the Government to the permanent military court- requested for revocation of the Military Court sentence, as "Samaha" crime resulted in significant repercussions on Lebanese national security.

The Minister of Justice "Ashraf Refi" intention to complete trials in the same case, but in the part concerning the responsibility of general "Ali Mamlouk" -director of Syrian national security office- in the case.

Intention to amend the Code of Military Justice, which regulates the work of military court so as to finish their validity in the trial of civilian, and to be exclusive for military personnel. There were news about the direction of the "affected" to take the case to the civil courts or request a retrial on charges of "attempted murder".

At the formal level:

While reactions differed between opposition and proponent on the formal political level. "14 March" opposed the judgment against "Samaha",

considering that his case linked to the assassination of Major General "Wassam Hassan".

"Walid Jumblatt", "Samir Geagea", "Najib Miqati" and "Michel Suleiman" opposed the verdict, and there was a call for an integrated project to achieve the independence of the judiciary. In addition, the Mufti of Lebanon Sheikh "Abdul Latif Durian" mentioned that there is a dangerous indication of not achieving justice in Lebanon.

"Hassan Nasrallah" -the Secretary General of Hezbollah- avoid talking about the government or the court, but "Hizbullah" attacked bloc "14 March" and accused it of intimidating the judiciary. The defense minister "Samir Mokbel" defended the military court's decision.

On the informal level:

There were vast protests against the judgment of "Samaha" held by group of families of Islamic detainees in "Roumieh prison", representatives of political parties and movements, Trade Union free professions and civil human rights activists.

The main demand was the amendment to the Code of Military Justice to be exclusive to the trial of military personnel, and to prosecute civilians in front of the judicial courts and not special courts.

Concluding observations:

The overall reactions to the trial indicated the presence of Lebanese division on the nature of the work of the Military Court and its limits, and the independence of the judiciary. The sentence against “Samaha” may serve the position of Islamic detainees accused in terrorist cases.

It is difficult now to the government and the House of Representatives put forward an amendment to the Code of Military Justice under intensified current conditions locally and regionally. However, it is likely if the campaigns against the verdict escalate, the government would study previous proposals, including:

- ❖ A proposal from the minister “Alice Shbtiny”.
- ❖ A draft submitted by the Committee on the "Update parliamentary laws" in March 2012.
- ❖ A draft submitted by MP "Elie Keirouz" on 22 April 2013.
- ❖ A draft submitted by the Commission of the Ministry of Justice during Miqati Government.

At the end, we can say that “Samaha” may have a retrial -especially if it has been more severe penalties- to avoid Lebanon a serious security implications.