

Statement of the Independence of the Judiciary Coalition in Lebanon:

On Terrorism Charges Against Tripoli Protesters

February 23, 2021

Beirut, The Government Commissioner at the Military Court, Judge Fadi Akiki, yesterday charged 35 people, including at least 18 detainees and two minors, of terrorism and stealing public property.

The charges were brought against the background of their participation in protests staged in Tripoli at the end of January 2021, against the nationwide lockdown to curb the rise in Covid-19 cases. Protesters claimed the lockdown decision was taken without any plan being developed to financially support people deprived of their income during the closure period. Protestors also faced other counts, including attempted murder and using force against security forces, as well as crimes that do not fall within the jurisdiction of military courts, such as arson, riots, sabotage and formation of gangs.

Commenting on Judge Akiki's decision, the Independence of the Judiciary Coalition in Lebanon clarifies the following:

1. The terrorism charges filed in bulk by the military prosecution against a group of people arrested for or against the backdrop of popular protests are tantamount to a serious violation of the constitutional freedom of protests, regardless of the riots that erupted during these protests. This ushers in a dangerous level of repression practiced by the authority against social movements. This practice brings Lebanon closer to the totalitarian states in the region, where terrorism is used as a ready-made charge to stigmatize various forms of opposition.
2. The ruling establishment's violence against protesters in the poorest city in Lebanon, while the threat of lifting subsidies on basic necessities looms, reflects this authority's violence-based approach to addressing poverty. Meanwhile, what makes this violence even more dangerous is that it falls within the frame of a political and media discourse aimed to stereotype the city of Tripoli as a terrorism hotbed, in a move that seems to be a collective punishment against all of this city's people and neighborhoods.
3. The establishment is once again — as it has often done — resorting to the military court as a tool of oppression. The military court is an exceptional court that does not meet the conditions for a fair trial and it is unjust for any civilian to be tried before it.
4. Moreover, the Military Public Prosecution intentionally deprived the detainees in this case of their rights of defense in clear violation of Article 47 of the Code of Criminal Procedure. So far, this prosecution has yet to conduct any serious investigations into the killing of protester Omar Farouk Tayeb, who was shot by security forces on January 27, 2021. In a somewhat similar move, it had dismissed the case of the killing of Fawwaz Fouad Al-Samman shot by the Lebanese army during protests in Tripoli in April 2020. To this date, the Military Public Prosecution has yet to run any serious investigation into the injury of dozens of protesters in Beirut on August 8, 2020, by shotguns and live bullets fired by Parliament police.

Based on the foregoing, we hereby announce and request the following:

- 1) We stand in solidarity with all protesters decrying the deteriorating living conditions across all Lebanese regions, especially in Tripoli, and we warn of any attempt to stigmatize this city with terrorism.
- 2) We call upon the investigative judiciary examining the charges to fend off the arbitrariness expressed by the Military Public Prosecution by prohibiting the military trial of the Tripoli protesters on counts of terrorism and all crimes that fall outside the jurisdiction of the military courts and to release them immediately after interrogation, especially in light of the current health conditions that require limiting preventive detention and reducing overcrowding in places of detention.
- 3) We urge the competent public prosecution offices to set a public action in motion regarding the killing and injury of protesters, in compliance with the citizens' rights to life and personal safety.
- 4) We denounce the continued trial of civilians before the military courts, whose broad powers and overarching influence contradict the principles of fair trial, including the principle that civilians should not be tried before military courts.
- 5) We are on the brink of a social upheaval caused by the extremely wealthy and influential ruling establishment. The least that we expect from a just judiciary at a time like this is expediting the trial of those who have impoverished the people in an attempt to recover our lost wealth, instead of further humiliating the less fortunate and feeding their oppression. Social security is achieved by justice not by oppression.

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About the Independence of the Judiciary Coalition:

The coalition, which includes more than 50 democratic political groups, legal organizations, and active non-governmental organizations, aims to secure the independence and impartiality of the judicial institutions in Lebanon, and by extension their liberation from the ruling authority's control, as a prerequisite for building a just and effective democratic state, subjecting public administrations to the rule of law and holding their wrongdoers accountable, and, most importantly, drawing red lines for any ruler.