

A Seventh Postponement... Developments in the Case of Sheikh H. Mchaymech

Overview

Lebanon's Sheikh Hassan Mchaymech "disappeared" on July 7, 2010 while crossing the Lebanese-Syrian border in an incident that represents merely the first chapter of a long saga that today is languishing in Lebanon's Military Court. The exceptional element in this case is that it represents perhaps one of the most extreme violations of freedom of expression to have occurred in Lebanon. Unfortunately, the case also exemplifies a reliance on the politicized charge of "collaboration with Israel" which is used to silence dissent.



Sheikh Hassan Mchaymech's wife and eldest son Rida during a press conference held January 24, 2012 on the eve of the first trial session.

Who is Sheikh Hassan Mchaymech?

Aside from being a noted Shia religious scholar, Sheikh Hassan Mchaymech was an early supporter of Hezbollah. According to the Sheikh, his "divorce from Hezbollah occurred in 1998 when [he] ceased believing in *Wilayat al-Faqih* and any authority that purports to enjoy a divine delegation." After becoming disenchanted with Hezbollah, he emerged as one of its most outspoken critics after becoming a member of the Independent Clerical Gathering and producing the samizdat-like publication *Difaf*. As happened to many of his colleagues, Hezbollah retaliated by subjecting the Sheikh to incessant harassment, threats and intimidation.

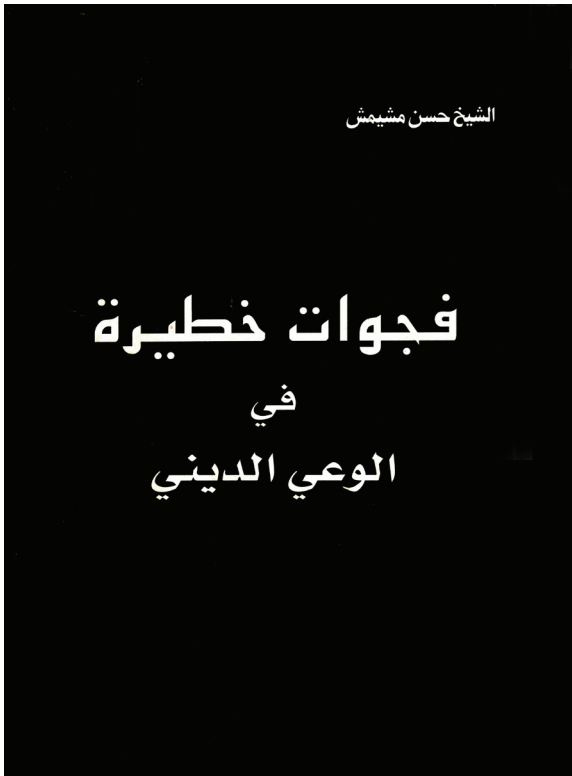
From his Syrian Kidnapping to the Lebanese Military Court

Sheikh Mchaymech was kidnapped as he crossed into Syria to participate in the *Umrah* pilgrimage in Mecca, Saudi Arabia and was held incommunicado for months at an undisclosed location. In mid-March 2011—without ever having been officially charged—the Sheikh's "status" changed from *enforced*

Update on the Sixth Trial Session

- The sixth session of Sheikh Hassan Mchaymech's trial before the Lebanese Military Court took place August 6, 2012.
- During that session, the Sheikh reiterated his philosophical and sociopolitical positions, including his rejection of *Wilayat al-Faqih*. He also made it clear that he wanted to leave Lebanon to continue his clerical career, with a special focus on fighting *Wilayat al-Faqih*.
- According to *al-Mustaqbal* (August 7), the Sheikh asked the court to entertain his request to summon select Hezbollah members—including Sheikh Ali Daamouh who heads Hezbollah's Foreign Affairs Unit—to testify during the proceedings. According to the article, however, the court responded that it "did not deem [such action] necessary."
- In an article in *al-Liwaa* (August 7), Sheikh Mchaymech's lawyer Antoine Nehmeh presented the court a copy of the book "Black Holes in our Religious Consciousness" written by the Sheikh. Notably, Hezbollah had previously forbidden Sheikh Mchaymech to distribute the book, published in early 2000, because of its content. The dispute that ensued ultimately became a catalyst for the gathering tensions between the Sheikh and Hezbollah.
- The next—*seventh*—session of Sheikh Hassan Mchaymech's trial is scheduled to take place on Thursday, September 20, 2012. A Seventh Postponement...

disappeared to *official detainee*. When the case was reviewed, an action likely prompted by the increasing pressure of the then-nascent conflict in Syria which shed unfavorable light on Human Rights violations there, the First Referral Tribunal in Damascus ruled that it was outside Syrian jurisdiction and that the evidence presented against Sheikh Mchaymech was both questionable and insufficient. Months after the Tribunal ordered his release, the Sheikh suddenly appeared in the custody of Lebanon's Internal Security Forces. In reality, his repatriation to Lebanon was more of an extradition, as he was never able to enjoy a minute of his newly restored "freedom." In January 2012, Lebanon's Prosecutor General charged Sheikh Mchaymech with "collaborating with the Israeli enemy by providing information about Hezbollah to its forces in return for pecuniary gains" and scheduled the trial for later that



The cover of *Black Holes in our Religious Consciousness*

month. Notably, the Sheikh was not given the opportunity to describe his version of the events that led to his incarceration until the May 11 hearing. In a request that was unprecedented in the history of the Military Court, he asked that several senior Hezbollah members be summoned as witnesses. Since January, the Sheikh's trial has been postponed seven times, most recently on August 6, 2012. The seventh continuance of his trial is now scheduled for September 20, 2012.

Where are the Lebanese Authorities?

Relative to Sheikh Mchaymech's detention in Syria, the Lebanese government not only failed to protect one of its citizens, but it also neglected to disclose information about the circumstances of his *disappearance* until the case was brought before the Military Court more than a year after the incident. In a statement made December 27, 2011, the Sheikh's family noted that the State had "deliberately detached itself from the case. We have tried without success to reach out to these government authorities."

Hezbollah's Role

Hezbollah has played a pivotal role in this case, including arranging numerous meetings and remaining cognizant of Sheikh Mchaymech's foreign incarceration. The organization pressured the Sheikh's family to remain circumspect about the case in exchange for intervening on their behalf. Yet after months of alternating intimidation with offering false hope, Hezbollah operatives took the family to an undisclosed location in April 2011 to watch a video of the Sheikh's so-called confession, an event attended by senior Hezbollah official Sheikh Nabil Kaouk. The absurd, al-Qaida style tape they viewed portrayed the Sheikh mumbling before an Israeli flag and his purported "confessions" appearing as subtitles. Although Hezbollah's "assistance" ended suddenly, its attempts to silence the Sheikh's family continue unabated.

The Campaign

Since the Sheikh's disappearance, his family and the Committee of the Friends of Sheikh Hassan Mchaymech have worked tirelessly to raise awareness about the case, about freedom of expression and pluralism in general and to mobilize support within the Lebanese Human Rights (HR) groups and activist communities. Those involved released a joint statement with several Shia religious and political figures and organized press conferences and support rallies. The Committee has been reaching out to international and Lebanese HR organizations and to several diplomatic posts in Lebanon which have been following the case closely. As part of this campaign, Hayya Bina and other institutions co-published *Difaf 23*, the "missing" issue of Sheikh Mchaymech's *Difaf* journal, the publication of which was preempted by his disappearance. The booklet highlights the controversial writings that contributed to the Sheikh's imprisonment. In recognition of Sheikh Mchaymech's tireless intellectual work, the publication was given that commemorative title.

Event Timeline

2010

- 7 July: Sheikh Mchaymech goes "missing" in Syria.
- 2 September: Lebanon's pro-Hezbollah *al-Akhbar* newspaper reports that Sheikh Mchaymech was "arrested" after being accused of "collaboration with Israel." *Al-Akhbar's* interest was not to achieve a "journalistic scoop." Rather, the story represented an attempted "moral assassination" of the Sheikh and was intended to contain and preempt the expressions of solidarity that occurred with increasing frequency based on *al-Akhbar's* story of Sheikh Mchaymech's detainment.

2011

- 3 March: Hezbollah operatives arrange the first meeting between Sheikh Mchaymech and select members of his family at an undisclosed location in Damascus.
- 21 August: The First Referral Tribunal in Damascus orders the Sheikh's release.
- 11 October: Sheikh Mchaymech suddenly appears in Beirut in ISF custody.
- 19 October: Prosecutor General charges the Sheikh with "collaboration with Israel."
- 20 December: Military Court sets January 26, 2012 as the trial date.

2012

- 4 January: Sheikh Mchaymech's lawyer files complaints with the Beirut Bar Association and the Judicial Inspection Office.
- 26 January: First trial session; postponed until mid-February
- 18 February: Second trial session; third postponement
- 16 March: Third trial session; fourth postponement
- 11 May: Fourth trial session; fifth postponement
- 14 June: Fifth trial session; sixth postponement
- 6 August: Sixth trial session; seventh postponement