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Lebanon: Latest charge against human rights lawyer Dr Muhamad Mugraby must be dropped and all harassment against him cease

Human rights lawyer Dr Muhamad Mugraby is due to appear before the Military Court in Beirut on 9 January charged with slandering the "military establishment and its officers". If found guilty he may be sentenced to up to three years' imprisonment. The charge relates to a statement he made to the European Parliament's Mashreq Delegation in Brussels on 4 November 2003, in which he criticised the military court system in Lebanon including for, he stated, the inadequate legal training of the courts' judges, and for the torture suffered by suspects tried before military courts in order to force them to "confess".

Amnesty International calls for the charge to be dropped immediately as it is based on Dr Muhamad Mugraby exercising his right to freedom of expression guaranteed in Article 19 of the International Covenant on Civil and Political Rights, to which Lebanon is a state party, and principle 23 of the UN Basic Principles on the Role of Lawyers. Dr Mugraby's statements in the European Parliament contained legitimate human rights issues that reflect concerns well documented by Amnesty International.

Amnesty International has repeatedly expressed concern about the Lebanese military court system whose trials fall far short of international standards for fair trials. In particular, contrary to Lebanese legislation, military courts have been granted wide jurisdiction to try civilians; fail fully to explain their verdicts; use summary proceedings which undermine defence rights; and have judges who are predominantly military officers with inadequate legal training. The military courts' proceedings are not subject to independent judicial review, an essential requirement for fair trial. (See *A Human Rights Agenda for the Parliamentary Elections*, May 2005 [MDE 18/005/2005]).

Over the years Amnesty International has also repeatedly documented the use of torture and ill-treatment in Lebanese detention centres particularly during pre-trial detention and as a means of obtaining "confessions". The United Nations' Human Rights Committee has also expressed concerns about Lebanon's military courts and well-substantiated allegations of torture and ill-treatment by Lebanon's police and security forces. (See *Concluding Observations of the Human Rights Committee: Lebanon*, CCPR/C/79/Add.78, 1 April 1997. Lebanon's fourth periodic report to the HRC was due in 2003 but is yet to be submitted).

Amnesty International is also concerned that this case against Dr Mugraby falls within a pattern of harassment against him that may be related to his legitimate work in defence of human rights. Among a number of past and pending cases against him, in 1995 he was charged with defaming the state of Lebanon and its judiciary in a fax he sent to Amnesty International – a case that was finally dismissed in 2001. In an ongoing case against him which is pending before the Beirut Court of Appeal, Dr Mugraby

was arrested on 8 August 2003, then released on bail three weeks later, for his alleged "impersonation of a lawyer". (See *Dr al-Mugraby must be immediately released*, [MDE 18/011/2003], 13 August 2003). Amnesty International is also calling on the Lebanese authorities to drop this charge against him and to cease the apparent pattern of harassment against him.

Background

"Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession." (Principle 23 of the UN Basic Principles on the Role of Lawyers)