

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: MDE 18/006/2008

26 November 2008

## Lebanon: End harassment of human rights defender Muhamad Mugarby

On the eve of the expected decision in the case against lawyer and human rights defender Muhamad Mugarby in which he is accused of slandering a public official, Amnesty International is calling on the Lebanese authorities to drop the charge.

Amnesty International is also appealing to the Lebanese authorities to end the pattern of repeated prosecutions brought against him. In the organization's view, these amount to harassment and appear to be aimed at intimidating him from carrying out his work as a human rights defender and punishing him for publicly criticizing the country's judicial institutions.

Given that the charge against Muhamad Mugarby relates to a speech he made before the European Parliament, Amnesty International is also calling on the European Union (EU) to make representations to the Lebanese authorities to halt the prosecution, as well as other harassment he is facing.

Muhamad Mugarby is being tried before a criminal court in Beirut on account of a speech on human rights he made on 4 November 2003 at the European Parliament in Brussels. This prosecution was brought despite the fact he had already been tried and acquitted of the same charge (Article 383 of the Penal Code), as well as of slander of the military establishment and its officers (Article 157 of the Military Penal Code), before the Military Court of Cassation in April 2006. Under international law, as set out in Article 14(7) of the International Covenant on Civil and Political Rights, to which Lebanon is a party, no one may be tried or punished again for a criminal offence for which they have been finally acquitted in a previous trial in the same jurisdiction.

If convicted Muhamad Mugarby risks being sentenced to up to two years in prison. Were he to be imprisoned, Amnesty International would consider him a prisoner of conscience detained solely for peacefully exercising his right to freedom of expression and would call and campaign for his immediate and unconditional release.

In his address to the European Parliament, Muhamad Mugarby criticized the military court system in Lebanon. He made particular reference to frequent allegations that suspects being brought to trial before military courts are tortured in order to force them to "confess" and to the lack of legal training of the courts' judges. Concerns that procedures before military courts fail to comply with international fair trial standards and that detainees are subjected to torture and other ill-treatment in pre-trial detention have been well documented by Amnesty International and the UN Human Rights Committee, among others.

Amnesty International would like to remind the Lebanese authorities of Principle 23 of the UN Basic Principles on the Role of Lawyers, which states:

*"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".*

In addition, Muhamad Mugarby has rights as a human rights defender and the Lebanese state has an obligation to protect those rights, as stated in the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders):

*“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”*

### **Background**

Muhamad Mugarby has been charged and prosecuted on a number of occasions in the last two decades in cases – some of which are still pending against him – which appear to be linked to his work in defence of human rights and his public criticism of Lebanon’s judicial institutions. In 1995 he was charged with defaming the state of Lebanon and its judiciary following the state’s interception of a fax he sent to Amnesty International in which he complained of irregularities in military court trials. The case was finally dismissed in 2001. In another case, which dates back to 2002 but which just this month resurfaced, Muhamad Mugarby is facing what appears to be a politically motivated charge of “impersonating a lawyer”. He was arrested on 8 August 2003, then released on bail three weeks later. For more details, see Amnesty International’s public statement Dr al-Mugarby must be immediately released (Index: MDE 18/011/2003), issued on 13 August 2003.

The EU’s relationship with Lebanon is largely based on an Association Agreement, a binding international treaty which includes an international legal commitment by the contracting parties to respect human rights. Accordingly, the EU must take all possible steps to ensure that human rights defenders can address European Institutions freely and without hindrance, and that they are not penalized for doing so. The EU Guidelines on Human Rights Defenders recommend that the EU intervenes on behalf of human rights defenders at risk and suggest practical means to support and assist them.

### **Public Document**

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