

Ruling for Lawyer a Victory for Free Speech

Drop Other Charges against Activist Lawyer

(Beirut, December 4, 2008) – A Lebanese court's decision to dismiss charges of criminal slander against **Muhammad Mugarby**, a prominent lawyer and human rights activist, is an important victory for freedom of expression in Lebanon, a group of ten Lebanese and international human rights organizations said today. At a news conference in Beirut, the groups urged the Lebanese government to halt numerous other legal actions pending against Mugarby, which appear intended to punish him for criticizing the country's judicial institutions.

On November 27, 2008, a criminal court in Beirut dismissed slander charges against Mugarby resulting from a speech he gave to a European Parliament delegation in Brussels on November 4, 2003. The speech criticized the Lebanese government for using the judiciary, in particular the military court, to suppress dissent. Mugarby also condemned the use of torture to coerce confessions from suspects and the court-ordered closure in 2002 of a television station that had criticized the authorities.

In his decision, Judge Ziad Mkanna said that freedom of expression “is protected by article 13 of the Constitution” and that it “can only be restricted by law in a limited and exceptional manner.” Mugarby's words, the judge concluded, “were protected by the Lebanese Constitution and do not constitute a criminal act.”

“This is a victory for Dr. Mugarby and for all advocates of freedom of speech in Lebanon,” the groups said in a joint statement. “It is now time for the Lebanese authorities to drop the other legal actions against Dr. Mugarby.”

The state initially attempted to prosecute Mugarby for criminal slander before a military court, but the Military Court of Cassation threw out the case on April 15, 2006 for lack of jurisdiction.

Eight other legal actions are pending against Mugarby, including criminal actions initiated by the Higher Judicial Council, former and current judges, and the Beirut Bar Association. The human rights organizations expressed concern that these cases were brought to curtail speech protected by international human rights law.

On April 25, 2000, the Higher Judicial Council asked the office of the public prosecutor to investigate Mugarby six days after he questioned the integrity of the judicial system and accused some judges of corruption. Subsequently, the public prosecutor filed criminal slander charges against him at the request of four other judges he had named. These cases are still ongoing as Mugarby has appealed the charges before the Accusation Chamber of the Court of Appeal.

On November 19, 2001, the Beirut Bar Association (BBA) asked the public prosecutor to charge Mugraby with criminally slandering its president and council after he criticized the association's decision to grant permission to prosecute a lawyer who reported that her client claimed he obtained his release by bribing the judges. The investigative judge issued an indictment against Mugraby on February 11, 2002, and the case remains pending the resolution of an appeal filed by Mugraby in 2004.

The BBA's actions were accompanied by three disciplinary proceedings that resulted in a January 2003 decision purporting to strike Mugraby's name from the roll of lawyers. Mugraby filed an appeal before the Beirut court of appeal seeking to nullify the decision. While this appeal was pending, security forces detained Mugraby on August 7, 2003 and charged him with "impersonating a lawyer." He was released three weeks later following international protests. This case also remains pending and is tied to the appeals challenging the decision to remove his name from the roll of lawyers.

"The cases against Mugraby may be multiple and complicated, but they are all motivated by a desire to punish him for publicly criticizing the country's judicial and legal institutions," the groups said. "The Lebanese government should put an end to this campaign of harassment."

A [full summary of criminal and disciplinary proceedings brought against Dr. Mugraby](http://www.combar.info/violation.pdf) can be found at <http://www.combar.info/violation.pdf>.

The ten groups that issued the statement are:

- Association Libanaise pour l'Education et la Formation (ALEF)
- Campaign for Judicial Integrity (CJI)
- Foundation for Human and Humanitarian Rights (Lebanon)
- Frontiers (Ruwad)
- Human Rights Watch
- Khiam Rehabilitation Center for Victims of Torture
- Lawyers for Lawyers Foundation
- Lebanese Center for Human Rights (CLDH)
- Observatory for the Protection of Human Rights Defenders (a joint programme of international Federation of Human Rights (FIDH) and the World Organisation Against Torture (OMCT))
- Restart Centre for Rehabilitation of Victims of Violence and Torture

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L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.

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