



# INTERNATIONAL COMMISSION OF JURISTS

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## COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

23 October 2003

IMMEDIATE

### **Lebanon: Hearings on Lawyer Muhamed Mugraby are Flawed**

The ICJ's Centre for the Independence of Judges and Lawyers (CIJL) today condemned as manifestly unfair the appellate hearings which took place on 15 October to challenge two decisions of the Beirut Bar Association (BAB) to discipline and disbar lawyer Muhamed Mugraby. The ICJ/CIJL monitored the proceedings at the 12th Appellate Panel of the Civil Court of Beirut.

Dr. Mugraby, a well-known human rights lawyer, is currently appealing the BAB's decisions to disbar him. The disciplinary committee of the BAB decided in April 2002 to unfairly forbid Dr. Mugraby from practicing law for 3 years. In January 2003, the disciplinary committee of the BAB decided unanimously to strike off his name *in absentia* permanently from the register of lawyers.

The ICJ/CIJL found that the 15 October appellate hearings were fundamentally flawed in that two judges of that panel were assistant military prosecutors who were seconded to the judiciary. The ICJ/CIJL believes that such a panel cannot be considered to be independent and impartial. The ICJ/CIJL is also concerned that:

- The panel may further lack independence as Dr. Mugraby represents clients before the military tribunal.
- Dr. Mugraby did not have legal representation as his two lawyers are themselves facing BAB disciplinary proceedings for having represented him.
- Dr. Mugraby was not provided with copies of all documents submitted by the BAB.
- As Dr. Mugraby is also the subject of criminal proceedings brought by the BAB, the civil proceedings should be stayed until the criminal actions are decided.
- There was no court stenographer to accurately record the proceedings. Rather, the presiding judge dictated summaries of statements by the parties into the court records and tended to overlook those made by Dr. Mugraby.

"It is clear that fundamental fair trial standards were not observed in the appellate hearings," stated Linda Besharaty-Movaed, the ICJ/CIJL Legal Advisor who monitored the proceedings. "The Court should be the final arbiter in deciding whether Dr. Mugraby's disbarment was lawful, not the Disciplinary Council of the BAB, otherwise, the BAB would be arrogating to itself judicial powers it does not possess."

At the instigation of the President of the Bar Council, Dr. Mugraby was arrested and detained for 3 weeks in August on the charge of "impersonating a lawyer". This charge was later dropped and he was released. The appellate hearings have been adjourned to 17 Dec. The ICJ/CIJL will be closely monitoring these proceedings.

*For further information, please contact: Linda Besharaty-Movaed at 41 22 979 38 09.*

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