



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

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LEBANON: Trial of lawyer Mugraby – concern about military jurisdiction and violation of the right to freedom of expression

The International Commission of Jurists (ICJ) calls for the immediate and unconditional withdrawal of the charge against human rights lawyer Dr Mugraby and to abandon trial proceedings against him, scheduled for 20 March 2006. The organisation has written to the Minister of Defence and the Minister of Justice to put an immediate stop to this situation.

Lawyer Dr Mugraby has been charged with “slandering the military establishment and its officers”, in connection with a speech he made before the European Parliament’s Mashrek Delegation in Brussels on 4 November 2003. In his intervention, Dr Mugraby criticized the Lebanese judicial system, and in particular the military tribunals, the use of torture and the use of military and civilians tribunals by the Lebanese authorities to silence dissidents.

This charge constitutes a blatant violation of Lebanon’s international obligations regarding the right to freedom of opinion and expression, contained not only in the International Covenant on Civil and Political Rights (Article 19) and the UN Basic Principles on the Role of Lawyers (Principle 23), but also in the Lebanese Constitution itself. “Criticism is part and parcel of the right to freedom of opinion and expression and cannot be penalized under any circumstance” stressed the ICJ.

Moreover, this trial before a military tribunal is not only incompatible with the general principle of the non-appearance of civilians before military jurisdictions, but it also ignores the injunctions of the Human Rights Committee which had, already in 1997, called on the Lebanese authorities to stop prosecuting civilians before military jurisdictions. “It is deplorable to note that more than nine years after this recommendations by a UN treaty body, the Lebanese government persists in prosecuting civilians before military tribunals”, said the ICJ.

The ICJ believes that this trial before a military tribunal constitutes an aberration and the charge of “slander” is a grave violation of a fundamental right.

The case of Dr Mugraby, a lawyer reputed for his defence of victims of human rights violations, is well known to the ICJ, which has been following the numerous judicial proceedings against him for several years. For instance, in October 2003, the ICJ attended his trial and concluded that it did not comply with international fair trial standards.

“The charge of ‘slander’ is only the last form of harassment against Dr Mugraby to undermine his work as a lawyer, and this should definitely stop”, the organisation concluded./

The ICJ is an international non-governmental organisation comprising sixty of the world’s most eminent jurists and has a worldwide network of national sections and affiliated organisations

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