

**Lebanon:**

**Amnesty International concerned over the prosecution of human rights defender.**

Amnesty International today expressed concern about the criminal prosecution brought against a well known human rights defender and lawyer, Dr Muhamad Mugraby.

On 19 April Dr Mugraby gave a press conference in which he made severe criticisms of the judiciary and made serious allegations of professional misconduct against five named judges. On 26 April he made a further statement in which he said that "the Supreme Judicial Council does not constitute the independent judicial body required by the constitution".

These remarks were quoted by the journal al-Sharq. Dr Mugraby subsequently learned through media reports that he was to be charged with "defamation of the judiciary". On 12 May Dr Mugraby was summoned before the investigating judge - a summons which he again heard about first through the newspapers rather than through a notification from the courts. He was charged with committing "libel, defamation and dishonouring of the judicial branch of government" under Articles 383, 386 and 388 of the Penal Code and Articles 21 and 22 of the Press Law. Article 386 lays down a sentence of up to one year in prison for statements which defame "law courts, organized institutions, the army and public administration or a civil servant who exercises authority in his official capacity". The judge ordered a request to be made to the Bar Association (according to Article 79 of the Code on the Legal Profession) to authorize the charging of Dr Mugraby. Since then Dr Mugraby was summoned to appear before the investigating judge for two other cases on the same counts on 2 June. The hearing was then postponed until 15 June.

However the Bar Association's statement on 19 May that the matter did not fall under its jurisdiction leaves the route open for the criminal prosecution of Dr Mugraby.

Using criminal proceedings in defamation cases implies that the defendant is responsible for an injury to society at large. Amnesty International considers that the statements critical of the Supreme Judicial Council on the basis of which Dr Mugraby is charged constitute the expression of legitimate concerns about the role of a judicial body. The United Nations Human Rights Committee, in its examination of the Lebanese Government's report on its implementation of the International Covenant on Civil and Political Rights, stated in April 1997 that:

"The Committee expresses concern about the independence and impartiality of the State party's judiciary, and notes that the delegation of Lebanon itself conceded that the procedures governing the appointment of judges and in particular members of the Conseil Supérieur de la Magistrature (Supreme Judicial Council) were far from satisfactory. The Committee is also concerned that the State party does not, in many instances, provide citizens with effective remedies and appeal procedures for their grievances. The Committee therefore recommends that the State party review, as a matter of urgency, the procedures governing the appointment of members of the judiciary, with a view to ensuring their full independence".

Amnesty International believes that the laws should not be used to stifle legitimate concerns about public bodies or public officials; to intimidate those who voice legitimate concerns about the actions of public officials; or to punish the legitimate exercise of the right of freedom of expression.

The United Nations Special Rapporteur for Freedom of Expression has said that:

"Government bodies and public authorities should not be able to bring defamation suits; the only purpose of defamation, libel, slander and insult laws must be to protect reputations and not to prevent criticism of Government or even to maintain public order, for which specific incitement laws exist".

Amnesty International calls for the prosecution of Dr Muhamad Mugraby to be halted. Anyone who feels defamed by his statements has the option of seeking redress through a civil libel suit.  
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For more information please call Amnesty International's press office in London,  
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