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The Permanent Mission of Lebanon to United Nations offices and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights – Special Procedures Branch, and with reference to the Urgent Action number AL LBN 7/2021 dated on the 16th of August 2021, has the honor to submit herewith, within the established timeline, the official feedback of the Lebanese Authorities to the above mentioned letter.

The Permanent Mission of Lebanon avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights – Special Procedures Branch the assurance of its highest consideration.

Geneva, October 15th, 2021



Office of the High Commissioner for Human Rights
Palais Wilson 1
52, Rue de Paquis
1021 Genève

**Permanent Mission of the Lebanese Republic to the United Nations Office
and other international organizations in Geneva**

Beirut, 14 October 2021

**Reply to the joint communication from the Special
Rapporteur on the promotion and protection of the right
to freedom of opinion and expression and the Special
Rapporteur on the independence of judges and lawyers**

Given below are the replies to joint communication AL LBN/7/2021, dated 16 August 2021 and addressed to the Lebanese Government via the Minister for Foreign Affairs and Emigrants from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Ms. Irene Khan, and the Special Rapporteur on the independence of judges and lawyers, Mr. Diego García-Sayán.

The replies are based on information received in official correspondence from the Ministry of Justice and the Ministry of the Interior and Municipalities, via the Directorate General of Internal Security Forces.

- First, the Ministry of Justice notes that article 79 of the Act regulating the legal profession in Lebanon does not grant any immunity or privilege to lawyers who commit an offence in flagrante delicto. The judiciary in Lebanon is fully committed to ensuring the rights of all citizens, including lawyers, and to applying the laws and fulfilling the tasks assigned to it in full.
- As for the lawyers who are the subject of the joint communication, following a review by the Ministry of Justice and the Ministry of the Interior and Municipalities through the Directorate General of Internal Security Forces, we wish to report the following:

1. Lawyer Afram Halabi

- At 10.30 a.m. on 25 November 2020, at a checkpoint set up in the Corniche Al Mazra'a district of Beirut aimed at implementing the general mobilization order in response to the coronavirus disease (COVID-19) pandemic, a Kia car carrying lawyer Afram Halabi approached. An argument broke out between the lawyer and one of the officers in charge of the checkpoint in connection with the lawyer's violation of the general mobilization order by driving his car on a day other than the allotted days



for his licence plate number. An administrative ticket was drawn up for violating the administrative order (on circulation of odd and even licence plate numbers on alternate days) and failing to hand over his driving licence. After that, the lawyer started cursing. As a number of patrols arrived on the scene, the lawyer got in his car, preventing it from being put onto the tow truck. He refused to hand over the car registration papers and assaulted one of the members of the patrol. This was confirmed by cameras and the investigation report. He was handcuffed and taken to the Ramlet Al Baida police station by a patrol from the second Beirut traffic squad.

- At 11.30 a.m. on the same day, the head of the Bar Association, Mr. Melhem Khalaf, arrived at the Ramlet Al Baida police station, forced them to release lawyer Afram Halabi, and they both left.
- State Prosecutor [REDACTED] reviewed the case, identifying the lawyer fully against his lawyer's identity card and sealing the record.

2. Lawyer Jimmy Hadchiti

- At 3.50 p.m. on 3 January 2021, in the Galerie Semaan area, while a member of the Baabda traffic squad was maintaining traffic, [REDACTED] double-parked her car illegally. When she was asked to move her car, an argument broke out between her and the traffic police officer and Ms. [REDACTED] proceeded to threaten him and tried to film him. She also made a phone call to [REDACTED], lawyer Jimmy Hadchiti, who came to the scene. An argument then broke out between him and the members of the traffic police.
- At 4.10 p.m. on the same day, the head of the Bar Association, [REDACTED] accompanied by a reporter and a cameraman from the same station, came to the scene.
- The Government Commissioner to the Military Court, Judge [REDACTED], reviewed the case and ordered the detention of lawyer Jimmy Hadchiti and the member of the traffic police pending investigation and the obtention of CCTV footage. They would be notified of the outcome of the investigation.
- At 3 p.m. on 4 January 2021, the Government Commissioner to the Military Court, Judge [REDACTED], ordered that lawyer Jimmy Hadchiti and the police officer be released on condition of providing proof of residence.

3. Lawyer Elsherif Sleiman

- On 7 February 2021, at the oral request of State Prosecutor Judge [REDACTED] the Central Criminal Investigation Department carried out an investigation into a statement posted on Facebook from an account in the name of [REDACTED] accusing a judge of the crime of loss of integrity, professionalism and patriotism. Record No. 302/109 was drawn up on 7 February 2021. A review of Facebook revealed that the account on which the statement was published belonged to lawyer Elsherif Samir Sleiman.
- On 7 February 2021, the State Prosecutor Judge [REDACTED] was personally contacted by the Central Criminal Investigation Department. He indicated that he had informed lawyer Elsherif Samir Sleiman that he was to go to the office of Public Defender Judge [REDACTED] at 10 a.m. on 11 February 2021.
- On 8 February 2021, lawyer Elsherif Samir Sleiman received a call on his mobile phone from the Central Criminal Investigation Department informing him, with all due respect, that he was summoned to appear at the office of the Public Defender Judge [REDACTED] at the above time and date.
- Lawyer Elsherif Sleiman promised to do so. Accordingly, the role of the aforementioned office ended at this point and the record was sealed.

4. Lawyer Wassef Harakeh

- At 7 p.m. on 3 July 2021, as Wassef Harakeh, a lawyer, was leaving the building of the “Voice of Lebanon” radio station in the area of Achrafieh in Beirut after an interview, three unidentified persons on two motorcycles attacked him, resulting in a head injury. He was taken to Hôtel-Dieu Hospital, where he received treatment.
- On 5 July 2021, at the request of the competent court, a number of persons suspected of being involved in the attack on Mr. Harakeh were arrested and referred to the competent court.
- Judges in Lebanon are independent and make decisions that are permitted by law, in accordance with their conscience and the facts of the case before them. By law, all complainants involved in judicial proceedings have the right to appeal and there are several judicial remedies available to assert their rights. A decision taken by a judge in accordance with the law cannot in any way be regarded as evidence of political interference simply because the person against whom it was issued did not like it.

- Under Lebanese law, particularly the Code of Criminal Procedure, victims of offences have the right to initiate criminal proceedings themselves, through a direct complaint, if the Public Prosecutor's Office does not initiate prosecution. Why did lawyer Wassef Harakeh not initiate proceedings through a direct complaint if he was convinced that the Public Prosecutor's Office had succumbed to political pressure?
- Moreover, accusing the Public Prosecutor's Office of succumbing to political pressure and making arbitrary accusations without specifying the nature of this pressure or the authority exerting it, and without even the slightest evidence of these allegations, makes them lack seriousness and is a breach of the ethics of the legal profession.
- In this context, it should be noted that the campaigns waged by some lawyers against judges when they take decisions that do not comply with their requests or fulfil their objectives, accusing them of corruption or of succumbing to political pressure, make these judges vulnerable and put them in a critical position before public opinion, without any evidence. Since judges in Lebanon are obliged to exercise reserve, which prevents them from defending themselves by whatever means, such campaigns weaken judges, single them out and undermine their independence, which in turn puts pressure on them to deter them from ruling in a particular case in accordance with their convictions.
- The above-mentioned lawyers have not been subjected to the judicial procedures complained of because of their defence of their clients and the exercise of their right of freedom of expression but because they have violated the laws and committed crimes in the presence of witnesses. Appropriate action has been taken against them, in accordance with the applicable laws. Furthermore, the allegation that the Public Prosecutor's Office has succumbed to political pressure has not been substantiated in the claims of the above-mentioned lawyers.
- As for the Beirut port explosion of 4 August 2020, it should be noted that the investigations are confidential in accordance with Lebanese law, and it is not possible to conclude from any comment, newspaper article or media statement by a government official that there has been any political interference with the judiciary by the executive or political branch. The judiciary does its job in this matter and in relation

to other crimes, within the legal framework, regardless of what is being said in the media or by journalists, lawyers or officials.
