

Mandates of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ref.: AL LBN 3/2025

(Please use this reference in your reply)

16 June 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 53/12 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of **escalating threats, acts of intimidation and disciplinary measures taken against two Lebanese human rights lawyers, Mr. Mohammad Sablough and Mr. Khaled W. Al Sabbagh, reportedly following their public exposure of allegations of torture and abuses by Lebanese security forces, which result in undue restrictions to the freedoms of expression, association and independence of lawyers in Lebanon.**

Special procedures mandate holders have raised similar concerns in our previous communication (AL LBN 8/2021) sent to you Excellency's Government on 16 November 2021.

According to the information received:

Mr. Mohammad Sablough

Mohammad Sablough is a Lebanese human rights lawyer and human right defender registered at the Tripoli Bar. Additionally, he is the director of the Prisoners' Rights Center at the Tripoli Bar Association and the Head of the Legal Support Program at Cedar Centre for Legal Studies. Mr. Sablough assists victims of torture and arbitrary detention. Among other things, he filed several cases at the domestic level under the Anti-Torture Law No. 65. At the international level, he regularly provides international NGOs with documented information, with the aim to file cases with the UN Special Procedures.

On 9 March 2022, he posted on social media alleging that a Tripoli Internal Security Forces commander received a \$3,000 bribe for a building permit.

On 16 March 2022, the Tripoli Chief of Operations requested a waiver of his bar immunity – granted to lawyers under article 2 of Law No. 8 (1970) – for slander and defamation, which the Tripoli Bar Association rejected on 11 May 2022, affirming Sablough's immunity while practicing his profession.

On 12 August 2024, Mr. Sablough criticized the Military Court on Facebook for sentencing a gang member to 12 years while the gang leader received 4 years, calling for the abolition of the military courts.

On 14 August 2024, the Military Court banned him from entering the court for three months under article 59(b) of the Lebanese Military Judiciary Law, formalized on 19 August 2024. Mr. Sabloun appealed, and on 25 September 2024, the Military Court of Cassation rescinded the ban, ruling that his post did not violate article 59 of the Military Judiciary Law. Additionally, in February 2024, his car was targeted in attempted break-ins on 7 February and 21 February with no items stolen, suggesting intimidation linked to his work on Syrian refugee rights.

Mr Khaled W. Al Sabbagh

Khaled W. Al Sabbagh is a Lebanese lawyer and human rights defender. He is the lead of the advocacy and rights executive unit at “Tripoli Coalition of Advocates”, a group of experts and actors dedicated to advancing transparency, accountability, and policy reform. In addition, he is the head of strategic advocacy and communication component at “AnaHon”, an independent media platform based in Tripoli, Lebanon. Khaled W. Al Sabbagh mainly operates in areas affected by armed conflict and represents the interests of human rights defenders targeted for their human rights work, including as a result of the misuse of anti-terrorism legislation.

Since 2017, reportedly due to his activities and his direct work in defence of human rights, Khaled W. Al Sabbagh has been facing a growing number of instances of harassment, threats, and intimidation.

On 9 October 2024 at 4 a.m., Khaled W. Al Sabbagh, who was accompanying home his mentally distressed client and his client’s brother, was unlawfully arrested together with his two clients by the 12th Brigade of the Lebanese Armed Forces. The arrest was made after his client, during a panic attack, accused Khaled W. Al Sabbagh and his own brother of conspiracy and espionage, attempted theft and murder and formation of an armed group. Mr. Al Sabbagh and his two clients were then transferred to the custody of the military police. Khaled W. Al Sabbagh was denied the opportunity to clarify his presence as a legal attorney or to explain the situation and mental state of his client. Instead, his identification card that proved his affiliation with the Tripoli Bar Association was confiscated along with his phone. He was neither given the right to call or inform the Tripoli Bar Association of his arrest as required by the law nor to communicate with his family.

That same day at 8 a.m., Khaled W. Al Sabbagh was handcuffed in a humiliating manner in front of the door of the Military Police Detention Centre. After six hours, he identified a fellow lawyer passing by and immediately asked her to inform a fellow attorney and the Tripoli Bar Association of his location. He was then held in a small cell under high security monitoring at a Lebanese Armed Forces (LAF) Military Police Detention Centre in Qoubbeh, Tripoli. During his time at the Military Police Detention Centre, the human rights defender was brought in for questioning.

Throughout the interrogation, Khaled W. Al Sabbagh was asked several times if he wished to continue to criticize the work of the Military Tribunal and affiliated security agencies. He was specifically questioned about the content of a podcast that he published on the media platform of which he is the head of strategic advocacy and communication, ‘AnaHon’. On this podcast, Khaled W. Al Sabbagh hosted fellow advocate and human rights defender Mohamad Sablough and the pair discussed human rights violations committed by the Lebanese security agencies as well as harmful policies of the security agencies and the Military Tribunal relating to procedural issues such as the arrest and prosecution of Lebanese youth, torture during interrogation, and the delay of processing claims of torture and unlawful detention.

On 9 October 2024 at 9.30 p.m., he was released without charge. Since then, Khaled W. Al Sabbagh has been receiving many calls from colleagues and community members informing him that security agencies have been enquiring about him in relation to the above-mentioned accusations.

Circular Issuance on May 2025

On 6 May 2025, the Tripoli Bar Association issued a Circular prohibiting lawyers from making any media appearances or making public statements without prior permission from the head of the Bar Association. The circular invokes article 39 of the Code of Ethics and Professional Conduct and warns against any public criticism of the judiciary or security services, threatening disciplinary measures, such as referral to the Bar Association’s Disciplinary Council, which could lead to suspension or withdrawal of bar immunity.

On 8 May 2025, the Bar President personally and publicly warned Mr. Sablough at the Palace of Justice in Tripoli, in front of many lawyers, not to appear in media. This came shortly after Mr. Sablough participated in interviews where he spoke about cases of torture committed by Lebanese intelligence services (included the one with Mr. Al Sabbagh).

This circular and its enforcement represent a serious infringement on the independence of the legal profession and the freedom of expression, both of which are protected under the Lebanese Constitution.¹

Without prejudging the veracity of the above allegations, we wish to express our concern about the threats, act of intimidation and disciplinary actions directed against two human rights lawyers, Mr. Mohammad Sablough and Mr. Khaled W. Al Sabbagh for their advocacy and their work on issues of allegations of torture and human rights violations by Lebanese security agencies.

We recall that the free exercise of the legal profession contributes to ensuring access to justice, oversight of state power, protection of due process and judicial guarantees. According to international standards, States must guarantee that those who practice law can do so free from intimidation, obstacles, harassment, or interference. Standards also provide that lawyers shall not be identified with their clients or their

¹ Article 13 of the Lebanese Constitution.

clients' causes as a result of discharging their functions.

International standards establish clear protections for the independence of lawyers and their functions. The UN Basic Principles on the Role of Lawyers, namely principle 16, ensures that lawyers shall be able to perform their professional function without intimidation, hindrance, or proper interference, and principle 23, namely lawyers shall have the right to take part in public discussion of matters concerning the law and administration of justice.

These standards further stipulate contain requirements applicable to disciplinary proceedings against lawyers. Principle 29 states that “All disciplinary proceedings shall be governed by the code of professional conduct and other recognized ethical rules and standards of the profession and shall take into account these Principles.” In this regard, I am concerned by the allegations in these cases, which include detention and disbarment, may constitute a retaliation. They would also violate principle 28, which specifies that disciplinary matters “Disciplinary proceedings against lawyers shall be conducted before an impartial disciplinary committee established by the legal profession, before an independent body established by law, or before a judicial tribunal, and shall be subject to independent judicial review.”

Furthermore, although immunities are granted to lawyers while practicing their profession, provisions like article 59(b) of the Military Judiciary Law, allowing the Military Court president to bar lawyers for up to three months for undefined “serious misconduct,” enable arbitrary restrictions, possibly contradicting paragraphs 16, 17, 19, 20, and 23 of the UN Basic Principles on the Role of Lawyers, which ensure lawyers can perform duties without interference, enjoy immunity for legal actions, and have freedom of expression, with protections for their safety and rights.

The allegations may also entail a violation of article 19 of the International Covenant on Civil and Political Rights (ICCPR), as it relates to the circular of May 2025. We recall that any restrictions to article 19 must be provided by law, pursue a legitimate aim among those provided in the Covenant, and meet the requirements of necessity and proportionality. Any blanket restriction or prior authorisation systems for media engagement are generally not consistent with these standards.

In addition, the timing and content of the circular have raised concerns about targeted attempts to silence critical voices in the legal profession. Moreover, the circular appears to create a prior restraint mechanism by conditioning media appearances on pre-approval, which may exceed the restrictions permitted by international standards to freedom of expression. Although the circular refers to the Lebanese Code of Ethics for Lawyers, which already outlines professional standards without vague prohibitions, employs such a broad language that leans on arbitrary enforcement which may not meet the threshold of legality, necessity, and proportionality required under constitutional doctrine. The issuance of the circular sets a dangerous precedent curtailing the independence of lawyers, deterring them from acting as watchdogs and defenders of the rule of law, refraining them from speaking out on issues of public concern, threatening the rule of law.

We urge the immediate withdrawal of the Tripoli Bar Association’s circular of 6 May 2025, and call on the Lebanese authorities to take all necessary measures to

protect the independence of the legal profession, ensuring that lawyers like Mr. Sabloun and Mr. Al Sabbagh can continue their human rights advocacy without fear of retaliation.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. While respecting the autonomy of the bar association, please inquire of the Tripoli Bar Association how the bar leadership understands the measures outlined in its circular of 6 May 2025, to be compatible with international human rights standards, binding on Lebanon, that relate to ensuring the independence of the legal profession and prohibiting improper interference with lawyers in the performance of their professional duties.
3. Please explain how these measures are in line with international human rights standards relating to the legal profession and its free exercise as well as to the right to freedom of expression.
4. Please provide details on measures taken to ensure accountability and prevent abuse in disciplinary proceedings initiated under the circular.
5. Please outline any engagement with international bar associations and UN mechanisms to support the Lebanese legal community in addressing these concerns.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issues in question.

Please accept, Excellency, the assurances of our highest consideration.

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. In particular, I would like to highlight the relevant provision of the International Covenant on Civil and Political Rights (ICCPR), to which Lebanon acceded in 1972, as well as the Universal Declaration of Human Rights, which reflects customary international law.

As it relates the right to a fair trial, article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. In addition, article 14 of the ICCPR encompasses the right of access to the courts in cases of determination of criminal charges and rights and obligations in a suit at law. Access to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice; and provides a set of procedural guarantees that must be made available to all persons, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing.

Article 14 of the ICCPR establishes the right to fair proceedings before a competent, independent and impartial tribunal established by law. In this regard, general comment No. 32(2007) of the United Nations Human Rights Committee notes that the element of independence requires the judiciary to be free from political interference by the executive branch, as well as the legislature. The Committee notes in particular that a situation where the executive is able to control or direct the judiciary is incompatible with the notion of an independent tribunal (general comment No. 32, para. 19).

I would like to bring attention to the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, Italy, 26 August to 6 September 1985). These principles provide that it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary (principle 1); that the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason (principle 2); that there shall not be any inappropriate or unwarranted interference with the judicial process (principle 4); and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected (principle 6).

As it relates to prosecutors, I would like to refer your Excellency's Government to the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. With respect to their conditions of service and freedom of expression, the Guidelines provide that prosecutors shall be able to perform their professional functions without intimidation, hindrance, harassment, improper

interference or unjustified exposure to civil, penal or other liability (guideline 4); that like other citizens, prosecutors are entitled to freedom of expression, belief, association and assembly. In particular, the guidelines specify that they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights without suffering professional disadvantage because of their lawful action or their membership in a lawful organization (guideline 8).

With respect to their role in criminal proceedings, the Guidelines on the Role of Prosecutors provide that prosecutors shall perform an active role in criminal proceedings and, where authorized by law or consistent with local practice, in the investigation of crime, supervision over the legality of these investigations, supervision of the execution of court decisions and the exercise of other functions as representatives of the public interest (guideline 11); and that they shall give due attention to the prosecution of crimes committed by public officials, particularly corruption, abuse of power, grave violations of human rights and other crimes recognized by international law and, where authorized by law or consistent with local practice, the investigation of such offences (guideline 15).

With respect to disciplinary proceedings, the Guidelines on the Role of Prosecutors provide that prosecutors shall be subjected to disciplinary offences based on law or lawful regulations; that complaints against prosecutors which allege that they acted in a manner clearly out of the range of professional standards shall be processed expeditiously and fairly under appropriate procedures; that prosecutors shall have the right to a fair hearing; and that the decision shall be subject to independent review (guideline 21); and that disciplinary proceedings against prosecutors shall guarantee an objective evaluation and decision, determined in accordance with the law, the code of professional conduct, and other established standards and ethics, and in light of the present Guidelines (guideline 22).

As it relates to lawyers, I refer your Excellency's Government to the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990. With respect to the guarantees for the functioning of lawyers, the Principles require that Governments take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent that lawyers be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics (principle 16); that where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities (principle 17); that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions (principle 18); and that lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority (principle 20).

With respect to their freedom of expression and association, the Basic Principles on the Role of Lawyers provide that lawyers, like other citizens, shall be entitled to freedom of expression, belief, association and assembly. In particular, they shall have

the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession (principle 23).

With respect to disciplinary proceedings, the Basic Principles on the Role of Lawyers provide that charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures; that lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice (principle 27); that disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review (principle 28); and that all disciplinary proceedings shall be determined in accordance with the code of professional conduct and other recognized standards and ethics of the legal profession and in the light of these principles (principle 29).

I would also like to refer Your Excellency's Government to the report on the independence of judicial systems in the face of contemporary challenges to democracy, which was presented by this mandate before the Human Rights Council in June 2024 (A/HRC/56/62). In particular, I wish to highlight paragraph 3 and 4: "Justice systems promote and protect a fundamental principle that undergirds participatory governance: the rule of law. This principle insists, inter alia, that all people, even State actors, are subject to the same laws, applied fairly and consistently. In general, the realization of the rule of law involves dividing State power into distinct branches, with the judiciary serving to ensure that executive and legislative actions do not exceed the limits of the constitution and law. To carry out such work effectively, justice systems must be independent of political control. At times, politicians have contested the importance of independent judicial checks on their power, arguing that judicial institutions undermine the will of "the people". The Special Rapporteur observes that constraints on elected power ensure that officials act within the law and remain answerable to the people once they are elected. Such constraints are also necessary for the fundamental rights and diverse interests of everyone living in a State, including marginalized people and communities who may otherwise be overlooked, excluded or persecuted by the majority. Those constraints also protect civil society organizations and minority political parties that are critical of the government. By upholding the rights of all, independent judiciaries, along with other institutions of democracy, ensure that a plurality of perspectives are given voice in society, that governments are accountable and responsive to everyone and that the dignity of individuals is preserved against the might of the State."

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant and restrictions must be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34, para. 34](#)).