



Maharat Foundation Report on the Occasion of World Press Freedom Day
About Freedom of Opinion and Expression in Lebanon
Between May 2018 and April 2019

The freedom of activists and citizens to express their own views is still declining in Lebanon, especially through social media networks, as per the facts and cases documented between the second half of 2018 and the beginning of 2019. These cases focused on issues related to criticizing public figures and the performance of institutions and bodies responsible for implementing laws, protecting rights and freedoms, or expressing sarcastic opinions against them or in issues related to religions. The authority uses as excuses in its repressive campaigns against expressing opinion the provisions related to insulting public institutions, disturbance of public peace, stirring religious strife, endangering the integrity of Lebanon and its external relations, insulting public officials and other texts related to profanity and abuse of religions.

Journalists were called to military court and interrogated by various security authorities. This is besides issuing sentences against journalists for doing their investigative duties or expressing their opinions and we are witnessing sentences of imprisonment. The judicial authorities represented by public prosecutors still adopting procedures that are not compatible with the principles of protecting the rights of individuals to express, circulate information and protect their private data.

The Publications Court is not having the same paths: it is either applying the law literally, in a manner that does not protect freedom of expression, or is basing its verdicts on the Constitution and Lebanon's international obligations, especially in terms of stating facts, public resentment and criticizing the performance of public officials, even if directly and harshly, as stated in the verdict of the judge Abeer Safa while reviewing a case against activists from the civic movement.

The slow legislative process delays strengthening the protection of freedom of expression; in addition to the overlap of laws in terms of texts related to the freedom of information circulation, especially with the adoption of the Electronic Transactions and Protection of Personal Data Law number 81 on 10/10/2018 and the delay of the adoption of the new media law.

Despite the adoption of the Electronic Transactions and Protection of Personal Data law, which states in its Article 66 that "the transfer to the public by any digital means is free," nevertheless, the same article restricts this freedom within the respect of current legislations which is considered restricting to the freedom of expression and circulation of information, including the general penal code, the publications Law and the military law.

The articles 121 and 126 of the Electronic Transactions law stipulates procedures to be followed by the judicial police, including the cybercrime bureau under the supervision of the public prosecution, concerning the control and preservation of cyber evidence, suspension of electronic services, banning electronic websites or freezing of accounts discretionary for up to two months.

The specialized technical office stipulated in article 121 has not been established to date, and it has the authority to support the judicial police in the control and preservation of cyber information evidence. The Cybercrime bureau intentionally confiscates the phones of journalists and activists and their private computers when called for investigation and messes with their information and violates their privacy and correspondence without any control.

In addition, Article 121 states that the personal information related to the criminal case under investigation is permissible to security and can be controlled. This violates the general principles of media freedom, which obligates protecting the sources of information for journalists and exempt them from these procedures that are not compatible with the nature of journalism work and the principles of freedom expression and circulation of information.

The Administration and Justice Committee is discussing the proposed new media law nine years after its registration at the parliament in 2010 and after finishing its discussion in the Information and Communications Committee in 2017. The legal text being reviewed today by the Administration and Justice Committee still needs amendments and reformulation to become in harmony with basic principles of freedom of expression. Maharat Foundation presented its feedback to the committee aiming towards the adoption of many reforms to abolish imprisonment and jail penalties completely from the new law and widen the notion of the public figure that can be criticized in addition to limiting the opinion and expression issues, including circulation and dissemination of views and information on social media to the judiciary of ordinary court directly. The cancelation of detention should include all of those who express their opinion, and stop the authority of the investigation security bodies, including the cybercrime bureau, the military intelligence, the general security or any other security forces from intervening in these cases.

The public authority still relies on prior censorship texts on some works of art such as theatrical texts and movies, and foreign publications are also subject to prior censorship.

The Jurisprudence of the Publication Court Limits Free Media

The jurisprudence of the publication court in Lebanon does not ensure freedom of opinion and expression, and freedom of the media fulfilling the public interest, since the publication court has not resolved in its successive chambers the application of the publication law on various forms of expression, including social media. While the court decided it is relevant in the cases of publishing on news websites, it retracted a former jurisprudence related to what is published on Facebook and Twitter and considered itself not specialized, and requested referring this type of lawsuits to ordinary penal courts. This duplication of legal norms applied on electronic publishing creates risks that would expose the same journalist who writes an article on an online newspaper and then shares it on Twitter or Facebook to the possibility of being prosecuted for the same action before several courts, including the military court.

The prosecutor General did not resolve the issue of summoning journalists to the Cybercrime bureau in the judicial police because of their journalistic work. The summonses continued despite the refusal of some journalists to appear before the bureau. The power of the prosecutor general in the Cassation Court is over all judges of public prosecution and has the power to guide them in the conduct of a public right case and, where appropriate, issuing written instructions in accordance with article 31 of the judicial law.

In addition to these risks to the freedom of the press, the jurisprudence of the Publications Court is slowly progressing towards preserving the concept of criticizing public person in accordance with the principles of freedom of opinion and expression in democratic societies and what was brought by digital technology and open World Wide Web.

The publications court is being prompt by this new reality to adapt legal texts as much as possible, and to take into account the privacy and nature of the media outlet through which opinions, ideas and criticism are expressed.

The expression of the same person on the same subject may differ through a radio or on television, which is subject to formalities, preparation, discussion management and self-censorship, and from what the person writes on his/her own social media, addressing a limited audience.

The publication court is a court of criminal appeal composed of a president and counselors and the public prosecution is represented in front of it in addition to the two parties to the case. The plaintiff may not attend personally to the court, and can be represented by a lawyer, as for the defendant the presence is mandatory alongside a lawyer if the penalty of the crime attributed exceeds one year.

Thus, we are before judges who consider cases referred to them as criminal misdemeanor offenses, where they apply the code of criminal procedures in respect to attendance, interrogation of parties, evidence and listening to witnesses' testimonies, reviewing all facts, evidence, causal relations and reasons that accompanied what was published or said through media, whether print, radio or television.

The elements of a crime, criminal act and criminal intent, must be available alongside the legal element so that a crime is achieved and the penalty is deserved.

The criminal act is achieved by publishing, but the criminal intent involves knowledge and will. Knowledge of the content of the publication and the consequences that may result, such as knowing that what is published harms the reputation of the person concerned; which means there is direct intent to abuse people, humiliating, slandering and defaming them. This applies to cases where the parties are from the general public who do not hold public positions or jobs. People who hold public positions are subject to accountability and tracking in all areas pertaining to the work, whether by relevant legal bodies or by journalists and media who play a legitimate role in monitoring, criticizing and guiding public opinion as stated in international conventions, constitution, laws and jurisprudence of courts and in the recognized principles regarding freedom of publication and the press.

Article 387 of the Lebanese Penal Code recognizes the right of all people, whether ordinary citizens, expressing their opinion by any means, or journalists working for media organizations in filing any charge against public officials. Those people wouldn't be defaming if the charges where proven to be true.

It is important to note that the text of the article does not cast the burden of proving the validity of the things attributed to the public official to the citizen or journalist only, but requires the court to verify the validity of what has been done by various means stipulated in the codes of criminal and civil procedure like interrogating, hearing the witnesses and conducting any investigation to supplement the evidence that the litigants have invoked.

The Court may, on its own initiative, conduct an investigation to supplement the evidence that the litigants have raised (Article 135 of the Code of Civil Procedure). Moreover, the information obtained from the judge's experience in public affairs is considered similar to personal information that the judge is prohibited from building his judgment on. (Article 141)

In this context, a verdict issued by the criminal judge in Beirut on October 31- 2018, abolishing sentences against activists from the civil movement condemned in defamation against public official through writing on the side of the highway addressing public authorities and state officials in February 2016 within a series of protestations organized by civil movement on the new taxation policy affecting the poor.

The decision issued by Judge Abeer Safa states that the moral element, the criminal intent, of the defamation crime is not available in the current file because there is no intention to humiliate someone personally. She considered what was done was harsh, but it was a peaceful and protesting expression of general dissatisfaction prevailing in the country due to the economic crisis, and an embodiment of the freedom of opinion guaranteed by the Lebanese constitution in Article 13, and thus they are doing their right in difficult situation, considering the defendants as socially active people, among them lawyers and journalists, who transmit the reality and public resentment as part of their daily concerns.

The transfer of reality and public dissatisfaction and expressing it is the right of every activist and constitutes the embodiment of the freedom of opinion guaranteed by the Lebanese Constitution in Article 13 and the international obligations stipulated in the introduction of the Constitution.

Criticizing the performance of a public official directly, and harshly in relevance to the tasks assigned to this employee and the seriousness of the behavior s/he has done from the perspective of the public interest is legitimate and cannot be included in the category of direct harm to the public employee and his/her dignity.

Emotions shown in the words of journalists or activists who defend the public interest by using harsh, offensive or shocking words is not in the category of slander, indignation or defamation if the employee's statements, actions or omissions would provoke feelings of concern for the public interest.

The European Court of Human Rights has laid down a number of fundamental principles in which it considered that freedom of expression through debate forums applies not only to ideas that are received or perceived as harmless or as a matter of indifference, but also to ideas that offend those who are in a position of responsibility. When ideas cause shock and abuse, freedom of expression becomes very precious. If freedom means anything at all, it means the right to tell people what they do not want to hear.

Here we review the judgments of the publication court in cases of opinion and expression and shed light on cases that require the development of judicial practices in order to safeguard freedom of media in general and circulation of publication.

Case I: The Case of Professor of Phoenician Archeology at the Lebanese University Najj Karam

Dr. Najj Karam specialized in archeology and follows up the preservation of archeological sites of heritage, intellectual and cultural values. In February 2013 he conducted a live interview on MTV, which dealt mainly with the demolition of the building, where the apartment of the Lebanese novelist Amin Maalouf is and the demolition of the Phoenician harbor in Mina al-Hosn. Between August and September of the same year 2013 he published several publications on his Facebook page tackling the interference of the Ministry of Culture and the general director of the Ministry with the file of the Roman race field.

The former Minister of Culture Gaby Layoun sued him regarding what he said in the television interview, and the general director of the ministry of culture Asaad Saif sued him regarding his posts on Facebook. Both cases were referred to the publications court in Beirut.

On 24/5/2017 the court, headed by Judge Roukoz Rizk, decided on the case of the general director of the ministry of culture regarding the publications of Dr. Karam on Facebook and issued a verdict that convicted the defendant Dr. Najj Karam of defaming a public official under article 22 stipulated in the publications law.

On 4/12/2018 the publications court in Beirut, headed by Judge Raffoul al-Bustani, issued its verdict on the case of the television interview and the claim of minister Layoun. The verdict abolished the prosecution of Dr. Karam for the lack of elements of defamation crime and dissemination of fake news.

The following is a chart illustrating the two similar judicial cases and the position of the Court towards them:

| Publication Court in Beirut | Plaintiff | Defendant | Crime | media | Controversial Words | Jurisprudence and Considerations | Result of the lawsuit | Jurisdiction | summary |
|-----------------------------|--|--|------------|--------------|---|---|---|---|--|
| Headed by judge Rizk | Official employee (general director of ministry of culture Asaad Seif) | Dr. Naji Karam, professor of archeology at the Lebanese university | Defamation | TV interview | " Seeks to pass a crime." " Commits crimes against heritage" , "He considers himself above the law", "his behavior is based on the described corruption", "source of shame on heritage, history, and the country" | "media has the right to enlighten and raise the awareness of public" "taking into account seriousness, accuracy and honesty" "not offending others" | Sentenced in defaming crime against a public employee | Judge Rizk considered Facebook and Twitter as one of publication means that are part of publication court jurisdictions | - The Court expanded its jurisdiction to include social media - The court narrowed the freedom of expression on Facebook and made it subject seriousness and not to offend others in any form of verbal communication |

| | | | | | | | | | |
|--------------------------|---|--|---|---------------|--|--|--|--|--|
| Headed by judge Boustani | Public employee (minister of culture Gaby Layoun) | Dr. Naji Karam, professor of archeology at the Lebanese university | Defamation and dissemination of fake news | Facebook page | “crime against heritage”, “ignorance”, “emptying Beirut from its cultural aspects”, “requesting the resignation of minister of culture Layoun” | It has become the duty of the press to enlighten public opinion on matters of public interest - criticism framework is broadened in relation to the assessment of the work of politicians and people of public law - Justice and law do not justify the condemnation of those who aim and indicate corruption and corruption objectively | Abolition of sentence for lack of defamation crime elements and dissemination of fake news | The current publication court in Beirut doesn't consider social media as publications and consider it a case of ordinary penal court | - The court extended the right of criticism to include any political figure regardless of their public position - The framework of the right of criticism has been extended to include public institutions, bodies and administrations. - Every person has the right to indicate and refer to acts of corruption or faults in the management of the public sector objectively. |
|--------------------------|---|--|---|---------------|--|--|--|--|--|

Case II: the Case of Head of Press Syndicate Awni al-Kaki in the Case of Former Minister Ashraf Rifi

On 31/1/2019, the publications court condemned the head of press syndicate Aouni Kaaki for publishing an analytical article where he concluded that the resignation of Prime Minister Hariri from Saudi Arabia was the result of a coup involving former Minister of Justice Ashraf Rifi and his brother Bahaa Hariri. The Publications Court has widened the interpretation of what is part of a publication crime to include what disturbs public peace and jeopardizes the state's safety in relevance with the provisions of Articles 3 and 25 of legislative decree No. 104/77 of the publications law. The court considered that what was published in this article constitutes false news that would disturb the public peace and harm the integrity of the state in one of its institutions, namely the government presidency.

Case III: the Case of Interviewing Journalist Salem Zahran and the Allegation that he Insulted the Prince of Kuwait and Jeopardized Lebanon's Foreign Relations

On 12/3/2019, the Publications Court issued a verdict canceling the sentence against the journalist Salem Zahran for insulting the prince of Kuwait and endangering Lebanon's foreign relations, as stated in articles 23 and 25 of legislative decree No. 104/77 of the Publications Law. Unlike the case of the head of press syndicate Aouni Kaaki, the publications court did not elaborate on the provisions of Article 25 of the Publications Law regarding jeopardizing Lebanon's foreign relations. Although the failure to widen the interpretation of the penal text is a positive trend of the court, especially in the sensitive issue of foreign relations, but the court's explanation for the non-condemnation of Zahran was not based on any general principles on the right to criticize the policy of foreign countries and highlighting the practices and events. However, the justification was based on considerations related to the results and the serious relationship between Lebanon and Kuwait, that was not affected by what was stated by the journalist Zahran, rather than the more general justifications related to the basis of right and freedom of opinion and expression, the circulation of views, ideas, and information.

Case IV: The case of "AUB-Leaks" and the Publication of Private Correspondence

On February 5, 2019, the publication court sentenced the journalist in Al-Akhbar newspaper Hussein Mehdi for publishing leaked documents on internal correspondence in the so-called AUB leaks. Despite the fact that the judge of urgent matters considered in a decision issued on December 8, 2014 on the same case, that the right of publication to the public interest constitutes protection for the media and does not constitute a violation of the right to privacy since such a prohibition shall be cancelled if there are exceptional circumstances which require understanding of publishing a private correspondence, like when the content affects the integrity or security of the State, or if the content is necessary and important to the public interest."

Freedom of expression Violations:

There have been many violations of the freedom of opinion and expression in general and the freedom of the media in particular. Activists on social media, as well as citizens who express their opinions, have been subjected to arbitrary measures, detention from various security forces, pressure to delete their publications including opinions and information, signing of pledges of silence to stop talking about the case or criticizing a public figure in the future. In addition to detention at police station for several weeks as a veiled sentence when the publications do not require these arbitrary procedures, and the exposure of journalists to similar procedures and pressure to withdraw their articles and disclose their sources of information, in addition to violating the privacy of their correspondence. Among the challenges faced by the journalists are the prosecution of the military court, the intervention of the military prosecutor in the work of the media, the issuance of search and investigation reports against them and putting their offices subject to search and break into and investigating with them by the military police, as well as directly before the publishing court in violation of the provisions of the law. The public authorities have also blocked some foreign publications and films and banned them for reasons that are not convincing and necessary and are contradicting with the freedom of publication and circulation of ideas and information.

First: Oppressing the Freedom of Activists on Social Media

The following are the most prominent violations monitored:

1. On May 24, 2018, the newspaper Zaman al-Wasl reported on the detention of the activist Abd al-Hafiz al-Hawlani in Aarsal by a certain security force for "inciting against the Lebanese army and the Lebanese state".
2. On June 7, 2018, the criminal judge in Baabda Karma Haseki issued a sentence to imprison activist Rashid Jumblatt for six months and forced him to pay 10 million Lebanese Lira as compensation and damage, for insulting of the Minister of Foreign Affairs and emigrants Gibran Basil through "slander and defamation."
3. On June 19, 2018, the Lebanese army intelligence arrested the 15 years old minor Yousuf Abdullah, from the village of Andaket in Akkar and released him the following day, for publishing a photo on Whatsapp criticizing President Michel Aoun.
4. On June 27, 2018, the criminal judge in Baabda Nadine Najem sentenced in absentia the imprisonment of journalist Fidaa Itani for four months and forced him to pay 10 million Lebanese Lira as compensation and damage for "slander and defamation" against minister Gebran Basil on Facebook
5. On July 4, 2018, the Military Court held a hearing in the case of activist Tony Tawk, due to a Facebook publication criticizing General Shamel Roukoz (current MP) and the Lebanese Army.
6. On July 17, 2018, the Cybercrime and Intellectual Property Protection bureau, summoned the activist Imad Bazzi concerning a lawsuit filed against him by the owners of the Eden Bay project because of a publication on Facebook.
7. On July 18, 2018, a journalist in Al-Akhbar Joy Selim was summoned by the Cybercrime and Intellectual Property Protection bureau for her interaction and sarcastic comment on a Facebook post written by Charbel Houry on his Facebook page, in which he ridiculed a testimony to the miracle of St. Charbel.

8. On 19 July 2018, the Cybercrime and Protection of Intellectual Property bureau investigated with Charbel Khoury, for his post on Facebook, where he made fun of someone's faith in Saint Charbel. Prior to his release, he signed a pledge not to use Facebook for a month and to delete the post, as well as not to insult religions.
9. On July 24, 2018, the military intelligence in Qobe-Tripoli arrested activist Khaled Aboushi, who was detained for two days before his release, for publishing a photo of President Michel Aoun on Facebook with his 2 sons in law alongside the former Syrian President Hafez al-Assad and his two sons and captioned it with "what is the difference".
10. On July 25, 2018, the Cybercrime and Protection of Intellectual Property bureau, investigated with activist Rowan Khatib for her post on Facebook, and was released after about eight hours, provided that she signed a pledge not to tackle the issue of religion.
11. On August 2, 2018, the state security raided the house of the activist Rachid Jumblatt and arrested him under an arrest warrant issued against him for his post on Facebook, that included incitement against the President and Minister Gebran Bassil.
12. On August 3, 2018, the Cybercrime and Intellectual Property Protection bureau investigated with activist Wadih Al Asmar for a post on Facebook concerning the case of Charbel Khoury.
13. On August 6, 2018, Yara Shhaib, was summoned by the cybercrime bureau because of a tweet tackling Foreign Minister Gibran Bassil, but refused to comply with the summons.
14. On August 27, 2018, the cybercrime bureau investigated with activist Firas Bou Hatoum after he was called by telephone for a complaint by activist Mark Dou charging him of "slander and defamation" through a Facebook post.
15. On September 15, 2018, the Information Division of the Internal Security Forces in Tripoli arrested Walid Radwan after he was summoned by telephone to investigate him about a photo he published on his own account on Facebook, insulting Prime Minister Saad Hariri. He was illegally detained for 19 days before his appearance in front of a criminal judge in Tripoli, who convicted him of defaming a public official who exercises public authority (ie Prime Minister Saad Hariri, who was in charge of forming the government) in accordance with Article 383, to be imprisoned for 3 months, but the duration was reduced to the detention period and he was fined 500,000 LBP.
16. On September 19, 2018, the director of the "Beirut kadiyat" website, Hani Nusouli, was investigated by the Central Intelligence Bureau at the Palace of Justice after being summoned by telephone for a case filed by Nader Hariri for "defamation, insulting and inciting sectarian strife and disrupting Lebanese ties with a sister country." On the background of a voice recording of Nusouli on Whatsapp, commenting on a photograph of Nader Hariri and Taha Miqati criticizing Hariri's policy and secret deals with people who are close to the Syrian regime.
17. On September 24, 2018, the Lebanese Army Intelligence Directorate summoned the owner of the Olba aviation page on Facebook, Mahmoud El Masri, for publishing a post containing information about the presidential plane that took the delegation accompanying President Michel Aoun to New York.
18. On 21/11/2018, the Syrian media activist Abdul Hafiz al-Hawlani was detained by the State Security Branch in Baalbek for preparing a report for Zaman al-Wasl newspaper about abortions of Syrian refugees in Arsal camps. He was referred to trial and released after 21 days of detention under a financial guarantee on 15 December.

19. On February 4, 2019, the cybercrime bureau summoned the activists Ziyad Zeidan, Shafiq Badr and Abdel Karim Qambris, following a complaint submitted by the media advisor to the governor of Beirut Fadi Baghdadi for "slander and defamation" through posts on "Facebook" against the governor of Beirut Ziad Shabib and his media adviser Baghdadi. The bureau asked the activists to sign a pledge not to address this file again, and they signed the pledge and were released, in addition to deleting the post on their Facebook pages.
20. On February 5, 2019, the Cybercrime and Intellectual Property bureau, summoned Ziad Itani, an actor to testify for lawsuit against him filed by lawyer Ziad Hbeish, the husband of Suzanne Haj Hobeish, who was the former director of the bureau, concerning Facebook posts against Al-Hajj and her family.

Second: Journalists Summoned for Investigation by the Security Forces

The Publications Law requires that any lawsuit related to any publication whether on paper or electronic to be referred directly to the Publication Court. In case of investigation launched by investigative judge himself in the presence of the defendant and his lawyer, the detention is prevented and the defendant remains free and cannot be detained. These guarantees have been approved by the publication law to protect journalists who practice their media profession under the risk of being arrested, detained, undergo investigation procedures, harassment of security agencies and their violations that summons journalists and activists through the phone without any official communication or informing them of the reason for the summons. The most important violations are:

1. On 4 June 2018, the Cybercrime bureau, investigated with the journalist in the "Al Moudon" electronic newspaper Safa Ayyad, after she was called by telephone on June 1, on the basis of a lawsuit filed against her by MP Fadi Alama concerning a report posted on the site.
2. In June 2018, journalist Timur Azhari, a reporter for the English-language newspaper The Daily Star, was summoned by the Cybercrime bureau for a newspaper article published on March 28, 2018, in which he discussed the issue of Ethiopian migrant worker Lillisa Linsa, who in March of 2018, she posted a video from the hospital saying she had tried to commit suicide after suffering years of abuse by her employers. His phone was confiscated by the bureau, his privacy was violated, and tampering with the private information related to his sources of information about the case. He was also forced to delete a tweet related to the subject. He was prosecuted with defamation charges on the basis of a complaint filed from the owners of the house in which Linsa used to work and he was referred to the court of publications for trial.
3. On June 11, 2018, the cybercrime bureau summoned a journalist from the French-language newspaper L'Orient Le Jour Anne Marie El Haj for investigation because of the report she wrote on 30/3/2018 about the case of the Ethiopian worker Linsa Lillisa, that appeared in record saying that she tried to commit suicide as a result of abuse by her employers.
4. On July 20, 2018, members of the general Security raided the house of the journalist in the "New Lebanon" website, Mohammed Awad. He was handcuffed and detained in their office in Sin El Fil and then he was taken to the headquarters in Adliya, where they investigated with him about his writings and articles.

5. On February 19, 2019, the Cybercrime bureau summoned journalist Ali Daoud for investigation because of a complaint after publishing a report on the arrest of a thief in Nabatiyeh. The complaint was based on charges of slander and defamation from the father of the thief after mentioning the full name of his son; he refused to come to the bureau for being a journalist who belong to a syndicate

Third: Journalists Are Tried Before the Military Court

- 1- On January 10, 2018, the Permanent Military Court sentenced in absentia the journalist and researcher Haneen Ghadar, with six months in prison for defaming the Lebanese army and harming his reputation on the backdrop of statements made during a seminar organized by the Washington Institute for Near East Policy in 2014, where she said that Sunnis are subdued by Hezbollah and the Lebanese army, while Hezbollah's militia cannot be touched. "
- 2- On March 7, 2019, the military judge in Mount Lebanon issued a sentence in absentia against the reporter for in Al-Jadeed channel, Adam Shamsuddin, who was sentenced with three months in prison for insulting the state security forces in a post on October 30 on his Facebook page concerning the "scandal" of the arrest of the AIDS network. On 11/4/2019, the Military Court declared that it was not their specialty to deal with the case after Shamsuddin's objection to the sentence in absentia issued against him.
- 3- On February 3, 2019, the government commissioner in the military court issued a summon against journalist Michel Kanbour, the publisher of the Lebanon Debate website, for defamation and insulting the army and spreading false information. He was summoned for investigation by the military police that raided the offices of the website, for publishing a false news about the security of the airport and the inspection of a passenger's luggage. It was reported in the news before correcting it that the bag belonged to the army commander.

Fourth: Journalists Prosecuted by the Military Judiciary Before the Publications Court

The government commissioner in the military court prosecuted several media outlets and journalists and demanded their prosecution before the publication court in violation of the rules of jurisdiction and powers vested in him by law.

- 1- On November 7, 2018, the government commissioner in the military court charged journalist Radwan Mortada and the official director of Al Akhbar newspaper with the offense of defaming the military court and the state security apparatus, and requested their prosecution before the publication court concerning an article entitled "the war of information branch against drug dealers and corrupt commanders" Published in Al Akhbar on 11 July 2018.
- 2- On January 31, 2019, the government commissioner in the military court charged journalist Maysam Rizk and the official director of al-Akhbar newspaper with defamation against the Lebanese army and defaming the military establishment and asking them to be tried by the publication court on the background of an article written by Rizk. "Proceedings of the meeting of the Supreme Council for the Defense of the South:

differences on demarcation and the response of the army” published in the newspaper on 26/1/2019.

- 3- On October 17, 2018, the government commissioner in the military court charged the journalist Michel Kanbur, the publisher of Lebanon Debate, with the crime of publishing a false report, criticizing the government commissioner and the military court, and requesting his trial before the publication court for publishing a news story about one of those sentenced in absentia by the military judiciary and his intention to surrender to the military court and to be released on the same day under the supervision of the government commissioner.
- 4- On April 10, 2019, the government commissioner to the military court, Peter Germannos, prosecuted before the publication court in Beirut against the MTV reporter Mona Saliba on for defamation of public official who exercise public authority in accordance with Article 22 of the Publications Law and the fabrication of crimes and libel provided for in articles 402 and 303 of the Penal Code, punishable to up to ten years of hard labor. The prosecution of the government commissioner on the journalist included an accusation for publishing "news on the website of the station, and during the news bulletin that contain false information about him, in order to incite public opinion against him and influence the decisions of the authorities driven by unknown parties, and in order to instill doubts about him to get him. He asked the government commissioner to obligate her to pay personal compensation of one billion Lebanese pounds.

Fifth: Journalists Are Being Prosecuted Before the Courts for Criticizing the Performance of Employees on Issues of Public Concern

- 1- On October 16, 2018, the first investigating judge in Mount Lebanon, Nicola Mansour, interrogated the presenter of the "Lahon w Bas" program on the LBCI Hisham Haddad, on the background of a sarcastic lyrics in the program entitled "Judge Oh Hamouda" that was considered undermining of the judiciary through insulting the general prosecutor . He was referred to trial, and the publication court set a hearing on May 7, 2019 to question Haddad again, which was also questioned in the same case by the Attorney General of Appeal in Mount Lebanon Ghada Aoun.
- 2- On January 15, 2019, the Attorney General of Mount Lebanon Judge Ghada Aoun referred to the publication court in Baabda, both the website of Al-Jadeed and the journalist Radwan Mortada, based on the request of the first investigating judge in Mount Lebanon, Nicolas Mansour, to be charged for revealing the secrecy of the investigations based on what Al-Jaddeed has published again an article for Mourtada that was published in Al-Akhbar entitled “Hashish and Tramadol smuggling networks before the judiciary”, in which the writer pointed to the release of a suspect in a drug promotion file during a short period, when he is one of the members of four networks active in the smuggling of drugs between Lebanon, Egypt, Libya and India. The networks were identified by the internal security forces.
- 3- On February 13, 2019, the head of the charging authority in Mount Lebanon, judge Monzer Thebian put journalist Radwan Murthada on trial for an article in AlAkhbar newspaper entitled “has amnesty started for drug dealers? A judge releasing a drug dealer admitting trafficking tons of drugs”.

Sixth: Blocking Applications and Websites Contrary to the Provisions of The Law

Article 126 of the Electronic Transactions Law requires an explanation of any decision taken by public prosecution to obstruct an application or blocking of a website for a limited period of two months maximum. Article 125 specifies the exclusive cases in which the suspension can be exercised, when it comes to "crimes related to terrorism or child pornography, gambling games, fraudulent electronic activities, money laundering, crimes against internal and external security, or infringement of the wellbeing of informatics systems like spreading viruses."

The need to explain the decisions of disruption or blocking must be published to inform people and stakeholders that the reasons fall within the exclusive and specific topics stated above. Practices continue to show disregard for the provisions of the law and for silent electronic censorship, which is carried out under cover of security and administrative bodies, apart from judicial censorship. In December 2019, users of the famous online application "Grindr" in Lebanon were unable to access it partially via the two networks operated by Alpha and Touch. The reason behind this partial blocking of the application of "Grindr" was not disclosed by the Ministry of Communications.

On 21 April 2019 admins of "This Is Lebanon" Facebook page specialized in documenting cases of abuse against foreign workers in Lebanon, had received reports that their page was not accessible by some users, and they were informed that Lebanese authorities exert pressure on some Internet service providers to block their site. It is worth mentioning that the site publishes pictorial testimonies of violations suffered by domestic workers in Lebanon, among them Ethiopian immigrant Lillisia to Linsa, who shared in March 2018 a video from the hospital saying that she tried to commit suicide after suffering years of abuse by its employers.

Seventh: Various Attacks and Harassment Affecting Freedom of Opinion, Expression and Freedom of the Media

Attack on journalists

On December 23, 2018, security forces attacked four journalists covering a protest in Beirut, including Hassan Shaaban, a photographer for the English-language Lebanese daily Daily Star, Reuters news agency, Richard Samour, a photographer for Al-Jomhuriya newspaper, reporter Rachel Karam and photographer Zakaria Khatib.

Attack on a media outlet

On Saturday, February 2, 2019, supporters of the Progressive Socialist Party threw a bomb at the building of Al-Jadeed. The attack came against the program "Kadeh w Jam" directed by Charbel Khalil that ridiculed a religious Druze figure.

Raid of media offices

- 1- On December 10, 2018, an Internal Security Forces (ISF), dressed as civilian, visited the offices of "Daraj" Media and asked for information about the site's officials. After the journalist Hazem Al-Ameen refused to give any information except in the presence

of the lawyer, he left, and a patrol of 10 armed members returned to raid the office and took the journalist to the Verdun station, handcuffed. After nearly two hours at the security headquarters, the journalist left. The investigation was based on a lawsuit filed against him and was previously dropped by the plaintiff.

- 2- On February 3, 2019, with a reference from the government commissioner to the military court, a military police force raided the offices of the Lebanon Debate site in search of journalist Michel Kanbor, the admin of the site, for publishing false information about a problem at the Rafic Hariri International Airport that caused insult for military and security institutions.

Censorship on foreign publications and blocking their contents

On February 12, 2019, the censorship office in the Lebanese general security blocked a picture in the French newspaper "Courrier International" of the Supreme Leader of the Islamic Revolution Ali Khamenei, claiming that it "offended a significant religious figure supported by a large number of the Lebanese people."

Censorship and banning of movies

Films are censored the general security. If it objects on the screening of the film or part of it, the case is then referred to the film censorship committee, which consists of five members representing the Ministry of Information, Education, Economy, Foreign Affairs and the general security. The screening of an entire film can only be banned by a decision of the Minister of the Interior. All cinemas are subject to censorship under the provisions of the law issued on 27 November 1947. The censorship bodies follow vague criteria applied with discretion, including respect for public morals and public sentiment, avoiding sectarian strife and insulting of public authorities.

The censorship committee has recommended the banning of about 20 films, out of which the minister of interior has only agreed to ban three from September to October 2018, the American film "The Nun", according to the censorship committee it "Affects Church rituals and its privacy", "Climax" and "Nocturnal Deconstruction" "The two films were due to be screened at the third film festival" Haunted ", which took place from October 31 to November 4, and specialized in horror films, fantasy, thriller, action and science fiction.

Eighth: Comparative Chart of the prosecution of publication court in Beirut 2018 - 2019

A total of 124 cases were filed to the Publication Court in 2018 as follows:

- 73 personal suit
- 22 public lawsuits on charges of insulting the president of state, stirring sectarian strife, disturbing the public peace and endangering the sovereignty of the state, false news about the military institution .
- 29 lawsuits filed by the supervisory Committee on the elections against media outlets that violated the provisions of the Electoral Law. The second half of the year 2018 from the first of May till December 31 received 67 cases (without suits filed by the Supervisory committee totaling 29 cases) compared with the first part of the same year, totaling 28

cases. In comparison with 2019, the proportion of cases received by the publication court decreased by 46% (15 cases) compared to the same period in 2018 (28 cases).

As of May 1, 2019, the publication court registered nine cases that were distributed as follows:

- 9 personal suits
- 6 public right suit

Ninth: Media Coverage of Violations of Opinion and Expression Issues on Social Media

On April 14, 2019, a group of army intelligence officers raided the camp of Ain el-Hilweh for Palestinian refugees in Saida, south of Lebanon, in search of Kheder Abu Ghazaleh, who is living in the camp, for publishing a video showing an incident involving the Mufti of Saida, Sheikh Salem Saousan. This led to a campaign of condemnation for insulting the Mufti.

How did the media tackle this news? And how it tackled what was stated in the video and the speech that addressed the Mufti Saousan? Most of the media published the story, quoting the national news agency without any scrutiny or analysis except for one story published in the English-language newspaper The Daily Star that categorized the case under the right of criticism and described what happened as an the arrest.

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| Arresting a guy for criticizing the Mufti of Saida (daily star) | Detention of the publisher of video insulting Mufti Saousan (the news was published in the national news agency and was shared by more than 30 electronic websites) |
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| <p>The Lebanese army's intelligence raided the Palestinian refugee camp of Ein el-Hilweh on Sunday to arrest a suspect K.A.G. behind a video criticizing the Mufti of Saida, and was posted on social media.</p> <p>In the video, the Palestinian K.A.G. said that last week he requested a meeting with the mufti of Saida Sheikh Salem Saousan to ask for his help in providing medicine for his mother from a charity fund supervised by the mufti</p> <p>K.A.G. also said in the video that instead of registering his mother, the mufti asked the employee to give him 10,000 LBP (around 7USD) which was considered as an offense to the man</p> <p>“he is not a mufti, and does not represent Islam” said the man in the video</p> <p>In a meeting held later that day with the mufti, the MP Bahiya Hariri said that any offense against mufti Saousan is considered an offense towards the entire city, and that it is impossible for her to remain silent about this case according to the national news agency.</p> | <p>The Lebanese intelligence force in Saida was able to carry out a security operation in the depth of the "emergency neighborhood" adjacent to Ein el-Hilweh refugee camp, and to arrest the Palestinian Khader Abu Ghazaleh, the owner of the video of the Mufti of Saida sheikh Salim Saousan in preparation for the submission of the case to relevant judiciary</p> <p>He published earlier a video on social media insulting the Mufti Saousan</p> |
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