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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Maharat Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Freedom Of Expression And Civic Space In Lebanon Are Under Threat

Introduction

Lebanon, once considered a beacon of free speech in the Middle East region is witnessing a crackdown against freedom of expression. This worrying and worsening trend has been reflected by the instrumentalization of the country's criminal defamation law to silence non-violent criticism against state institutions, including the presidency, the judiciary, security forces practices, and religious figures. In fact, while Article 13 of the Lebanese Constitution nominally protects the right to freedom of expression, as does Article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Lebanon in 1972, which states that "everyone shall have the right to freedom of expression"; the Penal Code and the Publications Law both have penalties for defamation, libel, slander, and blasphemy which can be punished with imprisonment. Thus, laws that allow imprisonment over peaceful criticism of public figures and government officials are incompatible with Lebanon's international obligation to protect freedom of expression.

Furthermore, the dramatic increase in the number of assaults on media workers, journalists and activists by both government agents and non-state actors reveals that the situation of freedom of expression in Lebanon is drastically deteriorating. Maharat Foundation is worried about the continuing impunity for these violations of fundamental freedoms since none of the perpetrators have been held accountable through swift and transparent proceedings due to a lack of political will.

Regression of Lebanon civic space

Over the last years, civic space in Lebanon has undeniably been shrinking. In 2020, Lebanon witnessed a staggering 193 violations of freedom of expression, the majority of which were assaults on journalists by non-state actors and Lebanese security forces.¹ From October 2019 to October 2020, Maharat Foundation documented verbal and physical attacks on journalists and media employees in a detailed report, which revealed that attacks on journalists and media workers on duty were common.² However, impunity continues to reign supreme as investigations do not lead to any conclusions despite the tremendous amount of video and photographic evidence. Moreover, journalists who speak out against the political elite have been subjected to online harassment on social media. Journalist Dima Sadek has been the target of intermittent threats ever since the start of anti-government protests in 2019 due to her anti-establishment stance which made her the ideal target for pro-government online trolls. Several cases of sexual harassment on social media have also been reported by female journalists. The Lebanese authorities failed to protect these journalists, resulting in a chilling effect on free speech.

Similarly, the assassination of Lokman Slim, a prominent critic of Hezbollah is "emblematic of the regression of Lebanon civic space, in the context of a reported surge of arrests, intimidations, threats and violence against human rights defenders, journalists and activists," according to the Special Rapporteurs.³

A further concern is the growing number of journalists and activists who are being prosecuted or interrogated on ambiguous defamation charges brought by the public prosecutor since "libel," "defamation," and "insult" are not well-defined in Lebanese law. Powerful political and religious figures are as well increasingly resorting to defamation laws as a tool to muzzle peaceful dissent.⁴ Defamation accusations for criticizing the army, president, and public officials can lead to imprisonment of up to 3 years, encouraging a culture of self-censorship. Moreover, the judiciary continues to deal with information provided by journalists and activists about corruption, abuse of power and illicit enrichment, as defamation cases against people in power and officials. However, the United Nations Special Rapporteur on freedom of expression asserted that defamation laws "should never be used to prevent criticism of government".⁵

Numerous cases of activists, journalists and citizens interrogated or arrested for criticizing the President were documented. Social media influencer Toufic Braidi was interrogated upon his arrival in Beirut on 12 December 2021 as a result of a video he had shared on social media, allegedly insulting the presidency. The interrogation led to the seizure of his passport by the General Security for 3 days.

Furthermore, contrary to the provisions of the Lebanese Constitution, as well as to the decisions of the Human Rights Council⁶ concerning the promotion, protection and enjoyment of human rights online, Lebanese courts apply to freedom of expression cases on social media and non-news websites the provisions of the General Penal Code considered as more restrictive than the Publications Law that applies only to printed and audiovisual media.

In the same spirit, the Code of Military Justice allows the prosecution of civilians before military courts without any guarantees for a fair and transparent trial, as these courts are special and their rulings are final, unappealable and unjustified. Indeed, individuals who have been tried in military courts have described torture, forced confessions, lengthy pretrial detention, decisions issued without an explanation and seemingly arbitrary sentences. On 26 November 2021, Radwan Mortada, a reporter for the local daily Al-Akhbar was sentenced by the Permanent Military Court in Beirut to 13 months' imprisonment for allegedly insulting the military, according to the Skeyes Center for Media and Cultural Freedom. Mortada was charged with defamation after criticizing the way Lebanese Authorities handled the Beirut Blast investigation on a local television station. It is of concern that Military Courts are being used as a tool of intimidation to stamp out dissent.

Another matter of concern is the growing number of cases investigated by the Cybercrime and Intellectual Property Bureau specializing in cybercrime, which highlights the misuse of defamation laws to stifle dissent and restrict freedom of opinion. Indeed, the Cybercrime Bureau investigated 3599 cases of insults, slander and libel from January 2015 to May 2019. For example, on January 20, 2022, the Cybercrime Bureau summoned the activist Tarek Abou Saleh for interrogation following a lawsuit filed by a member of Parliament. The latter was alarmed by Abu Saleh's social media statements about his fuel stockpile and his attempts to ride the revolution's wave. The Human Rights Committee has already expressed concern in its observations on Lebanon's periodic review on May 9, 2018, about allegations of extensive interpretation of the concept of cybercrime by the Cybercrime Centre of the Internal Security Forces aimed at restricting freedom of expression.⁷ Furthermore, investigations led by the Cybercrime Bureau suggested bias in favor of prominent public figures. Interrogation tactics of security agencies including the Cybercrime Bureau were also denounced by the criminal defamation defendants. During interrogations, security agencies use a variety of coercive tactics, including pressuring people to sign pledges promising not to write defamatory content about the complainant in the future, detentions lasting hours or days, denying people their right to counsel, physical and psychological violence as well as privacy violations. Security agencies do not only jeopardize defendants' right to free speech but also their right to a fair trial.

The Access to Information Law: an essential tool in the fight against corruption

As indicated in general comment No. 34 of the Human Rights Committee⁸ on article 19 of The International Covenant on Civil and Political Rights, which Lebanon ratified, article 19 on Freedoms of opinion and expression extends to information held by all public bodies, whether legislative, executive or judicial, and it applies to other entities when they are carrying out public functions.

Furthermore, Lebanon has also ratified the United Nations Convention Against Corruption, which requires states to encourage public participation in the fight against corruption by ensuring that citizens have effective access to information.

To this day, the Access to Information Law passed by the Lebanese Parliament on February 10, 2017 has not been fully implemented in public administrations. Some administrations do not have the human and material resources required in order to implement the law, while others ignore or refuse information requests submitted by journalists and researchers.

Even though the National Anti-Corruption Commission supposed to ensure and oversee the implementation of this law has been formed, questions remain about the efficacy of this mechanism.

Maharat Foundation urges Lebanese authorities to allow the media, research centers and activists access to credible information including regarding the Beirut blast.

1 Skeyes Center for Media and Cultural Freedom, “Annual Report 2020”, March 2021, https://www.skeyesmedia.org/documents/bo_filemanager/SKF2020_ANNUAL_REPORT_EN.pdf

2 Maharat Foundation. “Annual report on Freedom of Opinion and Expression, 2019-2020”, 16 October 2020, <http://maharatfoundation.info/media/1846/summary-foe-2020.pdf>

3 OHCHR, “Lebanon: Intellectual’s murder needs in-depth inquiry to dispel doubts over justice system, say UN experts”, 22 March 2021,

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26930&LangID=E>

4 Human Rights Watch, “There is a price to pay”, 15 November 2019,

https://www.hrw.org/report/2019/11/15/there-price-pay/criminalization-peaceful-speech-lebanon#_ftn353

5 UN Commission on Human Rights, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, UN Doc. E/CN.4/1999/64, January 29, 1999, para. 28(a)

6 Decisions 8/20 on July 5, 2012 (A/HRC/RES/20/8) and 26/13 on June 26, 2014 (A/HRC/RES/26/13)

7 Concluding observations on the third periodic report of Lebanon, International Covenant on Civil and Political Rights, United Nations, 9 May 2018, para 45.

8 UN Human Rights Committee (HRC), General comment no. 34, Article 19, Freedoms of opinion and expression, 12 September 2011, CCPR/C/GC/34