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Freedom on the Net 2020 - Lebanon

PARTLY FREE

52

/ 100

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LAST YEAR'S SCORE & STATUS

52 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

Internet freedom remained tenuous in Lebanon during the coverage period due to the authorities' response to protests that began in October 2019. During the protests, security forces and counterprotesters occasionally attacked journalists. Additionally, public officials continued pursuing cases against individuals who challenged prominent political figures. A number of online journalists and users were arrested during the coverage period. At the same time, the economy has faced significant challenges. Citizens who criticized the banking system and the government's economic management were detained by security forces. The government blocked applications that provided currency-exchange services and information along with some website hosts, claiming that they spread false news.

Lebanon's political system ensures representation for its many sectarian communities, but suppresses intracommunity competition and impedes the rise of cross-sectarian and secularist parties. Residents enjoy some civil liberties and media pluralism, but grapple with the government's inability to address pervasive corruption and inconsistent support for the rule of law. Lebanon has also struggled to support the refugees who make up over a quarter of its population, with refugees from Syria facing especially difficult circumstances as they face unemployment, restrictions on movement, and the risk of refoulement.

Key Developments, June 1, 2019 - May 31, 2020

- A broad-based antigovernment movement coalesced in October 2019 after the government failed to adequately manage a wildfire crisis and imposed a tax on Voice over Internet Protocol (VoIP) services including WhatsApp. Authorities subsequently harassed, surveilled, and arrested protesters for their online content and activism (see B8, C3, and C7).
- LGBTQ+ dating platform Grindr was unblocked by mobile service providers during the reporting period, though several financial and currency-exchange apps were blocked in May 2020 (see B1).
- During the protests, authorities used WhatsApp to infiltrate protesters' online mobilization tools and attempted to disrupt protest attempts and surveil protesters (see B8 and C5).
- Activists and journalists were continually summoned to the Cybercrime Bureau and interrogated or arrested for content they posted online, particularly if it was critical of political leaders (see C3).

A Obstacles to Access

Lebanon's telecommunications infrastructure remains weak, and communications services expensive. The state retains a monopoly over the internet backbone and dominant ownership of the telecommunications industry. The government did not restrict mobile or internet connectivity during the coverage period, but the economic crisis has presented challenges to connectivity.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet 4 / connections? **6**

Lebanon’s telecommunications infrastructure is weak and constrains access, though leaders have signaled their commitment to bringing about improvements to the country’s information and communications technology (ICT) sector, including through the eventual establishment of a fiber-optic cable.¹ The internet remained relatively slow and expensive during the reporting period, with an average download speed of up to 20.62 Mbps on fixed broadband, though the average mobile download speed reached 44.65 Mbps.²

According to recent reports, 81.3 percent of people living in Lebanon use the internet,³ a marked increase from 44 percent in 2010.⁴ There were 64.5 mobile phone subscriptions per 100 inhabitants in 2018 according to the International Telecommunication Union (ITU), up from 63.7 in 2016.⁵ In its most recent report, Lebanon also scored an Internet Development Index (IDI) value—a metric that ranks internet use, access, and skills—of 6.30 in 2017, improving from 6.09 in 2016. Lebanon’s current rank is well above the world average of 5.11 and only behind Bahrain, Qatar, the United Arab Emirates (UAE), Saudi Arabia, and Oman in the Middle East and North Africa (MENA) region. Lebanon’s “use IDI” ranks higher relative to its overall IDI, which suggests that inadequate infrastructure is ultimately limiting use.⁷

In June 2018, work commenced on the first part of a campaign known as “FTTx,” aimed at bringing internet connection speeds of at least 50 Mbps to certain areas through fiber-optic cables.⁸ This came after a highly publicized campaign in February 2018, when state-run telecommunications company OGERO officially launched a new version of its national internet strategy, which was first introduced to the public in November 2017⁹ after the Council of Ministers allocated \$100 million to OGERO for fiber-optic cable development.¹⁰ Following the February 2018 announcement of the FTTx project, OGERO awarded contracts to three Lebanese companies that “will partner with international vendors” for development: Power Tech, with Norway-based Nokia; BMB Group, with US-based Calix; and SERTA, with China-based Huawei.¹¹ The project, which has faced numerous delays, was 35 percent complete at the end of 2019.¹² FTTx is partially deployed in a few towns and gated communities and is slated to reach areas of Beirut by the third quarter of 2020.¹³

The economic crisis also threatens the viability of both the internet and telecommunications sector. In January 2019, Imad Kredieh, OGERO’s chairman, stated that if it did not receive \$4 million in foreign currency by the end of March 2020, it might be forced to shut down. Though this shutdown never occurred, in June 2020, newspaper *Al-Akhbar* reported that Touch, one of Lebanon’s two government-owned mobile service providers, failed to pay for the fuel that it depends on to continue to operate. According to *Al-Akhbar*, suppliers were no longer willing to accept Touch’s credits; if they were to stop supplying fuel for Touch operations, mobile services would cease within a month.¹⁴ The fuel shortage still threatens the viability of telecommunication companies.

While the state owns Touch and Alfa (a mobile network), private firms Zain and Orascom Telecom Holdings were previously responsible for managing the two networks; however, their tender expired in 2019. They continue to manage the networks temporarily, but telecommunications minister Talal Hawat announced that the ministry would present a new tender to the cabinet in September 2020. After Hawat submits the documents, the cabinet will still have to approve and launch the tender.¹⁵

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the 1 / population for geographical, social, or other reasons? **3**

Lebanon has expensive communications services—including the fourth-most expensive mobile internet in the MENA region, according to 2019 research by the website Cable.¹⁶ Internet subscription prices are set by the government, and internet service providers (ISPs) cannot lower prices unless a decree is issued by the Ministry of Telecommunications.¹⁷ However, in May 2017, the cabinet authorized OGERO’s plan to decrease DSL prices. It was passed by the parliament the following month.¹⁸

Rural areas remain less connected than urban ones and also experience longer daily power cuts.

In October 2019, the cabinet proposed a series of regressive taxes, including a tax on VoIP services such as WhatsApp, because of a 33 percent decline in telecommunications revenues.¹⁹ The proposed VoIP taxes were announced alongside other regressive taxes on items including cigarettes. Alfa and Touch would have been able to charge users up to \$6 a month, or \$0.20 daily, but the ministry withdrew the proposal later that month, after protests began. The tax would have limited connectivity if enacted.

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of 4 / restricting connectivity? **6**

While the government has periodically restricted mobile and internet connectivity in past years, no restrictions were reported during the coverage period. However, from August 2014 to September 2017, mobile internet was inaccessible in the northeastern town of Aarsal for “security” reasons, according to former telecommunications minister Boutros Harb.²⁰ Though internet access was restored, there is no law in place to prevent the government from ordering a similar shutdown, and the Telecommunications Law provides it with the authority to do so again.²¹

During the late 2019 protests, mobile internet connections were slower across downtown Beirut, but there was no evidence of intentional throttling. Alfa and Touch deployed additional assets, theoretically to increase coverage, to Martyrs’ Square in downtown Beirut.^{[22](#)}

The Lebanese government maintains a monopoly over the internet backbone, as well as over the fixed and mobile telephone industry in general, and therefore exercises tight control over ISPs. Lebanon has three international border gateways—in Tripoli, Jdeideh, and Beirut—where three underwater fiber-optic cables connect the country via the I-ME-WE (India-Middle East-Western Europe), Cadmos, and Berytar cables, respectively.^{[23](#)} The gateways are all operated by OGERO.

VoIP services are technically restricted under the 2002 Telecommunications Law, also known as Law 431/2002,^{[24](#)} but this ban has only been sporadically enforced.^{[25](#)} OGERO installed equipment to block VoIP services in 2010 and then used it on a handful of occasions to block the Vonage VoIP service, though not Skype or WhatsApp. However, it backed down from the Vonage block after coming under pressure from businesses, civil society, and politicians.^{[26](#)}

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? 2 / 6

The telecommunications industry is largely government-owned and is tightly regulated.^{[27](#)} The fixed-line telephone and internet network is owned and operated by OGERO, from which all companies must purchase services. In addition to running the backbone, OGERO, which claimed it had approximately 41 percent of the market share in 2017 (290,000 of 700,000 official subscribers), sets internet prices and collectively manages online subscriptions with 114 private ISPs, including Cyberia, Terranet Sodeltel, and IDM.^{[28](#)} OGERO reduced the monthly fee that ISPs pay for the E1 line, which enables voice telephone calls, from \$1,000 in 2014 to \$110 in 2018.^{[29](#)}

Private ISPs currently obtain a permit by decree from the telecommunications ministry.^{[30](#)} Crucially, political influence can affect the allocation of contracts to private ISPs and mobile phone operators.^{[31](#)} In February 2020, Social Media Exchange (SMEX), a Lebanese civil society group, released a full list of the 114 licensed ISPs, which it obtained from the telecommunications ministry.^{[32](#)} Formerly, there were a number of “gray zone” providers, which purchased internet service internationally, but between 2014 and 2015 OGERO sold them access to its line at a reduced price.^{[33](#)} Prior to OGERO’s decision to allow private ISPs, former telecommunications minister Harb tried to penalize them by issuing complaints to the public prosecutor in an effort to put an end to “people extending internet services through illegal means.”^{[34](#)}

Lebanon has two government-owned mobile service providers, Alfa and Touch, which are provisionally managed by the private companies Orascom Telecom Holdings and Zain, respectively.^{[35](#)} Because the government sets prices and issues permits for the number of subscriptions allowed, there is little competition in the industry, and the two companies split the market evenly.^{[36](#)}

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a 1 / free, fair, and independent manner? 4

Lebanese media and telecommunications laws are regulated by three semi-independent advisory bodies that report to the Council of Ministers. The National Council for Audiovisual Media and the Committee for Establishing Model Bylaws and Practices deal mainly with audiovisual media (television, radio, and satellite), while the Telecommunications Regulatory Authority (TRA) is responsible for liberalizing, regulating, and developing the telecommunications sector.^{[37](#)} Overall, the three bodies are limited in their power and do not have a reputation for being particularly robust or independent regulators, which makes the telecommunications ministry the de facto regulator.

The TRA is nominally independent, but in practice, influential political groups hold sway over the institution, often rendering it ineffective.^{[38](#)} The telecommunications ministry retains the strongest influence over the ICT sector. In fact, three past telecommunications ministers have claimed that the TRA has no real authority, given that the law establishing its powers has not yet been implemented.^{[39](#)} Tellingly, since its launch in 2007, many of the TRA’s objectives have not been met, including the transition from analog to digital networks and the privatization of the telecommunications sector. The TRA has not issued an annual report since the 2014 edition; for the last few years, the only new content on its website has been official public relations announcements.^{[40](#)}

In January 2017, Abdel-Moneim Youssef was dismissed from his two posts as head of OGERO and director general of investment and maintenance at the Ministry of Telecommunications. Youssef was under investigation for corruption and negligence, and was acquitted in June 2017.^{[41](#)} The government subsequently appointed two replacements: Imad Kreidieh as head of OGERO, and Bassel al-Ayyoubi as director general of investment and maintenance at the telecommunications ministry.

B Limits on Content

While filtering of internet content is generally uncommon, authorities blocked 28 applications which the government claimed were spreading misinformation about Lebanon’s economic situation. The LGBT+ dating platform Grindr was unblocked during the reporting period after having been blocked twice during the previous coverage period. Individuals are often pressured by security officials to remove sensitive content, and the online information landscape, while diverse, is dominated by sectarian voices.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content? 4 / 6

Over the past two years, the state has started to block more content, often failing to provide transparency about its decisions and inadvertently blocking additional content. Previously blocked content was limited to sites related to gambling, pornography, and Israel, but the government has recently started to block content outside of those parameters.

Most recently, in June 2020, SMEX learned that websites using web-publishing service Blogger were blocked for users of both state-owned mobile service providers, Alfa and Touch. SMEX was alerted to the block after a user posted an article about Samir Kassir, a professor and journalist who was assassinated in 2005.⁴² The service was later made accessible.

In May 2020, the general prosecutor ordered the Ministry of Telecommunications to block 28 applications, alleging that they were spreading misinformation about the unofficial exchange rate between the Lebanese pound and the US dollar. While the ministry was implementing the block, they also blocked Google Firebase services, which many developers and entrepreneurs rely on to build their applications.⁴³

In January 2019, the telecommunications minister allegedly ordered Alfa and Touch to block Grindr, a popular dating platform for LGBT+ individuals, on 3G and 4G mobile networks. Only Touch complied with the order.⁴⁴ Sources close to the situation claimed that one of the security agencies, for reasons that were unclear, encouraged the telecommunications minister to block the application, which is technically illegal under Lebanese law.⁴⁵ Then, that May, OGERO blocked Grindr in response to a telecommunications ministry directive that referred to an order from the public prosecutor.⁴⁶ Though Grindr has since been available on mobile networks, this decision still sets a disturbing precedent.

Moreover, in December 2018, a judicial order cited the Israel Boycott Law, also known as Decree 12562 of April 19, 1963, to block Wix, the Israel-based web-hosting platform, without giving its users any prior notice.⁴⁷ Digital rights advocates argued that the state should at least have given users a warning so small businesses could prepare to move their websites to other hosts. Wix remains inaccessible on mobile networks and some ISPs, but is accessible on other ISPs.

In 2015, SMEX found that a total of 50 websites had remained inconsistently blocked in Lebanon,⁴⁸ including 23 related to escort services, 11 Israeli sites, 8 gambling websites, 2 websites that breached copyright, and one website identified as a forum for lesbians in the Arab region (see B3). In November 2014, the head of the Cybercrimes Bureau stated that it was monitoring terrorist content and that it had the ability to filter websites connected with terrorism.⁴⁹

YouTube, Facebook, Twitter, and international blog-hosting services are freely available.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content? 2 / 4

There have been incidents in which government security officials, particularly from the Cybercrimes Bureau, pressured individuals and ISPs to remove certain comments—mainly criticism of government officials or the army—from social media pages, blogs, and websites. This often occurs after the involved individual has been arrested.

During the reporting period, there were multiple examples of individuals summoned to appear before the Cybercrimes Bureau for content posted to social media platforms, including Twitter and Facebook. In February 2019, writer and actor Ziad Itani appeared before the Cybercrimes Bureau for Facebook posts about Ziad Hbeish, the husband of the former bureau head Suzanne al-Hajj.⁵⁰ Hbeish filed a slander charge against Itani, who was ordered to delete any offensive posts about Hbeish and his family, and sign a pledge not to approach them in the future.⁵¹ In October 2019, journalist Amer Chibani was summoned over a Twitter post that said SGBL Bank was not dispensing US dollars.⁵² He was charged with threatening the financial stability of the country, and was asked to take the post down. In December 2019, filmmaker Rabih el-Amine was summoned after criticizing the policies of a local bank in a series of Facebook posts and was asked to either delete or edit them before he was released (see C3 and C7).⁵³

In February 2019, Chafic Badr, Ziad Zeidan, and Abed el-Karim Kambriss posted that Beirut mayor Jamal Itani was violating the law on Facebook. That same month, they were summoned to the Cybercrimes Bureau after a complaint was filed by municipality spokesperson Fadi Baghdadi on charges of “libel and defamation.” During the investigation, security officials deleted the content themselves.

In March 2017, then justice minister Salim Jreissati ordered Myriam Klink, a Lebanese pop singer, to remove a music video, “Goal,” one day after he held a meeting with then information minister Melhem Riachi over the matter.⁵⁴ The lyrics talk about “scoring a football goal,” which authorities deemed too sexually explicit, and labeled

the video’s inclusion of a child a form of “exploitation.” A press statement from Jreissati’s office announced that displaying, distributing, or circulating the music video online was strictly prohibited. Violating the decision could result in a penalty of 50 million Lebanese pounds (\$33,170).[55](#)

According to Google’s transparency report, one piece of content was restricted for defamation and one for privacy/security between January and June 2019.[56](#) From January to June 2019, Facebook restricted 33 pieces of content; 13 were “in response to a defamation-related court order” and 18 were in response to “private reports related to defamation.”[57](#)

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, 2 / 4

Government decisions to restrict platforms have not always been fully transparent.

Under the 2018 Electronic Transactions and Personal Data Law, Article 125 allows the court to order “the suspension of certain electronic services, block certain websites or cancel accounts on such websites” linked to crimes including terrorism, child pornography, gambling, fraud, money laundering, and “crimes against internal and external security,” while Article 126 gives the public prosecutor power to suspend services and accounts and block websites for up to 30 days (see C5).[58](#)

Generally, websites are blocked through court orders: the court receives a complaint and files it with the Cybercrimes Bureau for further investigation, later issuing a final order to the Ministry of Telecommunications, which then blocks the websites through OGERO. Website owners are not notified that their websites have been blocked, but still must appeal the blocking within 48 hours in order to have the decision overturned. However, the first blocking of Grindr, which took place in January 2019, was carried out in the absence of a court order.

Among intermittently blocked websites, those related to escort services were blocked in accordance with Articles 523 and 524 of the penal code (see B1). The Israeli sites were blocked in accordance with Decree 12562 of April 19, 1963, which called for the boycotting of Israel, while the gambling websites were blocked in accordance with Law 417 of 1995, which gives the “Casino du Liban” exclusive rights to the gambling industry. The websites blocked for copyright breaches were the result of a request from the US government. While many of these blocking orders are rooted in the law, the move to block six well-known pornographic websites in 2014 for alleged child sexual-abuse imagery drew the ire of some digital rights activists for the seemingly haphazard manner in which they were chosen.[59](#)

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 2 / 4

Self-censorship is common in the blogosphere and in top media outlets, which are owned by powerful figures from all sides of the political spectrum. Users often fear repercussions from the government or certain political and sectarian groups if they post controversial content. In a 2018 report about online freedom of expression violations, Human Rights Watch (HRW) noted that “many of the individuals interviewed by Human Rights Watch reported self-censoring after their often-intimidating experiences resulting from defamation lawsuits.”

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful 2 / 4

Reflecting Lebanon’s political fragmentation, Lebanese media is highly partisan and controlled by the dominant politico-sectarian actors. In December 2018, the Samir Kassir Foundation and Reporters Without Borders (RSF) released the Media Ownership Monitor, which found that “the top news websites in Lebanon belong to, or mirror, the same political parties that own the country’s traditional media. The same political agendas reflected in traditional media also exist online.”[60](#)

Elite families directly involved in politics own several prominent media outlets.[61](#)[62](#) For example, former prime minister Saad Hariri and his family own Future TV, *Al-Mustaqbal* and the *Daily Star*, both print outlets with an online presence, and a host of other outlets. Speaker of Parliament Nabih Berri partially owns the National Broadcasting Network (NBN) and its affiliates, while Hezbollah controls a vast network of media outlets, including Al-Manar TV and Al-Nour radio. Dominant political figures choose the heads of these outlets, and their news content often advances a particular partisan message. Politicians are also known to attempt to bribe the few independent news outlets and journalists that do exist, particularly during election periods. The structure of the Lebanese media sector also encourages foreign and business interests to invest money in these companies in exchange for influence.[63](#)

Though bots have not been extensively documented in Lebanon, some outlets believe that Saudi Arabia-based bots were responsible for amplifying the “Hassan Diab is a Thief” hashtag that became popular in early 2020, when Prime Minister Hassan Diab formed a new cabinet.[64](#)

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content 2 / 3

Independent digital media outlets struggle for sustainability due to Lebanon’s relatively weak digital advertising market, as the majority of advertising revenue is absorbed by television and other traditional media. One of the main obstacles in boosting the digital advertising market is Lebanon’s slow and unreliable internet. [65](#)

B7 0-4 pts

Does the online information landscape lack diversity? 3 / 4

Lebanese users have access to a variety of local and international news and media. While relatively pluralistic, the media landscape is dominated by the agendas of powerful politico-sectarian leaders and their allies, often overshadowing the voices of minority groups (see B5).[66](#) However, a number of new independent online media outlets launched after widespread protests took place beginning in October 2019.

Despite evidence of some filtering, taboo subjects that would normally be banned from mainstream media outlets, such as pornography, content supportive of Israel, and sectarian hate speech, are generally available online. Because article 534 of the penal code has been used to prosecute LGBT+ individuals, content about the LGBT+ community operates in a legal gray zone and has been subject to censorship (see B1).

Facebook, Google, YouTube, Microsoft’s Live.com, and Wikipedia rank among the ten most visited websites in Lebanon.[67](#)

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on 5 / political and social issues? 6

Score Change: The score declined from 6 to 5 due to government interference of online mobilization during the October 2019 protests as well as online harassment of activists.

In recent years, civil society organizations and individual actors have used the internet as a primary or secondary tool to extend the reach of their national awareness-raising campaigns. In October 2019, protests erupted after the government announced it would institute a tax on voice calls made over WhatsApp. Though the government reversed these plans, widespread demonstrations broke out against economic deterioration, corruption, and the political system.[68](#) During the protests, the hashtag [#لبنان_يَتَقَطُّ](#) (Lebanon rising up) and a number of related hashtags spread in popularity, with users seeking to raise awareness about issues and protest-related events. Certain campaigns were amplified by media personalities with large followings.

However, some activists participating in the protests experienced offline and online harassment during the coverage period (see C7). During the protests, many activists faced harassment and doxxing threats from supporters of establishment parties and those who opposed the protests. Detractors accused activists of using illegal drugs, sexual promiscuity, and harboring ties to other countries in the region, especially Syria. Additionally, government forces used WhatsApp chat groups to identify protest leaders and activists in order to harass or arrest them (see C5).[69](#)

In December 2018, protests against corruption, the country’s poor economy, and the overall political situation were held in Beirut. Modeled after the yellow vest movement in France and numbering in the thousands, they were organized through social media (though some clashes erupted between protesters and security forces).[70](#) In July 2019, around 500 protesters in Beirut demonstrated against an ongoing crackdown on online freedom of expression (see C3). The protest was also reflected online under the hashtag [#AgainstRepression](#) (translated).[71](#)

C Violations of User Rights

Lebanon lacks a legal framework to protect user rights. An alarming crackdown on online freedom of expression continued during the coverage period, with several individuals arrested for criticizing top government officials or commenting on the economic crisis. During the October 2019 protests, the government used WhatsApp to identify—and in some cases arrest—prominent activists and protest leaders based on their online activity in WhatsApp groups.

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to 2 / information, and press freedom, including on the internet, and are they enforced by a judiciary that 6 lacks independence?

The constitution guarantees freedom of expression, freedom of assembly, and freedom of the press. However, articles in the penal code and the military justice code place restrictions on freedom of expression (see C2). The judiciary also lacks independence, as it is subject to considerable political influence.[72](#)

Other issues persist. While Lebanon passed a law on the right to access information in 2017,[73](#) state agencies rarely comply. For example, when the Gherbal Initiative, a Lebanese nongovernmental organization (NGO), sent access-to-information requests to 133 administrations, they received just 34 responses.[74](#) In the wake of the protests that began in October 2019, there has been a push for stronger enforcement of the Access to Information Law, and the law is now being viewed as a potential tool to reduce corruption.[75](#)

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities? 2 / 4

The Lebanese penal code prohibits defamation of the president, public officials, and the army. Article 157 of the military code of justice also prohibits insults against the army.⁷⁶ In 2016, the Court of Cassation ended the debate over which law regulates speech promulgated on social media in Lebanon, opting to place it under the jurisdiction of the penal code instead of the Publications Law.⁷⁷ Because the Publications Law does not explicitly refer to electronic publishing and websites, the Criminal Court of Cassation used the general definition of “publication” from legal articles to decide whether a given website qualified as a press publication. This resulted in some confusion about what forms of online speech are subject to restriction under the Publications Law. The Publications Court has considered journalists’ social media posts to fall under its jurisdiction, even as a number of other courts and nonjudicial bodies have prosecuted journalists for articles they wrote.

Meanwhile, despite the fact that social media posts contain letters, forms, words, and pictures, the Publications Court also decided that social media posts are special publications not intended for distribution to the public on an ongoing basis, in a specific name, and with successive parts—and therefore not subject to the regulations relating to the Publications Law. Instead, the court ruled definitively that social media posts are subject to the penal code, which contains fewer protections for individuals.⁷⁸ The authorities use Article 317, which penalizes those who incite sectarianism or racial strife; Articles 383 to 387, which criminalize the defamation of public officials and the insulting of national emblems; and Articles 473 and 474, which concern blasphemy and religious rituals, to prosecute legitimate online speech.

C3 0-6 pts

Are individuals penalized for online activities? 3 / 6

Score Change: The score changed due to fewer long convictions during the reporting period than in previous years, however users were still arrested for their online activity.

A significant crackdown on online freedom of expression began in late 2017 and has continued over the past three years.⁷⁹ SMEX recorded 65 violations of free expression online in 2019, compared to 36 cases in 2018 and 12 in 2017. SMEX has recorded 20 cases since the start of 2020. Moreover, there have been more examples of this behavior since protests began in October 2019.⁸⁰

The public prosecutor has ordered security forces to detain netizens, who are sometimes subjected to multiday interrogations, particularly at the hands of Cybercrimes Bureau—which was established in 2006 without a legislative decree that outlined its mandate or defined cybercrime.⁸¹ It often pressures social media users to apologize for their posts, delete controversial content, and sign a letter promising not to harm those offended in the future. While some cases have reached the courts, few are publicly known. Security and military agents also appear to be monitoring social media, leading to interrogations.⁸² HRW found that between January 2017 and May 2019, the Cybercrimes Bureau investigated 3,599 cases concerning “defamation, libel, and slander,” and “185 were initiated based on complaints by public officials, 22 based on complaints by religious institutions, and 46 based on direct referrals from the public prosecutor in the name of public interest.”⁸³

A number of individuals were detained during the coverage period for criticizing top government officials, particularly President Michel Aoun and foreign minister Gebran Bassil. Numerous lawsuits were filed by other public officials and religious figures, alleging defamation and other offenses. Muhal for Freedom of Expression, an initiative operated by SMEX, reported on several of these cases. In July 2019, airport security personnel arrested Mohamed Wehbi upon his arrival from Africa for commenting on a social media post which insulted President Aoun and defended Imam Sadr, a Lebanese-Iranian philosopher who helped give rise to the Amal movement. Wehbi was detained for 12 days and was then released with a residency permit.⁸⁴ Muhal also noted the November 2019 arrest of Zaher Kais, who broadcast footage of security forces attacking demonstrators on Facebook Live.⁸⁵ In May 2019, the head of Lebanon’s General Labor Confederation, Bechara Asmar, was arrested and detained for 10 days for insulting late Maronite cardinal Nasrallah Boutros Sfeir in a leaked video.⁸⁶ A few days later, Asmar resigned. Beirut investigative judge Georges Rizk ordered his release, setting a bail of 500,000 Lebanese pounds (\$330).

In February 2020, three activists and journalists were summoned by the Criminal Investigation Department for spreading “fake news about a local party and inciting sectarianism and racism” online. Two were released, though activist Charbel al-Khoury was arrested for online messages criticizing the leadership of a political party, the Free Patriotic Movement (FPM). He was released several hours later.⁸⁷

In December 2019, the Cybercrimes Bureau summoned four activists, Neamat Bader al-Deen, Zaki Shokor, Mohamed al-Hajj Ali and Youssef Assi, after they posted a photograph of an individual attending a protest; they claimed the individual was a former government agent who attacked protesters.⁸⁸ That same month, filmmaker Rabilh el-Amine was summoned before the Cybercrimes Bureau for criticizing a bank in his Facebook posts; one post included a photograph of Resource Bank chairman Marwan Khair el-Din, who previously announced the bank’s decision to denote US dollar deposits in Lebanese pounds. El-Din later sued el-Amine, who was charged with insulting Al-Mawrarid Bank. El-Amine was asked to sign a pledge to edit the posts and remove profanity to avoid prosecution (see B2).⁸⁹

In June 2019, Ali Ismail was summoned by the Cybercrimes Bureau regarding a post containing an image of an *Al-Diyar* newspaper article entitled “\$500 Million from Cedar to Bassil to Purchase Treasury Bonds.” Ismail was released later that night, without signing a pledge.

In July 2019, Charbel el-Khoury made a joke about Saint Charbel – a religious figure important to both Muslims and Christians – on Facebook, leading to the Catholic Information Council (CIC) filing a lawsuit that invoked Articles 473 through 475 of the penal code. After pledging to refrain from using Facebook for a month, he was released by the Cybercrimes Bureau and the case was closed.⁹⁰ The CIC filed similar suits in July and August, one of them for sharing el-Khoury’s post.⁹¹ In April 2019, Khodor Abu Ghazli was arrested by army intelligence agents in a raid at the Ain al-Hilweh Palestinian refugee camp after posting a Facebook video critical of Sidon’s mufti, who issued a complaint; he was later released.⁹²

In April 2020, activist Michel Chamoun was arrested for a day after posting a video in which he attacked Maronite patriarch Bechara al-Rai; Chamoun called on al-Rai to use church funds to support poor Lebanese who were affected by COVID-19 quarantines.

In May 2020, Dima Sadek, a prominent media personality, was investigated by the Criminal Investigation Department on charges of denigrating the financial position of the state and insulting the reputation of the banking sector, after central bank governor Riad Salameh filed a complaint.⁹³

In March 2019, a military tribunal sentenced Adam Chamseddine, a journalist at television station Al-Jadeed, to three months’ imprisonment in absentia. Chamseddine criticized the arrest of a Syrian tattoo artist on Facebook in October 2018⁹⁴ and was charged under the penal code. State security agents detained the artist, publicly identified him, and alleged he lived with HIV, encouraging his customers to get tested—though they later claimed he was arrested for illegally working as a tattoo artist. Chamseddine reportedly did not receive any subpoenas and did not attend the trial.⁹⁵ In April, the tribunal ruled that Chamseddine’s case was outside its jurisdiction, referring it back to the military prosecutor.⁹⁶ Separately, in June 2018, journalist Fidaa Itani was sentenced in absentia to four months’ imprisonment for a Facebook post criticizing the president, foreign minister, and others for the alleged torture and deaths of Syrian refugees in custody.⁹⁷

In April 2019, the General Directorate of General Security (GDGS) arrested Rasheed Joumblatt, former leader of the Arab Tawhid Party, on charges of “inciting sectarian strife and insulting some positions” and “insulting and slandering Minister Gebran Bassil.” Then foreign minister Bassil filed a complaint based on a critical Facebook video; Joumblatt was released on bail after four days, and Bassil later dropped his complaint.⁹⁸ Bassil previously sued Yara Shehayeb in 2018 for defamation after she made a critical social media post against him; the suit was later dropped.⁹⁹ In February 2019, the Cybercrimes Bureau questioned Ziad Itani over posts criticizing former Cybercrimes Bureau head Suzanne al-Hajj and her family. Itani was permitted to leave after deleting the posts and pledging not to approach the family.¹⁰⁰ That same month, the public prosecutor of the city of Nabatieh accused Ali Barakat of “stirring sectarian strife” for mocking late premier Rafiq Hariri, who was assassinated in 2005, on Twitter months earlier; the public prosecutor acted at the request of lawyers affiliated with the Hariris’ Future Movement party.¹⁰¹ The case remained open as recently as July 2019.¹⁰² Lebanese Forces (LF) party leader Samir Geagea sued journalist Abbas Saleh in August 2018 after Saleh accused him of stealing public funds in a Facebook post. Geagea ultimately dropped the complaint.¹⁰³ That same month, Geagea sued Facebook user Jean Elias, claiming he mocked the LF.¹⁰⁴ In June 2019, army intelligence agents detained a boy in Aakkâr Governorate for sharing an image critical of President Aoun on WhatsApp over a year earlier. He was detained for a day, despite his father’s pleas, and was forced to sign a pledge promising not to publicly criticize the president.¹⁰⁵

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 3 / 4

The government requires registration for prepaid SIM cards and has flirted with the idea of introducing biometric registration. Effective September 2018, the Ministry of Telecommunications requires individuals to register their International Mobile Equipment Identity (IMEI) number, which corresponds to their phone number, on a nonsecure government website.¹⁰⁶ In December 2017, the Ministry of Telecommunications proposed the introduction of biometric SIM cards, which would force every person who purchases a SIM card to provide biometric information. The ministry did not expand on how this plan would work in a country where people routinely purchase mobile phones from private shops, but cited “security concerns” as the reason for the proposal.¹⁰⁷

Although it was introduced as a tax to increase revenue, the government’s proposed plan to tax VoIP services would have likely pushed individuals to use Lebanon’s unencrypted mobile network.

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy? 2 / 6

Mass digital surveillance in Lebanon is facilitated by the weak legal framework on digital privacy, and a legal framework that gives the government a wide mandate to conduct surveillance.

Article 14 of the constitution “ensures the inviolability of the home,” but it is unclear if this law applies to private communications.¹⁰⁸ The Telecommunications Interception Act of 1999 (Law 140/1999) nominally protects the secrecy of communications, but it has limitations and does not mention modern forms of electronic communication. Moreover, the law gives the government the right to surveil communications if a judge grants government agencies access, or if the ministry of interior or minister of defense submits a request to the prime minister for matters concerning “combating terrorism, state security, or crimes related to state security.”¹⁰⁹

During the 2019 protests, Internal Security Forces (ISF) officers infiltrated protesters’ WhatsApp groups and made arrests based on information shared in these groups.¹¹⁰ SMEX also received reports of security agencies confiscating detainees’ phones for unusually long periods of time. However, technical analyses did not reveal any tampering.

In February 2020, *Al-Akhbar* revealed that mobile service provider Alfa purchased deep packet inspection (DPI) software from Sandvine in 2015 and used the technology to share information with security agencies. Additionally, Alfa spent \$3 million on a newer DPI system, produced by NEXIUS, in 2018, but that system is still not functional.¹¹¹

In October 2018, the parliament passed the Electronic Transactions and Personal Data Law, which fails to adequately safeguard personal data. By granting the Ministry of Economy and Trade the responsibility to process data requests, the law effectively turns it into a data protection authority. In addition, Article 97 gives the Ministers of Interior, Defense, Justice, and Health the authority to license data related to state security, court proceedings, and health, placing even more power in the executive branch. Moreover, the law only mentions the instances where a license is not required, rather than clearly outlining all the instances in which entities must obtain a license. Additionally, it does not define a number of key terms, such as “consent,” and fails to place limits on data storage.¹¹²

In October 2017, the cabinet gave security agencies renewed, unhindered access to all telecommunications metadata for a period of four months, after some ministers raised concerns on a previous cabinet motion that had granted access for four months to one year (see C6). The cabinet requested that security apparatuses no longer have unhindered access to telecommunications data in the future.¹¹³ Additionally, intelligence agencies have separate links to different politicians or parties, and in turn their own agendas, which has led to privacy violations.

In January 2018, the Electronic Frontier Foundation (EFF) and mobile-security firm Lookout reported that a surveillance operation called Dark Caracal operated out of a GDGS building in Beirut,¹¹⁴ targeting military personnel, government officials, activists, journalists, and lawyers in 21 countries. The operation relied on a unique mobile surveillanceware tool, dubbed Pallas, which was able to extract hundreds of gigabytes of data from Android devices. Using spear-phishing tactics, Dark Caracal sent Facebook and WhatsApp URLs to users that redirected them to a “watering hole” to download malware-laden, counterfeit versions of secure messaging and circumvention applications. The malware was able to extract messages and phone calls, download applications, monitor calls, and upload files onto Android devices. Additionally, the operation employed traditional malware such as CrossRAT and BandookRAT to extract information from desktop devices.

Security agencies also used surveillance technologies such as FinFisher, Bluecoat PacketShaper, and International Mobile Subscriber Identity (IMSI) catchers.¹¹⁵ WikiLeaks exposed the government’s use of FinFisher, which is sold exclusively to law enforcement agencies and allows them to exploit system updates on targets’ computers.

The rise in the use of biometric technologies by security agencies has also highlighted the need for a stronger data protection law. After the GDGS adopted biometric passports in 2016, the government has embarked on more questionable identification initiatives (see C4).¹¹⁶ In April 2017, the government announced that it would begin issuing biometric residence permits to foreigners.¹¹⁷ The government elected to issue biometric election cards as well, but it ultimately abandoned the idea due to a lack of resources and time constraints. Without a strong data protection law or a judiciary committee, it is unclear if the biometric data is actually being protected and could be used to increase surveillance.¹¹⁸

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring 2 / the communications of their users? 6

Score Change: The score declined from 3 to 2 due to the government’s continued requests for user data from private companies.

The government continued to request user account information from major companies such as Google, Twitter, and Facebook during the coverage period.¹¹⁹ In recent years, the cabinet has passed motions giving the security agencies temporary but unhindered access to all telecommunications metadata (see C5). Alfa and Touch are compelled to comply because they are owned by the government.

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other 2 / actor in retribution for their online activities? 5

Journalists and ordinary citizens sometimes face intimidation for their online comments. During the protests that began in October 2019, a number of activists have been doxxed and harassed. The doxxing efforts often targeted activists who were seen participating in or leading protests on video (see B8). Detractors often insinuated that the activists used illegal drugs, were sexually promiscuous, or had links to foreign countries. Harassers also sometimes highlighted activists’ sympathy for Syrian refugees.

Moreover, a number of journalists and photojournalists were injured by counterprotesters and security forces. In late October 2019, supporters of the Amal political movement beat *An-Nahar* journalist Ali Awada after clashes between party supporters and protesters on Beirut’s Ring Bridge.¹²⁰ In December, Amal and Hezbollah supporters, who

opposed the protests, stole and damaged equipment from journalists Nawal Berry and Dima Sadek. In January 2020, security forces cracked down on protesters and injured a number of journalists from Al-Jadeed, MTV, and Reuters.¹²¹ One social media post showed security forces firing tear gas directly at a group of local journalists.¹²²

In December 2019, filmmaker Rabil el-Amine was “followed and challenged by an unknown man” after posting comments on his Facebook page that were viewed as “insulting.” El-Amine was physically attacked and suffered a broken nose.¹²³

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to 2 / widespread hacking and other forms of cyberattack? 3

Score Change: The score improved from 1 to 2 because fewer targeted cyberattacks and hackings of individuals, activists, journalists, or human rights defenders were reported during the coverage period.

Cybersecurity breaches, cyberwarfare, and criminal hacks have been worrying trends in recent years. In September 2019, hackers broke into the Ministry of Finance’s website and threatened to leak ministry data. In November 2018, Cisco Talos Intelligence Group found that the Ministry of Finance and private Lebanese air carrier Middle East Airlines were targets of a cyberattack by unknown perpetrators.¹²⁴ According to Ihab Chaaban, ICT security officer at the Office of the Minister of State for Administrative Reform (OMSAR), there was a 4,000 percent increase in the rate of cyberattacks between 2012 and 2017.¹²⁵

A committee of ministry, military, intelligence, and private-sector representatives was established in November 2018 by former prime minister Saad Hariri, and was tasked with presenting recommendations to the parliament on establishing a national cybersecurity agency in 2019.¹²⁶

In May 2018, Kaspersky Lab, a Moscow-based cybersecurity firm, reported that it identified a cyberespionage campaign, with servers based in Iran, that targeted Android users in Egypt, Jordan, Lebanon, Morocco, and Iran.¹²⁷ The operation had the capability to record audio and extract messages, browser data, GPS information, and images. While the Kaspersky Lab report provided no information about the Lebanese targets, it noted that the operation specifically targeted employees of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in Jordan. In a follow-up interview with Vice, one of the researchers also noted that the campaign targeted individuals who worked with international NGOs.

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