

# LEBANON

	2012	2013
<b>INTERNET FREEDOM STATUS</b>	N/A	<b>PARTLY FREE</b>
<b>Obstacles to Access (0-25)</b>	n/a	14
<b>Limits on Content (0-35)</b>	n/a	10
<b>Violations of User Rights (0-40)</b>	n/a	21
<b>Total (0-100)</b>	<b>n/a</b>	<b>45</b>

**POPULATION:** 4.3 million  
**INTERNET PENETRATION 2012:** 61 percent  
**SOCIAL MEDIA/ICT APPS BLOCKED:** Yes  
**POLITICAL/SOCIAL CONTENT BLOCKED:** No  
**BLOGGERS/ICT USERS ARRESTED:** Yes  
**PRESS FREEDOM 2013 STATUS:** Partly Free

\* 0=most free, 100=least free

## KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- The Lebanese parliament reviewed numerous proposals for a long-awaited new media law that will seek to regulate internet and mobile communications (see **VIOLATIONS OF USER RIGHTS**).
- Several web users were prosecuted for libel and defamation, though charges were dropped after media pressure or public outcries (see **VIOLATIONS OF USER RIGHTS**).
- In a highly-publicized move, Telecommunications Minister denied a request by the internal security apparatus for access to phone records, e-mail, and other data for millions of Lebanese users, while igniting public discourse on the legality of such requests (see **VIOLATIONS OF USER RIGHTS**).

## INTRODUCTION

The Lebanese public has long had a strong sense of entitlement to freedom of expression and freedom of the press, particularly in comparison to many countries in the region, although in reality some of these freedoms have been curbed. The introduction of the internet to the country in 1991 has furthered this sense while offering even more channels for Lebanese to express themselves and protest any attempt to curb their freedoms.<sup>1</sup> At the same time, the problems that plague traditional media also shape and influence new media and communication technologies, such as sectarian divisions, partisanship, the vague legal environment, and the poor state of infrastructure. These many issues are often attributed to a struggling economy and constant political turmoil.

Over the past year, mainstream and social media were abuzz with stories of low profile police arrests, interrogations, and intimidations that targeted online activists, bloggers, and social media users. There were many unconfirmed reports surrounding attempts by the government to censor or even force the closure of online discussion forums and social media groups that expressed political criticism. As the parliamentary committee on media and telecommunications continues to engage in confidential discussions in drafting a new media law, Lebanese continue to deal with the chaotic, confusing and somewhat restrictive legal environment of the country.

If promises are kept to introduce positive reforms of the legal, infrastructural, and economic aspects of the Lebanese ICT sector, the country can reconfirm its *avant-garde* status within the Arab world. If, on the other hand, the government fails to pass new legislation or worse, implements one of the many poorly-conceived laws it has proposed in recent years, Lebanon risks regressing into an oppressive online environment in which the rights to privacy and information are restricted by authorities. Some developments at the infrastructural level and policy level hint to a brighter future, but the recent government collapse and deteriorating situation due to the conflict in neighboring Syria suggest otherwise. The recent upsurge in political-sectarian conflict has further destabilized Lebanon and contributes to an overall sense of uncertainty over the ICT infrastructure and online media landscape.

## OBSTACLES TO ACCESS

In the past, internet and mobile services had been expensive, slow, unreliable, and difficult to access, especially in rural areas and outside of the capital Beirut.<sup>2</sup> Recently, however, access to the internet in Lebanon has been slowly but steadily improving under pressure from activists and businesses. Figures from the International Telecommunication Union (ITU) showed that internet

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<sup>1</sup> The internet in Lebanon was first introduced to the American University of Beirut in 1991. Public access started two years later, but the significant diffusion of public internet access did not take off until the mid-1990s when multiple ISPs were established. See <http://webscience.blogs.usj.edu.lb/1636/history-of-web-in-lebanon/>.

<sup>2</sup> Jad Melki, Yasmine Dabbous, Khaled Nasser and Sarah Mallat (2012). Mapping Digital Media: Lebanon, New York, NY: Open Society Foundation. <http://www.soros.org/initiatives/media>.

penetration increased from 19 percent in 2007 to 61 in 2012.<sup>3</sup> Broadband penetration (fixed and wireless) stands at 24 percent, although fixed-broadband remains unavailable in many rural areas.<sup>4</sup> Of the estimated 1.3 million internet subscribers in Lebanon, currently 722,000 of them have 3G subscriptions.<sup>5</sup> Nonetheless, 3G connections are slow, sporadic, and unavailable in many remote areas.<sup>6</sup> Overall, there are around 93 mobile telephone subscriptions per every 100 inhabitants.<sup>7</sup>

In October 2011, the Lebanese government dramatically increased the speed of broadband internet and introduced 3G technology to mobile services. Average internet speeds have doubled since March 2012, though Lebanon still ranks only 151<sup>st</sup> in the world for average speeds, according to the independent Household Download Index.<sup>8</sup> The Ministry of Telecommunications promised further improvements and the upcoming introduction of 4G.<sup>9</sup> In the past, however, political clashes between the ministry and operators have delayed network upgrades.<sup>10</sup> In addition, the ministry has been slow to respond to much-needed repairs and upgrades outside of major urban areas, although significant progress has been achieved in the past two years.

The government also substantially lowered the cost of broadband internet and mobile phone subscriptions in 2011, although consumer groups maintain that rates remain significantly more expensive than in many other countries.<sup>11</sup> The monthly subscription fee for ADSL starts at \$22 and reaches up to \$135, including the separate subscription to a fixed phone line.<sup>12</sup> The monthly subscription fee for 3G ranges from \$10 to \$100, excluding the basic mobile subscription and calling fees, which average around \$40.<sup>13</sup> Just over a year ago, these prices were 80 percent higher. Nevertheless, they remain relatively high considering that, in 2011, Lebanon had a gross national income per capita of \$9,140, which translates to \$762 per month.<sup>14</sup> The relatively high prices have not deterred most Lebanese from using internet and mobile services extensively, particularly the youth. Internet usage and digital literacy, however, tend to drop with older and less affluent citizens, as with rural inhabitants.<sup>15</sup>

<sup>3</sup> International Telecommunication Union (ITU), "Percentage of individuals using the Internet," 2012, accessed August 1, 2013, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

<sup>4</sup> Facts and Figures. (2011, December). Telecommunications Regulatory Authority. <http://www.tra.gov.lb/Market-Data-Facts-and-figures>.

<sup>5</sup> Facts and Figures. (2011, December). Telecommunications Regulatory Authority.

<sup>6</sup> The Daily Star. (2012, Nov 10). Internet speed increases in one year.

<http://www.dailystar.com.lb/Business/Lebanon/2012/Nov-10/194587-internet-speed-increases-in-one-year.ashx>.

<sup>7</sup> International Telecommunication Union (ITU), "Mobile-cellular telephone subscriptions," 2012, accessed August 1, 2013, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

<sup>8</sup> The Daily Star. (2013, April 3). Lebanon Internet speed to rise to 20 megabits per second.

<http://www.dailystar.com.lb/Business/Lebanon/2013/Apr-03/212359-lebanon-internet-speed-to-rise-to-20-megabits-per-second.ashx#axzz2PQQPW7BO>.

<sup>9</sup> The Daily Star. (2012, Nov 10). Internet speed increases in one year.

<http://www.dailystar.com.lb/Business/Lebanon/2012/Nov-10/194587-internet-speed-increases-in-one-year.ashx>.

<sup>10</sup> Sami Halabi. (2011, October 3). High Hopes and Higher Hurdles. <http://www.executive-magazine.com/economics-and-policy/High-Hopes-and-Higher-Hurdles/3918>.

<sup>11</sup> The Daily Star. (2013, February 14). Consumer group raps Lebanon telecoms rates .

<http://www.dailystar.com.lb/Business/Lebanon/2013/Feb-14/206361-consumer-group-raps-lebanon-telecoms-rates.ashx>.

<sup>12</sup> See for example: Cyberia Internet: <http://www.cyberia.net.lb>.

<sup>13</sup> See for example: MTC Touch: <http://www.3g-touch.com/#!/mtc3g>.

<sup>14</sup> World Bank. (2011). Lebanon. <http://data.worldbank.org/country/lebanon>.

<sup>15</sup> Melki, J. (2010). Media Habits of MENA Youth: A Three-Country Survey.

*Issam Fares Institute Youth in the Arab World Working Paper Series*, 2(1), 3–50. <http://bit.ly/9PVsQ3>.

Disruptions to internet services are infrequent in urban areas, but tend to occur more often outside of Beirut and in rural areas. The disruptions are usually caused by technical problems and the inability of the network to handle the increased user load.<sup>16</sup> Lebanon is also liable to frequent electrical blackouts, sometimes lasting several hours per day. The Lebanese government maintains a monopoly over the internet's backbone, as well as over the fixed and mobile telephone industry in general, allowing it to exercise tight control over internet service providers (ISPs).

The Lebanese telecommunications industry is government-owned and tightly regulated. Lebanon has two government-owned mobile phone companies, officially named Mobile Interim Company 1 and Mobile Interim Company 2. These operate respectively under the commercial names Alfa and Touch, which are run by the private companies Orascom Telecom Holdings and Zain, respectively.<sup>17</sup> 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 practically split the market evenly between themselves.<sup>18</sup> The fixed-line telephone and internet network is owned and operated by Ogero, a state company headed by Abdulmenaim Youssef. Ironically, Youssef also occupies a position within the Ministry of Telecommunications that oversees the operations of Ogero.

In addition to running the internet's backbone, Ogero sets internet prices and shares in the management of online subscriptions, together with two dozen private ISPs.<sup>19</sup> Since no law regulates their licensing, private ISPs currently obtain a permit by decree from the Ministry of Telecommunications.<sup>20</sup> In addition, the government has significant control over the processing and approving of user applications for broadband services, which can usually take between six to eight weeks. Crucially, political influence can significantly interfere with the allocation of contracts to private ISPs and mobile phone operators.<sup>21</sup>

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 (TV, radio, and satellite), while the Telecommunications Regulatory Authority (TRA) is responsible for liberalizing, regulating, and developing the telecommunications sector in Lebanon. Overall, the three bodies remain largely powerless and fail to live up to their expectations as independent regulators in a modern state. While in theory the TRA is independent from the government, in

<sup>16</sup> Sami Halabi. (2011, October 3). High Hopes and Higher Hurdles. <http://www.executive-magazine.com/economics-and-policy/High-Hopes-and-Higher-Hurdles/3918>

<sup>17</sup> Please see <http://www.touch.com.lb/autoforms/portal/touch/about-touch/who-we-are/about-us> and <https://www.alfa.com.lb/aboutus/companyinfo.aspx>.

<sup>18</sup> The Business Year. (n.d.). Interview Marwan Hayek. The Next Step.

<http://www.thebusinessyear.com/publication/article/2/48/lebanon-2012/the-next-step>.

<sup>19</sup> Facts and Figures. (2011, December). Telecommunications Regulatory Authority. <http://www.tra.gov.lb/Market-Data-Facts-and-figures>.

<sup>20</sup> According to the Telecommunications Regulatory Authority (TRA), it is TRA's prerogative to assess and grant license to ISPs, but the past three ministers of telecommunication have considered that the TRA has no legal authority to do so, and the ministry has used an old law as a basis for their right to grant such license. See below for conflicts between the TRA and the Telecommunications Ministry.

<sup>21</sup> Jad Melki, Yasmine Dabbous, Khaled Nasser and Sarah Mallat (2012). Mapping Digital Media: Lebanon, New York, NY: Open Society Foundation. <http://www.soros.org/initiatives/media>. p. 89.

reality, dominant Lebanese political groups possess a great deal of influence over the institution, often rendering it powerless.<sup>22</sup> For this reason, the Ministry of Telecommunications remains the strongest player in the internet and communications technology (ICT) domain. In fact, the past three telecommunications ministers have gone so far as to claim that the TRA has no real authority since the law establishing its powers has not yet been implemented.<sup>23</sup> Tellingly, since its launch in 2007, many of the TRA's objectives have not been met, namely the transition from analog to digital networks and the privatization of the telecommunications sector. As previously stated, many of these issues are being held up by political disputes.

## LIMITS ON CONTENT

No evidence suggests that the Lebanese government blocks or filters ICT content, particularly in relation to political and social issues.<sup>24</sup> Lebanon's Virtual Museum of Censorship, which is complete with reports about censorship in television, radio, film, literature, and theater, lists only two cases of online censorship: the government's decision to ban Facebook inside parliament in 2011, and a report about the controversial draft media law proposed by the Ministry of Information, discussed below in greater detail.<sup>25</sup> YouTube, Facebook, Twitter and international blog-hosting services such as Wordpress and Blogger are freely available. In fact, Facebook, Google, Yahoo, Windows Live, Wikipedia, Twitter, LinkedIn, Blogspot, and MSN rank among the top 15 most visited websites in Lebanon.<sup>26</sup> However, self-censorship is prominent in the blogosphere and in the country's top media outlets, which are owned by powerful figures from all sides of the political spectrum. For this reason, Lebanese enjoy access to a wide variety of views and perspectives online, even if the online media landscape reflects the country's partisan and sectarian divisions.

While most social media and communication apps are available in Lebanon, certain Voice-over-Internet-Protocol (VoIP) applications are blocked on an inconsistent basis in line with the 2002 Telecom Act.<sup>27</sup> In 2010, the government-owned phone company Ogero installed equipment to block VoIP throughout the network, but subsequently backed down under pressure from businesses, civil society, and politicians. It is important to note that VoIP services are mainly blocked because they cut into government revenues generated by international phone calls. Furthermore, only certain VoIP services are blocked, such as Vonage, while Skype is freely accessible. No clear government decision on the matter exists and the law banning VoIP remains in place, though its implementation remains vague and inconsistent.

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<sup>22</sup> Jad Melki, Yasmine Dabbous, Khaled Nasser and Sarah Mallat (2012). *Mapping Digital Media: Lebanon*, New York, NY: Open Society Foundation. <http://www.soros.org/initiatives/media>, pp. 34 and 82.

<sup>23</sup> Sami Halabi. (2011, July 3). Redialing discord. *Executive Magazine*. <http://www.executive-magazine.com/economics-and-policy/Redialing-discord/4770>.

<sup>24</sup> Imad Atalla. (2010, June 8). *The Daily Star*. <http://www.dailystar.com.lb/Opinion/Commentary/Jun/08/Lebanon-is-stifling-your-digital-freedom.ashx>.

<sup>25</sup> The Virtual Museum of Censorship. <http://www.censorshiplebanon.org/Home>.

<sup>26</sup> Alexa. (2013, March 1). *Top Sites in Lebanon*. <http://www.alexa.com/topsites/countries/LB>.

<sup>27</sup> Imad Atalla. (2010, June 8). *The Daily Star*. <http://www.dailystar.com.lb/Opinion/Commentary/Jun/08/Lebanon-is-stifling-your-digital-freedom.ashx>.

One reason for the lack of blocking and filtering pertains to the highly-politicized landscape of traditional and new media in Lebanon.<sup>28</sup> Government officials are arguably hesitant to engage in censorship out of fears that the moves could be seen as unfairly targeting one political-sectarian group. In the past, this has been shown to quickly galvanize various groups against the government or the state security apparatus, causing riots and unrest.

While filtering is not practiced, there have been limited incidents in which government security officials pressured individuals and ISPs to remove certain comments—mainly criticisms of government officials or the army—from social media pages, blogs, or websites. Acting upon a court order, the Directorate for General Security has, in the past, pushed the administrators of Facebook groups to delete comments or close groups that are seen as defamatory. In addition, intermediaries are legally liable for content posted by users, including domain hosting services and ISPs (for more on libel cases and the arrests of intermediaries, see “Violations of User Rights”).

Taboo subjects that would normally be banned from mainstream media outlets, such as pornography, gambling, content supportive of Israel, and sectarian hate speech, are freely available online. Indeed, two recent and controversial anti-Islam videos, “The Innocence of Muslims” and “The Innocent Prophet,” remain accessible, despite a September 24, 2012 court decision to ban access to the former in Lebanon.<sup>29</sup> Legal experts had expressed skepticism about the ability of authorities to implement the court order.<sup>30</sup>

Many bloggers and online journalists admit to self-censorship, fearing repercussions from the government or specific political or sectarian groups.<sup>31</sup> The issues bloggers and online journalists avoid have changed over time; for example, criticism of Syria before 2005 was rare, but some “red lines” have remained constant, such as criticism of Saudi Arabia and its royal family. Contributing to this censorial culture were the numerous assassinations of journalists and politicians from 2005 to 2011, a period that witnessed significant shifts in power inside Lebanon. This climaxed with the high profile assassination of Prime Minister Rafik Hariri and the subsequent withdrawal of Syrian forces from Lebanon. Nonetheless, even the most controversial topics are openly debated online. For example, although homosexuality remains taboo in Lebanon and laws criminalize “unnatural sexual relationships,” LGBTIQ rights organizations continue to publish content online despite occasional harassment from security officials.<sup>32</sup>

Lebanese users have access to a wide variety of local and international information sources. Reflecting Lebanon’s pluralistic society, Lebanese media is highly partisan and controlled by the

<sup>28</sup> Jad Melki, Yasmine Dabbous, Khaled Nasser and Sarah Mallat (2012). Mapping Digital Media: Lebanon, New York, NY: Open Society Foundation. <http://www.soros.org/initiatives/media>. pp. 21-22.

<sup>29</sup> Al-Jazeera Blogs. (Sept 25, 2012). Lebanese court decides to block internet access to anti-Islam video.

<http://blogs.aljazeera.com/topic/anti-islam-video-protests/lebanese-court-decides-block-internet-access-anti-islam-video>.

<sup>30</sup> Legal Agenda (Al-Mufakira Al-Kanouniya). (2012, October 1). A Lebanese judge interferes to stop the publication of the film “Innocent Prophet.” <http://www.legal-agenda.com/newsarticle.php?id=167&folder=legalnews&lang=ar>, and Agence France Presse, “Lebanese court decides to block internet access to anti-Islam video,” Al Jazeera English, (25 September 2012), <http://blogs.aljazeera.com/topic/anti-islam-video-protests/lebanese-court-decides-block-internet-access-anti-islam-video>.

<sup>31</sup> Human Rights Watch. (2005). False Freedom: Online censorship in the Middle East and North Africa.

<http://www.hrw.org/en/reports/2005/11/14/false-freedom-0>.

<sup>32</sup> See [www.helem.net](http://www.helem.net).

dominant political-sectarian actors, mainly through direct ownership of prominent media outlets.<sup>33</sup> For example, former Prime Minister Saad Hariri owns Future TV, al-Mustaqbal, the Daily Star, and a host of other online and offline media outlets. Similarly, Speaker of Parliament Nabih Berri owns National Broadcasting Network and its affiliates, while Hezbollah controls a vast network of media outlets, including al-Manar TV and al-Nour radio. The heads of these media outlets are chosen by these dominant political figures and their news content clearly advances a particular partisan message. While ensuring plurality, this also creates a climate in which the public sphere is dominated by the agendas of the powerful political-sectarian leaders and their allies, suffocating the voices of those who fall outside the main groups.<sup>34</sup> At the same time, politicians are known to bribe the few independent news outlets and journalists that do exist, particularly during election periods.

Online advertising in Lebanon is growing but remains weak, partly due to the slowness and unreliability of the internet. In addition, advertising agencies have yet to grasp the internet as an advertising platform and local websites remain ill-equipped to handle sophisticated online ads.<sup>35</sup> Whereas affluent politicians are known to purchase bulk subscriptions to newspapers and magazines in order to influence coverage, online advertising remains too small of a factor to be targeted by political groups and businesses. In fact, the majority of advertising revenue continues to go to television and other traditional media, while online sources make up two percent of the total advertising market.<sup>36</sup> Importantly, there is no evidence of violations of net neutrality or of political manipulation in distributing ISP licenses. Similarly, there are no restrictions on who can acquire local or international domains and server space.

Civil society groups have used mobile and social media widely and effectively to mobilize support for their causes. Women's right groups, such as Nasawiya, have been successful in attracting media attention, mobilizing grassroots support, and achieving changes in discriminatory laws and regulations.<sup>37</sup> Their online efforts, combined with strategic litigation and advocacy, led to the implementation of tougher sentences for "honor crimes" in 2011.<sup>38</sup> In 2012, the group also advanced public debate on domestic violence, leading to the proposal of a law currently being discussed in parliament.<sup>39</sup>

In addition, civil society organizations have been successful in halting the passage of two problematic online media laws through online campaigning. Activists and businesses delayed and eventually canceled a parliamentary vote on the highly-restrictive "e-transaction law" in June

<sup>33</sup> Jad Melki, Yasmine Dabbous, Khaled Nasser, and Sarah Mallat. (2012). Mapping Digital Media: Lebanon, New York, NY: Open Society Foundation. <http://www.soros.org/initiatives/media>. pp. 21-22.

<sup>34</sup> Mapping Digital Media: Lebanon, pp. 56-58.

<sup>35</sup> Elias Sakr. (2012, April 20). Online Advertising untapped in Lebanon, The Daily Star,

<http://www.dailystar.com.lb/Business/Lebanon/2012/Apr-20/170785-online-advertising-untapped-in-lebanon.ashx>

<sup>36</sup> Sakr, "Online Advertising Untapped in Lebanon."

<sup>37</sup> Jad Melki and Sara Mallat. (2013). Digital Activism: Efficacies and Burdens of Social Media for Civic Activism in Lebanon. Unpublished manuscript.

<sup>38</sup> Human Rights Watch. (2011). Lebanon: Law reform targets 'honor' crimes. <http://www.hrw.org/news/2011/08/11/lebanon-law-reform-targets-honor-crimes>.

<sup>39</sup> B. Anderson (2012, February 20). Lebanese demonstrate for legal protection against domestic violence. The Daily Star. <http://www.dailystar.com.lb/News/Local-News/2012/Feb-20/163903-lebanese-demonstrate-for-legal-protection-against-domestic-violence.ashx>.

2010.<sup>40</sup> In March 2012, a similar campaign to “Stop LIRA,” the Lebanese Internet Regulation Act proposed by the Ministry of Information, led to a halt in deliberations on the law (for more on the e-transactions law and LIRA, please see “Violations of User Rights” below).

Online mobilization also led to the closing down of a circus that was abusing animals in 2010, as well as the advancement of animal rights legislation in 2011.<sup>41</sup> However, not all digital activists have been successful. One of the most publicized failures pertains to the ongoing anti-sectarianism campaign, which took off in 2011 and so far has not achieved any of its goals and has failed to mobilize a critical mass of supporters in the country.<sup>42</sup> Failures in this domain, however, were not related to censorship, but rather to organizational challenges.

## VIOLATIONS OF USER RIGHTS

The Lebanese constitution guarantees freedom of expression as well as freedom of the press, although those rights have not always been respected in practice. Violations of press freedom typically receive an immediate and passionate reaction from the public, serving as a powerful check against the government’s actions in this domain. However, no specific provisions in these pre-internet era laws relate to online speech, and many have been anticipating a new law for over a decade. Meanwhile, courts apply these and other traditional media laws to the online sphere in an inconsistent and often contradictory fashion.<sup>43</sup> This has produced a confusing legal environment with overlapping jurisdictions and contradictory laws governing online content, including the civil laws, the penal code, the Publications Law, the Audiovisual Law, the elections law, and the military code of justice.<sup>44</sup> Three serious attempts to develop new media laws have generated heated national debates in the past three years, although so far, none have generated any concrete results.<sup>45</sup>

Firstly, the e-transactions law, proposed in 2010, required “anyone providing online services” to apply for a license, allowed for “warrantless search and seizure” of information and equipment, and proposed a licensing and regulatory body with broad unchecked powers over e-commerce companies.<sup>46</sup> In early 2012, the Ministry of Interior proposed the Lebanese Internet Regulation Act (LIRA), which applied the archaic 1962 Press and Publications Law to websites and their employees.<sup>47</sup> Although LIRA was seen as less problematic than the e-transactions law, it included

<sup>40</sup> S. Malo. (2010, August 23). Where online activism meets offline action. The Daily Star.

<http://www.dailystar.com.lb/Spotlight/Aug/23/Where-online-activism-meets-offline-action.ashx>.

<sup>41</sup> B. Al-Quntar. (2011, November 25). Animal rights law heads to Parliament. Al-Akhbar.

<sup>42</sup> Simona Sikimic. (2011, May 16). Laïque demonstrators call for secular state. The Daily Star.

<http://www.dailystar.com.lb/News/Local-News/2011/May-16/Laïque-demonstrators-call-for-secular-state.ashx>.

<sup>43</sup> Jad Melki, Yasmine Dabbous, Khaled Nasser, and Sarah Mallat. (2012). Mapping Digital Media: Lebanon, New York, NY: Open Society Foundation. <http://www.soros.org/initiatives/media>. p. 86.

<sup>44</sup> Mapping Digital Media: Lebanon, p. 86.

<sup>45</sup> Media Sustainability Index. (2010/2011). The development of sustainable independent media in Lebanon.

<http://www.irex.org/project/media-sustainability-index-msi-middle-east-north-africa>.

<sup>46</sup> Social Media Exchange. (2010, June 14). Tague archives: E-transactions law. <http://www.smex.org/tag/e-transactions-law>.

<sup>47</sup> Onternet Blog. (2012, March 19). L.I.R.A: Minister’s v/s Legal Point of View.

<http://blog.onternet.org/?p=335>.

enough vague language and restrictions to evoke fears of broad censorship.<sup>48</sup> For example, LIRA prohibited the publishing of “immoral content,” including matters related to gambling, and did not define which websites were defined as “information websites” and thus were required to register.<sup>49</sup> LIRA also prohibited users from managing more than one website at a time and banned anyone convicted of a “heinous misdemeanor or felony” from owning one altogether. As mentioned, both the e-transactions law and LIRA were halted under public pressure.<sup>50</sup>

In contrast, the law recently proposed by Maharat Foundation was drafted through engagement with various ICT stakeholders and attempts to uphold democratic rights.<sup>51</sup> Nevertheless, the Maharat proposal has garnered some resistance, mainly from the Lebanese Press Federation, which sees it as a threat to its authority.<sup>52</sup> In contrast to the two previously mentioned bills, the Maharat law attempts to regulate print, broadcast, internet, and mobile media, thereby unifying the two main laws that currently regulate the media industry: the 1962 press and publications laws and the 1994 audiovisual law. The Maharat law also abolishes provisions that currently allow for the precautionary detention of journalists “convicted for libelous violations,” and removes the distinction between political and non-political media, and no longer requires newspapers to obtain a license.<sup>53</sup> As of mid-2013, the law was under discussion in the Lebanese parliament’s telecommunications committee.

From a legal perspective, the most serious threat to internet users and online journalists remains the country’s slander and libel laws. Under Article 588 of the Lebanese penal code, defaming the president carries a sentence of 3 to 12 months, while defaming the army or other public figures carries a sentence of up to 6 months.<sup>54</sup> The appeals process is often drawn out and highly politicized. In practice, however, most online users targeted with such accusations are quickly released and the cases are usually forgotten or dropped under public or political pressure. However, even if the cases tend to wither away with little or no legal action, they almost always generate heated public debates and protests. In the recent past, a handful of cases caught the attention of the media and wider public.

On February 5, 2013, local blogger Abir Ghattas was summoned to an International Security Forces (ISF) police station and interrogated for an hour about a blog entry she posted four weeks prior.<sup>55</sup> She had been sued by the former CEO of Spinneys, a local supermarket chain, for defamation after she criticized his handling of the attempted unionization of his company’s workers.

<sup>48</sup> Jillian York. (2012, April 2). Proposed Laws in Lebanon and Iraq Threaten Online Speech. Electronic Frontier Foundation. <https://www.eff.org/deeplinks/2012/03/proposed-laws-lebanon-iraq-threaten-online-speech>.

<sup>49</sup> OnTerNet Blog. (2012, March 19). L.I.R.A: Minister’s v/s Legal Point of View. <http://blog.onternet.org/?p=335>.

<sup>50</sup> Samir Kassir eyes. (2012, April 11). Activists, Bloggers Stop Lebanese Internet Regulation Act, for Now. <http://www.skeyesmedia.org/en/a/Articles/Activists-Bloggers-Stop-Lebanese-Internet-Regulation-Act-for-Now>.

<sup>51</sup> Article 19. (2009). Draft Law Amending the Press Law of Lebanon. <http://www.article19.org/pdfs/analysis/lebanon-amending-the-press-law-of-lebanon.pdf>.

<sup>52</sup> The Daily Star. (2013, April 24). Maharat lashes back at Press Federation over draft law. <http://www.dailystar.com.lb/News/Local-News/2013/Apr-24/214825-maharat-lashes-back-at-press-federation-over-draft-law.ashx>.

<sup>53</sup> The Daily Star, “Maharat lashes back at Press Federation over draft law”

<sup>54</sup> See: <http://www.lebarmy.gov.lb/article.asp?n=ar&id=25540>.

<sup>55</sup> Maharat Foundation. (n.d.). Blogger Abir Ghattas forced to delete a post on her blog. <http://maharatfoundation.org/?p=1328>.

Abir stated she was ordered to sign a pledge that she would not harass Spinneys in the future.<sup>56</sup> She also received a phone call several hours later from the station's commander requesting that she remove the post or "else she will be summoned again."<sup>57</sup> Frustrated with the idea of returning to the police station for a fourth time in only a few months, eventually she removed the title and body of her blog entry and replaced them with the message: "Due to censorship and limitation of freedom of speech, the content of the blog post written on Jan 10, 2013 titled: Michael Wright, Spinneys CEO No More, was forcibly removed."<sup>58</sup> Several Lebanese bloggers took a snapshot of Ghattas' original text before she removed it and posted the article on their blogs.<sup>59</sup> Thus far, she has not been called back to court and the case will mostly likely fade away with no clear court decision, like other similar cases. In an interview, Ghattas noted that her experience was an unusual occurrence in Lebanon.<sup>60</sup>

A similar case pertains to the arrest and beating of Pierre Hashash on November 21, 2012, due to comments he made on Facebook in which he complained about the heavy amount of traffic in a roundabout holding the name of an army commander. The beating of Hashash, a rap artist and former independent candidate for parliament, caught wide media attention, and he was released one week later with no charges filed.<sup>61</sup>

On June 29, 2010, three Lebanese citizens, Naim Hanna, Antoine Ramya, and Chibl Kasab, were accused of defaming the president after they criticized him on a pro-president Facebook group.<sup>62</sup> Their comments were quickly removed from the Facebook group, which was also closed—assumingly by the group manager. Their arrests triggered a storm of tweets, blogs, and online petitions. While they were released on bail for a fee of \$66 each, their cases remain pending and the charges will most likely be forgotten.<sup>63</sup> While other cases may exist, they are seldom reported or are difficult to verify. For example, the popular Lebanese blogger Imad Bazzi stated that he and six other bloggers were arrested, interrogated, and intimidated several times between 2005 and 2010, although evidence is not clear.<sup>64</sup>

Stories of extralegal methods used to identify anonymous online users also abound. These cases tend to be low profile and are often underreported out of fears of public embarrassment or due to government intimidation. One well-publicized case from 2000 pertains to gaylebanon.com, a pro-LGBTIQ rights website. Lebanese vice police tried to force Ziad Mughraby, the owner of the local ISP "Destination" and son of a human rights lawyer, to reveal the names of the website's owners.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Abir Ghattas. (2013, January 10). \*\*Title removed\*\*. <http://abirghattas.com/michael-wright-spinneys-ceo-no-more-2/>.

<sup>59</sup> Ritakml.info. (2013, February 6). <http://ritakml.info/2013/02/06/abir-ghattas-has-the-right-to-disagree-with-a-persons-actions>.

<sup>60</sup> Interview with Abir Ghattas, Beirut, 11 March 2013.

<sup>61</sup> Annahar. (2012, December ). Report: Military Court Releases Pierre Hashash Without Any Charges.

<http://www.naharnet.com/stories/en/62317-report-military-court-releases-pierre-hashash-without-any-charges>.

<sup>62</sup> Jad Melki, Yasmine Dabbous, Khaled Nasser, and Sarah Mallat. (2012). Mapping Digital Media: Lebanon, New York, NY: Open Society Foundation. <http://www.soros.org/initiatives/media>. p. 87.

<sup>63</sup> Ya Libnan. (2010, July 2). 3 men arrested for slandering Suleiman freed on Bail. <http://www.yalibnan.com/2010/07/02/3-men-arrested-for-slandering-suleiman-freed-on-bail>.

<sup>64</sup> Jad Melki, Yasmine Dabbous, Khaled Nasser, and Sarah Mallat. (2012). Mapping Digital Media: Lebanon, New York, NY: Open Society Foundation. <http://www.soros.org/initiatives/media>. p. 92.

Kamal Batal, director of the human rights organization “MIRSAD,” subsequently e-mailed a letter of protest to raise awareness about the issue. Under a military tribunal, both he and Mughraby were convicted of defaming the army and forced to pay a fine of \$219 each.<sup>65</sup>

Currently, Lebanese law does not place restrictions on online anonymity or encryption software. However, there have been reports that the draft media laws currently being debated behind closed doors in parliament do require some form of registration for news websites, similar to the LIRA proposal. Prepaid mobile phones can be easily purchased around the country without any ID requirements. However, users must submit their identity card when purchasing a mobile phone contract where payment is deferred.

The issue of surveillance has garnered much public debate and controversy in the past eight years, which witnessed devastating violence and major political shifts, including a chain of political assassinations (mainly 2005-2008), a 30-day war with Israel (2006), a small-scale civil war (2008), and a political climate that continues to divide the country into two large blocks: the “March 14 Alliance” and the “March 8 Alliance.”<sup>66</sup> At issue was the widespread and aggressive surveillance and private data acquisition by the Information Branch of the ISF, the United Nations International Independent Investigation Commission (UNIIC), and the Special Tribunal for Lebanon (STL), which were responsible for investigating the assassinations, particularly that of the late prime minister Rafik Hariri in 2005.<sup>67</sup> The three organizations enjoyed almost free access to private data between 2005 and 2008, collecting sources as diverse as university transcripts, medical history, and mobile phone records in the name of national security. Their work was largely facilitated by Marwan Hmadeh, the ranking March 14 member and telecommunications minister from 2005 to 2008, himself a survivor of a 2004 assassination attempt.

In general, the laws regulating legal surveillance and the acquisition of communications data are vague and widely disputed. Attempts to develop clear privacy laws and regulations have failed, mainly because of their highly politicized nature. Currently, the typical process for acquiring user data involves a request from the ISF to the Ministry of Interior (or from the army to the Ministry of Defense), which is then sent to the prime minister for approval. The order is then sent to the telecommunications minister for execution—although in some instances the latter has refused to hand over the data to the ISF. This process was approved by the cabinet of ministries in 2009 as part of an agreement to share communication data with security and military officials. However, those who dispute this process, particularly the last three telecommunications ministers, cite the need to obey privacy laws and insist that the government’s 2009 decision is limited to metadata and does

<sup>65</sup> Jad Melki, Yasmine Dabbous, Khaled Nasser, and Sarah Mallat. (2012). *Mapping Digital Media: Lebanon*, New York, NY: Open Society Foundation. <http://www.soros.org/initiatives/media>. p. 86-7.

<sup>66</sup> The past eight years have witnessed major shifts in Lebanese politics, which were triggered by the high-profile assassination of Prime Minister Rafic Hariri in 2005 that prompted massive protests and forced Syrian troops out of Lebanon, thereby changing the balance of power. These events created two major political camps: the March 8 Alliance that included Hezbollah and the Free Patriotic Movement, and was viewed as supportive of Syria and Iran, and the March 14 Alliance that included the Future Movement, the Progressive Socialist Party and the Lebanese Forces, and was seen as opposed to Syria and allied with the USA.

<sup>67</sup> The UNIIC and later the STL, which were established to investigate the assassination of Lebanese Prime Minister Rafik Hariri in 2005, were later accused of collecting private data not relevant to the investigation, including medical records from a local gynecological clinic that is frequented by the wives of many Hezbollah members.

not cover requests for the content of communications transactions and other specific data. During their respective periods in office, the ministers argued that large-scale, broad requests from the ISF should be accompanied by a court order. As a result, the three ministers have had conflicts with the ISF and Prime Minister Najib Mikati,<sup>68</sup> who had struggled to appease both sides and present himself as an independent leader.<sup>69</sup> The politicization of these issues and the failure of any attempts to institute clear regulations remain the most serious problems when it comes to online privacy protection.

The conflict reached its peak in December 2012 when Sehnaoui, the current telecommunications minister, stated through his Facebook page that he had rejected an ISF request dating from October 17, 2012.<sup>70</sup> Writing on his Facebook page in December, current telecommunications minister Nicolas Sehnaoui revealed that the ISF had requested an expansive amount of information on Lebanese citizens for a two-month period of time. The request, based on an investigation into the assassination of a former intelligence chief, included the following information: users' real names, phone numbers, addresses, usernames, passwords, IP addresses, and browsing history, as well as logs for e-mails, chatting services, discussion forums, VoIP applications, and social media.<sup>71</sup> In his Facebook post, the minister called upon "all bloggers, e-journalists, Tweeters and Facebook users and all members of our social media community" to pressure the council of ministers to reject the ISF request.<sup>72</sup> The minister had previously rejected similar requests and even sent a delegation of legal experts to France to discuss the legality of such requests.<sup>73</sup> The debate has addressed the legality of the ISF's right to access the content of text messages, rather than only call records and location data.<sup>74</sup> However, some have doubted the validity of the minister's claims and interpreted it as part of the broader dispute between the ISF, the ministry, and their respective political factions, which have occurred several times over the past years.<sup>75</sup>

In addition, reports of Israeli attempts to infiltrate Lebanon's telecommunications system abound. Over the past four years, several employees working for mobile and fixed phone operators were arrested for allegedly carrying out clandestine intelligence activities for Israel.<sup>76</sup> There were also numerous reports about spying devices discovered on the network.<sup>77</sup> Moreover, attempts by the

<sup>68</sup> Sami Halabi. (2011, July 3). Redialing discord. Executive Magazine. <http://www.executive-magazine.com/economics-and-policy/Redialing-discord/4770>.

<sup>69</sup> (Acting) Prime Minister Najib Mikati resigned March 2013, partly due to a controversy over the term extension for the ISF chief, which Mikati supported and the March 8 alliance opposed.

<sup>70</sup> See: <http://www.facebook.com/Nicolas.Sehnaoui/posts/10152314217230285>.

<sup>71</sup> See Hassan Chakrani. (2012, December 4). Lebanon Security Forces: Give Us Your Facebook Password. Al-Akhbar English. <http://english.al-akhbar.com/print/14241>, and El-Nashra. (2012, December 4). Al-Nashra unveils the documents from the information branch (ISF) requesting log files for web sites. <http://www.elnashra.com/news/show/554968>.

<sup>72</sup> See: <http://www.facebook.com/Nicolas.Sehnaoui/posts/10152314217230285>.

<sup>73</sup> Lebanese law is partly rooted in French law.

<sup>74</sup> Hassan Chakrani. (2012, December 4). Lebanon Security Forces: Give Us Your Facebook Password. Al-Akhbar English. <http://english.al-akhbar.com/print/14241>.

<sup>75</sup> See: <http://www.dailystar.com.lb/News/Local-News/2013/Feb-21/207288-telecoms-data-requests-violate-constitution.ashx#axzz2RqKY4Jq6>.

<sup>76</sup> Sami Halabi. (2011, July 3). Redialing discord. Executive Magazine. <http://www.executive-magazine.com/economics-and-policy/Redialing-discord/4770>.

<sup>77</sup> Sami Halabi. (2011, Jan 3). Broad band's roadblock. Executive Magazine. <http://www.executive-magazine.com/special-report/Broadbands-roadblock/680>.

ISF to install and operate surveillance technologies have been apparently halted recently.<sup>78</sup> In fact, a public debate about illegal phone lines, surveillance, and privacy ensued after the May 2011 confrontation between former minister of telecommunications Charbel Nahas and the ISF. The controversy was triggered after members of the ISF blocked the minister and his team from entering a ministry building to dismantle a non-commercial mobile network which was allegedly used by the ISF for intelligence purposes, without government sanctioning or TRA supervision.<sup>79</sup>

When it comes to cybercafes, operators have only a few requirements by which they must abide, pertaining to registering their business with the ministry of finance for tax purposes and ensuring that all software used in their machines is legal and licensed. Interviewed operators of cybercafes said other matters are left to their own discretion and no special requirements to aid the government exist. Customers are not obliged to identify or register and no monitoring software is installed on machines. They do, however, use firewalls and filters to block pornographic websites, particularly to protect children—a matter that caught media attention in April 2006 and led to the addition of such provisions to the proposed e-transactions law.

Cyberattacks are on the rise in Lebanon, especially those emanating from outside of the country. Over the past year, several government and news websites were attacked multiple times. For example, on April 17, 2012, a group named Raise Your Voice (RYV) simultaneously hacked 15 government websites, including the state-owned *National News Agency* and a handful of ministerial websites.<sup>80</sup> The same group struck again nine days later, enabling Facebook users to post comments on ten government web sites.<sup>81</sup> On June 16, 2012, RYV again hacked two government websites. This latter wave of attacks—seemingly initiated by a local Lebanese group—posted comments criticizing the government for their economic and developmental policies, especially in relation to the electricity shortage and the increasing poverty.<sup>82</sup>

More recently, on February 23, 2013, the group *Team Kuwaiti Hackers* attacked the Lebanese Parliament's website.<sup>83</sup> The hackers posted sectarian comments that criticized specific political groups, namely Hezbollah and the Syrian regime. Moreover, throughout 2012 and early 2013, several news reports surfaced regarding multiple sophisticated viruses that targeted Lebanese computers to infiltrate banks, the financial system, and private financial data.<sup>84</sup> Some experts noted

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Naharnet. (2012, April 17). 'Raise Your Voice' Hacks 15 Lebanese Government Sites.

<http://www.naharnet.com/stories/en/37035>.

<sup>81</sup> Naharnet. (2012, April 26). RYV Hacks Lebanese Govt. Sites Again, Enables Facebook Users to Post Messages.

<http://www.naharnet.com/stories/en/38244>.

<sup>82</sup> Justin Salhani. (2012, June 6). Two Lebanese government websites hacked. The Daily Star.

<http://www.dailystar.com.lb/News/Local-News/2012/Jun-16/177091-two-lebanese-government-websites-hacked.ashx>.

<sup>83</sup> The Daily Star. (2013, February 23). Lebanese Parliament website hacked. <http://www.dailystar.com.lb/News/Local-News/2013/Feb-23/207634-lebanese-parliament-website-hacked.ashx>.

<sup>84</sup> Stephen Dockery. (2012, August 11). Virus plunges Lebanon into cyber war. The Daily Star.

<http://www.dailystar.com.lb/News/Local-News/2012/Aug-11/184234-virus-plunges-lebanon-into-cyber-war.ashx>, and SecureList. (2012, August 10). Gauss: Abnormal Distribution.

[http://www.securelist.com/en/analysis/204792238/Gauss\\_Abnormal\\_Distribution](http://www.securelist.com/en/analysis/204792238/Gauss_Abnormal_Distribution).

that the attacks may have been state-sponsored and aimed at disrupting Syrian and Iranian finances.<sup>85</sup>

The news industry has also been a popular target of such attacks. The most significant has been the hijacking of *al-Mustaqbal* newspaper's home page on April 10, 2013. In a politically motivated attempt to discredit the Special Tribunal for Lebanon (STL), hackers posted the names of alleged witnesses in the Rafik Hariri assassination trial.<sup>86</sup> Other attacks have mainly attempted to overload news websites, such as those against the websites of Now Lebanon (January 19, 2012), NBN TV (February 4, 2012), al-Kifah al-Arabi (March 19, 2012), Murr TV (January 2013 and April 16, 2013), OTV (July 28, 2012), al-Mayadeen TV (August 23, 2012), *Annahar* newspaper (October 15, 2012),<sup>87</sup> and *Arrouwad* newspaper (April 2013).<sup>88</sup> Some journalists' personal web sites and social media pages have also suffered from such attacks, such as Mona Abou Hamzeh's Facebook page (May 15, 2012), Rouaida Mroueh's website (March 24, 2012), and Paula Yacoubian's Facebook page (January 18, 2013).<sup>89</sup>

Many of these cyberattacks are dealt with promptly, though the perpetrators are seldom identified and detained. In one reported incident, the Lebanese Cyber Crime and Intellectual Property Rights Bureau Unit, which belongs to the ISF, apprehended two Lebanese hackers accused of breaking into e-mails and Facebook accounts, stealing their owners' identities, and blackmailing them for ransom.<sup>90</sup> The increase in similar hacking attacks and blackmail attempts has alarmed Lebanese security officials, who remain poorly equipped to deal with them.<sup>91</sup>

There have been relatively fewer attacks on the websites of political parties, civil society groups, and activists in Lebanon, despite their large numbers and the controversial issues they champion. Such incidents include the attacks on the websites of Lebanese Press Photographers (April 14, 2012), the Mohammad Hussein Fadlallah Foundation (April 16, 2012), the Palestinian Human Rights Foundation (June 15, 2012), and the Lebanese Parliamentary Monitor (November 26, 2012).<sup>92</sup> Most recently, the Lebanese Dental Association's website was hacked and the attackers posted the Israeli flag on the homepage.<sup>93</sup> Such cyberattacks are likely to increase in the near future and take on a more significant political role, especially if the situation in Syria continues to deteriorate or in the case of military conflict with Israel.

<sup>85</sup> Al-Monitor. (n.d.). Cyber attack on Lebanese banks: Are Iran, Syria finances target? <http://www.al-monitor.com/pulse/iw/contents/articles/opinion/2012/al-monitor/a-cyber-attack-against-lebanese.html>.

<sup>86</sup> The Daily Start. (2013, April 12). Al-Mustaqbal, STL take action over hacking incident. <http://bit.ly/1bNHJJa>.

<sup>87</sup> See: <http://blogbaladi.com/annahar-releases-mobile-app-and-gets-hacked>.

<sup>88</sup> Samir Kassir eyes. (2013, April 15). Arrouwad's Website Hacked twice in two days. <http://www.skeyesmedia.org/ar/News/Lebanon/3073>.

<sup>89</sup> For a more exhaustive list, please see: <http://www.skeyesmedia.org>.

<sup>90</sup> LBC International. (2012, January 9). Facebook and email hackers arrested in Lebanon. <http://www.lbcgroup.tv/news/16230/facebook-and-email-hackers-arrested-in-lebanon>.

<sup>91</sup> Loyal Kiwan. (2013, April 9). تسونامي الهجمات الالكترونية يضرب لبنان وهدف القرصنة الابتزاز المادي. Lebanon Live News. <http://www.lebanonlivenews.com/idetails.php?id=12725>.

<sup>92</sup> For a more exhaustive list, please see: <http://www.skeyesmedia.org>.

<sup>93</sup> Samir Kassir Eyes. (2013, April 12). Press and Cultural Freedom Violations January – February – March 2013 LEBANON, SYRIA, JORDAN, PALESTINE <http://bit.ly/12Qffiy>.