

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date: 7 August 2023 Index Number: MDE 18/7046/2023

# LEBANON: DEFAMATION AND INSULT LAWS WEAPONIZED TO SILENCE CRITICS

Lebanese authorities and powerful individuals, including political, judicial, religious and security figures, are weaponizing the criminal insult, slander and libel laws to harass, intimidate and silence people who criticize them or try to expose their misconduct or alleged corruption. These problematic provisions in the Penal Code, Publications Law, and the Military Code of Justice, which carry sentences of up to three years in prison, fail to meet international standards and unduly restrict the right to freedom of expression.

Since the start of 2023, authorities have ramped up freedom of expression-related investigations and prosecutions. Amnesty International documented the cases of 10 individuals who have been summoned for interrogation or are being prosecuted based on criminal defamation and insult complaints, nine of which were lodged by high-level officials, arising from their peaceful criticism or reporting work.

On 11 July 2023, in an unprecedented escalation of the assault on freedom of expression, a criminal court sentenced journalist Dima Sadek to one year imprisonment and a fine on criminal defamation and incitement charges that were filed by a prominent political leader after she criticized members of his party.

In summoning people for interrogation solely in relation to their critical speech, security agencies are harassing and intimidating people who express critical opinions about public officials. Authorities often fail to follow standard procedures when summoning individuals, and during interrogation, they often pressure individuals to sign silence pledges or to remove the posts or articles containing the allegedly defamatory material even without appearing before a court. In all the cases, the speech for which the individuals were targeted is protected under international human rights law and is considered necessary for transparency and accountability in a society based on the rule of law.

This threat to peaceful dissent will hinder the ability of journalists, activists, and others to operate independently and speak out about important social, economic and rights issues. Public debate is especially critical at this time in Lebanon, a country blighted by economic and political turmoil, where the judiciary is failing to hold to account officials responsible for multiple crises and human rights violations.

Amnesty International and other rights groups had documented the increasing use of these legal provisions in recent years, especially around the nationwide anti-government protests that began in October 2019.<sup>1</sup> The protests saw tens of thousands of peaceful protesters taking to the streets to express long-standing grievances related to their social and economic rights, in the context of a rapidly deteriorating economic situation. Between 17 October 2019 and 24 June 2020, Amnesty International reviewed 75 cases of individuals summoned, including 20 journalists, in relation to defamation and insult charges.<sup>2</sup>

Criminal penalties are always disproportionate punishments for reputational harm and should be abolished. Civil defamation and criminal incitement laws are sufficient to protect people's reputations and maintain public order, and they can be framed and implemented in ways that provide appropriate protection for freedom of expression.

Amnesty International is calling on the Lebanese parliament to abolish articles in the Penal Code, Publications Law and Military Code of Justice that criminalize insults, replace the articles that relate to defamation, including slander and libel, with a new civil defamation legal regime, and remove civilians from the jurisdiction of the military courts. Such reforms would balance the protection of people's reputations from undue harm while respecting international standards for the protection and promotion of the right to free expression.

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<sup>1</sup> Amnesty International, *Lebanon: Punishing the October protest movement* (Index: MDE 18/2628/2020), 6 July 2020, <https://www.amnesty.org/en/documents/mde18/2628/2020/en/>

<sup>2</sup> Amnesty International, *Lebanon: Punishing the October protest movement* (Index: MDE 18/2628/2020), 6 July 2020, <https://www.amnesty.org/en/documents/mde18/2628/2020/en/>

## BACKGROUND

Between May and July 2023, Amnesty International interviewed 10 people who are being prosecuted or investigated on criminal defamation and insult charges as well as two lawyers representing two of the individuals. In nine of the 10 cases, the individuals are being prosecuted or have been summoned for criticizing high-ranking governmental, security, religious, judicial or political officials or for accusing them of alleged corruption and misconduct.

There are no publicly available statistics on the number of prosecutions related to legal provisions that criminalize peaceful expression. In May and June 2023, Amnesty International sent letters to the Ministry of Justice, the General Directorate of the Internal Security Forces, the Public Prosecution of the Cassation Court, and the Military Court requesting statistics on the number of criminal insult and defamation investigations and prosecutions between 2019 and 2023. Amnesty International only received a response from the Ministry of Justice stating that they are unable to provide statistics since the courts do not have an electronic information system. Amnesty International did not receive responses from the General Directorate of the Internal Security Forces, the Public Prosecution of the Cassation Court, or the Military Court.

## RIGHT TO FREEDOM OF EXPRESSION

Under international human rights law, restrictions on freedom of expression are permissible only in limited instances to protect the rights or reputations of others, to protect national security, public order, public health or morals, or when the speech constitutes incitement to discrimination, hostility or violence.<sup>3</sup> However, any restrictions aimed at protecting these legitimate aims must meet the requirements of legality, necessity and proportionality.<sup>4</sup> The burden is on the state to demonstrate the necessity and proportionality of any restriction and the legitimate reason for which it is imposed.

The UN Human Rights Committee, which interprets the International Covenant on Civil and Political Rights (ICCPR) that Lebanon ratified in 1972, states that “the value placed by the Covenant upon uninhibited expression is particularly high” and that the scope of the right to freedom of expression “embraces even expression that may be regarded as deeply offensive.”<sup>5</sup>

Criminal defamation laws are increasingly seen as inconsistent with the conditions set out above. The UN Human Rights Committee deems that imprisonment is never an appropriate penalty for defamation.<sup>6</sup> Arrests, detention, charges or convictions based on laws that criminalize the peaceful exercise of freedom of expression are considered arbitrary and unlawful. Civil damages are widely seen to be sufficient to redress harm to an individual's reputation.

Properly framed, incitement laws are one of the permissible criminal restrictions on freedom of expression. However, the speech must advocate hatred of a particular national, racial or religious group; there must be a clear intent to incite others to discriminate, be hostile towards, or commit violence against the group in question; there must be a likelihood that others will commit such violence or other harm; and there must be a clear and direct link between the speech/expression and that violence or other harm.

## LEBANON'S INSULT, DEFAMATION AND INCITEMENT LAWS

Lebanon's insult and defamation provisions are included in the Penal Code, the Publications Law and the Military Code of Justice, and the incitement provision is included in the Penal Code.

## PENAL CODE

**Article 292** penalizes insults directed at foreign states, their heads or their political representatives in Lebanon with up to two years' imprisonment.

**Article 317** punishes any acts or words, spoken or written, that are intended to or result in “instigating confessional or racial bigotry, or that provoke conflict between the sects” by up to three years in prison as well as a fine.<sup>7</sup> While properly framed incitement laws are permissible criminal restrictions on the right to freedom of expression, Lebanon's incitement provision does not meet the strict limitations of legality, necessity and proportionality set out under international human

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<sup>3</sup> International Convention on Civil and Political Rights, Article 19 (3).

<sup>4</sup> International Convention on Civil and Political Rights, Article 19 (3).

<sup>5</sup> UN Human Rights Committee (HRC), General Comment No. 34, 12 September 2011, UN Doc. CCPR/C/GC/34, paras 11-38.

<sup>6</sup> UN Human Rights Committee (HRC), General Comment No. 34, 12 September 2011, UN Doc. CCPR/C/GC/34.

<sup>7</sup> Lebanon, Penal Code, 1948, Article 317.

rights standards.<sup>8</sup> For example, the law does not require that the speech be likely to or intended to incite violence, nor does it define what “confessional or racial bigotry” entails.

**Articles 383 and 384** criminalize insults against public employees, officials, judges, the president, the flag, or the national emblem, punishable by up to two years in prison.

**Article 385** defines slander (*tham*) as every attribution that attaches an action to a person or institution that offends their honour or dignity. **Article 386 and 582** provides that slander can incur punishments of up to two years in prison as well as a fine for slander against private citizens, public employees, public officials, the courts, the army, public administrations and the president. The punishments are higher for slandering public employees and officials than for slandering private individuals, and they progressively increase the higher the rank of the official found to have been slandered. This runs contrary to international human rights standards that provide that the threshold of criticism of public officials should be higher than that of private individuals.

Article 385 also defines libel (*qadh*) as contempt, profanity or insult that appears in a publication and is directed against an individual or institution. **Articles 388, 389, and 584** punish libel directed at private individuals, judges, public employees, public officials and administrations, the army and the president by up to a year in prison as well as a fine, with more severe punishments the higher the rank of the individual found to have been libelled.

**Article 474** penalizes insults against religious rituals with up to three years in prison.

The truth (i.e. that the words in question were true) is not a defence in any case of insult and libel, nor in slander cases when directed at the president or a private individual (**Article 387**).

## 1968 MILITARY CODE OF JUSTICE

**Article 157** punishes actions that may harm the “dignity, reputation, or morale of the national army or weaken its military order” with sentences imposed after trials in military courts ranging from three months to three years in prison. The truth of the actions is not considered to be a defence.

**Article 24** gives the military court jurisdiction to prosecute any crimes committed against members of the military, including the Penal Code provisions related to insult and defamation. Military courts in Lebanon are exceptional courts that are neither independent nor impartial, and they have been used to intimidate and punish activists, journalists and human rights lawyers. For example, in June 2022 a military court convicted Lebanese comedian Shaden Fakih of “insulting” and “harming the reputation” of the Internal Security Forces (ISF) and fined her LBP 1,858,000 (USD 50-70 at the market rate at the time). The Cybercrimes Bureau had interrogated her in May 2021 following a complaint by the ISF about a satirical call she made to its hotline during the Covid-19 lockdown, asking them to deliver sanitary pads to her house.<sup>9</sup>

Under international law, the jurisdiction of military courts should be limited to trials of military personnel for breaches of military discipline. The UN Working Group on Arbitrary Detention states that “military courts should not have jurisdiction to try civilians, whatever the charges they face.”<sup>10</sup>

## PUBLICATIONS LAW

The Publications Law, which governs the printed press, established the dedicated Publications Court to try so-called “publishing crimes”. The Publications Court is bound by the Code of Criminal Procedure and applies the provisions of the Publications Law, as well as the Penal Code for crimes not covered in the Publications Law.

The Publications Law criminalizes publications that are “contrary to morality and public morals”,<sup>11</sup> as well as those that defame or insult the dignity of the Lebanese president or the president of a foreign state. Punishments range from two months to two years in prison and a fine.<sup>12</sup> The law also criminalizes insulting the recognized religions in Lebanon that would instigate confessional or racial bigotry, disrupt the peace, or jeopardize the integrity, sovereignty, unity or borders of

<sup>8</sup> These include the Johannesburg Principles on National Security, Freedom of Expression and Access to Information and the Rabat Plan of Action.

<sup>9</sup> Amnesty International, “Lebanon: End military trial against comedian and drop all charges”, 23 June 2022, <https://www.amnesty.org/en/latest/news/2022/06/lebanon-end-military-trial-against-comedian-and-drop-all-charges/>

<sup>10</sup> UN Working Group on Arbitrary Detention, “Opinion No. 27/2008 (Egypt),” A/HRC/13/30/Add.1, 4 March 2010, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/13/30/Add.1&Lang=E>, para. 40.

<sup>11</sup> Lebanon, Publications Law, Article 12.

<sup>12</sup> Lebanon, Legislative Decree 104/1977, Article 23.

the state or its external relations. The punishments range from one to three years in prison and a fine.<sup>13</sup> The law also criminalizes insulting, slandering or libelling public employees, public officials and judges, as defined in the Penal Code, with punishments of up to two years' imprisonment and a fine.<sup>14</sup> The truth of what has been published is only a defence in cases of slander directed against public officials and employees.

While the Publications Law does provide for significant prison sentences for so-called publishing crimes, it does prohibit pre-trial detention. It also stipulates that only an investigative judge, rather than security agencies, can interrogate or question individuals accused of such crimes.

Judges in the Publications Court have issued contradictory rulings over whether the law covers just printed material or also material published online. Consequently, many journalists accused of defamation or insults for content they published online have been prosecuted under the Penal Code and were thus not afforded the protections guaranteed in the Publications Law.

Parliament has been discussing a new media law since 2010. Parliament's Justice and Administration Committee finalized its comments on the draft law in 2021. The 2021 draft prohibits pretrial detention for all publishing crimes, including on social media, but does not eliminate prison sentences for defamation and in some instances increases the prison penalties and multiplies the fines. Amnesty International understands that Parliamentary Committees are also studying amendments to the draft media law proposed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in partnership with the Ministry of Information in 2023. According to a statement by UNESCO, the proposed amendments to the draft in relation to content regulation and freedom of expression bring the law in line with international standards.<sup>15</sup>

The meetings of parliamentary committees tasked with reviewing and amending the draft laws are not publicly announced nor are they open to the public, and the draft laws under discussion are also not made public.

In its concluding observations on the third periodic report of Lebanon in 2018, the UN Human Rights Committee called on the Lebanese authorities to decriminalize insult and criticism of public officials.<sup>16</sup> In its last Universal Periodic Review in 2021, Lebanon rejected recommendations to amend its criminal defamation laws and bring them in line with international standards.<sup>17</sup>

## USE OF CRIMINAL LAWS TO SILENCE CRITICS

In 2023 alone, Amnesty International has documented the cases of 10 individuals who are being prosecuted or have been summoned for interrogation based on criminal defamation and insult complaints as a result of their peaceful criticism or reporting work. High-level officials lodged nine of the complaints. In all the cases, the defamation charges appear to have been used as a means of retaliation rather than to redress genuine harm, and the authorities failed to follow standard procedures that safeguard the defendants' due process rights and/or engaged in intimidating behaviour. In eight of the cases, the individuals were summoned by phone, without any follow-up in writing. In six of the cases, the individuals were not informed of the reason for the summons or the charges against them, breaching their right to be informed. This is an increasingly common trend regarding summons for defamation. Lebanon's Code of Criminal Procedures specifies that summons must be provided in writing, and the document must include, among other things, the offence that is the subject of the prosecution, investigation or trial and the legal provision(s) on which it is based.<sup>18</sup>

The prosecution's quick response to defamation complaints filed by powerful individuals stands in stark contrast with their inaction on other more pressing cases, including cases relating to officials' alleged corruption and torture cases, raising

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<sup>13</sup> Lebanon, Law No. 330/1994, Article 25.

<sup>14</sup> Lebanon, Legislative Decree 104/ 1977, Articles 20, 21, 22.

<sup>15</sup> UNESCO, Explanatory Memorandum on UNESCO's Amendment Proposal to the July 2021 Draft Media Law Prepared by the Parliament of Lebanon, [https://articles.unesco.org/sites/default/files/medias/fichiers/2023/05/Explanatory%20Memorandum%20of%20Changes%20to%20Media%20Law-En\\_Jan2023.pdf](https://articles.unesco.org/sites/default/files/medias/fichiers/2023/05/Explanatory%20Memorandum%20of%20Changes%20to%20Media%20Law-En_Jan2023.pdf)

<sup>16</sup> Human Rights Committee, Concluding observations on the third periodic report of Lebanon, 9 May 2018, UN doc. CCPR/C/LBN/CO/3, paras 45-46.

<sup>17</sup> Human Rights Council, Decision adopted by the Human Rights Council on 8 July 2021, 28 July 2021, UN doc. A/HRC/DEC/47/102.

<sup>18</sup> Lebanon Code of Criminal Procedures Article 147.

concerns about the judiciary's apparent bias. The judiciary in Lebanon is often accused of succumbing to political interference.<sup>19</sup>

Lebanon has largely escaped scrutiny over its crackdown on freedom of expression due to the relatively small number of prison sentences imposed. Between 2015 and the time of writing in 2023, Amnesty International is aware of three other individuals, in addition to Dima Sadek, who the criminal courts sentenced to prison terms on charges relating to insults and defamation, including one sentenced in absentia. During the same period, the Publications Court tried and sentenced in absentia at least one journalist to imprisonment on defamation and insult charges; and military courts tried and sentenced three people in absentia to prison sentences, two of which were revoked on appeal.

After interrogation, the accused are usually given no indication as to whether the charges against them will be dropped. In fact, most defamation cases never reach court. However, the process of being summoned and interrogated by security agencies is itself a form of intimidation and harassment of journalists and activists and has a chilling effect on freedom of expression.

## JOURNALISTS TARGETED

Out of the 10 cases documented by Amnesty International in 2023, five cases related to journalists who were summoned for interrogation based on defamation complaints for their journalism work. Four of the complaints were lodged by senior officials. One of the journalists was sentenced to one year in prison.

In March, Ghassan Oueidat, the Public Prosecutor at the Court of Cassation, himself filed a criminal defamation charge against journalist **Jean Kassir**, co-founder of Megaphone, an independent media outlet, for a post that appeared on Megaphone's account naming Oueidat as one of the "fugitives from justice" in the Beirut port explosion case.<sup>20</sup> Judge Tarek Bitar, who is leading the port blast investigation, had charged Oueidat in January 2023, but Oueidat indicated that law enforcement agencies would not execute the judge's orders and then ordered, without any legal basis, the release of all detainees held in relation to the port explosion.<sup>21</sup>

Kassir was summoned in a way that violated criminal procedures and which Kassir described as "an intimidation tactic". On 30 March, two officers from the Directorate of State Security intercepted Kassir's car in his neighbourhood and summoned him to appear at the Central Investigation Directorate of the General Directorate of State Security (State Security). The security officers told him they could not identify his house but had recognized his car. They did not disclose the reasons behind the summons. Kassir refused to appear for questioning, arguing that he should be afforded the protections of the Publications Law, which prohibit security agencies from investigating publishing crimes. His lawyer, Diala Chehade, went to State Security on his behalf, where she learned what the post in question was and who had filed the complaint.

On 3 April, Kassir was again summoned to appear before State Security at the request of Oueidat. Once again, Kassir refused. Activists and supporters held a sit-in denouncing the summons and expressing solidarity with Kassir. Kassir said that the next day he received a call from the Minister of Information who expressed his support and told him the complaint had been dropped. Kassir told Amnesty International:

"I do not think this is over with. I believe that they [state officials] could issue a new complaint or summons against us at any moment because our publications upset them... We are in a country where there are no guarantees for freedom of expression and freedom of the press... We read it [the summons] as an intimidation attempt and a political message against us. Unfortunately, it has become banal to face such issues. We need to always face such acts with firmness and solidarity. Otherwise, it will lead to more impunity."<sup>22</sup>

Meanwhile, on 31 March, the Cybercrimes Bureau of the Internal Security Forces (ISF), which specializes in combating cybercrime and enhancing online security, summoned journalist **Lara Bitar**, editor-in-chief of the Public Source website, an investigative journalism outlet, to appear for interrogation. Bitar told Amnesty International that the official who called

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<sup>19</sup> Amnesty International, "Lebanon: Judiciary farce in Beirut blast investigation must end", 25 January 2023, <https://www.amnesty.org/en/latest/news/2023/01/lebanon-judiciary-farce-in-beirut-blast-investigation-must-end/>

<sup>20</sup> A massive explosion at Beirut's port on 4 August 2020, which killed 218 people, injured around 7,000 and caused widespread destruction, was blamed on longstanding government mismanagement and corruption at the port.

<sup>21</sup> Amnesty International, "Lebanon: Judiciary farce in Beirut blast investigation must end", 25 January 2023, <https://www.amnesty.org/en/latest/news/2023/01/lebanon-judiciary-farce-in-beirut-blast-investigation-must-end/>

<sup>22</sup> Interview by voice call with Jean Kassir, 13 June 2023.

her did not explain the reasons behind the summons. When she insisted, he only told her that the Lebanese Forces political party had initiated the summons.

Bitar said it became clear that the summons related to an article published eight months earlier on the website about alleged environmental crimes committed by the party during and after the Lebanese civil war (1975-1990). Bitar told Amnesty International that she refused to appear for questioning and that her lawyer, who attended the interrogation session at the Cybercrimes Bureau on her behalf, was told the party would withdraw the complaint if Bitar removed the article. Bitar declined to do so. Bitar said she received a call the next day from the Minister of Information who expressed his support for her and informed her that the case would be transferred to the Publications Court. To date, Bitar's lawyer has not been informed of any further developments in her case.

On 11 May, the Cybercrimes Bureau summoned **Hayat Mirchad**, journalist and editor-in-chief of Sharika Wa Laken, a feminist digital news platform, in a phone call concerning a defamation case filed against her by an actor and director. The summons concerned calls made by Sharika Wa Laken the previous month to boycott a play written and directed by the actor in order to demonstrate solidarity with women and girls who had made harassment allegations against him. Mirchad told Amnesty International that she refused to appear before the Cybercrimes Bureau. Even though her lawyer, Farouk Moughrabi, presented her Press Syndicate membership card at the Cybercrimes Bureau and requested that her case be transferred to the Publications Court, the public prosecutor insisted that Mirchad should appear before the Cybercrimes Bureau for interrogation. Moughrabi told Amnesty International that the public prosecutor refused to receive a legal memo on behalf of Mirchad requesting the transfer of the case to the Publications Court. The public prosecutor also asked him whether Mirchad had obtained a publication licence for her website, even though Lebanon has no law regulating publishing on the internet, including on online platforms and social media. Mirchad and her lawyer are not aware of any subsequent updates on her case.

Similarly, journalist **Pascale Abu Nader**, who writes for the Elnashra news site, told Amnesty International that she received a call from the Cybercrimes Bureau on 19 June summoning her for questioning the next day based on a defamation complaint lodged by caretaker prime minister Najib Mikati. The caller did not provide further details, insisting she would find out more when she appeared for interrogation. Abu Nader refused to attend. To date, she does not know which of her posts or writings prompted the complaint.

On 10 July, a criminal court sentenced journalist **Dima Sadek** to one year imprisonment and a fine of LBP 110 million (equivalent to around USD 1,200 at market rate) pursuant to criminal defamation and incitement charges that were filed by Gebran Bassil, leader of the political party the Free Patriotic Movement, in February 2020 for a tweet in which she criticized members of the party because of violent acts they allegedly committed.

## ACTIVISTS TARGETED

In other cases documented by Amnesty International, senior state officials appear to have used criminal defamation laws to initiate retaliatory legal proceedings against activists engaged in the public scrutiny and evaluation of the officials' conduct. In all these cases, the activists were threatened with prosecution and/or pressured into deleting social media posts and/or signing pledges to stop criticizing the complainant.

On 11 May 2023, **Rashad Zeidan** and **Salam Saab**, activists in the Mount Lebanon region, received a call from the Cybercrimes Bureau summoning them for interrogation. Neither one was informed of the reasons behind the summons. It was only during their interrogation on 12 May that they learned that the Druze Council, the religious council of the unitarian Druze community in Lebanon, had filed a defamation and insult complaint against them because they suspected that the men ran the Facebook page "Nad Nad" and other pages that frequently posted content criticizing the Council and alleging corruption and misconduct. According to Zeidan, the interrogators took the two men's phones and inspected them. The men were held at the Cybercrimes Bureau for 10 hours and said they were threatened with detention throughout the weekend if they do not sign pledges to not criticize the Council. Both of them signed the silence pledges. Zeidan told Amnesty International:

"I don't know if this complaint will proceed to trial or not. It was all to intimidate and silence us... which works with the majority of people here. Most people here are afraid to publicly speak up."<sup>23</sup>

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<sup>23</sup> Interview by voice call with Rashad Zeidan, 27 June 2023.

On the same day, 12 May, the Druze Council issued a statement saying that the lawsuit was filed because “[“Nad Nad”] and other suspicious pages continue to insult religious figures and rituals using vile language, fabricate fake news, and broadcast offensive pictures.”<sup>24</sup>

On 26 June 2023, the Cybercrimes Bureau summoned **Gina al-Chammas**, president of Lebanon Certified Anti-Corruption Managers and former president of the Lebanese Association of Certified Public Accountants, for interrogation on 4 July 2023. This followed a complaint filed against her by former minister and parliamentarian Nouhad al-Machnouk over statements she made in the media about alleged corrupt activities by top officials and businessmen, including al-Machnouk. Al-Chammas told Amnesty International that she attended an interrogation session at the Cybercrimes Bureau that lasted many hours. She said that interrogators asked her lawyer to leave for parts of the session and tried to pressure her to reveal the names of whistle-blowers as well as confidential documents in her possession. This violated the whistleblowers’ protection law that Lebanon passed in 2018, which stipulates that such information can only be revealed to Lebanon’s National Anti-Corruption Commission. When al-Chammas refused to reveal her sources, the interrogators told her she would not be released until she signed a pledge to not make statements against al-Machnouk, which she refused to do. Al-Chammas told Amnesty International:

“It has been three years since I started sounding the alarm on corruption and misconduct, and yet, the judiciary did not take any action to investigate this. I feel that the judiciary works for the interest of private individuals, and not for the public interest. When the [former] minister got upset, the judiciary took immediate action, but they did not take any steps for the sake of the Lebanese public.”

Six hours later, al-Chammas was released without signing a pledge, amid growing calls for public mobilization, upon signing a confirmation of her residential address.

On 15 June 2023, the ISF’s Central Criminal Investigations Office summoned for questioning teacher and unionist **Nisrine Chahine**, who heads the Executive Committee of Contract Teachers in Public Education, without explaining the reason for the summons. During interrogation, Chahine learned that the caretaker Minister of Education, Abbas Halabi, had lodged a defamation and insult complaint against her over a Facebook post in which she accused him of corruption and insulted him. In October 2022, Halabi had terminated Chahine’s contract in public education over her trade union activism and for being outspoken about the ministry’s alleged corruption, but the State Shura Council suspended his decision the following month.

Chahine told Amnesty International that her interrogators tried to pressure her to remove the Facebook post and pledge to not post about the minister:<sup>25</sup>

“They threatened to send me to Hubeich [a notorious police station], cuffed me, and detained me in the courthouse’s detention centre for several hours... I refused to retract anything I said. They eventually released me on the same day upon presenting a certificate confirming my address.”

On 16 June, Chahine received a call from the Cybercrimes Bureau requesting that she appear again for questioning, also in relation to a defamation complaint lodged by the caretaker minister of education. She said that widespread solidarity with her from activists and teachers prompted the Cybercrimes Bureau to call back and inform her that the interrogation session would be rescheduled.

During the same week, Chahine was notified of an upcoming court session related to another criminal defamation case filed against her in 2021. The complaint was filed by a lawyer with close ties to an influential political figure, which was based on her filming protesters chanting against the lawyer a demonstration in June 2020. Chahine expressed suspicion about the timing of the new court session and described these multiple, concurrent legal proceedings against her as a concerted effort to silence her.

Lebanese security officials have also used the criminal defamation laws to silence individuals accusing them of torture and other ill-treatment.

Actor **Ziad Itani**, who was acquitted of bogus espionage charges in 2017, accused State Security officials of forcibly disappearing and torturing him in November 2017 during his detention. He has filed torture complaints against members of State Security. Amnesty International documented his torture allegations, which included beatings with electric cables, tying his body in a stress position, hanging him by his wrists for hours, kicking and punching him in the face, and

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<sup>24</sup> “A statement from the Information Office of the Sheikhdome and the Religious Council on the issue of summons”, 12 May 2023, <https://mouwahidoundruze.gov.lb/news-details/7629/2>

<sup>25</sup> Interview by voice call with Nisrine Chahin, 27 June 2023.

threatening to rape him. While Itani's torture complaints have still not been investigated, the authorities acted swiftly to investigate and prosecute him after a defamation complaint was filed against him in 2020. The complaint was made by the head of State Security, Major General Tony Saliba, and another senior State Security official after Itani publicly criticized the agency for leaking a video of his interrogation to the media. Itani currently faces a criminal defamation trial before Beirut's criminal court.

In all the criminal defamation cases documented by Amnesty International, public officials weaponized the country's defamation and insult laws to intimidate and harass their critics, and the security agencies and judiciary sometimes acted improperly and selectively in ways that demonstrated a bias towards these powerful individuals.

## **AMNESTY INTERNATIONAL'S CALLS FOR ACTION**

The targeting and arbitrary resort to criminal prosecution on defamation and insult charges by Lebanese authorities risks having a chilling effect on the exercise of the right to freedom of expression in the country. The prosecutions, interrogations and fear of imprisonment can deter journalists, activists and critics from speaking out, undermine their work and suppress their ability to engage in critical reporting and commentary. The prolonged and arduous nature of legal proceedings in defamation cases puts immense pressure on those targeted and can paralyse their work, including by consuming their time in years-long and expensive legal battles. This silencing effect undermines the principles of transparency, accountability and the public's right to information. As journalist Hayat Mirchad told Amnesty International:

“Even us, who have a wide supporting base in the civil society and can mobilize the public around our cases, are affected by the chilling effect of such summonses and could sometimes practice self-censorship... These lawsuits drag on forever. This is one of the ways they try to exhaust us. Intimidation has so many forms and it reflects on one's work.”

Amnesty International is calling on the:

### **Public Prosecution Office to:**

- Instruct security agencies to follow the Code of Criminal Procedure when summoning and interrogating individuals, including by ensuring that anyone summoned for interrogation is informed of the reason for the summons, that lawyers are present for the entire interrogation, and that phones are not searched without a judicial warrant.
- Prohibit security agencies from asking individuals to sign pledges or remove alleged defamatory content during their interrogation.
- Hold accountable members of the security forces who violate the Code of Criminal Procedure or engage in ill-treatment during interrogations.
- Refrain from initiating defamation and insult cases.
- Refer individuals accused of speech crimes directly to investigative judges for questioning rather than to security agencies.

### **Lebanese Parliament to:**

- Repeal all insult provisions in the Penal Code.
- Prioritize reforming all laws that criminalize defamation and bring them in line with Lebanon's obligations under international law, including through:
  - repealing all articles criminalizing libel and slander, including Articles 292, 383, 384, 385, 386, 388, 398, 474, 582 and 584 of the Penal Code, and replace them with civil provisions that do not carry prison sentences.
  - providing that truth is a complete defence to defamation, regardless of whom the defamation is directed at (in matters of public interest, the defendant should only be required to have acted with due diligence to ascertain the truth).
  - ensuring that damages awarded are strictly proportionate to the actual harm caused; and
  - explicitly recognizing the public interest in criticism of public figures and public authorities.
- Amend Article 317 of the Penal Code to criminalize only statements that amount to advocacy of national, racial or religious hatred that constitute incitement to discrimination, hostility or violence. The law should clearly define what is meant by each of these terms, using the Rabat Plan of Action as a guide.
- Amend Article 24 of the Code of Military Justice of 1968 to remove civilians and all children from the jurisdiction of the military courts.
- Ensure that a new media law is in line with international standards including by removing provisions that impose



criminal sanctions on insult and defamation.

**Lebanese authorities to:**

- Immediately drop all charges against individuals being investigated or prosecuted solely for their peaceful exercise of the right to freedom of expression.
- Respect, protect, promote and fulfil the human rights, including the right to freedom of expression, of everyone in the country.

**Security agencies to:**

- Comply with Code of Criminal Procedure in summoning and interrogating individuals.
- Not ask individuals to sign pledges or remove alleged defamatory or insulting content during interrogations.

**International community to:**

- Step up efforts to urge Lebanon to undertake these essential human rights reforms.