

HUMAN RIGHTS WATCH

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Frances Sinha, *Human Resources Director*

Annex I: Letter to the ISF Cybercrimes Bureau

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To:

Major Albert Khoury
Head of the Cybercrimes Bureau
Internal Security Forces

Cc:

First Lieutenant Ayman Tajeddine

20 February 2019

Dear Major Khoury,

I am writing to you on behalf of Human Rights Watch to request information held by your office in accordance with Law 28/2017 (The Right of Access to Information).

We would like to request the following information regarding cases your office has investigated relating to defamation, libel, and slander complaints as set out in Articles 383 – 388 of the Penal Code:

- 1) How many cases has your office investigated relating to defamation, libel, and slander complaints between January 1, 2015 and the date of this letter?
-
- 2) How many of those investigations were taken forward and brought by a public prosecutor before the publications court?
- 3) How many of those investigations were taken forward and brought by a public prosecutor before a criminal court?
- 4) How many of those cases have been initiated by the public prosecution?
- 5) How many of those cases have been referred to you by the public prosecution based on complaints filed by public officials?

- 6) How many of those cases have been referred to you by the public prosecution based on complaints filed by private citizens?
- 7) How many of those cases have been referred to you by the public prosecution based on complaints from religious institutions or organizations?
- 8) In how many cases between January 1, 2015 and the date of this letter did the Cybercrimes Bureau request during interrogations that the accused sign a commitment to remove alleged defamatory content online or a commitment to desist from any action, expression, or speech? Were these measures authorized by the public prosecution? What is the legal basis to request such commitments be signed?
- 9) In how many cases did the accused comply with the request to sign a commitment? What happened in cases in which the accused declined to comply? In how many cases in which the accused declined to comply did the public prosecutor bring charges against him or her before either the criminal or publications court? In how many cases in which the accused did comply did the public prosecutor bring charges against him or her before either the criminal or publications court?

We would be grateful to receive your answers to these questions, as well as any additional information you deem to be relevant, by March 15, 2019. We would also welcome the opportunity to meet with you in person to discuss this topic.

Thank you for your attention to this matter. You can reach me at your convenience by phone on +961 [REDACTED] and email on [REDACTED].

Sincerely,

Lama Fakhri
Deputy Director, Middle East and North Africa Division
Director, Beirut Office
Human Rights Watch

Annex II: Response from the ISF

[HUMAN RIGHTS WATCH'S TRANSLATION FROM ARABIC]

Directorate General of Internal Security Forces
Judicial Police Unit
Special Criminal Investigation Department
Cybercrimes and Intellectual Property Rights Bureau

Dear / Ms. Lama Faqih, Deputy Director, Middle East and North Africa Division
Director of the Beirut Office
(Human Rights Watch)

In reference to your request sent to us by fax on 20/2/2019 including a request for information on cases of slander, defamation and libel.

Since the Cybercrimes and Intellectual Property Rights Bureau falls under the Special Criminal Investigation Department of the Judicial Police Unit at the Directorate General of Internal Security Forces, kindly send this request to Public Relations Department at the Directorate General of Internal Security Forces – hence we will receive the request through the proper official hierarchy and prepare what is required.

Please accept our utmost respect

After review, we report as follows:

- 1- How many cases of defamation, slander, and libel cases your office has investigated between January 1, 2015 and the date of receipt of this letter?

- The number of defamation, slander and libel cases between January 1, 2015 and today is around 3599

-

Year	2015	2016	2017	2018	2019
Number	341	755	800	1451	252

-

- 2- How many investigations were taken forward and brought by a public prosecutor before the Publications Court?

-

3- How many investigations were taken forward and brought by a public prosecutor before the Criminal Court?

- The answer to questions two and three does not fall within the purview of our office, and we would refer you to the competent court. All investigations are carried out under the supervision of the competent courts, and after the reports are sealed, they are filed with the referring party.

•

4- What is the number of cases initiated by the Public Prosecution?

- We receive assignments from the public prosecution which serve as notice to investigate into topics that fall within the purview of our office. The number of cases from January 1, 2015 through today is approximately 46.

•

5- What is the number of cases referred to you by the Public Prosecution based on complaints filed by public officials?

- The number of cases referred to us based on complaints filed by public officials is approximately 185.

•

6- What is the number of cases referred to you by the Public Prosecution based on complaints from private citizens?

- The number of cases referred to us based on complaints filed by private citizens is approximately 3346.

•

•

Yea	2015	2016	2017	2018	2019
Number	307	741	744	1368	232

•

7- What is the number of cases referred to you by the Public Prosecution based on complaints filed by religious institutions or organizations?

- The number of cases referred to us by the Public Prosecution based on complaints filed by religious institutions or organizations is approximately 22

•

8- In how many cases between January 1, 2015 and the date of receipt of this letter did the Cybercrimes Bureau request that the accused sign a pledge to remove the alleged defamatory content online, or to pledge to refrain from any action, expression or speech? Were these measures authorized by the Public Prosecution? What is the legal basis to request such pledges be signed?

- The work of our office is conducted under the supervision of and with instruction from the competent courts, in accordance with the applicable laws and procedures (The Code of Criminal Procedure, the Penal Code, the Law on Electronic Transactions and Personal Data, etc.). Thus, all investigative procedures relies on and come at the instruction of the appropriate public prosecution, and so our work is limited to initial investigation of cases referred to us, and any decision taken regarding the accused

(detention, release, proof of residence, pledge, etc.) is under the jurisdiction of the competent court.

- There are no pledges required by investigations in cases related to freedom of opinion or expression. However, we receive complaints from individuals who have been subjected to violations by other individuals—violations criminalized by the Lebanese law, such as vilification, defamation, slander, and libel via social media. And in case of such violations the appropriate court issues instructions in some cases for the violators to pledge not to subject the complainants to any further defamation or vilification.
- The number of individuals released in return for a proof of residence is approximately 1461, including those who have pledged in the investigative report not to subject the complainants [to further abuse] and to remove the electronic content at issue.
-
- 9- In how many cases did the accused comply with the request to sign a pledge? What happened in cases in which the accused has refused to sign? In how many cases in which the accused declined to comply did the public prosecutor bring charges against him or her before either the criminal or publications court? In how many cases in which the accused did comply, did the public prosecutor bring charges against him or her before either the criminal or publications court?
 - As previously stated, the number of those released on their own recognizance is approximately 1461, including those who have pledged in the investigative record not to subject the complainants [to further abuse].
 - [illegible] cases in which the accused have refused to sign is 6.
 - As regards the remaining parts of the question, it is not within the purview of our office to answer, and we would refer you to the competent courts.

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Annex III: Letter to the Ministry of Justice

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Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

To: Ministry of Justice Registrar

March 27, 2019

To whoever it may concern,

I am writing to you on behalf of Human Rights Watch to request information held by the Ministry of Justice in accordance with Law 28/2017 (The Right of Access to Information).

We would like to request the following information regarding cases the criminal courts have heard relating to defamation, libel, and slander as set out in Articles 383 – 388 of the Penal Code:

- 1) How many cases have been referred to the courts based on Article 383 between January 2015 and the date of this letter?
 - - a. How many of these were in relation to insults directed at public employees. How many were in relation to insults directed at judges?
 - - b. How many defendants accused of insults directed at public officials were found guilty, and how many were acquitted? How many defendants accused of insults directed at judges were found guilty, and how many were acquitted?
 - c. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?
- 2) How many cases have been referred to the courts based on Article 384 between January 2015 and the date of this letter?
 - - a. How many of these were in relation to insults directed at the president? How many were in relation to insults directed at the flag or national emblem?
 - - b. How many defendants were found guilty of insults directed at the president, and how many were acquitted? How many defendants were found guilty of insults directed at the flag or national emblem, and how many were acquitted?

- c. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?
- 3) How many cases have been referred to the courts based on Article 386?
 - a. How many of these were in relation to libel directed at the president, courts, organized committees, army, public administrations, or public officials, respectively?
 - b. How many defendants were found guilty, and how many were acquitted for libel directed at the president, courts, organized committees, army, public administrations, or employees exercising public power, respectively?
 - c. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?
- 4) How many cases have been referred to the courts based on Article 388 between January 2015 and the date of this letter?
 - a. How many of these were in relation to defamation directed at the president, courts, organized committees, army, public administrations, or an employee exercising public power, respectively?
 - b. How many defendants were found guilty, and how many were acquitted for defamation directed at the president, courts, organized committees, army, public administrations, or public officials, respectively?
 - c. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?
- 5) How many cases have been referred to the courts based on Article 389 between January 2015 and the date of this letter?
 - a. How many defendants were found guilty, and how many were acquitted?
 - b. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?
- 6) How many cases have been referred to the courts based on Article 474 between January 2015 and the date of this letter?
 - a. How many defendants were found guilty, and how many were acquitted?

- - b. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?
- 7) How many cases have been referred to the courts based on Article 317 between January 2015 and the date of this letter?
 - - a. How many defendants were found guilty, and how many were acquitted?
 - - b. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?

We would be grateful to receive your answers to these questions, as well as any additional information you deem to be relevant, by April 30, 2019.

Thank you for your attention to this matter. You can reach me at your convenience by phone on +961 [REDACTED] and email on [REDACTED]

Sincerely,
Lama Fakih
Deputy Director, Middle East and North Africa Division
Director, Beirut Office
Human Rights Watch

Annex IV: Response from the Ministry of Justice

**Lebanese Republic
Ministry of Justice
The Minister**

**To: Mrs. Lama Fakhri
Director of the Beirut office - Deputy Director, Middle East and North Africa Division at
Human Rights Watch**

Number: 2/2019

Subject: View on the request for statistical information

Reference: Fax sent from your end on 27/3/2019

In relation to the subject and reference mentioned above,
We hereby attach the response of the head of the Lebanese Higher Judicial Council,
Judge Jean Fahed, document number 65/ق/2019 of 5/4/2019, which includes feedback on
your request for statistical information in accordance with the *Right of Access to Information
Law*.

**Beirut, 8/4/2019
Minister of Justice
Dr. Albert Serhan**

**Higher Judicial Council
The President**

Beirut, 5/4/2019

65 ص ق 2019

To: H.E. Minister of Justice

Subject: View on the request for statistical information

Reference: Fax sent by Human Rights Watch and redirected by Your Excellency for information on 29/3/2019

In relation to the subject and reference mentioned above, we present the following notes:

- 1- Article 3 of the *Right of Access to Information Law* defines the administrative documents as written documents, electronic documents, recordings whether visual, video or audio, and photographs in addition to all machine-readable documents, regardless of their form or specifications, held by the administration. According to the same article, administrative documents include for example ,but are not limited to: files, reports, studies, records, statistics, orders, instructions, directives, circulars, notes, correspondence, opinions and decisions issued by the Administration; in addition to contracts entered by the Administration and the documents of the National Archives.
 -
- 2- All the requests mentioned in the letter of Human Rights Watch do not fall under the category of administrative documents as per the definition of Article 3 of the *Right of Access to Information Law*, but are requests for the Administration to prepare statistical reports based on the rulings of Lebanese courts during a specific period of time; and hence these requests fall outside the framework of article 3 referenced above, which relates exclusively to the provision of copies of non-personal documents held by the Administration.
- 3- Lebanese courts do not rely on automation in its work until date and the paper-based statistical reports issued by the courts do not take into consideration the category of offences. Thus, the courts do not have currently the capacity to prepare such statistics by type of lawsuits and the outcomes of the rulings, without allocating new staff to this end.
- 4- The Higher Judicial Council welcomes any initiative Human Rights Watch can undertake to provide the necessary human and financial resources to extract the requested statistical information from the courts and prepare statistical data and analysis about it.

It was necessitated to make clear the above

Sincerely,

**President of the Higher Judicial Council
Jean Daoud Fahed**

HUMAN RIGHTS WATCH

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Annex V: Letter to the Ministry of Defense

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www.hrw.org

To: Ministry of Defense Registrar

March 27, 2019

To whoever it may concern,

I am writing to you on behalf of Human Rights Watch to request information held by the Military Court in accordance with Law 28/2017 (The Right of Access to Information).

We would like to request the following information regarding cases the Military Court has heard relating to defamation, libel, and slander:

- 1) How many cases have been referred to the court based on Article 157 of the Military Code of Justice between January 2015 and the date of this letter?
 - - a. How many of these were in relation to insults directed at the army or its dignity, reputation, and morale? How many were in relation to insults directed at the flag?
 - b. How many defendants were found guilty, and how many were acquitted?
 - c. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?
- 2) How many other cases relating to defamation, libel, and slander have been referred to the court between January 2015 and the date of this letter?
 - - a. How many defendants were found guilty, and how many were acquitted?
 - - b. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?

c. What jurisdiction did the military court have over these cases?

We would be grateful to receive your answers to these questions, as well as any additional information you deem to be relevant, by April 20, 2019.

Thank you for your attention to this matter. You can reach me at your convenience by phone on +961 [REDACTED] and email on [REDACTED].

Sincerely,

Lama Fakhri
Deputy Director, Middle East and North Africa Division
Director, Beirut Office
Human Rights Watch

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Annex VI: Letter to the Publications Court

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www.hrw.org

To:

Publications Court Registrar

April 5, 2019

To whoever it may concern,

I am writing to you on behalf of Human Rights Watch to request information held by the Publications Court in accordance with Law 28/2017 (The Right of Access to Information).

We would like to request the following information regarding cases the court has heard relating to defamation, libel, and slander as set out in Articles 383 – 388 of the Penal Code:

- 1) How many cases have been referred to the court based on Article 383 between January 2015 and the date of this letter?
 - a. How many of these were in relation to insults directed at public employees. How many were in relation to insults directed at judges?
 - b. How many defendants accused of insults directed at public officials were found guilty, and how many were acquitted? How many defendants accused of insults directed at judges were found guilty, and how many were acquitted?
 - c. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?
- 2) How many cases have been referred to the court based on Article 384 between January 2015 and the date of this letter?
 - a. How many of these were in relation to insults directed at the president? How many were in relation to insults directed at the flag or national emblem?
 - b. How many defendants were found guilty of insults directed at the president, and how many were acquitted? How many defendants were

- found guilty of insults directed at the flag or national emblem, and how many were acquitted?
- c. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?
- 3) How many cases have been referred to the court based on Article 386?
- a. How many of these were in relation to libel directed at the president, courts, organized committees, army, public administrations, or public officials, respectively?
 - b. How many defendants were found guilty, and how many were acquitted for libel directed at the president, courts, organized committees, army, public administrations, or employees exercising public power, respectively?
 - c. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?
- 4) How many cases have been referred to the court based on Article 388 between January 2015 and the date of this letter?
- a. How many of these were in relation to defamation directed at the president, courts, organized committees, army, public administrations, or an employee exercising public power, respectively?
 - b. How many defendants were found guilty, and how many were acquitted for defamation directed at the president, courts, organized committees, army, public administrations, or public officials, respectively?
 - c. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?
- 5) How many cases have been referred to the court based on Article 389 between January 2015 and the date of this letter?
- a. How many defendants were found guilty, and how many were acquitted?
 - b. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?

- 6) How many cases have been referred to the court based on Article 474 between January 2015 and the date of this letter?
 - a. How many defendants were found guilty, and how many were acquitted?
 - b. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?

- 7) How many cases have been referred to the court based on Article 317 between January 2015 and the date of this letter?
 - a. How many defendants were found guilty, and how many were acquitted?
 - b. What was the maximum fine handed down to a defendant? What was the maximum prison sentence issued?

We would be grateful to receive your answers to these questions, as well as any additional information you deem to be relevant, by April 30, 2019.

Thank you for your attention to this matter. You can reach me at your convenience by phone on +961 [REDACTED] and email on [REDACTED]

Sincerely,

Lama Fakhri
Deputy Middle East Director
Beirut Office Director
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Annex VII: Letter to the Public Prosecutor

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www.hrw.org

To:

Judge Imad Kabalan
Office of the Public Prosecutor
Beirut, Lebanon

Re: Defamation, libel, and slander cases

May 22, 2019

Dear Judge Kabalan,

I am writing to you on behalf of Human Rights Watch to request information held by your office in accordance with Law 28/2017 (The Right of Access to Information) regarding cases your office has initiated concerning defamation, libel, and slander between January 2015 and the date of this letter.

We also respectfully request a meeting to discuss these cases and other issues affecting free speech in the country.

- 1) How many cases has your office referred to investigation relating to defamation, libel, or slander directed at:
 - a. The President;
 - b. The flag or national emblem;
 - c. The judiciary;
 - d. The army;
 - e. Public administrations; and
 - f. Public officials.
 - g. How many of these cases were initiated by your office, and how many were based on reports by external entities?
 - h. How many of the cases were referred to the judiciary after investigation, and how many cases were closed after investigation?
- 2) How many cases has your office referred to investigation relating to insulting religion?
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- a. How many of these cases were initiated by your office, and how many were based on reports by external entities?
 - b. How many of the cases were referred to the judiciary after investigation, and how many cases were closed after investigation?
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- 3) How many cases has your office referred to investigation relating to inciting sectarian tensions?
 - a. How many of these cases were initiated by your office, and how many were based on reports by external entities?
 - b. How many of the cases were referred to the judiciary after investigation, and how many cases were closed after investigation?
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- 4) How many cases has your office referred to investigation relating to insulting foreign officials or damaging Lebanon's relations with foreign countries?
 - a. How many of these cases were initiated by your office, and how many were based on reports by external entities?
 - b. How many of the cases were referred to the judiciary after investigation, and how many cases were closed after investigation?

We would be grateful to receive your answers to these questions, as well as any additional information you deem to be relevant, by June 15, 2019.

Thank you for your attention to this matter. You can reach me at your convenience by phone on +961- [REDACTED] and email on [REDACTED].

Sincerely,

Lama Fakhri
Acting Executive Director, Middle East and North Africa Division
Director, Beirut Office
Human Rights Watch