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Lebanon's Lively Press Faces Worst Crackdown Since 1976

**Government Shuts Down
Three Dailies, One TV Network**

**Police Given Free Hand
To Censor Leaflets, Plays and Films**

Between April 29 and May 28, in a move unprecedented since Lebanon's civil war, the Hrawi government shut down four news organizations and filed criminal charges against four journalists for violating Lebanon's restrictive press regulations. The recent measures recall the fall of 1976, when the newly arrived Syrian troops forcibly shut down five newspapers in Beirut.

The Hrawi government's actions underscore its intolerance of dissent and belie its stated commitment to freedom of expression. Having taken several steps to restrict the freedom of political opposition and secured the election of a loyal parliament, President Hrawi and Syria, the primary power broker in Lebanon, have moved to muzzle the press, the only remaining outlet for dissent.

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SUMMARY OF FINDINGS

- o On April 29, ICN, an outspoken TV station, was closed down. It was accused of fomenting sectarian strife by reporting on an alleged plan by Prime Minister Hariri to Islamize Lebanon, but ample evidence suggests that it was ICN's regular airing of views in political opposition of both the Lebanese and Syrian governments which led to its shutdown.**
- o On April 30, *Nida' al-Watan*, a daily newspaper, was shut down and accused of the same offense as ICN. The newspaper and ICN are both owned by Henry Sfair, a Maronite Catholic maverick politician with no major party allegiance. The paper's critical opinion and coverage of government policy appear to be the real reasons for closing it and filing criminal charges against its publisher, Muhammed Shams al-Din, who faces three years in prison, if convicted.**
- o On May 11, *al-Safir*, an influential left-of-center daily, was closed for publishing an Israeli working paper presented at the Middle East peace negotiations in Washington. Faisal Salman, its publisher, and Ibrahim al-Amin, a writer, face up to three years in prison for publishing an article about the alleged Islamization plan. Although this was the stated reason, the paper's critical coverage of Saudi Arabia was most likely the deciding factor. Lebanon has been assiduously cultivating relations with the oil-rich Arab states and soliciting aid, investment and trade. Rafiq al-Hariri, Lebanon's Prime Minister, is known to be a close associate of King Fahd and a business partner of the Saudi royal family. In addition, the paper's mild dissent on the peace negotiations embarrassed the Lebanese government and Syria, a country that has ensured favorable press for itself, despite its abysmal human rights record, in Lebanon, including in *al-Safir*.**
- o On May 28, a third daily, *al-Sharq*, was closed after it published a cartoon unflattering to President Hrawi's family. Insulting the president is an offense that carries a sentence of three years in prison. The fact that President Hrawi personally ordered this paper closed despite its openly pro-Syrian policy was significant. However, it appears that those close links led the government to rescind the closure within two days.**
- o Although unprecedented in magnitude, the recent actions against the press are consistent with policies followed by the Hrawi government. Since coming to power in November 1989, it has revived many of the methods employed during the civil war to repress the media. Press regulations passed during the war have been resurrected and zealously enforced. New regulations were adopted to further stifle the media.**
- o In an attempt to enforce its monopoly over the ownership of TV stations, the government is threatening to close all 45 private TV stations, which were established despite the monopoly. In the meantime, it has issued extremely restrictive media guidelines and has put a legal and economic squeeze on those stations to drive them out of business.**
- o The Hrawi government's vigorous prosecution of violators of press laws is not matched by**

similar zeal in the investigation of attacks on the press, including assassinations.

- o The Directorate of Public Security, the main national police force under the authority of the powerful Ministry of Interior, has final say on all non-periodical publications, which must be submitted to the police for approval before they may be distributed. Those accused of distributing unauthorized critical leaflets, for example, have been frequently arrested and some were sentenced to lengthy prison terms by special military courts.**
- o The police have also a free hand in censoring cultural works, including plays and films. With the restoration of government authority, the police have zealously resumed prior censorship of works of art and culture.**
- o While the Publications Court is regarded by Lebanese journalists as fair, the repressive laws that this court applies are extremely restrictive. Lebanese press laws and decrees leave very little room for interpretation for even the most enlightened tribunal.**

RECOMMENDATIONS

Middle East Watch and the Fund for Free Expression welcome the Publications Court's injunctions permitting the papers to reappear temporarily pending the final determination of the cases. However the continued prosecution of these newspapers and journalists is an ever-present danger to press freedom. We therefore urge the Lebanese government to:

- o Permit ICN to reopen.**
- o Rescind the orders to close the three newspapers.**
- o Drop charges against the four journalists and three newspapers.**
- o Repeal immediately all restrictive press regulations, especially Decree 104 of 1977 and the April 1992 Media Policy Statement, both of which severely limit what the press may write and say.**
- o Remove provisions in the Penal Code, Publications Law and subsequent decrees that stipulate imprisonment for press violations.**
- o End the state's TV monopoly: Parliament should enact fair and equitable TV and radio regulation. In no case should political opinion be a deciding factor in granting license, or should subsidies and the placement of advertisements be implements to weed out stations with unpopular political views.**
- o Immediately lift prior censorship of leaflets, plays and films. The police should no longer be the arbiter in deciding which leaflets, plays or films may be distributed in Lebanon.**

- o **End the requirement that new political publications buy, lease or borrow existing licenses. The right to publish should not be treated as a commodity going to the highest bidder.**

* * *

INTRODUCTION

Since it was installed in November 1989, the Lebanese government under President Elias el-Hrawi has repeatedly acted to restrict the media, in the stated belief that unrestrained press freedom may plunge the country back in the morass of civil war. The campaign against the press has recently intensified. It culminated in the closure, between April 29 and May 28, of *Nida' al-Watan* (Call of the Nation), *al-Safir* (The Ambassador), *al-Sharq* (The East), three important dailies, and the Independent Communications Network (ICN) television station. During the same period, the government filed criminal charges against four journalists for violating Lebanon's repressive press laws. Each faces up to three years in prison if convicted.

The most recent wave of closings and prosecutions appears to be part of a concerted and deliberate policy adopted by the Lebanese authorities to stifle the opposition and limit freedom of expression. Muhsin Dalloul, Minister of Defense, recently betrayed the government's belief that freedom in Lebanon is excessive. On May 15, after ICN and two dailies had been closed, Dalloul said:

There is no threat to freedom; freedom is alive and well. In fact, we have a glut of freedom. The only threat is from those who cry over its loss, not from those who abuse it.

The recent actions and government pronouncements have instilled a sense of alarm in what had been lively press and political discourse in Lebanon. They have also cast serious doubt about the government's stated desire to preserve democracy and return the country to its once dynamic and burgeoning civil society. Instead of contributing to peaceful coexistence between Lebanon's diverse religious and ethnic groups, these press restrictions will most likely exacerbate the political and economic crisis in Lebanon. By closing down outlets for nonviolent opposition, Lebanon may be encouraging dissidents to return to the lawless methods of the civil-war period.

While Lebanon's concerns over the dangers of fomenting the kind of religious strife that fueled its disastrous civil war are of course understandable, it is not clear how restricting peaceful dissent may have a positive effect. On the contrary, as such restrictions have aroused suspicions about the government's desire to conduct dialogue with its opponents, they may in fact lead to heightening tensions among Lebanon's diverse communities. In none of the recent closings and prosecutions has the government been able to demonstrate convincingly how the targeted news organization endangered Lebanon's security or jeopardized the harmony of sectarian coexistence. Instead, the censorship appears more likely to have been aimed at safeguarding the immediate interests of President Hrawi and his family, protecting from criticism Prime Minister Hariri and the policies of his government, and shielding the interests of Syria and Saudi Arabia.

Contrary to the government's claims that restrictions on the press help contain impulses to wage

civil war, there is no evidence that such restrictions in the past ever arrested Lebanon's descent into chaos. In 1977, the Lebanese government dealt the severest blows to press freedom when it imposed pre-publication censorship (Decree 1 of January 1, 1977), gave security forces wide-ranging authority to muzzle the press (Minister of Interior's Decree of January 3, 1977), and issued the most stringent post-publication censorship regulation (Decree 104 of June 1977) limiting what the press may publish and stiffening punishment for infractions. Despite those steps, the war intensified. Similarly, Amin Gemayel's attempts in 1983 to silence the media were followed by an escalation of the war.

In fact, there is ample evidence that attacks on the press, which went largely unpunished, preceded periods of intense civil strife in Lebanon, including the two civil wars, and might have helped precipitate them. For example, the kidnapping and subsequent assassination of Nasib al-Matni, owner of *al-Telegraph*, is believed by many to have sparked the first civil war of 1958. Similarly, the two years preceding the beginning of the second civil war in April 1975 were marked by violent attacks on the media. In November 1973, Ghassan Tueni, owner and editor-in-chief of *al-Nahar* (The Day), a major daily, was imprisoned during President Franjeh's term for publishing state secrets. Issues of the paper were confiscated and, more significantly, official and unofficial advertisements were withdrawn from the paper once it was allowed to resume publication. The year 1974 was marked by several attacks on the media, including the kidnapping of Michel Abu-Jaudeh, a renowned columnist for *al-Nahar*, and the bombing of the building housing *al-Diyar* (The Homeland) daily. Neither case was prosecuted.¹

I. CAMPAIGN AGAINST THE PRESS ESCALATES

APRIL-MAY 1993

1. Closing the ICN TV Station

On April 29, a squad of Internal Security Forces (*Quwwat al-Amn al-Dakheila*), led by Brig. Gen. Samir Sha'rani, Commander of Beirut Police, raided the offices and studios of ICN. Based on orders from Judge Fawzi Abu-Murad, Appeals Public Prosecutor, they evicted all employees, seized records and sealed the premises, closing the station indefinitely.

A day earlier, the Council of Ministers and Michel Samaha, Minister of Information, had instructed Lebanon's Cassation Public Prosecutor to close the television station. In justifying his order to close the station, the Minister of Information cited ICN's "repeated broadcasting of films and political commentary marked by calls for revolt and sectarian divisiveness, which would lead to disturbing public order and encourage calls for overthrowing the system." In particular, he included as evidence an April 27 news bulletin in which the station reported on what it claimed to be a "plan for the Islamization of Lebanon."

The indefinite closure of the television station was effected administratively because the station had no license to operate. However, none of the forty-five private television stations has a license since

¹ Previously, in 1960, at the beginning of President Shihab's term, Abu-Jaudeh was attacked and his face slashed after he had written a column ("Under the Prince's Protection") strongly condemning the death by stoning of Na'im Mughabgheb, an opposition member of Parliament at the time. Mughabgheb was killed while he was on his way to Shihab's Biteddin Palace to congratulate the President after his inauguration.

they all came into existence during or after the civil war (1975-1990). Nor is there a mechanism through which these stations can obtain such licenses, although most of them have reportedly applied. Under Lebanese law, operating television stations is a monopoly of the state. The only station with a license is Tele-Liban or Lebanon Television (LTV), 50 percent of which is owned by the government and the rest by Rafiq al-Hariri, the Prime Minister. LTV has been granted a monopoly until the year 2012.

The Hrawi government has declined to grant licenses to any of the forty-five private television stations. Soon after its authority was restored following the signing of the Taif agreement in October 1989, the government threatened all independent stations with closing. However, the threat has not been carried out, most likely because many of these stations are owned by powerful political groups or individuals. Instead, in April 1992, guidelines were issued for the continued operation of independent stations.² In February 1993, Michel Samaha, Minister of Information, issued what he termed an Honor Code, by which media organizations had to abide to avoid being closed. Implicit in these moves was a permit to continue functioning until a final decision is made.

The timing of the closure appears arbitrary. Information received by MEW indicates that the authorities may have long planned to close the outspoken ICN and were awaiting an excuse to do so.³ One of its regular programs, "Opposition Forum," featured opposition figures who criticized policies of the Lebanese government as well as those of Syria and Israel. They included supporters of Michel Aoun, an exiled former General who is the most outspoken Maronite Catholic critic of Hrawi and of Syria's role in Lebanon. The program also featured a leader of Hizballa, a major Shi'a political party and militia. Most Lebanese lawyers and journalists contacted by Middle East Watch believe that displeasure expressed by Syrian officials over the station's airing of views critical of Syrian policies was the main reason behind the government's order to close ICN.

According to most observers, ICN operated well within acceptable boundaries of political discussion and did not call for violence or incite sectarian war. ICN was started in March 1992, by Henry Sfair, a Maronite Catholic engineer and businessman with interest in politics. Unlike most Christians and a significant number of Muslims, Sfair, a moderate political maverick, did not join the Maronite-led boycott of the August-September 1992 elections. In a by-election held on October 11, he ran for a seat in the Kesrouan district, in defiance of the boycott organized by Christian opposition in the district. Sfair ran on the same list as Faris Bouez, Lebanon's Minister of Foreign Affairs and a son-in-law of Elias el-Hrawi, indicating a political alliance.⁴ These facts attest that Sfair has distanced himself from the organized hardline opposition to the Hrawi government. During the civil war, he was not known to be part of the sectarian feud.

² See below, on the April 1992 Media Policy Statement, p. 43; and, on the state monopoly over television, p. 32.

³ According to ICN's attorneys, President Hrawi told his cabinet, "I have been patient with Henry Sfair for too long and now my patience has run out."

⁴ In Kesrouan, a predominantly Maronite region, the boycott of the elections held between August 23 and September 6 was near total, as all candidates withdrew their names before the elections were held. The government then held by-elections on October 11 to fill the five seats allocated to the district. The seats were won by five pro-government candidates, including Faris Bouez, Lebanon's Foreign Minister and son-in-law of President Hrawi. Sfair lost.

He therefore cannot reasonably be accused of aiming to stir sectarian animosities. It is equally farfetched to accuse the station of calling for "overthrowing the system," as the Minister of Information has alleged in his instructions to the prosecutors to close it.

In statements filed with the Public Prosecutor's office, lawyers representing ICN have argued that the state's monopoly over television violates the Lebanese Constitution, which guarantees freedom of expression, since this monopoly denies private citizens the right to express their views. The attorneys also pointed out that since the action to close the station was effected administratively, it violated the due process guarantee in the constitution, since no judicial review is provided for.

As for stirring religious passions or encouraging sectarian strife, ICN lawyers correctly pointed out that the Mr. Sfair had not been partisan during the civil war or since. They also argued that the lack of a license was not the fault of ICN, which had been "ready to apply for such license at any time had there been a mechanism to obtain licenses." They pointed out the fact that the government, which has been studying a new media law for the past two years, has not established a procedure to grant license,

The fact that legislation regulating broadcasting is either missing or ambiguous has compounded the differences in interpretation between the media and the government. My client is ready at any time to apply for a permit whenever applications are being accepted.⁹

The attorneys also correctly pointed out the apparent double standard in the government's reaction to ICN which is owned by an ordinary citizen compared to its tolerance of stations operated by militias or powerful political groups:

Employing the principles of fairness and equality before the law, ICN should not be singled out when there are many similar organizations in the same situation which are allowed to operate.

As for the airing of a program on a "plan to Islamize Lebanon," the ostensible reason for closing the station, the subject had been widely discussed in Lebanon. It was brought up in interviews with government officials, including Prime Minister Hariri, who was specifically asked by Rafiq Khouri, editor in chief of *al-Anwar* (The Lights) daily, about this alleged plan. The "plan" was that Mr. al-Hariri, with the help of Saudi financiers, would buy land from Christians who own property in areas with predominantly Muslim populations. This plan was probably no more than a rumor stirred by feverish activity in land speculation and by the publicized calls by Lebanese officials on Saudi and Gulf businessmen to invest in Lebanon.

Instead of reassurance, the closing of ICN probably heightened sectarian tensions. At a May 5 meeting held six days after the closure, the Maronite Bishops Council, presided over by Patriarch Nasrallah Sfair, registered its "astonishment at the new and deplorable method through which the government has resorted to silence those voices it finds objectionable. Closing ICN indefinitely and sealing its office by

⁹ From a statement by Dr. Munif Hamdan, attorney for ICN. Unless indicated otherwise, all documents were translated from the Arabic original by Middle East Watch.

armed security forces, with complete disregard to the applicable laws and customs have stirred fears among journalists and ordinary citizens alike about threats to freedoms, especially freedom of expression." Referring to the underlying controversy, the bishops said: "Selling land will have harmful effects on the demographic structure of Lebanon and consequently the situation in Lebanon as a whole."⁶

2. Closing the *Nida' al-Watan* Daily

On April 30, on orders from the Public Prosecutor at the request of Minister of Information, *Nida' al-Watan*, a daily newspaper also owned by Henry Sfair, was closed for one week, later extended indefinitely. Its April 30th issue was confiscated from newsstands and destroyed. In his order to close the paper, the Appeals Public Prosecutor cited also "news and phrases published in the April 25th issue that adversely affect the country's internal security, provoke sectarian tendencies and defame local and foreign officials."

Journalists' organizations, especially the Editors Guild, were taken aback by the closing of the paper. A May 3 statement read in part:

This is the first time that two media outlets have been closed within 24 hours of each other...We are against administrative closures, precautionary closures and the unprecedented sealing of premises. There is no legal basis whatsoever for such action. We call for the rescission of these actions and have asked our lawyers to be at the disposal of our colleague Muhammed Shams al-Din, publisher of *Nida' al-Watan*, to help him with his case. We had had an agreement with the authorities whereby they promised not to take such actions without first consulting with us and giving us an opportunity to mediate.

Milhem Karam, head of the Editors Guild, added, "We defend everyone's right to support or oppose. Opposition is a sacred right and is definitely not the same as inciting sedition...We are with freedom of expression."

On May 4, Muhammed Shams al-Din, the paper's publisher, was interrogated. After he declined to reveal the sources for an article about the "Islamization of Lebanon," he was preliminarily charged, under Legislative Decree 104 of 1977, with publishing materials "fomenting sectarian strife and defaming officials." If convicted by the Publications Court, he faces up to three years in prison.

On May 6, the Publications Court held its first session in the case, with Chief Judge Afif Shams al-Din and two other judges, Katia Ghulam Mousa and Ghassan Rabah, who later resigned. The court ordered *Nida' al-Watan* to remain closed until the court decided the merits of the underlying case against the paper and its publisher. The hearing for the case against the paper and the publisher was set for May 20.

In the May 20 hearing, which lasted for only twenty minutes, the court rejected the defense's

⁶ The Maronite Catholic Church is the largest Christian sect in Lebanon. Patriarch Sfair is the head of the Church.

request to allow the paper to resume publishing.⁷ In a statement filed with the court, attorneys for the paper pointed out that "the Publications Law requires that this hearing take place within five days from closing the newspaper. Now it has been twenty days since that date." They wondered whether the delay, which had been very costly to the paper, had resulted from "certain pressures." Chief Judge Shams al-Din emphatically denied that there had been any pressures. However, he disclosed that Judge Ghassan Rabah had resigned and that there was a delay in finding replacement. While Judge Rabah has not commented publicly on his resignation, sources in the Lebanese Lawyers Association told Middle East Watch that Judge Rabah resigned in protest over the use of the court for political ends.

In a subsequent May 27th hearing, the judges again rejected another request to permit the paper to reappear pending the final outcome. Defense attorneys protested this, especially since the same court had earlier permitted *al-Safir* to resume publication, pending the determination of the underlying charges against its publisher and editor. Dr. Munif Hamdan of the defense team likened the treatment of *Nida al-Watan* to that of a "poor relative," compared to the handling of *al-Safir*.

As for the charges against the publisher, his defense team requested postponement to prepare for his defense, "especially after new evidence surfaced that the President and the Prime Minister had been personally behind the decision to close the paper." The lawyers expressed "profound fear" that the authorities were determined to intervene against their clients, "making it necessary to revise our strategy to prepare an appropriate defense....To combat the charge that we stirred sectarian animosities, we are considering calling senior government officials to testify, and we are confident that they will refute the charge. In addition, we are in contact with leaders of lawyers' guilds in Syria, Egypt, Algeria, Morocco and France to help us defend our clients against this malicious official campaign." The court set June 24 to hear the case.⁸

The stated reason for closing *Nida' al-Watan* and prosecuting its publisher was that it ran an article on the "plan to Islamize Lebanon," the same charge levelled at the ICN television station, which is owned also by Henri Sfair and had been closed the previous day. The lawyers for the paper pointed out the transparency of this justification. On June 3, in a hearing before the Publications Court, they said, "The newspaper handled the issue of land purchases, i.e., the issue of buying Christian-owned land, from a patriotic perspective and in the spirit of preserving the integration of the various Lebanese groups. There was never a crime committed: there was no criminal intent or damage brought about by the publication of this story." They also called for dismissing the charges against Muhammed Shams al-Din, the paper's publisher, since he was absent and not in charge on the day the story was included in the paper; Rajeh al-Khouri, the editor-in-chief, gave the go ahead. This time the court issued a temporary injunction, permitting the paper to reopen pending the outcome of the case.

⁷ Judge Afif Shams al-Din presided over this hearing as well. The two other judges were Katia Ghulam Musa and Bernard Shuwairi since Judge Ghassan Rabah had resigned. APP Fawzi Abu-Murad represented the prosecution. Publisher Shams al-Din was present with his two lawyers Munif Hamdan and Butrus Sukker.

⁸ Refer to pp. 8-10, for a discussion of the similar incitement charges against ICN.

3. Closing the *Al-Safir* Daily

On May 11, *al-Safir* published what was purported to be a working paper submitted by the Israeli delegation to the Middle East peace talks in Washington to its Lebanese counterpart. The same day, Fawzi Abu-Murad, the Appeals Public Prosecutor ordered its suspension for one week for publishing state secrets. It was significant that he accused the paper and journalists of violating not only press laws but also the secrecy provisions of the Penal Code, which carry sentences stiffer than those imposed by press regulation.⁹

The decision was immediately carried out by the General Directorate of Public Security. At the same time, the prosecutor filed criminal charges, under both press laws and the Penal Code, against Faisal Salman, publisher of *al-Safir*; Ibrahim al-Amin, an editor; "and everyone else shown by the investigation to be directly acting or inciting, or indirectly involved in publishing the secret document and thus disclosing the information that ought to be kept secret, and endangering the internal and external safety of the state."

In its defense, Talal Salman, the paper's editor-in-chief, said, "It is regrettable that the government has resorted to this method of restricting the press, even after its failure has been proven throughout the Arab world." He described the decision as arbitrary, since publishing the document is a service to Lebanon and the only party hurt by it, if any, was Israel, a state at war with Lebanon. "The only charge against the paper is that it harmed Lebanon's foreign relations. But the party that reportedly complained was Israel, a state Lebanon does not recognize and does not have any relations with. The motive behind the publication was in fact to support the Lebanese government and the negotiating team, since both have rejected the Israeli position as portrayed by the paper. Besides, the working paper is only that and not a final or official negotiating position."¹⁰

Reactions to the Closure of *al-Safir*

Because of *al-Safir's* reputation and influence, a large number of prominent Lebanese, including members of Hariri's own cabinet and members of Parliament, political party leaders, union leaders and writers strongly protested its closure. The paper is owned by Talal Salman, a Shi`a Muslim, but its secular, left-of-center, pan-Arab positions have a wide appeal among many Lebanese. Its editorial policy is

⁹ See below for a discussion of the state secrets provisions of the Penal Code. The full text of Prosecutor Abu-Murad's decision of May 11:

"Whereas *al-Safir* newspaper in its issue of Tuesday May 11, 1993 published a document containing information that ought to be kept secret to safeguard the safety of the state, thus disclosing this information for no legitimate reason;

As this action constitutes the crimes proscribed in articles 12 and 25 of the Publications law and Articles 281 and 283(1) of the Penal Code;

Since this action endangers the safety, sovereignty, unity, borders or its external security;

And based on Article 25 of the Publications Law;

we have decided to close this newspaper for one week starting May 12, 1993."

¹⁰ From a statement issued on May 12. See also *al-Hayat*, May 13, 14, 15 and 16, 1993.

generally sympathetic to Syria. A cabinet member provided an example of the less than unanimous support for the closure, saying that he and others pointed out in the May 13 meeting of the Council of Ministers that it was difficult to justify classifying the Israeli working paper as a state secret. They pointed out that it had not been marked as secret and that the Lebanese government had not issued any regulation classifying the negotiations as state secrets. In statements to the press, Michel Samaha, Minister of Information, denied previous press reports that he had made the decision to close *al-Safir*, saying that Bahij Tabara, Minister of Justice, had issued the order.

In apparent reaction to the great outcry against closing one of the country's most influential papers, more senior officials distanced themselves from the decision. On May 14, Michel Edde, Minister of Culture and Higher Education, suggested that it had been closed only to provide sectarian balance for closing *Nida' al-Watan*. He told a delegation from the Media College Alumni Association that the cabinet had been surprised by the decision to close *al-Safir* adding, "It was not necessary to close *al-Safir* although what the paper did made it possible to do so. It appears that those who authorized the closure were operating on the principle of 6 to 6."¹¹ In Lebanese political *nomenklatura* "6 to 6" is a code for parity between Christians and Muslims in government appointments; the owner of *Nida' al-Watan* is Maronite Catholic while the owner of *al-Safir* is a Shi'a Muslim.

On May 15, Muhsin Dalloul, the hardline Minister of National Defense, appeared in a radio interview to disagree with aspects of the closing. However, appearing more troubled with the criticism of the decision than by the decision itself, he complained about what he thought had been an excessive freedom of the press:

I cannot say that the decision to close *al-Safir* was a mistake because it was made by the judiciary, although it may have been hasty. What is a bigger mistake is the reaction to that decision...There is no threat to freedom; freedom is alive and well. In fact, we have a glut of freedom. The only threat is from those who cry over its loss, not from those who abuse it.

The Minister's reference to the decision being "made by the judiciary" appears to be part of a strategy to shift responsibility to the judiciary for the recent actions against the press. But although effected by prosecutors, all the recent actions against the press were taken at the request of the President, Prime Minister or other members of the cabinet. Furthermore, although these prosecutors carry "judge" titles before their names, and their role in Lebanon -- as in other civil-law countries -- is to assist courts in determining guilt or innocence, they are not part of the judiciary. It must also be remembered that most of the laws utilized for the recent actions were decrees issued by the executive without parliamentary approval.

Among members of the parliament, Najah Wakim, a prominent opposition deputy from Beirut, led the attack:

The government's decision to close *al-Safir* is an attack on freedom of speech and political discourse. It is one of a series of overt and covert measures aiming at

¹¹ *Al-Hayat* May 15, 1993.

suppressing freedom of thought, speech and the press. It gives an additional proof that the government has made a clear decision to restrict freedom, Lebanon's most sacred creed.

Wakim disagreed with the government's contention that publishing the document hurt Lebanon's bargaining position, pointing out that, "if anything, publishing the working paper would be useful for Lebanon's negotiating position in the peace talks." Instead, he suggested that the government's action was explainable only as part of what he called "recent, baffling and suspicious actions aimed at silencing a number of dissidents and opposition groups."

Closing *al-Safir* galvanized journalists' organizations, coming as it did less than two weeks after the first two closings.¹² Unlike their more muted response to the closing of *Nida' al-Watan*, Muhammed Ba`albaki and Milhem Karam issued, on May 13, a joint protest that also contained a threat of a strike. The guilds called on the prosecutor to reverse his decision to close the paper. They objected to censorship that resorted to "obscure texts which have not been activated in a long time, including Decree 104 which has always been rejected by the press."¹³

The two guilds kept up the pressure, especially since the first statement was ignored by official media. On May 14, they issued another protest rejecting the principle of "administrative closure and precautionary suspension before a court decision is reached."¹⁴

¹² The louder outcry in the case of *al-Safir* no doubt reflects its wide influence, as discussed earlier.

¹³ From the two guilds' joint statement:

- "1. We demand the reversal of the Appeals Public Prosecutor's decision by allowing *al-Safir* to resume publication immediately because the Decree 104 articles on which the decision was based do not apply to what was published in the newspaper. What was described as a secret document is merely a working paper made not by Lebanon but by Israel...Nor can *al-Safir* or any other Lebanese newspaper be accused of trying to weaken Lebanon's credibility or its bargaining position relative to Israel in the negotiations.
2. We reject the imposition of any restrictions on the press achieved by looking for obscure texts which have not been activated in a long time, including Decree 104 which has always been rejected by the press. Instead, we call for cooperation between the government and the press in the reconstruction and reconciliation period...
4. We criticize the Ministry of Information for the failure of the official National News Agency to carry in its bulletin yesterday the two statements issued by the two guilds criticizing the closure.
5. A strike was discussed to protest these actions. A final decision on the strike will depend on the outcome of discussions with the government."

¹⁴ From the May 14 statement, "We do not accept the closure of *al-Safir*, since we are against administrative closure and precautionary suspension, before a court decision is reached. Such actions may mean the closure of a year or more and is unacceptable to Lebanese journalists and other citizens. We demand that this decision be reversed. Closure should take place only after the court's decision."

Some of the leading lawyers of the country enlisted to defend *al-Safir*. In addition to four past and present members of Parliament, Karim Baqraddouni, secretary general of the Phalanges Party (*Hizb al-Katayeb*) and eight other prominent lawyers defended the paper.¹⁵

On May 14, Faisal Salman, the publisher, and Ibrahim al-Amin, editor and author of the item containing the working paper, came before Sa`id Mirza, First Investigation Judge. After the hearing, Judge Mirza ordered that they remain free on bail.¹⁶ As for the underlying charges, he threw out the more serious charges of violating the secrecy provisions of the Penal Code, but upheld the press law violations.¹⁷

The Government Retreats

By throwing away the more serious charges, the government was able to defuse some of the outrage over closing *al-Safir*. In response, on May 15, following the Investigation Judge's decision to drop charges against Faisal Salman and Ibrahim al-Amin of violating secrecy provisions in the Penal Code, the Journalists Guild and the Editors Guild decided not to pursue their plans to strike in protest. Instead, they met with senior officials to call for repeal of Decree 104 (1977), which permits closing papers without a court decision. Heads of the two guilds said that, while they had been gratified at dropping the Penal Code charges, they urged that the closure period be shortened. They called on the government to:

Repeal immediately Decree 104, which was issued against the very logic of freedom. The press refuses to have this decree as a drawn sword over its head to terrorize it and politically blackmail it.¹⁸

Despite the government's partial defeat, on May 15, Bahij Tabara, Minister of Justice and the

¹⁵ They are Butrus Harb, Fouad Shaiqlou, Mustafa al-Asir, Hasan Awwadha, Joseph Abu-Sharaf, Antoine Huwais, Farouq Yaghi and Adolf Tayyan.

¹⁶ Earlier in the day, the accused were questioned by Munif `Uwaidat, Cassation Public Prosecutor; Fawzi Abu-Murad, Appeals Public Prosecutor; Fawzi Dagher, First Examining Judge of Mount Lebanon and Zahi Kan`an, Chair of the Prosecution Committee.

¹⁷ From Judge Sa`id Mirza's decision on May 14, 1993:

1. Faisal Ibrahim Salman and Ibrahim Muhammed Ali al-Amin are hereby charged with the crime of violating articles 12 and 25 of Legislative Decree No. 104/77.
2. Discontinue the prosecution of the two defendants on charges of violating Article 281 of the Penal Code, for lack of evidence.
3. Discontinue the prosecution of the defendants on charges of violating Article 283(1) of the Penal Code, for lack of incriminating circumstances.
4. The defendants are assessed all costs and legal fees.
5. Refer the case to Beirut Appeal Court--Publications Court Division."

¹⁸ From a statement issued on May 15, 1993.

government's point man on this issue, attempted, in an interview with the Lebanese Forces' Free Lebanon Broadcasting radio station, to portray the row as apolitical in origin. He defended the prosecutor, who merely wanted to find those who leaked the document and enforce the legal ban on publishing state secrets. Tabara denied any intent to stifle the opposition: "If we had intended to silence the opposition, we would have moved...when they criticized ministers, the Prime Minister or other authorities."¹⁹

On May 20, the Publications Court convened to hear the case against *al-Safir*.²⁰ Under vigorous questioning by Chief Judge Shams al-Din, Faisal Salman told the court that he knew that the document was important but that it could not be considered a secret, especially considering the large number of people who had seen it and made public comments on it. He also said that he had considered the implications of the document for national interest but felt that publishing it would serve that interest, not harm it, through enlightening public opinion about the negotiations. Salman declined to disclose his sources, but told the court that in assessing whether to publish the document he had "contacted senior officials, including members of the cabinet and their senior advisors, and most members of Parliament." He said that none of them advised him not to publish the document. He refused to answer when he was asked specifically whether Khalil Makkawi, Lebanon's ambassador to the United Nations who is also the deputy chief negotiator, was the source of the document.

Apparently bending to overwhelming public pressure, the prosecution did not ask the court to prolong the closure of *al-Safir*, which meant that the paper was free to resume publication.²¹ However, the case against the two reporters was adjourned to July 1.

Police Brawl

¹⁹ From Minister Tabara's interview (MEW's translation):

"In his handling of *al-Safir* case, the Public Prosecutor moved, correctly, in two directions. The first was to implement the Publications Law, which prohibits the publication of secret documents. The second, to find out how the document was leaked. The delicate phase of the bilateral negotiations [between Lebanon and Israel] required us to close *al-Safir*, especially since the law permits its closure."

"If we had intended to silence the opposition, we would have moved against newspapers when they criticized ministers, the Prime Minister or other authorities. *Al-Safir's* case has nothing to do with individuals but is related to the negotiations, a subject separate from political opposition. The solidarity that ministers have expressed with *al-Safir* is not a sign of lack of discipline, as there had been no cabinet decision on the subject. Despite the fact that we have laws that permit us to do so, we are not prosecuting reporters who in the past criticized certain ministers and other officials."

²⁰ Judge Afif Shams al-Din presided; the two other judges were Katia Ghulam Musa and Bernard Shuwairi, the latter replaced Ghassan Rabah who had recently resigned, reportedly on protest. APP Fawzi Abu-Murad represented the prosecution. *Al-Safir* was represented by its distinguished team of lawyers mentioned earlier.

²¹ *Al-Safir* resumed publication under its own name on May 19. Between May 12 and May 18, it appeared under the name of *Beirut al-Masa'*, which lent it its license for that period. See Sec. II-1 for a discussion of licensing, which is similar to taxi medallion regulation in New York City.

The May 20 hearing was interrupted by what witnesses described as a "police brawl," during which policemen in the courtroom beat reporters with rifle butts and kicked several newsmen. They also beat and detained a photographer despite objections from the chief judge who ordered the police from the bench, "I am the authority here. No one takes anyone to jail without my order." According an Associated Press dispatch, a version supported by other sources, the scuffles began when a policeman slapped Ali `Alloush, *al-Safir* photographer, after accusing him of taking photographs using a flash without permission. The police held the audience in the courtroom for ten minutes while the photographer was being carried out of the courtroom, against the judge's orders. Zaher al-Khatib, a member of Parliament who was also part of the defense team, said after the incident, "This is terrorism. Those policemen were planted by the government to obstruct justice."²²

4. The Reasons for Closing *al-Safir*

Government officials have stated repeatedly that the reason for closing *al-Safir* and prosecuting its publisher and editor was its publication of a state secret, namely a working paper submitted by the Israeli delegation to the peace negotiations. The government further said that both Israel and the U.S. had complained about the publication of the memo.²³ However, evidence suggests that this is a minor consideration compared to the other more likely reasons behind the closure. A desire to shield Saudi Arabian, Syrian and Lebanese governments from criticism appears to have been the real reason behind the move to restrict what officials perceived as a "glut of freedom."

There is near consensus in Lebanon that a foreign government's document, especially an unclassified document of a state with which Lebanon maintains no diplomatic relations and with which it is technically at war, could not be considered a state secret. Abdel Wahhab Badrkhan, an editorial writer for *al-Hayat*(Life), a pro-Saudi daily, summed up the views of many:

If publishing the Israeli text was the reason for closing the paper, whose interest has this closure served? Is it Lebanon's or Israel's -- keeping in mind that the Israeli negotiating team may use this incident to embarrass Lebanon by portraying it as a land where democracy is subordinated to the mentality of [illegal] militias? Publishing the paper makes it easier for Lebanon to explain why it declined the Israeli offer. Does Lebanon have a greater interest in avoiding embarrassing Syria than actually getting concessions from Israel?²⁴

Joseph Samaha wrote in another editorial:

²² AP, May 20, 1993; *al-Hayat*, May 21, 1993.

²³ *Al-Hayat*, May 19 and 21, 1993. AP, May 20, 1993. See above for a detailed discussion of the legal reasoning provided by Lebanese prosecutors.

²⁴ *Al-Hayat*, May 17, 1993.

It is very strange that a newspaper is accused of disclosing enemy secrets, because the rule is that one is punished if he "discloses state secrets," meaning disclosing one's own state's secrets, for the benefit of the enemy. Faris Bouez (the Foreign Minister) is wrong when, in speaking of *al-Safir* incident, he states, "Because Lebanon is engaged in difficult negotiations, publishing these inaccurate documents harms the credibility of the government and the role of the negotiating team." But, if the documents are inaccurate, that affects the paper's credibility and not the government's. The problem is that there are those in Lebanon who accepted in principle the (government's) objection, which is a dangerous precedent.²⁵

The fact that the first examining judge threw out the charges that were based on secrecy provisions of the Penal Code further weakened the government's justification for the closure and fueled speculation about the real reasons behind it.

In justifying the closure, Lebanese authorities also cited protests from Israel and the U.S. over leaking the document. However, this reasoning may have backfired. According to a Lebanese journalist,

The *Al-Safir* was not closed because it published inaccurate papers or unauthenticated minutes of a meeting. It was closed because someone wanted to hide the truth about the negotiations and his reaction to the Israeli position, and because both Israel and the U.S. objected to the publication, a fact that (Faris) Bouez (the Foreign Minister) did not hesitate to admit.²⁶

Those who accepted this explanation took it as a sign of weakness for their government to close down a newspaper at the behest of either Israel or the U.S.

But, when questioned by Middle East Watch, a spokesman for the Israeli government, the party most affected by the leak, twice stated that Israel had not protested the publication, telling Middle East Watch, "Nobody in the Israeli government knows anything about any such complaint."²⁷

These reasons were not convincing even to some senior government officials. We referred earlier to the remark by Michel Edde, Minister of Culture and Higher Education in the Hariri government, that the reason for closing *al-Safir* was to demonstrate the government's impartiality towards the sects.²⁸ Since the government had, on April 30, closed *Nida' al-Watan*, which is owned by a Christian, it felt that it had to close a Muslim paper, hence *al-Safir* was closed.

²⁵ *Al-Hayat*, May 15, 1993.

²⁶ Joseph Smaha, *al-Hayat*, May 15, 1993.

²⁷ Yuval Rotem, Israeli Press Consul in New York, interviewed by David Rosenberg, a Middle East Watch lawyer intern, on May 20 and 25, 1993.

²⁸ See above, p.13.

A more likely reason for closing *al-Safir* (and the three other news organizations shut down recently) was a desire to restrain the press coverage of views in opposition to government policies. In particular, to limit the extent of public debate of those policies and curb unfavorable coverage of Syria and Saudi Arabia, the two most important allies of the Hrawi government. A recent comment on the closing of *al-Safir* by Muhsin Dalloul, Minister of Defense in the Hariri cabinet, betrayed official impatience with freedom of the press. "There is no threat to freedom; freedom is alive and well. In fact, we have a glut of freedoms. The only threat is from those who cry over its loss, not from those who abuse it," Dalloul said.²⁸

However, many Lebanese would not agree that there is an excess of freedom. In the words of a writer responding to Dalloul's comment, "There is no "glut of freedoms" in Lebanon except among those with the power and authority in the country."²⁹

What officials probably mean is that the political opposition is utilizing the limited freedom of the media in Lebanon to challenge government's policy. Having secured a subdued Parliament in the 1992 elections, which were boycotted by most opposition groups, the press has become the main forum for debating public policies. The Hrawi government has gone to great lengths to limit the right of dissent, seeking at one point to strip a member of parliament of his immunity for critical remarks he made to the press.³¹

In particular, the Lebanese government was irritated by the embarrassment caused to the Lebanese and Syrian governments by publishing a working paper representing an Israeli negotiating position that fell far short of popular expectations – expectations which had been raised by positive statements issued by Syrian and Lebanese spokesmen. The working paper, which appeared in the published version less promising than had been suggested by the government, contradicted the more optimistic official characterizations.

Talal Salman, editor-in-chief of *al-Safir*, has stated that he believed that it was his paper's critical reporting on Saudi Arabia that led to the government's retaliation against the paper, not the publication of the alleged secret documents.³² This may in fact have been the deciding factor, considering the special relationship between the governments of Saudi Arabia and Lebanon, especially since the fall of 1992 when Rafiq al-Hariri was appointed prime minister. In addition, Lebanon has been attempting for some time to join the Damascus Declaration military alliance between Syria, Egypt and the six countries of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates). Despite publicly expressed misgivings by GCC officials about Lebanon's membership, the Lebanese government hopes to join this alliance. Freedom of Lebanese press is one of the main complaints voiced by members of this alliance.

²⁸ See above, p.13.

²⁹ Abdel-Wahhab Badrkhan, *al-Hayat*, May 17, 1993.

³¹ Human Rights Watch, *World Report 1993*, p. 328.

³² Interview with the BBC Arabic Service, May 21, 1993.

In the May 11 issue, the same issue containing the Israeli working paper, *al-Safir* ran the first installment of a translation of an article by Helga Graham strongly critical of Saudi Arabia. The lengthy article ("Saudi secrets from behind walls of silence") had previously appeared in the April 8-22 issue of the *London Review of Books*. The article pointed out the absence of most human rights and any form of democratic representation in the Kingdom. It also criticized the rampant corruption and monopoly over power and wealth by the Saudi royal family. Prime Minister Hariri is a close associate of King Fahd and the Saudi ruling family, with whom he has maintained significant business relations.

Since the end of the civil war, the Lebanese government has actively solicited foreign aid and investment and encouraged tourism. Especially after the appointment of Rafiq al-Hariri as Prime Minister in October 1992, it courted Saudi Arabia, Kuwait, the United Arab Emirates, Qatar and Oman, seeking official assistance, private investment and tourism.³³ For that purpose, Hariri, who is a dual-citizenship Lebanese-Saudi businessman who made his billions in Saudi Arabia in joint ventures with the royal family, visited these countries and hosted delegations from them. The Lebanese government took several steps to reassure Gulf investors and visitors. According to a security official quoted by *al-Hayat*, a pro-Saudi paper, one of the aims of a government security crackdown in Lebanon was to "ensure that Gulf visitors start coming to Lebanon."³⁴ In addition, since early 1993, authorities have been evicting displaced persons who had taken refuge in buildings owned but abandoned by Gulf landlords.³⁵ The evictions are still continuing.³⁶

One of the key requests voiced by the Gulf states which Hariri visited was to rein in the Lebanese press -- some of which is openly hostile to some of the Arab Gulf states' policies. *Al-Safir* had been one of the most consistently critical of Saudi Arabia and Kuwait. However, the fact that the paper had been at the same time generally sympathetic to Syrian policies made it difficult for the government to move against it until recently, after the paper began to express views that were implicitly critical of the Syrian stand on the peace process.

The recent action against *al-Safir* is the second in eight months. Last September, authorities started legal action against *al-Safir*, immediately following the publication, on September 4, of an article critical of Shaikh Jaber al-Sabah, the Emir of Kuwait. The government publicly apologized to the Kuwaiti

³³ Prior to the civil war, Lebanon had been a favorite destination for vacationers from these countries. Gulf royalty own sizable property in Lebanon, much of which has been occupied by internal refugees from the civil war, estimated by the UN to be around 750,000 displaced persons.

³⁴ *Al-Hayat*, May 18, 1993. Scores of fugitives -- some with as many as 10 warrants for murder, theft, etc. -- were rounded up in a highly publicized campaign.

³⁵ During a January 1993 visit, a Middle East Watch representative noticed that some of the displaced had taken refuge in, among many other buildings, the sprawling Saudi embassy complex on Bliss Street in Ras Beirut, an affluent part of the city. These internal refugees grew vegetables and raised goats and chickens in the Saudi embassy's offices, badly damaged by shelling.

³⁶ See, for example, *al-Hayat*, June 5 and June 8, 1993.

Emir and at filed charges against the paper for publishing materials harmful to Lebanon's foreign relations, in violation of Article 23 of Legislative Decree 104/77. The case is still in pending."

5. Closing the *Al-Sharq* Daily

***Al-Sharq* was the third daily to be closed in less than a month. This time the reason was a cartoon that was considered unflattering to the first family of Lebanon. On Friday May 28, Fawzi Abu-Murad, the Appeals Public Prosecutor, issued the following closing order:**

Having reviewed the issue of *al-Sharq* newspaper published today, May the 28th, it became evident to us that a drawing in the nature of a caricature contained thereof constitutes the crime of insulting the President of the Republic and dishonoring him. Therefore, based on articles 23 and 25 of the Publications Law, it has been decided to close *al-Sharq* for one week effective today and to confiscate all of its copies. The General Directorate of Public Security is hereby instructed to carry out this decision and convey it to those concerned.

Awni Khairi Ka`aki, *al-Sharq's* editor-in-chief and publisher, a Sunni Muslim, was separately charged with violating the press law by "publishing a caricature drawing containing an insult and dishonoring the President of the Republic," an offense that carries a maximum penalty of three years in prison. June 3 was set for a formal charges hearing before Sa`id Mirza, the First Investigation Judge.

Representatives from the General Directorate of Public Security, the main police force, arrived the same day at the newspaper's building on Verdun Street (northern West Beirut) to close down the newspaper and serve papers of criminal charges against its publisher.

The Journalists Guild immediately protested the closure. In a May 28 statement, it complained about the continued attack on the press, calling for the reversal of the decision to shut down *al-Sharq* and again for the repeal of Decree 104. Milhem Karam, head of the Editors Guild, also demanded that the government rescind the closure, "as we believe that slighting the station and person of the President of the Republic did not for one moment occur to the newspaper's editor or the rest of its staff."²⁷

According to sources interviewed by Middle East Watch, closing *al-Sharq* was a remarkable development since it had been openly pro-Syrian. On the same day the paper issued the offending caricature, the President's office issued its instructions to the prosecutors, without consulting other ministers, including the ministers of information and justice. The cartoon pictured Nicola Nasr, the newly appointed Director General of the Ministry of Petroleum, and Roland el-Hrawi, the President's son, pumping

²⁷ On September 10, apparently to smooth relations with Kuwait, Albert Mansour, then-Minister of Information, referred to the Kuwaiti government as "inspiring force for Lebanon." He praised Shaikh Jaber and his government "for all the support they have given Lebanon."

²⁸ From the Journalist Guild and the Editors Guild statements, both on May 28.

gasoline into a presidential limousine while Mona el-Hrawi, the President's wife, was waiting. Apparently, it was considered too disrespectful of the first family.

Criticism or conduct taken to be disrespectful of the first family, had in the past caused both physical abuse against journalists and the filing of charges against publications and journalists thought to be disrespectful.³⁹

The cartoon was also taken to imply favoritism, a sore point with the Hrawi government, which has long been accused by its critics of favoritism in government perks and contracts. Recently, long awaited appointments to senior government posts fed this long-simmering charge. Although the government apparently attempted to divide them carefully among the largest religious sects, these appointments have been bitterly criticized in Lebanon for favoring mainly relatives, friends and allies of powerful officials.⁴⁰ An editorial in *al-Hayat*, a generally pro-government conservative daily, complained about these appointments as manifestations of the government's willingness still to oblige warlords by selecting their cronies for high government posts.⁴¹ Najah Wakim, a Beirut representative in the Chamber of Deputies, warned about, "the threat that these appointments pose to democracy," and rejected "the appointment of partisans whose loyalty is to persons and clans instead of to the state and the nation."⁴²

Deference to Syria finally saved *al-Sharq*, which has demonstrated a clearly pro-Syrian editorial policy. On May 29, a quickly arranged meeting of senior officials, including the President, Prime Minister, ministers and prosecutors decided to reverse the earlier presidential order. After the meeting, Michel Samaha, Minister of Information, announced that the paper would be allowed to resume publication since the President agreed that "the subject (the caricature) did not directly affect state security."⁴³ It is noteworthy that the minister did not address the reasons for closing the paper. The prosecutor's order cited earlier did not mention state security as one of the reasons for closing the paper, but only "insulting the President of the Republic and dishonoring him."

II. PREVIOUS MEDIA RESTRICTIONS UNDER PRESIDENT HRAWI

1. Censorship by Intimidation: The Civil War and Syria's Role

³⁹ See Sec. II-3 and Sec. II-6, for examples of retaliation against disrespect.

⁴⁰ A number of sect leaders have complained about what they considered to unfair shares in these appointments. See for example, *al-Hayat*, June 3, 12 and 13, 1993.

⁴¹ Khairalla Khairalla, "A State of Militias or a State of Institutions?" *al-Hayat*, May 31, 1993.

⁴² "Wakim: the Central Bank Appointments Are the Most Dangerous," *al-Hayat*, June 3, 1993.

⁴³ *Al-Hayat*, May 30, 1992.

The 15-year civil war, which wreaked havoc on the once flourishing Lebanese civil society, destroyed what had been a major cultural center of the Arab world and a haven of free speech. During that war (1975-90), warring factions imposed their will on the press by assassinating journalists, bombing news organization, issuing threats against unfavorable coverage or physically preventing newspapers from distributing in areas under their control. For its part, the Lebanese government, which through most of the war ruled by decree, introduced draconian measures to restrict the media even further, including three legislative decrees in 1977 and 1983 (See discussion below of these regulations).

Since early in the civil war, Syria has been the main power broker in Lebanon. In June 1976, with at least tacit encouragement from the United States, Syria sent its army into Lebanon as part of Arab League efforts to stop the fighting and preserve the Maronite-dominated status quo. Since then, Syrian forces -- today some 35,000 -- have maintained virtual control over Lebanon's foreign and defense policies and the relationships among political and religious groups.

During the war, Syrian forces and their allies were implicated in the murder of a number of Lebanese leaders and journalists who challenged Syria's policies. These forces used kidnapping and assassination to silence critics -- with considerable success. A dozen highly publicized assassinations of prominent politicians, journalists and scholars who spoke critically of the Asad regime took place between 1975 and 1989. As a result of this terror campaign, the Lebanese press, once the least restrained in the Arab world, has been forced to toe a Syrian-drawn line, leave Syrian-controlled Lebanon, or cease functioning.

From the beginning of the civil war in 1975, news organizations were burned, blown up, or otherwise forced to shut down or leave. Prominent journalists were assassinated, kidnapped or beaten, with impunity. According to a Lebanese journalist:

1975-1976 (also known as the two-year war) was probably the worst in sheer numbers of journalists, newspaper distributors and printers who were kidnapped, killed or arbitrarily detained; and of newspaper offices bombed or closed by force. No newspaper or magazine escaped attack. Some were subjected to a series of such attacks. Although every one said after such attacks that they would not change their policy, in fact they did. After such attacks, each organization reviewed its political and security calculations. Based on those calculations, it took a decision on whether to accommodate the attackers, close down or emigrate.⁴⁴

During the civil war, the press was regularly attacked by warlords and their patrons, who accused it of stoking the fires of antagonism between the Lebanese and prolonging the war. More important and successful has been Syria's determination to prevent Lebanese press from criticizing its policies and the actions of its forces in Lebanon. Syria dealt swiftly and harshly with journalists and news organizations thought to be openly hostile.

Shortly after the arrival of Syrian troops in the summer of 1976, armed men believed to have been

⁴⁴ Hasan al-Saba, "Losses of Lebanese Press."

working for Syrian military intelligence stormed the offices of the two dailies, *Beirut* and *al-Muharrer* (The Editor), and the *al-Dustur* (The Constitution) magazine. They killed Ibrahim `Amer, Egyptian editor-in-chief of *Beirut* and Nayef Shiblaq, Palestinian publisher of *al-Muharrer*. Both newspapers and the magazine were forcibly shut down.⁴⁵ Around the same time, Syrian forces also shut down two other major dailies the left-leaning *al-Safir* and the right-of-center *al-Nahar*. The buildings housing most of these publications were occupied by Syrian forces. During the same year, two other journalists, Najib `Azzam and Talal Rahmeh, disappeared after being abducted. Elias Shallala, another journalist, was assassinated. All were critical of Syrian forces or their allies.⁴⁶

Despite the fact that the Lebanese press in general toned down its direct criticism of the warring parties, journalists continued to fall victim to assassinations and abduction and news organizations to be blown up. During the civil war, it is estimated that at least 25 Lebanese and 12 foreign journalists were killed, in addition to numerous assassination attempts and attacks on news organizations offices and printing plants.⁴⁷

In 1980, a nadir in press freedom was reached with the assassination of Riyadh Taha and Salim al-Lauzi, two leading journalists who were not sympathetic to Syrian occupation and the Syrian-inspired crackdown on the press. Suspected of harboring pro-Iraqi sentiments, Taha, then President of the Lebanese Journalist Association, was killed shortly after returning from Baghdad. Salim al-Lauzi, editor-in-chief of *al-Hawadeth* (Events), a right-wing weekly, was close to the Saudi government. Their killing helped create an atmosphere of extreme apprehension about criticism of Syria among Lebanese journalists, the effects of which are still felt.⁴⁸

2. Resurrecting Civil-War Measures

The Hrawi government, which has distinguished itself by vigorously prosecuting those accused of violating press laws, has not shown similar enthusiasm for bringing to justice those who have used violence against the media.

On January 15, 1992, Mustafa Jeha, a writer and journalist, was killed in east Beirut. He had written

⁴⁵ *Al-Muharrer* and *al-Dustur* resumed publication in Europe.

⁴⁶ During the same year, other journalists were killed by sniper fire or shelling.

⁴⁷ Hassan al-Saba`, "Losses of Lebanese Press in the Past Four Decades: Can What Failed to Be Achieved by the Force of Arms be Achieved Peacefully?" *al-Hayat*, February 12, 1992 (in Arabic).

⁴⁸ In addition to killing journalists, both Lebanese and foreign, and the assassination of a number of Syrian exiles, Syrian forces in Lebanon and their allies were implicated in the killing of a number of important Lebanese leaders. The murders of Kamal Jumblat (1977), the powerful Druze chief, and Shaikh Subhi al-Saleh (1989), a popular Sunni religious figure and scholar, were both blamed on Syrian forces operating in Lebanon.

critically of Hizballa.⁴⁹ No arrest has been made. Nor is there an active investigation of the case. On August 18, Gabrielle Hulsen, a German journalist who worked for *Der Spiegel*, Spiegel TV and ZDF TV, was killed in Ghadir when a bomb planted in her car exploded. No arrest has been made in this case either. During 1990-91 there were two attempted assassinations, of two other journalists, George Mudallal and Walid Awadh. These two incidents have also not been fully investigated.⁵⁰

On November 25, 1991 the *al-Shira`* (The Sail) weekly ran an editorial that bitterly criticized President Hrawi, calling on him to "reform or resign," and implicitly accusing him of nepotism. Copies of the issue were confiscated by the police throughout Lebanon. On November 27, the government initiated legal action against Hasan Sabra, the magazine's publisher and Ghazi al-Maqhour, its editor-in-chief. The case is still pending. Few weeks later, on December 15, 1991, the printing plant of *al-Shira`* was set on fire. No serious investigation was conducted to find those who attacked the magazine's building.

⁴⁹ Hizballa and Amal are the two major Shi`a political parties and militias. While Amal has been "disarmed," the pro-Iranian Hizballa has not. The only other militia which has not been disbanded is the South Lebanon Army, a militia affiliated with Israel.

⁵⁰ In addition, during 1990-91, two journalists, Ni`mat al-Sib`i and Nusrat Khuraish, died in two bombing incidents. It was not known whether they had been targeted.

The failure of the Hrawi government to pursue attackers on the press is not unique. According to historians of the Lebanese press, with the exception of the 1965 assassination of Kamal Mroueh, the founder of *al-Hayat*, no one has ever been charged with killing a journalist and the trial of Mroueh's killers, a group of Beirut Nasserist youths, was the only trial following the killing of a journalist.⁵¹

Since coming to power in November 1989, the Hrawi government revived a number of tactics used during the war to censor the media. In particular, it has:

- o Zealously enforced wartime restrictive regulations, especially Decree 104 of 1977.**
- o Frequently used its extraordinary powers under Lebanon's archaic press laws, including the closure of media outlets and the prosecution of journalists accused of minor infractions.**
- o Adopted of the April 1992 Media Policy, the most stringent guidelines ever.**
- o While refraining from threats of violence itself, continued the unbroken tradition of failing to prosecute those who used violence against the media, including assassinations.**
- o Attempted to restore its pre-war monopoly over radio and television.**

3. Censorship In the Name of Reconciliation

In the same way that Lebanese governments during the civil war justified muzzling the press as means to achieve peace, the Hrawi government has explained its recent measures as attempts to prevent sectarian turmoil caused by inflammatory journalism. Censorship is portrayed as necessary to keep the peace between Lebanon's religious and political factions.

However, there is no evidence that such restrictions in the past helped achieve reconciliation. In 1977, the Lebanese government dealt the severest blows to press freedom when it imposed pre-publication censorship (Decree 1 of January 1, 1977), gave security forces wide-ranging authority to muzzle the press (Minister of Interior's Decree of January 3, 1977), and issued the one of the most stringent laws (Decree 104 of June 1977). The war intensified. Similarly, in 1983, the government's effort to silence the media were followed by an escalation in the war.

During the war, nearly every accord the warring factions signed contained press restrictions. For example, in October 1978, leaders of the warring factions met in the Biteddine Palace, to negotiate another accord to end the war. The accord was reached with the help of Saudi and Kuwaiti intermediaries. As has been done in most Lebanese political accords, clauses for media restriction were important ingredients on which warring factions and outside powers insisted.

⁵¹ Hassan al-Saba, "Losses of Lebanese Press in the Past Four Decades: Can What Failed to be Achieved by the Force of Arms be Achieved Peacefully?" *al-Hayat*, February 12, 1992 (in Arabic).

In order to "correct the public information situation," the Biteddine conference called for:

- o Strict enforcement of censorship on all publications, to weed out provocative or inciting material, or any material that would lead to a worsening of the security situation in any way.**
- o Confiscation of banned publications and prosecution of their issuers and distributors.**
- o Closure of all private radio stations operating without license.**
- o Closure of newspapers operating without license.⁵²**

The government undertook to implement those decisions and formed a ministerial committee headed by Prime Minister Selim al-Huss to implement them. Starting with unlicensed radio stations, it secured the agreement of some of them to cease operation.⁵³ However, soon after the conference was over, Lebanon relapsed into civil war, following an attack on a helicopter carrying the Saudi and Kuwaiti mediators. As security deteriorated, the government was not able to fulfill all the wishes of the conference.

It is not clear how restricting peaceful dissent may have a positive effect. On the contrary, as such restrictions have aroused suspicions about the government's desire to conduct dialogue with its opponents, they may in fact lead to heightening tensions among the various groups in Lebanon. In none of the recent closings and prosecutions has the government been able to demonstrate how the targeted new organization endangered Lebanon's security or jeopardized the harmony of sectarian coexistence.

In fact, there is ample evidence from Lebanon's recent history that attacks on the press were followed by periods of civil strife. For example, the kidnapping and subsequent assassination of Nasib al-Matni, owner of *al-Telegraph*, is believed by many to have sparked the first civil war of 1958. Similarly, the two years preceding the beginning of the second civil war in April 1975 were marked by violent attacks on the media. In November 1973, Ghassan Tueni, owner and editor-in-chief of *al-Nahar*, a major daily, was imprisoned during President Franjeh's term for publishing state secrets. Issues of the paper were confiscated and, more significantly, official and unofficial advertisements were withdrawn from the paper once it was allowed to resume publication. 1974 was marked by several attacks on the media, including the kidnapping of Michel Abu-Jaudeh, a renowned columnist for *al-Nahar*, and the bombing of the building housing *al-Diyar* daily. Neither case was prosecuted.

Instead of contributing to peaceful coexistence, press restrictions will most likely exacerbate the political and economic crisis in Lebanon. By closing down outlets for nonviolent opposition, Lebanon may be encouraging dissidents to return to the lawless methods of the civil-war period.

⁵² Translated by MEW from the Biteddine Accord.

⁵³ At the time, the main illegal stations were Voice of Lebanon (Phalanges), Arab Voice of Lebanon (National Movement) and Voice of Free and Unified Lebanon (Franjeh). The latter two voluntarily agreed to cease operating.

4. Central Authority Tentatively Restored 1990-91

The closings in April and May, while unprecedented in the sheer number in such a short time, fit a clear pattern of harassment of the press that has emerged since the Hrawi government came to power in November 1989, following the signing of the Taif Accord. This Accord, sometimes called the New National Covenant, concluded a month earlier in the Saudi Arabia resort city of Taif, signalled the determination of Lebanese warring factions and their patrons to end Lebanon's 15-year civil war.⁵⁴ But ending the civil war did not signal a return to a free press. In fact, one of the decisions made in Taif was to restrict press freedom.⁵⁵ The Accord endorsed the need to "re-organize all media in accordance with the law and within the framework of responsible freedom that serves moves toward reconciliation and ending the [civil] war." One month after the Taif Accord was concluded, President Hrawi was elected, with strong Syrian backing, by the Lebanese Chamber of Deputies.

The September 1991 Lebanese-Syrian Defense and Security Agreement stipulated a ban on "all military, security, political and media activity that might harm" either country (Article 12). The agreement also required both countries to "refuse to give refuge to, facilitate the passage of, or provide protection to persons and organizations that work against the other state's security." These terms may be intended primarily to prevent Syrian exiles from operating in Lebanon. The ban on "political and media activity" provides additional legal cover for the *de facto* ban on political opposition to Syria that Syria has enforced in most of Lebanon since 1976.

During 1991, the Lebanese government did Syria's bidding by exerting pressure on the local press to refrain from criticizing Syria. The Ministry of Justice served notice to Lebanese journalists that they should abide by press regulations banning criticism of the president and foreign heads of states as well as the publication of material that might adversely affect Lebanon's foreign relations. In September, Maurice Khawwam, at that time Lebanon's chief public prosecutor, sent a letter to the Lebanese Journalists Association giving notice of the prosecutor's intention to reactivate restrictive press laws. Khawwam reminded journalists:

(O)ne of the forbidden topics explicitly banned in Legislative Decree No. 104 of June, 1977 is

⁵⁴ Following the signing of the Accord, the newly installed Lebanese government had to face the rebellion of General Michel `Aoun, who was appointed prime minister by the former President Amin al-Gemayel. `Aoun rejected the Taif Accord and refused to recognize the new government. It was not until October 1990 that his loyalists were defeated in very bloody clashes. For more details, See, Human Rights Watch, *World Report 1992*, pp. 845-6. The old National Covenant refers to the unwritten agreement reached in 1943, before independence from France, by leaders of the major religious communities in Lebanon, the main ingredient of which is division of senior government posts among the sects.

⁵⁵ The main foreign powers that helped the Lebanese factions conclude the Taif Accord were Syria, Saudi Arabia, Egypt, France and the U.S. Formally, the Accord was concluded by the Lebanese Chamber of Deputies, when the majority of its members representing all the major parties to the war met in extraordinary sessions in Saudi Arabia in the fall of 1989. A committee dispatched by the Arab League, composed of the foreign ministers of Algeria, Morocco and Saudi Arabia, mediated.

the critical discussion of the president of the Lebanese Republic or of heads of foreign states. Such criticism has caused Lebanon in the past many negative repercussions which we want to avoid repeating. I especially would like to draw your attention to Article 23 of Decree 104, which stipulates that "Should a publication critically discuss the person of the president of a foreign country, *the public prosecutor shall initiate prosecution even when there is no complaint from the aggrieved party*" (Emphasis added).

The public prosecutor served notice on the editors that he intended to prosecute violators vigorously.

On November 25, 1991 the *al-Shira* weekly ran an editorial that bitterly criticized President Hrawi, calling on him to "reform or resign," and implicitly accusing him of nepotism. Copies of the issue were confiscated by the police throughout Lebanon. On November 27, the government initiated legal action against Hasan Sabra, the magazine's publisher and Ghazi al-Maqhour, its editor-in-chief. A few weeks later, the printing plant of the magazine was set on fire.

The Hrawi government went to considerable lengths to suppress opposing views, even outside the country. In December 1991, for example, its embassy in Paris was able to obtain a list of 85 individuals, most of them Lebanese, who had demonstrated in Paris against President Hrawi during an official visit to France. General Sami al-Khatib, then Lebanese Interior Minister, later said that the authorities intended to arrest the Lebanese citizens on the list if they returned to Lebanon; the foreigners would be barred from entering Lebanon.

5. The 1992 Elections Campaign

In 1992, the Hrawi government's campaign against dissent intensified as the government made preparations for parliamentary elections held between August 23 and September 6. A majority of Lebanese opposed the timing of the elections and the manner in which they were being prepared.

In its zeal to hold parliamentary elections, the first since 1972, the government rushed through preparations. The Hrawi government may have been eager to complete the elections before Syrian force redeployments stipulated in the Taif Accord. Control of the parliament assures President Hrawi (and Syria) strong influence over the selection of the next president, to be chosen by the current parliament in 1995, and over the enactment of constitutional reforms envisaged in the Taif agreement.

In the months preceding the elections, restrictions were imposed on freedom of association and speech. In March, the government banned 138 private associations, including political organizations, claiming that they were illegal because they had been formed during the civil war without proper licenses. In fact, a number of these groups, such as the pro-Iraq Ba`th Party and the Republican Party, predated the civil war. The ban limited the ability of opposition groups to prepare for the elections.

In May, Maurice Khawwam, then-Chief Public Prosecutor, started criminal proceedings against Najah Wakim, a member of the Chamber of Deputies who had denounced corruption in the government. The proceedings were effectively suspended when the Chamber refused the government's demand to strip Wakim of his parliamentary immunity. On July 22 and 23, nineteen people were arrested for passing out

announcements of a strike called for by Lebanese major trade unions. All were released on July 25, after intervention of prominent politicians. On July 29, strike organizers were also arrested while handing out notices for the strike.

In an attempt to limit exposure of opposition candidates and ensure favorable coverage for its own, the government intensified pressure on the media. During the months leading to the elections, government officials regularly castigated the press, accusing it of "negativism," divisiveness and unfairness in its coverage, and threatened to use its powers to curb "excesses." Several newspapers and magazines were temporarily banned. In February, two dailies, *al-Nahar* and *al-Diyar* were banned for publishing excerpts from a book about General Michel Aoun, a major opposition figure. In addition, a number of reporters were prosecuted for publishing articles critical of President Hrawi, his family or foreign leaders.

In March, in a thinly disguised threat, then-Prime Minister Omar Karamah announced plans to dedicate two special senior prosecutors in the Public Prosecutor's office to handle the media. During the week of March 15, there were publicized meetings between Karamah and Khatcik Babekian, then-Minister of Justice; Albert Mansour, then-Minister of Information; Maurice Khawwam, then-Cassation Public Prosecutor and the heads of the Journalists Guild and the Editors Guild. In public statements clearly designed to pressure the media, Karamah said that the function of these prosecutors would be "to investigate all allegations published or broadcast in the media against government officials. If the allegations are true, the guilty should be punished. But if not, such allegations are tantamount to crimes against the nation and must be vigorously prosecuted."⁹⁶

Heads of the two journalists guilds were indirectly warned to rein in journalists "or the government would do it for them," according to participants at some of these meetings. Apparently in an attempt to forestall government action, Muhammed Ba`albaki, head of the Journalists Guild, issued a mild statement after one such meeting, stating:

I do not think that the government is about to draw its sword against the media. It is committed to the principles of freedom and self-censorship – the same standards in which the media believe. It is also committed to being responsible.

Ba`albaki declared "readiness to cooperate with the government" and assured journalists that "there should be no fear that freedoms may be restricted."

On March 25, the Journalists Guild met to discuss the government's threats. On March 26, it cautioned against restricting "harming freedom of the press or other civil liberties, by any group whatsoever." It warned against any measure, "using the law as a pretext to take away freedom of the press or restrict its practice...The right approach to regain confidence in the state and its institutions cannot be

⁹⁶ In another statement during the same week, Karamah said, "These are matters of national interest. Accusations levelled against government officials are damaging, both internally and externally...We are for investigating every claim...Every claim published or broadcast must be investigated. If it is true, those accused will be prosecuted and if it is not, those who published it will be prosecuted. This is what we agreed upon."

achieved through a weak and restricted press, but through responsible and strong press..."

Adopting a conciliatory tone in the face of official pressure, the Guild confirmed its "willingness to cooperate fully with the competent authorities to strengthen national reconciliation and abide by the laws in effect." It urged journalists to "be mindful of the dangers associated with freedom...They should try to avoid these dangers by strictly adhering to self-censorship and recognizing the limits imposed by the law and by the prerequisites of the practice of their profession. Publications Law should be the arbiter for every dispute that may emerge between the press and the authorities. The goal should be to guarantee the broadest exercise of freedoms within the limits of legal responsibility."

At the same time it was trying to subdue the print media, the government was attempting to regain its control of radio and television. It continued threatening to close all forty-five private television station, in an attempt to revive the state's pre-war monopoly over television.⁵⁷ On April 29, as a stop-gap measure the government issued the Media Policy Statement, probably the most restrictive guidelines Lebanon media have ever seen. For example, media organizations were required, at the pain of being closed indefinitely, to commit not to broadcast any material that may directly or indirectly stir ethnic, sectarian or political enmity; disturb Lebanon's foreign relations; insult the president or other senior officials; contradict the Taif Accord or harm the economy.⁵⁸

In the election process the Lebanese government violated both the spirit and letter of the Taif agreement, and circumvented a number of long-established electoral laws. More than one-third of potential voters were disenfranchised by not utilizing absentee ballots: the 933,000 persons who left Lebanon during the civil war were not given an opportunity to vote unless they returned to cast their ballots, while many of the 750,000 internally displaced Lebanese were not permitted to vote because they were not able to return to the districts in which they had voted in the 1972 elections or to travel to the few other polling places designated by the government for their use.

The election regulations adopted by the Hrawi government included several provisions that served to strengthen its influence over the outcome. For example, in certain provinces, district-level elections were introduced, apparently to improve election prospects for pro-government candidates. In an attempt to lessen sectarian divisions, the Taif Accord had stipulated that elections be held at the provincial level, in the place of district-level contests that were common in the prewar period.

Voting took place between August 23 and September 6 but was fraught with irregularities. It was boycotted by most eligible voters. Fearing retribution from Syrian forces and the Hrawi government, opposition groups did not feel free to campaign vigorously against either. Many potential opposition candidates, including members of parliament, boycotted the elections out of concern for their own safety. The boycott was extensive in most Christian areas, and in the Kesrouan district, it was nearly total; a byelection had to be held on October 11 to fill the district's five seats. In the Jubail district, a candidate won with only 41 votes cast. With most of the Christian opposition and significant segments of the Muslim

⁵⁷ See the section below on the government's attempt to revive TV monopoly.

⁵⁸ See below for a detailed discussion of the April 29 Media Policy Statement.

opposition having boycotted the contest, the new 128-member Chamber of Deputies is largely made up of Hrawi government loyalists and pro-Syrian figures, as well as fundamentalist Shi'a and Sunni representatives.

Harassment of the media and dissidents continued during the elections and afterwards. On August 23, the first day of polling, four crew members from the Lebanese Broadcasting Corporation (LBC) and New Television (NTV), were attacked by supporters of Roy Hrawi, the president's son who was running for election against his cousin Khalil Hrawi.

In September, following a complaint by the Kuwaiti chargé d'affaires, legal proceedings were started against the Beirut daily *al-Safir* for publishing an article considered defamatory of Kuwaiti senior officials. On September 23, a reporter and three photographers were beaten by the police after they persisted in trying to cover a political meeting of the opposition.

On October 26, the main headquarters of the Lebanese Phalanges Party, in al-Ashrafiyya, were raided by Lebanese Army forces. They arrested the guards and confiscated all documents and other property. The party, one of the main Christian political groups, had boycotted the elections.

On November 22, the national day commemorating independence from France, scores were arrested for distributing leaflets critical of the government and supportive of General Aoun. Fifteen were later tried before special military courts.⁵⁹

6. Attempt to Revive State Monopoly of Radio and TV

Lebanese Television Company (LTV) is the sole television organization currently with a license to operate and has been granted a monopoly until 2012. Fifty percent of LTV shares is owned by the government and the other half is owned by Rafiq al-Hariri, the Prime Minister. There is no mechanism through which the dozens of other stations, all of which came into existence after the outbreak of the war in 1975, may apply for licenses.

At first the Hrawi government threatened to close down all independent stations. But the threat was not carried out, most likely because many of these stations are owned by powerful political groups or individuals. In January 1992, a ministerial committee recommended that existing (but technically illegal) TV stations be required to submit their applications first to the LTV monopoly. If LTV agreed, the Council of Ministers might then issue a license. This recommendation was not carried out.

On April 29, 1992, guidelines were issued for the continued operation of independent stations. Implicit in that move was agreement to permit television station to operate until a final decision is made.

⁵⁹ Because the government considered the offending leaflets defamatory of the commander-in-chief of the armed forces (President Hrawi), and thus weakened the morale of Lebanese armed forces, the case was referred to special military courts, where rights of defendants are severely limited. Several were sentenced in April to lengthy prison sentences for participation in the printing and distribution of the leaflets.

At the same time, the government formed a committee to propose a bill.

By April 1993, no decision had been made on the contemplated reorganization of broadcasting. Senior officials appeared divided on whether to try to complete the bill and submit it to the parliament or instead, issue a number of administrative regulations to strengthen LTV and weaken the other stations, thus helping LTV to compete against its more technically advanced rivals. Postponing the adoption of an equitable law will help achieve this goal if the government then takes measures to help LTV overcome its weak programming and technical difficulties. Significant financial support would win the battle for LTV, according to this view, since the competition is owned by private players without the means to match government resources. The government is also in a better position to channel advertisements to LTV, because of its influence on the sponsors. In this indirect way, weak private stations will have to cease functioning without the need to close them by law. Others in the government believe that regulation must be achieved through speeding up the drafting of the bill and submitting it to the Parliament.

On April 29, 1993, on the day ICN was closed, Michel Samaha, Minister of Information, summoned representatives of radio and TV stations and told them, "We all have to comply by the Honor Code, until the new law on radio and television is passed. The bill will be discussed by the cabinet within the next two weeks." The Honor Code was issued by minister Samaha in February 1993 and is based largely on the April 1992 Media Policy Statement. On May 2, the cabinet revived efforts to draft a bill regulating radio and television, which had been put aside for a while. The discussion of the bill was hastily scheduled following the closure of ICN and *Nida al-Watan*. The Minister of Information also resumed meetings with representatives from newspapers and radio and television, discontinued the previous year.

The Hrawi government's attempt to revive its monopoly of ownership of radio and television is reminiscent of ill-fated attempts between 1983 and 1985 to buy newspapers and other publications. Following the 1982 Israeli invasion of Lebanon, Bashir al-Gemayel, then head of the Lebanese Forces, was elected president with strong backing from Israel. He was assassinated before he took office and his brother Amin was chosen to replace him. The Gemayel government ordered its General Directorate of Public Security (*al-Amn al-`Amm*, the national police force), to enforce restrictions against the press, in the belief that such restrictions would be helpful in improving security but would especially be beneficial to Lebanon's relations with a number of countries that complained about unfavorable coverage.

In September 1983, in an attempt to buy political publications, the Gemayel government passed Legislative Decree 121 (1983). Article 4 stipulated that no political publication may be sold without first giving the government an opportunity to consider buying it. The Minister of Information was given a veto power over the sale of any publication. Had this plan been successful, it would have brought Lebanon in line with most Middle Eastern countries where governments directly own and operate significant portions of media outlets. The plan was a failure, as the government recognized in 1985, when it repealed the decree.

III. TIGHTENING THE MEDIA STRAITJACKET

In its campaign to rein in the press, the Hrawi government utilized a number of regulations from

the civil war period and other obscure texts which had not been activated in a long time.⁶⁰ According to Ahmed al-Mu'alleem, a distinguished Lebanese judge, there is no overall press law in Lebanon, but individual pieces of legislation and decrees dating back to the Ottoman period, especially from early nineteenth century, when newspapers started being published in Lebanon. Ottoman rules and decisions by the French High Commissioner issued during the French mandate gave the press a very short leash and overburdened it with restrictive regulations calling for severe punishments for minor infractions.⁶¹

1. Publications Law

After Lebanon's independence in 1946, the government kept the mandate law until 1948, when it issued new legislation repealing indefinite administrative closing of newspapers, but added to the list of banned subjects and increased the severity of punishments.

The press law now in effect is the Law of Publication of 1962, which applies primarily to print media. With the exception of two liberalizing amendments introduced in 1971, all other changes made to this law have tended to make it more restrictive.⁶²

Article 27 of the 1962 law requires a license from the Ministry of Information to start any publication. Article 58 has the unusual prohibition that only publications designated by the license as "political" are permitted to publish "studies, news, drawings, or commentaries, of a political nature." Publications courts have interpreted this clause very broadly, ruling, for example, that academic lectures on politics fall under this category and as such may not be published except in "political" publications.⁶³

2. Limiting the Number of Periodical Political Publications

Using its authority under Legislative Decree No. 74 of April 1953, the government stopped issuing new licenses for "political periodic publication." Decree 74, which is still in effect, stipulated a complex formula that set the overall number of publications so designated. Setting this limit has dealt a severe blow to political expression in Lebanon, as Lebanese human rights observers have pointed out. According to Joseph Mughaziel, the head of the Lebanese Association for Human Rights and, since September 1992, a member of the Lebanese Parliament,

⁶⁰ We referred earlier (pp. 13-4) to a May 13 joint protest by the two journalist guilds, which objected to censorship based on "obscure texts which have not been activated in a long time, including Decree 104 which has always been rejected by the press."

⁶¹ Emil Khouri, "Press laws in Lebanon: Part of its changing structure," *al-Hayat*, February 11, 1992 (in Arabic).

⁶² Legislative Decrees No. 2 (January 1971) and No. 26 (September 1971) for the first time removed press offenses from military courts and mandated the release on bail of journalists accused of purely press offenses.

⁶³ Joseph Mughaziel, "Political Rights in Lebanon's Constitution and Legislation," in: Center for Legal Studies of the Arab Lawyers Union, *The Crisis of Human Rights in the Arab World*, Cairo, 1989 (in Arabic).

This [suspension of the issuing of licenses for political publications] dropped the guillotine on the neck of freedom of the press. As press licenses became some of the most sought-after commodities, ownership of political newspapers became possible only to wealthy individuals and their heirs. A new political movement is not able to start a publication of its own for one of two reasons: either because none of the current license owners is willing to sell his license or because the new movement does not have the funds necessary to purchase a license in the market.⁶⁴

Setting the number of political periodicals has produced anomalous results. A significant number of licenses are for publications no longer operating, but their owners still keep titles to the licenses, called *imti'az* or concessions. Some of these papers resume publication for short periods and then disappear. For example, Omar Karamah, a former Prime Minister under President el-Hrawi, owns the license for *al-Raqib* (The Monitor), which he bought from Diyab Mansour. Karamah returned his paper to circulation in April 1992, just before he resigned as Prime Minister. He gave the paper an exclusive: his resignation letter.

Much like the system of taxi medallions in New York City, for example, these owners may lease, lend or sell licenses to others. For example, when *al-Safir* was closed recently, it was able to resume publication the next day by using the name *Beirut al-Masa'* (Beirut Evening), a defunct publication.⁶⁵ The owner of the concession of *Beirut al-Masa'* is Muhsin Ibrahim, secretary general of the Organization for Communist Action, who reportedly authorized *al-Safir* to use his masthead and license for the week it was closed (May 12-18, 1993).

According to Lebanese lawyers, the government could have moved to block the deal between the two papers, as previous governments had ruled that such arrangements were illegal when they involved a newspaper ordered closed for violating the press law, as *al-Safir* was. However, it appears that pressures within Lebanon precluded this option as too politically costly.

3. Banned Topics

Article 63 of the 1962 Publications Law bans the publication of any material that may "jeopardize the state's safety, unity, sovereignty or borders; insult a religious sect recognized in Lebanon; stir ethnic or sectarian differences; or insult or defame the head of a foreign government." This ban, already broad, was made a virtual catch-all by numerous subsequent government decrees.

Legislative Decree No. 104 of 1977 and the Media Policy Statement of April 1992 both greatly expanded the list of banned subjects. A detailed discussion of these two instruments, which have figured prominently in the recent closings, follows below.

⁶⁴ Mughaziel, "Political Rights..." pp. 307-8.

⁶⁵ Legally speaking, *Beirut al-Masa'* is not considered defunct; it is a "dormant" publication, since its license has not been revoked or sold.

4. State Secrets Regulation

In the ongoing prosecution of Faisal Salman and Ibrahim al-Amin from *al-Safir*, they were initially charged with violating both the press law and state secrets provisions of the Penal Code. Although charges based on the Penal Code were later thrown out by the Examining Judge for lack of evidence, the stiff penalties in the broadly worded prohibition against publishing state secrets are a strong deterrent against candid discussion of government policy. Although Article 281 of the Penal Code reasonably defines the crime of illegally obtaining state secrets, the law does not define what constitutes a state secret:

Any one entering or attempting to enter a restricted place, for the purpose of obtaining documents or information that should be kept secret for the benefit of the safety of the state, shall be sentenced to a minimum of one year imprisonment. If the act was committed for espionage, the imprisonment shall be combined with hard labor.

More significant is that Article 283 severely punishes the communication of these ill-defined state secrets:

Any one in possession of a document or information such as described in Article 281, who discloses or communicates it without a legitimate reason shall be sentenced to between two months and two years. If the act is committed for the benefit of a foreign government, the sentence shall be a minimum of five years at hard labor.⁶⁶

Article 283 has been used to punish the common practice of publishing information obtained legally from government officials, if other officials decide that such information "should be kept secret." This ban is an ever-present threat against attempts by the media to publish information relevant to public debate, since the government can classify such information as state secret. The charges of violating state secrecy law were instrumental in the closing down of *al-Safir* and initiating legal action against its publisher and the reporter who wrote the offending piece.

5. Censorship Decrees

The Hrawi government has been utilizing a number of restrictive wartime decrees which were issued by various administrations without parliamentary approval.

During the war, in addition to directly punishing journalists and news organizations hostile to its policies, Syria applied pressure on Lebanese authorities to rein in the media. Most Lebanese governments, which during much of the war were mere symbols whose influence did not go much beyond a few blocks of the capital, obliged their Syrian guests. In addition, they acted to limit press freedom on their own initiative

⁶⁶ The punishment is more severe if the offender is a government official. Translation from the Arabic by MEW.

or at the behest of governments such as Saudi Arabia or Iraq, or domestic allies. There was also a belief among many Lebanese that sensationalized media coverage of the war whipped up the cycles of revenge and retaliation.

Legislative Decree No 1, issued on the first day of 1977, imposed pre-publication censorship on all publications, including periodicals such newspapers and magazines. Until that time, only non-periodical publications, films and plays, were subjected to prior censorship.⁶⁷ Citing the need to deal with the "general and total destruction" of the country as justification, then-President Elias Sarkis and Prime Minister Selim al-Huss argued that they could not achieve a peaceful solution for the problems of Lebanon unless the press was restricted further by introducing strict pre-publication censorship.

Decree No. 1 was passed in the early months of the Sarkis presidency, shortly after the killing of a number of journalists and after Syrian forces shut down five leading publications. The decree gave the General Directorate of Public Security final say on what may be published. Clearly in this case, prior censorship was imposed at the urging of Syria, to avoid the need to repeat the drastic action it had taken against critics.

The General Directorate of Public Security (*al-amn al-`ammā*), to which all materials had to be submitted, was granted near complete power to censor. On Jan. 3, 1977, the Minister of Interior, under whose authority Public Security operates, issued regulations implementing Decree 1, specifying conditions and principles of pre-publication censorship. For the following six months, while trying to live by the new rules, the Lebanese Journalists Association quietly protested the new restrictions and Riyadh Taha, its then-president, lobbied the Lebanese government to rescind the decree. Quiet protest from the press and logistical difficulties in carrying out the censorship combined to convince the Sarkis government to lift pre-publication censorship in exchange for strengthening post-publication constraints. To that end, Legislative Decree No. 104 was passed by the Cabinet in June 1977.

6. Post-Publication Restrictions Reinforced: Legislative Decree 104

This law, which is still a major part of restrictive press legislation in Lebanon, added to the list of banned topics and stiffened punishments for press offenses.⁶⁸ The Decree, adopted in June 1977 by the cabinet without parliamentary review, gave the government wide authority to shut administratively and confiscate any publication that insults the Lebanese president or other heads of state or commits any of the other press crimes defined by the decree and previous laws.

⁶⁷ See pp. 39-44, on prior censorship of non-periodicals, plays, films and books.

⁶⁸ Decree No. 104 also tried to set a mechanism to examine the sources of income of all publications. Many Lebanese newspapers and magazines are known to have received secretly substantial sums from foreign governments and powerful individuals inside and outside Lebanon.

Decree 104 established some general principles governing the determination of press "crimes", after-publication censorship and scrutiny of revenue sources of news organizations. Under this law, a government prosecutor (*al-na'ib al-amm al-isti'nafi*, or Appeals Public Prosecutor) may close a publication for a month and initiate legal action against both the publication, its publisher, and the editors and writers accused of the infraction. Within a week, the case is reviewed by an "investigation judge" who may decide to end the closure or extend it for the period of the trial.⁶⁹ The investigation judge may then file charges against the offending journalists before a specially constituted Press Court (*mahkamat al-mathbu'at*).

During the trial, the court may permit the publication to resume operation or to uphold the closure until the case is decided. The court may order the publication closed for up to a year and impose a prison sentences of up to three years on each of the writer of the offending material and the publisher (Article 26). Others, such as editors and researchers, may also be prosecuted as accessories.

Articles 23 and 25 of Decree 104 listed the following as "press crimes":⁷⁰

- o Defaming, libeling or insulting the President of the Republic or the head of a foreign government, in a manner that may be construed as dishonoring them.⁷¹
- o Insulting a religious sect recognized in Lebanon.⁷²
- o Stirring sectarian or ethnic animosities.
- o Disturbing public order.
- o Endangering the safety of the state, its sovereignty, unity or the integrity of its borders.
- o Disturbing Lebanon's foreign relations in a manner that may threaten its external security.⁷³

⁶⁹ In Lebanese law, *qadhi al-tahqiq al-awwal*, or First Examining Magistrate (close to French *juge d'instruction*), reviews the charges and summarily decides whether to continue the closure.

⁷⁰ All excerpts are translated by MEW.

⁷¹ The text uses the Arabic terms *qadeh* (defame), *dhamm* (libel) and *tahqir* (insult or ridicule). It also refers to *mass bi al-karama* (dishonor). While the first two terms are defined in other bodies of law, there is no agreement on the meaning of the rest.

⁷² The Arabic text uses *tahqir* (insult, ridicule or contemptuous discussion), which is a general word that does not have a precise legal definition in Lebanese law.

⁷³ The text uses *ta'kir* (disturb or muddy), instead of *idhrar* (harm), the more usual prohibition.

In addition, the decree bans disclosing government secrets and the proceedings of investigations and secret trials.⁷⁴

7. Prior Censorship of Non-Periodicals, Films and Plays

Non-periodical publications, including leaflets, posters and press releases are subjected to strict prior censorship. The General Directorate of Public Security (GDPS), the main national police force, is granted near complete discretion in deciding which of these materials may be shown in public. Similarly, the police have final say over the distribution of films, plays and other artistic and cultural work. The Censorship Department of GDPS is organized by a 1959 legislative decree passed during the first civil war. Under this regulation, GDPS censors carry military ranks, wear military uniforms and are part of the government bureaucracy.

Leaflets and Press Releases

To get around the draconian prohibition of publishing political information in non-political publications and the arbitrary limit on the number of licensed political periodicals, political groups relied on non-periodicals to express their views. However, Legislative Decree No. 55 of August 1967 tried to close this loophole:

No leaflets, statements, press releases or similar materials may be printed, published or issued in any method whatsoever without obtaining a prior license, regardless of their subject or the methods or media used or the language in which they are expressed.⁷⁵

Authority to license non-periodicals is vested with GDPS, operating under the authority of the powerful Ministry of Interior.⁷⁶ The Minister of Interior also has authority over internal intelligence services, which have been implicated in numerous human rights violations.

Requirements for obtaining a license to distribute are so onerous and time consuming that few apply, risking fines and imprisonment.⁷⁷ If within a week of submitting the application to the agency, the

⁷⁴ Banned subjects include judicial investigations; secret trials; family-court cases related to marriage, divorce or adoption; secret sessions of the Parliament or parliamentary committees; investigation reports of judicial and administrative inspection; judicial investigations that are not declared public, including charges and indictments by investigation judges, until they are read in public court session; and all documents stamped "secret."

⁷⁵ Translated by MEW.

⁷⁶ Licenses may be issued by the central General Directorate of Public Security in Beirut or by its provincial offices.

⁷⁷ To be considered, an application must be submitted providing:
- name, nationality, age and address of the applicant(s).

applicant does not receive a positive response, the permit is deemed denied. Once a permit is issued, the applicant has only one week from notification to issue the approved text. After that, a new application is required. A new application is also required if any changes are introduced in the text. A decision by Public Security is final.

Theater, Cinema and Books

Play Banned

On May 11, Shakib Khouri, a playwright and director, and seven actors were getting ready for the third showing of *Arnab wa Qiddisoun* (*A Rabbit and the Saints*) at Maroun al-Naqqash Theater in Beirut when they were surprised by forces from the GDPS entering into their the stage and ordering them to stop the show. The play had opened two days earlier.

As is required by Lebanon's antiquated law, Khouri had submitted the text to the Censorship Department of the GDPS, the national police force, which did not give him any indication that the play might be censored. The police submitted the text to the Maronite Catholic Church to determine whether the text was acceptable from a religious perspective. Two offices of the church separately reviewed the play. The central office of the church commissioned Rev. Safour Khouri, Parishioner of Mar Mikhail in Beirut, where the theater is located, to study the text. He judged it unacceptable. Although Beirut's Maronite Bishop Khalil Abi-Nader and another cleric, Rev. Maroun Atalla both approved the text, the police relied on the negative review by Rev. Safour Khouri to ban the play. The police sent a group of officers to stop the play by force and disperse the audience that had gathered to watch it.

Only after the central offices of the church had reversed the decision of its delegated cleric did the Censorship Department permit the play to continue.

Censorship of plays is regulated by a legislative decree issued in January 1977, during the civil war, which stipulates in part:

- 1. All theatrical works must be subjected to review by the Censorship Department of the General Directorate of Public Security (*al-Mudiriyya al-`amma li al-Amn al-Amm*), which has the authority to ban the showing of these works, in whole or in part.**
- 2. Any person wishing to stage a play must submit a petition to the Directorate accompanied with three copies of the work. The Directorate sets the deadlines for review applications and the time for decision.**
- 3. If a play is staged in violation of the Censors' decision, the play's showing may be stopped. In addition, the General Director of Public Security may order the offending theater closed for a year. Violators may also be sentenced to between one and three years.**

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- **address of the printing and storage place of printed material.**
 - **3 copies of the text indicating the exact shape and size and number of copies intended.**
 - **names of all responsible or participating in the execution.**
-

Film "Detained"

In February, *al-Isar (The Hurricane)*, a prize-winning film directed by Samir Hibshi was banned by the Censorship Department of GDPS. The director was informed that he could not show the film in Lebanon unless he excised a substantial portion of it -- almost "half of the film," according to Hibshi. Although the police did not disclose the reasons for the ban, they apparently objected to his portrayal of events in the civil war and were concerned about its political implication.

On February 11, Hibshi, a young Lebanese filmmaker, said that he had been completely surprised by the ban, since the film was consistent with government's policies aiming at rebuilding Lebanon and reconciling the different communities of Lebanon: "When we started making the film last year, the government made available to us all its facilities, including those of the Ministry of Defense, Public Security, Internal Security, Airport Security and Civil Defense. All helped and contributed beyond what we had expected. Although I am not a court poet, I thought my film was complimentary to the government and its current policy. I actually sincerely believe in the state's policy of development, peace and reconstruction. *The Hurricane* is a film about the war for peace. So you can imagine my big surprise when the Censorship Department the other day refused to permit its screening in Lebanon unless we cut out almost half of it."⁷⁸

Months later, after the filmmaker had enlisted the help of fellow writers, artists and many politicians, including President el-Hrawi, the censors quietly agreed to release the film after the director agreed to redo some of the final scenes.⁷⁹

Police Censorship of Art and Culture

The banning of the *Hurricane* film and *A Rabbit and the Saints* play (see discussion above) are but two examples of how tight censorship can be in Lebanon.

In May 1993, Abboud Fathalla, a major Lebanese distributor, told reporters attending the 1993 Cannes Film Festival that films were routinely ordered cut by the Censorship Department of the GDPS, in deference to the various political and religious groups with influence in Lebanon.⁸⁰

⁷⁸ *Al-Hayat* February 12, 1993.

⁷⁹ Abdu Wazin, "Censorship in Lebanon: Censors Stop at Words Such as 'People,' 'Revolution' or Insults to the US," *al-Hayat*, May 15, 1992.

⁸⁰ He mentioned that the censorship is especially tight in West Beirut, where the largest number of political and religious groups operate.

During the 16-year war censorship of the arts and culture was exercised by the warring factions. Parties and sects, which divided up the country among them and supplanted the state's authority, imposed their own version of censorship, usually by intimidation. During intermittent truces, the government attempted to resurrect its censorship mechanism, in the belief that putting a lid on expression was necessary to maintain the peace. The print press, radio and television were the main targets of the government censorship while books and works of art were largely spared. Raymond Jabara, a playwright and director, said recently that one positive thing about the war was that he was able to show works, such as *Zaradusht Asbaha Kalban* (*Zoroaster Became a Dog*), a play that he believes he would not be permitted now to show or publish in written form.

Since the end of the war in 1990, the cultural censorship apparatus returned in full force. Every playwright has to submit his text to the GDPS before staging his or her play. Every filmmaker has to show his or her film before the censors before he or she can show it to the public. Publishers are also required to send copies of their publications to the Censorship Department to obtain permission to publish.

Directors, theater owners and play directors do not always heed censors' instructions. With the help of powerful political allies they enlist to help them against the censor, they may risk showing films and plays with some of the censored parts intact or the text may be changed after submitting it to the censors. In addition, actors may change the words during a performance. Although in some cases this protection works in convincing the censors to look the other way, agents of the GDPS frequently raid movie houses and theaters, closing down performances and confiscating materials.

Except when they deal with openly political works, the censors' approach is usually surgical and not always ideologically based, according to sources familiar with the censorship process. Their guidelines are fairly general prohibitions that are not defined in the law but may be open to different interpretations. According to Abdu Wazin, they follow these rules of thumb:

- o Respect public order and morals.**
- o Respect the feelings of the audience**
- o Avoid stirring ethnic and religious.**
- o Respect government's authority**
- o Avoid inappropriate portrayal of government officials, politicians, officials of governments allied or friendly with Lebanon, or of spiritual authorities.**

In addition, innocent words such as "people," "revolution," "rebellion," "destruction" or "explosion" may be omitted because they may be construed by censors as inciting. What is taken to be insults to friendly governments, such as the U.S., or Arab governments, especially Syria and Saudi Arabia, may also be excised.⁶¹

In a recent public meeting, director Antoine Multaqa called for either doing away with censorship or at least moving it from the security apparatus to the Ministry of Culture. The latter suggestion was

⁶¹ Abdu Wazin, "Censorship in Lebanon..."

welcomed by the Minister of Culture. Latifa Multaqa, a director, said that the censors deleted all references to change and revolution in *al-Bazzaqa* (*The Snail*), a play she recently staged on Maroun al-Naqqash Theater, even though the play was not directly addressing these issues but was more concerned with critically portraying social customs. The word "people," which often attracts the censor's attention, was removed as well. The playwright put the word "censorship" in places cut by the censors, an unusual gesture to protest the excisions.

Although most literary, academic and general interest books do not suffer unduly from censorship, political books are subjected to close scrutiny and are required to obtain a permit. For example, *General Warhan*, a recent book by Carol Dagher, was subjected to censorship and was not approved before it was closely analyzed by the censors. As noted earlier, newspaper that excerpted books on General Aoun were also banned. Similarly, Sarkis Na`oum's book on General Aoun and a number of other books on the exiled general have been banned. A book by a former member of Hrawi's own government suffered from censorship. The distribution of *A Coup Against Taif*, a book written by Albert Mansour, a former Minister of Information under el-Hrawi, was stopped until political pressure was applied to release it. As with plays and films, books that have been approved by the censors may later be banned.⁶²

In the views of Mustafa Zain, a Lebanese literary critic, the Lebanese government's measures against cultural works enforce by state fiat the archaic modes of thought that Lebanese feudal lords could not enforce themselves. Commenting on the recent banning of Shakib Khouri's play *A Rabbit and the Saints*, Zain said:

The ban goes beyond a play inspired by church rites to the structure of the whole society and the structure of the state which is supposed to have derived from it.

During the war, each sect had its own militia -- connected to one leader or another. It had its own censorship, its own security and its own intellectuals who marketed its thought and wrote its history, including linking them to extinct cultures or to nations that do not know where Lebanon is located.

Cultural discourse and intellectuals in Lebanon are seen as the component of patriarchal society that has not reached the age of majority and thus needs the protection of the father, as represented by religious and secular leaders. Shakib Khouri is thus paying the tax of disobeying the father and ignoring his authority.⁶³

8. The Ultimate Gag: Media Policy Statement: April 29, 1992

On April 29, 1992, the government issued a still more restrictive set of media guidelines. They were

⁶² Abdu Wazin, "Censorship in Lebanon: Censors Stop at Words Such as 'People,' 'Revolution' or Insults to the US," *al-Hayat*, May 15, 1992. On newspaper bans, see Section II(1,2).

⁶³ Mustafa Zein, "Our Societies Are Still Minors," *al-Hayat*, May 17, 1993.

described as temporary, pending the drafting of a new press law.⁸⁴ Several times during 1992, government officials indicated that the new bill was close to completion, but it has yet to materialize.

Although it was principally directed at radio and television, and in general tried to track the text of Legislative Decree No. 104, which regulates print media, the April regulation included additional restrictions which were then generalized to apply to all media.

In order to continue operating, owners of existing establishments were required to agree not to do the following:

- o **Broadcast any information, program, picture or film that would, by its nature, disturb public order, cause fear among the population; directly or indirectly stir ethnic or sectarian enmity or cause divisiveness among the Lebanese people, their religions, sects, or organizations; adversely affect Lebanon's Arab or foreign relations; insult, slander or degrade leaders of friendly nations, or Lebanon's president, speaker of parliament, prime minister or spiritual leaders; violate the morals of Lebanese society; directly or indirectly contradict the foundations of the National Covenant or the nation's unity, sovereignty or independence; or directly or indirectly further the cause of the enemy.**
- o **Publish or broadcast any information, program, picture or film that would, by its nature, constitute publications offenses as defined the Publications Law or the Penal Code.**
- o **Publish or broadcast derogatory, slanderous, degrading or false statements about a private individual or family.**
- o **Directly or indirectly attack or criticize individuals or political parties, other than to discuss their specific stands or opinions.**
- o **Publish or broadcast any material that may adversely affect the national currency or economy.**

Regarding radio and television, the April statement gave the government's final say on disciplining offenders, without judicial review: "The Public Prosecutor shall have the authority to take the necessary steps against violators, as follows:

- o **For the first violation, a warning.**
- o **For the second violation, a suspension of broadcasting for three days.**
- o **For the third violation, the station may be closed; security forces may be utilized to carry**

⁸⁴ According to the announcement and subsequent government statements, a committee was formed to study media policy comprising, in addition to the Prime Minister and cabinet members, prominent journalists, broadcasters and the heads of the journalists and editors guilds. The government stated that once it received this committee's report it would ask a group of experts to prepare recommendations based on which a new law would be proposed to regulate the media, especially radio and television.

out the closure.

The ministers of information, interior and national defense shall assist the public prosecutor in carrying out this task.”⁸⁵

AFTERWORD: A NEW CRISIS IN LEBANESE JOURNALISM?

Lebanese journalists believe that there is a serious crisis in postwar journalism. They have identified factors affecting the health of their profession, including lack of financial solvency and technological innovation, and further lack of credibility because journalists and news organizations have been identified too closely with narrowly partisan groups. However, most agree that the biggest challenge is censorship in its various manifestations: the threat of retribution by Syrian forces or local militias, the closings, the zealous prosecution of journalists based on extremely restrictive laws and the withdrawal of advertisements.

According to Michel Jaoudeh, a journalist, the media have lost much of their credibility and appeal because they have had to bend over backwards to satisfy pressures from militia groups and governments and have uncritically followed the direction of political leaders.

Joseph Abu-Khalil pointed to a "crisis of financial independence." For some time, but especially during the civil war, various factions and governments provided financial support for Lebanese press. By depending on these sources, the press lost its ability to flourish without outside support. Distribution of advertisements by government agencies and private companies doing business with the government is usually politically dictated, closely controlled by senior government officials. Losing financial support and advertisements, in addition to the effects of the economic crisis in the country, led papers to close down altogether, or to reduce their size.

Technologically and in the professional training of its practitioners, the press in Lebanon is now lagging behind the Arabic-language press in a number of countries in the Middle East and Europe. Before the war started in April 1975, Lebanese press had been the most advanced in the region.

Although technology and professional training are very important, the main challenge to Lebanese press is how to safeguard its freedom during peace time. This challenge does not appear much less difficult now than during the war. Assassinations and other physical attacks on journalists have continued to take place with impunity. Fear of retribution by Syria or local militias also continues to mute many voices. Vigorous prosecution for minor infractions of the restrictive press laws have replaced the threats of physical violence during the war. Closing newspapers and other news organizations now takes place by issuing government orders instead of physically preventing them from operating. In the views of some Lebanese journalists, the Lebanese government is acting as if it itself were one of the militias but with a different tactic, trying to achieve through state fiat what militias could achieve only through the barrel of a

⁸⁵ Text from the April 29, 1992 statement is translated by MEW.

gun.

As this report has demonstrated, senior members of the Hrawi government appear determined to continue the campaign against the press. President Hrawi is reported to have said that he had been "patient for too long" with critics, just before he ordered the closing down of ICN television station and *Nida' al-Watan* daily. Prime Minister Hariri, in an effort to shield Saudi rulers, his closest allies, ordered the closing of *al-Safir*. A cartoon perceived as disrespectful of the president's family was enough to close *al-Sharq*. All these events took place within one month.

Dalloul, Minister of Defense in the Hrawi government, revealed the official impatience with the press which he described as having too much freedom. He went as far as to say that those who abuse freedom were less of a danger than "those who cry over its loss", since they are merely taking away the excess freedom.

George Hawi, former secretary general of the Lebanese Communist Party, attributed the recent closing of news organizations to the government's desire to keep the press from dwelling on recent external and internal policy failures. In foreign policy, Hawi believes that the government wanted to keep the peace negotiations with Israel away from public discussion, as there is no national consensus on these negotiations which have dragged on for more than a year without visible results. Nor is there consensus on the home front: Is national reconciliation to be based on democracy, as most Lebanese believe, or on strengthening a central government structured around sectarian domination? Hawi also believes that the government's failure to satisfy demands to improve social and economic conditions and to formulate a development plan were also real reasons for the government's fears of a free press. The challenge for the press has become how to withstand the government's legal onslaught, just as it tried to cope with physical attacks on it during the war.⁹⁸

Other Lebanese find the government's measures against the press as attempts to stifle the lively political dialogue that has traditionally distinguished Lebanon from many of its neighbors. Having rushed through elections that were boycotted by most eligible voters, the government ensured the election of a parliament stacked with its loyalists. Having also banned some 138 private associations for allegedly not having proper licenses, the government then pursued opponents and imprisoned those who called for strikes or distributed critical leaflets. The media were the only remaining outlets for dissent and the government was determined to mute them.

The government's insistence on keeping its monopoly over television is seen in this light as an attempt to monopolize the right to free speech. The Hrawi government has refused to issue licenses to any of the private television stations and has repeatedly called on them to close down. Lebanon Television, a venture owned jointly by the government and Rafiq al-Hariri, its Prime Minister, is the only one with a license (and a monopoly until the year 2012). Similarly, only newspapers and journalists critical of the government have been penalized. Newspapers that are loyal, especially those owned by senior

⁹⁸ From a speech he gave at a meeting protesting the closure of *al-Safir*. The Lebanese Communist Party, generally pro-Syrian, did not join the opposition's boycott of the 1992 elections and is not therefore considered part of the hardline opposition to the Syrian-supported Hrawi government.

government officials, have been spared. Advertisements are also parceled out according to political opinion.

The Hrawi government's actions against the press have a significance that goes beyond Lebanon's borders. Although its influence was much reduced by the civil war, Lebanon has been one of the most important centers of Arabic-language independent press. Governments of the Middle East, including Syria, Iraq, Saudi Arabia, Iran, Egypt and Kuwait, have for a long time feared the freedom of Lebanese press. While Syria dealt with the press by ruthlessly stamping out critics, the others used less violent means. The wealthy countries lavished subsidies on the press and all put pressure on the Lebanese government to rein in the media for them, using its own complicated web of repressive laws and decrees. Most governments made political alliance, aid, trade and tourism conditional on restricting the media.

The government has justified its restrictions as an attempt to consolidate the reconciliation trends established by the Taif Accord of 1989 (the New National Covenant). It accused the press of delaying full peace by stoking the embers of hatred. The crisis in Lebanese journalism is then how a free press may survive in the face of these enormous odds, especially the charge that free press, a most important ingredient of civil society, is an element in destroying it.

The attack on the media appears misguided. While individual writers and papers have expressed partisan views, there is no proof that press restrictions were ever useful in arresting Lebanon's civil strife. On the contrary, evidence suggests that periods of restricted freedom of expression were followed by intensified violence.

Muzzling dissent in the name of reconciliation is therefore seen as a cynical attempt to exploit the fears which many Lebanese have of a relapse into civil war. During much of Lebanon's recent history, the state structure was respected only when it was seen as an honest broker between competing groups and individuals. If state action tipped the balance in favor of one group or individual over another, the aggrieved party's trust in the government waned. Peaceful expression can detect these shifts to make it possible to deal with the imbalances, whether real or perceived, before they reify into hardened positions to which parties and individuals retreat, making it possible for ambitious local leaders and outside powers to exploit them in the name of safeguarding group rights. As many have demonstrated, impulses to continue the ruinous 15-year civil war were fueled by such reified positions the advocacy of which was utilized by aspiring young leaders and cynical foreign powers to prolong the war."

* * *

⁹⁷ Numerous books have been written on Lebanon's civil war. Of particular interest are three chronicles by Jonathan Randall (*Washington Post*, *Going All the Way*, Robert Fisk (*The Independent*, *Pity the Nation*, and Charles Glass (ABC), *Tribes with Flags*.

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