



Internet Freedom in Lebanon 2018



Internet Freedom in Lebanon - 2018

A Report by Maharat Foundation

Introduction:

“Internet Freedom in Lebanon – 2018” is a new study prepared by Maharat Foundation, three years after publishing its first report in 2015. Through this study, Maharat aims at examining the reality of this freedom with respect to securing internet access, protecting the freedom of expression and circulation of information on the Internet, privacy protection and internet governance. The study also provides a review of the progress achieved, or regress, in the four sectors covered by the previous study.

The methodology of the current study was based on updating the information included in the first report by examining the published or available information in this field and conducting interviews with the experts in the areas of communication, technology, law, governance and privacy.

The study concluded that the reality of internet freedom in Lebanon still stands in place in sectors such as content and privacy, since the legislations needed for securing “the protection of the freedom of expression and circulation of information on the Internet” have not been adopted. The role of the Anti-Cybercrime and Intellectual Property Bureau and that of the security and judicial services in prosecuting activists, journalists and citizens, based on expressing their opinion, continues. Also and the Parliament has not yet approved the Access to Information Law which includes protection against arrest in expression cases, by virtue of the proposal submitted by Maharat Foundation and PM Ghassan Moukheiber to ensure the freedom of expression on the Internet for all and not restricting it by prosecutions and penal sanctions.

In terms of “Privacy Protection”, the electronic transactions and personal data protection law has not been adopted to date. Political, legislative and judicial accountability was also absent in the case of certain Lebanese security services attempting to hack data and information for a large number of citizens using the Internet (the “Dark Caracal” case).

As for “Securing Access to Internet”, in terms of quality and speed, it remains associated with an incomplete infrastructure and the absence of a clear policy for the Ministry of Telecommunications whose priorities shift with the change of the Minister.

The launching of the “Lebanon Internet Governance Forum” a multistakeholder initiative including the public and private sectors, academia and the civil society, was recorded in the field of “Internet Governance”, which falls within Lebanon’s adoption of the concept of joint management of the Internet Sector.

I- Securing Access to the Internet



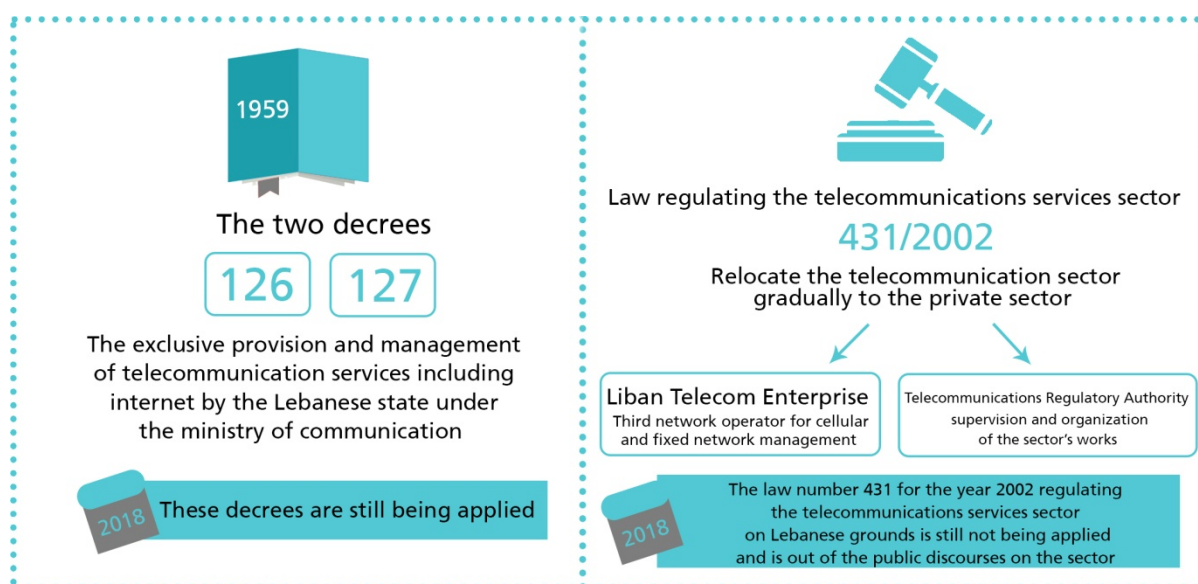
Internet service prices in Lebanon were reduced and the speed improved. However, good speed is still concentrated in areas of the capital and often does not live up to the speeds adopted in global indices. This is due to the delay in the installation of fiber optics network, the date of completion of which shifted from end of 2019 to mid-2021, i.e. the date of completion of the works of installing the network by the commissioned companies, according to the announcement of Ogero's general manager. This is in addition to a conflict in duties between the Ministry of Telecommunications and Ogero, and the conflict over the competences and the legality of the Ministry of Telecommunications commissioning the installation of the network to private companies. The absence of a general clear policy, notably with regards to the application of Law № 431 of 2002 regulating the telecommunication services sector on the Lebanese Territory, as well as not adopting a long-term plan for developing the sector, which is transferred from one minister to the other, have impacted the issue of "providing access to internet". In addition, the transfer plan from analog broadcasting to digital broadcasting has not been yet implemented.

• Telecommunications Law and the regulatory situation

Law № 431 of 2002 regulating the telecommunications services sector in the Lebanese Territory remains unapplied and out of the public discussions of the sector. The Law stipulates the transfer of the telecommunications sector, or the transfer of its administration, in full or in part, to the private sector. It also stipulates the establishment of the Telecommunications Regulatory Authority (TRA) to supervise the operations of the sector and to regulate it, as well as the establishment of "Liban Telecom" as a third-party operator for a cellular network for 20 years and to manage the fixed-line network, exclusively, for five years.

The Law was applied for a short period of time and in part as the TRA was established and started operating in 2007 according to some advisory authorities. However, "Liban Telecom" was not established, which called on TRA to cease dealing with operational issues in 2009, after a decision was issued by the State Council, in which it considered the part relating to its establishment and the powers granted thereto as not valid until the completion of execution of the Telecommunications Law and the creation of "Liban Telecom". The TRA keeps conducting business to this day, despite the end of the period of appointment of its

members in 2012 as their mandate has not been renewed yet by the Cabinet and the Parliament due to political disagreements.



Moreover, the Ministry of Telecommunications still implements the texts of Decree-Laws № 126 and 127, issued on June 12, 1959 for the management of the Telecommunications sector in Lebanon, relating to the administrative, financial and technical issues. Both Decree-Laws stipulate the exclusivity of providing and managing telecommunications services, including Internet, with the Lebanese Republic, represented by the Ministry of Telecommunications.

- **Plan 2020 of the Ministry of Telecommunications Disappears!**

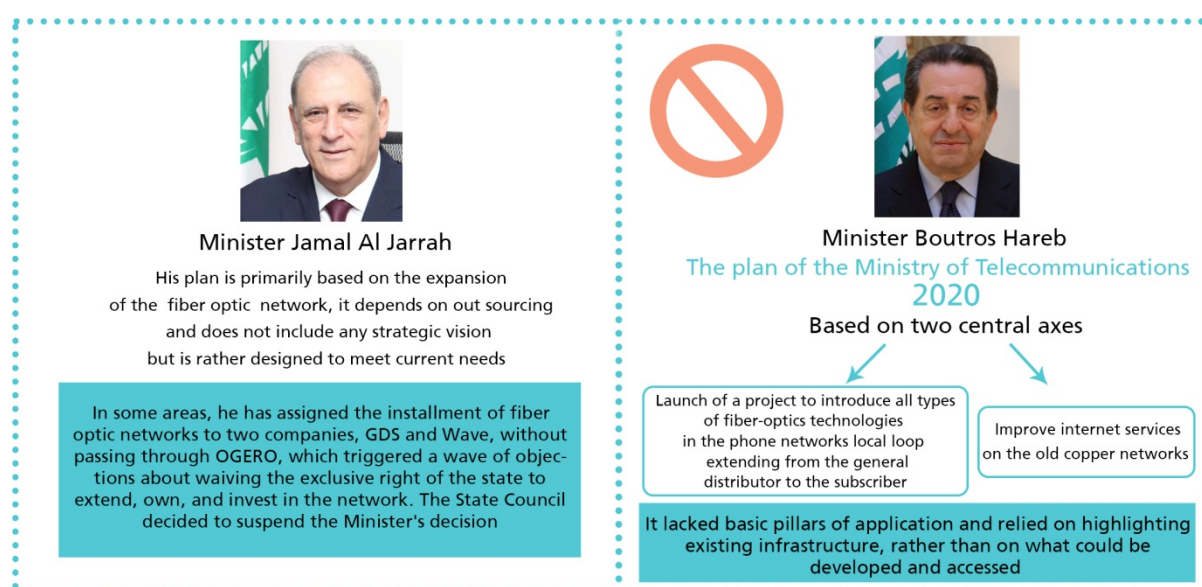
A follow up on the issue of “Securing Access to the Internet” shows the absence of a consolidated strategy to manage this sector and the interruption of the work of successive ministries since the 2020 Plan launched by the former Minister of Telecommunications Boutros Harb has disappeared and no longer exists. It was followed by a plan by the current Minister of Telecommunications Jamal Jarrah, based on outsourcing, despite the disagreement regarding its legality, especially after the State Council issued a decision to annul the outsourcing of one of the companies (GDS). Furthermore, the current plan does not contain any vision or strategy, but rather is based on fulfilling the current needs¹.

¹ Interview with the President of Internet Society Lebanon Chapter (ISOC-LB), *Nabil Bou Khaled*.

After the former Minister of Telecommunications Boutros Harb submitted his plan to develop the Telecommunications Sector 2020, which ended with Minister Jamal Jarrah's arrival at the Ministry, the plans changed. The implementation of the 2020 Plan was not adopted. It was based on two main axes: the first is the development of internet services on the old copper network, and the second is the launching of the project for introducing all types of fiber-optics technologies in the phone networks local loop, i.e. extending from the call center (central or general distributor) to the subscriber².

Today, it is clear that Harb's plan ended with his period of office at the Ministry of Telecommunications. In evaluating the plan, it appears that it lacked fundamental pillars for implementation and it relied upon showcasing what is existent in terms of infrastructure, not what can be improved and accessed³.

As for Minister Jarrah's plan, it is mainly based upon the project of expanding the fiber-optics network, which constitutes the spinal cord of the infrastructure. He has also outsourced the installation of the fiber-optics network in certain regions to two companies, GDS and Wave, without going through Ogero, which triggered a wave of objections regarding the waiver of the exclusive right of the state to install, own and exploit the network. The State Council decided to suspend the execution of the Minister's decision on January 19, 2018. The reasons for the challenge rely on the violation of both Minister's decisions of the legal texts governing public outsourcing and contracting, notably to private companies, which constitutes a masked privatization of the fiber-optics network outside the framework of the Telecommunications Law.



² The Ministry of Telecommunications [website](https://bit.ly/2vJ3Uqf) <https://bit.ly/2vJ3Uqf>

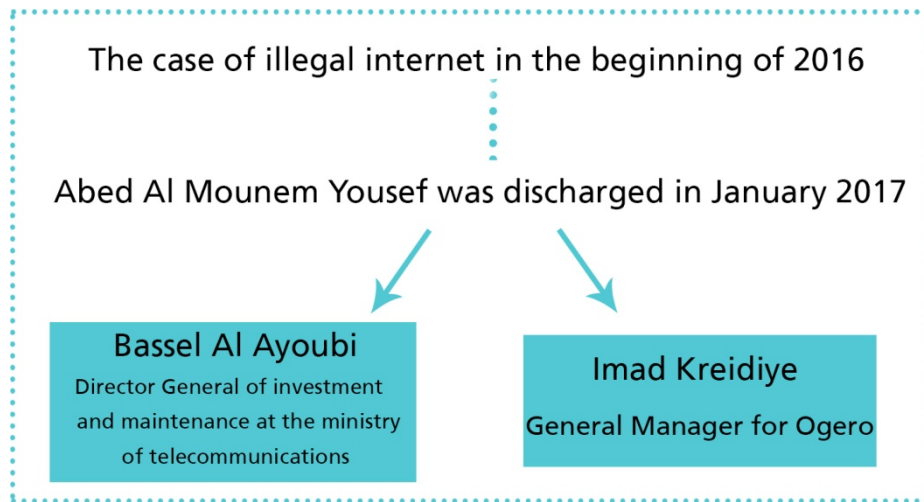
³ Interview with Telecommunications expert, Gabriel Deek

This outsourcing issue has raised numerous questions, especially that “Ogero” has demonstrated, in practice, its ability to implement the project, according to Ogero itself, since it “implemented around 90 percent of the project relating to connecting fiber-optics to institutions in cities (The Ministry of Defense, banks, public institutions and major companies...), in addition to completing the connection of fiber-optics that link the 285 central distributors in different Lebanese regions, while the phase of connecting fiber-optics to homes in all Lebanese regions is still underway, which is the phase in progress today.

- **Updating Ogero’s Internet plan and the conflict over powers with the Ministry of Telecommunications**

The disputes between the Ministry of Telecommunications and Ogero, in particular regarding the installation of the fiber-optics network, have increased. In January 2017, Abdel Menhem Youssef was discharged after occupying three key positions within the telecommunications sector administration structure: the Director General of Investments and Maintenance at the Ministry of Telecommunications, Chairman of the Board of Directors and General Manager of Ogero. Imad Kreidiye has been appointed as General Manager of Ogero and Bassel Al Ayoubi as Director General of Investments and Maintenance at the Ministry of Telecommunications.

Add to this the illegal internet scandal at the beginning of 2016 caused by a conflict between internet providers to obtain Global Google Cache, which drove the Ministry of Telecommunications to intervene and blow what was known as the “Illegal Internet Scandal”. The scandal was namely private companies resorting to obtaining internet bandwidth from abroad, in particular Cyprus and Turkey, in violation of the law, at a much cheaper price than the one offered by Ogero, allowing them to sell internet services at much lower prices than the official price, through illegal ISP networks. Maharat Foundation had previously indicated in its 2015 report the presence of these networks and had considered them among the technical constraints of sector growth. We had also indicated that 200,000 out of 600,000 residential units had a certain type of internet service relying upon networks managed by illegal companies, thus affecting the quality of service.



This scandal showcases the chaos in the sector management and the exploitation of the issues connected thereto for political objectives and purposes, since illegal internet was known to all parties. The Minister of Telecommunications had explicitly acknowledged the scandal after the meeting of the Council of Ministers held on June 7, 2017, during which the reduction of internet prices was adopted, including the E1 prices, from USD 240 to LBP 165,000, i.e. a price reduction of approximately 54%. Minister Jarrah also acknowledged that the bandwidths were available at the Ministry. He said, “We have large quantities that were hidden, unsold under the pretext that they were non-existing, in order to facilitate the work of illegal internet.”⁴

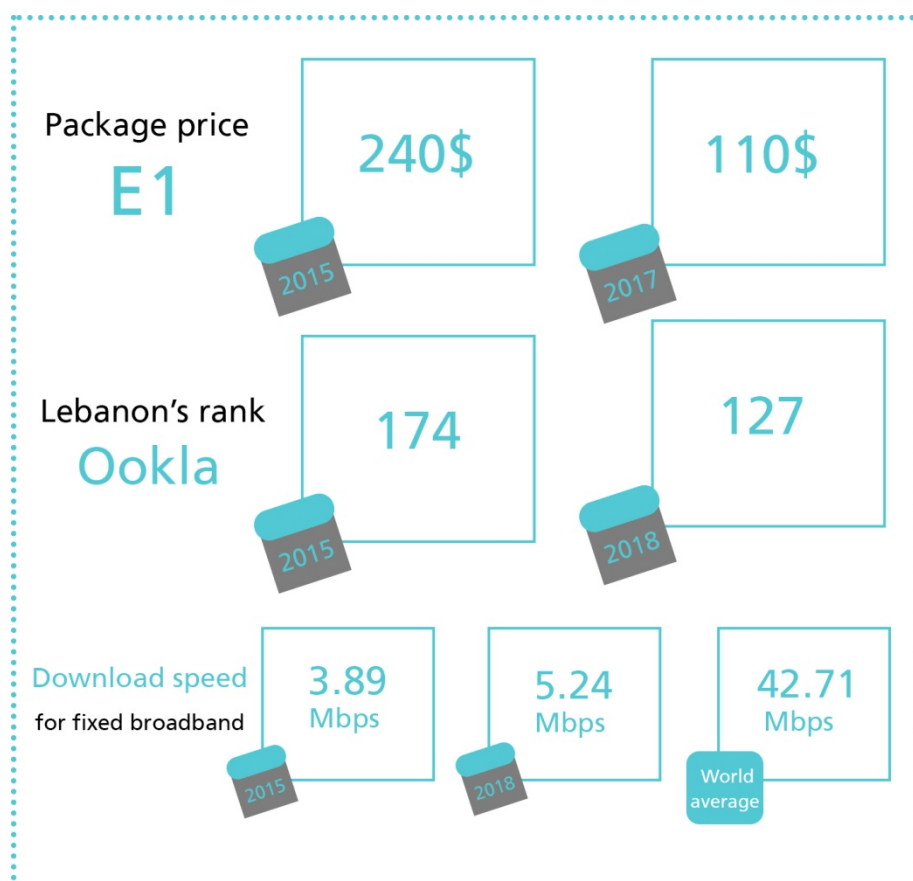
The Ministry of Telecommunications and Ogero confirm the improvement of internet service and the increase in speeds. The OOKLA international broadband speed test metric indicates Lebanon progressed from rank 174 to 127, with a download speed of 5.24 Mbps compared to 42.71, the global fixed broadband average. However, this progress does not live up to the level required to make Lebanon a center for digital economy.

It is to be noted that despite the capacity available for Lebanon through the two maritime cables, the internal networks are still however unqualified to increase internet speed. The two cables are “Alexandros” and “IMEWE”, and the international bandwidth of “IMEWE” reaches 1.5 TB and “Alexandros” cable has a bandwidth that can attain 500 GB, despite the fact that both cables are developed so that each bandwidth reaches 3 TB and this development shall supposedly be completed by the end of 2018. In addition, there are obstacles that face the installation of fiber-optics network, in particular the fact that outsourcing to private companies remains in

⁴ From the website of the Presidency of the Council of Ministers, at the following link:
<http://www.pcm.gov.lb/arabic/subpg.aspx?pageid=10072&parentid=38>

question, especially that Ogero has practically proven its capability of implementing the project⁵.

All these challenges showcase that obstacles still impede securing access to internet at the same speed, quality and cost for all citizens.



At the end of 2017, Ogero's General Manager Imad Kreidiye announced a timetable to introduce improvements to the internet network in Lebanon, expecting that by the end of 2018, 85 percent of internet users in Lebanon shall enjoy at least 50 Mbps. Kreidiye also confirmed that the fiber-optics project shall not be completed until the third quarter of 2019⁶.

However, this deadline of completing the fiber-optics network by the end of 2019 shifted to spring 2022, according to what Kreidiye announced during the launching event for updating Ogero Plan on February 13, 2018. Kreidiye pointed out during the launching event for the high-speed internet project organized by the Ministry of Telecommunications under the patronage of the President of the Council of Ministers

⁵ Private interview with Imad Abi Rached, Strategic Development and Project Management Director at Ogero

⁶ Daily Star report: Ogero head stakes reputation on 50 Mbps internet by 2018 - <https://bit.ly/2vEAIr4>

Saad Hariri that the fiber-optics projects on all Lebanese territories aims at securing access to each home and institution, as well as to all internet users. This includes the installation of 5000 to 7000 smart boxes, allowing the central distributor to be closer to the users and to speed up the internet, and the installation of 11,000 to 15,000 kilometers of fiber-optic cables distributed to all Lebanese regions, at the same time, allowing the consumers to use this technology to access the internet network at the speed of 50 Mbps. The project shall have huge revenues for the National Product and shall constitute a pillar of the national economy, according to Kreidiye.

This project is known as Phase II of the fiber-optics network, which started when Charbel Nahas was Minister of Telecommunications and outsourced the implementation of Phase I which included installing the primary network in all Lebanese regions. The implementation of this phase extends over a period of four years, until spring 2022⁷.

- **The transition to digital broadcasting halts**

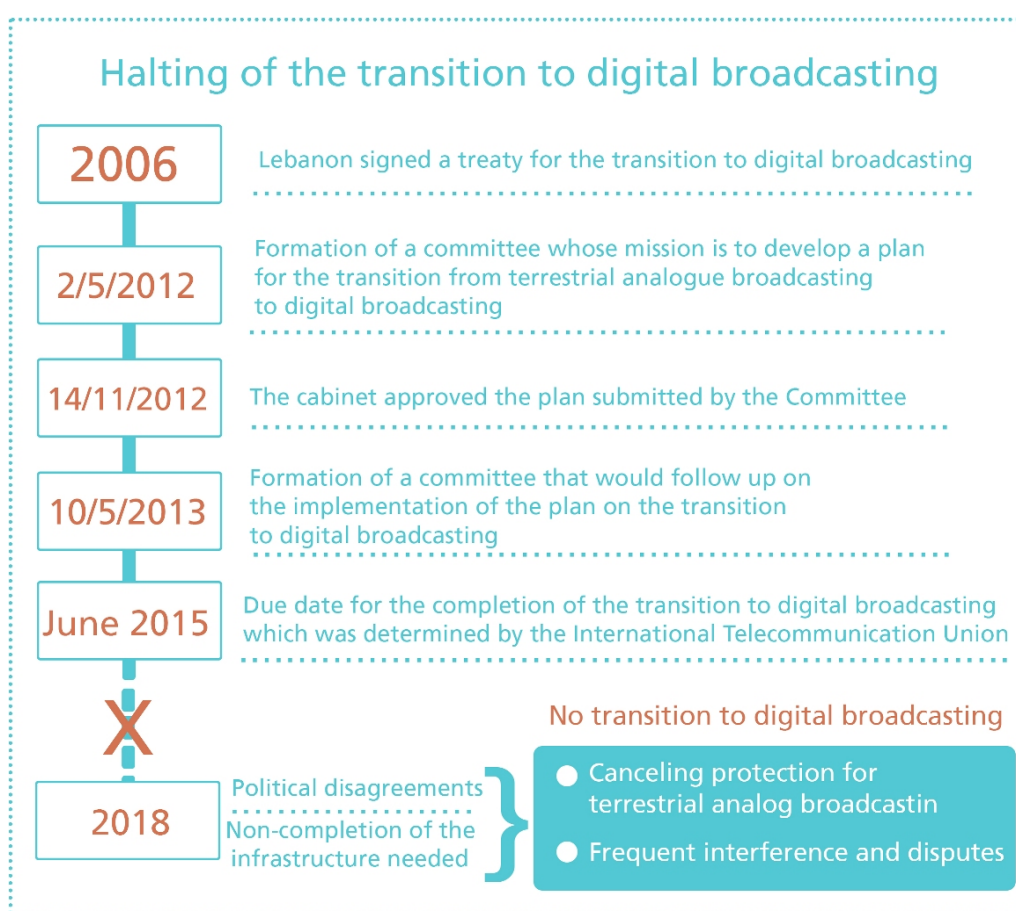
Switching from analog to digital broadcasting has been stalled since the end of 2014 due to political differences and not having completed the infrastructure, such as the preparation of the digital broadcasting sites and the necessary equipment for the setting up of such locations. As a result, Lebanon is facing several consequences. The most notable of which is the delay in keeping pace with the international technical progress at the level of providing new information services allowed by the National Standard Network for Digital Broadcasting and leaving this type of services to face more chaos, boosting legal and commercial disorder, which in turn contributes to the exploitation of the State's public utilities and the control of the Lebanese consumer's interests. International conventions and national laws compel the Lebanese State to secure the right of citizens to a free, developed and good television service at their place of work or residence, or even on their mobiles, as per the digital progress standards under which the contemporary world lives⁸. In addition, the June 2015 deadline for transitioning to digital broadcasting, which was set by the International Telecommunication Union, is the deadline for cancelling the protection of the terrestrial digital broadcasting, which made the analog broadcasting domains used in Lebanon prone to use and interference by other parties who may be hostile. If so, Lebanon will lose its right to protecting analog frequencies, which shall be in use, and there will not be any benefit from filing complaints or objections to the International Telecommunication Union or other, for competing over the bands of analog frequencies.

⁷ <https://bit.ly/2FeAQGE>, Fiber-optic contract winners announced- Daily star Al-akhbar newspaper <http://alakhbar.spiru.la/node/290812>

⁸ Private interview with the Spectrum Manager at the Telecommunications Regulatory Authority, Mohammad Ayoub

There is also a delay in the completion of the plan, which is equivalent to a delay in the opportunities for investing in private analogue broadcasting domains, the lack of which is indicated in the Plan, whether those used in analog television broadcasting or in private telecommunication network of the Army and the General Security Forces, representing a major wealth that can generate a lot of money to the Lebanese Treasury in case of investment.

There is also a delay in the investment of digital surplus frequencies of the international mobile telephone service, and the inability of developing broadband mobile phone services, which negatively affects the development of the economy and causes the loss of billions of dollars.



It is to be noted that since Lebanon's ratification of the agreement to the transition to digital broadcasting in 2006, the Council of Ministers issued Decision № 46 on May 2, 2012, by virtue of which it formed a committee whose mission is to set a Plan for transitioning from terrestrial analog broadcasting to digital broadcasting. This committee, composed of representatives from the Ministry of Telecommunications, the Ministry of Information, the Telecommunications Regulatory Authority and the National Council for Information, set a plan for shifting to digital broadcasting. On September 1, 2012, it submitted its report to the Council of Ministers which adopted the plan submitted by the Committee on November 14 of the same year. It also

delegated the Ministers of Information and Telecommunications to form a committee to follow up the implementation of the plan. Both ministers initiated the formation of a committee to follow up the implementation of the plan for the transition to digital broadcasting by virtue of Decision № 293/1, on May 10, 2013.

II- Protecting the Freedom of Expression and the Circulation of Information on the Internet



Freedom of Expression and Circulation of Information on the Internet

There has been no progress in the protection of the freedom of expression on the internet as there has been no change in the role of the Anti-Cybercrime Bureau, security and judicial services in summoning activists and journalists and arresting them on the basis of expressing their opinion on the Internet. Also, the draft Media Law that guarantees Internet freedom as a basic right for every citizen has not been approved yet.

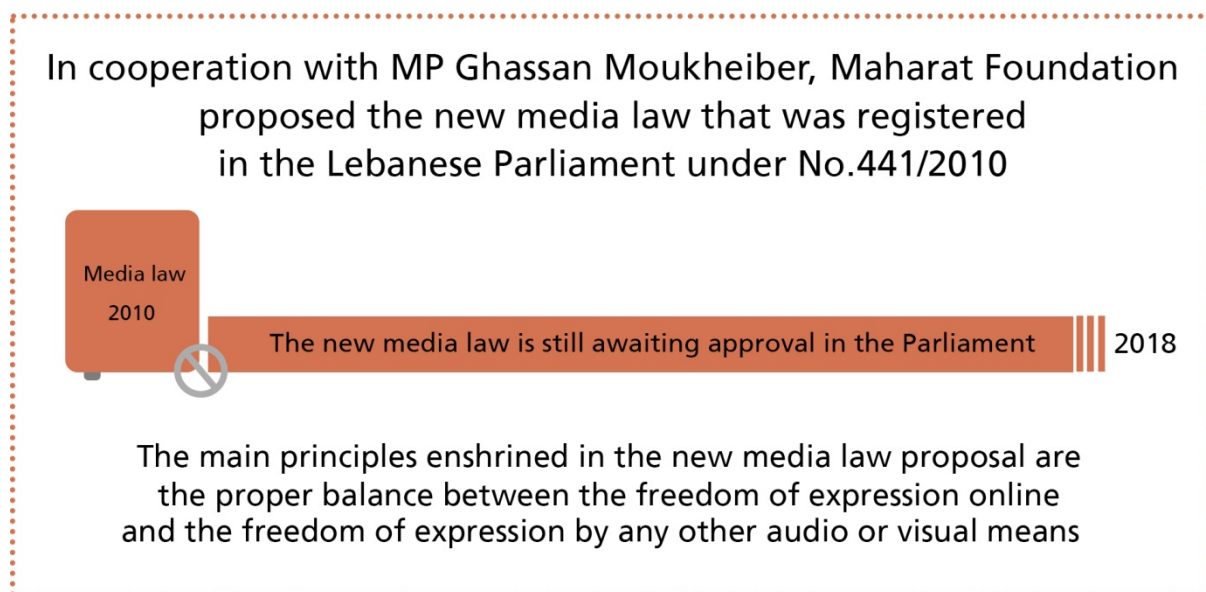
The new media law still awaits the Parliament's approval. After its discussion in the Information and Communications Committee, it has been referred to the Parliament's Administration and Justice Committee, but to date, the law has not been discussed in this Committee pending the end of the parliamentary elections and the formation of a new parliament.⁹

The said law represents an important space for protecting freedom of expression in Lebanon in light of the challenges. The bill takes into consideration the development that has led to a radical change in the international practices related to communication and exchange of information online, as well as the need to handle the differences between traditional printing and publishing on the one hand and online publishing on the other, while being aware of both the differences and similarities they hold.

Maharat Foundation, in cooperation with MP Ghassan Moukheiber, proposed the new Media Law that was registered in the Lebanese Parliament under № 441/2010,

⁹ - Exclusive interview with MP Ghassan Moukheiber

dated November 26, 2010. The bill aims to develop legislation related to press and media in Lebanon, including electronic media, so as to become more up-to-date and more respectful of the freedom of opinion and expression all while respecting and preserving the rights of others and the requirements of the public interest in a democratic society as stipulated in the Lebanese Constitution, the Universal Declaration of Human Rights and the various treaties concluded by Lebanon, particularly the International Covenant on Civil and Political Rights.



The most important principles enshrined in the new media draft law are the proper balance between the freedom of expression online and the freedom of expression by any other audio or visual means, taking into account the differences between traditional printing and publishing and publishing on the Internet.

The bill proposes the abolishment of the penalty of imprisonment, provisional detention, investigation and summoning to the police stations to investigate all cases of traditional or online publishing. In giving effect thereto, the public prosecution or the judicial police may not initiate any direct investigation or listen to the defendant or detain their freedom in crimes of publication; but can only do so before the competent court. The defendants, for example but not limited to, whether journalists, bloggers, activists on social media, speakers in public events, or people supporting the slogans of any campaign, may not appear in person in trials held against them and be represented by a lawyer in case the judge or the court had not decided on their personal attendance.

It is to be mentioned that Maharat Foundation and MP Ghassan Moukheiber had sent a joint letter to the Information and Communications Committee enclosing some objections to the amendments adopted by the said committee, including objections regarding the definition of the journalist, the audiovisual media, the professional

online media bulletin, licenses granted to the audiovisual media and censorship, in addition to provisions of publication crimes.¹⁰

- **Violations against freedoms**

In Lebanon, there is no law to protect activists and freedom of expression online, such as the Publications Act which provides partial protection for journalists registered under the Journalists' Union from provisional detention and investigation in police stations. In addition, Public Prosecution judges seem to disregard the principle of ensuring freedom of expression online as a guaranteed right in the charters, treaties, the introduction of the Lebanese Constitution and Article 13 thereof and distinguishing it from other criminal offenses that may be committed through the Internet. This has imposed suppression of the freedom of activists through social networking sites and platforms over the recent years through the growing role of the Anti-Cybercrime Bureau of the Judicial Police Unit in the Directorate General of Internal Security Forces. This bureau, which was established in breach of law, summons and intimidates activists and journalists by subjecting them to hours-long interrogations and forcing them to sign a "pledge of silence" to not criticize people in their writings as a prerequisite for their release. The practices of this bureau are nothing less than a flagrant violation of the freedom of opinion and expression guaranteed by the Constitution, charters and treaties that Lebanon has committed to implement and which form an integral part of the laws in force and that must be taken into consideration.

Below are some of the violations of freedom of expression on the Internet during 2016 and 2017:

Some of the violations of the freedom of expression
on the Internet during the years of 2016 and 2017

Ziad Itani	Firas Bou Hatoum	Mustafa Sbeity
Tarek Abou Saleh	Abass Zahri	
Hanadi Gerges	Bassel Al Amin	Mohammad Alloush
Nabil Al Halabi	Georges Azzi	Fida Itiani
	Ramzi Al-Kadi	Youssef Kleib

¹⁰ The letter sent by Maharat Foundation and MP Ghassan Moukheiber to the Information and Communications Committee.

Mustafa Sbeity

On Monday the 27th of November, 2017, the Internal Security Forces' Intelligence Unit arrested poet Mustafa Sbeity, aka "Ahmad Sbeity", on charges of insulting the Virgin Mary, through a post on his Facebook account.

According to the statement issued by the Bureau of Public Relations at the General Directorate of General Security, Sbeity admitted to the accusations pressed against during the investigation, stressing that he had done so to "express his opinion in a moment of anger and intoxication caused by personal family problems". He had deleted the post later at the request of one of his relatives. He has since been handed over to the judicial authorities."

Abbas Zahri

On Friday the 17th of November, 2017, the Anti-Cybercrime and Intellectual Property Rights Bureau interrogated activist Abbas Zahri, one day after being summoned by phone, following a complaint filed against him by Minister of Energy and Water, Cesar Abi Khalil. The complaint came after a sarcastic Tweet in which Zahri mentioned a \$600 billion commission received by the Minister. During the interrogation, Zahri was asked about whether he had accurate information regarding the said commission and was requested to sign a pledge not to criticize the Minister of Energy".

Firas Bou Hatoum

On the 15th of November, 2017, the Anti-Cybercrime and Intellectual Property Rights Bureau interrogated activist Firas Bou Hatoum after summoning him by phone on Thursday, November 5; this came after 5 complaints filed by the Free Patriotic Movement leader and Foreign Minister Gebran Bassil on charges of "slander and defamation" in the form of Facebook posts. Bou Hatoum was only released after signing a pledge not to criticize Bassil anymore.

Georges Azzi

On the 4th of November, 2017, the Anti-Cybercrime and Intellectual Property Rights Bureau interrogated the Executive Director of the Arab Foundation for Freedoms and Equality, Georges Azzi, after summoning him by phone two days earlier following a complaint filed against him by "Dog Market Lebanon" for a comment on a Facebook post.

In details, Azzi confirmed being summoned by the Anti-Cybercrime Bureau and asked to attend to take his testimony. The comment he had posted included a statement that the shop (Dog Market Lebanon) had a *wasta* (nepotism) with the Anti-Cybercrime Bureau as this latter summons people after posting comments against

the shop. The investigator asked Azzi to delete the comment and sign a pledge not to be criticize the shop, which Azzi refused.

Tarek Abu Saleh

On the 2nd of November, 2017, the Anti-Cybercrime Bureau held an interrogation with Tarek Abu Saleh, a researcher in the Association Justice and Mercy (AJEM) after a complaint filed against him by businesswoman Inas Abu Ayyash on the background of a Facebook post. Abu Saleh confirmed that there are two cases against him filed by Abu Ayyash: the first after he criticized the opening of *Beit Beirut* and the mysteries behind it, and the second regarding acts of hacking and theft of information from Facebook and Twitter.

Ziad Itani

On the 2nd of October, 2017, Ziad Itani, journalist in charge of Ayoub News, was summoned to the Jdeideh Juridical Detachment after being summoned by phone following a complaint filed by the former head of the Anti-Cybercrime and Intellectual Property office, Major Suzanne Hobeiche, on charges of “defamation and slander and endangering her life and the life of her family and the fabrication of news”. This was on the pretext that he had snapshot a “Like” she had added on a Tweet by director Charbel Khalil on allowing women in Saudi Arabia to drive, which caused a stir and led, as some have said, to her discharge from office.

Hanadi Gerges

On the 11th of February, 2017, Hanadi Elias Gerges was arrested by the Anti-Cybercrime and Intellectual Property office by virtue of the notice by the General Prosecutor Judge Samir Hammoud, following a complaint by Minister Gebran Bassil due to a post on her Facebook account. She was later sent to the Baabda prison for women; but due to the lack of vacant places, she was transferred to the Hobeiche police station in Beirut.

Fida Itani

On the 10th of July, 2017, the Anti-Cybercrime and Intellectual Property office interrogated journalist Fida Itani on the background of a Facebook post about what had happened in Aarsal, from raids and violations against the Syrian refugees, and the statements it included regarding Minister Gebran Bassil. The journalist was then released after removing certain terms from the post that were classified to fall under “slander and defamation” and that had caused Minister Gebran Bassil to file a lawsuit against him. Itani refused to sign a pledge not to again criticize Basil, and refused to publish an apology letter to him.

Ramzi Al-Kadi

On the 2nd of January, 2017, the Anti-Cybercrime and Intellectual Property office detained Ramzi Al-Kadi by virute of a judicial notice to the crime of “insulting the

Lebanese martyrs in Istanbul and provoking the emotions of their families". Al-Kadi had also criticized the dispatch of a Middle East Airline plane that carried the official delegation and the families of the victims free of charge, saying, "How generous of the Middle East, the thief-company."

Bassel Al Amin

On the 7th of December 2016, the Anti-Cybercrime and Intellectual Property office and by virtue of a notice from the Public Prosecution office, detained university student Bassel Al Amin for a comment posted on his Facebook account. Al Amin stood before the Investigative Judge for charges of stirring sectarian and racial strife, and for publicly insulting the President, flag and national emblem, which carries a sentence of up to three years in prison. On the 12th of December 2016, Al Amin was released.

Nabil Al Halabi

On the morning of the 30th of May, 2016, the security forces arrested lawyer and human rights activist Nabil Halabi at his home, by virtue of a notice from the Public Prosecution office on charges of slander and defamation through posts on his Facebook account, criticizing the Minister of Interior and Municipalities Nohad Machnouk. Halabi was released after 3 days of arrest and after signing "Declaration, pledge and clarification" paper. The Beirut Bar Association has lifted the immunity of Halabi on the basis of Machnouk's complaint, criticizing in a subsequent statement the manner of arrest and violation of the sanctity of his home as well as treating him with severity and driving him to the police station.

Mohammad Alloush

On the 2nd of February 2016, journalist on *eLNASHRA* news website, Mohammad Alloush stood before the Anti-Cybercrime and Intellectual Property office on the grounds of a "slander and defamation" lawsuit filed against him regarding an article published on *eLNASHRA* news website on the investigation of the Financial Judiciary in the corruption case associated with an employee in the Directorate of Hydraulic and Electric Resources.

Alloush was free to leave after hearing his testimony, only without closing the investigation as the Judiciary requested to listen to the testimony of the *eLNASHRA* editor-in-chief, Joseph Semaan to confirm the status of Alloush as a journalist, so as to refer the case to the Court of Publications¹¹.

Youssef Kleib

On the 10th of January, 2016, the Information Branch arrested activist Youssef Kleib and three of his friends, Mahmoud Fannas, Ali Jomaa and Mouhieddine Abou Daher, on charges of insulting the people of Saida and Mufti Saida Sheikh Salim Sousan on the background of a post that was circulated and shared via Facebook. The post accused Mufti Sousan in the collection and disbursement of donations. Kleib and his friends were released after Sousan's claim was dropped.

¹¹The 2016 "Freedom of Opinion and Expression" report – Maharat Foundation <https://bit.ly/211BXMU>

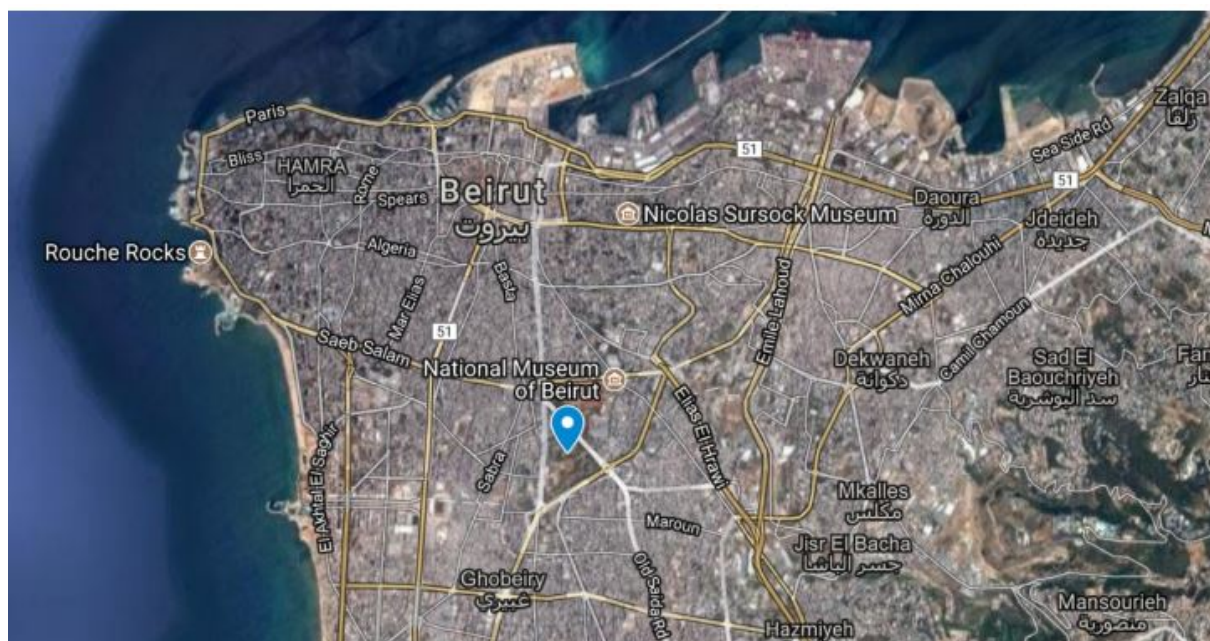
III- Privacy Protection



Privacy

The concern regarding online privacy remains absent or neglected by the Lebanese authorities, despite the presence of many cases that were brought up regarding the privacy of the citizens, the most notable of which is “Dark Caracal” case. The political, legislative and judicial accountability was also absent in the file of certain Lebanese security services attempting to hack data and information of a big number of citizens using the internet. Furthermore, the Electronic Transactions and Personal Data Bill, still being discussed within the parliamentary committees, was not approved.

“Lookout”, a company specialized in mobile phone security, and Electronic Frontier Foundation on digital rights, issued a joint report that the Lebanese General Security Directorate might be responsible for phishing attacks and other tricks to force victims to download fake versions of encrypted messaging applications, allowing the attackers full control over the users’ devices. According to researchers, the used mechanism was simple and targeted smart phones of thousands of people¹².



According to the report, the Dark Caracal pirates focused their attacks on government officers, military targets, financial services and institutions, industrial

¹² Dark Caracal: Lebanon in the age of cyberwarfare- Daily star <https://bit.ly/2FcHuwR>

companies and military companies. The researchers found technical evidence linking the servers used for running the attacks to the General Directorate of General Security headquarters in Beirut, by identifying the locations of wireless internet networks (Wi-Fi) and internet protocol address inside or near the building. The researchers cannot tell with certainty whether the evidence proves that the General Directorate of General Security is responsible or if it was the work of a rogue employee.

In an interview with LBCI following the release of the Dark Caracal report, General Security director Maj. Gen. Abbas Ibrahim said: “I do not want to directly comment on the subject of the report [...] and I do not want to reveal our capabilities to our enemies because any information in this context may harm us, but I confirm that we possess all the means to protect the country.” However, he had made the following comments to Reuters earlier: “General Security does not have this type of capabilities. We wish we had these capabilities”.

It is to be noted that a separate report released in 2015 by the Canada-based firm Citizen Lab, found that the Internal Security Forces – as well as the General Security – had been purchasing a sophisticated German-made computer spyware named FinFisher, which is sold exclusively to governments around the world.

These cases did not call however for mobilizing any control, legislative, governmental or judicial body, which is considered an indicator of weak accountability mechanisms, and of not giving an importance to the privacy of the citizens as well as the protection of their personal data, in addition to the lack of transparency of the security services in topics related to obtaining citizens’ data outside legal mechanisms.

- **The Electronic Transactions and Personal Data Bill**

The discussions in the subcommittee emanating from the parliamentary joint committees entrusted with the study of the Electronic Transactions and Personal Data Bill, ended on March 14, 2018. The amended Electronic Transactions Bill was sent to the General Assembly for adoption. The Law includes fundamental amendments to the first draft sent to the Parliament in 2012¹³.

The amendments covered how to protect personal data, the role of Internet Service Providers in this protection, in terms of data classification, storage and administration for a period of two years from the date of service provision.

The Law provides a holistic approach of electronic transactions and includes in its fifth chapter the protection of personal data, which include cases of personal data collection and the scope of application, up to the measures required for executing

¹³ Private interview with Dr. Charbel Chbeir at the Beirut Bar Association ICT Center.

the data, in addition to how to process this data, the right of access to the general database for correction in case of any error, in addition to the presence of penal provisions protecting this information.

The new bill also traces a general framework for the technology field, including general principles and providing security for the personal information connected to genetic, health and gender information, allowing the access to personal data in a specific context and giving the right to the damaged party to file a lawsuit when their privacy and data are breached. It also sets responsibilities, such as E-proofing, and the responsibilities of service providers regarding data protection.



IV- Internet Governance



Internet Governance

The multi-stakeholder Advisory group was formed in 2017 to organize Lebanon's first Internet Governance Forum. The formation of this commission is a positive step that places Lebanon on the international governance map if the group succeeds in organizing the first forum expected in fall 2018.

The Electronic Transactions Bill included texts relating to the administration of Domain Names by stakeholders, which is considered as a positive step towards multi-stakeholder internet governance, in case the bill was adopted.

- **Lebanon's Internet Governance Forum**

Lebanon is witnessing a development in the field of internet governance and has recorded the formation of a multi-stakeholder advisory group in September 2017. Among its duties is the preparation for Lebanon's first Internet Governance Forum at the end of the current year 2018. It has also organized a first meeting titled "Lebanon's Internet Governance Forum: A step towards achieving Sustainable Development Goals" at the American University of Beirut on December 2017. A group of Internet experts from the public and private sectors, the civil society, academia, in addition to the members of the Lebanon's Internet Governance Forum multi-stakeholder Advisory group also participated in the activity¹⁴.

This activity also aimed at launching the preparations for the first version of Lebanon's Internet Governance Forum, which is expected to be held in fall 2018, at defining what it is and what its goals are, at highlighting the concept of multi-stakeholders, at underlining the importance of Internet Governance for achieving sustainable development and at driving Lebanon towards more economic growth, security and freedom.

As for the second encounter organized by the Advisory group, in cooperation with the International Cooperation Office at Ogero, it was on the sidelines of the international Internet Governance Forum, held in Geneva between 17 and 21 January 2017, where the International Cooperation Office at Ogero presented the "Digital Transformation of the Lebanese Telecommunications sector", in partnership

¹⁴ The initiative Lebanon's Internet Governance Forum was launched – Maharat Foundation
<https://bit.ly/2qZjXKH>

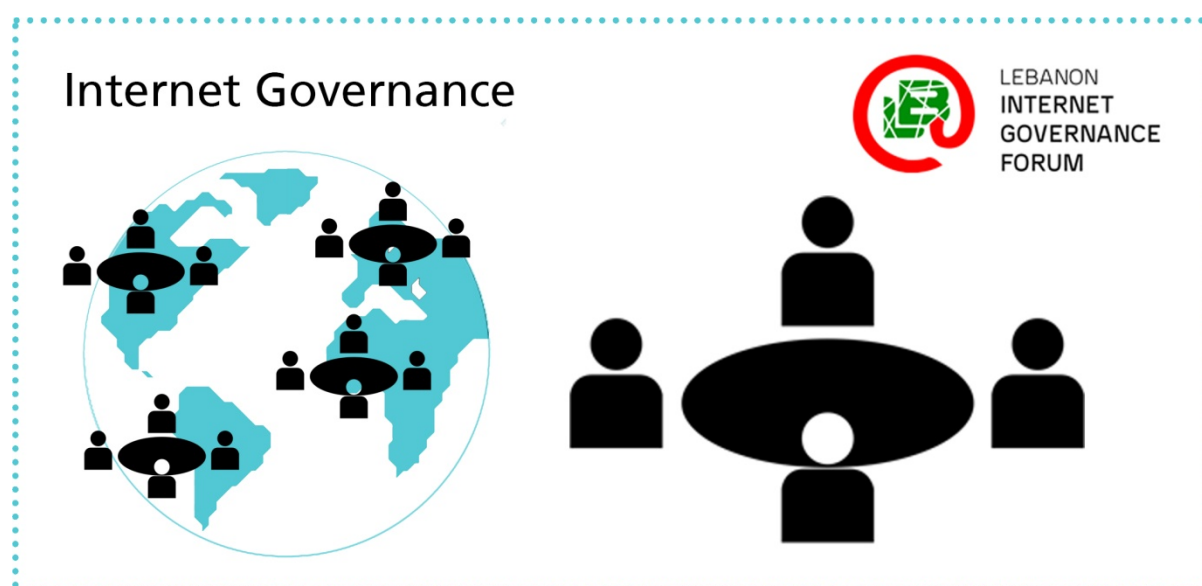
with the Office of the Minister of State for Administrative Reform, Internet Society organization and “Maharat” foundation. The forum aimed at informing the participants from all around the world about the plan of action and the projects Ogero is undertaking to develop/improve the digital sector in Lebanon and at announcing the launch of the activities of Lebanon’s Internet Governance Forum and the initiatives of the partnership between the technological sector and the public and private sectors, in addition to the opportunities available to encourage entrepreneurship in the digital sector.

It is to be noted that Lebanon’s Internet Governance Forum is a national initiative aiming at opening the discussion regarding the issues related to Internet Governance in Lebanon between the multi-stakeholders representing the public and private sectors, academia and the civil society. This initiative also falls within the regional and local initiatives of the international Internet Governance Forum.

- **Administration of .lb domain names**

The administration of .lb domain names belongs today to a group of volunteers, due to the default of creating the “Lebanese Internet Center”.

The Electronic Transactions and Personal Data Bill, in its amended version, included texts relating to the administration of .lb Domain, since the administration was divided, according to the Bill, between the stakeholders on one hand, “The Bar Association and the Ministry of Telecommunications, Internet Service Providers, the Chamber of Commerce and the Ministry of Finance”, and the Ministry of Economy on the other hand¹⁵.



¹⁵ Private interview with the Attorney Charbel Chbeir

Administration .lb

Today, management of the domain name .lb belongs to a group of volunteers

LINC

Lebanese Internet Center

would have been responsible
for managing .lb domain name

It has not yet been given the public notice

Law proposal
for electronic transactions
and personal data

Includes clauses related to managing domain names

The administration was divided in the law proposal, between the stakeholders from one side i.e. the Syndicate of Lawyer, the Ministry of Communications, the Internet Service Providers, the Chamber of Commerce, and the Ministry of Finance, and on the other side the Ministry of Economy

These texts come in light of the inability to establish the “Lebanese Internet Center”, that would have been in charge of .lb domain names’ administration. The center did not obtain, to this date, public notice. The “Lebanese Internet Center” is composed of a group of representatives of the competent authorities in the field of Internet, such as the Ministry of Telecommunications, the Ministry of Economy, the organizations specialized in the internet sector, in addition to the service providers, the chambers of commerce and industry and the Bar Association. However, public notice could not be obtained from the Ministry of Interior for more than three years, due to the “veto” imposed by the former Minister of Telecommunications at the time, Boutros Harb, who had guarded against the administration of internet domain names by the stakeholders and who confirmed that the power should be in the hand of the Ministry of Telecommunications, thus hindering the establishment of the “Lebanese Internet Center”.