



IMPRISONMENT PENALTY AGAINST JOURNALISTS

REPORT

JULY 2023

This report has been prepared within the project "Media Reform to Enhance Freedom of Expression in Lebanon."

ISSUANCE OF A CRIMINAL VERDICT IMPOSING A ONE-YEAR IMPRISONMENT SENTENCE ON JOURNALIST DIMA SADEK, WITHOUT SUSPENSION, BASED ON A LAWSUIT PRESENTED BY THE FREE PATRIOTIC MOVEMENT.



The single criminal judge in Beirut, Rosine Hojeili, issued a verdict on 10/07/2023, sentencing journalist Dima Sadek to one year in prison and convicting her of the offences of defamation, slander, and incitement of sectarian strife, (Art. 582, 584, and 317 of the Penal Code). The lawsuit was brought against her by The Free Patriotic Movement, represented by its leader, the former MP and minister Gebran Bassil. The case stemmed from a tweet she posted in 2020 in which she described the movement as "Nazi" and "racist."

Furthermore, she was obligated to pay compensation of 110 million Lebanese pounds to the movement.

Sadek appeared in a recorded video, describing the situation as an exceptional precedent. She explained that the lawsuit had been filed against her three years ago, following her commentary on a video that circulated on social media showing bodyguards of former deputy Ziad Aswad assaulting a young man from Tripoli in the Keserwan region and directing sectarian remarks towards him.

THE RAISED PROBLEMATICS

- The extent of alignment of the penalty of imprisoning journalists as stipulated in the Lebanese Penal Code and Publications Law with international standards of freedom of expression and journalistic work.

2 MEDIA COVERAGE OF THE VERDICT

2

1. TELEVISION CHANNELS:

Television channels were divided in their coverage of the issue. Some expressed support for Sadek and her cause, while others aligned with the Free Patriotic Movement. Some channels remained neutral, while a few stations overlooked the matter entirely.



This station represents The Free Patriotic Movement which is involved in the case. It limited itself to publishing a statement from the Communication and Media Committee of The Free Patriotic Movement, which considered the judgement to have been fair to the movement. In the "Asrar Al Yawm" segment of the Friday, July 14th bulletin, questions arose within political circles about the commitment to public freedoms when allegations of Nazism are levelled against an entire political group through media outlets and social media platforms.



The Tele Liban channel maintained a neutral stance and indirectly addressed the subject by discussing the Minister of Information's comments regarding the subject and the Information and Communication Committee's meeting.



The LBCI channel omitted the subject in its news bulletin. (Sadek used to work there in the past).



Al Jadeed channel opened its news segment with the news of the verdict on Dima Sadek's imprisonment. The channel expressed solidarity with Sadek through terms used in the report like "a policy of silencing voices" and "restricting freedom of expression." The report provided a comprehensive account of the verdict and included a discussion with Sadek, during which she expressed her confidence in the judiciary.



MTV channel expressed solidarity with Dima Sadek not only in its news segment but also in TV programs. In the show "Bi Esm El Shaab," the host, Riad Tawk, declared, "We won't allow Dima Sadek to be imprisoned." Additionally, the program "Sar Al Waqt" featured Sadek to discuss the verdict in the context of "public freedoms in Lebanon and defending free speech." The legal aspect was emphasised, featuring lawyer Mr. Marc Habka.



Al Manar channel did not provide any commentary regarding the verdict.

2 MEDIA COVERAGE OF THE VERDICT

2. NEWSPAPERS:

There was support for Dima Sadek's case from newspapers such as "Al-Liwaa," "Annahar," "Nidaa Al-Watan," "L'Orient-Le Jour," and "Al-Jourhouria." However, "Al-Akhbar" did not cover the subject.



Al-Liwaa Newspaper: Article under the title "The Suppression of Freedoms Continues - Dima Sadek Imprisoned by Bassil's Lawsuit".



"Al Jourhouria" newspaper maintained neutrality and conveyed various perspectives in an article that criticised the incident, as well as the position of the Free Patriotic Movement.



Al-Akhbar newspaper did not cover the subject.



Annahar :

On July 12, 2023, an article was published under the title "A Dangerous Precedent... One-Year Prison Sentence for Dima Sadek due to a Tweet." The article discussed the increasing violations of press freedom in Lebanon and the freedom of journalistic work in recent years. The article depicted the situation in a manner favourable to Dima Sadek.

On July 13, 2023, another article was published titled "Will the Verdict Against Dima Sadek Be Enforced or Overturned on Appeal?" The article presented journalist Manal Shaia's solidarity with Dima Sadek in an opinion piece. The legal aspect was also addressed, stating that "the issued verdict is subject to an appeal to the Supreme Court under specific legal conditions."

Another article appeared under the title "Information and Communication Committee Fails to Issue a Recommendation on the Verdict Against Dima Sadek." The article included opinions from some deputy members of the Information and Communication Committee, such as Ibrahim Moussawi, Ghayath Yazbek, and Marwan Hamadeh. The article addressed the committee's failure to provide a clear recommendation on the verdict against Sadek. Additionally, it covered a press conference held by the Change Forces Bloc deputies, including Paul Yaacoubian, Najat Aoun Saliba, Melhem Khalaf, and Yassin Yassin, where they expressed their solidarity with Dima Sadek's case.

An expression of condemnation by former Prime Minister Fouad Siniora regarding the judicial verdict was also presented, along with Minister Ziad Makari's comment on the verdict. He discussed the legal aspect of the subject, suggesting that fines might be preferable to imprisonment as a punishment.

2. NEWSPAPERS:



"Nidaa Al-Watan"

- On July 12, 2023, an article titled "Verdict Sentencing Dima Sadek to One Year in Prison" was published. The article provided details regarding the issuance of the verdict and its underlying reasons within the context of "Defending Freedoms."
- Journalist Imad Moussa wrote a column titled "Dima Sadek and the Unjust Verdict," in which he discussed the reactions of politicians towards journalists, highlighting that they differed from Gebran Bassil's reaction in targeting journalist Dima Sadek. Additionally, the article criticised the response of the Minister of Information, who only issued a tweet in support of freedom of expression.
- Furthermore, a report was featured under the headline "Engagement around the Imprisonment of Dima Sadek: An Unjust Verdict." The report detailed the events that transpired during the sessions of the Information and Communications Committee, highlighting the absence of any definitive recommendations.



L'Orient-Le Jour:

The newspaper featured articles supporting Dima Sadek on the 12th, 13th, and 14th of July 2023. These articles elaborated on the details of the verdict, emphasising the significance of press freedom.

2 MEDIA COVERAGE OF THE VERDICT

5

3. ALTERNATIVE MEDIA AND ONLINE PLATFORMS:



The alternative media largely distinguished itself by predominantly supporting the cause of Dima Sadek. There was a clear rejection of attempts to silence journalists and undermine their freedom to criticise. Among the prominent platforms that addressed the subject were websites such as [Daraj](#), [Megaphone](#), [Sharika Wa Laken](#), [Beirut Today](#), and [Raseef22](#).

Numerous online platforms circulated the news and expressed solidarity with Dima Sadek. One of the most notable websites was Al Modon, which [published a report](#) titled "Bassil Seeks Revenge from Dima Sadek: Judicial Verdict of One-Year Imprisonment."

The Legal Agenda website also expressed solidarity with Sadek, dissecting the verdict and addressing all its aspects in an [investigative piece](#) titled "Harshest Verdicts in a Freedom of Expression Case in Lebanon: When a Ruling Party Turns into a Victim." Raseef22 contributed with an article titled ["Verdict Sentencing Imprisonment of Dima Sadek: Politics Above Justice and Prior to Liberties."](#)

3 OPINIONS OF ORGANIZATIONS AND STAKEHOLDERS:

6

Numerous local and international organisations, civil society organisations, as well as Lebanese figures and political parties, have condemned the verdict issued against journalist Dima Sadek. They have all come to a unanimous agreement on the imperative of upholding freedom of opinion and expression in Lebanon.

- A statement by the "Freedom of Opinion and Expression Coalition" in Lebanon condemned what it referred to as the new judicial orientations aimed at constraining freedom of expression. It considered the judgement against Sadek a precedent that threatens freedom of opinion in Lebanon.
- Amnesty International strongly denounced the escalation of judicial measures in criminalising freedom of expression, following the court's verdict to imprison the journalist.
- Maharat Foundation considered, in its statement, the prison sentence against journalist Dima Sadek as a serious indicator of the decline in freedom of expression and of the media in Lebanon. It emphasised that this judicial precedent does not align with the international standards that Lebanon adheres to, as stipulated in the preamble of its constitution.
- The Alternative Press Syndicate also condemned, in its turn, this dangerous verdict of imprisonment based on the act of expressing an opinion and emphasised the necessity of abolishing criminal penalties in expression-related cases. Similarly, the Press Club, called for the judiciary to correct this error, which should not have occurred, considering that the competent body to address lawsuits concerning journalists is the Publications Court.
- "Seeds for Legal Initiatives" strongly denounced the verdict issued against journalist Dima Sadek and considered it a harsh blow to freedoms, particularly the freedom of opinion and expression.



Minister of Information Ziad Maakari tweeted after the issuance of the judicial verdict to imprison journalist Dima Sadek and reiterated the call to the Parliament to discuss and adopt the proposed new media law, which abolishes imprisonment sentences against journalists.



THE PARLIAMENT

- In its latest session on July 12th, the Committee on Information and Communications deliberated on the matter. However, this discussion resulted in a division among the members of parliament, preventing the committee from issuing any recommendations or condemnations regarding the verdict. The committee's chairman, Deputy Ibrahim Moussawi, specifically emphasised the committee's strong dedication to freedom of expression, recognizing it as a sacred right. However, he also added that it must also be "responsible freedom" that does not veer into hate speech or racist speech.

Some members participating in the session expressed their dissatisfaction with its outcome, including MPs Paula Yaacoubian, Yassin Yassin, Najat Saliba, and Melhem Khalaf. They held a press conference discussing the verdict against journalist Dima Sadek.

Yaacoubian announced the suspension of her membership in the Information and Communications Committee due to, as she stated, the precarious state of freedoms.

AT THE LEVEL OF THE POLITICAL PARTIES:



The Progressive Socialist Party condemned, in its meeting, "the prison verdict issued against the journalist Dima Sadek by the judiciary, which not only disregards the law and the provisions of the constitution, but also undermines Lebanon's status as a country of freedoms."



The Media Division of the Lebanese Forces Party denounced the judicial verdict against journalist Dima Sadek and emphasised the need to differentiate between the legitimate right of the prosecuting party to defend itself and the use of the judiciary to suppress journalists due to their opinions.

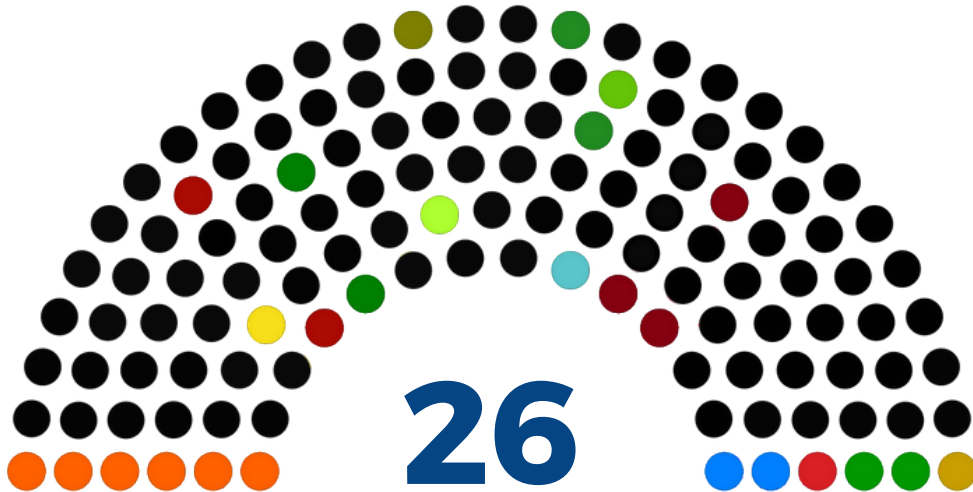


The Future Movement Party viewed the verdict as a "frivolous litigation" aimed at settling political accounts and suppressing freedoms.



On the other hand, the Free Patriotic Movement, the party primarily involved in the case, supported the verdict and released a statement through its Committee of Communication and Media, asserting that the Lebanese judiciary's verdict was fair with the Free Patriotic Movement. The legal representative of Deputy Gebran Bassil, Attorney Majed Boueiz, also posted a tweet criticising Sadek and stating, "Hopefully, you've learned your lesson."

ON THE PARLIAMENTARY LEVEL:



A total of 26 MPs expressed solidarity with journalist Dima Sadek out of 107 MPs monitored through tweets or stances on social media, while 81 deputies did not comment on the matter.

The content of these posts revolved around rejecting the suppression of press freedom and freedom of expression. They emphasised that the Publications Court should be the authority overseeing cases involving journalists. Furthermore, they highlighted that criticising officials and politicians should not be deemed a crime for which journalists are held accountable.

The deputies expressing solidarity are members of both the Change Forces Bloc and the Opposition Bloc while there was an absence of solidarity from deputies belonging to the Free Patriotic Movement, as well as the Amal and Hezbollah duo, along with their allies.

Some tweets from deputies expressing solidarity with journalist Dima Sadek



[Mark Daou](#)



[Melhem Riachy](#)



[Najat Aoun Saliba](#)



[Waddah Sadek](#)



[Firas Hamdan](#)



[Nabil Badr](#)



[Melhem Khalaf](#)



[Michel Moawad](#)



[Nadim Gemayel](#)

The imprisonment case of Dima Sadek, based on a criminal verdict related to expressing an opinion, resulted in divisions among the concerned parties' stances. Meanwhile, the verdict raised concerns among a broad spectrum of media outlets, journalists, politicians, and advocates for freedom of expression, all agreeing that the imposed penalty is "unjust" and a "dangerous precedent," necessitating a united stance in the "battle to defend freedoms."

Another faction did not express solidarity with Sadek, considering that the judiciary had spoken its verdict. Meanwhile, a moderate group expressed support for Sadek despite their disagreement with her expression style and the content of her discourse.

As for the official position, it came from the chairman of the Information and Communication Committee, who emphasised that freedom must be responsible and avoid veering into hate speech or racist discourse.

This issue brings forth the topic of hate speech on social media platforms and the legal provisions governing it in the Lebanese Penal Code, particularly Article 317.

This prompts us to conclude the following:

- Expressing opinions on political cases on social media platforms may subject the individual to charges for crimes related to internal state security, such as undermining national unity and inciting sectarian strife, as specified in the Lebanese Penal Code.
- The scope of the concept of hate speech, as delineated by the provisions of Article 317 of the Lebanese Penal Code, extends comprehensively, allowing for interpretative flexibility that transcends the mere presence of criminal intent and extends beyond sole reliance on the outcome. This characteristic renders it incongruent with established international standards.
- Hate speech is criminalised under Lebanese law based on vague phrases and terms such as "inciting sectarian or racial strife" or "inciting conflicts between sects and various elements of the nation," which contradicts international standards.
- The penalty associated with hate speech can extend up to three years of imprisonment, with no discretion for the judge to replace it with a fine.



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