



The Tahrir Institute
for Middle East Policy

**The Committee to Protect Journalists
The Tahrir Institute for Middle East Policy**

**Joint Stakeholder Submission to the UN Human Rights Council's
Universal Periodic Review - Lebanon**

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The Committee to Protect Journalists is an independent nonprofit organization that promotes press freedom worldwide. We defend the right of journalists to report the news safely and without fear of reprisal.

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The Tahrir Institute for Middle East Policy (TIMEP) is dedicated to centering localized perspectives in the policy discourse to foster accountable, transparent, and just societies in the Middle East and North Africa. TIMEP was founded in 2013 in Washington, DC; it has a network of expert fellows located throughout the world. TIMEP is a registered 501(c)(3) nonprofit in the District of Columbia.

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Introduction

This joint submission documents a deterioration in the state of press freedom in Lebanon, as facilitated both by the country's legal framework and its violative practices. The information presented in this submission is based on evidence collected by the Committee to Protect Journalists (CPJ) and the Tahrir Institute for Middle East Policy (TIMEP) in collaboration with local human rights defenders, journalists, and lawyers.

Prior Relevant UPR Recommendations

1. Lebanon underwent its 1st UPR cycle in November 2010 and its 2nd UPR cycle in November 2015.
2. In the prior UPR cycles, Lebanon supported and/or noted two recommendations made by States that are relevant to this submission and concern freedom of expression. These recommendations have yet to be sufficiently implemented:
 - a. Continue to guarantee freedom of expression creating additional conditions for its fulfilment (81.9; A/HRC/16/18); and
 - b. Take concrete steps to assure freedom of expression and to guarantee the protection of peaceful protesters (133.2; A/HRC/31/5).
3. In addition to the recommendations made by States per the UPR process, the topic of press freedom has been brought to Lebanon's attention during prior UPR cycles. Despite this, these recommendations and concerns have remained insufficiently addressed. Examples include:
 - a. UNESCO called on Lebanon to ensure that journalists and media workers are able to practice their profession in a free and safe environment, to investigate all attacks on journalists and media workers, and to ensure full implementation of the rule of law (A/HRC/WG.6/23/LBN/2).
 - b. Costa Rica raised concern about attacks against journalists (A/HRC/31/5).
 - c. CSO stakeholders documented the torture of journalists; noted the alarming rise in criminal defamation cases; and raised the issue of journalists being investigated by the security apparatus, specifically the Cybercrime and Intellectual Property Rights Bureau, rather than the courts as required by the Press and Publications Law. CSO stakeholders also recommended that Lebanon amend the legal and regulatory framework in order to guarantee freedom of expression, and amend legislation permitting censorship (A/HRC/WG.6/23/LBN/3).

Situation for Press Freedom in Lebanon (Particularly Since UPR 2nd Cycle)

Legal Framework

4. Lebanon's international legal obligations, including under the International Covenant on Civil and Political Rights (ICCPR), and its constitution commit it to protecting the right to freedom of expression, which includes freedom of the press. Article 13 of Lebanon's Constitution¹ states: "The freedom to express one's opinion orally or in writing, the freedom of the press, the freedom of assembly, and the freedom of association are guaranteed within the limits established by law."
5. The phrase "within the limits established by law" thus necessitates a deeper dive into the country's domestic legal framework, which in fact, furthers language and loopholes that have been implemented in a manner that continue to violate the right to freedom of expression.
6. Lebanon's **Penal Code**² contains several articles that restrict press freedom by using broad and ambiguous language, that is—at times—either vaguely or entirely undefined. **Article 317** criminalizes "provoking sectarian or racial tensions or inciting conflict between sects..." with a punishment of up to three years in prison. **Article 384** criminalizes insulting the president, the flag and other national symbols, and religious rituals, which is punishable by six months to two years in prison. **Article 385** defines libel and slander as anything said or written that could harm someone's "dignity" and "honor"; and **Article 582** punishes libel and slander with up to three months in prison and a fine of 200,000LL.
7. Lebanon's **Press Law**, passed in 1962, establishes the conditions to become a licensed journalist in a manner that is discriminatory, inherently contradictory, and impossible to legally satisfy. **Article 22** stipulates that licensed journalists must be Lebanese; and that they must either hold a university degree in journalism or have four years of work experience in that very same field. This is restrictive towards non-Lebanese nationals, including those who are of a Lebanese mother and foreign father, as women cannot pass on the nationality to their children.³ At the same time, if an individual does not hold a journalism degree, their only way of gaining four years of experience would be to work informally or illicitly. Adopting broad and ambiguous language once again, **Article 75** criminalizes producing news that is "contradictory to public morals," "harms religious feeling," and "[harms] national unity," with a fine that could lead to a ten-day prison sentence. Importing or printing foreign media that does the above or "incites sectarian strife" or "disturbs security" is also illegal, as stipulated in **Article 55**. **Article 77** of the law establishes two syndicates, the Press Syndicate and the Press Editors Syndicate that provide journalists with certain protections and privileges to allow them to do their work. However, it is a non-inclusive body that does not provide protection for all journalists and media workers, in light of the conditions necessary to become a licensed journalist as detailed above. It particularly fails to provide membership

and protection for freelance journalists who make up a large portion of media workers in Lebanon today.

8. The **Audiovisual Broadcast Law** of 1994⁴ was established to regulate the multitude of unlicensed television and radio stations that were set up during the civil war and to end state monopoly. However, the law's establishment of a government-appointed body to evaluate and approve a limited number of media licenses have ultimately restricted and suppressed the ability to establish television and radio stations. According to Human Rights Watch, the right to freedom of expression has been compromised as a result of this regulatory process.⁵ The law established the **Audiovisual Council**, made up of ten individuals appointed by the Cabinet and Parliament, which reviews licensing applications for private media and advises the Cabinet to accept or reject applications. The law offers two different types of licensing to broadcast media with two different fees, with the main difference being the ability to air the news and political programming. The number of licenses are limited, and are primarily held by major political and business families.⁶
9. Detailing a series of broad conditions that restrict the content of programming, **Article 4** of Lebanon's **Satellite Broadcast Law** of 1996⁷ bans airing "programs that violate public order or are harmful to state safety, its good relations with Arab and foreign countries, or programs that affect the safety of those countries," as well as "programs that stir sectarian strife or that deals with criticizing or defaming religious beliefs."
10. Lebanon's **E-Transactions Law**⁸ of 2018 includes provisions with vague terminology that permit shutting down or censoring websites under the law, including media platforms and publications. **Article 125** of the law permits the judiciary to suspend and block websites that share material related to a variety of subjects that include "crimes against internal and external security."
11. There is currently no legislation explicitly governing digital media and publications. Media organizations and publications that are unlicensed are subject to criminal law, and journalists who are not in the syndicate do not stand trial at the Publications Court, but rather the criminal court.
12. Lebanese lawmakers are currently debating a **new draft media law**⁹ that would set forth fines and prison sentences for allegations of slander and defamation. **Article 75** of the draft would criminalize the insulting of a Lebanese or foreign head of state—with the exception of Israel—with up to three years in prison. **Article 77** would punish any journalist or media worker with one to three years in prison for publishing material that "insults any of Lebanon's recognized religions," "stirs sectarian strife or disturbs general safety," or "compromises state safety, its sovereignty, unity, borders, or puts Lebanon's foreign relations in danger." While this new media draft law would fill a current gap in the legal framework by governing digital media, it would also incorporate defamation provisions that

compromise press freedom and bring about harsher prison sentences in a number of contexts.

13. Under the ICCPR, restrictions on the right to freedom of expression must pass a three-part test of legality, legitimacy, and proportionality. Specifically, any restrictions must be (1) provided by law; (2) in furtherance of respect of the rights or reputations of others; or for the protection of national security or of public order, or of public health or morals”; and (3) be necessary. The Human Rights Committee has previously iterated that among other things, laws implicating freedom of expression must not violate the non-discrimination provisions of the ICCPR; must not provide for penalties that are incompatible with the ICCPR; and must be “formulated with sufficient precision to enable an individual to regulate his or her conduct.”¹⁰
14. The legal framework governing freedom of expression as presented above has had a chilling impact on press freedom in Lebanon, facilitating the application of overly-broad language to censor and restrict content, limiting the ability of individuals and outlets to become licensed journalists and media outlets, and setting forth punishment for exercises of expression.

Press Freedom Violations

15. Since Lebanon’s second UPR in 2015, the situation of press freedom in the country has deteriorated significantly.
16. CPJ research shows that **attacks and excessive use of force by Lebanese security forces, including the use of rubber-coated bullets, on journalists covering the protests have risen steadily** since demonstrations against the surging cost of living, corruption, and government mismanagement broke out in October 2019. According to the Beirut-based regional press freedom group SKeyes Center for Media and Cultural Freedom, more than 100 instances of violence against journalists have been reported since January 2020 alone.¹¹
17. For example, on January 14 and 15, 2020, police officers assaulted at least seven journalists and detained at least two who were covering protests in Beirut and were properly identified as such.¹² Video footage¹³ of the January 15 protest at the Helou Police Barracks in Beirut shows riot police officers pushing and hitting journalists who wore vests clearly marked with the word PRESS or who clearly identified themselves to be journalists. Among them was Reuters photographer Issam Abdallah,¹⁴ who was beaten over the head with police nightsticks, suffering minor head wounds as a result. French photojournalist Greg Demarque was assaulted and detained that day after a police officer tried to confiscate his camera to prevent him from covering the protest. He was released one day later and transferred to the hospital for medical treatment.¹⁵

18. On January 19, security forces shot Al-Jadeed television videographer Mohammad al-Samra in the hand¹⁶ and Al-Jazeera correspondent Ihab al-Uqdi in the leg¹⁷ with rubber-coated steel bullets while they were covering protests in downtown Beirut.
19. On January 21, General Security officers arrested U.S. freelance journalist Nicholas Frakes while he was covering protests in downtown Beirut and held him for two days on charges of live streaming the protest for an Israeli newspaper, an allegation that the newspaper in question denied. Reuters, which only supplied the livestream, confirmed that Frakes did not film the livestream. Frakes was subsequently transferred to the custody of the Defense Ministry for investigation into his alleged ties with Israel. After being made to sign a pledge, he was eventually released.¹⁸
20. On June 28, army officers assaulted at least five journalists covering the blocking of a highway north of Beirut. The officers broke the camera of MTV cameraman Dani Tanios and tried to confiscate the cameras of the remaining four journalists.¹⁹ Photojournalist Marc Fayyad told CPJ that a soldier hit him and broke his glasses and that the use of force against journalists is common among security officers. Video footage of the incident confirms his account.²⁰
21. Even prior to 2020, attacks by security forces against journalists covering protests and incidents involving the excessive use of force on the part of the Lebanese police and army have been documented.
22. For example, in 2017, at least three journalists were injured while covering protests against the extension of the Lebanese Parliament's term²¹ and the recognition by U.S. President Trump of Jerusalem as the capital of Israel.²² In December 2018, Lebanese soldiers assaulted four journalists covering protests in Beirut.²³
23. In recent years, **media outlets and newsrooms have come under physical attack by security forces or been subject to violence** by groups associated with or sympathetic to certain political parties and factions.
24. In February 2017, for example, Al-Jadeed's Beirut headquarters was raided and ransacked by a crowd that was waving flags of the political party Amal. In July 2016, the same office had been shot at by unknown assailants.²⁴
25. In December 2018, officers belonging to the Internal Security Forces raided the Beirut office of the investigative news website Daraj and detained Hazem el-Amin, co-founder and editor-in-chief of the publication, for two hours.²⁵
26. In February 2019, unknown assailants threw a hand grenade at the Beirut office of the broadcaster Al-Jadeed, causing material damage. Prior to the attack, Druze employees of Al-Jadeed had received threats over broadcasting an episode of a comedy show that allegedly caricatured the Druze clergy.²⁶

27. In May 2019, security forces raided the Beirut office of the newspaper Al-Akhbar, seized the CCTV footage, and inquired about the whereabouts of the editor-in-chief Ibrahim al-Amine. Al-Akhbar Deputy Editor Pierre Abi Saab believed the raid had to do with the outlet's publication of Lebanese diplomatic cables.²⁷
28. In addition to physical attacks, journalists reporting on issues of public interest, including corruption and human rights violations, and journalists who have been critical of Lebanese authorities **have been subject to prosecution and charged with criminal defamation or false news.**
29. In July 2016, Nizar Bou Nasreddine, a colonel of Lebanon's Internal Security Forces, sued the then-Al-Jadeed reporter Youmna Fawaz over an investigative news report into corruption in the Lebanese Internal Security Forces.²⁸
30. In July 2017, Judge Roukoz Rizk fined four journalists working for the broadcaster Al-Jadeed for defamation and spreading false news. Al-Jadeed had broadcast a story about a Lebanese lawyer who was collecting money for a shelter for elderly people that did not exist.²⁹ One of the fined journalists, Riad Kobaissi, told CPJ that he and his colleagues offered the lawyer the right to reply. The judge fined them not because they had reported on anything incorrectly, but because of alleged defamation.
31. In March 2018, Lebanese journalist and publisher Michel Kanbour was sentenced to six months in jail and issued a \$6,667 fine,³⁰ following a defamation lawsuit filed by Customs Department Director-General Badri Daher³¹ after he was accused of corruption.
32. In June 2018, the Cybercrime and Intellectual Property Rights Bureau, also known as the Cybercrimes Bureau, contacted Lebanese media organizations and Human Rights Watch on behalf of the Mount Lebanon Appeals Court, ordering the removal of content related to the attempted suicide of a 21 year-old Ethiopian domestic worker on the basis of defamation. English newspaper The Daily Star, the Lebanese Broadcasting Company, and other media organizations took down their content. Journalists who covered the case such as Anne-Marie el-Hage of L'Orient Le Jour and Timour Azhari of The Daily Star were summoned for interrogation at the Cybercrimes Bureau. While El-Hage did not attend due to a "gentleman's agreement" between the Press Syndicate and Public Prosecutor's office, Azhari was verbally abused during his interrogation, his phone was confiscated and its contents read, and he was asked to sign a pledge not to talk about the case anymore.³²
33. In July 2018, Judge Raffoul Bustani convicted and fined five Lebanese journalists for criminal defamation and spreading false news after reporting on corruption cases involving senior Lebanese government officials or prominent businessmen.³³

34. In September 2019, Lebanese Judge Ziad Abu Haidar sued Lebanese newspaper Nidaa al-Watan, its editor-in-chief, and its managing director on charges of criminal defamation over an article critical of Hezbollah Secretary General Hassan Nasrallah.³⁴
35. In March 2020, a military judge sentenced journalist Fidaa Itani³⁵ and Al-Jadeed correspondent Adam Chamesddine³⁶ to three months in prison for publishing commentary offensive to Lebanon's State Security agency.
36. **Criticism of public figures or political parties by media outlets and social media users has recently been curtailed** in numerous incidents as well.
37. Syrian journalist Abdel Hafez al-Houlani was arrested twice in 2018 without being informed of the reasons for his arrest or the charges against him after he published an article attributing problems facing Syrian refugees in Lebanon to a lack of coordination between security agencies and the now defunct State Ministry for Refugee Affairs.³⁷
38. On June 27, 2020, Lebanese judge Mohammed Mazeh issued an order banning media outlets from interviewing U.S. Ambassador Dorothy Shea for a year or face a \$200,000 fine and a one-year broadcast ban following an interview with the Saudi-owned broadcaster Al-Hadath in which Shea accused Hezbollah of destabilizing Lebanon.³⁸
39. Lebanese Attorney General Ghassan Oueidat also recently sent a letter to the Criminal Investigations Department urging them to investigate and keep track of people who published posts or pictures critical of Lebanese President Michel Aoun on social media.³⁹
40. On a regular basis, authorities **have summoned journalists and social media users for questioning about articles and social media posts critical of local authorities** without informing them of the reasons behind these summons.
41. In May 2020, army intelligence summoned Lebanese journalist Ayman Shrouf for questioning in Rashaya without informing him of the reasons for the summons. When his lawyer made inquiries, the Army intelligence Bureau in Rashaya refused to provide any further details.⁴⁰
42. In November 2019, army intelligence summoned Syrian journalist Ahmed al-Qusayr for questioning and forced him to sign a statement banning him from taking pictures of the protests in Tripoli.⁴¹
43. Thus far in 2020, the Cybercrimes Bureau has summoned a number of journalists,⁴² activists,⁴³ and artists⁴⁴ over their social media posts. This practice

has become widespread in Lebanon and is perceived by journalists as an attempt to intimidate them and curtail press freedom.

44. In addition to the aforementioned incidents, Lebanese authorities have also **leveraged surveillance technology to further rights violations against Lebanese journalists**, among others. In January 2018, the digital rights organization Electronic Frontier Foundation and the mobile security firm Lookout released a report uncovering a malware espionage campaign called Dark Caracal and traced it to a building belonging to the Lebanese General Security Directorate in Beirut. According to the report, data from thousands of people in more than 20 countries had been stolen through their mobile devices. Among the targets were journalists, lawyers, and civil society activists. The malware had been operating since 2012.⁴⁵
45. Thus, through incidents of physical violence, the issuing of summons as a form of harassment, prosecutions in reliance on overly-broad legislation, and the use of surveillance technology, Lebanese authorities have overseen and facilitated a pattern of violations of freedom of expression, curtailing press freedom in a manner that violates the country's international and domestic legal obligations and that promises a chilling long-term effect for the transparency and accountability brought about by a functioning, independent, and free press.

Recommendations

In light of the aforementioned findings, CPJ and TIMEP call on States participating in the UPR process to make the following recommendations for Lebanon to:

1. Ensure that journalists and media workers are able to practice their profession in a free and safe environment.
2. Conduct impartial, transparent, and timely investigations into all cases of attacks, harassment, and intimidation of journalists and media workers and hold those responsible to account.
3. Bring to a halt the practice of calling in journalists, bloggers, and social media users for questioning before the Cybercrimes Bureau for their exercises of free expression.
4. Take appropriate steps to prevent military authorities from summoning, questioning, and detaining journalists, bloggers, and social media users for their exercises of free expression; and to outlaw the trial of civilians in military courts.
5. Decriminalize defamation by amending Articles 384, 385, and 582 of the Lebanese Penal Code.

6. Withdraw all provisions that would set forth prison sentences for alleged defamation in the new draft media law.
7. Ensure in law and judicial practice, the proportionality of sentences for defamation, publication, and other expression offenses.
8. Review and amend Article 22 of the 1962 Press Law to broaden the definition of a journalist and to ensure fair and non-discriminatory access to the profession of journalism.
9. Amend Article 77 of the 1962 Press Law and allow media and journalists to establish independent, self-regulatory bodies without interference from authorities.
10. Amend the Audiovisual Broadcast Law of 1994 to ensure fair and unrestricted access to broadcasting licenses and to contribute to more diverse, pluralistic media without government interference.
11. Amend Article 4 of the Satellite Broadcast Law of 1996 to allow journalists and media outlets to do their job freely without interference and fear of reprisal.
12. Amend Article 125 of the E-Transactions Law of 2018 to fully ensure the right to exercise freedom of expression and reduce restrictions on information on the Internet.
13. Promote and uphold the right to freedom of expression, including press freedom, and ensure that legislation and state practice are brought in line with Article 19 of the ICCPR.

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¹³ Video footage via Al-Jadeed, January 15, 2020, <https://bit.ly/3f6cb9Y>; Video footage via MTV, January 15, 2020, <https://bit.ly/2NXxPRT>.

¹⁴ SK Eyes, SK Eyes condemns the serious attack on journalists and demonstrators and demands accountability of those involved (Arabic), January 16, 2020, <https://bit.ly/3fgJ2bW>.

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- ²⁷ Committee to Protect Journalists, Lebanese security forces raid Beirut office of Al-Akhbar newspaper, May 22, 2019, <https://bit.ly/38wblva>.
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