Constraints on the internet in Lebanon

Helen Mackreath [1] 10 June 2013

Freedom of speech stakes are far higher in Lebanon than other countries, owing to the tightrope walk along the delicate sectarian balance.

Whilst the freedom of media in Lebanon has long been celebrated as an oasis within the Middle East, the digital environment may represent a challenge to that reputation. The internet is increasingly becoming a contested space in the country. Long offering a grey area of legal jurisdiction, as well as a platform where sectarianism exercises judgment through self-censorship, it may now face a more constrained future, restricted by the same politico-sectarian divisions which impose such a stranglehold on the country.

Wranglings over a new media law have been ongoing since 2010, when the government’s attempts to impose a new “e-transaction law” were halted by activists. This situation was repeated in 2012 when the attempt to pass the Lebanese Internet Regulation Act (LIRA) was met with a similar challenge from activists. Today, a third draft law is under consideration by the Media Telecommunications parliamentary committee, which is widely regarded as a positive move to increase press freedoms. However, legal ambiguity, collapse of the government and an increasingly blurred picture on the ground are translating into a less than free environment.

Currently, a blurred and overlapping legal framework governs the internet in Lebanon. This leads to confusion both in the law courts, and in the implementation of the law on the ground against potential suspects. Two laws relate to internet abuse. The first is the 1962 press and publications law, designed solely for a traditional print environment, and therefore ill-equipped to deal with the open environment of the internet. The second spectrum of laws are the slander and libel laws, particularly article 588 of the Lebanese penal code which punishes defamation of the President, army and any other public figure, which carry far graver repercussions. Prosecutions under these sets of laws garner far greater public attention, owing to fears that they represent a stifling of freedom of speech.

Currently it is down to the judge’s discretion whether they judge cases under the Freedom of Expression law as journalists, which would come under the print media law of the 1960s, or under the penal code law.

What does this mean on the ground?

Whilst a new law regarding the internet is yet to be implemented, reports of low-profile arrests and intimidations targeting online activists continue to attract attention.

Pierre Hashash was reported to be arrested and beaten in November last year because of comments made on facebook in which he criticized the army and its commander. There was speculation that this was a result of personal animosity with a particular member of the army, but the case still caught wide media attention for its repercussions for freedom of speech. In February this year, according to Maharat Foundation for Freedom of Expression, Abir Ghattas was interrogated by police
about a blog entry she had posted in which she criticized a former CEO of Spinneys, a supermarket chain, for his handling of the attempted unionization of the company’s workers.

On the other side of the coin, there is concurrently an increase in the internet promoting sectarianism, and an absence of adequate measures to police this appropriately.

The serious harassment of a young female journalist blogger in South Lebanon, extending to arson attack, death threats, and forced expulsion from her home town, followed her criticisms of Hezbollah’s presence in the strategic Syrian town of Qusayr on facebook. Marwa Olleik was forced to flee her home village of Yahumr, in South Lebanon on 22 May after her comments, and her reaction to the initial criticism which was perceived to insult Sayyida Zeinab [the granddaughter of the Prophet who is highly revered in Shiite Islam], incurred the wrath of her community.

In early December last year there were also reports from various media outlets that a video circulated on Facebook was directly responsible for triggering a renewal in sectarian gun battles in the city of Tripoli, north of Lebanon, which is traditionally more prone to sectarian conflict. The video reportedly showed corpses of Tripoli residents killed fighting in Syria being kicked around and otherwise dishonoured by pro-Syrian-regime militants. These cases suggest that the ambiguous legal framework of the online world in Lebanon is still subject to personal vendetta and politico-sectarian division. At the same time, sectarian tensions, already rising in a country now enveloped in Syria’s conflict, are beginning to find a new platform in the internet.

What repercussions might this have?

Jed Melki, Professor of Media Studies at the American University of Beirut, who is author of a recently released report about internet freedom in Lebanon, warns that, logically, more violent responses to internet provocation will occur. “There is no real authority on the ground to police them [internet abusers] – the Lebanese government is more of a mockery than anything else at the moment.” The line between freedom of speech online, and propagating insensitive opinions, whether deliberately provocative or not, is a fine one. But the stakes are far higher in Lebanon than other countries, owing to the tightrope walk along the delicate sectarian balance. In the past, self-censorship has been fiercely employed in recognition of this fact. “In Lebanon it has always been acceptable, for a long time, to avoid insulting people, and to steer clear of saying certain things”.

However, Dr Melki worries that the increase in digital literacy and widening access to the internet of a broader spectrum of the population will further fuel disputes, as an increasing number of people will “gain access to information they don’t like”. Ownership of at least one PC per household increased from 24 percent in 2005 to 31.5 percent in 2010; of these households, 82 percent had fixed broadband internet subscriptions in 2008. These do not represent enormous numbers, but their expansion into increasingly rural areas foretells a divergence in internet usage from the norm.
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