

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders**

REFERENCE:  
AL LBN 5/2018

7 September 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 34/18, 32/32 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the summoning of Mr. **Wadih Al-Asmar** and other human rights defenders by Lebanese security agencies for posts made on social media.

Mr. Wadih Al-Asmar is Secretary General of the Lebanese Center for Human Rights (CLDH) a local non-profit human rights organisation based in Beirut that monitors incidents of arbitrary detention, enforced disappearances, and torture.

According to the information received:

On 16 August 2018, Mr. Al-Asmar received a WhatsApp message from the Cybercrime Bureau of the Internal Security Forces, summoning him to appear for questioning on 31 August 2018 with regard to posts published on his Facebook account. He received no further information on which posts on Facebook specifically that had given rise to the summoning.

The summoning of Mr. Al-Asmar reportedly comes amid a surge in the number of human rights defenders summoned by the Anti-Cybercrimes bureau for their posts on social media platforms, particularly Facebook and Twitter. In July 2018, over 500 protesters gathered in Beirut to protest against the monitoring of social media by the authorities.

Since 2016, there have been at least 39 summons of Lebanese citizens, including journalists and human rights defenders, who have made public comments about political figures or Lebanese authorities. The majority of those summoned have been charged under Articles 383 to 386 of the Lebanese Criminal Code which criminalizes contempt, slander and libel of public officials. Many of the cases have resulted in periods of deprivation of liberty and often ends with human rights defenders signing pledges restricting their freedom of expression.

We express concern at the summoning of Mr. Al-Asmar which are made possible due to the existence of criminal defamation under the laws of Lebanon, in violation of international human rights standards. Similarly, we express concern at the continued use of Article 383 and 386 of the Criminal Code against political expression, human rights defenders and journalists to criminalize the legitimate exercise of the right to freedom of expression. We express concern that the continued existence and application of these provisions are detrimental for Lebanese society as they pose a serious threat to freedom of expression, and by extension to the rights to freedom of peaceful assembly and association online, in the country and may chill open discussion about the actions and policies of government officials. We call on Lebanese authorities to repeal these provisions as they are incompatible with Lebanon's obligations under international human rights law.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information about the legal basis for summoning Mr. Al-Asmar, and how this is compatible with Lebanon's obligations under international human rights law.
3. Please provide information about measures taken to repeal criminal defamation provisions from the Lebanese Criminal Code.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst  
Special Rapporteur on the situation of human rights defenders

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to recall that freedom of opinion and freedom of expression are essential to the formation and continuation of a free and open society. In particular, we would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Lebanon on 3 November 1972.

We recall that under international human rights standards, as highlighted by the Human Rights Committee and by the Special Rapporteur on the right to freedom of expression, criminal sanctions, in particular imprisonment for libel and defamation are not deemed proportional with an effective exercise of the right to freedom of expression (CCPR/C/GC/34) and (E/CN.4/2000/63). In this regard, we also refer to the principle enunciated in Human Rights Council Resolution 12/16, which calls on states to refrain from imposing restrictions on the discussion of government policies and political debate; reporting on human rights and government activities; and expression of opinion and dissent.

We similarly wish to remind your Excellency's Government of its obligations under Article 21 and 22 of ICCPR that guarantee, respectively, the rights to freedom of peaceful assembly and of association. We recall that, that, in accordance with the ICCPR, no restriction may be placed on the exercise of the rights to freedom of peaceful assembly and of association other than those that are prescribed by law and that are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

We further underline that Resolution 24/5 of the Human Rights Council Reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.

Finally, we would also like to highlight the fundamental principles set forth in articles 1 and 2 of the UN Declaration on Human Rights Defenders, which provide for the right to promote and to strive for the protection and realization of human rights and fundamental freedoms. We would similarly like to recall that article 6 (b) and c) of the Declaration provides that everyone has the right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms, and to study, discuss, form and hold opinions on the observance of these rights.