

## ***Palestinian Center For Development and Media Freedoms "MADA"***

### ***Social Media...A New venue to Censor and Prosecute Journalists***

Many states and authorities around the world keep an open eye on activity over social media sites (which are considered nowadays as one of the main platforms exercising freedom of opinion and expression) and have dealt with its users with a sense of caution and suspicion. In an effort to censor materials that may threaten them, some authorities have used arrest, interrogation, prosecution and even physical abuse against some users.

This approach has also lead to the banning of certain social media sites for periods or permanently in certain cases.

Similarly, this practice of persecuting journalists and activists for their views and material shared on social media platforms has been rampant in Palestine, especially with the widespread use of social media in recent years.

According to the latest statistics of last year 2015, according to a report released through "Social Studio" project initiated by "Concepts" company, to document the status quo of social media in Palestine, results showed that the rate of internet users in Palestine amounted to 50%, furthermore, results also showed that social media users in Palestine amounted to 37%, while the number of "Facebook" users in West Bank and Gaza Strip amounted to 1,780,000 users<sup>1</sup>, in addition to 170 thousand users in Jerusalem chose Arabic language to use Facebook<sup>2</sup>; considered to be as the most prevalent and common social media used in Palestine.

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<sup>1</sup> Total number population in West Bank is 2.8 million/ Gaza Strip 1.8 million/ East Jerusalem 450 thousand according to Concepts Company, in their report on social media in Palestine 2015.

<sup>2</sup> For further details of the report "social media in Palestine for the year 2015" conducted by Concepts Company please check the link <https://goo.gl/KGFQg1>

According to the same report 96% of social media users reported that the main purpose of social networking is following the news, which shows the extreme importance of these platforms, while 66% reported that they take into consideration security services control and monitor over social media, where in 2014 around 52% of social media users in Palestine take into consideration security services censorship, indicating that the rate increased around 14%, representing an indication of the widen circle of fear created by the increase of censorship and prosecution relating to social media usage and publications.

The Palestinian Center for Development and Media Freedoms (MADA) through its continued efforts in defending media freedoms, and enhancing freedom of expression and opinion, through social media that are available for all people, in 2015 MADA has launched a campaign on digital rights the first in Palestine aiming to raise awareness of citizens on their digital rights, as access to internet and information is a fundamental right everyone is entitled to that assures access, use, create, and publish digital media or to access and use computers, other electronic devices, or communications networks.

The campaign including (participation of journalists and media students, with the supervision of Sead Karazon, through conducting and promoting the campaign) has achieved an exceptional success, in addition to winning the golden prize/ Middle East in an international contest organized by WAN-IFRA, moreover MADA has conducted and published a study in 2011 under the title “ New Media and Freedom of Opinion and Expression in Palestine: the Facebook Model” which tackled several issues related to cyber media, and social media sites, and all practices of prosecutions related to cybercrimes/ in an attempt to violate freedom of expression and opinion, which social media sites has allowed a space for enjoying freedom of opinion and expression in an unprecedented scale.

What carries more concern regarding the usage of social media sites, that in the last few years Israeli Occupation Authorities and different Palestinian official and unofficial parties in West Bank and Gaza Strip, have systematically monitored it in a way that it became one of the files followed by security services, through prosecuting many authors and bloggers of any materials or publications they believe it contains

incitement for violence according to Israeli or insulting official bodies according to Palestinian parties.

What drove grave concern was the fact that Israeli occupation government widened the oppression circles, that they signed an agreement with Facebook company in surveillance operations, through blocking pages and deleting materials under the pretext of the fight against "incitement against Israel" in parallel with legal conditioning operations carried out by the Israeli government to find a legal shield for prosecution relating to what is posted on social media sites, the serious repercussion of such practices has widened to international level, particularly that other governments across the globe might imitate Israel in this aspect.

### **Social Media Sites Violations (past few years):**

Similar to all other types of violations, the persecution and repression against users of social media sites in Palestine users, such operations and practices began imperceptibly, but escalated on a fast pace during the past two years, that led to transforming popular platforms to open arenas for prosecution and suppression correlated to views of users, whether they are journalists or Citizens.

Following violations that targeted journalists (excluding civilians or activists that were prosecuted) through prosecutions linked to what they post on social media sites since the beginning of 2014 till the end of May 2016 topped to 61 violation committed by Palestinians different apparatuses (the majority) and 9 violations by Israelis.<sup>3</sup>

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<sup>3</sup> Israeli occupation authorities have arrested dozens of Palestinians linked to their comments or photos they share or post of social media sites, penalties fractured between sentencing them or imposing bails, noting that the mentioned number only shows violations against journalists excluding activists and all other Palestinian citizens who work in different fields.

Year	Palestinian sides		Israeli Occupation	Total
	West Bank	Gaza Strip		
2014	22	3	3	28
2015	20	9	1	30
2016	5	2	5	12
<b>Total</b>	<b>47</b>	<b>14</b>	<b>9</b>	<b>70</b>

### **Israeli Violation:**

Israeli occupation authorities are using all possible means to silence Palestinians, and deprive them enjoying their right to freedom of expression and opinion, which recently is being more reachable and effortlessly offered by the revolution of modern information technology in an unprecedented opportunities for expression and communication, however, Israeli violations were not limited only against journalists but it also targeted civilians (Palestinians) based on their writings on social media and expressing their opinions freely.

For example, while most of the world approached launching “5G” technology”, yet Israel is still preventing Palestinians from entering “3G” into the market but recently, yet the service so far isn’t yet activated which keeps Palestinians in distance with the world in accordance to enjoying their fundamental rights to know, express their opinions, and access to information.<sup>4</sup>

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<sup>4</sup> Israeli Occupation Authorities allege that all practices that attempts to deprive Palestinians from their basic right to know and access information through access internet including “3G” and “4G” under the pretext of “Security Concerns” which is an Israeli argument to justify their systematic violations against Palestinian

28/08/2014 can be considered the date of the eruption of an Official Israeli Operations of prosecuting Palestinians relating to their rights on social media, as IOF arrested the activist on social media Suheib Zahdeh <sup>5</sup> following his writings on his personal page on Facebook.

Zahdeh was detained for 9 days (till the afternoon of Thursday 05/09/2014), once an Israeli Lawyer Neri Ramati, took the defense and managed to get him release on bail, Ramati reported back then “ it was decided to release him on bail (4000 Nis) approved by the court that followed the case Wednesday 04/09/2014”

Lawyer Ramati, also reported to MADA” military court in Ofer (as the session was held on Wednesday 04/09/2014) firstly they imposed a bail of 10,000 enclosed with a decision prohibits him from using Facebook, but I objected, whence they reduced it ultimately to 4000 shekels, and dropped the decision of banning him using Facebook”.

**” during my interrogation, Israeli Occupation Officers focused on the fact that I was using the term (Occupation Municipality- in reference to the Israeli/ Jerusalem municipality) where the investigator considered that it helps to create confusion and destabilize the regime. The aim of the investigation was intimidating me as he threatened (the investigator) to withdraw my press card /membership in Pannet and pointed to the need for attention to the terms I use. the investigation lasted about 45 minutes, later I was released”**

*Photographer of Pannet website, Ameer Mohammad Abed Rabbo clarifying his interrogation process by Israeli Occupation Police in Jerusalem on 08/02/2014, after using the term “Occupation Municipality through one of his posts on Facebook.*

Last three months of the year 2015 witnessed (in conjunction with the Palestinian popular rising against the occupation) a clear escalation in total number of Israeli violations against social media sites users in Palestine, especially since it has been "regularized" through official decisions and directives, one by the Prime Minister of

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<sup>5</sup> Suhaib Zahida, (31years) a media activist in the Palestinian cycling club in Hebron, writes for youth groups, and a member in the "youth against settlements" and an active in the field of social media promoting activities for supporting Gaza, and as reported by Issa Amro head of the "youth against settlements " to MADA by that time Suhaib Zahida was arrested at an Israeli military checkpoint (Al- Container Checkpoint) while on his way from Hebron to Ramallah

Israel Benjamin Netanyahu, who called for prosecuting all activists who publish any posts considered as inciting (cybercrime)”.

Additionally all official decisions, was accompanied with a special unit the Israeli intelligence agency "Shin Bet" has established known as “Cyber" Among its tasks is to monitor and control what is published on the Internet (and consequent prosecution) as well as to counter any cyberattacks may be exposed to Israeli institutions.

Consequently, Israeli Occupation Intelligence / Forces and police, started the implementation of prosecution and arrests campaigns during the last few months of 2015, at least 80 Palestinians (including journalists) were arrested, according to the Israeli News site "Walla"<sup>6</sup>, they were all accused of incitement /support for terrorism charges attached to anyone post pictures of Palestinian martyrs (carried out operations against the occupation) or any publications in favor of resisting the Israeli occupation.

Furthermore, the arrest of editor and correspondent of “Fajer TV” Sami Sa’ee, from his house in Tulkarem Governorate, on 09/03/2016 by IOF, on 15/05/2016 Israeli military court sentenced him with 9 months, for incitement relating to his writings of Facebook, furthermore IOF arrested correspondent of “Al-Quds News” Samah Dweik from Jerusalem, on 10/04/2016, accused of incitement on facebook, she was sentenced on 18/07/2016 in prison for 6 months, and the arrest of sports program presenter at Radio Bethlehem 2000 Mohamed Zaghoul on 13/03/2016 from his home in Bethlehem, rather than confiscating 3 personal Computers, two phones, two Hard-desk and 7 flashes and personal sim cards, where he stayed 10 days in prison on charges of "incitement" through his program on "Facebook" note that he was released on bail released on bail of 6,000 shekels (around 1550\$).

All prosecution operations carried out by IOF, under the pretext of what Israeli Occupation call “Incitement” that mostly end up with excessive punishments, that topped to a level of oppression that hinders the enjoyment of freedom of expression and opinion, and media freedoms by IOF, that “incitement” is a term now used by IOF

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<sup>6</sup> Check the following links : <http://www.alakhbar.ps/posts/436770>, <http://goo.gl/9gVmk2>

for most of Palestinians writings including journalists “as evidenced by all Israeli systematic practices against Palestinians” which violate their basic right of freedom of opinion and expression, and oppress them.

**“During my detention, I was presented 7 times to court (once from the early morning till 10:00pm), it was postponed by the prosecutor, to complete interrogating me relating my accusations of inciting against State of Israel, through Facebook, which led them to disable my Facebook account and cancel it permanently, although I was interrogated only once”.**

*(Program presenter on radio Bethlehem 2000 Mohammad Khalil Zaghoul reporting his arrest by IOF on 13/03/2016 under the pretext of Incitement against Occupation)*

Israeli Occupation Authorities not only violated Palestinians rights in freedom of expression and opinion through carrying out arrest and prosecution operations, but recently it escalated to severe levels of oppression, on 22/06/2016 new plans to develop a proposed law banning the use of the Facebook for exercising what Israel considers as "terrorism" in an aim to "prevent online incitement".

Israeli minister of Justice Ayelet Shaked, and Gilad Erdan Internal Security Minister, in a joint statement in this regard (as quoted by the AFP and other media outlets), that they met earlier on Wednesday 22/06/2016 with Facebook company officials, informing them an Israeli plan of drafting a law that aims to criminalize the dissemination of any ” offensive content” as encouraging terrorist attacks rather than insulting Israeli officials and defaming them “they also stated that social media sites as Facebook and google will hold accountability for any breach of the abovementioned Israeli criteria and legislation.

Both ministers have illustrated that meanwhile meeting with top Facebook officials, they pushed toward reaching an agreement between both sides with legislative steps to force networks to remove any posts Israel considers as inciting within 24hours, which will be backed with an Israeli legislation.

Gradually the circle and the repercussions of prosecution waged by the Israeli occupation authorities to control and restrict what Palestinians post on social networking sites through repressing and other agreements with Facebook company.

As a result, "Facebook" company has proceeded during the month of September 2016 to block at least 20 personal page (private individuals) and other Palestinian news sites,

in response to the Israeli demands, which works to prevent the dissemination of news, information or photos over Facebook to expose the practices of the Israeli occupation, under the pretext of involving “incitement to terrorism”.<sup>7</sup>

**“A positive cooperation between the management of Facebook company, that fulfill the Israeli needs but not satisfying enough to counter “incitement” by Palestinians, we are imposing widespread practices and to monitor social media sites, besides, Israeli Police and the Shin Bet security service and the Ministry of Justice efforts to legally deal with cases of arrests linked to incitement.:**

*Quoted by Public Security Minister Gilad Ardan- "Jerusalem" .com<sup>8</sup>- as translated by Walla news website (Hebrew site) on 03/10/2016*

However, Revital Swid member of the Israeli Kennest drafted a bill, that would penalize social media networks that do not swiftly move to delete posts supporting terror attacks, it also binds cyberspace particularly social media to monitor and remove “terrorist inciting” posts, rather than imposing heavy fines on social media sites as Facebook, Twitter and other sites who fail to abide by their conditions and fail to remove such posts within 48 hours; noting that imposed fine can top to 75,000 dollar, according to Haaretz.<sup>9</sup>

According to Haaretz newspaper, the Israeli Democracy Institute criticized the bill prepared by Revital Swid, providing a counter argument to the members of the ministerial committee, summarizing risks that threatens freedom of media, expression that might follow passing the law.

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<sup>7</sup> Pages and personal accounts that were filtered and blocked: Palestinian Dialogue Network (PALDF.net) Gaza now, Jerusalem News Network, Shihab agency, Radio Bethlehem 2000, Orient Radio network, page Mesh Heck, Ramallah news, journalist/ Huzaiifa Jamous from Abu Dis activist Qassam Bedier, activist Mohammed Ghannam, journalist /Kamel Jbeil, administrative accounts for Al Quds Page, administrative accounts Shihab agency, activist Abdel-Qader al-Titi, youth activist Hussein shajaeih, Ramah Mubarak (account is activated), Ahmed Abdel Aal (account is activated ), Mohammad Za'anin ( still deleted), Amer Abu Arafa (still deleted), Abdulrahman al-Kahlout (still deleted).

<sup>8</sup> Check the link: <http://www.alquds.com/articles/1475475629309651600>

<sup>9</sup> Further details check the link: <https://www.shasha.ps/news/228359.html>



According to another document conducted by Tehilla Shwartz Altshuler, the attorney Yuhantan Kinlger stating that "The bill does not study effectively the challenges of digital and social media era, in fact it is transforming and recruiting large companies to a giant monitoring organization, that requires humongous manpower to do the monitoring and reporting task, to detect what is considered as incitement which inevitably needs a good skill of distinguishing between what is considered as freedom of expression and what leads to inevitable terrorist incitement, which is almost impossible to technically implement".

On the other hand the document also stated that the bill also " Significantly affects freedom of expression and seeks to create a system to prevent information, rather than imposing punitive measures for publication, noting that no clear definition of what is considered as incitement to terrorism in the law".

Alongside with the Israeli deliberate intensions to legislate repression operations against media and expression freedom, the systematically direct threats and violations against media freedoms are taking place by Israeli Officials and other security services are still occurring on a fast pace, rather than other violations committed by Israeli settlers against Palestinian journalists.

More precisely, what the correspondent and photographer of "Al-Quds media center" and " Pal times" Bayan Ragheb Ju'beh from Jerusalem was exposed to, on 08/10/2015 she was physically abused, through beatings by Israeli Occupation special unit, following the attack, and after the incident was spread, Bayan was amazed the following day, that a setter has posted her photo with a note stating that she committed the stab attack on a Facebook page with 22k followers, hence the post got around 100 comment demanding to take revenge after 24 hours.<sup>10</sup>

Accordingly Bayan has filed a complaint to the Israeli Occupation Police station, she reported to MADA in a new affidavit, meanwhile conducting this report, on how Israeli Occupation Police and judiciary have reacted to her complaint stating that "after around a month of the incident and filing a complaint at the Israeli Occupation Police,

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<sup>10</sup> For further details please check Bayan's affidavit Annex1.

the court held a hearing, but not actual measurements were taken, in fact it was adjourned without specifying a date, and we are still waiting the court to set a new hearing”.<sup>11</sup>

However, such systematic practices reveal a double standard policy adopted by Israeli Occupation, when it comes to Palestinians’ rights, the following test is a clear cut evident, it was prepared by Channel 10 (Israeli Channel) on Saturday 07/09/2016.

In order to prove how Israeli Police and the Shein Bet monitor all posts on Facebook and prosecute users who publish certain materials they consider as inciting, however, channel 10 news (Israeli Channel) deliberately implemented a test under the title “Terrorism test”<sup>12</sup>, where they asked a “Israeli Palestinian” named Shadi Khalayle from Nazareth city to post on Facebook his intension of carrying out an operation against Israelis at the same time, they asked an Israeli named Danniell Levi to post of Facebook his attempt to carry out an operation against Palestinians after killing a settler from Keryat Arba’ in Hebron”.

After Shadi and Daniel posted the abovementioned on their personal pages on Facebook, Shadi started receiving phone calls of people, inquiring if his page was hacked, or it was actually him who posted it, amongst the callers it was the chairman of the joint Arab List MK Ayman Odeh, and the former MK Hanna Swid and others, right after the post, Israeli police jeeps reached his place to arrest him, following his post, but at the time he wasn’t home yet, hence, they called him for summon, asking him to present himself at the police station in Nazareth, when he informed them that this post was only a part of a report prepared by channel 10 on IOF monitoring social media, and that what channel 10 confirmed to the police.

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<sup>11</sup> Bayan made her new testimony to MADA on 18/07/2016 after 9 months of the incident

<sup>12</sup> How Israeli Occupation reacts towards posts that demand to execute operations against Israelis-translated by the blogger Mohammad Abu Allan- quoted from Al Haya Newspaper- check the link: <http://cutt.us/klyX>

On the contrary, the same published by the Israeli- Jewish Daniel Levi, in which he declared his intentions on planning a retaliatory operation against Palestinians, he has not been summoned for interrogation by the Israeli police or the Shin Bet ,until he removed the post by himself from his page that is followed by 600 000 people, noting that his post got 1200 likes, and mora than 25 shares, rather than all comments encouraging and the supporting the idea of revenge, noting that no one opposed the publication, similarly to happened with Shadi Khalayla, noting that his post only got 7 likes, and dozens of calls rejecting the post by Israeli Palestinians.

### **Conclusions on the Israeli Violations:**

Finally, from the aforementioned and all recorded affidavits and monitored information, we conclude that Israel is breaching Palestinians basic right of freedom of expression and opinion, and violating media freedoms, moreover according to the International Covenant on Civil and political rights particularly article 19, in its general comment 34 states that state parties should ensure that counter- terrorism measures, are compatible with international standards, moreover using definitions as incitement, terrorism, glorifying should be clearly defined to ensure that they do not lead to any unnecessary or disproportionate interference with freedom of expression, besides the fact that media plays a crucial role in informing the public and its capacity should not be unduly restricted, and journalists should not be penalized for carrying out their legitimate activities.

In a resolution adopted by the security council 1624, on 2005 demanding states to adopt measures by law to prohibit incitement to commit terrorism and prevent such acts, but it also stresses that states should ensure that any measures taken to implement the abovementioned should comply with their obligations under the international law particularly (International Human Rights Law, International Humanitarian Law, and International Criminal Law).

However, Administrative measures which directly limit freedom of expression, including regulatory systems for the media should always be applied by independent

body, which applies here with the case of signing an agreement between (Facebook and Israeli Officials), noting the Israeli/ Palestinian armed conflict, hence, neither Israel as an occupier nor Facebook company are independent bodies to implement or regulate limitations on Palestinians that might lead to inevitable depriving Palestinians from enjoying their right to freedom of expression and opinion, or even indirectly limit freedom of expression and, where this is impossible, for example for security reasons, application of the measures should be overseen by an independent body. It should also be possible to appeal against the application of administrative measures to an independent court or other adjudicatory body, moreover restricting freedom of expression should only be imposed where they can be justified pursuant to the three-part test for such restrictions from Johannesburg principles, besides to filtering or blocking on social media sites, or through physical takeover or shutting down to entire stations, confiscating broadcasting equipment can never be justified under the international Human Rights Law.

Israel failed to abide with its obligations under both the (International Humanitarian Law, or the International Human Rights Law), due to their positive obligation in taking effective measures to take effective measures to protect freedom of expression for the Palestinian people as well, noting their double standard criteria that can be seen in the clear cut evident through the test conducted by Channel 10.

Finally, it is quite crucial to note that states must not respond to crisis situations by adopting excessive restrictions on freedom of expression, except the ones justified by the International Human Rights Law, where we conclude that Israel failed to comply, and in conforming to the strict tests of necessity and proportionality, through implementing restrictions on Palestinians and pressure on Facebook Company to close sites of Palestinian citizens, journalists and media outlets.

### **Palestinian Violations:**

Palestinian violations linked to social media sites were monitored as 47 violations recorded in West Bank, and 14 violations in Gaza Strip (noting that doesn't by any mean implicate that freedom of expression reality is better in Gaza Strip compared to West Bank).

Palestinian authorities (particularly security service devices) are narrowing freedom spaces, and imposing restrictions toward some opposite opinions or criticism against the Palestinian government or its officials, moreover many publishers who post any of the abovementioned might be suspected for accountability or prosecuted, under the pretext of infringement on public interests, and insulting public figures, that recently became common charges that security services are dealing and reacting towards lots of published materials.

**“I was interrogated regarding the part I work for and the funding, and about a comic video on anonymous party , regarding bombings in Gaza, during the investigation they claimed that the video, is abusive and has distortion, although it didn't mention of the government”**

*(Ramadan Abu Sakran- The Palestinian network for media/ regarding his summon by Internal Security Service in Gaza Strip 19/02/2015)*

Noting that the continuation of the Palestinian internal political division was and still a key element in the worsening and escalation of violations against media freedoms and freedom of expression and opinion, (whether in Gaza Strip or the West Bank) linked to their political affiliation.

**“I was interrogated regarding my posts on Facebook, and the relation with a page sponsored by Hamas where they published some of the photographs, however, they requested my password to access my account, access to my account did not succeed until I brought my personal computer and mobile from home, my computer was detained for inspection, till returning it on 08/03, I presented myself as scheduled, where they interrogated me for four hours, and requested me once gain to open my Facebook account and email before returning my personal computer and mobile”.**

*(Zeid Abu Era /Quds press international news agency- following his summon by the Palestinian intelligence in Tubas-01/03/2015)*

Palestinian violations against social media sites users including journalists and activists varied in terms of forms and gravity and perpetrators (are no longer limited to security

services and official bodies) besides the fact that most violations are associated with other violations of basic rights.

### **Conclusions on the Palestinian Violations:**

**“In the waiting room there were a water pipe crossed the room horizontally, after I was blindfolded they requested me to hold into the pipe, threatening me and banded me from leaving it and sitting, although there were a camera in the room, at around 11:00 I was taken for interrogation, at first they interrogated me while blindfolded, I was beaten at my back and waist, the main subject was my writings on Facebook, particularly, on why I criticized the public prosecutor’s decision on shutting down jawwal telecommunication company, Hamas Call company, and why I wrote that Hamas runs the company in Gaza Strip?”**

*The freelance journalist and media student at Palestine University, Mousa Abdulaziz Alfara regarding his interrogation with internal security service/ Gaza Strip 08/07/2015*

**First:** Some prosecution operations, related to what is published on social media sites coincided with a practice of pressure topped to torturing some journalists during their detention although it is not a systematic practice yet it is a dangerous and grave fact in restricting freedom of expression and opinion, besides creating a kind of self-censorship.

An example to that, what Ayman Ghazi Aloul correspondent of Furat Channel, and DW was exposed to, he was arrested by the internal security service in Gaza, from his house on 02/01/2016 (he was detained for nine days, relating to what he publishes on Facebook, he was exposed to interrogation with torture.

Aloul in his affidavit to MADA center reported, "I was held in a narrow cell until the next morning (03/01/2016) at around 09:00 I was presented to the interrogator while blindfolded for three hours, I was accused of being funded by foreign parties, to misrepresent the image of the state and government, through what I post and publish, everyone now and then I was being slapped on the face (during the interrogation) “, he also added that every time during the interrogation I was being slapped, unable to seeing or recognizing who did it”.

**Second:** widening circle of prosecuting journalists and media students (and citizens) following their writings or comments on social media sites particularly "Facebook" by the security services and official bodies.

**Third:** the prosecution of journalists and citizens related to media freedoms /expression are no longer limited to security services only, but it included other institutions that are supposed to be at the forefront of those who defend freedoms of opinion and expression (such as some universities and syndicates).

An example of the abovementioned is what a number of media students at the universities of Al-Aqsa and Al-Najah were exposed to, linked to their postings on Facebook.

Al-Aqsa University in Gaza Strip on 15/04/2015 dismissed a student in the Faculty of Information Mohammed Khalil Ismail Al-Asmar (19 years) and three of his colleagues<sup>13</sup> after interrogating him after posting a photo on Facebook, for one of the university's employees playing video games during work time, the commission of inquiry considered it as a slander crime against the university, that the photo is fabricated, but Al –Asmar clarified that it's only expressing his opinion".<sup>14</sup>

Furthermore Al-Najah National University, summoned on 12/05/2015 a media student Akram Kamel Jerwan by the Disciplinary Council, after posting on Facebook an article criticizing the performance of the university's doctor, and the health insurance system followed at An-Najah National University.<sup>15</sup>

**Fourth:** it became common for Palestinian Security Services to force civilians including journalists to disclose their passwords on social media sites to access their personal pages and deliberately interfere with what they post, and sometimes even blocking their pages or sites (including the ones they prosecute linked to what they post on social media), which constitutes

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<sup>13</sup> Check attached link a video of Mohammad Al-Amar regarding his dismissal from Al-Aqsa University <https://goo.gl/o7jA9D>

<sup>14</sup> Please check Mohammad Al-Amar Affidavit/ Appendix -2

<sup>15</sup> Please check Akram Jerwan affidavit /appendix-3

a breach on the right to privacy and personal freedom, that is guaranteed in the Universal Declaration of Human Rights, and the Palestinian Basic Law.

**“While interrogating me by the preventive security Service, the interrogator requested the password of my personal account on Facebook; hence he accessed my account, particularly a post I shared in a form of a letter addressed to the Prime Minister demanding the dismissal of the spokesmen of the government for failing to cooperate with journalists, which had angered the government spokesman in the West Bank, Although I was criticizing his performance not as individual. The officer requested me (as an advice) to leave posting on Facebook and to reduce criticizing the government in my program”.**

*(Radio announcer at Radio Alam station, in Hebron Muntaser Bellah Mohammad Nassar-21/01/2015)*

**As the Universal Declaration for Human Rights stipulates in article 12:**

*“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”*

**Also the Palestinian Basic Law guaranteed personal freedom and private life, and any infringement of this right shall not be subjected to any statute of limitations in article 32:**

*“Any violation of any personal freedom, of the sanctity of the private life of human beings, or of any of the rights or liberties that have been guaranteed by law or by this Basic Law shall be considered a crime. Criminal and civil cases resulting from such violations may not be subject to any statute of limitations. The National Authority shall guarantee a fair remedy to those who suffer from such damage”*

**Fifth:** some journalists and activists are now using social media sites as mean to counter violations and prosecutions that targets them, through publishing and disclosing what they are exposed to (summon interrogations and oppression) that created a new chapter in its repercussions of the systematic attempts of prosecutions committed by security services, particularly, that publishing became a way to counter oppression and violations, such actions became a source of concern for security services as they started to avoid written calls for summon and relied on oral call for summon (through phone calls).



**“after being summoned by the preventive security service, they demanded me not to publish the call for summon yet I have published it on my personal page on Facebook”**

*Alaa' Al-Titi- Al Aqsa Correspondent-04/01/2015*

**Sixth:** any call for summon or interrogation that recently occur doesn't exclude the subject of social media and what is published, besides the attempts of accessing personal accounts, and warnings of publications posted by people subjected to prosecution and interrogations.

**Seventh:** lot of criticism or comments published involving criticizing the performance of institutions or official figures lead to a summons and accountability.

**“ on 01/04/2015 I was presented to the commission of inquiry including (dean of students affair, and two of his colleagues) who interrogated me on posting a photo on Facebook, for one of the university's employees playing video games during work time, the commission of inquiry considered it as a slander crime against the university, and that the photo is fabricated, and on 15/04/2015 I was dismissed from university, and on 16/04/2015 the university also dismissed 3 other students including (Ghadir Abu Misha'al, Mohammad Aziz and a third student I don't know his name”.**

*Media Student at Al-Aqsa University Gaza Strip, clarifying what he was exposed to after posting a photo (on Facebook) for an employee of the University playing video games during his working hours.*

**Eighth:** Although summons, interrogations and detention operations, followed with prosecutions linked to posts on social media sites, despite the fact that such violations at first sight might end with limited damage compared to other more violent and abusive physical attacks in its repercussions on freedom of expression, opinion and media freedoms, yet when shed light on such violations we conclude that it's being used as deterrent penalties that hinders the enjoyment of freedom of expression, besides, arbitrary prosecutions that is coincided with the conflict of powers of security services, rather than prolonged and extended detention of journalists can constitute a grave violation of the freedom of expression and opinion and can be categorized as an indirect form of punitive measures (without trial) that might undermine even the minimal enjoyment of media freedoms and freedom of expression and opinion.

Here we refer to two major approaches followed by States in the prosecution of journalists and trying to oust and exclude opposed voices, the first approach is the "knockout" through

deliberately using physical abuse, such as murder or injury or arrests against journalists and activists, rather than the destruction or shut down of media outlets, and that's evidently what the Israeli Authorities are imposing on Palestinian media, the other approach that aims to achieve the same purpose in excluding any opposed opinion; gradually, or through winning points, through several practices of prosecution and oppression in order to taming journalists, and offloading any content that might disturb governmental bodies, and that can be proceeded through several practices (summoning, prosecuting, interrogating, and other punitive and oppressive measures that target journalists and media outlets that Palestinian Security services commit against media freedoms in Palestine.

Another example that shows the severity, brutality and impact of such oppressive measures, that may seem at first as “legitimate” pointing here to George Qanawati (journalist) case, as the Palestinian Judiciary decided he was innocent regarding a suit filed against him by the former governor of Bethlehem after posting on Facebook comments criticizing the Department of Health in Bethlehem – a meeting they had Israeli Juice in their hospitality.

That decision took place after four years, interspersed with 27 hearing sessions, and deliberating of the case, meanwhile Qanwati was bound to disrupt his work to attend all sessions, rather than the psychological burden and all indirect pressure on him and his family, after four years of prosecution they dropped the case and he was acquitted (no offence).

The question that arises in such a case is: was what Qanawati exposed to as a form of indirect punishment, and in such cases who hold accountability, and who is responsible? Moreover, who is to blame on the back of detaining and arresting dozens of Palestinian journalists by the Palestinian Security Services, in West Bank and Gaza Strip, rather than subjecting them and their families to pressure without trial, or any indictment or being involved in crimes or offense.

**"An anonymous party published on 21/04/2016 a press release, on my personal page on Facebook, on behalf of the Palestinian general intelligence service, and addressed to President Mahmoud Abbas, asking him to close Al Hadath newspaper, as throughout the press release they were accusing me personally and the newspaper of receiving funds through unknown and Zionist parties “.**

*Owner and editor chief, of the newspaper "Al Hadath" journalist Rula Sarhan, regarding a press release issued on*

*Facebook by anonymous party, undernamed by the Palestinian Intelligence Service and the general intelligence demanding the shutdown of the newspaper”.*

**Nineth:** the prosecution operations faced by journalists linked to what they post on social media sites took unprecedented forms as threats to silence journalists, or as a kind of penalties by official bodies directly and openly or other times as invisible and indirect forms.

the most prominent example of new forms of oppression and prosecution against journalists, we refer to the fact that the Palestinian Ministry of Women's Affairs on 06/03/2014 have excluded Nahed Abu Tae'ma from a celebration on the International's women day, although she was informed through the ministry that she will be amongst the journalists who will be honored during the celebration but she was excluded due to her posts of Facebook criticizing the government's role of protecting and empowering Palestinian women.

Besides, Ahmad Zaki another journalist who was (orally) informed on 03/12/2014 that he will be replaced from his position as the director of the news department in Palestinian Public TV, by the Nimer Hamad the former political advisor (he died recently) of president Mahomoud Abbas, linked to criticizing the TV hosting of the Egyptian journalist Anwar Okasha ( Okasha presented harsh comments on his program on Fra'een TV against Palestinians).

An anonymous party, on 21/09/2015 attacked the cameraman of “Xinhua” news agency through setting up a page on Facebook, and publishing Fadi Aruri and his family photos, following the fact that Fadi has criticized earlier Musawa Chanel of hosting an Israeli singer.

While conducting this report, magistrate court in Ramallah, sentenced Ra'ed Rafik al-Fayez Alqubj (42 years / a pharmacist at Al-Bireh) for three months after being convicted of "slandering public authority" linked to what he posted on Facebook during

the aggression on Gaza 2014( between pimping and leadership there is a one letter / in Arabic ,a difference for fool to be aware ).

### **Conclusion:**

Media has a major role in controlling and criticizing the government actions and decisions , in order to reveal the reality highlight repression and corruption committed by the rulers; furthermore it is the engine of democracy or even the key factor that measures the rate of interpreting democracy and human rights in a specific society.

Moreover, when freedom of expression and opinion are set free in any society, it has an effective role on the society development, it helps all citizens to benefit from the information supplied by media in other words it facilitates the free flow of information and access to it.

Throughout the conducted report and all monitored data / affidavits, by the Palestinian Center for Development and Media Freedoms (MADA) in recent years, especially the last few months and all registered violations we concluded that limitations and restrictions on freedom of opinion and expression, and the right to access information by both sides the Israelis and Palestinians continue to increase.

Regarding the Israeli violations against media freedoms, freedom of expression and opinion, access to information are being practiced systematically, particularly following the agreement that was signed between Israeli officials and Facebook company, which constitute a continuous systematic breach with long-term consequences, that will hinder Palestinian journalists from performing their work, besides, it can be considered as a form of collective punishment against Palestinians on the basis that the absence of special measures by Israel to protect Palestinian civilians/ journalists similar to the ones applied for Israeli journalists, as such systematic escalation and limitation doesn't only infringe journalists rights but also violate all Palestinians right to access information, thus it represents a dual standards in dealing with international human rights law particularly the recognition of Palestinians right

under the International Covenant on Civil and political rights which we consider as a distinctive and disproportionate, and a clear violation of the rules of international humanitarian law.

The international community must put pressure on the Israeli Occupation Government to end its violations of freedom of expression, and hold accountability, and to put an end for all pressuring practices on Facebook and Twitter.

Furthermore, the Palestinian violations that can't be considered as less dangerous than the Israeli ones, despite the fact that it didn't apply it systematically, but anyhow it is still considered as flagrant violations of human rights and its commitment and obligations as a state member of many international treaties, particularly the International Covenant on civil and political rights, therefore it must abide by the law in taking measures (legal/ legislative) to ensure that Palestinians are enjoying their rights, particularly with the current internal division that promotes infringement on freedoms in general, in addition to the conflict of powers of security services and the arbitrary use of judicial control.

Finally the official and non-official Palestinian parties are demanded to stop all violations against freedom of expression through accountability, moreover, to demand Palestinians to reform laws that are in line with international standards, as a significant step toward enhancing democracy , freedoms , and dignity.

# ANNEX

## **(Annex-1)**

(8/10) – Members of Israeli special units assaulted by beating Palestine Now agency and Quds Media center correspondent and photographer Bayan Ragheb Jubeh (22 years old). Additionally, a settler published her photo with a comment accused her that she carried out the stabbing attack in East Jerusalem. Jubeh reported to MADA: “I went out to film after the stabbing event occurred in the noon of yesterday, 8th of October, in the Old City of Jerusalem. Meanwhile, I assaulted by beating in addition to rip my Jelbab by members of Israeli special forces. Consequently, the news of the attack of a Jerusalemite electronic journalist was published on some of social media websites. Thus, I was surprised in the morning of the next day, when one of my friends told me that my photo was published on Hebrew sites with a note stipulating that I am the one who carried out the stabbing attack. However, I found that a settler created a group on Facebook, which had about 22000 followers that just for inciting targets. He also published my photo on that page with a note ‘this saboteur stabbed a Jewish yesterday in the Old City of Jerusalem’. In that meantime (after she reported and after around 24 hours of assaulting her) there were 300 likes and almost 100 comments calling for revenge.”

She also added: “I contacted a lawyer to ask for a consultation, he told me the need to file a complaint in order to prosecute the settler by an accusation of libel and incitement. I actually filed a complaint in an Israeli police station. However, I was able to enter to the investigator after two hours of waiting. I told him (the investigator) that this settler and any other member of Facebook group will take over the main responsibility in case I got exposed to any harm.”

She also said: “on Sunday, we will call upon a court session to be able to take an official card that authorized the police to legally deal with that settler; and to be able to check his own Facebook page in order to make sure of his personality and pursuing that lawsuit.”

## (Annex-2)

(15/4) – Alaqsa University in Gaza Strip dismissed a media student **Mohamed Khalil Ismael**

Alasmar (19 years old) a resident of Rafah city south of Gaza Strip, after they investigated him about publishing a picture of a university staff while playing online games during work hours. Alasmar reported to MADA that: “Three students went at the end of March to complete

administrative transactions, and the employee on duty was playing / games / on his computer, and while the students are waiting for him to complete their transactions one of them (the student Mohamed Aziz) took a picture of the employee, and I got this image and posted it on my Facebook page, and I pointed out that the employee is a neglecter and there is no supervision in the university”.

Alasmar added: “on 1st April I was subjected to a commission of inquiry comprising Dean of

Student Affairs and two of his colleagues interrogated me about the student council and the employee in the photo. The Committee considered my post defamatory for the university, and that the photo was fabricated, but I consider it a clarification and freedom of opinion and expression”.

He added: “on 15th April I was officially dismissed from the university and on the next day the university also dismissed 3 other students and they are: Ghadeer Abumashal, Mohamed

Azziz, and 3rd but he doesn't recognize his name”.

## (Annex-3)

(12/5) – Media student **Akram Kamel Jrowan** (23 years old) in Nablus, was summoned by

Al-Najah National University administration, to a discipline council for writing an article he published criticizing the performance of the university doctor and the health insurance sys-

70 The violations of media freedoms in Palestine during 2015 term for students. Jrowan reported to MADA: “on Tuesday 12th of May at 11am I received a phone call from the

Dean of the Faculty of Economics office at the University to tell me about the assembling of

a discipline council the next day at 12:45pm, without giving reasons for the decision. I had

published an article titled “the university clinic or Hovic Hasharon” on my personal page and

on Alnajah university students' page a day before, so I expected this was the reason, in my

article I criticized how the clinic doctor treats students, and the free treatment of students in

the clinic”. He added: “I headed with a colleague to The Office of the University Vice President Saed Alkowni,

in an attempt to end this decision by the university, but the vice president told us that this article is an attack on the university, and the university will file a complaint in court against me, which confirmed that my article is the reason for this discipline council. So my university colleagues protested this decision at the university, which they considered unfair procedure against me, making the university president Maher Alnatsha call me and a group of students to tell us that the discipline Council has nothing to do with the article mentioned, but because of a complaint filed against me, I am still unsure who submitted the complaint till this moment, I realized perhaps from the clinic Dr. I wrote about in the article (note that I did not declare any information indicated who he is in my article) and may be from a university hospital staff, who I discussed about free student treatment, in all cases the article is the reason. I went to the appointment with the Council to tell me that it has been postponed to a date that I will be informed of later”

**Done**