



#ashtag

Palestine 2018

*An Overview of Digital Rights
Abuses of Palestinians*



March 2019

7amleh – Arab Center for Social Media Advancement

Hashtag Palestine 2018: An Overview of Digital Rights Abuses of Palestinians

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Summary

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Zamleh - The Arab Center for the Advancement of Social Media presents its annual report on the violations of digital rights of Palestinians, including Palestinian Citizens of Israel and Palestinians residing in the occupied Palestinian territories (oPt). Digital rights, including the rights to privacy and freedom of expression, are part of human rights that should be upheld and respected by governments and corporations.¹

The report focuses primarily on the violations of the digital rights of Palestinians committed by Israel, the Palestinian Authority and Hamas. It analyzes the various policies and practices used by governments and authorities that threaten Palestinians exercising their digital rights and highlights examples of arrests of Palestinians for social media posts. In addition, the report focuses on the ways that the policies of international tech companies, either directly or through cooperation with governments and authorities, violate the digital rights of Palestinians and limit their activities and accessibility to services online. The report also includes rights violations committed within the Palestinian society targeting digital rights, specifically focusing on the phenomenon of gender-based violence online.

Palestinians often turn to social media to organize and raise awareness in their society, and to put pressure on actors who violate their rights, whether governments, authorities or private entities. As such, the systematic targeting of Palestinian digital rights by those same actors has great implications for Palestinians ability to defend their human rights, which are guaranteed and protected under international law. Collectively, these policies and practices are directed at shrinking the space for opposition to Israeli government policies and actions — and will likely result in increased violations of Palestinian human rights, and more broadly digital human rights.

¹ UN Human Rights Council, "The promotion, protection and enjoyment of human rights on the Internet," A/HRC/32/L.20, June 27, 2016. <https://bit.ly/2GOiByI>

In 2018, the Israeli government continued to develop policies that systematically target Palestinians for posting content online. The Israeli government published a proposed bill for public consultation aimed at broadening the authority of the Israeli National Cyber Directorate (INDC), which will be located within the prime minister's office, to issue national guidance on cybersecurity matters. Just before the Facebook Bill was set to pass into law, intended to allow the government to determine what content will be deleted on social media platforms, it was decided that the draft should be considered further over fear of limiting freedom of expression. Similarly, after passing its first reading at the Israeli Knesset, a bill that criminalizes filming Israeli soldiers was delayed from the Knesset's agenda. However, the Israeli cyber unit at the Israeli attorney general's office is currently operating without legal basis and is the only body authorized to determine whether a particular social media post constitutes a crime and to order punitive measures in a court, according to Adalah.

Israeli authorities continued to arrest Palestinians for social media posts and charge them with "incitement," relying on overly broad laws and military orders that could be seen to include the peaceful criticism of Israeli policies. Israeli authorities routinely arrest Palestinians who post on social media, and use such detention as a tool to deter them and others from sharing content online. Israel arrested 350 Palestinians in the oPt, including East Jerusalem, over charges of "incitement," including arrests for social media posts, in 2018, according to human rights group Addameer.

The Palestinian Authority amended its controversial cybercrime law in April, but the law continues to grant various official bodies the authority to monitor content online, block websites and arrest Palestinians in the West Bank. Hamas authorities in the Gaza Strip continued to arrest Palestinians critical of its policies or those seen to be supporters of opposing political parties, relying on the unclearly defined and overly broad charge of "misuse of technology".

Social media companies such as Facebook, Twitter and YouTube have reportedly been blocking users or pages and deleting Palestinian content online. SadaSocial, a Palestinian initiative that documents violations against online content of Palestinians from the oPt, documented 505 cases of removed content or blocking of users on the above mentioned social media platforms throughout 2018.² Google Maps, contrary to international law, does not use the internationally recognized name of the oPt to describe the territories. Additionally, the mapping company includes illegal Israeli settlements in the West Bank, while on the other hand omits the names of unrecognized Palestinian villages in the Naqab (Israel) and Area C (oPt). PayPal services continue to be unavailable to approximately six million Palestinians living in the West Bank and Gaza Strip while on the other hand being accessible to Israeli settlers residing in illegal settlements in the West Bank. Airbnb announced that it will remove its property listings in illegal Israeli settlements in the West Bank, excluding East Jerusalem. While Booking.com announced that it had no plans to remove listings from illegal Israeli settlements.

The phenomena of gender-based violence online has also been documented within Palestinian society. One-third of Palestinian women in Israel and the oPt reported violence and harassment on social networks and the Internet, according to research conducted by 7amleh and “Kvinna til Kvinna” in 2018.

² SadaSocial, “Press Release On Violations by Social Media Networks in 2018,” Arabic. January 19, 2019. <https://bit.ly/2FhLkHW>





Governments

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Laws and Practices Facilitating the Suppression of Palestinian Digital Rights

On 20 June 2018, the Israeli government published its proposed "Cyber Security and National Cyber Directorate Bill" for public consultation. The bill broadens the powers of the Israeli National Cyber Directorate (INDC), created in 2011, to issue national guidance on cybersecurity matters, including to other regulators in areas such as finance, health, transport, energy and communications.³ The new bill, however, will make the INDC the national cybersecurity regulator, a task that is usually designated to military or security bodies whose power are constrained by legal obligations, and instead be directly accountable to the prime minister, who will define cyber threat priorities. The bill grants the prime minister the authority to appoint new employees to the INCD confidentially and without conducting a formal recruitment process. This means that the employees will enjoy legal impunity and will not be able to be sued or have other complaints filed against them. The unit's employees will be tasked with hacking computers or phones of any person or organization that is considered a threat to cybersecurity within 24 hours, and the unit will have the authority to access the persons or organizations' devices and extract data without a court order, thus circumventing legal proceedings under the pretext of fighting cybercrime. This data will then be entered into a national database of threat indicators, which has already been the subject of much public controversy with critics citing this as a part of a broader issue of user privacy. Throughout the bill, the terms "attack" and "threat" are vaguely and loosely defined and subject to wide interpretation.

In July, just before the controversial Facebook "Bill" was set to pass into a law, the prime minister asked that it be reviewed over concerns of violating the right to freedom of expression. The bill is intended to allow

³ Zamlah, "Will a new wave of Israeli legislation diminish internet freedoms?" August 14, 2018. <https://zamlah.org/2018/08/14/will-a-new-wave-of-israeli-legislation-diminish-internet-freedoms/>

the government vast powers to limit and censor content on social media.⁴ The main concern surrounding the bill is that it granted Israeli police the authority to ask a court to remove content online, without the person who shared the content being able to respond in court.⁵ The bill also granted power to the Israeli administrative courts to order international tech corporations, such as Facebook, Twitter and Google, to block Internet content that “incites violence” and “if it harmed the human safety, public, economic, state or vital infrastructure safety” at the request of the Israeli government.⁶

The Israeli Ministerial Committee for Legislation put forward the Prohibition Against “Photographing and Documenting IDF Soldiers Bill” in May. The purpose of the bill was to criminalize the filming and photographing of the Israeli Army in the course of their duties and prohibit the dissemination of the photos or video content on social media networks and mainstream media. The bill set a sentence of up to five years for anyone who films or publishes military activities harming “soldiers’ morale.” However, the Israeli Attorney General, deemed the proposed bill to be constitutionally problematic and demanded significant changes to the wording.⁷ The bill was then changed to focus on increasing the sentence for those who obstruct the work of Israeli soldiers, and will continue to be reviewed by the Israeli Knesset.

Since the second half of 2015, the Israeli State Attorney’s office began operating the “cyber unit,” a unit responsible for “dealing with cyberspace enforcement challenges” via the censorship of social media posts.⁸ The unit’s censorship entails the removal of online content and the blocking of access to certain websites. The cyber unit states that it is in constant contact with major

4 Ibid.

5 Hoffman G. “Netanyahu Halts Facebook Bill at Last-Minute.” The Jerusalem post, July 18, 2018. <https://bit.ly/2BFohVW>

6 Goichman, R. “Knesset Gives First Nod to So-called Facebook Bill That Would Allow Court to Censor Internet.” Haaretz, January 3, 2017. <https://bit.ly/2BRcOTI>

7 Lis G. “Israeli Plan to Jail Anyone Filming Soldiers in the West Bank Hits Legal Wall.” Haaretz, June 17, 2018. <https://bit.ly/2IXhEnd>

8 Adalah. “Israel’s ‘Cyber Unit’ operating illegally to censor social media content,” September 14, 2017. <https://www.adalah.org>

tech companies, including Facebook, YouTube and Google, and presents them with thousands of requests to remove what is termed as “prohibited content” under Israeli law.⁹ The unit relies on its developed “predictive policing system” to monitor Palestinians social media posts on Facebook, and to identify potential “suspects” based on the pictures, posts, and friends they share and have.¹⁰ Since 2017, Adalah – The Legal Center for Arab Minority Rights in Israel demanded the Israeli attorney general to “immediately cease the illegal operations” of the cyber unit as “much of the unit’s censorship operations are conducted without any basis in Israeli law.”¹¹ Adalah noted that the cyber unit requires a court order to remove posts and any actions prior to that violate basic freedom of speech rights. Israeli state authorities responded to Adalah in 2017, and stated that the cyber unit operates according to “an orderly work procedure,” and that it does not directly remove posts but rather requests social media companies to remove content.¹² Adalah also noted that Israeli authorities were not revealing to Palestinian detainees which of their social media posts were the reason for their arrest and their subsequent detention, effectively impairing them from the ability to defend themselves and limiting their freedom of expression.¹³

In October, Haaretz revealed that the Israeli cyber unit over the last two years has been monitoring a long list of social media posts, blogs, articles and forums of public figures, social affairs groups, companies that supply cloud services, and websites of soccer fans and satirists.¹⁴

[org/en/content/view/9228](https://www.adalah.org/en/content/view/9228)

9 Israeli Ministry of Justice. State Attorney’s Office. “Technology giants, Google and Facebook, recently announced the measures already carried out and those made in the future as part of the struggle against the manifestations of incitement to violence and terrorism across the Internet.” Hebrew. July 1, 2017. <https://bit.ly/2EkslMT>

10 Nashif, N. et al. “The Israeli algorithm criminalizing Palestinians for online dissent.” Open Democracy, October 4, 2017. <https://bit.ly/2g7n95T>

11 Adalah, (n 8).

12 Adalah. “Social media giants continue to collaborate with Israel’s illegal ‘Cyber Unit.’” December 19, 2018. <https://www.adalah.org/en/content/view/9652>

13 Adalah. “Israeli police conceal from detainees social media posts that led to their arrests,” October 4, 2017. <https://www.adalah.org/en/content/view/9263>

14 Kubovich, Y. “Revealed: Israeli Military Monitors Social Media, Blogs and Forums in Search of ‘Security Leaks.’” Haaretz, October 4, 2018. <https://bit.ly/2GwgOUU>

Israeli government efforts to silence and target any opposition to its policies, and particularly policies targeting Palestinians, also extended beyond the territorial borders of Israel. The efforts have primarily focused on Palestinian and international activists and organizations supporting the Boycott, Divestment and Sanctions (BDS) movement. Reports emerged that the Israeli Strategic Affairs Ministry set up a company, Kela Shlomo, or Solomon's Sling, to carry out what it calls "mass awareness activities" to improve Israel's image and fight against "delegitimizing campaigns."¹⁵ The initiative mostly works via social networks, and by launching online campaigns, lobbying, engaging organizations abroad and bringing delegations to Israel. The organization is not be subject to the Israeli Freedom of Information Law and has been allocated 128 million shekels by the government, and an extra 128 million shekels from private donors, to carry out its work. The organization also engages in smear campaigns against Palestinian activists.¹⁶

Private Israeli intelligence firms, such as Black Cube and Psy-Group also target activists online and engage in smear campaigns.¹⁷ Psy-Group was also reported to have established a website containing the names, emails addresses and photos of individuals believed to support BDS,¹⁸ which has since been deleted. On the other hand, surveillance software made by Israeli cyber firms has also been used to target journalists, dissidents and activists by various repressive regimes.¹⁹ While the Israeli spy technology has been tested on Palestinians for decades, and is often marketed on such terms, in recent years spying has expanded.²⁰ In November, Amnesty

15 Landau, N. "Israel Sets Up Secret Firm With Top Ex-generals, Envoys for Online 'Mass Awareness' Campaign 'To Fight Delegitimization.'" January 9, 2018. <https://bit.ly/2BF041G>

16 Abunimah, A. "Israel fears exposure of its dirty tactics against BDS." The Electronic Intifada, June 26, 2018. <https://bit.ly/2Sj3iMA>

17 Entous, A et. al. "Private Mossad for Hire." The New Yorker, February 18 and 25, 2019. <https://bit.ly/2GgSiPx>

19 The Citizen Lab. "HIDE AND SEEK: Tracking NSO Group's Pegasus Spyware to Operations in 45 Countries." September 18, 2018. <https://bit.ly/2OwDa0Y>

20 Kane, A. "Israeli Spyware is Helping Repressive Regimes in the Middle East." Vice, November 19, 2018. <https://bit.ly/2GgBmnl>

International announced it will be taking legal action to revoke the export license of the Israeli-based NSO Group after it was revealed the cyber firm's spyware had been used in an attempt to spy on a staff member.²¹

In the occupied Palestinian territory (oPt), Israel continues to control critical aspects of the Palestinian information and communications technology (ICT) sector, hindering its development and depriving Palestinians from developing an independent network, forcing many Palestinian ICT operators to depend on Israeli operators to provide services.²² Israel also continues to deny Palestinians' requests for the deployment of new ICT technologies, effectively imposing a "digital gap" that renders Palestinians at a development disadvantage. In January, more than a decade after the Palestinians made the initial request for the release of Third Generation (3G) frequencies, the service became available for Palestinian customers in the West Bank only.²³

Examples of Arrests of Palestinian Citizens of Israel for Social Media Posts

Israel continued to target Palestinian Citizens of Israel for sharing content online. Using Article 144 of the 1977 Penal Code on "incitement to violence and terrorism," Israel can prosecute and sentence individuals with up to five years in prison if their social media posts, so-called incitement, have allegedly caused violent or terrorist activities. The law applies to all citizens of Israel, as well as Palestinians from occupied East Jerusalem.²⁴ Adalah has noted that the law is being discriminately used to target Palestinian Citizens of Israel for what they share online.²⁵

21 Amnesty International. "Israel: 'Rogue' NSO Group must have licence revoked over controversial surveillance software." November 28, 2018. <https://bit.ly/2SaZezo>

22 Excluding in East Jerusalem, where Israeli authorities and companies have full control over the ICT sector and no Palestinian service provider is allowed to operate there.

23 7amleh. "Connection Interrupted: Israel's Control of the Palestinian ICT Infrastructure and Its Impact on Digital Rights." January 28, 2019. https://7amleh.org/wp-content/uploads/2019/01/Report_7amleh_English_final.pdf

24 Addameer, "Daring to Post: Arrests of Palestinians for Alleged Incitement," August 24, 2016. <https://bit.ly/2S1fBaU>

25 Adalah. "Adalah fears Facebook's online incitement deal with Israel will selectively target Palestinian citizens." November 9, 2016. <https://www.adalah.org/en/content/view/8948>

In July, the Nazareth district court sentenced the Palestinian poet Dareen Tatour to five months in prison for charges of “incitement to violence and supporting terrorist organizations in social media posts” after she posted a poem titled “Resist, my people resist them,” which in her words speaks about the crimes of the occupation and about Palestinian martyrs and was mistranslated by the Israeli police and court.²⁶ Israeli police first arrested Tatour in October 2015, and detained her for 97 days, before releasing her to house arrest and prohibiting the use of mobile phones and the internet.²⁷ Her case gained international support from several civil society organizations including Jewish Voice for Peace and PEN America.

Yet, while Israeli authorities use these laws to target Palestinians online, Yamleh found a total of 474,250 Israeli calls for violence, hate speech posts and insults against Palestinians on social media in 2018, where an inciting post against Palestinians was published every 66 seconds. However, Israeli authorities rarely hold Israelis accountable for incitement to violence online against Palestinians and in 2016, 82 percent of those arrested for incitement-related offenses were Palestinian citizens, whereas only 18 percent were Israeli Jewish citizens according to Israeli police statistics.²⁸

Raja Eghbarieh, Umm al-Fahm

On 11 September 2018, Israeli police arrested Raja Eghbarieh, 67, a member of the High Follow-Up Committee for Palestinian Arab Citizens of Israel and a political leader in the Abnaa al-Bald political movement, from his home in Umm al-Fahm and confiscated his personal computer and phone.²⁹ Israeli police interrogated Eghbarieh for seven hours over posts he shared on Facebook over the past 12 months and an Israeli civil court allowed for his detention over the suspicion of “online incitement to violence and support

26 “Dareen Tatour sentenced to five months in prison over poem.” Al-Jazeera, July 31, 2018. <https://bit.ly/2LPyEMY>

27 Shpigel N. et. al. “Israeli Arab Poet Dareen Tatour, Convicted of Incitement, Released From Prison.” Haaretz, September 20, 2018. <https://bit.ly/2BFXqc5>

28 Adalah (n 25).

29 “The Arrest of Raja Eghbarieh.” Arabic. Arab 48, September 11, 2018. <https://bit.ly/2CoOWHj>

of a terror organization.” A month later, on 15 October, the Haifa Magistrates’ Court released Eghbarieh to house arrest, rejecting a request by the Israeli police to keep him in jail until the conclusion of court’s proceedings against him, on the conditions that he is banned from using his phone or the Internet and must pay a 10,000 NIS bond.³⁰

Examples of Arrests of Palestinians in the Occupied Palestinian Territory for Social Media Posts

According to Addameer – Prisoner Support and Human Rights Association, Israeli forces arrested about 350 Palestinians over charges of incitement, including arrests for social media posts, in the oPt, including East Jerusalem, in 2018. In the oPt, Israeli military courts charge Palestinians arrested for “incitement” over social media posts under Articles 251(b) and 199(c) of the Military Order 1651, an offence that can lead up to 10 years of imprisonment. Article 251(b) defines “incitement” to broadly include “attempts, orally or otherwise, to influence public opinion in the Area in a manner which may harm public peace or public order” or as publishing “words of praise, sympathy or support for a hostile organization, its actions or objectives.”³¹ This might be understood to mean that any criticism of Israeli policies or occupation can be considered incitement.

Lama Khater, Hebron

On 24 July 2018, Israeli forces arrested the 42-year-old Palestinian freelance journalist and writer Lama Khater from her home in Hebron.³² Khater is a blogger known for her criticism of not only the Israeli forces, but of the Palestinian Authority. Khater has more than 87,000 followers on Twitter. Addameer reported that Khater was interrogated for 34 days in Ashkelon, threatening her that “she will never see her children except in an interrogation

30 Adalah. “Israeli court releases Arab political leader from detention, accepting Adalah’s legal defense.” October 15, 2018. <https://www.adalah.org/en/content/view/9607>

31 Article 251(b). Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009.

32 Hammad, S. “Israeli forces arrest Palestinian female journalist in Hebron.” Al-Jazeera, July 24, 2018. <https://bit.ly/2Aayqvs>

room and chained in a stress position.”³³ Khater faces charges of incitement on social media platforms, among others.³⁴ Khater remains detained in Damon Prison inside Israel, awaiting her trial.

Susan Abu Ghanam, Jerusalem

Israeli police arrested Susan Abu Ghanam, 39, after a raid on her home in the Palestinian neighborhood of al-Tur in East Jerusalem on 5 August 2018, over posts she shared on Facebook. Abu Ghanam is the mother of Hassan Abu Ghanam, who Israeli forces killed during protests against the installation of metal detectors at the entrance of Al-Aqsa compound in July 2017. According to an Israeli police statement, Abu Ghanam was arrested “on suspicion of a long series of posts on a Facebook page in her name and on another social [media] platform that raise the suspicion of incitement to violence and terrorism and support for a terrorist organization.”³⁵ On 16 December 2018, an Israeli court indicted Abu Ghanam of “incitement” over 40 posts she shared on her social media account, and sentenced her to 11 months in prison.³⁶

Ameer al-Dbes, Jerusalem

On 16 April 2018, Israeli forces arrested the 26-year-old Ameer al-Dbes during a night raid on his home in the Shu’fat refugee camp in East Jerusalem. On 10 October, an Israeli court charged al-Dbes with “incitement” over social media posts and sentenced him to 10 months in prison.³⁷ On 25 January 2019, Israeli authorities released al-Dbes.

33 Addameer. “Lama Khater.” November 18, 2018. <http://www.addameer.org/prisoner/lama-khater>

34 Asra Media Office. “Extending the detention of Prisoner and Writer Lama Khater for the seventh time.” Arabic. August 26, 2018. <http://asramedia.ps/post/7535/>

35 Hasson, N. “Israel Arrests Jerusalem Palestinian Woman on Suspicion of Incitement to Terror on Facebook.” Haaretz, August 6, 2018. <https://bit.ly/2GRyI7l>

36 Aslan, H. “The occupation jails the mother of a martyr in Jerusalem for her activity on Facebook.” Al-Jazeera Arabic, December 16, 2018. <https://bit.ly/2T0OH6z>

37 Safa. “A Jerusalemite is sentenced to 10 months in prison over charges of indictment on “Facebook.”” Arabic. October 10, 2018. <https://bit.ly/2Nd8KKD>

The Palestinian Authority

The Palestinian Authority

The Palestinian Authority

The Palestinian Authority

Laws Allowing the Suppression of Palestinian Digital Rights

In April, the Palestinian Authority (PA) amended its cybercrime law. The PA first adopted the cybercrime law in July 2017, which 7amleh along with local and international human rights organizations responded warning that the law could be used as “a tool to silence legitimate free expression and criticism of the authorities” or to violate the “Palestinian rights to freedom of expression, privacy and protection of data.”³⁸ Following increased pressure, the PA amended the law, however the law continues to grant power to the general prosecutor, security forces, and the Ministry of Telecommunication to collect, monitor and retain users’ data without a court order at the request of the government including blocking websites within 24 hours. The PA continues to block dozens of websites affiliated with political opposition parties, such as Hamas and rivalry Fatah parties, which were first blocked in 2017.³⁹

Examples of Arrests of Palestinians for Social Media Posts

Ahmed Awartani, Anabta

The Palestinian Preventive Security Forces arrested the 25-year-old Ahmed Awartani on 21 April 2018, after summoning him for interrogation about a post he shared two weeks earlier on Facebook criticizing a poster pledging allegiance to Palestinian President Mahmoud Abbas that appeared in Anabta, in the northern part of the West Bank. In his Facebook post Awartani wrote, “I do not support or pledge allegiance. This work only represents the municipality council members of Anabta, no one else, not the public.”⁴⁰ Following his arrest,

38 7amleh. “Joint Letter to the Secretary General of the Council of Ministers Salah Alayan About the Law on Electronic Crimes,” December 25, 2017. <http://7amleh.org/2017/12/25/joint-letter-to-the-secretary-general-of-the-council-of-ministers-salah-alayan-about-the-law-on-electronic-crimes/>

39 7amleh. “Has the Palestinian Cybercrime Law really been amended?,” June 4, 2018. <https://7amleh.org/2018/06/04/has-the-palestinian-cybercrime-law-really-been-amended/>

40 Patel Y. “Palestinian launches hunger strike in Palestinian Authority jail.” Al-Jazeera, April 26, 2018. <https://bit.ly/2Kjqt8f>

security officers moved him to the Joint Security Committee headquarters in Jericho, where he reported ill-treatment and torture, including being subjected to shabeh (positional torture), sleep deprivation, psychological pressure, and a ban on lawyer's visitation. Human Rights Watch found that the joint Security Committee⁴¹ routinely tortures dissidents in the West Bank.⁴² On 17 May 2018, security forces released him on a bail. Awartani continued to appear before a Palestinian court, over charges for posting on Facebook and under the cybercrime law until 2 January 2019, when the Palestinian court at Tulkarem dropped all charges against him. According to the court's decision "there was not sufficient evidence against Ahmad, and his charges were not considered crimes rather they were expressions which fall under freedom of opinion and expression."⁴³

Ibrahim Masri, Nablus

On 16 July 2018, Palestinian Preventive Security Forces arrested Ibrahim Masri, 28, after they summoned him for interrogation in their headquarters in Nablus. Masri, who is an electric engineer, posted on Facebook demanding the PA to lift its punitive measures on Gaza, including the reduction of salaries of public service employees and the halting of payment for Israel to provide fuel, and detailed how Palestinian security forces in civilian clothing assaulted him in Ramallah during a protest focused on Gaza on 13 June 2018.⁴⁴ On 26 July 2018, the Nablus District Court charged him with "insulting higher authorities" under Article 191 of the 1960 Penal Code, and "defamation through using means of information technology" under Article 45 of the Cybercrime Law No. 10 of 2018. Palestinian security forces released Masri after 14 days in detention. He continues to attend court hearings awaiting his verdict.

41 A joint coordinating task force of all Palestinian security forces in the West Bank, including the police, Preventive Security, General Intelligence, and Military Intelligence.

42 Human Rights Watch. "Palestine: Authorities Crush Dissent." October 23, 2018. <https://bit.ly/2FEcN8X>

43 Addameer. "Palestinian Court Drops all Charges against Ahmad Awartani." January 3, 2019. <https://bit.ly/2V6twVB>

44 Quds. "He complained about being assaulted so they arrested him .. Engineer Ibrahim Masri detained by the Preventive Security Forces." Arabic. July 24, 2018. <https://qudsn.co/post/154514>

Hamas Authorities

Hamas Authorities

Hamas Authorities

Hamas Authorities

Hamas authorities continue to rely on the use of Article 262 on the “misuse of technology” of the 1963 Penal Code that remains applicable in the Gaza Strip, to arrest and criminalize activists for social media posts, including posts that are seen to be critical of Hamas, its policies or officials.

Kahder Mahjez, Gaza

On 26 December 2018, Hamas authorities detained writer Khader Mahjez, 66, over a number of posts on Facebook, before they released him later that day.⁴⁵ Mahjez, an ex-member of Hamas, was arrested for sharing posts and articles criticizing Hamas authorities and on the reasons why he left the party.⁴⁶

Salah Jadallah, Gaza

On 23 December 2018, Hamas authorities arrested Dr. Salah Jadallah, 60, a lecturer at the Islamic University in Gaza, over Facebook posts criticizing Hamas authorities’ officials for failing to provide Gazans with a decent life and adhering to their responsibilities towards them. Jadallah, who is a member of Hamas, wrote on his Facebook “[It is] the life of hypocrisy, lies and imposture [that you are living] when you are [a] wealthy official, while your people are distressed, poor, and impoverished.” Hamas authorities released Jadallah on 27 December 2018, without presenting him with the charges. Following his release, Jadallah posted an “apology” on his Facebook page for his previous post.⁴⁷

45 Watania Media Agency. “Great solidarity with the writer detained after his arrest for an article.” Arabic. February 10, 2019. <https://bit.ly/2Nedp5N>

46 Ibid.

47 Amad. “After the publication of an apology for what he wrote .. Hamas security releases Dr. Jadallah.” Arabic. December 27, 2018. <https://www.amad.ps/ar/Details/274196>

International Tech Companies

International Tech Companies

International Tech Companies

International Tech Companies



Facebook

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Facebook

Israeli authorities have relied on the social media giant Facebook to censor content since 2016. In March, the Israeli Justice Minister noted the “fruitful cooperation” with Facebook to remove Palestinian content at the request of the Israeli government. A Facebook representative has also noted that the company works “very closely with the cyber departments in the justice ministry and the police and with other elements in the army and the Shin Bet [The Israel Security Agency].”⁴⁸ In 2017, Facebook and Twitter accepted 85 percent of the Israeli cyber units’ 12,351 requests to remove content deemed “harmful or dangerous,” according to data provided by the unit.⁴⁹

According to a Facebook Transparency report, in the first half of 2018, Facebook received 624 requests from Israeli authorities to remove content, granting 73 percent of these requests.⁵⁰ In March, Facebook closed the Palestinian News Agency Safa, associated with Hamas, which had 1.3 million followers, as part of Facebook’s policy on blocking pages that supposedly promote and publish content that is defined as inciteful by Facebook.⁵¹ In the same month, Facebook also briefly closed the page of the political party Fateh, after it published an old photograph of the late Palestinian President Yasser Arafat holding a rifle.⁵² SadaSocial documented 370 violations on Facebook during 2018, with removal of Palestinian content, accounts and pages - the highest number for all social media companies.⁵³

48 Calcalist: “Facebook is not listening to your phone calls”: the company’s policy director explains.” Hebrew. December 30, 2017. <https://bit.ly/2Xc83fP>

49 Ibid and Adalah (n 12).

50 Facebook: “Facebook Transparency Report - Israel.” <https://bit.ly/2T6s20B>

51 Khoury, J. “Facebook Closes Page of Hamas-affiliated Palestinian News Agency With 1.3 Million Followers.” Haaretz, March 25, 2018. <https://bit.ly/2IP3GjY>

52 Gostoli, Y. “Palestinians fight Facebook, YouTube censorship.” Al-Jazeera, January 20, 2018. <https://bit.ly/2ikuqfV>

53 SadaSocial (n 1).



Twitter

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Twitter

Similarly to Facebook, Twitter has been regularly removing Palestinian content and accounts at the request of the Israeli government since 2016. However, the Israeli justice minister complained that unlike Facebook, Twitter only responds to requests to remove content if presented with a court order.⁵⁴ According to Twitter Transparency report, Twitter complied to 33 percent of Israeli requests to remove 42 accounts between January to June 2018.⁵⁵ SadaSocial documented 60 incidents where where Twitter removed Palestinian content or accounts of Palestinians in the oPt during 2018. In December, Twitter ordered the twitter account of the news-site The Electronic Intifada to delete a tweet linking to a news story about an Israeli commando raid into the Gaza Strip a month earlier.⁵⁶ The Electronic Intifada noted that Twitter notified them that the tweet violated the social company's rules without providing any further explanation.

54 Landau, N. et. el. "Justice Minister: Terror Groups Have Switched to Twitter Because Facebook Cooperates With Israel." Haaretz, March 20, 2018. <https://bit.ly/2F88BDa>

55 Twitter. "Transparency Report - Israel." <https://transparency.twitter.com/en/countries/il.html>

56 Abunimah, A. "Twitter enforcing Israeli military censorship." The Electronic Intifada, December 10, 2018. <https://bit.ly/2SOXErE>



Google

Google

Google

Google

Google (YouTube and Google Maps)

YouTube, a Google subsidiary, also violates Palestinians freedom of expression online by removing content and user channels. SadaSocial documented 45 cases where YouTube removed Palestinian accounts and channels, including the channels of Quds News Network and 48 News Network, among others in 2018.

In September, research conducted by 7amleh found that Google Maps does not reflect international law in their maps by not including Palestinian areas that are unrecognized by Israeli authorities, such as unrecognized Palestinian villages in the Naqab, nor does it use any term related to 'Palestine' or the international recognized 'occupied Palestinian territories' but instead follows the Israeli narrative also in violation of international law.⁵⁷

Names of illegal Israeli settlements, however, are clearly featured and are falsely labelled as part of Israel. Google Maps also fails to reflect movement restrictions imposed on Palestinians by Israeli authorities and military, particularly in the oPt, such as checkpoints, roadblocks, and Israeli settler by-pass roads that Palestinians are forbidden from accessing. When planning a route in the oPt, Google Maps directs users to Israeli routes rather than Palestinian ones, without taking into consideration that the majority of Israeli routes are either inaccessible or prohibited for Palestinians from the oPt.

57 7amleh. "Mapping Segregation: Google Maps and the Human Rights of Palestinians." September 18, 2018. <https://7amleh.org/2018/09/18/google-maps-endangering-palestinian-human-rights/>

PayPal



Paypal

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PayPal

As the leading online payment system in the world today, PayPal's services continue to be unavailable for the approximately six million Palestinians residing in the West Bank and the Gaza Strip. At the same time, PayPal provides services to Israelis in Israel as well as to Israeli settlers residing in illegal Israeli settlements in the West Bank. As such, it appears that PayPal discriminates against Palestinians based on ethnic or national origin, since it does provide its services to Israeli settlers in the West Bank, while not to their Palestinian neighbors. PayPal services may contribute to the economic sustainability of Israeli settlements and as such may indirectly contribute to the violation of international law.⁵⁸

In August 2016, PayPal announced that it had no plans to extend its services to Palestinians in the West Bank and Gaza.⁵⁹ However, the continued lack of access to PayPal has made it particularly difficult for many Palestinian businesses, entrepreneurs, and freelancers to freely access international financial services and create new business opportunities within the Palestinian market.⁶⁰

58 7amleh. "Palestine & PayPal: Towards Financial Equality." December 19, 2018. <https://7amleh.org/wp-content/uploads/2018/12/Palestine-PayPal-English.pdf>

59 Elis N. "PayPal: No Plans to Expand Services to Palestinians." The Jerusalem Post, August 31, 2016. <https://bit.ly/2tuOHow>

60 7amleh (n 58).



airbnb

Airbnb

Airbnb

Airbnb

Airbnb

Airbnb

On 19 November, the global online tourism company Airbnb announced that it will stop listing properties in Israeli settlements, citing that they are “the subject of historical disputes between Israelis and Palestinians”.⁶¹ The decision concerns approximately 200 listings available on the online platform in illegal Israeli settlements across the West Bank, but excludes listings in East Jerusalem. Human Rights Watch has documented how Airbnb activities in settlements “contribute to making settlements sustainable economically and benefit from the serious rights abuses and entrenched discriminatory practices stemming from the settlements”.⁶²

Airbnb did not announce when the decision will be implemented and provided no guidelines on how long it will take to do so. Further, Airbnb made no statements on whether the company will remove listings from East Jerusalem. Amnesty International found 100 Airbnb listings in Israeli settlements in East Jerusalem as of January 2019.⁶³

61 Airbnb. “Listings in Disputed Regions.” November 19, 2018. <https://bit.ly/2ORPYhG>

62 Human Rights Watch. “Israel: Airbnb to End Settlement Rentals.” November 20, 2018. <https://bit.ly/2EuVFD3>

63 Amnesty International. “Destination: Occupation Digital Tourism and Israel’s Illegal Settlements in The Occupied Palestinian Territories.” January 30, 2019. <https://bit.ly/2sSW3lD>

Booking

Booking.com

Booking.com

Booking.com

Booking.com

Booking.com

The leading accommodation website Booking.com continues to advertise listings in unlawful Israeli settlements in the West Bank, including in East Jerusalem. Amnesty International found that Booking.com advertised 45 hotels and rentals in unlawful Israeli settlements, including in East Jerusalem, as of, January 2019.⁶⁴ These listings contribute to the economic development of Israeli settlements and to the human rights violations associated with unlawful Israeli settlements. Human Rights Watch also wrote to Booking.com calling on them to cease listing properties in Israeli settlements, but Booking.com responded that the company “only provides a platform for making properties available, which does not amount to supporting settlements.”⁶⁵ By advertising in unlawful settlements, Booking.com are not adhering to their human rights obligations under the United Nations Guiding Principles.

⁶⁴ Ibid.

⁶⁵ Human Rights Watch (n 62).

Palestinian Community

Palestinian Community

Palestinian Community

Palestinian Community

Gender-Based Violence & Surveillance

Gender-based violence on social media networks and the Internet has been increasing within Palestinian society over recent years. Gender-based violence in the virtual space within the Palestinian society includes hacking accounts, stalking, receiving persistent friend requests, publishing personal details, extortion including sexual extortion, sexual harassment, and receiving pictures with inappropriate content. Research conducted by 7amleh and “Kvinna til Kvinna” found that one-third of Palestinian young women are subjected to violence and harassment on social networks and the Internet based on a survey of 1200 Palestinian women in the oPt and Israel between June and September 2018.⁶⁶ The study also revealed that one in four women closed their social media accounts due to online harassment.

In the West Bank, the Palestinian Police cybercrime unit handled 1300 cases of online extortion as of 8 September 2018, 39 percent of which relate to the extortion of women.⁶⁷

Some Palestinian women also reported that their families monitor their activities online and how they are using their social media accounts, either through specific surveillance applications or by ‘friending’ them on their social media accounts, driving many of them to ‘self-censor’ what they share and write on their personal accounts or remove the accounts of family members to avoid the close censorship and criticism from them.⁶⁸

In December, 7amleh released an educational package aimed at combating the phenomenon of gender-based violence on the Internet.⁶⁹ Gender-based violence also targets individuals and groups who express diverse sexual-identities and orientations

66 7amleh. “A Violent Network: Gender-Based Violence Against Palestinian Women in Virtual Space.” November 22, 2018. http://7amleh.org/wp-content/uploads/2018/11/Report_GBV_-_KTK.pdf

67 The Palestinian Information Center. “1300 crimes of extortion in the West Bank . And what is hidden is greater.” Arabic. September 8, 2018. <https://bit.ly/2GRBXAn>

68 7amleh (n 66).

69 7amleh. “7amleh Center publishes educational package on Gender-Based Violence on the internet.” December 11, 2018. <https://7amleh.org/2018/12/11/7amleh-center-publishes-educational-package-against-gender-based-violence-in-arabic/>

Conclusion

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7amleh continues to emphasize that the violations of digital rights and the surveillance and targeting of Palestinians' activity online is systematic and leading to the degradation of Palestinians' human rights. This third edition of 7amleh's #Palestine report on the violations of the digital rights of Palestinians not only shows how powerful relationships between the government, authorities and international tech companies impact Palestinians specifically, but also provide insights into the impact these relationships have on digital rights, and in general, human rights globally.

As governments, authorities and private corporations continue to rapidly develop new ways of surveillance, data collection, and interception, it is essential that domestic laws fall in line with international law and protect human rights. All governments, authorities and private companies must develop policies, standards and best practices that guarantee Palestinians' basic human rights to freedom of expression, right to access and share information through social media platforms and the right to privacy.

About 7amleh

7amleh - The Arab Center for the Advancement of Social Media is a non-profit organization focused on protecting the human rights of Palestinians in the online space. Our theory of change is based on three main pillars; building the capacity of Palestinians to advocate for their rights, supporting the development of effective public awareness campaigns, and conducting research to document digital rights violations and advocate for upholding human rights and the rule of law.

One of the few organizations focused on the digital rights of Palestinians, 7amleh's team of digital rights experts, researchers, advocates, trainers, and activists work across Jerusalem, Gaza, the West Bank and Israel in cooperation with local and international partners to preserve and protect digital human rights.

1. Capacity Building - Training & Workshops: Working with civil society organizations, grassroots initiatives, media professionals, youth, human rights defenders and activists to enhance their digital safety and online campaigning and outreach and communications skills.

2. Campaigns - Public Awareness Raising: Coordinating and managing advocacy and public awareness campaigns that utilize cutting-edge digital campaigning strategies, tactics and tools on a wide range of issues related to Palestinian rights.

3. Research & Advocacy - National & International: Conducting qualitative and quantitative research, leading and participating in national and international forums, advocating with and leading coalitions for the preservation and protection of digital human rights.

7amleh is supported by its expert staff, dedicated board of directors, committed volunteers and a range of local and international donors.

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