

## **Palestinian Authorities Restrict Freedom of Expression on Social Media**

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### **Introduction:**

There is no doubt that freedom of expression and opinions, especially media freedom, are fundamental pillars of the rights and freedoms of any society. Initially, one of the most significant tools available to an individual is to exercise his/her right to participate in the management of his/her country's public affairs and influence in decision-making concerning his/ her civil, political, economic, social, and cultural rights and freedoms.

This freedom is considered to be one of the most important elements of a good governance system, as it is the basic tool through which an individual can obtain, receive, and disseminate information. As a result, he/she will enhance their supervisory role on the performance of public authorities and in the accountability of these authorities for any excess or failure in the performance of their tasks. (Abdeen, 2012)

In the last two decades, the importance of freedom of opinion and expression and freedom of access to dissemination of information has increased due to the tremendous developments that humanity has witnessed regarding the prevalence of smart phones. Internet services are becoming more accessible, not to mention the dramatic increase in the number of satellite television channels covering the globe.

Smart phones and other devices have also contributed to the creation of what is now called social media, which is beyond the control of states. It offers possibilities beyond its reach and influence that are available to the traditional media, allowing each person his/her own platform and freedom through which he/she can freely disseminate information and express his/her views on events and developments.

Freedom of opinion and expression formed a solid foundation for the media, where it became a fourth authority, to monitor the work and performance of the rest of the three authorities and reveal deficiencies, or deviations in performance, whether related to corruption or tyranny. (Al Mezan Center for Human Rights, 2017)

In light of the changes taking place in the Palestinian arena at present, violations against freedom of opinion and expression in various forms are increasing by the Israeli occupation, the Palestinian National Authority in the West Bank, and the de facto authority in the Gaza Strip. There is a prevalence of prosecution of citizens and journalists for expressing their views on social media and bringing them to trial, summoning and interrogating them, and even arresting dozens of them for expressing their opinion.

This paper analyzes the impact of the authorities' restriction of freedom of opinion and expression on social media on Palestinian society. It will also clarify what is meant by the freedoms guaranteed by

international and Palestinian laws to citizens and what laws and regulations restrict freedom of opinion and expression in Palestine. Also, it this paper will shed light on to what extent these laws and regulations give authority to restrict this right, how the authorities restrict freedom of opinion and expression, and ultimately what can be done to alleviate these restrictions on freedom of opinion and expression in the Palestinian territories from a youth perspective.

### **What do we mean by freedom? What is freedom of opinion and expression?**

Freedom has many concepts, which vary according to the point of view from which we define this term. In Lettre's dictionary, freedom is "the status of an unbound human being", but legally it is the ability of individuals to carry out the activities they want without coercion, subject to the laws governing society. (Al-I'nan, 2016) According to the glossary, "Lexicon of the Arabs," to be free means to emancipate. It is also described as the ability to act full of will and choice in which a free person is unrestricted by any physical limitations and does not belong to anyone. Freedom is also a term used in the Declaration of Human Rights of 1789 as "the right of an individual to do what does not harm others."

### **Freedom of opinion and expression:**

To define the concept of freedom of opinion and expression under international legitimacy, it is necessary to define the international standards that form the international legal basis for freedom of opinion and expression, as stated in the Universal Declaration of Human Rights 1948 and the International Covenant on Civil and Political Rights 1966. Then the content of the articles governing this freedom must be compared in the Universal Declaration and the International Covenant. There is an almost complete symmetry between those standards covered by article 19 of the International Covenant on Civil and Political Rights and those contained in the Universal Declaration of Human Rights. (Ayyoub, 2001) Article 19 defines the concept and international standards of freedom of public opinion 1) Everyone has the right to hold opinions without interference; 2) Everyone has the right to freedom of expression; this right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers. (3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but only if they are prescribed by law and are necessary: B) to protect national security or order In public health, or public morals. Thus, freedom of expression may be restricted, bearing in mind that the principle in the legislation is to allow and that the exception is the restriction. (Al-Ghool, 2006)

### **Freedom of opinion and expression in the Palestinian Authority:**

Many Palestinian laws regulated the issue of freedom of opinion and expression. The constitutional legislator protected this right, affirmed the freedom of the press and provided adequate protection, but did not provide adequate protection for freedom of expression. There are many flaws in the laws in force in the Palestinian Authority regarding the right to freedom of opinion and expression. The following are the most prominent laws that include texts that protect freedom of opinion and expression: (Al Mezan Center for Human Rights, 2013-2015)

1. The Palestinian Basic Law (Art. 19) provided some protection to the right to freedom of opinion and expression. Article 19 of the Basic Law provides for respect for freedom of opinion and expression: "Freedom of opinion shall be without prejudice. Everyone has the right to express his opinion and to disseminate it by word, writing or other means of expression or art, while abiding by the provisions of the law." It is noted that the text was in conformity with international standards when it fully freed freedom of opinion and made no restrictions on it. However, it failed to protect freedom of expression when the law limited it without placing restrictions on the legislator to ensure that laws did not violate international standards.

Article 27 of the Palestinian Basic Law stipulates respect for the press and its work. It also prohibits censorship of what is published by the media. It also prohibits its warning, suspension, confiscation or cancellation except through a judicial ruling issued in accordance with the law: 1. "The establishment of newspapers and other media shall be a right for all guaranteed by this Basic Law and their sources of financing shall be subject to the control of the law. 2. Freedom of the media, including visual and written media, freedom of printing, publishing, distribution and broadcasting, and the freedom of its employees shall be guaranteed in accordance with this Basic Law and the relevant laws. 3. Censorship of the media shall be prohibited, and it may not be warned, suspended, confiscated, canceled or restricted except in accordance with the law and by a judicial ruling."

2. Press and Publication Law No. 9 of 1995 came with some articles that included protection of the right to expression through publication and issuance of various publications. It was in contradiction with itself, that after stressing the freedom of journalism, publishing and printing, that it became restricted by texts, causing the restriction of the right. Among the most prominent texts that protected the right to print and publish in this law, the text of Article (2), which reads: "The freedom of press and printing are two freedoms. The freedom of opinion is guaranteed to all Palestinians in which he/she may freely express his/her opinion by speaking, writing, depicting, and drawing in the means of expression and the media." Article (6) also states that: "The official authorities shall facilitate the task of the journalist and the researcher in accessing their programs and projects." Article 5 stipulates that: "Any person, including political parties, shall have the right to own and issue press publications in accordance with the provisions of this law."

### **Do authorities in countries have the right to restrict freedoms?**

The issue of freedoms has always been a human issue at all times and places. The restriction of these freedoms by the authorities is a problem.

In order to clarify the concept of restriction of freedoms by the Authority, we must compare some of the constitutions of countries in the world such as the Swiss, Egyptian and Palestinian constitution.

Swiss law was not far from being the first major protection of rights and freedoms

It did not restrict them either, but in article 9 it contained protection against arbitrariness and protection of good faith, which was not found in most constitutions in the world.

The Egyptian Constitution restricts freedoms in accordance with the provisions of the law, with the exception of the freedom of belief which is not restricted and made absolute. Considering Article 57 of the Egyptian Constitution, it has restricted the citizen's use of means of communication by law, unlike the Swiss Constitution. This may be an excuse for the executive to violate rights and freedoms. The Palestinian constitution was not far from the Egyptian constitution, as it restricted most freedoms under the provisions of the law.

Here we can say that there are many countries that restrict the rights and freedoms under their laws, yet they should not contravene the Constitution and international conventions. Originally, laws regulate these rights and freedoms, not restrict and limit them through a legal text based on the notion of public order.

### **Models of authorities' restriction of freedom of opinion and expression:**

There are numerous Palestinian laws, most of which were issued by the President of the Palestinian National Authority and not the legislative authority because it is not legally permitted to do so as stated in the Constitution due to the absence of legislative authority. These laws included a clear violation of many freedoms, notably the freedom of opinion and expression. These laws include:

### **The Cybercrime Law clearly limits the right of citizens to express their views:**

On June 24, 2017, Palestinian Authority President Mahmoud Abbas signed the Cybercrime Law (No. 16 of 2017), which came into effect immediately after its publication.

This law was adopted under the name of fighting cybercrime by presidential decree in the absence of the Legislative Council and the marginalization of civil society, which raised controversy about it as an authoritarian law.

Several bodies condemned the law, such as civil society organizations, journalists and activists who demanded its immediate repeal. Some civil society organizations stated that "many articles of the law violate the right to freedom of opinion and expression, and the right to information and privacy, stressing the need to freeze the decision, until it is presented for public debate." (The Arab Center for the Advancement of Social Media, 2018) In September 2017, the Independent Commission for Human Rights, in coordination with the Palestinian Journalists Syndicate, addressed a letter to the Palestinian President in an attempt to urge him to suspend the law and resort to its amendment in consultation with civil society, the Press Syndicate, and Internet service providers.

As a result of this institutional pressure by civil society, international human rights organizations, digital rights and media launched several campaigns against this law. The concerned authorities issued an amendment known as, Law No. (10) of 2018 to become the law that is applicable in Palestine regarding the fight against cybercrime. Although the cybercrime law has been amended and is valid in Palestine, the decision to amend the law refuses to reverse some of the articles that have been objected to before.

**Article (39) of the Decree of the Amended Law** still operates with the policy of blocking, as it allows the competent investigation and control from authorities. If there are any websites that are identified to be

a threat to national security, public order or morals then a report shall be prepared and submitted to the Attorney General. Then, permission must be requested to block those websites within 24 hours of submitting the application. The viewer of this article finds that there is danger once interpreting the terms national security, public order, and public morals because they are loose terms that do not have any single meaning and can be used to suppress media and press freedoms.

**Article (4) of the Decree of the Amended Law** threatens anyone who intentionally enters or continues to be present in these sites after learning about it. They shall be punished by imprisonment or by a fine not less than one hundred Jordanian Dinars and not more than one thousand Jordanian Dinars or its equivalent in the legally traded currency, or by both penalties. This is not only a direct prejudice to media freedoms, but also to one's economic life. Blocking websites within 24 hours, as mentioned above, will lead to the suspension of employees of these websites, which negatively affects their economic life.

**With reference to Article 34** of the same law, there is a conflict between the first paragraph and the second paragraph of the same article. The first paragraph authorizes the Magistrate to authorize the Attorney General or one of his assistants to monitor communications and electronic conversations. However, the second paragraph of the same article gives that power to the Attorney General without consulting the Magistrate's Court to order the immediate collection and supply of any data including communications and electronic information.

Here, we find that the amended law still gives the broad powers of the Attorney General and judicial control officers (Intelligence - Police - Preventive Security - Military Intelligence - Civil Defense - Ministry of Communications - Public Prosecution) through access to the law, especially Articles (24) and (36).

The Amended Law contained loose terms such as, "national security, public order, and public morals" that may allow the executive authority to interpret them as it deems appropriate, which may lead to the violation of freedoms. The Coordinator of the Council of Human Rights Organizations, Mr. Mahmoud Ifranji, commented on this subject: "Although these terms exist in the International Covenant on Civil and Political Rights in Article (19), however this article gives space for freedoms so that these three terms do not conflict with the law in a democratic state that guarantees a fair trial." Are the conditions in Palestine similar to the provision of a democratic system and a guaranteed fair trial for the use of these terms? (Abdeen, 2012)

**Article (45)** of the decree of the amended law is considered one of the most dangerous articles in this law, as it stipulates that "(Anyone who has committed an offense under any legislation in force using the electronic network or an information technology medium, or participated in, intervened in, or incited to commit, shall be punished with the same penalty as that crime prescribed in that legislation." Accordingly, the legislator here combined the law of cybercrime with other legislation. Consequently, he is transferring loose terms from the Jordanian Penal Code to the Cybercrime Law. Anyone who commits an act that may prejudice the prestige of the State (as stated in the Jordanian Penal Code No. 16 of 1960) is a crime and is punishable in the same law. The practice of this act through electronic means is

also a crime punishable by the Cybercrime Law and refers the penalty therein to the Jordanian Penal Code.

It is true that the government partially responded to the pressure conducted by civil society institutions, international human rights institutions, and digital rights and media rights during the campaigns launched on the law last year. Even though it has amended the decision to issue a new law that takes into account some international legislation and laws, some articles of the law still pose a threat to the freedom of opinion and expression. This contradicts the official letter of the Palestinian Government to the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Mr. David Kay “pledged to the President and the Prime Minister to amend any text of the resolution by a law that is not fully compatible with international conventions and treaties.” The way the decision was issued by law is similar to what happened the first time; it was passed without involving the relevant citizens and related institutions. It was issued in the Official Gazette of the Palestinian National Authority on 3/5/2018 and surprised citizens, civil society and human rights institutions, along with other relevant institutions. (Abdeen, 2012)

**The Jordanian Penal Code No. 16 of 1960 is another example of restricting freedom of opinion and expression:**

The Jordanian Penal Code No. 16 of 1960 is considered as one of the decrepit Palestinian laws for submission and non-amendment in accordance with international laws and covenants, especially those related to human rights and media and press freedoms.

Defamation is one of the most prominent threats facing media professionals, bloggers, social media activists and other new actors in the media field, especially the individual who practices media freedom through the media space or social media.

**According to Article (188/1) of the Penal Code**, defamation is defined as “the imputation of a certain matter to a person-even if it was done with doubt- which might negatively affect a person’s honor, dignity, and reputation and exposes him/her to hatred and contempt of the people, regardless if the such matter is punishable by law or not.”

**According to Article (191) of the Penal Code**, the punishment prescribed will intensify if the act was practiced against a public servant of the state. However, the definition of a civil servant under the Criminal Code is broad and encompasses many employees.

**According to Article (188/2)**, insult is defined as “assaulting the dignity and honor of another person or his/her reputation – even if it was done with doubt – without accusing him/her with a specific matter.” The punishment prescribed will intensify if the act was practiced against any public official, institution, or body.

Accordingly, the offense of defamation is distinct from the offence of insult, in which the first requires the attribution of the specific matter by the defendant (from a journalist or the owner of a media

institution in this case). On the other hand, insult does not require the attribution of the specific matter, but rather it needs to describe the defendant, whether an individual or journalist.

It should also be noted that there is some kind of defamation and insult in accordance with the Penal Code in force. According to Article (198/1), defamation and insult is justified and legitimate if the purpose of its publication is to preserve the public interest.

Moreover, when journalists or social activists are charged with defamation or insult, prosecutors should not issue arrest warrants against them, on the grounds that the judiciary will apply the law and decide the case at hand. The published article does not require an arrest and therefore, the prosecution does not have any right to arrest the journalists or media professionals on this charge; but rather they must keep the matter for the judiciary to decide.

**Article 150 of the Jordanian Penal Code** is another violation of freedom of expression and an excuse that the executive branch can use to limit freedoms in Palestine. It stipulates that “Any writing or speech aims at or results in stirring sectarian or racial prejudices or the incitement of conflict between different sects or the nation’s elements, such act shall be punished by imprisonment for no less than six months and no more than three years and a fine not to exceed five hundred dinars (JD500).”

Accordingly, this article constitutes a widespread violation of media freedoms, especially freedom of expression, in which many citizens are referred by the Public Prosecution or are issued warrants that can be extended. This is an excuse permitted by law to the executive authority to consider it as an outlet for the violation of freedoms.

Therefore, the Jordanian Penal Code applied in the Palestinian territories is one of the laws that provide for the oppression of the freedom of the press and freedom of expression under many articles therein. Therefore, this law should be amended to be one of the modern laws that are compatible with rights and freedoms.

#### **Law No. 9 of 1995 on Publications and Publishing:**

The Press and Publications Law came into existence in Palestine in 1995, prior to the term of the Palestinian Legislative Council, and was passed by a decree issued by the late President, Yasser Arafat. This law has not been subject to the legal procedures necessary to pass laws. Most importantly, is that the members of the Legislative Council monitor and review this law to ensure its suitability to citizens, rights, and freedoms. Consequently, this law is one of the Palestinian laws that restrict rights and freedoms, especially the freedom of expression and freedom of expression and opinions and freedom of the media.

With reference to the Law on Publications and Publishing, especially Article (7), we find that it acquires a broad interpretation. It imposes many prohibitions on publishing by banning the publication of anything contrary to the principles of freedom, national responsibility, human rights, and anything that violates Palestinian traditions.

With reference to Article (27) of the same law, it prohibits the publication of any secret information about the police and security forces, their movements and training, and the publication of articles that would offend national unity or implant hatred among the people.

With reference to the previous two articles, we find that the Palestinian legislator has left a wide area for the executive authority to implement these articles. Also, the violation of the freedom of the media and the freedom of expression through these articles is widespread because these previous prohibitions have been interpreted in a broad and loose way, which allows the executive authority to violate rights and freedoms.

**Article (8)** also includes some restrictions that the journalist must abide by. Since these terms were loose and general, it is easy for the executive authority to violate them. Some include the restriction of the journalist not to publish anything that would lead to violence or intolerance, racism or sectarianism. Therefore, we find that these broad terms would lead to a violation of press freedoms and freedom of expression and opinion. The Press and Publications Law also gave broad powers to the executive authority, which, through those powers, explicitly violates freedom of opinion and expression. Particularly, such powers have been given to the regulatory authorities, such as the Ministry of Information and the Director General of Publications at the Ministry, where they demand licenses to establish a printing press, produce publications through a publishing house, or sell publications or import them. Details are provided in Articles (17-19) of Law No. 9 of 1995 on Publications and Publishing.

One of the worst things in the law is that it stipulates that the owner or manager in charge of the printing press must send four copies of every publication printed periodically in his printing press before distributing it. The purpose of this is to carry out prior-censorship of the content. It is understood here that the executive authority may prevent publication if the content is not considered appropriate.

For all these reasons, the Press and Publications Law is considered a violation of the Palestinian Constitution and is contrary to the rights and freedoms of its citizens. It is also contrary to international laws that guarantee rights and freedoms, especially freedom of the press and freedom of expression and opinion.

#### **Blocking websites:**

The Palestinian Authority in the West Bank blocked 29 websites two weeks before the adoption of the law on cybercrime, according to the Palestinian Center for Development and Media Freedoms (MADA). They blocked them without sending a stop-work order to these sites.

Here is the list of blocked sites:



## قائمة المواقع التي حجبها السلطة الفلسطينية

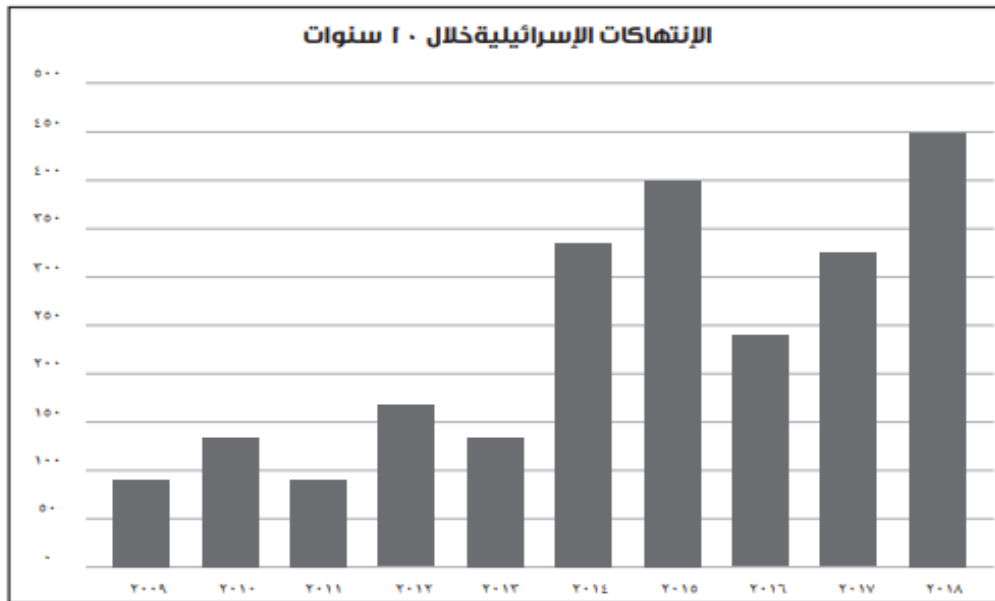
شبكة قدس الإخباري	qudsn.ps	تاريخ الحجب ١٦-٦-٢٠١٧
القدس برس	qudspress.com	تاريخ الحجب ١٥-٦-٢٠١٧
وكالة صفا للأبناء	safa.ps	تاريخ الحجب ١٦-٦-٢٠١٧
وكالة الرأي الإخبارية	alray.ps	تاريخ الحجب ١٧-٦-٢٠١٧
فلسطين الآن	paltimes.net	تاريخ الحجب ١٥-٦-٢٠١٧
وكالة الصحافة الفلسطينية	palpress.co.uk	تاريخ الحجب ١٥-٦-٢٠١٧
أحوال البلاد	ahwalelbelad.com	تاريخ الحجب ١٧-٦-٢٠١٧
Ara News	aranews.org	تاريخ الحجب ١٧-٦-٢٠١٧
الكرامة برس	karamapress.com	تاريخ الحجب ١٥-٦-٢٠١٧
موقع تلفزيون الأقصى	aqsatv.ps	تاريخ الحجب ١٧-٦-٢٠١٧
فراس برس	fnpn.net	تاريخ الحجب ١٥-٦-٢٠١٦
أمد للإعلام	amad.ps	تاريخ الحجب ١٢-٦-٢٠١٧
فتح ميديا	fatehmedia.net	تاريخ الحجب ١٥-٦-٢٠١٦
فلسطين أون لاين	felesteen.ps	تاريخ الحجب ١٥-٦-٢٠١٦
وكالة شهاب الإخبارية	shehab.ps	تاريخ الحجب ١٥-٦-٢٠١٦
أمامة	omamh.com	تاريخ الحجب ١٥-٦-٢٠١٦
موقع كتائب القسام	alqassam.ps	تاريخ الحجب ١٩-٦-٢٠١٦
صوت فتح الإخباري	fateh-voice.ps	تاريخ الحجب ١٥-٦-٢٠١٦
المركز الفلسطيني للإعلام	palinfo.com	تاريخ الحجب ١٥-٦-٢٠١٦
إخوان أون لاين	ikhwanonline.com	تاريخ الحجب ١٩-٦-٢٠١٦
الموقع الرسمي لحركة حماس	hamas.ps	تاريخ الحجب ٢١-٦-٢٠١٦
موقع حماس للعمل الجماهيري	jamahiri.ps	تاريخ الحجب ١٩-٦-٢٠١٦
شبكة فلسطين للأبناء- شفا	shfanews.net	تاريخ الحجب ١٩-٦-٢٠١٦
فتح ميديا	fatehmedia.net	تاريخ الحجب ١٥-٦-٢٠١٦
Palestine.Net	paldf.net	تاريخ الحجب ١٩-٦-٢٠١٦
الرسالة نت	alresalah.ps	تاريخ الحجب ٢١-٦-٢٠١٦
إن لايت برس	inlightpress.com	تاريخ الحجب ١٥-٦-٢٠١٦
أجناد الإخبارية	ajnad-news.com	تاريخ الحجب ١٥-٦-٢٠١٦

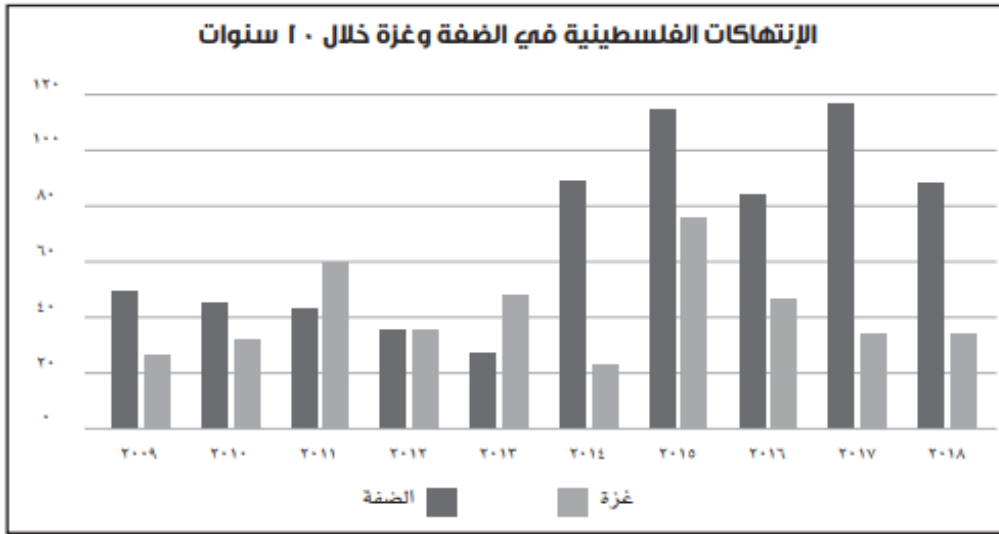
Source: Palestinian Center for Development and Media Freedoms (MADA)

### Violations of Media Freedoms in Palestine:

Violations of the freedom of opinion and expression in Palestine have varied as well as the bodies that carry out these violations. We have monitored the number of violations committed in the last four years:

الاحتلال الإسرائيلي	حماس	السلطة الفلسطينية	السنة
407	76	116	2015
249	48	86	2016
376	35	119	2017
455	41	88	2018





Source: Palestinian Center for Development and Media Freedoms (MADA)

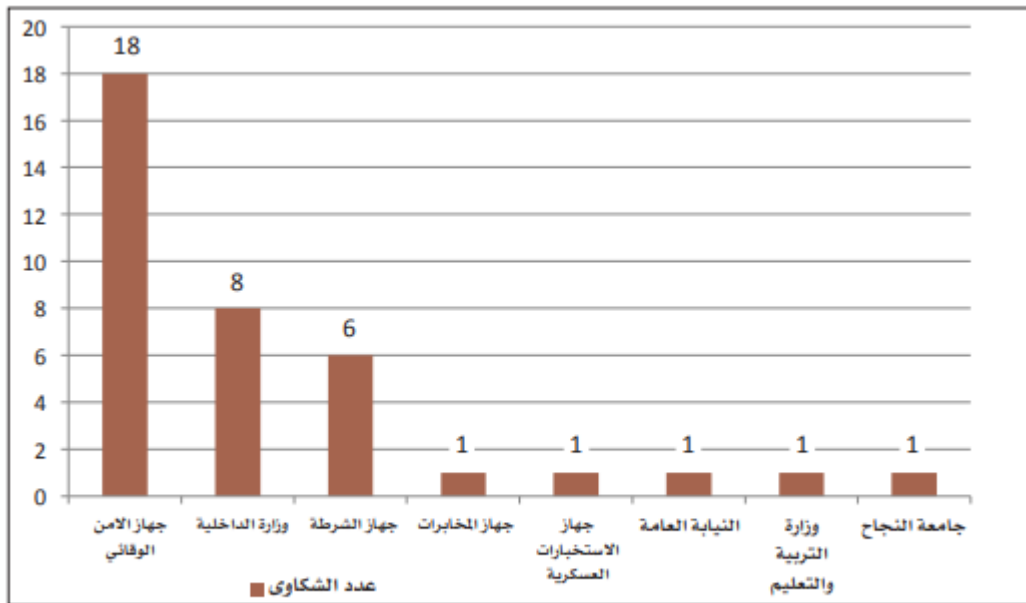
**Record of the types of violations in the West Bank and Gaza by (PA, Hamas, Occupation):**

النوع/ السنة	2018	2017	2016	2015
اعتداءات جسدية	262	152	95	196
منع تغطية	80	33	52	100
اعتقال وتحويل إداري	58	65	67	51
تهديد	5	5	9	19
مصادرة / احتجاز مواد	19	41	44	30
منع من السفر	2	3	5	6
اقتحام/دهم مؤسسة أو بيت	8	17	10	7

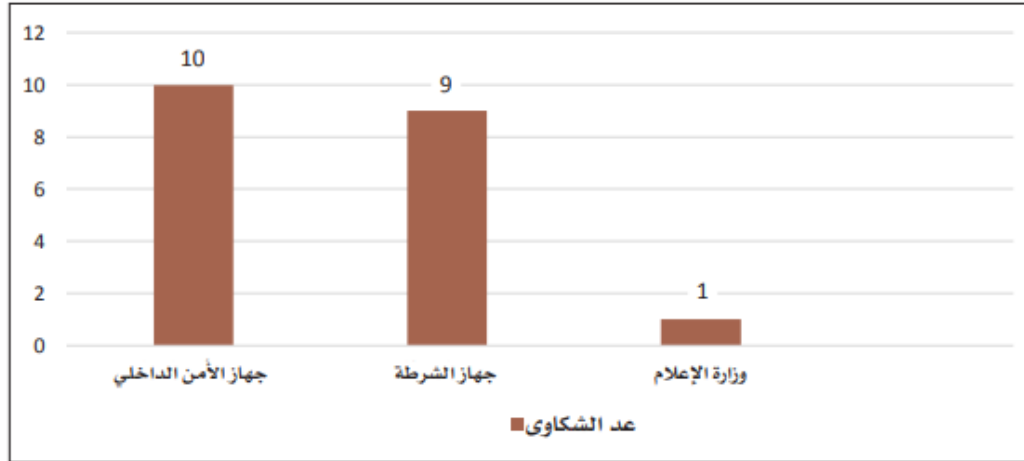
### Violations related to the use of social networking sites – Facebook:

The number of allegations of violations related to the use of social media sites is (33), or 54% of the total allegations of violations of freedom of opinion and expression. They are distributed to: (24) allegations of violations in the West Bank, (5) to journalists, (9) violations in the Gaza Strip, (2) to journalists, compared to 35 alleged violations in 2017, which include 18 in the west Bank and 17 in the Gaza Strip.

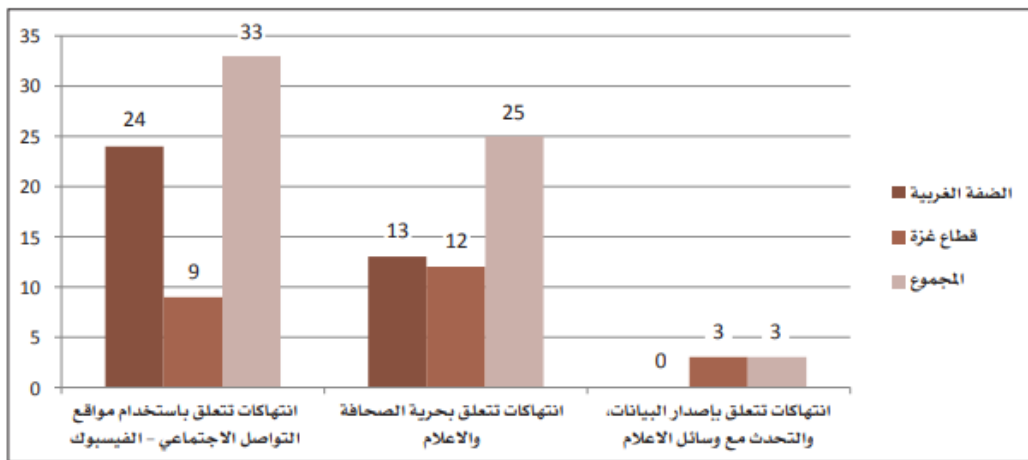
The total number has decreased by two violations. In the Gaza Strip, there were 8 violations, while in the West Bank there were 6 allegations of violations. Citizens were subjected to this pattern of abuse - whether journalists, other activists and social media users - to arbitrary detention, including physical abuse or torture during interrogation. Some were brought to trial under the cybercrime law of 2017, in force in the West Bank, before it was amended. These measures cast a negative shadow and constitute a concern for journalists and media workers, which prevents them from reporting on events freely due to the fear of prosecution.



الشكل رقم (13): توزيع شكاوى حرية الرأي والتعبير حسب جهات الانتهاك في الضفة الغربية



الشكل رقم (14): توزيع شكاوى حرية الرأي والتعبير حسب جهات الانتهاك في قطاع غزة



الشكل رقم (15): أمهات الشكاوى المتعلقة بالحق في حرية الرأي والتعبير

To find out the legal status regarding the restriction of freedoms, we met with the legal researcher at the Independent Commission for Human Rights, Yazan Sawafta, for the purposes of writing this paper.

When asked about the role of the Independent Commission for Human Rights in freedom of opinion and expression, Sawafta replied: "As a national institution concerned with human rights in Palestine, it is our responsibility to monitor violations of freedom of expression and opinion practiced against journalists and citizens alike. During the Palestinian split between the West Bank and the Gaza Strip, there were very notable violations against journalists along with hate speech between the two parties, which was a result of the political dispute.

During the events, journalists were arrested on the basis of freedom of opinion and expression. Our role as a body is to document these violations and follow up with the legal procedures because journalists are subjected to special procedures, unlike regular citizens. During the security services' arrest and detention of journalists, we make urgent visits to them to ascertain their legal conditions, living and health conditions, and the treatment they receive in detention. As a body, our position is clear and frank. We condemn and denounce such arrests on the basis of freedom of opinion and expression.

As for citizens, sometimes they do not know the difference between criticism, insult, and defamation, in which abuse of language leads to arrest. In some arrests, charges are brought against the citizen due to their opposition towards the PA's public policy or for insulting the high public officials. These charges are mandated by the Public Prosecution for some of those citizens. Most of the time, detention is limited and in some cases there are not any rulings. In other cases that involve insulting the President, the ruling is a year. In one case, there was interference from the Commission that resulted in President Abu Mazen's forgiveness of a citizen who insulted him and was then released.

Regarding the issuance of the Cybercrime Law, Sawafta stated: "We generally need a law that limits cybercrime. In the Palestinian context, in light of the current law, there are some observations on the law of cybercrime with regard to restricting certain freedoms or using some texts for purposes outside the scope of freedom of opinion and expression. There are some observations in light of the current law in the Palestinian context, regarding the restriction of certain freedoms or the use of some texts for purposes outside the scope of freedom of expression and opinion. As a result of the political dispute in Palestine between Fatah and Hamas, particularly the ruling authorities in Gaza and the West Bank, we were basically demanding the existence of the Cybercrime Law from the multiple crimes that have spread recently. Some of these crimes are electronic extortion, thefts through electronic commerce and visa cards. In the current reality, ordinary laws are not sufficient to ensure electronic protection, but rather special laws are needed. However, sometimes Cybercrime Law is wrongly used when it comes to external aspects, which is why we need to amend its provisions."

Commenting on the role of the Authority in raising citizens' awareness about freedom of opinion and expression, Sawafta replied: "Our role as an independent human rights body is not limited to documenting violations and receiving complaints about human rights violations. There are other programs such as awareness raising and training for public rights and freedoms, in general, for different categories of Palestinian society. For example, we target journalists and raise their awareness about their rights and freedoms, the courts and prosecution to understand the legal proceedings and the roles of the investigating officers in the security services, the category of citizens living in marginalized areas to raise their awareness about their freedoms, obligations, and duties of the state towards them, and the rights granted to the Palestinian citizen according to Palestinian law. I believe that there is an additional restriction after Palestine joined the international conventions regarding Palestinian laws because it has become a requirement to harmonize these laws in a way that does not contradict the international conventions."

## **Recommendations:**

Based on the above, we find that many recommendations should be made to the competent authorities in order to protect the rights and freedoms in Palestine. It is worth mentioning that these recommendations have been made by many human rights institutions, but today we are making new recommendations that include protecting the right to freedom of expression including:

1. Reconsidering the decision of Law No. 10 of 2018, the Cybercrime Law, because it acquires many articles that would violate the rights and freedoms of individuals, especially freedom of expression and opinion. Also, to work on limiting and reducing the broad terms included in it (such as national security, public morals, and public order) to prevent the executive authority from using its broad interpretation as an excuse to violate individuals' freedom of expression and opinion.
2. The Council of Ministers shall review the legislation in force in Palestine that violates freedom of expression and opinion, especially the Jordanian Penal Code No. 16 of 1960 and the Press and Publications Law No.9 of 1995. Through harmonizing these legislations with the Palestinian Basic Law and the international conventions, to which Palestine is a party to, the rights and freedoms would become protected rather than violated.
3. Signing an agreement between the Public Prosecution and the Journalists Syndicate to prevent the arrest or summoning of any journalist without the Syndicate's consult.
4. The President of the National Authority should instruct all security services to prevent the arrest of journalists, in particular, and citizens, in general, for exercising their media rights and freedom of expression. This is because the Palestinian intelligence services are directly linked to the presidency.
5. Until the amendment of the Palestinian legislation, we ask the judicial authorities not to expand the interpretation of the loose terminology in the laws or to arrest citizens except in cases of emergency, which can only be addressed through arrest.
6. We once again call upon the Council of Ministers to involve civil society institutions in the amendment of legislation in order to ensure the issuance of appropriate national legislation that are consistent with international conventions and the Basic Law.

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