



Facebook and Palestinians: **Biased or Neutral** **Content Moderation Policies?**

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Policies



7amleh – Arab Center for Social Media Advancement

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لتطوير الإعلام الاجتماعي
7amleh - The Arab Center for
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Despite freedom of expression constituting an internationally recognised right, as affirmed in various UN resolutions, and despite new recognitions and guarantees in the digital sphere, the plight is far from where it should be to guarantee equal access, equal opportunity and to participation without hurt, and the right to privacy when we talk about the internet. In the digital sphere the lines are blurred and the toll is high in certain countries despite the work of various advocates and policy groups.

The internet and in particular social media are being used as tools of manipulation by governments throughout the world to undermine democracy. The Freedom House revealed in its recent report, "Freedom on the Net 2017" that the biggest declines from 2016 in internet freedoms took place in Ukraine, Egypt and Turkey, with China maintaining its place at number for the third year as the worst abuser of internet in the world.¹ This current climate is shaped by sophisticated technological advancements and increased political polarization, thus allowing governments to cite national security as the primary justification for intensifying surveillance efforts and curbing free speech.

At the eye of the digital hurricane threatening our freedoms are restrictive and draconian laws from repressive regimes or "Big Brother" governments, as well as corporations that hold profit over freedom of expression or (when giving them the benefit of the doubt) are unaware of the impacts of their policies on our basic and inherent rights as individuals and societies. In this article we look at the concerning ambiguity in Facebook's policies as an example of how platforms at the centre of the public debate, for some crucial spaces for freedom of expression and participation, deal with these key issues.

The debate can be divided under two umbrellas that intertwine, on the one hand there are the platform's own policies and their implementation, and on the other there are governmental requests to the platform and agreement on collaboration which vary according to the government in question and the political/economic interest of the platform. Here we will look at both umbrellas, with the second umbrella focused on a research conducted by 7amleh - The Arab Centre for the Advancement of Social Media on their local context examining the way Facebook responds to governmental requests and their policies and definition of "hate speech" in both the Israeli and Palestinian context. This case study was chosen for the peculiarity of the agreement. Though Facebook responds to governmental requests internationally (to larger or lesser degree) on the basis of local legalities and acts according to local laws and regulations, the case of Israel/Palestine highlights a dangerous escalation in Facebook's policies and demonstrates political bias of the platform.

¹Freedom House, Freedom on the Net 2017: *Manipulating Social Media to Undermine Democracy*, November 2017. <https://freedomhouse.org/report/freedom-net/freedom-net-2017>

This bias could be seen from the corporate interests of the platform, like in most of its actions motivated as expected by profit. The platform is considered a main source of information, news, and in many cases essential for mobilisation, communication, and political participation. When those arenas are dictated by political bias, the impact on freedom of expression, speech and the right to equal access are detrimental irrespective if the motivation is political or to protect the economic interests of corporations. This political bias shapes the public discourse around issues, marginalises voices and communities, and heavily affects the media landscape in the public eye.

Corporate Policing or Community Guidelines

When looking at platform policies, rules and regulations; the discourse of the platform explicitly affirms commitment to protecting and working in the best interests of its users. Though many agree that steps must be taken to combat hate speech and online violence; and the recent media and politicians' interest with the ever existing "fake news"; the approaches differ. The critical camp, diverse in approach and arguments, is intertwined with concerns over the implications of almost every suggested plan of action. Concerns over granting more power to corporate platforms to dictate what could be expressed and what not; worries for a world where governments have too much leeway to decide what can be said and what not, and the argument against conflating the concept of public space with corporate-owned for-profit platforms. This is echoed with lack of transparency from the platforms regarding their policies and algorithms that govern our expressions and opinions; let alone about the criteria of their responses to governmental requests for information on users, content take-down, and profile suspension.

Transparency regarding the "community guidelines" as Facebook refers to its rules and regulations over user content, is a key component to conducting an impartial audit of their policies and the implementation. Facebook issues a Transparency Report that covers the following (with links to the concerned section):

Standards Enforcement

• [Community Standards](#)

• [Intellectual Property](#)

Legal Requests

- [Government Requests for User Data](#)
- [Content Restrictions](#)

Internet Ecosystem

- [Internet Disruptions](#)

The Transparency Report is nothing more than a statistical overview of cases they dealt with, though it gives insight as to how many governmental requests they received (quite telling), and on the number of requests they complied with. The report doesn't provide any insight on the decision-making process, how many decisions were challenged by users and how many of those were revoked.

According to Online Censorship (onlinecensorship.org), a project of the Electronic Frontier Foundation and Visualizing Impact, and a platform where users of social media sites can report content takedowns; “users can appeal posts that were removed for nudity, sexual activity, hate speech, or graphic violence. Users can also appeal removal of a profile, page, or group”, but “there is currently no recourse from denial of an appeal for removal of a piece of content, a profile, a page, or a group.” The majority of the few known cases where the decision was revoked is in the context of high-profile incidents that garnered much media attention and public response.

How to appeal on Facebook, Twitter, Youtube, Google+, Instagram and Flicker
(<https://onlinecensorship.org/resources/how-to-appeal>)

In addition to the Transparency Report, and to Facebook guidelines going public (by leaks and official statements), it is still unclear how these decisions are made. Who makes them (department), how much human involvement there is vs. algorithmic automation, and what are the mechanisms of accountability or for a user to refute the accusation and appeal the “Facebook sentence”? In a court of law one can appeal the sentence, at a business you can speak to the manager or to customer service; while at Facebook, Google and other corporate platforms, the holy grail is the recourse after a decision has been made.

There have been various cases where users succeeded in getting Facebook to revoke its decision and re-publish the censored content, but these cases caused public outcry and went viral with users.

One of the high profile cases is Facebook's censorship of a post by Norwegian author Tom Egeland of Nick Ut's Pulitzer Prize-winning photograph of a naked girl fleeing napalm during the Vietnam War. Facebook took down the image and suspended the user, Mr. Egeland, under allegations of violating community guidelines by sharing "nudity". After Mr. Egeland criticised the removal of the photo, he was banned from posting on Facebook for 24 hours.

In an act of affirmation to his right, Mr. Egeland re-posed the photo on his Facebook page, which was also taken down and as a result he was banned for another three days by Facebook ("authorities"). The case garnered international attention and yielded a wide wave of solidarity including - among many others - the photographer who took the photo, the Prime Minister of Norway, Erna Solberg, who posted the photo to her Facebook page (only to have it taken down); and Norwegian newspaper Aftenposten which also saw its post removed by Facebook. After much public condemnation, media attention and protest posts, Facebook revoked its decision on taking the photo down; yet Mr. Egeland still had to undergo the three-day ban.

The above case got Facebook listening due to the extensive news coverage and the participation of high-profile individuals and organisations. However, this is not the case when users on a daily basis face similar types of censorship or take-downs. It also highlights invasive power of a corporation who re-shapes how the public views and interprets certain topics or issues. An iconic image, deep-seated in the public imagery and historical consciousness gets "x-rated" by a private platform where millions of people get their news from.

There are serious questions to be raised regarding the accountability of Facebook over its take-downs, censorship, and decision-making process; and around the lack of viable tracks for users to appeal their bans and censorship beyond an initial, single-use, reclamation. In the public eye, those platforms have the responsibility to clarify their rationale behind a decision (or its contrary in another yet similar case) beyond vague PR responses that fail to address the situation at hand.

Marginalisation: A Public - Private Partnership

The waters get muddier when we examine the public-private (censorship) partnership between governments and platforms of which Facebook has been at the centre of. In addition to government requests based on local laws and regulations, these agreements arise from the political standing and interests of governments and authorities.

In 2016 Facebook came under scrutiny for its treatment of a crisis moment in Kashmir following the killing of a militant at the hands of the Indian army. The militant belonged to a group that is classified as a terrorist group by the Indian government, yet is celebrated by Kashmiris and Pakistanis. As a result, 30 people were killed in protests that took place following the murder, offices of newspapers were raided and a three day media ban was instated. Mobile and landlines were suspended with an internet blackout throughout Kashmir, except for the city of Srinagar (main city). In light of these events, Facebook stepped in based on its interests with the Indian government to delete posts, photos, and news from both individual profiles, from academics, journalists, and even pages of local press.

Facebook has also suspended the Facebook and Instagram accounts of Chechen President (an authoritarian leader accused of aggravated human rights violations ranging from the imprisonment and torture of LGBTs to the [kidnapping and killing](#) of dissidents) Ramzan Kadyrov under the pretext of adhering to the US sanctions list. A spokeswoman for Facebook told the New York Times that the accounts “were deactivated because he had just been added to a United States sanctions list and that the company was legally obligated to act.”² This statement raises further questions about a possibly-arbitrary decision-making process of the corporate platform and what could be seen as double-standards especially when compared with other individuals on the same sanctions list who didn’t receive similar treatment such as Venezuelan President Nicolas Maduro and many of his government officials. In the same New York Times article, Jennifer Sits Granick, a staff attorney with the American Civil Liberties Union’s Speech, Privacy and Technology project, states: “This sanctions law, which was written for one purpose (...) is being used to suppress speech with little consideration of the free expression values and the special risks of blocking speech, as opposed to blocking commerce or funds as the sanctions were designed to do. That’s really problematic.”

Israel and Facebook

Palestinians in recent years have witnessed a sharp rise in attacks on free speech. This violation is being perpetrated from the local, regional and global level through the policies of social media giants and governments. Social media platforms, and Facebook in particular, have become a new arena of political confrontation for the Israeli-Palestinian issue despite the fact that these companies’ policies are calling into question their neutrality.

² New York Times, *Facebook Removes Chechen Strongman’s Accounts, Raising Policy Questions*, December 2017. <https://www.nytimes.com/2017/12/28/world/europe/chechnya-kadyrov-facebook.html>

Facebook has been censoring Palestinian content through account suspension and content takedown at an unprecedented level in recent years and is increasingly demonstrating its commitment towards the Israeli government to silence content pertaining to Palestinian solidarity or criticism of Israel.

Surveillance and control of Palestinian communities have been central to the Israeli government's establishment and expansion since its inception. Israel has successfully placed itself at the global forefront of the cyber security and surveillance sector, which has become a central aspect of Israeli economy. This is firstly due to the lack of legal limits on veterans developing research ideas in the private sector and secondly, the decades long military occupation of the West Bank which has served as a testing laboratory for various types of technologies.³ Israel has developed a predictive policing system that identifies suspects based on algorithmic predictions rather than evidence. This system also allows Israeli intelligence to routinely hack into Palestinian accounts to obtain private information. All of this personal data is then stored and in many cases, subsequently used to extort or blackmail the person and turn them into a collaborator.⁴ The country's large military industrial complex, compounded with collaborative efforts between the Israeli government and Facebook, has enabled Israel to monitor its occupied population on a massive and intrusive scale.

Throughout Israel's occupation of the Palestinian territories, it has established numerous impositions to freedom of movement, which effectively isolate the West Bank, Gaza and Israel from each other, as well as Palestinians within each area from those in others. This geographical fragmentation impedes the ability for Palestinians to gather, exchange and organize. Palestinians and Palestinian civil society are therefore capitalizing on the use of social media as means to circumvent mainstream and traditional media to share their stories of Israeli occupation, displacement and violence with the world. In 2017, one research revealed that 60.5% of the population of the West Bank and Gaza (3,018,770 Palestinians) were connected to the internet.⁵

³ The Intercept, *How Israel Became a Hub for Surveillance Technology*, October 2016. <https://theintercept.com/2016/10/17/how-israel-became-a-hub-for-surveillance-technology/>

⁴ The Guardian, *Any Palestinian is Exposed to Monitoring by the Israeli Big Brother*, September 2014. <https://www.theguardian.com/world/2014/sep/12/israeli-intelligence-unit-testimonies>

⁵ 7amleh – *The Arab Centre for Social Media Advancement, #Palestine 2017 Report: Palestinian Online Content Targeted Through Mass Surveillance, Digital Occupation and Biased Content Moderation*, April 2018. <https://7amleh.org/2018/04/03/press-release-palestine-2017-report-palestinian-online-content-targeted-through-mass-surveillance-digital-occupation-and-biased-content-moderation/>

With both physical and digital means largely obstructed for Palestinians, the digital sphere has come to represent a remarkable tool for gathering, exchanging and organizing and engaging in digital activism.

Facebook signed its first deal in Israel in 2011 before officially opening its office in Tel Aviv in 2013. Israel's intimidation of Facebook was only initiated in the face of a series of knife attacks perpetrated by Palestinians against Israeli citizens in October 2015, often referred to as "lone-wolf" attacks. Opposing narratives emerged in the face of these incidents as some claimed the Israeli authorities were responsible for the killing of innocent Palestinians whilst others perceived the attacks as acts of Palestinian terror against Israeli civilians. Nevertheless, the Israeli government quickly resorted to holding Facebook's platform accountable for the violence rather than seeking to conceptualize these attacks as acts of frustration and desperation due to on-going displacement and occupation and the absence of a viable political solution. Ministers claimed that social media posts which glorify attacks and call for murder are the catalyst in violence against Israeli citizens.⁶

This revived wave of anger provoked a new challenge for Israeli security in that most of the attackers acted out of personal motivation without direct organizational guidance as opposed to the historical trend of attackers being affiliated with a Palestinian political faction or military wing. This new phenomenon created a void in which new forms of control, surveillance and authority over Palestinians emerged, namely social media.

Through insisting on social media's responsibility for the lone-wolf attacks, Israel was able to justify its coercion of social media companies into policy compliance. The following paragraphs will outline the economic, political and legal factors that have successfully secured Facebook's collaboration with the Israeli government in stifling debate that challenges Israel on its on-going gross human rights violations against Palestinians.

Economic Interests trade with freedom of expression

Israel's technology sector is an attractive investment hub for companies from all sectors and geographical locations, including Japan, Korea, China, the US and many more.⁷

⁶ Ynetnews, *Interior Ministry Says Facebook a "Monster", Hindering Security*, February 2016. <https://www.ynetnews.com/articles/0,7340,L-4823259,00.html>

⁷ Forbes, *Israeli High-Tech Drawing Investors from Beyond the US*, June 2018. <https://www.forbes.com/sites/mergermarket/2018/06/15/israeli-high-tech-drawing-investors-from-beyond-the-us/#3472fbf05c74>

The first deal Facebook struck in Israel was in March 2011 with \$60 – 70 million investments in an Israeli start-up Snaptu. Throughout the ensuing years, Facebook acquired two additional start-ups, increased its number of staff and opened more facilities.⁸ 2013 marked Facebook's success of establishing a stronghold in Israel when Facebook acquired Onavo start up for an estimated \$200 million.⁹ Since then, Facebook has also penetrated the Israeli advertising arena and has profited approximately 300 million dollars from advertisements alone.¹⁰ It is precisely the start-up sector that Israel has successfully developed that is driving Facebook to delve deeper into the Israeli market. Other tech giants have expressed interest in enjoying Israeli start-up advertising budgets, such as social media giant Twitter who also began operating in the Israeli advertising arena.¹¹

Political Lobbying and Coordination

Gilad Erdan, Israel's Public Security Minister, received a visit from Simon Milner, Facebook Policy Director for Europe, Middle East, and Africa in February 2016 to discuss Erdan's plans to hold the social media giant accountable. This would be done through a set of legislations that would be enforced by a legal team established by Erdan in conjunction with the Ministry of Justice.¹² Erdan then took to publicly smearing and tarnishing Facebook in order to compliment his legislative efforts in the Knesset in the following months. In an interview in July 2016, Erdan claimed Facebook has "turned into a monster" and that the blood of the victims killed "is partially on Facebook's hands"¹³ in response to attacks against Israeli citizens in June 2016.

Unsurprisingly, one month later in July of 2016, Jordana Cutler was appointed Head of Policy at Facebook's office in Tel Aviv. Cutler is a longtime senior advisor to Israeli Prime minister Binyamin Netanyahu and was also chief of staff at the Israeli embassy in Washington. Cutler's appointment was a step in the series of the government's efforts to combat the Boycott, Divestment and Sanctions

⁸ Globes, *Facebook Expanding Israel Office*, March 2015. <http://www.globes.co.il/en/article-facebook-expands-israel-development-center-1001020676>

⁹ Geektime, *A Sneak Peek at Facebook's New Office in Tel Aviv*. <https://www.geektime.com/2015/03/22/a-sneak-peek-of-facebooks-new-office-in-tel-aviv/>

¹⁰ Facebook, Adi Sofer - CEO of Facebook Israel: <http://contact-facebook.com/facebook-employees/adi-soffer-teeni/>

¹¹ Globes, *Start-ups Biggest Spenders on Facebook ads in Israel*, July 2014.

<http://www.globes.co.il/en/article-start-ups-biggest-spenders-on-israeli-facebook-ads-1000953352>

¹² Mondoweiss, *Facebook Hires Long Time Netanyahu Advisor*, June 2016.

<http://mondoweiss.net/2016/06/facebook-longtime-netanyahu/>

¹³ Value Walk, *Israel: Facebook has Turned into a Monster*, July 2016.

<https://www.valuewalk.com/2016/07/facebook-turned-into-monster-israel/>

(BDS) movement, which is a non-violent resistance effort to end international support for the Israeli occupation of Palestine.¹⁴ It is clear that developments in Facebook's Israel office align to the political climate within the Israeli government. In this particular period, at a time when the Israeli government is increasingly concerned with the growing popularity of the BDS movement, the government resorted to placing burden of responsibility on Facebook to combat activism and silence opponents. The appointment of a Zionist parliament member to the Head of Policy at Facebook was the first indication that Facebook was beginning to succumb to Israeli pressure before the Israeli government formally announced in September of 2016 that cooperation between the two would take place to tackle "incitement" online and determine which Palestinian accounts ought to be deleted. Facebook declared its commitment by stating: "online extremism can only be tackled with a strong partnership between policymakers, civil society, academia and companies, and this is true in Israel and around the world."¹⁵

Jordana Cutler • 3rd
 Head of Policy - Israel
 Facebook • The Hebrew University
 Israel • 481

[InMail](#) [...](#)

Experience

- Head of Policy - Israel**
 Facebook
 Jul 2016 – Present • 1 yr 8 mos
 Tel Aviv
- Chief of Staff**
 Embassy of Israel
 Nov 2013 – Jul 2016 • 2 yrs 9 mos
 Washington D.C.
- Advisor to the Prime Minister for Diaspora Affairs**
 Prime Minister's Office
 Mar 2013 – Nov 2013 • 9 mos
 Jerusalem
- Deputy to the Senior Advisor to the Prime Minister**
 Prime Minister's Office
 Apr 2009 – Feb 2013 • 3 yrs 11 mos
 Jerusalem
- Campaign Strategy and Communications Team**
 The Likud Campaign
 Nov 2008 – Feb 2009 • 4 mos
 Tel Aviv

¹⁴ The New Arab, *Dislike: Facebook Names Netanyahu's Former Advisor 'Head of Policy'*, June 2016. <https://www.alaraby.co.uk/english/blog/2016/6/19/dislike-facebook-names-netanyahus-former-advisor-head-of-policy>

¹⁵ The Guardian, *Facebook and Israel to Work to Monitor Posts that Incite Violence*, September 2016. https://www.theguardian.com/technology/2016/sep/12/facebook-israel-monitor-posts-incite-violence-social-media?CMP=tw_twt_gu

Legal

The State Attorney's Office in Israel established a cyber unit in the second half of 2015 to deal with "cyberspace enforcement challenges" by censoring online content on social media platforms that constitutes "incitement". Officially operating under the Israeli Ministry of Justice, the work of the cyber unit is conducted in collaboration with Facebook and Twitter and entails removing content added by users, restricting access to certain websites, and blocking users' access to these sites. Throughout 2017, the head of the cyber unit at Israel's Attorney's Office reported that 85% of the Israeli government's requests to remove content were accepted in stark contrast to 70% in 2016.¹⁶

The cyber unit's activities not only explicitly violate freedom of speech but lack any legal basis within Israeli domestic law. Nowhere in the law does it state that the authorities have the power to remove content which has not yet been proven to constitute a criminal offense in the form of administrative determination. Authorities must refer to the courts and follow legal proceedings before removing or blocking content. Additionally, the unit violates social media users' right to self-defense by failing to contact the user before removing the content. The cyber unit is subject to Israeli law, whilst social media giants have the leeway to analyze and remove content in accordance with their terms of services as they are exempt from Israeli basic law. Therefore, the cyber unit, by criminalizing content based on unproven suspicions in the absence of legal proceedings amounts to a criminal offence on behalf of the Israeli government.

Despite Facebook's approval to strengthen cooperation following meetings held between the two in September 2016, the Israeli government continued to pursue exerting pressure on Facebook through legislative threats. On January 3rd of 2017, the Israeli Knesset approved the first reading of the so-called "Facebook Bill", which would grant Israeli administrative courts the power to block internet content that amounts to online "incitement" at the request of the government.¹⁷

¹⁶ Calcalist, *Israeli Official Reports Increased Cooperation on Removing Content from Social Media*, December 2017. <https://www.calcalistech.com/ctech/articles/0,7340,L-3728439,00.html>

¹⁷ Haaretz 'Knesset Gives First Nod to So-called Facebook Bill That Would Allow Court to Censor Internet', January 2017. <https://www.haaretz.com/israel-news/knesset-gives-first-nod-to-so-called-facebook-bill-1.5481292>

The bill would issue orders to delete content “if it harmed the human safety, public, economic, state or vital infrastructure safety”¹⁸ as well as pave the way for legal actions and hefty fines against social media companies who disseminate such content. The bill advanced to its final reading on Monday 23rd of July 2018 in the Knesset before Netanyahu requested that the law be removed for evaluation out of concern that freedom of expression could be harmed.¹⁹ Critics have claimed that the bill would have far ranging implications for the free speech of citizens, primarily Palestinians in the West Bank, Gaza and Israel as the main targets, but also other Israeli citizens, due to the broad and vague definitions of “incitement” and “national security”.

Furthermore, the Knesset passed the “Law on Authorities for the Prevention of Committing Crimes Through Use of an Internet Site” six months later on July 17th of 2017. This bill authorizes district courts, upon the request of the Israeli State Prosecutors Office, to fully or partially block access to internet websites.²⁰

It is clear that the Israeli government’s efforts exemplify their desire to crush anything that resembles resistance to their policies towards Palestinians and the occupied territories. The targeting of Facebook was done in such a way that Facebook’s failure to comply would result in them being blocked from the country or paying enormous fines.

CONTENT MODERATION

Since the eruption of violence in October 2015 and the subsequent agreements and cooperation between Israel and Facebook, the number of Palestinian posts being targeted in censorship efforts soared at unprecedented levels as one popular Palestinian page was singled out at a time. The number of likes or shares a page has is often a prerequisite for removal or suspension. Incitement against Israel or Israeli citizens has become a common allegation, a charge which is enforced almost exclusively against Palestinians in order to ban content or suspend accounts.

¹⁸ Middle East Monitor, *Israel pass Facebook Bill which will authorise deleting content considered incitement*, July 2018. <https://www.middleeastmonitor.com/20180717-israel-pass-facebook-bill-which-will-authorise-deleting-content-considered-incitement/>

¹⁹ The Jerusalem Post, *Netanyahu Halts Facebook Bill at Last Minute*, July 2018. <https://www.jpost.com/Israel-News/Netanyahu-halts-Facebook-bill-at-last-minute-5628>

²⁰ Global Legal Monitor. *Israel: Law Authorizes Court to Restrict Access to Internet Sites in Order to Prevent Criminal Activity*, October 2017. <http://www.loc.gov/law/foreign-news/article/israel-law-authorizes-court-to-restrict-access-to-internet-sites-in-order-to-prevent-criminal-activity/>

280 cases of shutting down accounts, deleting pages and banning publications were reported throughout 2017.²¹ Between January and June 2018, a total of 83 pages, 62 accounts and 16 pieces of content were removed or suspended by Facebook.²² Recent years have also witnessed a dramatic rise in the number of Palestinians facing arrest and imprisonment by the Israeli authorities. Below are some of the most prominent cases of content moderation and arrests based on Palestinian “incitement” online:

19-year-old Jureen Qaddah from Ramallah in the occupied West Bank was arrested in October 2015 for alleged incitement. During the hearing, the Israeli judge refused to reveal the secret information that had been collected by Israeli intelligence. Jureen was then condemned to three months administrative detention, a procedure that allows the Israeli military to hold prisoners indefinitely without charge or trial, for glorifying “terrorist activities” against Israeli citizens in her Facebook posts.²³

16 years old Nour Issa was arrested by Israeli forces in an early morning raid on his home in East Jerusalem, on April 3, 2017. During the raid, Nour was informed that he was being arrested for incitement on Facebook. He was interrogated for 11 days and later ordered to be administratively detained for four months.²⁴

On the 23rd of September 2016, the Facebook accounts of four editors from Shehab News Agency, which has over 6 million likes and three executives from AlQuds News Network, which has over 5 million likes, were suspended without prior warning or notification. The employees reported inability to access their account and claimed to have not posted anything that violates Facebook Community Standards. They believe this was a direct result of the agreements that were signed between Facebook and the Israeli government in the same month. Two days later, Palestinian activists called for a two hour boycott of Facebook in protest of the censorship incident using the hashtag #FBCensorsPalestine. Due to mounting public pressure and awareness, Facebook reinstated all seven accounts and issued its first public apology to Palestinians saying “Our team processes millions of reports each week, and we sometimes get things wrong. We’re very sorry about this mistake.”²⁵ Despite receiving an apology, the social media users failed to obtain any justification or explanation for the removal.

²¹ Sada Social, Monthly Reports, July 2018. <http://sada.social/category/%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1-%D8%B4%D9%87%D8%B1%D9%8A%D8%A9/>

²² Ibid. <http://sada.social/category/%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1-%D8%B4%D9%87%D8%B1%D9%8A%D8%A9/>

²³ Addameer, *Daring to Post: Arrests of Palestinians for Alleged Incitement*, August 2016. <http://www.addameer.org/publications/daring-post-arrests-palestinians-alleged-incitement>

²⁴ Addameer, *Nour Kayed Faiq Issa*, August 2017. <http://www.addameer.org/prisoner/nour-kayed-faiq-issa>

²⁵ Al Jazeera, *Facebook Blocks Accounts of Palestinian Journalists*, September 2016. <https://www.aljazeera.com/news/2016/09/facebook-blocks-accounts-palestinian-journalists-160925095126952.html>

In October 2016, the Palestinian Information Centre (PIC), who has more than two million followers on Facebook, reported that their page was temporarily suspended for publishing a 2009 cartoon by political cartoonist Carlos Latuff.²⁶ PIC received a message when trying to login saying the cartoon had violated Facebook policy but received no prior notification. It was unclear whether the post was removed because of the cartoon itself, it had triggered an algorithmic response or had been reported by users but was nonetheless suspended for three days. The removed cartoon can be seen below:



Since Israeli law does not explicitly criminalize Facebook posts, Israel relies on other laws to charge and arrest Palestinians for claims of incitement. The geographic segregation of Palestinians determines which ruling authority prosecutes the individual under question. Palestinians from occupied East Jerusalem are subject to the Israeli civil courts, which rely on Article 144 from the Penal Code (1977) addressing “incitement to violence and terrorism” to prosecute individuals for up to five years in prison if their alleged incitement has allegedly caused violent or terrorist activities. On the other hand, Israeli military law is enforced on the occupied Palestinian population, as opposed to Israeli civil law in addition to laws of the Palestinian Authority. The Israeli military courts rely on Article 85 from the Emergency Regulations (1945) which also deals with alleged incitement and those who express sympathy with “terrorist activities”.²⁷

²⁶ Mondoweiss, *Facebook Censors Cartoons Critical of Israel*, January 2016. <http://mondoweiss.net/2016/01/facebook-cartoon-critical/>

²⁷ Addameer, *Daring to Post: Arrests of Palestinians for Alleged Incitement*, August 2016. <http://www.addameer.org/>

As for Palestinians living under Israeli military rule in the West Bank and East Jerusalem, 300 people were arrested by the occupying forces in 2017 under charges related to Facebook posts.²⁸ 7amleh reported in a report published in April 2018 that since October 2016, 150 arrests were made based on incitement which is almost double than in previous years.²⁹ Between 2015 and 2016, around 800 Palestinians were arrested according to Haaretz and another 300 were arrested in 2017, all of which were based on charges relating to incitement on Facebook.³⁰

It is important to note that a significant number of the Palestinians arrested for online incitement have been placed under administrative detention, a procedure that permits the Israeli military to hold prisoners indefinitely on secret information without charging them or allowing them to stand trial. This is due to the fact that the case lacks evidence and that Israeli law does not enforce articles that criminalize Facebook posts. The criteria that the prosecution relies on during cases of incitement (numbers of “shares” and “likes”) demonstrate the lack of adequate evidence that connects the individual to violent activities.

CORPORATE COMPLICITY

Whilst Facebook accelerates its efforts to suspend, delete and ban Palestinian accounts and pages under the pretext of “incitement”, the social media giant is simultaneously expanding its platform for Israeli incitement, 82% of which takes place on Facebook.³¹ 2017 witnessed a rapid upsurge of right wing Israeli Facebook groups and pages that incite against Palestinians, some of which include [The Shadow](#) (an extreme right-wing Israeli singer whose Facebook content produced the majority of inciting and racist comments)³², [Roaring for the Right, Against Extreme Leftist Media](#), and [Reclaiming Jewish Nationality](#) in addition to the rising incitement perpetrated on Facebook pages of mainstream Israeli media.

²⁸ According to Addameer this is an approximate number, collected by Addameer and Palestinian Prisoner’s Club. The number also includes the number of people who are not necessarily arrested for social media posts, but were presented with charges relating to social media usage. Addameer, ‘Palestinian Prisoners Organizations: Israeli Occupation Forces Detained around 7000 Palestinian in 2017’, January 2018.

²⁹ 7amleh – The Arab Centre for Social Media Advancement, *#Palestine 2017 Report: Palestinian Online Content Targeted Through Mass Surveillance, Digital Occupation and Biased Content Moderation*, April 2018. <https://7amleh.org/2018/04/03/press-release-palestine-2017-report-palestinian-online-content-targeted-through-mass-surveillance-digital-occupation-and-biased-content-moderation/>

³⁰ Haaretz, Arrest of Palestinians for Potential Terror Attacks Brings New Meaning to ‘Minority Report’, April 2017. <https://www.haaretz.com/opinion/.premium-arrest-of-palestinians-brings-new-meaning-to-minority-report-1.5464664>

³⁰ Addameer, Daring to Post: Arrests of Palestinians for Alleged Incitement, August 2016. <http://www.addameer.org/publications/daring-post-arrests-palestinians-alleged-incitement>

³¹ 7amleh – The Arab Centre for Social Media Advancement, *Index of Racism and Incitement in Israeli Social Networks Against Arabs and Palestinians*, March 2018. <http://7amleh.org/2018/03/05/7amleh-releases-new-racism-index-exposing-heightened-israeli-online-incitement-against-palestinians/>

³² Ynetnews, *Loving to Hate: Social Media Incitement On the Rise*, December 2015. <https://www.ynetnews.com/articles/0,7340,L-4740313,00.html>

7amleh – The Arab Centre for Social Media Advancement conducted a research to measure the extent of Israeli incitement against Palestinians on social media for the year 2017 titled the “Index of racism and incitement on Israeli social networks against Arabs and Palestinians.”³³ This index was developed by monitoring violent and inciting rhetoric according to a list of 100 keywords of expressions, names and personalities in Hebrew. The results were as follows; 445,000 calls for incitement against Palestinians were published in 2017, in average there was one inciting post every 71 seconds, there are 50,000 active Israeli users who wrote at least one violent post against Palestinians in 2017 and one out of nine posts about Palestinians or Arabs contain a call to violence or a curse.

Some alarming cases of Israeli incitement include a post by Yossi Hemed who wrote “A morning with lots of energy to slaughter Arabs!!!!” or an ex IDF soldier who posted a picture with a friend holding a note in her hand that states “It is not racism to hate Arabs, it is values!”.³³ Below is a collection of Facebook posts uploaded by Israeli’s calling for incitement to Arabs.

Some alarming cases of Israeli incitement include a post by Yossi Hemed who wrote: “A morning with lots of energy to slaughter Arabs!!!!” or an ex IDF soldier who posted a picture with a friend holding a note in her hand that states “It is not racism to hate Arabs, it is values!”.³⁴ Below is a collection of Facebook posts uploaded by Israeli’s calling for incitement to Arabs.



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³³ 7amleh – The Arab Centre for Social Media Advancement, *Index of Racism and Incitement in Israeli Social Networks Against Arabs and Palestinians*, March 2018. <http://7amleh.org/2018/03/05/7amleh-releases-new-racism-index-exposing-heightened-israeli-online-incitement-against-palestinians/>

³⁴ Mondoweiss, *When it Comes to Facebook Incitement, Only Palestinians Are Arrested, Not Jewish Israelis*, May 2018. <http://mondoweiss.net/2018/05/facebook-incitement-palestinians/>

³⁵ Ibid. <http://mondoweiss.net/2018/05/facebook-incitement-palestinians/>

One of the most publicised and alarming cases however was a Facebook post uploaded by Israeli Justice Minister Ayelet Shaked in 2014 to promote genocide against Palestinians. In her post, she wrote:

“They are all enemy combatants, and their blood shall be on all their heads. Now this also includes the mothers of the martyrs, who send them to hell with flowers and kisses. They should follow their sons, nothing would be more just. They should go, as should the physical homes in which they raised the snakes. Otherwise, more little snakes will be raised there.” ³⁶

Hate speech, as defined in Article 12 of Facebook’s Community Standards, is “a direct attack on people based on what we call protected characteristics – race, ethnicity, national origin, religious affiliation, sexual orientation, sex, gender, gender identity and serious disability or disease.” In providing specific examples of content that is banned on the platform, Facebook warns against posting “Dehumanising speech or imagery including (but not limited to): Reference or comparison to animals that are culturally perceived as intellectually or physically inferior” ³⁷. What’s more, in Article 4, Coordinating Harm, Facebook explicitly bans “Statements of intent, calls to action or advocacy for the following: Acts of physical harm committed against people”. ³⁸

Facebook took no action to censor the post which is a clear and explicit call for murder against a military occupied people and a stark violation of two articles as outlined in the community standards. Rather, Shaked was compelled to delete the post by herself due to escalating public outcry and condemnation. What’s even more disturbing is that Shaked played a key role in leading the Israeli government’s efforts to coerce social media giants into fighting Palestinian incitement and now works in conjunction with Interior Minister Gilad Erdan to ensure that Facebook removes and deletes material they believe amounts to incitement.

³⁶ Alternet, *Israeli Official Who Promoted Genocide On Facebook Now Fighting Incitement on Social Media*, September 2016. <https://www.alternet.org/grayzone-project/israeli-official-who-promoted-genocide-facebook-now-fighting-incitement-social>

³⁷ Facebook Community Standards, Article 12: Hate Speech. See at: https://www.facebook.com/communitystandards/objectionable_content/hate_speech

³⁸ Facebook Community Standards, Article 4: Coordinating Harm. See at: https://www.facebook.com/communitystandards/violence_criminal_behavior/coordinating_harm

The disparity in the number of arrests in Israel by Israeli police between Palestinians and Jewish Israeli's is indicative of the biased and discriminatory censorship scheme. According to Adalah – The Legal Centre for Arab Minority Rights in Israel, in 2016, 82 percent of incitement-related arrests in Israel were of Palestinian citizens, compared to only 18 percent of Israeli Jewish citizens.³⁹

Whilst such harsh punishment is taken against Palestinians who post content critical of Israel online, Israeli posts such as the above go overlooked as the government fails to hold any of the Israeli users accountable. Facebook, by failing to remove or suspend Israeli accounts that call for violence, is adopting the terminology of “incitement” as defined by the Israeli government to criminalize Palestinian dissent. It has also explicitly proven itself to be a protector of Israel's Zionist agenda by allowing right wing Israeli propaganda to flourish on its platform whilst censoring Palestinian content at unprecedented levels without valid evidence or justification.

Facebook Policy

One study has found that Facebook partially relies on the U.S State Department's list designated terrorist organizations, including groups such as Hamas and the Popular Front for the Liberation of Palestine (PFLP)⁴⁰ and many other organizations who contradict U.S policy to form the basis of who should be protected to freely express on the platform.

Facebook has always had a set of community standards that are developed under the pretext of protecting users and are thus the basis of its content moderation. Some of the standards include direct threats that harm public and personal safety, dangerous organisations (terrorist activity or organized criminal activity) and attacks on public figures. These policies were so limited that it was never made clear what content is allowed on and banned from the platform. However, in April 2018, Facebook published its [internal community enforcement guidelines](#) for the very first time stating that there were two reasons behind this decision. Firstly, it will enhance Facebook's transparency efforts and give people an understanding on where Facebook's stance is on nuanced issues and secondly, to acquire feedback from experts that will allow them to regularly work on improving the guidelines.⁴¹

³⁹ Adalah - The Legal Centre for Arab Minority Rights in Israel, Israeli Police Conceal from Detainees Social Media Posts that Led to their Arrests, October 2017. <https://www.adalah.org/en/content/view/9263>

⁴⁰ ProPublica, *Facebook's Secret Censorship Rules Protect White Men from Hate Speech but not Black Children*, June 2017. <https://www.propublica.org/article/facebook-hate-speech-censorship-internal-documents-algorithms>

⁴¹ Facebook Newsroom, *Publishing Our Internal Enforcement Guidelines and Expanding Our Appeals Process*, April 2018. <https://newsroom.fb.com/news/2018/04/comprehensive-community-standards/>

Moreover, there was a lack of clarity on which community standards are being enforced when content is removed or suspended as this justification or reason is not provided by Facebook. Succumbing to pressure by digital rights activists and advocates around the world, Facebook changed its policy on how it informs users who have violated community standards. As of February 2018, the platform now explicitly sends a notification stating which specific policy has been violated rather than “This post violates community standards”.⁴¹

Although Facebook consistently expresses the difficulties it faces in fairly enforcing its community standards, namely its one set of policies around the world, these rules are still vague and subject to personal and unscientific interpretation.⁴² The continuous labelling of Palestinian content as hate speech exemplifies Facebook’s discriminatory policy of selective application.

SPACES OF RESISTANCE: THE ROLE OF CIVIL SOCIETY

Palestinian civil society and activists have taken to addressing the on-going violations against their digital freedoms in recent years. Whilst few NGO’s exist that are solely dedicated to working on digital issues and digital rights still fails to be mainstreamed across human rights work in Palestine, the digital occupation of Palestinians is slowly becoming more of a concern.

7amleh – The Arab Centre for Social Media Advancement is a pioneering digital rights Palestinian NGO. Founded in 2013, 7amleh is dedicated to defending and promoting digital rights through political lobbying, research, advocacy and annual events such as the [Digital Activism Forum](#), which brings together Palestinian civil society, government officials, journalists, international human rights organisations and representatives from social media giants to discuss the challenges facing digital activism within Palestinian society. The event has been instrumental in initiating the first constructive debate on digital rights in Palestine.

7amleh produces the [Hashtag Palestine Report](#) on an annual basis, which reviews and monitors Palestinian online content and activity on social media networks, focusing on the most significant social and political issues that Palestinians were engaged with on social media.

⁴¹ Facebook Newsroom, *Publishing our Internal Enforcement Guidelines and Expanding Our Appeals Process*, April 2018. <https://newsroom.fb.com/news/2018/04/comprehensive-community-standards/>

⁴² Haaretz, *Does Facebook Actually Have It In For Israelis?* July 2017. <https://www.haaretz.com/israel-news/.premium-does-facebook-actually-have-it-in-for-israelis-1.5493503>

7amleh's "[The Index of Racism and Incitement on Israeli Social Media](#)" report monitors and analyses hateful and racist posts written in Hebrew and uploaded on social media, mostly Facebook by Israelis. The results aim to demonstrate the exacerbated racism and double standards of social media giants.

In February 2018, Palestinian activists launched #FBFightsPalestine media campaign to protest Facebook's systematic targeting of online content that expresses solidarity with Palestine.⁴³ The campaign was organized and coordinated by Sada Social Centre to raise awareness about Facebook's bias. Sada Social is an initiative run by youth volunteers to expose the violations of social media giants against Palestinian content by documenting and compiling cases of Facebook censorship against Palestinians, communicating these cases to Facebook in order to reinstate accounts and pages and finally, providing support to those using digital media for advocacy efforts by developing their online engagement and products. Their goal is to not only combat censorship against but strengthen Palestinian content on social media for high-impact to international audiences.

The overall disproportionate targeting of marginalized groups and minorities is therefore indicative of Facebook's surrender to the demands of powerful governments with unbounded global influence which wield power over the company. Facebook has become a corporate extension of U.S foreign policy where rules are selectively applied to favor elites and governments over grassroots activists and marginalized groups. Whilst it can be argued that these platforms are truly open sourced, centralized and free global platforms, these spaces are also owned by billionaires and shareholders, therefore forming part of the private sphere which is subject to stakeholders and governments. The problem lies in the fact that these spaces are hailed as being globalized public spaces. By acting upon demands of the Israeli government, Facebook is ultimately paving the way for the Israeli Zionist narrative to dominate global discussion as social media sites now constitute the main arbiters of what message is communicated to the world. Through Facebook's complicity in Israel's censorship scheme, the platform has sent a clear message to Palestinians that profit is valued over free speech.

⁴³ Middle East Monitor, #FBFightsPalestine, February 2018. <https://www.middleeastmonitor.com/20180222-fbfightspalestine>

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