PCHR
Palestinian Centre
For Human Rights

A Report on
PA Violations of Freedom of Opinion and Expressio

(01 April 2018 - 31 March 2019)

Contents

Introduction

The report highlights the continued Palestinian authorities' violations of the freedoms of opinion and expression in the West Bank and the Gaza Strip, especially against opinion makers and journalists, which peaked during journalistic coverage of a popular movement that called for better living conditions in the Gaza Strip. Meanwhile in the West Bank, the Palestinian National Authority (PA) echoed the violations committed by the Gaza de facto authorities, particularly during the popular protests against PA sanctions on Gaza. Palestinian security services reinforced the practice of self-censorship among journalists as they are persecuted and subjected to various attacks including arbitrary arrests, false charges, physical attacks and threats. Nonetheless, the reporting period witnessed a positive development as the 2017 Cybercrimes Law was repealed and replaced with another law, which largely addressed Palestinian human rights organizations' remarks.

All of the above was accompanied with abuse and violation of law as the security services' continue to issue summonses for journalists and opinion makers without the Public Prosecution's permission and subjects them to torture and cruel and degrading treatment in many cases. Absence of rule of law has created de facto restrictions that overstep the legal restrictions, causing uncertainty among journalists and opinion makers, as they are unable to define the dos and don'ts. Poorly drafted laws relevant to the regulation of freedom of expression and opinion have contributed to this state as they include loosely defined terms that are open to interpretation.

The Palestinian division has served as the catalyst for the ongoing violations of freedom of opinion and expression in the West Bank and Gaza Strip where legal tools were arbitrarily employed to suppress dissenting opinions, in a zero-sum game where the first victim is freedom of expression and press.

Despite confirmations by both authorities in the West Bank and the Gaza Strip of their respect of freedom of expression, their practices reflect the opposite and explicitly show a systematic policy to nib the free press in the bud and undermine the freedom of expression, particularly on social media, which is under strict censorship by security services.

Absence of separation of powers, rule of law, legislature and an independent judiciary; and the concentration of powers in the executive branch are the main factors undermining human rights situation in the Palestinian society, including freedom of expression. As a result, it was almost impossible to enact the law, especially that the law itself is legislated at the whim of division parties as they see necessary to justify their actions or protect their best interest rather than the public's. In light of this complicated situation, it has become difficult to boost freedom of expression, particularly due to the absence of the right to information access and nonexistence of a legislative council and independent judiciary.

This situation worsens the consequences of inadequate legal texts, especially those that impose broad restrictions that can be made to fit for anyone. In the

West Bank and the Gaza Strip, both authorities practiced different oppressive methods against the freedom of expression during the reporting period, including enacting laws restricting freedom of expression; subjecting opinion-makers to torture and degrading treatment; recurrent summonses to journalists and opinion-makers; placing limitations on journalism as a profession; and arbitrary use of the law for undermining freedom of expression.

This accumulating situation over the past years has contributed to an atmosphere of intimidation amongst writers, journalists, bloggers and other opinion makers, and made them reluctant to address many issues, especially those related to financial and administrative corruption. Freedom of opinion and expression is a cornerstone of democracy and it underpins good governance in any country and is the key to enjoy other freedoms and rights. Furthermore, Freedom of media is a fundamental guarantee of respect for democracy and human rights, as media strengthens the public's control of the three authorities' performance.

Therefore, the Palestinian Centre for Human Rights (PCHR) closely monitors and addresses civil and political freedoms in its press releases and periodic reports, including this report in hand. This report is the fourth of its kind issued by PCHR after the State of Palestine's accession to a number of international treaties, including the International Covenant on Civil and Political Rights (ICCPR), where Article 19 ensures protection of the right to freedom of opinion and expression. This accession obliges the Palestinian Authority (PA) to respect, protect and fulfil the freedom of opinion and expression with its three components: freedom of access to information, freedom of opinion, and freedom of expression. Thus, the PA ought to harmonize the domestic laws and policies with these standards and promptly work on this.

According to PCHR's follow-up, there has been no positive change to the state of freedom of opinion and expression in the PA despite its accession, and the authorities in the West Bank and the Gaza Strip continued their violations of the freedom of expression in various ways, as presented hereinafter.

Since its establishment, PCHR has given special attention to civil and political rights as part of its work on human rights in general. PCHR has exerted efforts over the past years to develop indicators for PA democratization as part of the Centre's contribution to democratic governance where citizens enjoy all rights set forth in international covenants through separation of powers, rule of law and political participation. In this context, PCHR has devoted great efforts to monitor the right to freedom of opinion and expression in the PA in order to ensure protection and full enjoyment of this right.

In this regard, PCHR has issued periodic reports documenting violations of the right to freedom of opinion and expression in the PA controlled areas. This report, which is the 17th of its kind, addresses the states of the right to freedom of opinion and expression under the PA and covers the period from 01 April 2018 to 31 March 2019. It should be noted that this report has not addressed the violations of freedom of opinion and expression committed against those practicing the

right to peaceful assembly and only addressed violations of freedom of opinion and expression, including freedom of access to information. It also focuses on the assaults against journalists for the nature of their job or practicing freedom of expression, including freedom of publication on social media for journalists and other opinion makers.

- **Political situation during the reporting period and its relation to violations of freedom of opinion and expression**

During the reporting period, there was a significant setback in the efforts exerted to end the division, which has become more complicated due to the many obstacles placed by the parties to the division; foreign interventions; and Israel's explicit desire to maintain it. This was most evident as the PA pulled its staff from the Rafah crossing and the Gaza Strip de facto authority's staff returned.

> At the end of 2017, Hamas announced the dissolution of the Administrative Committee, which was formed by the Change and Reform Bloc in the Palestinian Legislative Council (PLC) according to the 2016 Government Administrative Committee Law as a gesture towards reconciliation. The dissolution of the committee was a prelude for the National Unity Government to take office, but did not actually happen. On 29 January 2019, Prime Minister Rami Hamdallah submitted the resignation of his government to PA President Mahmoud Abbas and the latter accepted it, leaving the Gaza Strip without a clear administration to be held accountable. The Gaza Strip is currently run by undersecretaries; some have been appointed by the government led by former Prime Minister Ismail Haniyeh.

This comes at the tail of a series of negative developments resulting from the PA division since June 2007 when Hamas took over the Gaza Strip that seriously affected citizens' daily life. The division developed from a struggle of authority to institutionalization of two separate entities in the West Bank and the Gaza Strip with 2 governments, 2 judiciaries, and 2 legislatures. While the National Unity Government had full control over the West Bank, its role was very limited in the Gaza Strip. Furthermore, the judicial division continued, with separate judiciaries in the West Bank and Gaza Strip and an independent Supreme Judicial Council in each subject to authorities' influence. As for the legislatures following the disruption of PLC, the Change and Reform Bloc has monopolized issuance of legislations on behalf of the PLC and only applicable in the Gaza Strip while the Palestinian President issues laws by decree, according to article 43 of the Palestinian Basic Law, and they are only applicable in the West Bank. However, the PA in the West Bank still dominates some aspects of life in the Gaza Strip in many ways such as salaries to public servants and allocations to the families of martyrs, injured citizens and prisoners in the Gaza Strip. The PA utilizes the policy of cutting salaries to restrict freedom of expression as the PA has cut thousands of salaries on political grounds, particularly relevant to freedom of expression.

This situation has created a unique legal status, where the Gaza Strip is theoretically subject to the National Unity Government; however, on the ground this government exercises only limited powers in certain ministries and has no interference in the security or security services. In addition, the parties to the division have not yet unified the judiciary or re-activated the PLC, sustaining the division up to the writing of this report.

- **Indicators used to measure PA's respect for freedom of opinion and expression:**

PCHR developed indicators to measure the status of freedom of opinion and expression in the PA-controlled areas according to the information collected by PCHR's fieldworkers and its staff experience. The indicators are:

1. Enactment of laws, regulations or administrative orders that violate freedom of expression.
2. Arbitrary arrests and summonses of journalists, bloggers and opinion makers; some were subject to inhuman and degrading treatment.
3. Attacking journalists while on duty.
4. Legal Prosecution on grounds of exercising freedom of opinion and expression.
5. Restrictions on free access to information.
6. Restrictions on freedom of research and creativity.
7. Attacks on media offices.
8. Continuing to apply laws that undermine the right to freedom of opinion and expression.

Methodology and Structure

The report adopts descriptive and analytical methodology that is based on qualitative information from primary sources. The report is based on data collected from field investigations during the past year by PCHR fieldworkers, who interviewed the victims, listened to their testimonies, and ascertained, through their experience and sources, that they are consistent, credible and unbiased. The report is also based on interviews conducted by PCHR staff with various stakeholders and journalists to identify the restrictions on freedom of information and freedom of creativity and research, as well as the degree of self-restraint that has been created amongst journalists and opinion makers by the ongoing violations of freedom of opinion and expression. It should be noted that the report does not adopt quantitative information to avoid its deceptive results with regard to freedoms as number of violations does not necessarily reflect the state of freedom of expression. Furthermore, cumulative violations and ongoing failure of accountability and justice have made citizens cautious to exercise freedom of expression and made them unwilling to file a complaint against oppressors in light of the absence of rule of law or any real mechanisms of control and accountability.

The report is divided into 2 sections:

- The first one reviews PA's international obligations; the legal framework of freedom of opinion and expression in the PA and the criticisms of relevant laws;
- The second section highlights the violations of the freedom of opinion and expression documented by PCHR in the PA and indicators placed by PCHR to measure freedom of opinions in PA controlled areas in addition to presenting a brief legal analysis of how these violations breach the international standards and the Palestinian Law.

The report concludes with a series of recommendations that would promote the right to freedom of opinion and expression to enhance all efforts to establish democratic governance in the PA controlled areas.

Part I: Freedom of opinion and expression in domestic and international law

The PA is obliged to respect, protect and realize freedom of opinion and expression under international and national treaties. At the domestic level, the Palestinian Basic Law (PBL) ensures respect for the freedom of expression and media as Articles (19 and 27) stipulate the obligations of the three authorities (executive, legislative and judicial) relevant to respect and protection of the freedom of expression, media outlets and of individuals working in this field. At the international level, Article 19 of the international Covenant on Civil and Political Rights (ICCPR) provides that the State of Palestine shall respect the freedom of expression following its accession to the ICCPR in 2014. Therefore, the PA is obliged to ensure the compatibility of domestic laws with its obligations under the Covenant. However, instead of amending the 1995 Press and Publications Law and both Penal Codes applicable in the West Bank and Gaza Strip, the Palestinian President issued a new law to undermine the freedom of expression on cyberspace, which has become one of the most essential forums for freedom of expression and information exchange, especially in the last decade.

This chapter of the report addresses the PA's international obligations relevant to the freedom of opinion and expression, reviews Palestinian laws that restrict or regulate the freedom of opinion and expression, and outlines PCHR's most significant criticisms.

i. Palestine's international obligations relevant to freedom of expression:

Many international covenants and declarations have stressed freedom of opinion and expression for its significance and close relevance to good governance and civil peace as it is impossible to have good governance and defend any right without the freedom of opinion and expression. The Universal Declaration of Human Rights (UDHR) and ICCPR are considered one of most prominent instruments that have emphasized this right:

1. Universal Declaration of Human Rights (UDHR):
Article 19 of the Declaration stipulates that:

> *"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."*

Although UDHR is not legally binding, its moral value is significant as is evident in its mention in most United Nations (UN) resolutions and human rights conventions as it includes all UN member states. Furthermore, some of UDHR's rules and principles have become part of the customary international law, which is binding to all states, even the ones that are not parties to human rights conventions.

2. International Covenant on Civil and Political Rights (ICCPR):
The State of Palestine acceded to ICCPR in April 2014, as such, it is obliged to respect all the Convention articles, including Article 19 that protects the right to freedom of opinion and expression:

> *"1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:(a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (order public), or of public health or morals."*

Article 19 outlines the three components of freedom of opinion and expression that are complementary and necessary for its fulfilment: freedom of opinion, freedom of expression, and freedom of access to information. For instance, freedom of expression has no value without freedom of access to information, as each person formulates their opinion and expresses it relying on the information they impart.

The value of freedom of opinion is inconceivable without freedom of expression; the former is absolute in Article (19) since it does not inflect direct harm to anyone. Whereas, freedom of expression was subject to certain restrictions, as stipulated in Paragraph (3) that allow public authorities to restrict freedom of expression and access to information according to the following:

- Restriction shall only be by law;
- Restriction should be necessary with the least interference possible;
- Restriction is consistent with a democratic society, where it can be applicable[1]; and
- Restriction is imposed for:
  - » Respect of the rights or reputations of others;
  - » Protection of national security or of public order (order public); or
  - » Protection of public health or morals.

The Signatory States to the ICCPR are committed to incorporate the legal obligations stipulated in the Covenant in their domestic laws according to Article (2) (2):

> *"Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant."*

It should be mentioned that ICCPR and its articles provides the minimum level of protection and respect for rights and freedoms in general; thus, States are free to allow more rights and freedoms than what is stipulated in the Covenant.

1. UN Human Rights Commission, General Comment No. 2011 ,34.

State's international obligations relevant to freedom of opinion and expression Under the ICCPR

Human Rights conventions have given States 3 responsibilities relevant to rights and freedoms:

- Responsibility to respect the right;
- Responsibility to protect the right; and
- Responsibility to realize the right.

These State responsibilities apply to the right of freedom of opinion and expression, but the freedom of expression is distinct from other rights as Article (20) of ICCPR stipulates forms of expression that should be prohibited:

- **Respect for the right to freedom of opinion and expression:**
  The PA is committed to refrain from any action that would undermine the right to freedom of opinion and expression. Therefore, the PA should cease prosecution of opinion makers as long as they adhere to the law, which itself should adhere to international standards of the right to freedom of opinion and expression. In addition, the PA should not undermine the right to access information and should refrain from obstructing and assaulting journalists while on duty. Eventually, the PA should stop issuing decrees or laws that would undermine the right to the freedom of opinion and expression or impose restrictions inconsistent with international standards regarding journalists' work.[2]

- **Protection of the right to freedom of opinion and expression:**
  The PA is obliged to provide media outlets and opinion makers the necessary protection from any attack by a third party on grounds of their work. Moreover, the PA should prohibit any action or saying that would incite hatred or violence against opinion makers or media outlets. The PA should take appropriate procedures, including criminal procedures against the offenders. Furthermore, the PA should promote values of tolerance and respect for dissenting opinions to ensure non-occurrence of attacks against opinion makers.[3]

- **Realization of freedom of opinion and expression**
  The PA is obliged to ensure realization of the right to freedom of opinion and expression by providing mechanisms that guarantee its respect and protection. Therefore, judicial mechanisms should be established for citizens to seek their right of protection and respect. The PA should also provide the security needed for citizens to practice their right to the freedom of opinion and expression without being exposed to an assault from a third party. Furthermore, in order to guarantee the freedom of opinion and expression, laws should be enacted to protect it; criminalize any attack against journalists and opinion makers, and enable citizens' access to information. This obligation requires that the PA provide information on public affairs, either at request or automatically.[4]

2. Ibid.
3. Ibid.
4. Ibid

- **Prohibition of some forms of expression**
  Article (20) of the ICCPR provides that there are forms of expression prohibited and their perpetrators should be held accountable. These forms are limited to those inciting violence, war, hatred or discrimination:

  "1. Any propaganda for war shall be prohibited by law. 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

ii. PA laws regulating freedom of opinion and expression

Palestinian laws regulated the freedom of opinion and expression, including the 2003 Palestinian Basic Law, both Penal Codes applicable in the West Bank and the Gaza Strip and 1995 Press and Publications Law. The constitutional legislature has worked for protecting this right, stressing the freedom of press and providing adequate protection for it. However, the legislature has not provided sufficient protection for freedom of expression as will be explained hereinafter. Moreover, the Press and Publications Law regulates publication rights and emphasizes the freedoms of publication and journalism. However, there are many flaws in the laws applicable in the PA controlled areas concerning the right to freedom of opinion and expression. The Following reviews most prominent laws that included articles concerning freedom of opinion and expression:

1. Palestinian Basic Law

The Palestinian Basic Law provides some protection for the right to the freedom of opinion and expression, precisely in Article (19) of this law:

"Freedom of opinion may not be prejudiced. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law."

As seen, this article is consistent with the international standards as it has fully unleashed the freedom of opinion and has not imposed any restrictions on it. However, it is in sufficient when it comes to freedom of expression, which was defined by law without placing any restrictions on the legislator who should enact laws not in violation of the international standards.

Article (27) of the Palestinian Basic Law stresses respect for media and prohibits censorship of it, including warning, suspension, confiscation, cancellation or restriction except by law and pursuant to a judicial ruling; Article (27) stipulates that *"1. Establishment of newspapers and all media means is a right for all, guaranteed by this Basic Law. Their financing resources shall be subject to the scrutiny of the law. 2. Freedom of audio, visual, and written media, as well as freedom to print, publish, distribute and transmit, together with the freedom of individuals working in this field, shall be guaranteed by this Basic Law and other related laws. 3. Censorship of the media shall be prohibited. No warning, suspension, confiscation, cancellation or restriction shall be imposed upon the media except by law, and pursuant to a judicial ruling."*

2. Press and Publications Law No. (9) of 1995

The Press and Publications Law includes articles that ensure protection of the right to freedom of expression and publication. However, it will be evident hereinafter with the report's last indicator that this law contradicts itself, as it ensures freedom of media, publication and printing, and stipulates loosely-defined terms that undermine this right and allow violations under the guise of law. Most prominent articles that protect the right to publication and printing in this law are:

Article (2): "Every Palestinian has the freedom of expression, press and printing and the right to express his opinion freely in the form of speech, writing, photography and on the media."

Article (6):

"The authorities shall seek to facilitate the work of journalists and researchers by allowing them to view their programs and projects."

Article (5):

"Any person, including political parties, shall have the right to own and publish press publications in accordance with the provisions of this law."

Part II: Violations of the freedom of expression in the West Bank and the Gaza Strip

During the reporting period, there was an increase in violations of the freedom of expression especially against political activities and demonstrations, where organizers (activists, journalists and human rights defenders) were exposed to personal attacks and various violations. The most prominent instances of violations of freedom of expression and press were as follows: A protest calling for lifting the sanctions imposed on the Gaza Strip, organized simultaneously in the Gaza Strip and the West Bank in June 2018. A protest for lifting the financial sanctions imposed by the PA on prisoners' salaries on 18 June 2018.Popular Movement calling for improve living conditions in Gaza. Opinion makers and journalists, who participated in the popular movement in Mid-March, were exposed to grave attacks and violations.

The state of self-censorship on the freedom of opinion continued to cast a shadow over journalism and opinion-makers in the West Bank and Gaza Strip, for fear of legal prosecution or unlawful assault. Furthermore, laws that undermine freedom of expression continued to be enforced, and freedom of access to information remained virtually absent. Additionally, on the legal level, there is no law protecting freedom of access to information or freedom of the press. PCHR has identified eight indicators of freedom of opinion and expression violations:

1. Enactment of laws or issuance of regulations and administrative decisions that violate freedom of expression
2. Arrests and arbitrary summoning for journalists, bloggers and opinion makers, subjected to torture, inhuman and degrading treatment.
3. Attacks on journalists while on duty
4. Legal prosecution on grounds of practicing freedom of opinion and expression
5. Imposing restrictions on the right to information access
6. Imposing restrictions on the freedom of creativity and scientific research
7. Attacking media institutions
8. Continued use of laws that undermine the right to freedom of opinion and expression.

The PA's violations of freedom of opinion and expression in the West Bank and Gaza Strip were accompanied by other human rights violations, as many journalists and opinion-makers were exposed to torture, inhuman and degrading treatment, arrest, and arbitrary summons. This section presents the most significant cases of freedom of opinion and expression violations in the past 12 months, attached to brief victims' testimonies.

1. Enactment of laws or issuance of regulations and administrative decisions that violate freedom of expression

- ***The enactment of a new law of cybercrimes, which included provisions that could be used to undermine freedom of expression.***

The Palestinian President issued a decree on the cybercrime law No. 10/2018 to repeal the law No. 16/ 2017, which PCHR considered it as the worst law on freedom of opinion and expression[5]. The new cybercrime law - already in force in the West Bank only - has included some restrictions on freedom of expression, including incriminating articles that limit freedom of access to information and allow banning websites. Article (39) loosely defined the ban of websites:

> *"1. If a website hosted within or outside the country detects any statements, numbers, images, films, propaganda or other material that may threaten the national security, civil peace, public order or public morals, the relevant investigation and control authorities shall submit a statement to the attorney general or to one of his assistants requesting permission to ban the website/websites or to ban some of the links from being displayed. 2. The attorney general or one of his assistants shall apply to the Magistrates Court within 24 hours for a permission, accompanied by a memorandum of opinion, whereby the court shall issue its decision on the same date the request is made as whether to accept or reject such request."*

This article allows the security services to request a banning on any website threatening national security, public order or public morals, and therefore the threat needs not to be real but it is enough to be expected to provide a basis for banning the website. It is noteworthy that the terms of national security, public order and morals are not defined in Palestinian laws, and their interpretation is left to the judiciary. Consequently, it is not possible to know the limits of the freedom of expression available, because it is always the discretion of the judiciary. Although the Article made the final decision in the hands of the judiciary in deciding whether to ban the website, this is not enough, as the Article criminalized the mere possibility of threat to public order, national security and public morals, and did not come in a form that punishes the realization of the threat.

Although the Article made the final decision by the judiciary in deciding the banning of website or not, this was not enough, as the Article merely criminalized the possibility of threatening public order, national security and public morals, and does not stipulate a penalty even in the case of execution of the threat. The legislature also did not require that the information be false, which means that the dissemination of valid information is criminal, if it was to the extent that it threatened national security or public order. The legislator does not require that the information should be false, which means that the dissemination of correct information is also criminalized if it threatens national security or public order. PCHR is concerned that this Article may be used to suppress the freedom of press investigations and its ability to detect any corruption in the State, under the pretext that it may affect national security and public order in one way or another. Moreover, Article (30) of the law criminalizes the transfer of any information from

5,·, https://pchrgaza.org/ar/wp-content/uploads/09/2017/report_electronicerimes2017.pdf.

a banned website in order to further scrutinize the dissemination of information. For example, sharing content from a banned website on someone's personal page is criminalized under the jurisdiction of this law.

- ***Imposing Government Press Card on the Gaza Strip Journalists***

The Governmental Media Office in Gaza declared on 17 February 2019 that "As of 01 April 2019, no journalist will be allowed to conduct press interviews or any media work within government ministries or institutions unless they provide their Press Card issued by the Ministry of Information."

This decision was criticized by media organizations in the Gaza Strip, mainly because it required journalists to carry the card, instead of being an option. Human rights organizations, including PCHR, and press organizations held workshops to discuss the matter with the attendance of component bodies from the Governmental Media Office. An agreement had was reached to withdraw the declaration and issue an explanation confirming that the card is not mandatory, but rather optional and its purpose is only to facilitate the journalist's mission. In addition, the Ministry of Information actually withdrew the declaration, but did not mention in the clarification issued that the card is not mandatory. PCHR is concerned that holding the press card would be mandatory and not optional as the Governmental Media Office declared.

It should be noted that the Ministry of Information sets conditions for holding the press card by journalists and classified them into two categories with separate conditions for obtaining a press card:

» Journalists contracted with a news agency/network: a journalist ought to hold a university/college qualification (medium or high) in the field of media, or to be a practitioner of media and journalistic work for two years, and
» Freelance journalists: requires a university college/degree in media or any other field and 2-year experience in journalistic work such as writing, photography, publishing a range of journalistic work in media institutions accredited locally or internationally.

PCHR believes that the Governmental Media Office decision is unconstitutional, as it contradicts the Palestinian Basic Law, especially Article 27, which stipulates in paragraphs 2 and 3 that:

> *"2. Freedom of audio visual, and written media, as well as freedom to print, publish, distribute and transmit, together with the freedom of individuals working in this field, shall be guaranteed by this Basic Law and other related laws. 3. Censorship of the media shall be prohibited. No warning, suspension, confiscation, cancellation or restriction shall be imposed upon the media except by law, and pursuant to a judicial ruling."*

The imposition of the card is a form of arbitrary censorship on journalists. It also constitutes a restriction on the media and a total waste of the independence of journalistic work, which has a syndicate that regulates its work and not the government bodies. Furthermore, conditions set by the Government Information Office for obtaining a press card exclude a wide range of journalists and media activists from their right to practice journalistic work, and deprive trainee journal-

ists and beginners of the opportunity to practice journalism, which constitutes a major impediment to their professional development.

PCHR believes that the powers the Governmental Media Office allows itself in order to determine the categories that may practice journalistic work with official authorities, would undermine journalistic work and its independency. Therefore, the future of journalists would depend on the approval of the governmental authorities to grant them the press card, which may create a state of self-censorship among journalists to refrain from dealing with sensitive topics related to government corruption, to avoid the refusal of their card application or its revocation.

2. Arrests and Arbitrary summoning for journalists, bloggers and opinion makers, subjected to torture, inhuman and degrading treatment.

The recurrent and arbitrary arrest against journalists and opinion makers was the most prominent tool used by security services in the West Bank and Gaza Strip to suppress freedoms during the reporting period. Most of those summonses included detention for days or several hours as well as inhuman and degrading treatment. The policy of recurrent summon by security services is the PA's most threatening tool against journalists because it affects their lives and dignity. Moreover, the absence of oversight and accountability over security services perpetuates these illegal practices.

A summon issued by the security services against opinion makers and journalists without legal justification is a violation of the PA international obligations relating to the freedom of expression. Additionally, it constitutes a clear violation of the Code of Criminal Procedure of 2001. International standards imposed obligations on the PA to respect the freedom of expression, including the freedom of press, and banned arbitrary summonses, inhuman and degrading treatment as well as torture. [6]The Palestinian Law considers that the Attorney General has the full power to issue summonses and subpoenas, which should include charges. All of this is detailed in Chapter III of the Code of Criminal Procedure of 2001. The torture and degrading treatment that journalists and opinion makers are exposed to in interrogation is considered as a crime that requires accountability and punishment for its perpetrators, according to the Penal Code of the Palestinian Authority.[7]

It should be noted that summoning journalists and opinion makers without legal justification is a violation of the Palestinian Law, as Article (178) of Penal Code (1960) applicable in the West Bank, stipulates that:

> *"Every employee detained or arrested person in cases not provided for by law shall be punished with imprisonment of three months to a year."*

Moreover, article (112) of Penal Code (1936) applicable in the Gaza Strip criminalizes any abuse of power commuted by a public servant.

6. The International Convention against Torture of 1984, as well as article 7 of the International Covenant on Civil and Political Rights.
7. The Penal Code No. 1936) 74) that remains in effect in the Gaza Strip, the Penal Code No. 1960) 16) that remains in effect in the West Bank, and the Revolutionary Penal Code (1979) that applied in the military courts and PCHR considered it as an unconstitutional law within the Palestinian Authority as it was not passed by the legislative authority. However, the Revolutionary Penal Code is still applied.

During the reporting period, PCHR documented the most prominent cases of summons related to torture or degrading treatment against journalists:

- **'Amr Ahmed al-Batsh**, a journalist working for al-Kofiyia Channel, said that on 17 March 2019, he was detained by the General Investigation Service in Khan Younis for interrogation about a post on Facebook. In his testimony, he said that: "At approximately 16:00 on Sunday, 17 March 2019, while I was driving my motorcycle near Jaser building in the central Khan Younis, a general investigation officer stopped me and asked me to show my ID card. He then asked me about my post of a live video of the popular movement on Facebook. I told him that I did not post anything on my Facebook page. He slapped me on my face and then took me to the police station in Khan Younis, where my motorcycle and I were detained for several hours. At approximately 20:30, I was released after the intervention of Journalists Syndicate and one of my relatives working for the police service. I received my motorcycle, but my mobile was kept by the officers, who told me to come back and collect it."

- **Hasan Hussain al-Wali**, a Preventive Security officer, said that on 24 February 2019, the Internal Security Service and General Investigation Service in Jabalia summoned him for interrogation about a comment on his Facebook page. Following is his testimony:
  "At approximately 22:00 on Sunday, 24 February 2019, my wife was handed a summons from the Internal Security Service, asking me for heading to their office in Beit Lahia. On the next day, I headed to the Internal Security Service office, where they detained me in a small cell for an hour before interrogating me. During the interrogation, I was beaten several times and asked about my post on Facebook that said "Hamas Leave". They asked me to raise my hands on the wall for 20 minutes and then beat me throughout my body. I then began to feel tired, shortness of breath and unable to speak. I told them to bring an ambulance because I was tired, but they did not believe me. After that, an officer came and told me that he will release me on his responsibility to let me go to the hospital, where I underwent medical examinations. I was suffering from high blood pressure and sugar and. Then, I was given a dose of oxygen and received treatment. On the next day, I received a phone call asking me to head to the Internal Security Service office for interrogation, but I did not go."

- **Nour al-Deen Mohamed Banat**, a reporter working for al-Haqiqah Channel, said that on 21 February 2019, he was summoned by the General Investigation Service in Bethlehem for interrogation about a report previously prepared by him. Following is his testimony:
  "On Thursday, 21 February 2019, I received a phone call from the General Investigation Service ordering me to refer to their office on Sunday. I headed to the office, where they detained me in a single room. At approximately 00:30, they ordered me to open my mobile, but I refused. At approximately 17:30, a police officer took me to an investigation room, where the investigator asked me about my work, my political affiliation, and about a report prepared by me about a former prisoner. At approximately 23:00, I was released, conditionally that I will return on Wednesday to take me mobile. It should be noted that they summoned me several time during December 2018."

- **Akram 'Ali Diriyiah,** a photojournalist working for al-Haqiqah Channel, said that on 20 February 2019, he was summoned by the General Investigation Service in Bethlehem for interrogation about his work in the channel and his reports. Following is his testimony:
  "On Wednesday, 20 February 2019, I received a phone call from the General Investigation Service ordering me to refer to their office on Sunday. I headed to the office, where they detained me in a single room. At approximately 17:30, a police officer took me to an investigation room, where the investigator asked me about my work and reports issued by the channel. The investigator ordered me to sign on my testimony and then returned me to the cell. At approximately 23:00, I was released, conditionally that I will return on Wednesday to take me mobile. It should be noted that they summoned me several time during October 2018."

- **Mousa Wasfi Kuhail,** accountant working for Gaza Electricity Distribution Company, said that on 08 January 2019, he was summoned by the Internal Security Service in Gaza for interrogation. He was interrogated for an hour and half without any charge, but just to inform his sister Maysoun, a journalist, to stop writing. Following is Mousa's testimony:
  "At approximately 10:00 on Monday, 07 January 2019, a notice was handed to my family house. I received a phone call from my brother, informing me about the summons. At approximately 13:00 on the same day, I headed to the Internal Security Service. When I arrived, I handed them the summons and they took my personal information. An hour later, I asked a police officer whu was I there, as I do not have any political affiliations or activity. I entered the investigation room, where the investigator asked me about my sister Maysoun. He said "You are here in place of your sister, so that she would stop writing or practicing any activity. I was then taken to another room, where they took my personal information and asked me about my sister's work. At approximately 14:30 on the same day, I was released."

- **Salah Mohamed Abu Salah**, a freelance journalist, said that on 06 January 2019, he was summoned and detained for 24 hours by the Internal Security Service in Khan Younis for interrogation about his posts on Facebook. Following is his testimony:
  "At approximately 13:15 on Sunday, 06 January 2019, I received a phone call from the Internal Security Service, ordering me to head to their office in western Khan Younis. I arrived there at 13:30. They asked me about my name and took my mobile phone, wallet and ID card. I was taken to the detention room. At approximately 12:30 on Monday, they took me to an investigation room, where the investigator asked me about my posts on Facebook. He also asked me about preparations to commemorate the anniversary of Fatah Movement founding. I told him that I am a journalist, I have the right to express my opinion and I do not write inciting posts. I clarified to him that commemorating the Fatah founding is within peaceful assembly, which is guaranteed by law. Before releasing me, they handed me my belongings. When I arrived at my house, I noticed that they opened my mobile and checked my Facebook page, which violates privacy."

- **Ahmed Baker al-Louh**, a reporter working for al-Ribat Radio, said that on 06 January 2019, he was summoned by the General Investigation Service in al-Nusirat Camp for interrogation about his posts on Facebook, which were about commemorating the anniversary of Fatah Movement founding. He was also accused of inciting against Hamas Movement. Following is al-Louh testimony: "At approximately 07:00 on Saturday, 06 January 2019, a general investigation officer handed me a notice, ordering, ordering me to head to their officer in al-Nusirat Camp. I headed to the office and they then referred me to the General Investigation office in Dir al-Balah. They asked me about a press release I had shared on my Facebook page, calling for heading to al-Sarayah area in Gaza to commemorate the founding of Fatah Movement. They also accused me of inciting against Hamas Movement and asked me about my political affiliation. Additionally, I was asked about my relation with Mohamed Dahalan and his party. An hour later, the investigation ended and they forced me to sign on a pledge not to publish press releases for Fatah Movement on social media. At approximately 12:00 on the same day, I was released."

- **Ihab Omar Fafous**, a freelance photojournalist, said that on 25 November 2019, he was summoned by the Internal Security Service in Khan Younis for interrogation about his posts on Facebook. Following is his testimony:
"At approximately 11:00 on Sunday, I received a summons from the Internal Security Service in Khan Younis, ordering me to head to their office on the next day at 09:00. I headed to their office and they asked me to give them my ID card and other belongings. I was then taken to a cell. At approximately 13:00, they took me to an investigation room, where the investigator asked me about my posts on Facebook, which were about subjecting one of my relatives to abuse by police officers and other posts were about the Return and Breaking Siege March. After interrogating me, I was taken to dark detention room. At approximately 19:00, I was released and my ID card was kept with them. They asked me to return on the next day at 09:00."

- **Ahmed Mohamed 'Awda,** journalist and news producer in many agencies, said that on 30 May 2018, he was summoned by the General Investigation Service in Gaza because of his posts on Facebook. Following is his testimony:
"A summons was handed to my family house, asking me to head to the General Investigation office in Sheiekh al-Redwan. At approximately 11:00 on the next day, I headed to their office. When I arrived there, they ordered me to go to the Technical Resources Department at Aljawazat Police Compound, where they demanded my mobile. Few minutes later, an employee came and gave me my mobile, saying that you can leave. When I asked him why I was summoned?, he said: "do not write anything on your Facebook page, referring to my posts of criticizing Gaza government on my Facebook page, although I haven't written anything for two months. I told them that I want to see a person who summoned me. Another employee came, and when I asked him why I was summoned, he told me that this was a procedure under the new law. I told him: you may not summon people in this way and expose them to suspicion, and then left."

- **Baker Mohamed Abu Hammad** said that on 24 May 2018, he was summoned by the General Investigation Service in Gaza, where he was subjected to torture and degrading treatment. He was summoned several times on grounds of his posts on social media. Following is part of his testimony:
  "On 24 May 2018, a police officer came to my house and handed me a summons, asking me to head to the General Investigation office in Sheiekh al-Redwan. On the next day, I headed to their office. When I arrived there, they ordered me to go to Aljawazat Police Compound, where they interrogated me about my posts on my Facebook page. The investigator demanded my password and asked me why I deleted the post criticizing Hamas, and I said that upon your reques. While checking my Facebook page the investigator found a content criticizing Hamas Movement, meanwhile he forcibly pulled my ear, slapped me on my neck until I confess that I was wrong. He asked me why I criticized Hamas and if I have any relation , and whether I was linked to the occupation, and ordered me to sign a pledge not to broadcast rumors, and to attend on request, and I left the same day to attend on Tuesday, May 29, 2018. I went on time and after waiting for a long time, they ordered me to leave and return on the next day. I came on time and they ordered me to leave. I went back to the office on Thursday; the investigator asked me about a named "Khubaiza". I told him I do not know him. He told me you are lying. Then, I was conditionally released after one of my relatives intervened, ordering me to return on Sunday, but I did not go because there was an Israeli bombardment."[8]

3. Attacks on journalists while on duty

PCHR documented a number of attacks on journalists and human rights activists while on duty, including beating, confiscating cameras, deleting photos, and sometimes arresting and detaining. These major part of those attacks occurred during security forces' break-up of peaceful assemblies. The most prominent attack documented during the reporting period was the vicious physical attack on lawyer Jamil Sarhan, Director of the Independent Commission for Human Rights (ICHR) in Gaza, and lawyer Bakerr Turkmani, ICHR's Complaints Officer. In addition, a number of fieldworkers from human rights organizations were arrested, including: Mohammed Besiso, PCHR lawyer; Sabreen Al-Tartour, PCHR researcher; Sameer al-Mana'mah, a lawyer at al-Mezan Center; Khaled Abu Sbitan, a fieldworker at al-Mezan Center, and Fadi Abu Ghunima, a fieldworker at Al-Dameer Institution for Human Rights.

PCHR documented a number of attacks on journalists that included physical assault, confiscation of cameras and deletion of material (photos/videos) that mostly occurred during police dispersal of peaceful assemblies. During the reporting period, attacks on journalists spiked during the popular marches in Ramallah that demanded an end to the punitive measures imposed on the Gaza Strip by the Accordance Government, as well as the popular movement in the Gaza Strip that demand better living conditions. This usually occurs while breaking-up protests and peaceful assemblies by police officers.

8. This period witnessed an Israeli military escalation as its forces bombarded several areas across the Gaza Strip.

- **Osama al-Kahlout,** a freelance journalist, said that on 15 March 2019, he was severely beaten and detained for 3 days, in addition to damaging his house contents and confiscating his press tools on grounds of covering the popular movement "We want to live" in Dir al-Balah. He gave the following statement to PCHR:
  "On Friday, while I was covering the popular movement organized in a location near my house in Dir al-Balah, a clash erupted between protestors and Hamas members, who protested against the Palestinian President Mahmoud Abbas. The police arrived at the area, so I stopped the covering and entered my house with Jamil Sarhan and Baker Turkmani, lawyers at ICHR, who were in the area. Thirty minutes later, I saw a number of police officers approaching my house and I heard knocking on my front door. I opened the door and found at least 10 police officers carrying firearms and batons. They demanded my cellphone and beat me. I gave them my phone and they beat me with batons all over my body. I told them there was no need for violence and that I would give them whatever they wanted. They took me inside the house and went upstairs to my apartment on the first floor. They entered with me into my home office, and I gave them 2 cameras and they confiscated them in addition to other contents. Meanwhile, they beat me with batons and damaged my house contents. I tired to escape through the window due to the unbearable physical violence they inflicted on me, but they caught me and took me outside the house. I was taken to an SUV and I heard them saying that I was the one who films and broadcasts on Palestine TV Live, and continued to beat me inside the SUV. Afterwards, I was taken to Dir al-Balah Police Station, where they detained me in a cell with 15 persons who participated in the popular movement. They detained me in the cell for 3 days and I was interrogated with on 3 different occasions about my work. I was accused of filming and broadcasting live events on Palestine TV. I learnt from them that Palestine TV was broadcasting live events from my Facebook page. They took me to the Aljawazat Police Compound and I stayed with Tayseer al-Batsh, Director General of the Police in the Gaza Strip, in the presence of the Palestinian factions' representatives. They listened to what happened to me and released me after 30 minutes. The director of public relations at the Ministry of Interior in Gaza drove me to my house. At approximately 19:30, I arrived home and my press tools are still confiscated."'

- **Izz al-Deen Ayman al-Ma'shar**, photojournalist for Rowad al-haqiqah Network, said that on 15 March 2019, he was attacked by police officers in Rafah while on duty. Following is his testimony:
  "At approximately 16:00 on Friday, 15 March 2019, I went to cover the popular movement organized in al-'Awda square in Rafah. While covering, police officers approached, slapped me on my face and kicked me. They confiscated my mobile despite the fact that I had and showed them my press card."

- **Mahmoud al-Louh**, a journalist, said that on 15 March 2019, he was beaten by police officers while covering the popular movement organized in Dir al-Balah, Following is his testimony:
  "At approximately 15:00 on Friday, 15 March 2019, I headed to Dir al-Balah to cover the popular movement. When I arrived on al-Nakheel Street, I ap-

proached the protest and stood on the sidewalk to cover it. As the police arrived, they proceeded to beat and arrest protestors, so I decided to leave. Meanwhile, 4 masked special police officers approached me, I told them that I am a reporter working for al-Sha'b Radio. Two of them pushed me to the wall, so I attempted to enter the building, but one of them beat me with a baton. I fled inside the building and a few minutes later, I left the building and found a number of masked police officers who arrested me and led me to a vehicle. I identified myself again, and I felt they were hesitant to arrest me so I took the chance and fled. I entered the PRCS building, found a paramedic and I told him that I felt pain in my right hand. He took me to an ambulance and wrapped my hand with a bandage. Then, I left."

- **Shereen Hamed Khalefa**, a journalist and editor working for Nawa Network, said that on 18 June 2018, while covering a peaceful protest, a security officer came and forced her to delete the photos she took. Following is her testimony:
  "At approximately 11:00 on Monday, I went to cover a sit-in for the Detainees and Ex-Detainees Ministry against the sanctions on Gaza. During the sit-in, a large group arrived and the situation developed into verbal altercation and a fistfight. I completed my work and held interviews with participants avoiding the fight. Suddenly, a person wearing civilian cloths came and ordered me to delete the photos from my phone, I told him there were none but he insisted. I took my phone and deleted the photos. He asked me to give him my cellphone, I told him that I have personal photos. He asked me to wait until a woman came to delete the photos. I told him that I already did and asked him to identify himself. He told me that he is a general investigation officer and I identified myself as a journalist. I told him that I have a right to take photos, he replied that when the West Bank allow them to take photos, we will allow journalists to do so in Gaza. I then left the area with my colleague."

- **Lara Sameer kan'an**, Altra Palestine reporter, said that on 30 June 2018, she was severely beaten by police officers in civilian clothes while covering their break-up of a protest organized by the Palestinian political factions to lift sanctions on Gaza. Following is her testimony:
  "At approximately 18:00 on Saturday, I went to al-Shuhada Square in the center of Nablus to cover a protest organized by the Palestinian factions, calling for lifting the sanctions PA imposed on Gaza. While covering the protest, dozens of young people carrying pictures of the Palestinian President and chanting slogans for him participated in the protest. Meanwhile, persons in civilian clothes approached me and I knew that they were from the preventive security Service. They ordered me to stop the coverage and forcibly took my phone. Another person pulled my hair. At least 4 security officers gathered and beat me, despite wearing a press flack-jacket. I sustained bruises and could not move my neck. I refused to leave until I received my phone and memory card back. I found that they deleted all the photos and information. Afterwards, my brother took me to the hospital."

- **Majdoleen Reda 'Abed al-Raheem Hassona**, a reporter working for TRT Channel, said that she was attacked while on duty on 27 June 2018. Following is her testimony:
  "On Wednesday, I knew that there was a protest calling for lifting sanctions on the Gaza Strip. At approximately 18:00, I headed to Jamal 'Abed al-Naser Sqaure in the center of Tulkarm to cover the protest, which lasted until 18:30. Following the protest, a fistfight happened between the protestors and police officers. Then, I immediately headed with other journalists to cover the incident. Few minutes later, a person in civilian clothes came and asked me why I was taking photos, I told him that I am a journalist and continued my work. Another person in civilian clothes came and beat me in my left hand. He attempted to take my phone, I shouted at him and then headed to a police officer, who was in the area, and told him about what happened. The officer refused to accept the complaint, so I tried to file a complaint at the police station, but they also rejected the complaint."

- **Diyaa' Ibrahim Maliha** a freelance journalist said that on 18 June 2018, he was beaten by persons in civilian clothes on grounds of covering a peaceful protest with his colleagues in Gaza City. Following is his testimony:
  "We have been invited by the Detainees and EX-Detainees Ministry to cover a sit-in that called for lifting sanctions on the Gaza Strip and ending the division. At approximately 11:30, two of my colleagues from the Media Progress team and I headed to the area, noting that we were wearing press flack-jackets. While covering the event, someone in civilian clothes came and ordered us not to stop working and not to take photos. I asked him to identify himself. He told me that he was an internal security officer. Suddenly I found seven persons around me wearing al-Kofiyia and white hats. They identified themselves as internal security officers. They asked me to hand over my mobile phone, and I told them that we arrived late and did not know that there was a quarrel. They beat us with batons and sticks, so we tried to escape. My camera was broken and my phone was confiscated. A leader of the Popular Front intervened and returned my cellphone."

- **Sameer Skaik,** producer at Palestine TV, said that on 03 May 2018, the internal security service in Gaza detained him on grounds of conducting press interviews. Following is his testimony:
  "At approximately 13:30 on Friday, 03 May 2018, while I was conducting interviews on the street for Palestine TV about the National Council and President Abbas' speech, I was stopped by a person wearing civilian clothes and asked if we had permission to conduct interviews. When I asked him to identify himself and show his security card, he refused and said he worked for the Internal Security Service. After a verbal altercation, I introduced myself and showed my press card. Afterwards, 3 others in civilian clothes arrived at the area and stayed there, followed by a vehicle of the Internal Security Service carrying with 3 persons in civilian clothes. I headed to talk with them. They told me that the media official in the Ministry of Interior is the authorized person to authorize my press activity. After several phone calls, the media official came and told me that I had to get the permits and wanted to detain me in a detention centre. After negotiations between us, it was decided to let me leave and take the memory card from the camera."

4. Legal prosecution on grounds of practicing freedom of opinion and expression

The employment of legal tools to restrict freedoms is one of the policies used to undermine freedom of expression and criticism, in which existing prejudicial laws, that contravene international standards of freedom of opinion and expression, are used to legalize practices that violate freedom of expression. PCHR has documented several cases implicating the Public Prosecution in these practices, as lawsuits have been set in motion without sufficient grounds that were subsequently dismissed by the judiciary; nonetheless, journalist or opinion maker were already subjected to imprisonment and degrading treatment. This approach contributes to creating a state of self-censorship among journalists and opinion makers so that they avoid such an experience.

The Human Rights Committee, which supervises the application of the International Covenant on Civil and Political Rights (ICCPR), confirmed in General Comment No. (34)[9] that: "States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty. It is impermissible for a State party to indict a person for criminal defamation but then not to proceed to trial expeditiously – such a practice has a chilling effect that may unduly restrict the exercise of freedom of expression of the person concerned and others." The legislator must take into account Palestine's international obligations by amending the laws to provide sufficient space for the freedom of criticism.

During the reporting period, PCHR documented a number of cases where opinion makers and journalists were charged on grounds of expressing their opinions. Despite that charges are usually made in accordance with Palestinian laws, they represent a breach of the PA's obligations as a State Party to the Covenant according to Article (19) of ICCPR, and some of these charges are considered an abuse of power. It appear from cases received by PCHR that judicial bodies are involved in the abuse of powers through detaining journalists and opinion makers pending investigation, without sufficient justifications to use this serious power:
"Detention pending investigation" is one of the PA's most dangerous legal tools that should only be used in extreme cases where the society as at risk by the accused person or to stop them from tampering with evidence. In opinion cases, it is inconceivable that a person would pose a threat to society or conceal evidence. In addition, a person prosecuted in an opinion case is highly unlikely to try to escape as the prescribed penalty is rather simple and usually does not exceed a fine. PCHR has repeatedly called against the use of "detention pending investigation" against journalists and opinion makers, and called for their immediate release on bail and for it to be a judicial norm, until it is explicitly stated in the Code of Procedures. Following is the most prominent cases PCHR documented in this category:

9. UN Human Rights Commission, General Comment No. 2011 ,34.

- **Hajer Harb,** a freelance journalist and reporter for the Al-Masirah Yemeni TV Channel, stated that she underwent a trial from 21 May 2018 to 25 March 2019, on grounds of an investigative report she did on suspicions of corruption in the medical referrals file. Harb was sentenced in absentia, but later, she was acquitted of all charges:
  "On 25 June 2016, I prepared an investigative report about suspicions of corruption in the medical referrals file. A week after the publication, the Attorney General's office had summoned me on grounds of two complaints; one submitted by a doctor alleged to have been affected by the investigation and the other complaint by the Government Information Office. I was interrogated about the press report, noting that the doctor in question was not identified (his face was blurred) in the report. We agreed that the report's materials will be submitted to the Public Prosecution Office for follow up on the suspicion of corruption while the complaint was dismissed. Afterwards, I had to travel abroad for medical treatment, but I was surprised that the court held a hearing in absentia and considered the lawsuit, which was prosecuted by the Attorney General's office, as defamation while I was abroad. On 04 June 2017, the court sentenced me in absentia to six months in prison on charges of defamation and a fine of 1,000 NIS. The charges against me were as follows: Defaming the Ministry of Health and accusing it of corruption; spreading false news; lack of accuracy, impartiality and subjectivity; and impersonating others. When I returned to Gaza, I filed a request for re-trial. Gaza Magistrate Court reconsidered the case from May 2018 until 25 March 2019, and I was acquitted of all charges against me."'

- **Issa Isma'il 'Amr**, Coordinator of Youth against Settlements in Hebron, said that on 28 March 2019, he was tried on grounds of expressing his opinion on his Facebook page in 2017. Following is part of his statement:
  "On 28 March 2019, the Magistrate Court in Hebron held a hearing session, which was delayed to 22 May 2019 for bringing an eyewitness. This trial was on grounds of writing a post in criticizing the Palestinian President. The Preventive Security Service (PSS) in Hebron arrested me on 04 September 2019 on charges of "inciting racial feuds and creating websites to publish materials that, according to them, threaten public security." I was investigated about the nature of my work at "Youth Against Settlements", covering the incidents as well as my relation with international and local organizations and if I have ever provided international organizations with reports on the PA's performance. I was also questioned about several posts I published on my Facebook page. I was detained until 10 September 2018, as the court decided to release me on bail. It should be noted that I received threats by anonymous callers and I filed a complaint with the official authorities."

- **Rami Samara**, journalist at Ajyal and Wafa Radio Stations, said that on 03 April 2018, he was brought before the Attorney General in Ramallah and then detained on charges of defamation and slander, following is part of Samara's statement:
  "At approximately 11:00 on Tuesday, 03 April 2018, the Head of the financial affairs in Wafa Agency where I work told me that he received a phone call from the Palestinian Public Prosecution in Ramallah informing him that I should appear before the Chief Prosecutor on grounds of a complaint filed against me. I referred to the head office of the Attorney General in al-Birah and met with the Chief Prosecutor, who asked me about my Facebook page. The Chief then informed me that I am to be kept in detention for 24-hour, and I was put in the detention center without any charges. An hour and half later, I knew that the Head of the Media Center at An-Najah University filed a complaint accusing me of defamation. I was then transferred to Betunia prison where I was forced to undress and do squats while I was completely naked. I was later allowed to get dressed and transferred to my cell, where I stayed until the next morning. At approximately 08:00 the next morning, I was transferred to the Public Prosecution where I was charged with defamation of the Head of the Media Center at An-Najah University according to the Cyber-Crimes Law and showed me some of my posts on Facebook. The Chief Prosecutor decided to release me on bail on condition that I attend the court hearing on 08 April 2018. I was taken back to Betunia Prison until the procedures ended and then left the prison at approximately 10:00 on the same day. At approximately 09:30 on Sunday, 08 April 2018. I appeared before the judge, who charged me with defamation and slander via the social media according to Article (22) of the Cyber-Crimes Law. The judge asked me if I was guilty, and I denied. The judge decided to delay the hearing until 16 May 2018 because the complainant is absent. I have attended 5 hearing sessions and in each time, the trial is delayed. I have a session scheduled on 14 April 2019."

5. Imposing Restrictions on the Right to Information Access

The right to access information is one of the most important components of the freedom of expression. The freedom of journalistic, scientific or intellectual production is related with the freedom of information access. Despite that Article (6) of the Press and Publications Law stressed the necessary to collaborate with journalists and provide information for them, the Palestinian system in the West Bank and Gaza Strip lacks of any law that protects civilians and journalists' right to access information. Journalists suffer when dealing with the competent authorities that often distort and withhold information from civilians, particularly journalists in order to cover their abuses. The policy of distorting or blocking information contradicts with the PA's obligations relevant to enable audience to access information, which includes the PA's commitment to provide information in early time. This report addresses three main points: Lack of cooperation by official institutions with journalists, prosecuting journalists and imposing a press card on journalists in the Gaza Strip by an official authority.

» Lack of cooperation by official institutions with journalists

Many journalists in the Gaza Strip confirm that they face difficulties when they obtain information by official authority, especially if the official authority knew that the report is relevant to corruption. Sometimes, the journalist might wait for more than a week to obtain an information or meet one of the officials. A journalist or a researcher also might be asked to submit his questions earlier and define the body who is doing the research as well as its aims. In addition, a journalist might also be investigated by the official authority before giving him the information. Furthermore, he might have to hide his name if the report is relevant to corruption cases fearing of arbitrary legal prosecution or even getting hurt. Therefore, journalists say they often resort to patronage to obtain information.

A journalist said: there is a selectivity in dealing with journalists according to their affiliations. For example, we were present at the Gate of Rafah crossing waiting the permit to enter the gate to cover an incident. Suddenly, a police officer arrived and allowed some regime affiliated newspapers to enter the gate. This also applies when a journalist would submit an application to meat officials as the media website, which is affiliated with a certain party has preferential treatment.[10]
The journalist added: "From my personal experiment, I have a self- monitoring when I do a survey report about suspicions of corruption by the official authorities. Sometimes, I had to hide some information so that I won't be pursued or attacked. Official usually refuse to meet me if they suspected that I attempt to reveal the corruption in some of the governmental department[11]."

Another journalist said: "There is no equality in dealing with journalists and they are discriminated on basis of their party affiliation in obtaining information and even in the level of safety. For example, we found some journalists talk about serious topics under full protection because they are affiliated with the ruling party. They also have good opportunities to travel and join media delegations and training courses while large numbers of media workers usually cannot have the same opportunities[12]."

According to PCHR's follow-up and statements of some journalists in the West Bank[13], there are discriminatory measures taken against journalists in covering official activities as specific parties are invited to cover the incidents, thus depriving other journalists from the press work. In sometimes, some governmental organizations stall in providing information for journalists. However, there are no special or complicated procedures to obtain information as in the Gaza Strip.

10. On 02 April 2019, PCHR›s fieldworkers met with a group of journalists from various newspapers.
11. On 02 April 2019, PCHR›s fieldworkers met with a group of journalists from various newspapers..
12. On 02 April 2019, PCHR›s fieldworkers met with a group of journalists from various newspapers.
13. Journalists preferred not mention their names.

» Pursuing Photojournalists

Authorities in the Gaza Strip arbitrarily ban photography in many area without reason. Any person, who carries a camera is might be detained or questioned by security bodies about the nature of his work and the aim of photography. He might be also banned from photography. PCHR documented several complaints from journalists, who ensured that whomever carries a cameras is treated like a suspect. Naturally, a normal citizen became worried from using the cameras in public places for fear of being questioned. This affects citizens' right to access information as the picture is a form of information that citizens are entitled to access and transfer. A citizen said in his statement to PCHR about restrictions on the freedom of photography in the Gaza Strip:

"I like to take nature photographs, and as known, the beautiful nature is present in the outskirts and border areas of the city. I once was taking photos in Tal Zu'orob area in Rafah, which is a hill that is frequently visited by families as it is used as a playground for children. After I finished my photography, I startled with 3 security officers surrounding me and asked me to go with them to the border control point. I coped with the situation normally as I am used to such harassments during my photography. The security officers took the camera from me and checked the photos I took and found them pictures of natural views. The head of security in the area came later and questioned me about the camera, the reason of my photography and to whom I work for. He also wanted to confiscate the camera, but I refused, so he ordered to take me to the investigation centre. After many call made by the head of the security, the officers released me and returned my camera back to me[14]."

6. Imposing Restrictions on the Freedom of Creativity and Scientific Research

The freedom of creativity is part of the freedom of expression. The right to creativity and expressing ideas in any form, publishing them and receiving them by the audience are rights that must be respected by the public authorities according to Article (19) of Universal Declaration of Human Rights (UDHR). As mentioned above, the state can impose restrictions on this right, but in the narrowest range. This restriction become compatible with international standards if it was the less intrusive procedure in practicing this right in regard to universal human rights. The freedom of creativity in the Gaza Strip suffers from unjustified restrictions, as sometimes, the security services attempt to impose their cultural vision on performances. Security officers usually attend the art shows and may intervene if the art work contradicts with traditions from their point of view. For example, they ban the folklore dance, Dabka ,performances by teams that include men and women. Moreover, the governorate authority in the Gaza Strip impose restrictions on the freedom of scientific search and carrying out polls as the Ministry of Interior oblige the search centres to obtain a permit before distributing any questionnaire for scientific purposes. The Ministry of Interior in Gaza City considers that any un authorized survey is serious offense and the perpetrators shall be subjected to security scrutiny. PCHR documented the arrest of Ghassan Abu Hatab, coordinator

14. On 07 April 2019, PCHR›s fieldworker met with a citizen (she preferred not to mention her name, fearing for being pursuit).

of the Centre for Development Studies - Birzeit University in the Gaza Strip, as he was subjected to degrading treatment on grounds of a survey study he prepared without obtaining permission from the Ministry of Interior. Following is part of Abu Hatab's statement:

"On 19 February 2019, I received a call from someone working in the Ministry of Interior's General Controller office, asking me about a survey study for which I filed a permit to the Ministry of Interior in Gaza on 28 January 2019 according to the procedures imposed by the Ministry. I told him that the study was prepared between 10 and 12 February, and he answered that "I should have waited for the response to my permit before conducting the study." After an hour, another person called me, introducing himself as a GIS officer and ordered me to come to the office tomorrow. I then asked him to send an official letter to the Center, but he answered, "We send summonses not letters." When I refused to come, he sent me a force to my office to take me to the General Intelligence Service (GIS) office in Gaza. The officer ordered me to bring my laptop and cell phone. I was placed in a cell there, and an officer then arrived. While talking to me, the officer's assistant said to me "stand up when the officer talk to you," and the officer insulted me saying "you are disrespectful," forcing me to stand against the wall. I was then admitted to another office, where I was interrogated for 4 hours on the content of the study and the poll questions, which the interrogator described as very serious. He said that you will be detained from 7 to 10 days. He ordered me to give him the numbers of the researchers who participated in the study and the study results and not to publish it by the Center. I was then released after the laptop that has the research results and questionnaires were delivered to them."

7. Attacking Media Institutions

The reporting period witnessed attack of Palestine TV Channel's head office. On 04 January 2019, unknown persons broke into raided the fourth and fifth floors of the head offices of Palestine TV Channel and Radio Station in Abu al-'Ouf building in Tal al-Hawa, west of Gaza City. They destroyed cameras, broadcasting equipment and PCs by sharp tools and then left the place.

According to an eyewitness's statement:
"I heard a sound of breaking in the fourth and fifth floors. When I went to fourth floor, I saw 2 persons with uncovered faces and carrying an axe and a hammer. I asked them:" what are you doing?" and they said: we want our rights." I then went to the fifth floor and saw 3 other persons also carrying axes and hammers; one of them was covering his face. When I asked them:" what are you doing?", they responded like the other 2 persons. I told them:" you can take your rights by the law not in this way." I then phone called the staffs, who work in Palestine TV Channel's office and informed them about the incident. The Ministry of Interior declared in the next day morning that it arrested 5 suspected persons and said that the attack is probably was due to political reasons as the suspected persons were from the PA servants whose salaries were cut."

8. Continued use of Laws that Undermine the Right to Freedom of Opinion and Expression

The use of the laws that undermine the right to freedom of opinion and expression is continued, in addition to the Cyber-Crimes Law, which was newly issued by the Palestinian President in 2018, and was briefly addressed previously on the form of law by decree. These unfair laws are used to undermine the freedom of press work and opinion makers. The absence of the Legislative Council and independent judiciary for 12 years in row, which means the absence of monitoring and adjustment in the PA's associations has aggravated the situation. This reflected on the role of the civil society in pressurizing the decision makers to find better laws and respect the sovereignty of the good law in order to guarantee the freedom of access to information and freedom of the press work. Following are the most prominent criminalization and regulatory texts that undermine the freedom of expression:

1. Criminalization Texts that Undermine the Freedom of Expression:

The 1960 Penal Code applied in the West Bank and the 1936 Penal Code applied in the Gaza Strip criminalized some of the freedom of expression forms. The criminalization texts were violating the international standards in several aspects as they are open to interpretation in a way that allows the PA to undermine the freedom of criticism, particularly criticism of prestigious figures such as the President. The most prominent crimes stipulated by these laws are:

a) Crimes of Slandering "Prestigious Figures":

Article (195) of the 1960 Penal Code applied in the West Bank criminalizes any statement that would harm the dignity of the Palestinian President and others of "prestigious figures ", as stipulated in the following:

> *"Whoever commits one of the following offences shall be punished by imprisonment from one to three years: a. Dared to insult His Majesty the King b. Sent a written or an oral massage or a picture or a comic drawing to His Majesty the king or posted such massage, picture or drawing in a way that would undermine the dignity of His Majesty. The same penalty shall apply if he/she incited another person to any such act. c. Broadcasted in any way what is stipulated in subparagraph (1/b) of this article and disseminated it among the people. d. Falsely accused His Majesty of an act or a say or circulated such accusations among the people."*

It should be noted that the word of His Majesty the King (in Jordanian Law) has been replaced by the word "prestigious figures". The courts usually apply this provision to those who give vitriol to the Palestinian president. The text came to make the minimum sentence one year for any prejudice of the dignity of the "prestigious figures". Moreover, the abovementioned text is considered one of the most stringent texts related to the criminalization of freedom of expression. Many activists and journalists have been charged due to this text. This article is arbitrary and inconsistent with Palestine's international obligations with regard to respect the freedom of opinion and expression. It should be mentioned that there is no similar text in the 1936 Penal Code, which is applied in the Gaza Strip.

The General Comment issued by the Human Rights Committee on the follow-up of the implementation of the ICCPR emphasized this content in its General Comment No. 34, which states:

"As noted earlier in paragraphs 13 and 20, concerning the content of political discourse, the Committee has observed that in circumstances of public debate concerning public figures in the political domain and public institutions, the value placed by the Covenant upon uninhibited expression is particularly high. Thus, the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties, albeit public figures may also benefit from the provisions of the Covenant. Moreover, all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition. Accordingly, the Committee expresses concern regarding laws on such matters as, lese majesty, desacato, disrespect for authority, disrespect for flags and symbols, defamation of the head of state and the protection of the honour of public officials, and laws should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned. States parties should not prohibit criticism of institutions, such as the army or the administration."[15]

b) Crime of defamation:

The two Penal Codes that are in force in Palestine criminalized defamation crimes punishable by a penalty of one year. Article 188 of the 1960 Penal Code states:

> *1. "Defamation is the imputation of a certain matter to a person – even if it was done with doubt – which might negatively affects his/her honor, dignity and exposes him / her to the hate and scorning of society regardless if such matter is punishable by law or not. 2. Insult: is 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. 3. If the name of the victim was not mentioned when the crimes of defamation and insult were committed , or the accusation were ambiguous but there were evidence which leaves no doubt in linking the matter to the victim , the perpetrator of the defamation or insult shall be considered as if he / she mentioned the name of the victim."*

From the previous text, it is clear that the legislator went beyond undermining the freedom of opinion and expression to make any mere word the lead to "offending public figures" is a punishable crime. As it well known, any criticism might lead people to dislike a particular official. It is also true that the legislator created other laws to legitimize the defamation and insult in case that the content has been proved or published in good will, but the practical situation makes this very difficult. In many times, a journalist needs to draw attention about having corruption in a particular institution, but he does not have evidence for that. Thus, we find that the previous texts contribute to narrowing down the real role of the media in practicing criticism as we previously explained in the commentary to the previous text.

15. United Nations Human Rights Committee, the General Comment No. (2011) (34).

Article (203) of the Penal Code of 1936 defined the act of defamation, which forms the content of the defamation and insult crimes. The abovementioned law differentiate between defamation and insult in the 1960 Penal Code applied in the West Bank as it considered the defamation crime is proven if the content of the defamation was published, whereas the insult crime is proven if the content was uttered to public. The abovementioned article defines the act of defamation as:

"Matter is defamatory which imputes to a person any crime or misconduct in any public office or which is likely to injure him in his occupation, calling or office, or to expose him to general hatred, contempt or ridicule."

We note that the definition came with the same content as in Article 188 of the Penal Code of 1960. Therefore the same criticism applies to it as well.

The General Comment No. (34) mentioned above affirms the importance to undermine the defamation crime (defamation and insult), or else, the criminal texts are used in very serious cases. It also stressed on the need to prosecute the accused person quickly, not to prolong the procedures or detain the accused person in any case, and only impose a fine or compensation in in case of conviction. The general comment No. (34), stated:

"Defamation laws must be crafted with care to ensure that they comply with paragraph 3, and that they do not serve, in practice, to stifle freedom of expression. All such laws, in particular penal defamation laws, should include such defenses as the defense of truth and they should not be applied with regard to those forms of expression that are not, of their nature, subject to verification. At least with regard to comments about public figures, consideration should be given to avoiding penalizing or otherwise rendering unlawful untrue statements that have been published in error but without malice. In any event, a public interest in the subject matter of the criticism should be recognized as a defence. Care should be taken by States parties to avoid excessively punitive measures and penalties. Where relevant, States parties should place reasonable limits on the requirement for a defendant to reimburse the expenses of the successful party. States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty." [16]

c) Crime of Stirring up Sectarian Strife:

Article (150) of the 1960Penal Code stipulated the crime of stirring up sectarian strife and considered it an offense that should be punished. The article stipulated 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)."

Article 59 of the Penal Code of 1936, has the same content, but with a different

16. United Nations Human Rights Committee, the General Comment No. (2011) (34).

name, where the crime of stirring up sectarian strife was included in the crime of "conspiracy with seditious intention." The article stated that:

"Any person who : (a) conspires with any other person or persons to do any act in furtherance of any seditious intention common to both or all of them ; or (b) publishes any words or document with a seditious intention ;or (a) without lawful excuse is found in possession of a document containing a seditious intention is guilty of a misdemeanour."

Article (60) defines the seditious intention as:

"A seditious intention is an intention to bring into hatred or contempt or to excite disaffection against the person of His Majesty, or against the Mandatory Power or the High Commissioner in his official capacity or the Government of Palestine, as by law established, or the administration of justice, or to incite or excite inhabitants of Palestine to attempt to procure the alteration otherwise than by lawful means of any matter in Palestine by law established; or to raise discontent or disaffection amongst inhabitants of Palestine ; or to promote feelings of ill-will and hostility between different sections of the population of Palestine."

Although the previous texts agree in principle with international standards of freedom of expression, which under article 20 of the ICCPR affirms the need to criminalize any advocacy of hatred or violence. However, drafting texts in a flexible manner allows the authority to arbitrarily use them. Moreover, Those previous texts were too broad, allowing the authority to infiltrate through them to criminalize legitimate patterns of freedom of expression in accordance with international standards.

When the Human Rights Committee implementation the ICCPR, stressed on the need for laws to be precisely drafted so that they would not be broad and undermines the right. The General Comment No. (34) states:

"A norm, to be characterized as a "law", must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public. A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution. Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not." [17]

d) Crime of Disrupting Security and Stirring up Riots:

Article (164) of the 1960 Penal Code provided the crime of "Stirring up Riots" as it stated that:

"If seven or more individuals gathered with the intent to commit a crime or achieve a common goal or they acted in such a way as to make people around them believe that – within the boundaries of logic - they will violate public security and 30 that by them gathering they incite other persons to violate public security, such gathering shall be considered an unlawful one. 2. If the unlawfully gathered persons started

17. United Nations Human Rights Committee, the General Comment No. (2011) (34).

to achieve the purpose and aim of their gathering in violating public security in a manner that frightens the public, such gathering shall be called a (riot)."

The 1936 Penal Code applied in Gaza City also contains a number of articles that can be used to undermine the right to freedom of opinion and expression for they were broad. The most prominent of these is article (102) on the crime of breaching peace, which states:

"(1) An y person who creates a noise or uproar in a public place without reasonable cause in a manner likely to disturb the inhabitants or to cause a breach of the peace, is guilty of a misdemeanour and is liable to imprisonment for three months or to a fixe of five pounds or to both such penalties. (2) Any person who in any public place shall insult any other person in such a manner as would be likely to provoke any person present to commit a breach of the peace, is guilty of a misdemeanour and is liable to imprisonment for one month or to a fine of ten pounds or to both such penalties."

The abovementioned articles empower the PA to undermine the freedom of opinion and expression by bringing political activists, who carry out any public objection, before the public prosecution for trial. This seriously limits civilians' ability to object freely, by threatening their future, stigmatizing and imprisoning them, or at least introducing them into the complexities of criminal proceedings by bringing them to prosecution and the subsequent imprisonment pending investigation. As a result, this will highly contribute in undermining the right to political participation and the right to freedom of opinion and expression.

2. Regulatory Restrictions on Freedom of Expression:

The late Palestinian President Yasser Arafat issued Law No. (9) of the 1995 Press and Publications Law. The law included (51) legal articles that regulated special cases related to press and publications, and legal penalties related to violation of its provisions. PCHR criticized this law because it restricts the space available to exercise the right to freedom of press and publication, and the freedom of individuals to receive and circulate information without any restrictions. These restrictions can be summarized in two main respects:

» The law, especially Articles 7, 10, 37, had a long list of prohibitions that were formulated in broad and unclear way as they were open to interpretations. Among these prohibitions (for example, to refrain from publishing what contradicts with the principles of democracy and national responsibility, which means not to include what violates Palestinian morals, values and traditions, and refrain from publishing anything that would fuel violence, intolerance and hatred), although these concepts are broad and unclear and can be misused. The list of prohibitions also included a ban on external funding and a ban on journalist's communication with any foreign parties except through the foreign media correspondents system.

» The law includes a long list of prison sentences that may be applied to the editor, journalist/author of the article, owner of the printing house, and the printing house's owner. This contributed in imposing self-restrictions on the

press for fear of prosecution. It would have been more effective for the legislator to stipulate a fine and ensure the victim's right to sue for compensation depending on the context, and not to resort to imprisonment, as long as it is limited to the practice of expressing opinion.

The prior provisions contradict with the PA's obligations to launch freedom of expression and principles of democracy. The Human Rights Committee relevant to Implementation of ICCPR stressed on the promotion of freedom of press as the cornerstone of any democratic system. The General Comment No.(34) states:

"A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society. The Covenant embraces a right whereby the media may receive information on the basis of which it can carry out its function. The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. The public also has a corresponding right to receive media output." [18]

It is clear from the previous quotation that the Authority's trends in dealing with freedom of publication contradict with its obligations on the international level and undermines the chances of having a genuine democracy in the State of Palestine. The Committee emphasizes that the exchanging information; one of its methods is publication, is a fundamental issue in the freedom of expression as the public has the right to receive what media produces, without any proactive or subjective monitoring for the purposes of silencing others or denying the authority to criticism.

18. United Nations Human Rights Committee, the General Comment No. (2011) (34).

Recommendations

PCHR emphasizes the importance of the freedom of opinion and expression in democracy building, and stresses that all Palestinian Authority (PA) services in the West Bank and the Gaza Strip must respect and protect it. Additionally, the freedom of the press is a fundamental guarantee for public and community accountability of decision makers. Therefore, PCHR recommends:

1. The reinstatement of the Public Prosecution's monitoring authority on the security services, and ending the phenomenon of summons and arbitrary arrests, especially against journalists and opinion makers, especially that security services do not have the authority to summon civilians.

2. Judicial authorities to follow-up on allegations of torture at investigation centres in the West Bank and the Gaza Strip against opinion makers.

3. The Public Prosecution to examine allegations of violations to the freedom of expressions and verify the credibility of lawsuits against journalists and opinion makers.

4. The judicial authority to exert all efforts to end the policy of "detention pending investigation" in opinion cases, as it constitutes a penalty and a deterrent for the freedom of opinion and expression.

5. The Minister of Internal Affairs and Security Services to issue firm instructions banning summoning civilians through phone calls, and to stress the importance of following due legal process relevant to summonses, especially for journalists and opinion makers.

6. Guard freedoms, especially freedom of art, creativity and broadcast, and abolish all restrictions.

7. The PA in the West Bank and Gaza, its services and ministries commit to providing information on all their activities and other field and security updates and refrain from leaving the public in the dark consumed by rumours.

8. The promotion of civilians' right to access information, without differentiation based on profession (journalists vs. common citizens).

9. That the Government Information Office in the Gaza Strip issue a clarification, that does not allow for interpretation, stating that the press card is not mandatory for the practice of journalism, and to ensure every citizen and journalist's right to access information from governmental bodies.

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