

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	264
Land:	Gaza-Vestbredden
Kilde:	Freedom House
Titel:	Freedom of the Press 2015 – West Bank and Gaza Strip
Udgivet:	22. maj 2015
Optaget på baggrundsmaterialet:	17. september 2015



Freedom of the Press 2015 - West Bank and Gaza Strip

Publisher [Freedom House](#)

Publication Date 22 May 2015

Cite as Freedom House, *Freedom of the Press 2015 - West Bank and Gaza Strip*, 22 May 2015, available at: <http://www.refworld.org/docid/556428dc24.html> [accessed 3 September 2015]

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2015 Scores

Press Status : Not Free

Press Freedom Score (0 = best, 100 = worst): 84

Legal Environment (0 = best, 30 = worst): 27

Political Environment (0 = best, 40 = worst): 35

Economic Environment (0 = best, 30 = worst): 22

Press freedom in the West Bank and Gaza Strip deteriorated in 2014, particularly during Operation Protective Edge, Israel's 50-day military campaign against Hamas militants in Gaza. Journalists were killed by shelling and air strikes that also hit local media offices and severely damaged Gaza's infrastructure. The Hamas-led authorities in Gaza harassed journalists throughout the year. In the West Bank, journalists were affected by a security clampdown and remained subject to a range of constraints and abuses by both the Fatah-controlled Palestinian Authority (PA) and the Israel Defense Forces (IDF). Neither the PA nor Hamas eased long-standing legal restrictions in their respective territories.

Legal Environment

The Palestinian Basic Law guarantees a free press, enshrines the right to establish media outlets, and prohibits government censorship. However, the 1995 Press and Publication Law imposes burdensome administrative regulations and bans content that undermines "the general system" or "national unity," or that is "inconsistent with morals." Defamation is a criminal offense, and journalists have been prosecuted for publishing criticism of Palestinian officials. In September 2014, the PA arrested two West Bank media workers, Mujahed al-Sa'di and Bara' al-Qadi, on defamation charges for online commentary that was critical of senior Fatah or PA officials. Al-Sa'di was released after about 36 hours and al-Qadi after nine days.

A draft law on freedom of information that would authorize Palestinians to request data from PA public bodies was under review during 2014, but it had yet to be enacted at year's end.

The PA regulates all television and radio licenses in the West Bank. In order to obtain a broadcast license, applicants must gain approval from the interior, information, and telecommunications ministries, which review financing sources, content, and technical issues, respectively. Licenses must be renewed each year. Critics accuse the PA of arbitrarily increasing licensing fees – even

though prices are supposed to correspond to the strength and reach of the broadcast frequency – in order to force outlets off the air. Hamas, which has controlled Gaza since 2007, has introduced a system of accreditation that requires all outlets and journalists to register with its authorities.

In addition to Palestinian laws, as administered by the different authorities in the West Bank and Gaza, journalists in the territories are subject to controls imposed by the Israeli military, including measures banning incitement to terrorism. In June 2014, during an IDF crackdown on Hamas in the West Bank, Israeli forces raided media companies that were accused of providing services to Al-Aqsa TV and other Hamas-affiliated outlets, confiscating crucial equipment. Israel, along with many other countries, considers Hamas a terrorist organization, and media outlets linked to the group have carried calls for violence. Aziz Kayed, Al-Aqsa TV's West Bank director, was arrested at his home in June and remained in Israeli administrative detention at year's end. A cameraman with the station was placed in administrative detention in July, and a correspondent was similarly detained in October.

Political Environment

Media outlets and journalists in the West Bank and Gaza are affected by political pressure, censorship, and violence from both Palestinian authorities and the IDF. Negotiations between Fatah and Hamas led to a reconciliation agreement in April 2014 and the announcement of a unity cabinet in June, but Hamas remained in de facto control of Gaza at year's end, and the political developments had little effect on press freedom in the territories.

Although the two factions moved to lift bans on each other's newspapers, Israeli forces continued to suppress Hamas-affiliated outlets and interfere with other Palestinian media. In May, the IDF raided the printing facilities of the West Bank newspaper *Al-Ayyam* in Ramallah after it started printing Gazan newspapers, and warned staff to cease publishing Hamas-linked content on the grounds that it incited hatred against Israel. In June, the Israeli police raided Palmedia, the PA's East Jerusalem media center, confiscated its files and equipment, and interrogated its staff. During the raid, the news program *Good Morning Jerusalem* was taken off the air as it reported on a hunger strike by Palestinians in Israeli administrative detention.

Israeli forces in the West Bank also obstructed the work of journalists in the field during the year. Checkpoints, which entail searches, interrogations, and sometimes short detentions, have long hindered movement and limited journalists' ability to report within the occupied territories. In addition, the IDF has increasingly curbed coverage of regular protests near the Israeli security barrier in the West Bank by declaring such areas "closed military zones." These physical restrictions grew more intense after the security crackdown began in June 2014. Journalists were interrogated and detained at checkpoints, and injured by Israeli security personnel while covering protests. In July, reporters from Palestine Today TV came under fire while broadcasting live amid unrest in East Jerusalem and sustained numerous injuries. Also that month, the IDF reportedly fired on journalists covering demonstrations in Shuafat, injuring several, and searched journalists affiliated with Bethlehem 2000 radio.

Meanwhile, mounting tensions between Israel and Hamas, including an escalation in Hamas rocket fire from Gaza, led to Operation Protective Edge, an Israeli military campaign in Gaza that stretched from early July to late August. Amid air strikes, shelling, and incursions by Israeli ground troops, as many as 17 journalists and other media workers were killed, including some who died at home in Israeli bombardments of apartment complexes. The Committee to Protect Journalists found that the deaths of four journalists and three media workers during the conflict occurred in the course of their professional duties.

The IDF targeted buildings housing media offices during the operation in Gaza. In mid-July, Israeli aircraft reportedly attacked two buildings in Gaza City that hosted media outlets including

the Watania Media Agency and the Sawt al-Watan radio station. On July 22, Qatar's Al-Jazeera television network said an Israeli warplane fired on its offices in Gaza City, forcing employees to evacuate, although none sustained injuries. The headquarters and offices of Hamas's Al-Aqsa television and radio services were attacked repeatedly, but the stations were able to continue broadcasting from other locations. Israeli officials denied allegations that the IDF intentionally targeted journalists; press freedom organizations insisted that all suspected violations be fully investigated, and that media outlets' links to Hamas or propagandistic content did not make their offices a legitimate military target.

Separately in 2014, journalists in the West Bank continued to encounter arbitrary arrests, detentions, and assaults by PA security forces, particularly when they covered politically sensitive issues or criticized the government. According to the Palestinian Center for Development and Media Freedoms (MADA), the Palestinian side was responsible for 90 media freedom violations in the West Bank in 2014, or more than a quarter of the total, with Israeli forces accounting for the remainder.

Hamas similarly abused journalists' rights in Gaza during the year, with Palestinians perpetrating 24 of 136 violations recorded by MADA in that territory. Hamas security personnel assaulted a group of reporters near the Nahel Aouz border fence in May as they attempted to cover demonstrations during Nakba Day. Hamas also detained and interrogated several journalists in 2014, including Alforat Iraqi TV correspondent Ayman Mustafa Ala'loul and freelance journalist Tawfeek Abu Jarad, over reporting and commentary taken to be critical of Hamas. In April, the Government Media Center in Gaza fired journalist Oruba Othman after she published an article in a Lebanese newspaper that described Hamas security officials giving sermons in mosques while in uniform. A Hamas spokesperson in August admitted that the organization expelled foreign journalists who were covering Hamas military operations during Operation Protective Edge.

Economic Environment

The PA and Hamas fund four of five major Palestinian newspapers, and they are not editorially independent in practice. In the West Bank, *Al-Hayat al-Jadidah* is exclusively funded by the PA, which partially finances *Al-Ayyam* as well. Hamas funds the twice-weekly *Al-Risala* and the daily *Filistin*. *Al-Quds*, a family-owned, Jerusalem-based newspaper established in 1951, is considered less vulnerable to partisan influence. Its East Jerusalem location, however, makes it subject to Israeli military censorship.

There are more than a dozen West Bank television stations and between 60 and 70 radio stations, in addition to the handful of television stations and approximately two dozen radio stations operating in Gaza. West Bank broadcasters are generally small outlets that focus on local issues. The PA permits Hamas's Al-Aqsa TV to operate in most West Bank towns with relative freedom. In Gaza, Hamas allows transmission of the PA-controlled Palestine TV, based in Ramallah. Much like the subsidized print outlets, these channels are seen as mouthpieces for Hamas and the PA. The Voice of the People radio station, run by the Popular Front for the Liberation of Palestine, is generally allowed to operate but occasionally blocked. Residents also have access to a variety of foreign broadcasts.

The PA does not restrict access to the internet, which is a popular source of news and opinion. Statistics on penetration vary. The International Telecommunication Union reported an access rate of nearly 47 percent in the West Bank and Gaza as of 2013. MADA reported that only 34 percent of West Bank residents and 28 percent of Gaza Strip residents had access to the internet due to a lack of infrastructure and the high cost of service delivery. Access to reliable telecommunications technology in the territories remains severely constrained by Israeli restrictions. Neither the West Bank nor Gaza is permitted to have independent telecommunications infrastructure; all routing

switches, cell towers, and gateway switches that provide phone service are located in Israeli-controlled territory. In addition, Israel, which controls the electromagnetic spectrum across the territories, does not permit Palestinian companies to offer 3G mobile internet services, leaving that market in the hands of Israeli carriers.

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