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Freedom of the Press 2017 - West Bank and Gaza Strip

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Press Freedom Status: Not Free

Total Score: 84/100 (↓1) (0 = Most Free, 100 = Least Free)

Legal Environment: 28/30 (↓1)

Political Environment: 34/40

Economic Environment: 22/30

Quick Facts

Population: 2,800,000

Freedom in the World Status: Not Free

Key Developments in 2016:

- Israeli forces arrested dozens of Palestinian journalists during 2016, accusing them of inciting violence or aiding banned militant groups. Some remained in detention at year's end.
- The Palestinian Authority (PA) in the West Bank and Hamas authorities in the Gaza Strip arrested at least 21 journalists, and a third of those detained reported torture or other mistreatment in custody.
- Israeli authorities raided a number of media offices and temporarily shut down at least four, including a radio station in the Hebron area and a printing house in Qalqilya.

Executive Summary

Media freedom in the West Bank and Gaza remained seriously obstructed during 2016, with journalists – especially local reporters – regularly subjected to arrest, detention, and interrogation by Israeli forces, the PA, and Hamas.

Ongoing concerns in Israel about the alleged role of Palestinian news outlets in inciting terrorist violence against Israeli soldiers and civilians prompted a crackdown on Palestinian media, including the closure of broadcasting and printing facilities and the arrest of journalists and managers. In a number of instances, Israeli authorities did not present evidence of direct incitement by the individuals detained.

The PA in the West Bank continued its long-standing practice of arresting and temporarily detaining journalists without charge, while Hamas in the Gaza Strip stepped up its use of summonses and interrogations to intimidate journalists who produced critical coverage.

Legal Environment: 28 / 30 (↓1)

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.

The Ramallah-based PA arrested at least 15 journalists in the West Bank in 2016, while Hamas authorities in Gaza arrested at least six others, according to the Palestinian Center for Development and Media Freedoms (MADA). At least seven of those arrested reported torture or other mistreatment in custody. Journalists are typically detained over reporting that is deemed critical of the authorities, and Human Rights Watch documented additional cases during the year in which Palestinian security forces arrested activists and others for ridiculing the authorities on Facebook. Such arrests rarely lead to formal charges or prison sentences, amounting instead to a form of harassment and intimidation.

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. The legal standard for incitement under the Israeli military code, to which the West Bank is subject, is much lower than in Israeli civilian law.

Concerns continued to grow in 2016 that Israel was using recent attacks on its security personnel and civilians as a pretext to crack down on Palestinian media and freedom of expression. Scores of Palestinian social media users have been arrested since October 2015 for posts that allegedly incited violence. Israeli forces also arrested Palestinian journalists for alleged incitement or working for outlets affiliated with banned militant groups such as Hamas and Islamic Jihad. MADA reported 46 cases of arrest and administrative detention of Palestinian journalists by Israeli authorities in 2016, up sharply from 20 in 2015 and 13 in 2014. The Committee to Protect Journalists (CPJ) confirmed that at least seven Palestinian journalists remained in Israeli custody as of December, including one who had been arrested in late 2015.

Four of the journalists still in Israeli detention at year's end had been arrested in August 2016, when Israeli forces raided and shut down Al-Sanabel Radio in Dura, near Hebron in the West Bank. A sound engineer was also detained, and military prosecutors charged the five with offenses including incitement and aiding Hamas. They were referred for trial in September, but final verdicts were still pending at the close of 2016. CPJ's review of the indictment found no examples of direct incitement to imminent violence by the accused.

Various freedom of information bills have been under review by Palestinian officials for several years, with progress repeatedly delayed.

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 certain 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.

Political Environment: 34 / 40

Media outlets and journalists in the West Bank and Gaza are affected by political pressure and violence from both Palestinian and Israeli authorities, as well as editorial control by owners or funders with partisan political interests.

Censorship, including self-censorship, is common among Palestinian media organizations. According to a 2014 MADA report, more than 68 percent of journalists in the Palestinian territories said their work or their colleagues' work had been barred from publication at least once. The same report found that over 80 percent of Palestinian journalists had engaged in self-censorship.

In 2014, Hamas and the Fatah-led PA lifted bans on each other's affiliated newspapers that had prevented them from being published in Gaza and the West Bank, respectively. However, in November 2015, during a spike in violence across the occupied territories, the PA ordered broadcasters in the West Bank to cease airing the Hamas-linked television channel Al-Aqsa, headquartered in Gaza.

Israeli authorities raided and temporarily closed at least four media facilities in the West Bank in 2016. In March, the adjacent offices of Islamic Jihad-affiliated television station Palestine Today and the media production company Trans-Media were raided and closed in Al-Bireh, and three employees were arrested. However, both companies apparently continued to function from other facilities. The August raid on Al-Sanabel Radio resulted in its closure for three months, but it was broadcasting again by December. Later in December, Israeli forces raided and closed the Asayel Yafa printing house and arrested its owner. MADA documented seven other cases during the year in which Israeli authorities raided media outlets and seized or damaged equipment without ordering a shutdown.

Israeli forces in the West Bank regularly obstructed the work of journalists in the field. Checkpoints – which entail searches, interrogations, and sometimes short detentions – have long hindered movement and limited journalists' ability to report within and beyond the occupied territories. In one prominent case, columnist Omar Nazzal – a board member of the Palestinian Journalist Syndicate – was arrested in April 2016 while attempting to cross from the West Bank into Jordan, from where he planned to travel to a journalists' conference in Europe. He remained in Israeli administrative detention at year's end. Nazzal had written on controversial topics in the weeks leading up to his arrest, and posted Facebook messages criticizing Israel for clamping down on Palestinian media.

The Israeli military has also curbed coverage of regular protests near the Israeli security barrier in the West Bank by declaring such areas "closed military zones." Physical assaults on Palestinian journalists often occur in the context of protests. According to MADA's annual report, Israeli forces were responsible for a total of 58 cases of assault in 2016, including the killing of a media student during a military operation; this represented a sharp decline from the previous two years, which featured more general unrest. MADA reported a total of eight assaults by Palestinian authorities in the West Bank and Gaza during 2016.

The Foreign Press Association accused Hamas of imposing various restrictions on the entry and operation of international journalists in Gaza in 2016, including intrusive interrogations and permit denials. Two foreign journalists, including one with the *New York Times*, were reportedly banned by Hamas as a result of their work.

Palestinian officials in both Gaza and the West Bank used summons and interrogations extensively during the year to harass and intimidate journalists. MADA documented 51 such

incidents in 2016, up from 38 in 2015. Gaza accounted for the entire increase, with 28 cases in 2016 versus 15 in 2015.

Economic Environment: 22 / 30

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 also partially finances *Al-Ayyam*. 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. In Gaza, Hamas operates Al-Aqsa TV and 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. Residents also have access to a variety of foreign broadcasts.

About 61 percent of Palestinians used the internet in 2016, according to the International Telecommunication Union. However, access to reliable telecommunications technology in the territories is severely limited by Israeli restrictions. Both the West Bank and Gaza rely on Israeli telecommunications infrastructure, with routing switches, cell towers, and gateway switches generally located in Israeli-controlled territory. In addition, Israel controls access to the electromagnetic spectrum across the territories, and has long prohibited Palestinian companies from offering 3G mobile internet services, leaving that market in the hands of Israeli carriers. The prohibition was due to be lifted under a November 2015 agreement, but it had yet to be implemented at the end of 2016.

Because the fragile Palestinian economy generates little commercial advertising revenue, local media outlets are often dependent on funding from the PA, political factions, and foreign donors, which affects their editorial autonomy.

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