

This case makes it clear yet again that the cost of doing business where human rights are being repressed must include investing more resources into upholding human rights. In Palestine, Facebook both under invests resources needed to address existing and future human rights impacts of its products, and collaborates opaquely with governments in ways that actively silence vulnerable voices. In addition to making policy recommendations to Facebook on this case, we urge the Board to try something new: recommend Facebook and Instagram undertake a [full, independent, public audit](#) of content moderation policies and enforcement with respect to Palestine.

First, the Board appropriately asks about the state of media freedom in Palestine and beyond- [there is little media freedom in the whole region](#). Both Israeli and Palestinian governments suppress vulnerable voices, including activists and independent media. Israel [surveils and detains activists](#), and pushes social media platforms to take down content through its “[Cyber Unit](#).” Despite repeated requests by civil society, Facebook has refused to provide transparency about this relationship. [The Israeli Supreme Court](#) just rejected a legal challenge to the Unit -- but also required the Unit to start documenting referrals for transparency and recommended that the Israeli legislature ensure oversight of the Unit through legislation. At the same time, authorities in Gaza and the West Bank [repress dissent](#). The Palestinian Authority just [arrested](#) multiple [activists](#), and an activist critical of the Authority [died in custody](#) last month. Despite these challenges people continue to use these platforms to share their stories with the world, have open discussions about political affairs, and create open source archives of human rights related content. Social media offers one of the few avenues for them to do so, and when live streaming can even provide protection from police and military violence.

Second, it's clear that this removal was inconsistent with both Facebook's policies and its off-stated values, including a commitment to free expression. With regards to referencing designated groups for the purpose of “report[ing] on, condemn[ing], or neutrally discuss[ing] them or their activities, the Dangerous Orgs policy has just been updated in response to this Board's policy recommendations to state that it is “designed to allow room for these types of discussions, but we require people to clearly indicate their intent.” The post in this case was branded by a news organization. It was clearly allowed under the policy. Unfortunately, this is [one instance amongst many in Palestine in](#) which Facebook improperly removed or limited important political content and accounts. What's more, a brief perusal of current content in Hebrew brings up myriad posts that repeat the warning from the “Izz al-Din al-Qassam Brigades” and contain similar imagery. Unlike Al Jazeera's post, which came from a verified page, these posts lack a clear indication that they are coming from news agencies. The difference? They're in Hebrew.

This removal was consistent with Facebook's [abysmal](#) content moderation record in the entire Arabic-speaking world, but [particularly in Palestine](#). In this context, the claim that it was an “enforcement error” is disingenuous, to say the least. Facebook has claimed too many times that removals of important speech in Palestine were an enforcement error. [For example](#), Instagram supposedly removed posts about Al Aqsa mosque because the name of the holy site is “unfortunately included in the names of several restricted organizations.” Facebook has been claiming that removals of important content in Palestine were mistakes [since at least 2016](#), when it disabled accounts of several Palestinian journalists. Facebook is either completely broken in the way it works in Palestine, in which case it needs to invest

more resources, or Facebook is covering up biased handling of content moderation by claiming mistakes. Either way, Facebook needs to address the patently obvious issue: enforcement in Palestine is silencing vulnerable voices and that is especially harmful to human rights because of the context of poor media freedom and ongoing human rights violations by state and non-state actors.

Finally, regarding contexts where designated individuals or orgs play a significant role in public life; current [discussions around content moderation](#) taking place in the multistakeholder forums of the Global Internet Forum to Counter Terrorism and the Christchurch Call are considering the issue of [terrorist and violent extremist designations](#) and the role those designations play in [automated content moderation](#). These forums are also considering the impact of increased removal of “terrorist and violent extremist content” on human rights broadly, and on documentation of human rights abuses specifically. In line with the human rights concerns being raised in these discussions, Facebook needs to undertake a more public and thorough audit of its Dangerous Individuals and Organizations policy. Furthermore, in line with the Oversight Board’s growing body of work in this area, including the Board’s decisions in cases [2021-006-IG-UA](#), [2021-003-FB-UA](#) and [2020-005-FB-UA](#), Facebook must consider context when taking down content that references an individual or organization on Facebook’s internal lists, or on external lists, rather than automatically moderating that content.

The Board should again direct Facebook to clarify its Dangerous Individuals and Organizations policy to make it clear that discussion about important political matters that is not incitement to violence does not fall under the policy. Furthermore, the Board should require Facebook to indicate where it is using automation in content moderation, as well as conduct a complete and thorough audit of its content moderation policies and enforcement in Palestine.