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**Contribution by Reporters Without Borders, an NGO with special consultative status,
on media freedom in Israel**

Media freedom and online free expression in Israeli territory

The Israeli authorities are capable of the best and the worst as regards respect for media freedom. Despite military censorship, the country's media continue to enjoy a level of freedom that is unrivalled in the region.

In the course of the past year, the Israeli judicial system has sent very negative signals to Israeli journalists and their sources.

The attorney general decided on 30 May 2012 to prosecute **Uri Blau**, a reporter for the Israeli daily *Haaretz*, on a charge of "holding classified information without authorisation and without intention to harm the security of the state" under article 113-c of the criminal code, which carries a possible seven-year sentence. On 5 July, a deal was struck between the Tel Aviv district attorney and Uri Blau under which Blau would plead guilty to illegally possessing classified documents in exchange for a sentence of four months of community service. According to *Agence France-Presse (AFP)*, Blau would plead guilty to "possession of secret information without intending to harm state security."

All of the articles that Blau wrote on the basis of this information were nonetheless approved by the military censors.

Blum's source, fellow journalist **Anat Kam**, was sentenced on 30 October 2011 to four and a half years in prison, plus an additional suspended sentence of 18 months in prison, on charges of spying and providing *Haaretz* with classified documents she had copied while doing military service. The authorities jailed her on 23 November without waiting for her appeal to be heard.

While doing military service from 2005 to 2007, Kam photocopied classified military documents about human rights abuses by the Israel Defence Forces in the Occupied Territories and subsequently handed them to Blau. Beginning in late 2008, Blau used these documents as the basis for several articles for *Haaretz*, all of which were approved by the military censors, as expressly required by Israeli law. One of the articles, published in November 2008, said the IDF had violated a supreme court decision by carrying out targeted killings of Palestinian militants who could have been arrested.

The Israeli authorities banned the Israeli media from covering the case in April 2010. Although it was being covered by many foreign media, the Israeli media could not touch it because of a court-ordered ban. An appeal by *Channel 10* et *Haaretz* against the gag order was unsuccessful. Foreign newspapers that were covering the story at the time included *The Independent*, *The National*, *Le Monde* and *The Guardian*. Several Israeli newspapers made fun of the censors. In an article headlined "What the intelligence agencies don't want you to know", *Yediot Aharonot*, Israel's most widely-read newspaper, advised its readers on 1 April 2010 to read about the case by going online and searching for "Israeli journalist gag."

The prosecution of Blau and Kam's sentence have sent a clear warning to all journalists who use confidential documents as the basis for stories and, as such, represent a disturbing signal for media freedom in Israel.

In a letter to attorney general Yehuda Weinstein on 3 November 2011, Reporters Without Borders wrote: "Investigative journalists are the cornerstone of transparency, which is essential if a society is to function in a democratic manner. They provide a vital service (...) The documents involved shed a vital light on the way the IDF was operating (...) This is not about endangering the country's security. It is just a question of exercising one's right to information about a state entity."

A bill toughening Israel's libel laws was approved by the Knesset on first reading on 21 November 2011, despite strong objections from Israeli journalists. The bill, which has still to be considered by the Knesset's law committee before its second and third readings, provides for a steep rise in the amount of libel damages although plaintiffs will not have to prove they suffered any prejudice. "The severity of the financial penalties determined by this bill is clearly aimed not only at strangling Israel's media financially but also at intimidating journalists who might dare to expose corruption and criticize the government," Reporters Without Borders said.

Recommendations

- Ask the Israeli authorities to end military censorship. This kind of censorship is contrary to the basic principles of a democratic system.
- Case of Uri Blau and Anat Kam: press the authorities to quash Kam's conviction and jail sentence.
- Urge the authorities to abandon the libel bill that was passed on first reading in November 2011 as it could undermine Israeli democracy.

IDF policy towards Palestinian media and foreign journalists who want to cover the Palestinian Territories

The relatively positive press freedom situation within Israel is severely marred by the way the Israel Defence Forces treat journalists in the Palestinian Territories. The IDF's conduct in the West Bank and Gaza Strip borders on the arbitrary.

Access to Palestinian Occupied Territories

The Israeli authorities have forbidden Israeli citizens from entering the Palestinian Territories since 2006. The ban is enforced for Israeli journalists who would like to visit the Gaza Strip. It is different in the West Bank. Israeli journalists can visit Zones A and B of the Palestinian Territories subject to notification before every visit. Any failure to observe the rule can expose journalists to judicial sanctions. *Haaretz* correspondent **Amira Hass** defies the ban by basing herself in Ramallah.

The Israeli authorities denied the international media access to the Gaza Strip "for safety reasons" during Operation Cast Lead, the military offensive that ran from 27 December 2008 to 18 January 2009. This was a serious press freedom violation. In all, six journalists were killed during Operation Cast Lead, two of them in connection with their work, and around 15 others were wounded.

Two *Al-Jazeera* journalists aboard the "Spirit of Humanity," a vessel chartered by the Free Gaza group in June 2009 to carry humanitarian aid to the Gaza Strip despite the blockade imposed by Israel ever since Hamas took power in 2007, were arrested when the boat was intercepted by the Israeli navy. They were deported from Israel a few days later.

The Israeli military's use of force to intercept a large Gaza-bound "Freedom Flotilla" in May 2010 resulted in 19 passengers being killed and 36 others wounded. The Israeli authorities imposed a temporary blackout on information about the victims and their transfer to hospitals in Israel. More than 60 journalists aboard the flotilla were arrested, taken back to Israel and then deported. Their equipment was confiscated and many of them are still waiting for it to be returned.

The head of the Israeli government press office announced on 26 June 2011 that any journalist travelling on Gaza-bound vessels would be treated as having deliberately violated Israeli law and could be denied entry to Israel for 10 years. This announcement caused such an outcry that the Israeli prime minister said that it would be reviewed the next day.

The Israeli authorities managed to prevent another flotilla embarking with passengers and journalists in August 2011. Five journalists and 22 other passengers were arrested when two Gaza-bound vessels were intercepted by the Israeli navy on 4 November 2011. They were all subsequently deported from Israeli. The last to be deported was a British journalist working for *Press TV*, the Iranian government's English-language TV news station, who was held for seven days.

Arbitrary closure of Palestinian media

In the past six months, many Palestinian media located in the Occupied Territories have been closed down by the IDF in an arbitrary and illegal manner with the aim of limiting the range of news sources available to Palestinians.

- On 17 May 2012, Israeli soldiers seized broadcasting equipment, computers, video cameras and documents from the *Al-Asir* Palestinian Prisoner Channel, a Jenin-based satellite television station

- for Palestinian prisoners that had been launched on 1 April. The soldiers also arrested its director, Baha Khairi Attalah Mousa. The station is privately funded and claims to have no political affiliation.
- On 2 April 2012, dozens of Israeli police raided a Palestinian radio, television and online media network set up by Al-Quds University in East Jerusalem. Located in the Al-Khaldyeh district of East Jerusalem, the network was part of the university's Institute of Modern Media, and comprised the radio station *Houna Al-Quds* and a news agency with the same name. They were ordered to close and some of their equipment was seized.
 - On 29 February 2012, Israeli troops raided two Palestinian TV stations, *Al-Watan* and *Al-Quds Educational TV*, in the West Bank city of Ramallah, which is under Palestinian Authority control. As a result of these illegal raids, both stations were forced off the air.
 - On 20 November 2011, the Israeli communications ministry ordered the closure of *All for Peace (Kol Hashalom)*, a radio station based in occupied East Jerusalem and broadcasting from Ramallah in the West Bank. Claiming that it lacked the necessary broadcast licences, the Israeli authorities accused it of "inciting hatred towards Israel." It had been broadcasting programmes in Hebrew and Arabic for seven years, encouraging peace initiatives and dialogue between Israelis and Palestinians.

Arbitrary arrest and detention

Many Palestinian journalists are detained in Israel in connection with their work. Administrative detention orders – a legacy of the British mandate – are regularly used to detain Palestinian journalists in violation of their most basic rights. Renewable every six months, the detention orders allow the Israeli authorities to hold people without charge.

Here is a non-exhaustive list of Palestinian journalists in detention on 17 April 2012 (compiled for Palestinian Prisoners' Day):

- **Hamza Slimane Barnat**, a photographer, was sentenced in March 2012 to 18 months in prison and a fine of 5,000 shekels (1,000 euros) for his work opposing Israel's separation wall in the West Bank within the organization Friends of Justice and Freedom. He previously served a nine-month prison sentence for his activism at the age of 17.
- **Suhaib Al-Assa** was arrested on 5 February 2012 and was sentenced by an Israeli military court to four months in prison and a fine of 3,000 shekels (600 euros). He worked for [Radio Bethlehem 2000](#).
- **Amin Abd Al-Aziz Abu Warda**, a reporter for the *Palestinian News Network* and the Emirati newspaper *Al-Khaleej*, was arrested on 28 December 2011 in Nablus and placed in administrative detention.
- **Raed Al-Sharif**, a journalist for a local radio station in Hebron in the south of the West Bank, was arrested on 14 November 2011. His trial has been continually postponed. He is held in Ofar Prison, Israel's main detention facility.
- **Amar Abd Al-Halim Abu Urfa**, a reporter for *Shehab News Agency*, was arrested in Hebron on 21 August 2011, since when he has been held in administrative detention.
- **Nawaf Al-Amer**, programme director for the satellite station *Al-Quds*, was arrested on 28 June 2011 at his home southwest of Nablus, in the northern sector of the West Bank. His administrative detention was renewed in January.
- **Walid Khaled**, the editor of the Gaza-based newspaper *Filisteen*, was arrested by Israeli troops on 8 May 2011 near Salfit in the northwest of the West Bank. Currently held in administrative detention, he has been imprisoned previously and has spent a total of 16 years in Israeli jails.

Samir Allawi, the *Al-Jazeera* bureau chief in Kabul, was arrested during a visit to the West Bank in August 2011 and was released at the end of September.

News photographers – a favourite IDF target

Reporters Without Borders has registered many IDF press freedom violations affecting Palestinian, Israeli and foreign news photographers who were covering protests against the separation wall and the construction of new Israeli settlements. Reporters Without Borders condemns the complete impunity enjoyed by the Israeli soldiers responsible for these abuses.

- On 10 February 2012, two Palestinian journalists – **Ahmed Maslah**, who works as a cameraman for the Turkish television station *TRT*, and a *New York Times* photographer – were injured by tear gas grenades and rubber bullets fired by Israeli soldiers as they were covering a weekly protest in the village of Nabi Saleh against the separation wall and encroachment on their land. Witnesses told Reporters Without Borders the soldiers appeared deliberately to fire tear gas grenades and rubber bullets in the direction of the journalists after barring them from areas where Palestinian youths clashed with the soldiers.
- On the same day, two other journalists – a French reporter and a correspondent for *Nablus TV*, **Bakr Abd Al-Haq** – were slightly injured in Kufr Qaddoum, in the northern part of the West Bank near Qalqilyah, while they were reporting on a peaceful weekly protest.
- On 27 January 2012, **Moheeb Al-Barghouty**, a Palestinian photojournalist working for *Al-Hayat Al-Jedida*, was wounded in the leg by the rubber bullets that a soldier deliberately fired at him as he was covering the weekly protest in the Palestinian village of Bil'in. *Palestine Public TV* reporter **Haron Amayreh** received a leg wound from a tear gas grenade in Kufr Qaddoum the same day.
- On 31 December 2011, **Ashraf Abu Shaouish**, a Palestinian cameraman with the local branch of the *Pal Media* TV news agency, was targeted by tear gas grenades fired by Israeli soldiers while he was filming the clashes between them and Palestinians that broke out during a non-violent protest against the separation wall in the village of Assira near Nablus. He was taken to Rafidia Hospital in Nablus for treatment.
- On 18 December 2011, Israeli troops accosted **Linda Shelsh** and **Ibrahim Al-Ranisi**, two reporters from the satellite station *Al Quds*, while they were outside Ofar prison near Ramallah providing live coverage of the release of Palestinian prisoners under the exchange deal between Israel and Hamas.
- Israeli photographer **Mati Milstein** and other photojournalists were the target of an attack by members of the IDF's Alexandroni Brigade on the outskirts of the village of Nabi Saleh on 29 July 2011.
- News photographer **Mohammed Osman** was shot by an Israeli soldier while covering clashes between young Palestinians and Israeli troops at the Beit Hanoun (Erez) border crossing between the Gaza Strip and Israel on 15 May 2011, the anniversary of Israel's creation, called "Nakba Day" (Day of Disaster) by Palestinians. He was left permanently handicapped by a serious gunshot injury to the chest.

Reporters Without Borders has on many occasions asked the Israeli military authorities to carry out independent and impartial investigations into such incidents in order to identify and punish those responsible. Even when the army does carry out an investigation, it seldom reaches any significant conclusions.

Such was the case when the Israeli photographer Mati Milstein filed a complaint against the Alexandroni Brigade about the July 2011 attack. The letter he received from IDF spokeswoman Lt. Col. Avital Leibovich on 22 December 2011 insisted that the IDF had responded appropriately to a "violent and illegal demonstration." She said it was inappropriate for reporters to complain because the West Bank areas they were covering were dangerous and their work necessarily entailed taking risks. "Sometimes the media are caught in the eye of the storm," the letter added.

Recommendations

Recommendations to senior IDF officers

- Urge the military to stop targeting journalists.
- Stress the need for the IDF to provide its soldiers with better training on this issue.
- Request the return of equipment seized by soldiers during the assault on the humanitarian flotilla on 31 May 2010. If equipment is not returned, financial compensation should be given.
- Request the release of all Palestinian journalists who are currently detained in Israel in connection with their work.
- Ask the IDF to stop closing Palestinian media arbitrarily, to allow closed media to resume operating and to restore confiscated equipment.

Recommendations to Israeli authorities in general

- Stress the importance of prosecuting soldiers who are responsible for violating the rights of media personnel, in order to end the culture of impunity.
- Call for the compensation of those such as Mohamed Osman who have been the victims of IDF abuses.
- Request that Israeli journalists be allowed to visit the Occupied Territories again.