



Public Comment Appendix for

**2021-009-FB-UA**

Case number

Case description

In May 2021 a Facebook user in Egypt shared a post by a verified Al Jazeera news page about the escalating violence in Israel and the Occupied Palestinian Territories of Gaza and the West Bank. The Al Jazeera post consists of text in Arabic and a photo. The text states: "He Who Warns is Excused'. Al-Qassam Brigades military spokesman threatens the occupation forces if they do not withdraw from Al-Aqsa Mosque." The Izz al-Din al-Qassam Brigades are the military wing of Hamas and have been designated as a terrorist group by multiple states, either individually or as part of Hamas.

The photo shows two people in camouflage fatigues with their faces covered standing in front of a row of microphones and wearing headbands featuring Al-Qassam's insignia. Superimposed over the photo is an Arabic language statement in quotation marks attributed to a spokesperson for the Al-Qassam Brigades.

Translated into English, the statement on the photo reads: "The resistance leadership in the common room [الغرفة المشتركة] gives the occupation a respite until 18:00 to withdraw its soldiers from Al-Aqsa Mosque and Sheikh Jarrah neighbourhood, otherwise he who warns is excused. Abu Obeida – al-Qassam Brigades military spokesman." The Board notes that Al Jazeera's post (which the user shared) is currently available on Facebook.

Facebook initially removed the user's post for violating its Community Standard on dangerous individuals and organisations. In their appeal, the user stated that they had shared the post to update people on the developing crisis and that it was an important issue that more people should be aware of. The user also noted that their post simply shared content from an Al Jazeera page.

After the Board asked Facebook to confirm the eligibility of this post for Board review, Facebook identified the removal of this post as an enforcement error and restored the content. The Board chose to proceed with reviewing this case as it continues to raise important questions about Facebook's policies and enforcement practices.

The Board would appreciate public comments that address:

- Whether Facebook's decision to remove this content was consistent with its Community Standard on dangerous individuals and organisations, specifically the rule against praising, supporting or representing dangerous individuals and organisations.
- Whether Facebook's decision to remove the post was consistent with the company's stated values and human rights commitments, including on freedom of expression.
- How Facebook should moderate content in contexts where designated individuals or organisations appear in and engage with news reporting, play a significant role in public life or assume responsibilities ordinarily carried out by state actors.
- The state of media freedom in the region and how this relates to the use of Facebook and Instagram to share and discuss current events, and how Facebook's content policies and their enforcement affect the free flow of information.
- How Facebook's policies affect the ability to share information related to the recent escalation of violence in Israel and the Occupied Palestinian Territories.
- Whether Facebook's content policies and their enforcement may have led to the censoring of vulnerable or under-represented voices in the region.

In its decisions, the Board can issue policy recommendations to Facebook. While these are not binding, Facebook must respond to them within 30 days. As such, the Board welcomes public comments proposing recommendations that are relevant to this case.



Public Comment Appendix for

2021-009-FB-UA

Case number

The Oversight Board is committed to bringing diverse perspectives from third parties into the case review process. To that end, the Oversight Board has established a public comment process.

Public comments respond to case descriptions based on the information provided to the Board by users and Facebook as part of the appeals process. These case descriptions are posted before panels begin deliberation to provide time for public comment. As such, case descriptions reflect neither the Board's assessment of a case, nor the full array of policy issues that a panel might consider to be implicated by each case.

To protect the privacy and security of commenters, comments are only viewed by the Oversight Board and as detailed in the [Operational Privacy Notice](#). All commenters included in this appendix gave consent to the Oversight Board to publish their comments. For commenters who did not consent to attribute their comments publicly, names have been redacted. To withdraw your comment, please email [contact@osbadmin.com](mailto:contact@osbadmin.com).

To reflect the wide range of views on cases, the Oversight Board has included all comments received except those clearly irrelevant, abusive or disrespectful of the human and fundamental rights of any person or group of persons and therefore violating the [Terms for Public Comment](#). Inclusion of a comment in this appendix is not an endorsement by the Oversight Board of the views expressed in the comment. The Oversight Board is committed to transparency and this appendix is meant to accurately reflect the input we received.



## Public Comment Appendix for

**2021-009-FB-UA**

Case number

**26**

Number of Comments

### Regional Breakdown

<b>0</b> Asia Pacific & Oceania	<b>0</b> Central & South Asia	<b>7</b> Europe	<b>1</b> Latin America & Caribbean
<b>3</b> Middle East and North Africa	<b>0</b> Sub-Saharan Africa	<b>15</b> United States & Canada	

**2021-009-FB-UA**

Case number

**PC-10128**

Public comment number

**United States and Canada**

Region

**Dr. Brett**

Commenter's first name

**Prince**

Commenter's last name

**English**

Commenter's preferred language

**Neurobehavioral Rehabilitation Associates**

Organization

**Yes**

Response on behalf of organization

-----

Short summary provided by the commenter

**Clear and obvious violation.**

Full Comment

**1. Violation of Dangerous Individuals and Organizations. 2. Clear and present threat of violence, terrorism, and group hatred. 3. Spreading of misinformation intended to harm and threaten a specific targeted group especially Israeli Jews.**

Link to Attachment

**No Attachment**

2021-009-FB-UA

Case number

PC-10130

Public comment number

United States and Canada

Region

Sandra

Commenter's first name

Yukmam

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

----

Short summary provided by the commenter

It is my opinion that posts like this that are meant to save lives by warning if terrorist behavior SHOULD always be allowed. If they are verified as true, lives can be saved. FB has a responsibility to do no harm and to do good when it can. It USED like a doctor who sees a patient and find out that they are being beaten at home, he had a responsibility to try and notify the authorities out someone who can help. Don't be afraid to do good. There will always be someone who disagrees with your policies but you should still do the right thing if it may save a life. Remember that human life is the most important thing in the planet because everyone is someone else's loved one.

Full Comment

It is my opinion that posts like this that are meant to save lives by warning if terrorist behavior SHOULD always be allowed. If they are verified as true, lives can be saved. FB has a responsibility to do no harm and to do good when it can. It USED like a doctor who sees a patient and find out that they are being beaten at home, he had a responsibility to try and notify the authorities out someone who can help. Don't be afraid to do good. There will always be someone who disagrees with your policies but you should still do the right thing if it may save a life. Remember that human life is the most important thing in the planet because everyone is someone else's loved one.

Link to Attachment

No Attachment

2021-009-FB-UA

Case number

PC-10131

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

----

Short summary provided by the commenter

(I am a professor at OU but my views are my own) I think Facebook was right in removing the content. Facebook has an obligation to keep the marketplace of ideas as large as possible but it also has an obligation to keep it well functioning. This post undermines the latter goal on many levels.

Full Comment

Our ideas of free speech are meant to guard against govt and social tyranny. Government can try to limit such freedom through laws or force and the citizens who have the loudest voices by silencing views they don't like through things like ostracizing individuals and corporations. The goal is to kick ideas out of the market place undermining individual and social growth. The more ideas we are exposed to the more we strengthen our own (no dogmatism) or realize we were wrong or partially wrong. We need a robust and well functioning marketplace. But words can harm so we use the harm principle to determine when interference is justified. The harm in question should be defined very narrowly to keep the market place large which is a central element to function well. Bad ideas eventually will leave and natural growth (the best kind of growth) will occur. In addition, the marketplace only works if all voices are heard and we must be careful not to silence vulnerable voices and work to help those voices get larger. Another key element needed for a well functioning marketplace is open minded people willing to engage in reflection and civil discussion. I believe that if the ideas expressed are ones that actually add to the fruitful discussion of a topic that can further understanding, test people's current beliefs, and foster civil fruitful discussion, that we must be very careful employing the harm principle- especially for vulnerable groups whose voices are often dismissed. We must be pretty tolerant of harm. In this case, however, the language is a mere threat and doesn't add to the marketplace. Rather, it undermines it. It undermines discussion. Threats make people defensive and more likely to fight

and not be open minded. In addition, Hamas is not the same thing as Palestinians. It's not a vulnerable group. It's a terrorist organization. Finally, the fact that it's a sharing of an article from a news source is of no relevance. Facebook has censored articles from legitimate news sources many times. Therefore, Facebook was right to censor this post and should also remove the original post as well. Facebook, I believe, has an obligation to keep the marketplace large, but it also has the obligation to keep it well functioning. Thanks for reading this. Again. I'm a professor but my thoughts are solely my own.

[Link to Attachment](#)

**No Attachment**



**2021-009-FB-UA**

Case number

**PC-10133**

Public comment number

**United States and Canada**

Region

**John**

Commenter's first name

**crabtree**

Commenter's last name

**English**

Commenter's preferred language

**None**

Organization

**No**

Response on behalf of organization

----

Short summary provided by the commenter

**If trump can be band then facebook is hypocritical if they do not ban this terrost forever. . and. suckerberg should go to jail for infringing and violating peoples rights.**

Full Comment

**If trump can be band then facebook is hypocritical if they do not ban this terrost forever. . and. suckerberg should go to jail for infringing and violating peoples rights.**

Link to Attachment

**No Attachment**

**2021-009-FB-UA**

Case number

**PC-10134**

Public comment number

**United States and Canada**

Region

**Withheld**

Commenter's first name

**Withheld**

Commenter's last name

**English**

Commenter's preferred language

**Withheld**

Organization

**No**

Response on behalf of organization

----

Short summary provided by the commenter

**Given the increasing violence in the Middle East as well as here in America allowing post of this nature does nothing more then add to the violence.**

Full Comment

**This post and all other like it do nothing more then escalate the violence. Allowing far right and extremist statements like this do more harm and threaten a fragile peace. Give voice to terrorists and wack jobs in the US government just emboldens them. News agencies and social media by covering such people just feed their narcissistic personalities and the sooner the main stream media and social media realize this these terrorists and narcissists will fade into the background and will I hope in time become irrwlvant.**

Link to Attachment

**No Attachment**

**2021-009-FB-UA**

Case number

**PC-10136**

Public comment number

**United States and Canada**

Region

**Croitiene**

Commenter's first name

**ganMoryn**

Commenter's last name

**English**

Commenter's preferred language

**DID NOT PROVIDE**

Organization

**No**

Response on behalf of organization

----

Short summary provided by the commenter

**This is the issue with algorithms: they can't discern.**

Full Comment

**This is the issue with algorithms: they can't discern.**

Link to Attachment

**No Attachment**

**2021-009-FB-UA**

Case number

**PC-10139**

Public comment number

**United States and Canada**

Region

**Cedria**

Commenter's first name

**King**

Commenter's last name

**English**

Commenter's preferred language

**DID NOT PROVIDE**

Organization

**No**

Response on behalf of organization

----

Short summary provided by the commenter

**No date given, seems to have been a heads up warning to all involved**

Full Comment

**Although Al Jazeera was helping Hamas during and before this last conflict with Israel, this seems to be information shared as a warning to all about Hamas' intentions on the mosque area. That's why all who informed were forgiven. In the future I suggest that if Facebook decides to leave the post in place, they could add a warning label or box that this is from a terrorist aligned source and info is from a terrorist source. Observe with caution.**

Link to Attachment

**No Attachment**

**2021-009-FB-UA**

Case number

**PC-10145**

Public comment number

**Europe**

Region

**Jenny**

Commenter's first name

**Hardacre**

Commenter's last name

**English**

Commenter's preferred language

**DID NOT PROVIDE**

Organization

**No**

Response on behalf of organization

----

Short summary provided by the commenter

**This is censorship of an oppressed people.**

Full Comment

**This post was shared from a legitimate source and presents the situation from a Palestinian perspective, which Facebook seems alarmingly eager to silence. Additionally it shows the very underreported fact that Al Qassam gives warnings before launching missiles. This is important information of which the public should be aware. It shows that the brigades are misrepresented by Western media. To remove this post was either negligent or deliberate censorship.**

Link to Attachment

**No Attachment**

2021-009-FB-UA

Case number

PC-10149

Public comment number

Latin America and Caribbean

Region

Dani

Commenter's first name

Noble

Commenter's last name

English

Commenter's preferred language

Jewish Voice for Peace

Organization

Yes

Response on behalf of organization

----

Short summary provided by the commenter

Jewish Voice for Peace would like to affirm Facebook's original decision to restore the user-in-question's content as the just remedy to the user's appeal. Users must have the right to share news articles and information about the political situation on the ground in Palestine. Removing content from a news article is over-moderation and negatively impacts people's abilities to exercise their right to freedom of expression and the right to access information.

Full Comment

Jewish Voice for Peace (JVP) is a US-based, grassroots organization and registered non-profit inspired by Jewish tradition to work for a just and lasting peace according to principles of human rights, equality, and international law for all the people of Israel and Palestine. JVP also has one of the largest Facebook followings of any US-based Jewish organization. In reference to Oversight Board Case number 2021-009-FB-UA, JVP would like to affirm Facebook's original decision to restore the user-in-question's content as the just remedy to the user's appeal. Users must have the right to share news articles and information about the political situation on the ground in Palestine. Removing content from a news article is over-moderation and negatively impacts people's abilities to exercise their right to freedom of expression and the right to access information. Social media is often one of the only vehicles for Palestinians to share with the world their experiences facing a crippling military occupation, including assaults on civilians, forced displacement and home demotions, a brutal apartheid regime, and other violence and oppression. The freedom to share their stories and experiences is vital for Palestinians to seek international support in holding the Israeli government accountable for its human rights violations against the Palestinian community. JVP relies on the information, documentation and stories from journalists, activists, and legal professionals on the ground in Palestine in its work to end Israeli government violations of Palestinian

human rights. Facebook should protect users' freedom to share information, visual documentation, and opinions regarding events on the ground in Palestine all of which are crucial to holding the Israeli government accountable. Facebook must begin a sincere effort in rebuilding trust with Palestinian user communities and greater movement for Palestinian rights, and the Facebook Oversight Board can help play a key role in ensuring Facebook is a safe space for all. In particular, Jewish Voice for Peace is very concerned about the possibly privileged relationship between Facebook and the Israeli Ministry of Justice's Cyber Unit, and the unacceptable levels of silencing and censoring of Palestinians and Palestinian human rights supporters on the Facebook platform. The FOB has been presented to our communities as an independent, unbiased body – and we hope that its decision will reflect the value it places on all users' freedom of expression.

[Link to Attachment](#)

**No Attachment**

2021-009-FB-UA

Case number

PC-10159

Public comment number

United States and Canada

Region

Lara

Commenter's first name

Friedman

Commenter's last name

English

Commenter's preferred language

Foundation for Middle East Peace

Organization

Yes

Response on behalf of organization

----

Short summary provided by the commenter

I urge the Board to uphold Facebook's decision to restore a user's Palestine-related content. Such a ruling would be an important step toward rebuilding trust that Facebook supports the freedom of expression of all its users, including Palestinians, and supports freedom of access to information related to Palestine – whether in the form of posts sharing first-hand news from the ground, or through the posting of links to articles, video clips, or other sources of information. It would also send a much-needed signal that Facebook will stand firm against efforts to use de-platforming and politicized content moderation policies to bolster the dehumanization and silencing of Palestinians on social media.

Full Comment

I want to thank the Facebook Oversight Board for taking up this case – a case that is emblematic of the far-reaching challenges to Palestine-related political free speech on social media today. It is impossible to overstate the importance of social media to Palestinians everywhere. It is especially important for Palestinians living under Israeli military occupation in the West Bank, East Jerusalem, and Gaza Strip – locales in which traditional media and major human rights organizations sometimes have difficulty operating (e.g.: <https://www.washingtonpost.com/opinions/2021/05/18/israel-gaza-idf-ap-media-attack-journalism/> & <https://www.hrw.org/news/2019/11/25/israel-expels-human-rights-watch-director-today>). For many Palestinians, social media is the only means they have to inform the world of their reality living under occupation; to document and share evidence of this reality; and to communicate, from their own perspective and in their own words, their struggle for rights and freedom. In this way, social media is critical to the ability of Palestinians to engage the world. Social media empowers Palestinians to push back against narratives that dehumanize them. It



offers them a mechanism to challenge/refute narratives that erase their history and deny their present-day lived reality under occupation. And it enables them to non-violently bring attention to their cause, and to build the kind of international awareness and understanding of the situation on the ground that can translate into meaningful pressure to hold Israel accountable for its treatment of Palestinians, and in so doing can lead to meaningful changes. Palestinians today are mistrustful when it comes to social media. This is understandable, particularly in the wake of the recent violence on the ground in Jerusalem and Gaza, which was accompanied by censoring of Palestine-related content and quashing of Palestinian voices on some social media platforms (in some cases explained, after the fact, as algorithm-generated errors). In this context, I urge the Board to uphold Facebook's decision to restore a user's Palestine-related content. Such a ruling would be an important step toward rebuilding trust that Facebook supports the freedom of expression of all its users, including Palestinians, and supports freedom of access to information related to Palestine – whether in the form of posts sharing first-hand news from the ground, or through the posting of links to articles, video clips, or other sources of information. Such a ruling by the Board would also send a much-needed signal that Facebook will stand firm against efforts to use de-platforming and politicized content moderation policies to bolster the dehumanization of Palestinians and the silencing of Palestinian voices on social media.

[Link to Attachment](#)

**No Attachment**

**2021-009-FB-UA**

Case number

**PC-10166**

Public comment number

**United States and Canada**

Region

**Lara**

Commenter's first name

**Kiswani**

Commenter's last name

**English**

Commenter's preferred language

**Arab Resource & Organizing Center (AROC) Yes**

Organization

Response on behalf of organization

----

Short summary provided by the commenter

The Facebook Oversight Board should choose to uphold Facebook's decision to restore the user's content-in-question in order to protect users' right to freedom of expression and the right to access information, including sharing news articles and information about events on-the-ground in Palestine.

Full Comment

We hope that the Facebook Oversight Board will take seriously repairing the trust that has recently been eroded with communities of human rights advocates and Palestinians as we challenge apartheid Israel's human rights violations. We are very concerned about the impact of the Israeli Ministry of Justice's Cyber Unit's efforts to silence Palestinians and human rights supporters, and the impact that this unit may be having on Facebook's policies and practices. The FOB has been presented to our communities as an independent, unbiased body and we hope that its decision will reflect the valuing of all users' freedom of expression.

Link to Attachment

**No Attachment**

2021-009-FB-UA

Case number

PC-10168

Public comment number

Europe

Region

Dia

Commenter's first name

Kayyali

Commenter's last name

English

Commenter's preferred language

Mnemonic

Organization

Yes

Response on behalf of organization

----

Short summary provided by the commenter

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, 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.

Full Comment

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 oft-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.

Link to Attachment

[PC-10168](#)

2021-009-FB-UA

Case number

PC-10169

Public comment number

Middle East and North Africa

Region

Nadim

Commenter's first name

Nashif

Commenter's last name

English

Commenter's preferred language

7amleh - The Arab Center for the  
Advancement of Social Media

Organization

Yes

Response on behalf of organization

----

Short summary provided by the commenter

7amleh - The Arab Center for the Advancement of Social Media would like to affirm Facebook's original decision to restore the user in question's content as the just remedy to the user's appeal as this protects user's right to freedom of expression and their right to access information, which is essential for discussing important social, economic and political issues and to make decisions and assess the risks related to violence on the ground that can impact the safety and lives of Palestinians.

Full Comment

7amleh - The Arab Center for the Advancement of Social Media (7amleh) is a Palestinian organization and non-profit working to protect the digital rights of Palestinians. In reference to Oversight Board Case number 2021-009-FB-UA, 7amleh would like to affirm Facebook's original decision to restore the user in question's content as the just remedy to the user's appeal as this protects user's right to freedom of expression and their right to access information. Palestinians rely on social media to both learn from and share with their family, friends and the world the reality of their lives living under Israeli occupation and as second-class citizens in Israel. Facebook is also used to discuss important social, economic and political issues and to make decisions and assess the risks related to violence on the ground that can impact the safety and lives of Palestinians. This includes sharing news articles from media outlets and journalists who are covering political developments, including statements made by political leaders, such as in the case under review, so that these leaders can be held accountable. As was apparent in May, during the increased Israeli attacks on Palestinians in the Gaza Strip and efforts to forcibly displace Palestinians from their homes in East Jerusalem, Facebook is an incredibly important place for sharing news and information about events happening on the ground. Unfortunately, during this period, Facebook's response to increased

activism on its platform was increased censorship of journalists and activists. During this time, 7amleh documented (and shared with Facebook) hundreds of cases of content takedowns that did not violate Facebook's community standards, further alarming advocates and Facebook users. While Facebook has provided access to information and freedom of expression, many of the policies and practices of Facebook over the past decade have disproportionately silenced Palestinians. Overmoderating the content of Palestinians has resulted in a general belief amongst Palestinian users and human rights advocates that Facebook's content moderation policies are biased and discriminatory. It is our hope that the decision of the FOB to uphold Facebook's original decision to reinstate this political and newsworthy content will be respected, and that the FOB will be able to show to the Palestinian community that its decisions are unbiased and independent and contribute to better relations between Facebook, Palestinians and human rights advocate worldwide.

Link to Attachment

[PC-10169](#)

2021-009-FB-UA

Case number

PC-10170

Public comment number

Europe

Region

Chris

Commenter's first name

Gray

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

----

Short summary provided by the commenter

Concern about yet another claim by Facebook that the case is an enforcement error by a third-party contractor. Either these people are not being trained and guided properly, or the claim that they're responsible for over half the cases so far is false. Either way, there's no point the Board having opinions on policy if it can't be reliably implemented.

Full Comment

Facebook have designated this case as yet another "enforcement error." FB has blamed the person(s) implementing policy in over half of the cases where the Board has found FB at fault. There is not much point changing or refining policy if the people on the front line are not doing their job properly. This claim assumes there's nothing wrong with FB's policies and the Board doesn't need to get involved. The problem is under-performance of external contractors who are not even at FB's offices. First, are these cases a representative sample of FB's moderation problems? If they're not a symptom of any systemic or policy issue, is reviewing them a good use of the Board's time? Even if moderators were to achieve 99.9% accuracy, tens of thousands of mistakes would still be made every day. Are these cases just outliers, representative of the 0.1% of decisions where someone got it wrong? But each of these cases have already been reviewed, at FB or by contractors, and the original decision upheld. Surely any genuine enforcement errors have already been rectified? It appears that FB only, and always, claims there has been an enforcement error for certain types of case. When it appears that FB's decision-making is at odds with the majority public opinion, the blame is passed to the lowest-paid individuals in the content-moderation food-chain, people who are not even employed by FB. If these cases reflect the current state of content moderation, and FB's explanation is correct, this means the moderating teams, and the people reviewing their decisions, are all making the same errors and not implementing



policy properly. There's a problem with training and/or the way policy is communicated. It's important for the Board to understand what's going on when FB asserts there has been an enforcement error. Start by reviewing the original decision to the same standard that the moderators are held to: the Implementation Standards. Multiple people reviewed the same content, applied the IS as supplied by FB, and reached the same conclusion. It's not appropriate for you to use a different standard, such as the public rules or human rights law. There's no point the Board ruling on FB's policy if it's not implemented properly by people outside of FB due to errors in the IS. There is however a strong possibility the Board will find that the moderator made the correct decision per the IS and there was no enforcement error. It's been my experience that FB passes blame down the food-chain and punishes the person at the bottom for things beyond their control. I can name four individuals known to me personally who were fired after implementing policy as it had been taught to them, but inadvertently displeased FB. I am sure that FB will tell you the person(s) responsible for the alleged error have not been sanctioned in any way. But moderators are not generally employed by FB. They work for contracting companies which have been widely reported as treating staff badly. Mark Zuckerberg has dismissed these reports as "a little over-dramatic" but there is a documented pattern of abusive and incompetent management of content moderators by these firms. It is easily imaginable that a low-level manager in a contracting company might take action against an individual alleged to have made an error that causes a problem for FB. It's not a given, but it's a fair concern to have. I ask the Board to speak, privately, without "supervision", to the person accused of making an error, to understand their decision and obtain confirmation from them that they haven't been unfairly sanctioned. No individual at FB ever seems to be held accountable for failures of policy, and it would be only fair to confirm that the outside contractors trying to enforce those policies are also protected appropriately when the Board investigates their activities. As to whether the original decision was consistent with the company's stated values ... In my experience, actually implementing the policies as written, I always felt there was a genuine commitment on the part of the writers to doing the right thing. But it's incredibly difficult to write a set of standards that will always give the same outcome when implemented by people from different cultures and with differing levels of life experience. There are just too many variables to predict everything in advance. There were many occasions during my time as a moderator where, after being compelled by a rule to make a decision I was unhappy about, I asked myself how I would write the rule differently. I usually gave up in despair, because I could never improve on what was there. It's very easy for an armchair critic to sit back and complain that the rules are inadequate, or overly broad, to complain about the number of false positives, or the content that is allowed to stay up when it shouldn't. But I am not confident anyone can ever create a set of standards that will do the job without fail every time. The policy teams are constantly trying to refine the rules, trying to nail the issues down, but cases like this one are always going to slip through the cracks. I have watched as, every two weeks, Facebook's policy team issued updates to the IS, constantly tweaking the wording to try and catch the edge cases they missed last time without also penalising the marginal-but-acceptable content. If they have missed a trick this

time, it's just part of the inevitable and never-ending process of learning and adapting. I don't see any big policy failure. If the detailed nitty-gritty of the IS did cause anyone to make what the public views as the "wrong" call in this case, I would not be willing to claim that this is intentional on anyone's part. Nor would I accuse anyone of incompetence in this case. It just means that the IS need to be tweaked, but that's not going to happen if FB just blames the outside contractors instead.

[Link to Attachment](#)

**No Attachment**

2021-009-FB-UA

Case number

PC-10171

Public comment number

Europe

Region

Marwa

Commenter's first name

Fatafta

Commenter's last name

English

Commenter's preferred language

Access Now

Organization

Yes

Response on behalf of organization

----

Short summary provided by the commenter

The case outlined fits a widespread pattern of Facebook's non-transparent, arbitrary, and erroneous over-enforcement of its Dangerous Individuals and Organizations policy across the MENA region. These policies and actions have disproportionately impacted activists and journalists in the region, and have unduly restricted users' rights to freedom of expression and opinion and access to information.

Full Comment

Access Now welcomes the opportunity to submit our contribution to Facebook Oversight Board's consultation on case 2021-009-FB-UA. In our response below, we highlight our concerns regarding Facebook's non-transparent designation of dangerous organizations and individuals, the grievance of over-enforcement particularly in conflict and war zones, as well as the harms of widespread arbitrary and erroneous takedowns on marginalized and under-represented communities in the MENA region. 1. Lack of clarity or transparency of Facebook's Community Standard on Dangerous Individuals and Organizations Facebook's Community Standard on Dangerous People and Organizations prohibits "organizations or individuals that proclaim a violent mission or are engaged in violence to have a presence on Facebook." It also prohibits "praise, substantive support, and representation" of designated groups and individuals. While Facebook has recently published more information on what constitutes 'praise', 'support' and 'representation' as well as on the types and tiers of Dangerous Organizations, the policy remains opaque and lacks sufficient precision. As previously noted by the Board, Facebook does not publish who these designated groups are, nor does it disclose what national or global lists it follows for such designations. This raises concerns about potential illegitimate restrictions of the right to freedom of expression and opinion due to the fact that such designation can be politically

motivated or used to suppress dissidents, journalists and activists. This leads to uncertainty on how individuals should conduct themselves on the platform. Most worryingly, Facebook does not disclose its sub-policies under which it interprets and moderates what constitutes "praise, substantive support, and representation." For instance, Facebook's non-disclosed 'shaheed' [martyr in English] policy is problematic in how it interprets a widely-held religious belief and expression as praise for terrorism. As stated in the UN Human Rights Committee's General Comment 34, acts of "praising" or "glorifying" terrorism should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression.

2. Non-transparent policies and arbitrary enforcement violate users' rights to freedom of expression and information, and press freedom

We want to draw the Board's attention that mistakes in enforcement of the 'Dangerous Individuals and Organizations' Standard, as in the case under question, are widespread in the MENA region and they disproportionately affect activists and journalists. In 2020, over the span of a day, Facebook deactivated the accounts of 52 Palestinian journalists and activists. It also deleted at least 35 accounts of Syrian journalists and activists documenting human rights abuses. In both instances, Facebook did not provide any explanation or transparency for its action against affected users. The designation of groups in the MENA region should not negatively impact or prevent objective journalistic reporting about such groups or deter individuals from having public discussions about them. These groups, albeit designated, are key actors in the political ecosystem and public life, assume state responsibilities, and in some cases are freely elected and occupy parliamentary or governmental seats. In this regard, journalists should not be penalized for carrying out their legitimate activities in informing the public about these groups. Likewise, users should not be restricted or prohibited from posting or sharing these news.

While Facebook states it won't remove content on designated persons and organizations if people clearly indicate their intent, the use of automation to detect and remove content fails to correctly understand the intention of users. Takedowns escalated by Access Now and other groups are often flagged as false positives. Facebook's recent designation of Al Aqsa Mosque, the third holiest site in Islam, as a terrorist organization amidst rising violence in Jerusalem in May 2021 further demonstrates Facebook's inability to implement this policy in a right-respecting manner, resulting in arbitrary and erroneous enforcement.

3. Over-enforcement leads to the silencing and suppression of marginalized communities

Part of Facebook's mission is to give people a voice and serve everyone. Yet, Facebook does not apply its rules equally. In the context of Israel and the Occupied Palestinian Territories, there is a demonstrable over-moderation of political speech resulting in users' grievances of censorship, discrimination, and erasure of political and cultural identity and narrative. On May 6, 2021, as Palestinians took to social media to protest forced evictions of Palestinian families in East Jerusalem, hundreds of Instagram stories were removed without notice. Between May 6-19, 2021, Palestinian organization 7amleh documented 250 cases of content restriction and removal on Instagram and 179 cases on Facebook. The uneven enforcement is particularly worrying in light of government pressure to remove content. In the first 10 days of May, the Israeli Cyber Unit, an internet referral unit, asked social media

companies to delete more than 1,010 pieces of content. More than half of the requests were made to Facebook, and according to the unit Facebook took down 48% of them. Facebook doesn't publish any data on these voluntary requests. In contexts of wars and conflicts, social media can be a lifeline to marginalized and less powerful communities. Those platforms are essential to document human right abuses and war crimes, seek information, and politically organize. As such, overcompliance and technical errors that limit freedom of expression on political issues have serious ramifications particularly for communities subject to violence on the ground. Recommendations: Please see the enclosed attachment.

Link to Attachment

[PC-10171](#)

2021-009-FB-UA

Case number

PC-10172

Public comment number

United States and Canada

Region

Jillian C.

Commenter's first name

York

Commenter's last name

English

Commenter's preferred language

Electronic Frontier Foundation

Organization

Yes

Response on behalf of organization

----

Short summary provided by the commenter

My comment is in response to Facebook's arguably incorrect legal interpretation of its obligations with respect to U.S. law regarding designated terrorist organizations, and the impact of the company's "Dangerous Groups and Individuals" policy on vulnerable communities, including artists, activists, and human rights documentarians.

Full Comment

July 14, 2021 Submission of comment to Facebook Oversight Board re: Case 2021-009-FB-UA From: Jillian C. York, Electronic Frontier Foundation The case in question, involving content shared by a verified news organization, may have violated Facebook's Community Standards—in particular the prohibition on "Dangerous Individuals and Organizations." However, as numerous civil society groups have argued, this standard is an ad hoc one, lacking any semblance of transparency.. Hamas, the parent organization of Izz al-Din al-Qassam Brigades, is indeed designated by some states (including the U.S.) as a terrorist organization. To users in Palestine, however, the group is part of a legitimately elected political entity. While it may not be Facebook's place to decide the appropriateness of such a designation, it is Facebook's duty to be transparent about the basis of its Community Standards. If, as it appears, Facebook is basing its definition of "Dangerous Groups" on its lawyers' questionable interpretation of U.S. law, then it is incumbent on the company to be transparent about that legal underpinning so that users in any country can understand the rules and act accordingly, as a user cannot comply with a rule of which they are not aware. Despite being aware of this issue for many years, Facebook has done no such thing. Therefore, the company is not acting in accordance with its own stated principles. Furthermore, the fact that the United States designates Hamas as a terrorist organization may be irrelevant. As we and other rights groups have argued, U.S. law is not determinate as to whether hosting speech of a U.S. designated foreign terrorist organization (FTO) constitutes "material support" and is in violation of the law. In the case in question, the speech

was not by Hamas or Izz al-Din al-Qassam Brigades, but rather, was posted by a verified and respected news organization. The question of legality as presented by the Facebook in this case is therefore seemingly irrelevant and should therefore not be taken into account. Given that Facebook voluntarily restored the content, the focus of my argument will therefore be on how the company should proceed with respect to this policy. Facebook has chosen to be a global platform with a diverse userbase, but this particular rule reflects a U.S.-centric, colonial outlook. If, as it has been argued, Facebook does not have a legal obligation to remove the content in question, then the company should review its “Dangerous Individuals and Organizations” policy, taking into account the global nature of its userbase, and the historically uneven application of this rule toward Islamic organizations.

Furthermore, the company must grapple with the fact that, in banning certain political parties in a country like Palestine (or Lebanon, or Turkey), they are inherently choosing sides and effectively meddling in foreign politics—as I argued in my book, *Silicon Values: The Future of Free Speech Under Surveillance Capitalism*. But perhaps most importantly, it must be considered that banning not just the groups themselves, but large swaths of discussion about such groups has a chilling effect on counter speech in locales that are most affected by violent extremism. We have ample examples demonstrating that overbroad content moderation—and in particular, the ever-increasing use of automation in such processes—has the effect of removing not just harmful extremist speech, but critical counter speech, academic research, art, human rights documentation, and even panoramic imagery in which (for instance) a flag of a terrorist group is present. This policy serves not Facebook’s global user base, but the interests of the United States government, if anyone. Facebook should, at minimum, maintain a public, transparent list of “Dangerous Groups and Individuals” so that users can make informed choices about whether they want to use the company’s services. At best, Facebook should align its policy with international standards, not U.S. ones. I would be remiss if I didn’t note that I believe some of the questions Facebook is asking in this consultation are irrelevant. Again, I emphasize that the use of “designated individuals or organizations” (as noted in point 3) requires serious interrogation. While Facebook’s staff have repeatedly stated to members of civil society, myself included, that it is their legal obligation to remove groups designated by the United States government as “terrorist” organizations, neither their own rules nor the law itself seem to back that up. It is therefore incumbent on Facebook to revise its Community Standards. Finally, with respect to questions 5 and 6, I believe that it is abundantly clear at this stage that Facebook’s ad hoc, opaque rules regarding “Dangerous Groups” are negatively impacting the ability of Palestinians to speak freely about injustices in their country and are repressing vulnerable voices in their efforts to speak out. I would point the Oversight Board to the recent campaign led by a significant number of respected Palestinian and international organizations, and signed by prominent figures (including former Facebook policy staffers) calling on the company to take concrete steps to ensure that the Community Standards are transparent and in line with international human rights frameworks.

Link to Attachment

[PC-10172](#)

2021-009-FB-UA

Case number

PC-10175

Public comment number

United States and Canada

Region

Utsav

Commenter's first name

Gandhi

Commenter's last name

English

Commenter's preferred language

Fight for the Future

Organization

Yes

Response on behalf of organization

----

Short summary provided by the commenter

The Facebook Oversight Board should choose to uphold Facebook's decision to restore the user's content-in-question in order to protect users' right to freedom of expression and the right to access information, including sharing news articles and information about events on-the-ground in Palestine.

Full Comment

The Facebook Oversight Board should choose to uphold Facebook's decision to restore the user's content-in-question in order to protect users' right to freedom of expression and the right to access information, including sharing news articles and information about events on-the-ground in Palestine. Social media is often one of the only mechanisms for Palestinians to inform the world of their experiences facing a crippling military occupation, military assaults on civilians, forced displacement and home demotions, a brutal apartheid regime, and other violence. The freedom to share their stories and experiences is vital for Palestinians to seek international support to hold the Israeli government accountable for human rights violations against the Palestinian community. Social media has become an even more important mechanism for Palestinians to share information and stories with the world since traditional news outlets are often less willing to or able to, because of access, cover events on-the-ground. For example, it is possible that Israeli government targeted the Associated Press and al-Jazeera building in a recent attack on the Gaza Strip to disable mainstream news coverage of such events. Facebook should be a platform where Palestinians can document human rights violations and share their lived experiences with the world. We hope that the Facebook Oversight Board will take seriously repairing the trust that has recently been eroded with communities of human rights advocates and Palestinians as we strive to hold the Israeli authorities accountable for human rights violations. We are very concerned about the impact of the Israeli Ministry of Justice's Cyber Unit's efforts to silence



Palestinians and human rights supporters, and the impact that this unit may be having on Facebook's policies and practices. The FOB has been presented to our communities as an independent, unbiased body and we hope that its decision will reflect the valuing of all users' freedom of expression.

[Link to Attachment](#)

**No Attachment**

2021-009-FB-UA

Case number

PC-10176

Public comment number

Europe

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

Yes

Response on behalf of organization

----

Short summary provided by the commenter

In the case, 2021-009-FB-UA, we are standing in support of 7amleh and therefore support the upholding of Facebook's original decision to restore the content-in-question and to protect the right to freedom of expression and the right to access information.

Full Comment

We support 7amleh's position in that Facebook's decision to restore the user's content containing a repost of a photograph and quote from Abu Obeida - al-Qassam Brigades military spokesman ( Hamas faction) that was originally on Al Jazeera's Facebook page. This was the correct decision to restore the user's post. Users should have the right to share news articles and reliable and accurate information about the political situation on-the-ground in Palestine. Removing the content is over-moderation and negatively impacts people's abilities to exercise their right to freedom of expression and the right to access information. This case highlights the need for a nuanced approach with regards to accurate and fair content moderation and the enforcement of related policy. It also further compounds the requirement for adequate resources and levels of cultural competency to be distributed in an equitable and global way.

Link to Attachment

No Attachment