

## Introduction

Is withholding information from the public an act of corruption, in and of itself? The question is being posed with new urgency in the occupied West Bank, where an already contentious debate over freedom of speech collided this spring with the territory's nascent information and telecommunications policy.

In February, the Palestinian Authority implemented a secretive initiative to force internet service providers (ISPs) to censor news critical of the president, Mahmoud Abbas. But unlike in neighbouring regimes where internet users are aware of restrictions, Palestinian officials repeatedly denied censoring the web. They dismissed allegations from website administrators and told journalists the programme simply did not exist.

With the assistance of new censorship-detection technology, a team of journalists at the Bethlehem-based Maan news agency proved in April that it did exist. The ensuing outcry led to the resignation of a cabinet minister and inspired a presidential order putting an end to government censorship of the internet once and for all.

As a successful first trial of promising new technologies that can detect web filtering, the episode marked a turning point for online freedom of speech and access to information in the occupied territories. It also makes a compelling case for stepping up collaboration between ICT and media stakeholders everywhere.

## Policy and political background

Palestinians have been ruled by rival regimes since 2007, when internal political violence split the West Bank and Gaza into separate administrations. Each has its own Ministry of Telecommunications and Information Technology, and policy coordination is virtually non-existent.<sup>1</sup> However, the West Bank-based Palestinian Telecommunications

Company, or PalTel, still provides most Gaza internet services<sup>2</sup>.

A reconciliation deal signed in Cairo in 2011 remains unimplemented due to differences about the makeup of a Palestinian unity government. Until then, the legislative council cannot consider legal reforms backed by much of the Palestinian media, and the ICT sector, who want realistic protections for freedom of speech and access to information. While there is no law expressly forbidding criticism of the government, Palestinians face many obstacles to free speech. Arrests and interrogations are commonplace. In Gaza, Hamas authorities censor culturally "sensitive" web content like pornography.<sup>3</sup>

Currently Palestine has neither an electronic media law nor a freedom of information act, but proposals are already drafted in the event a unity government is formed.<sup>4</sup> Palestinian organisations campaigning for such reforms include Aman, the local branch of Transparency International, and Mada, the Palestinian Center for Democracy and Media Freedoms, a vocal press freedom group.<sup>5</sup> Each month, Mada records known violations by Palestinian and Israeli forces in both the West Bank and Gaza.

## When censorship is allied to corruption

In its February report, Mada expressed concern about increasing security control over websites and social networking sites in the West Bank, among them two news websites it claimed had been blocked.<sup>6</sup> Mada demanded that security services cease violations in line with the Palestinian Basic Law, which prohibits censorship of the media.<sup>7</sup>

According to the group, the news website Amad reported on 2 February that it was rendered unavailable in the West Bank upon the orders of the Palestinian attorney general, Ahmad al-Mughni. Website staff told Mada that al-Mughni had "ordered the Palestinian Telecommunications Company through an official letter to block the site from the West Bank." The site administration wrote several times to the attorney general

1 www.pmtit.ps  
www.mtitit.gov.ps

2 www.paltel.ps

3 opennet.net/research/profiles/gazawestbank

4 www.article19.org/data/files/pdfs/analysis/palestine-2005.pdf

5 www.aman-palestine.org

6 www.madacenter.org/reports.php?id=13&lang=1

7 www.madacenter.org/report.php?lang=1&id=1147&category\_id=13

8 Article 27.3 of the Palestinian Basic Law.

requesting that he remove the block since it is in violation of Palestinian law<sup>9</sup>

Then, on 9 February, the Milad news site claimed it too was being blocked upon government orders, Mada reported “Of cial Palestinian authorities ordered the Palestinian Telecommunication Company to block the website in the West Bank and Gaza Strip without any legal justification,” administrators wrote. Both reports were unusual, and passed unnoticed, because the Palestinian Authority had maintained a relatively good record of keeping the internet unrestricted until this point<sup>9</sup>

Moreover, senior Palestinian officials denied censoring the web in any form. When a journalist from Maan asked al-Mughni about allegations that he had restricted Amad and Milad, the attorney general responded, “I have no background on this issue.” Asked why sources at more than one ISP had claimed he handed them orders to block access to websites, he replied, “I am not the court”<sup>10</sup>

Representatives of PaTel were similarly uncooperative, although company technicians said they feared retribution for talking to the media. Asked if PaTel subsidiaries were blocking any websites, a spokeswoman said, “We don’t do that. But after consulting with her lead technician, she clarified that PaTel, like all Palestinian companies, is obliged to comply with official decisions in accordance with the law.”<sup>11</sup> (PaTel’s top executive eventually issued a statement on the company’s policies.)<sup>12</sup>

Faced with repeated denials from government authorities and ISPs, and an ever-present threat of lawsuits often led against Palestinian media, Maan sought assistance from network security experts based in the US and Italy. We predicted that proving the existence of censorship definitively – rather than simply repeating the claims of anonymous sources – might protect the network from retaliation and ensure the facts would be taken seriously by local experts.

Approached by Maan, Jacob Appelbaum and Arturo Filasto, two of the developers behind the online anonymity project Tor, remotely repurposed an old MacBook at a reporter’s West Bank apartment into a powerful tool for effecting ICT policy change and challenging state secrecy.<sup>13</sup> On it, they installed a specially designed plug-in to scan networks for evidence of a certain type of web filtering. The plug-in confirmed independently and forensically what

Maan had been told by government sources who opposed censorship: PaTel, through a subsidiary, was misleading tens of thousands of subscribers by intercepting load requests and altering the output to return error responses.<sup>14</sup> It was a common approach known as transparent HTTP proxy filtering.

In late April, Maan published the first part in a series highlighting the findings. It concluded that eight websites were being blocked by Hadara, a company owned by the PaTel Group which claims 60% of the Palestinian internet market.<sup>15</sup> The disclosures infuriated the local ICT sector and invited scrutiny from press freedom groups and foreign governments.<sup>16</sup> The Palestinian communications minister resigned in disgust, leaving Attorney General al-Mughni little choice but to acknowledge his instructions to the ISPs.<sup>17</sup> Soon after, President Mahmoud Abbas stripped the attorney general of authority to use web filtering as a judicial tool, and he dispatched al-Mughni to tell ISPs of the reversal.<sup>18</sup> The websites have been operating normally since 6 May.

The episode was a successful first trial of the groundbreaking technologies being developed by Appelbaum and Filasto at the Open Observatory for Network Interference (OONI), a start-up they are referring to as a “human rights observation project for the Internet”.<sup>19</sup> Part of the Tor Project, OONI is building “an accurate representation of network interference” around the world through the collection of data and observations about the “levels of surveillance, censorship, and networked discrimination by networked authoritarian power structures”.<sup>20</sup> It aims to accomplish this goal through open methodologies and free and open source software (FOSS).

The observatory’s expert developers hope that one day soon, the mapping and tracking of any country’s real-time filtering behaviour will be as easy as checking the weather. Its plug-in, the “OONI probe”, works by connecting multiple machines in separate areas onto a shared network. After installing the plug-in, large lists of websites – the Alexa top million is a default – can be tested by recording the information flowing between them. Any discrepancies in load time indicate that a

9 [www.eff.org/deeplinks/2012/04/palestinian-authority-found-block-critical-news-sites](http://www.eff.org/deeplinks/2012/04/palestinian-authority-found-block-critical-news-sites)

10 [www.maannewsnet/eng/ViewDetails.aspx?ID=478726](http://www.maannewsnet/eng/ViewDetails.aspx?ID=478726)

11 [www.maannewsnet/eng/ViewDetails.aspx?ID=479638](http://www.maannewsnet/eng/ViewDetails.aspx?ID=479638)

12 [www.maannewsnet/les/Paltel\\_CEO\\_250412pdf](http://www.maannewsnet/les/Paltel_CEO_250412pdf)

13 [www.torproject.org](http://www.torproject.org)

14 [ooni.nu/media/releases/2012/Hadara\\_Palestine/hadara\\_palestine.yamlooni.tar.gz](http://ooni.nu/media/releases/2012/Hadara_Palestine/hadara_palestine.yamlooni.tar.gz)

15 [ooni.nu/reports/2012/Hadara\\_Palestine.html](http://ooni.nu/reports/2012/Hadara_Palestine.html)

16 A ninth website was discovered over the course of reporting.

17 [www.maannewsnet/eng/ViewDetails.aspx?ID=480861](http://www.maannewsnet/eng/ViewDetails.aspx?ID=480861)

18 [www.maannewsnet/eng/ViewDetails.aspx?ID=482586](http://www.maannewsnet/eng/ViewDetails.aspx?ID=482586)

19 [ooni.nu](http://ooni.nu)

20 [opennet.net/blog/2012/05/tor-projects-ooni-tool-receives-positive-feedback](http://opennet.net/blog/2012/05/tor-projects-ooni-tool-receives-positive-feedback)

21 [tractorproject.org/projects/tor/wiki/doc/OONI/Methodology](http://tractorproject.org/projects/tor/wiki/doc/OONI/Methodology)

connection on one part of the network may be experiencing interference by a third party<sup>22</sup>

The real-world implications of making such technical data widely available became apparent when the Palestinian communications minister, Mashour Abu Daka, resigned for “personal reasons” two days after Maan published OONI’s findings<sup>23</sup> But Abu Daka went out swinging – he denounced the censorship and accused the attorney general of criminality no different from other kinds of misconduct like graft or bribery. “Withholding information from the public is a form of corruption,” Abu Daka said in a swipe at corruption inquiries that were being publicised at the time<sup>24</sup> “The Palestinian people, who fought and lost innumerable martyrs, have a right to know what’s going on What’s happening now is an attempt to play them for fools,” he said<sup>25</sup>

Abu Daka’s unapologetic defence of the attorney general’s actions, and of his efforts to keep them relatively secret, paved the way for other officials in Palestine and abroad to express their own objections. Months of denial and misdirection suddenly fell apart as the attorney general was forced to admit and even defend the filtering plan to the media.<sup>26</sup> Although it was shuttered upon an executive order from Abbas, the decree came only after he had been subjected to sharp criticism from press freedom groups, the US, and of officials in Ramallah. Among the officials: his prime minister, a top PLO leader and the president’s own advisor for internet affairs.<sup>28</sup>

Evidently, it was this exposure to criticism – rather than of corruption – that changed policy ICT specialists for two of the censored websites had alleged censorship since February with no effect; it was not enough to simply uncover the facts here is also evidence that some Palestinian officials who condemned the censorship in the spring had known about it for months but took no action<sup>29</sup>

The Palestinian Authority’s filtering of websites critical of Abbas was by its nature an action of privilege; it was also corrupt because there is no

transparent method of enforcing political censorship. Unlike in Gaza where Hamas blocks whole categories of supposedly societal taboos, such as pornography, the Palestinian Authority did not disclose its censorship of opposition content if a public cannot know what is censored, there is no way to hold the censors accountable through traditional channels

Indeed, the “internationalisation” of the controversy, and its role in achieving a positive outcome, is instructive for future efforts in internet and telecommunications policy reform The partnering of OONI with local media proved decisive in the Palestinian Authority’s decision to stop filtering the web because it expanded the focus of technical data from a limited core of experts to the public at large Once accessible to stakeholders in the media and international community, the issue became a policy priority for diplomats and foreign correspondents in the region who sought explanations from the government According to Israeli media, the reversal was likely the result of criticism from the US, EU and foreign human rights groups A Western diplomat and Palestinian officials said US and EU diplomats had contacted Abbas and his Prime Minister Salam Fayyad to voice their “deep concern”<sup>30</sup>

The US, in particular, took a firmer-than-usual tone with the Palestinian Authority, which is one of the top recipients of US development and security assistance “We’ve had these concerns in other parts of the world, and we wouldn’t want to see the PA going in the direction that some of those regimes have gone in,” an official in Washington said<sup>31</sup> Others from the US State Department and White House visited Ramallah, the seat of the Palestinian Authority, and told Palestinian media why they backed an open internet, while the consul-general in Jerusalem reiterated the US position on World Press Freedom Day<sup>32</sup>

## Conclusion

Only when sustained scrutiny was directed toward the Palestinian Authority did it back down from a dangerous plan to introduce unchecked web filtering. Public awareness was the result of joint efforts by members of sectors whose viability depends on an open internet These stakeholders can build on the success and collaborate to protect the essential role of information access and the free flow of ideas in Palestine

22 The Alexa list includes many relevant sites, but issue-specific or single-language lists may improve results depending on the region where the network being scrutinised is based importantly, the source code is freely available: [github.com/hellais/ooni-probe](https://github.com/hellais/ooni-probe)

23 [www.forbes.com/sites/andygreenberg/2012/04/30/the-tor-projects-new-tool-aims-to-map-out-internet-censorship](http://www.forbes.com/sites/andygreenberg/2012/04/30/the-tor-projects-new-tool-aims-to-map-out-internet-censorship)

24 [www.maannewsnet/eng/ViewDetails.aspx?ID=480432](http://www.maannewsnet/eng/ViewDetails.aspx?ID=480432)

25 [www.maannewsnet/eng/ViewDetails.aspx?ID=480195](http://www.maannewsnet/eng/ViewDetails.aspx?ID=480195)

26 [www.maannewsnet/eng/ViewDetails.aspx?ID=480861](http://www.maannewsnet/eng/ViewDetails.aspx?ID=480861)

27 [www.maannewsnet/eng/ViewDetails.aspx?ID=482586](http://www.maannewsnet/eng/ViewDetails.aspx?ID=482586)

28 [www.maannewsnet/eng/ViewDetails.aspx?ID=480432](http://www.maannewsnet/eng/ViewDetails.aspx?ID=480432)

29 According to Abu Daka, the issue was raised at cabinet meetings where all present expressed opposition And the attorney general, in one of his personal attempts at defending the initiative in May, called those criticising him hypocrites as the plan was discussed in fall 2011

30 [www.jpost.com/MiddleEast/Article.aspx?id=268793](http://www.jpost.com/MiddleEast/Article.aspx?id=268793)

31 [www.maannewsnet/eng/ViewDetails.aspx?ID=479874](http://www.maannewsnet/eng/ViewDetails.aspx?ID=479874)

32 [www.maannewsnet/eng/ViewDetails.aspx?ID=482095](http://www.maannewsnet/eng/ViewDetails.aspx?ID=482095)

When a top official whose role is to modernise an open telecommunications infrastructure cannot continue serving in government in good conscience, the ICT sector has reason for pause. But when an entire cabinet is unable, or unwilling, to criticise a rogue assault on the foundations of that community – that is a crisis.

Although the attorney general ultimately failed to seize control of the internet, his plan harmed the ICT sector's reputation amongst investors. It portrayed the sector as amateurish and unstable, even though it is among the region's most progressive. To the media, it damaged the reputations of Palestinian journalists by presenting them as pawns of political elites, even though they are not. Fortunately, this encroachment failed due to joint efforts between the sectors. The rare success was an important precedent for collaboration in the spirit of protecting trade interests when they overlap.

Palestinians who value transparency in government won an important victory this year thanks to a unique partnership between the ICT sector and local media. They already share common values, chief among them the pursuit of and access to information. Increased cooperation can boost overlapping interests as well as the fundamental mission shared by both sectors: making information available to the public.

#### Action steps

- Promote ICT policy priorities shared by the Ministries of Communication and Information Technology in the West Bank and Gaza Strip
- Promote the implementation of an agreement signed in Cairo to dissolve bans, in place since 2007, on certain Palestinian media
- Promote the ratification of a draft law protecting access to information that allows citizens to file timely freedom of information requests
- Promote the enactment of an electronic media law that explicitly guarantees the right to publish information without interference or fear
- Promote policies that protect whistleblowers and prohibit punitive actions against public and private employees who expose wrongdoing
- Educate journalists and media workers about newly developed technologies to assist the detection of unauthorised network interference
- Educate the ICT sector about the need to promote policy priorities in the general media, especially when they are shared and in the public interest
- Encourage foreign governments to withhold security assistance to authorities who use their authority to stifle freedom of speech or access to information. ■