INFORMATION SHEET: UPDATE FEBRUARY-MARCH 1990
(English Version)

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CENSORSHIP OF THE PALESTINIAN PRESS IN EAST JERUSALEM

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B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, was founded in February 1989 by a group of lawyers, intellectuals, journalists, and Members of Knesset.
The objective of B'Tselem is to document and to bring to the attention of policy makers and the general public, violations of human rights in the territories.
INTIFADA FATALITIES — TOTALS

627 Palestinian residents of the territories have been killed by Israeli security forces between the beginning of the Intifada and the end of February 1990. Of these:

* Shooting deaths (including plastic and "rubber" bullets): 594
* Non-shooting deaths (beatings, burns and other): 33
* Children: 140
  Aged 12 and younger: 40
  Aged 13 to 16: 100

More than 75 additional people died a short time after exposure to tear gas, of whom some 30 were infants. From a medical standpoint it is difficult to determine whether tear gas was the sole and direct cause of death.

An additional 29 Palestinians have been killed, apparently by Israeli civilians, and 5 apparently by collaborators.

During this period, 10 IDF soldiers and 9 Israeli civilians were killed by Palestinians in the territories. 3 of them were infants.

According to the Associated Press, 190 Palestinians suspected of collaborating with the Israeli authorities have been killed.

During this period, according to the IDF Spokesperson, 23 Israeli civilians and 4 soldiers were killed within the Green Line by Palestinian residents of the territories. At least 5 Palestinian residents of the territories have been killed by Israeli civilians.

B’Tselem’s data are based on fieldwork, independent investigations, and official Israeli sources, as well as on the data of Palestinian sources, especially human rights groups such as PHRIC and al-Haq.
FATALITIES IN JANUARY AND FEBRUARY — ANALYSIS

During the month of January 1990, according to B'Tselem's information, 11 Palestinian residents were killed in the occupied territories by security forces, all by gunfire.

9 of the fatalities were residents of the West Bank, and 2 were residents of the Gaza Strip. Among the fatalities were two boys, one aged 13 and the other 16.

Two additional killings are suspected of having been carried out by collaborators.

According to the Associated Press, 9 Palestinian residents suspected of collaboration with the authorities were killed in January 1990.

In February 1990, 9 Palestinian residents of the territories were shot dead by security forces, 3 on the West Bank and 6 in the Gaza Strip.

Regarding one additional incident in which a Gazan girl was killed by a military vehicle, a preliminary inquiry reportedly implicates a soldier with reckless driving, and bringing him to trial is reportedly being considered.

Two of those shot dead by security forces were 15 year old boys.

One additional Palestinian was killed, apparently by gunfire from an Israeli civilian.

According to the Associated Press, 15 Palestinians suspected of collaboration with the authorities were killed in February 1990.

The number of Palestinians killed by security forces in February 1990 is the lowest number for a single month since the beginning of the Intifada. The number in January was also low compared to most months of the Intifada. The decline in the number of Palestinian fatalities began in November 1989.
CENSORSHIP OF THE PALESTINIAN PRESS IN EAST JERUSALEM

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Universal Declaration of Human Rights, Article 19

INTRODUCTION

The vast majority of the daily and periodical press available in the territories is published in East Jerusalem. There the press operates under Israeli law and is subject to fewer restrictions than the handful of periodicals published in the territories themselves. We thought it appropriate to concentrate on the East Jerusalem press both because of its intrinsic importance and because it operates under the same laws that apply in Israel.

The first part of this Information Sheet surveys censorship of the East Jerusalem press in the context of censorship restrictions relating to the Israeli press in general.

We have chosen not to touch here on other harsh manifestations that abridge freedom of the press, such as arrests of journalists, closing of newspapers, and refusal to license or allow distribution of papers.

The second part consists of an analysis of material approved and censored in two East Jerusalem papers over given periods.

The third part consists of examples collected by B'Tselem - reports, articles, photos, and cartoons - that were banned for publication in the East Jerusalem press, and of correspondence between the censor and the editors of the papers in question.

Freedom of expression is generally regarded as one of the yardsticks of democracy. Hence the heavy responsibility that devolves upon the censor.

This Information Sheet examines the question of whether the restrictions imposed by the censor on the Palestinian press in East Jerusalem are in fact confined to what is necessitated by considerations of state security.
A. The Palestinian press in East Jerusalem

Until 1967 East Jerusalem was the center of the Jordanian press — five of the kingdom's six dailies were published in the city. In March 1967 a new press law reduced the number of dailies published in East Jerusalem to one, but the Six Day War broke out before the change was enacted.

No Palestinian papers appeared in East Jerusalem during the first year of Israeli rule. In December 1968 the daily Al-Quds resumed publication after receiving a permit from the District Commissioner in the Ministry of the Interior. Al-Fajr and Asha'b followed suit in 1972, and gradually other dailies, as well as weeklies and monthlies, began publication.

At present four dailies are published in East Jerusalem (the three named above and An-Nahar), along with two political weeklies (Al-Bayader Assiyyasi and Attali'a) and several other weeklies and monthlies. East Jerusalem is undoubtedly the capital of the Palestinian press in the territories. Not a single daily is published outside Jerusalem, and the few periodicals that are published in the territories are limited in terms of both circulation and importance.

This stems from the historic centrality of East Jerusalem for the Palestinian press, and from the fact that Israeli law, to which the East Jerusalem press is subject, affords far greater freedom than that accorded by military law in effect in the territories.

For all these reasons, this report will focus on the East Jerusalem press.

B. Israeli laws which affect freedom of the press

Israeli legislation enacted since the establishment of the state makes no provision for the defence of freedom of expression. The only laws relating specifically to the written press — dealing with the licensing of publications and the distribution and supervision of papers — are ordinances and regulations from the British Mandatory period which were incorporated into Israeli law in 1948.

Roughly speaking, these Mandatory orders and regulations affect freedom of the press in two areas:

1. Licenses and permits for newspapers

Although these regulations are not the subject of this report, we thought fit to discuss them briefly for two reasons: the inordinate powers they accord the Ministry of
the Interior, and their frequent reference to the subject of freedom of the press in East Jerusalem.

The Press Ordinance (1933) prohibits the printing or publication of any newspaper without a license from the District Commissioner, as opposed to the majority of Western countries where no such permit is required. Article 94 of the Defence (Emergency) Regulations, 1945 in effect overlaps the provisions of the Press Ordinance. Its Par. 2 states:

"94-(2) The District Commissioner, in his discretion and without assigning any reason therefor, may grant or refuse any such permit and may attach conditions thereto and may at any time suspend or revoke any such permit or vary or delete any conditions attached to the permit or attach new conditions thereto."

Justice Moshe Landau, in a judgment of the High Court of Justice, termed the power vested in the Minister of the Interior under this article "Draconian," adding that "it does not conform to the fundamental tenets of a democratic state pertaining to freedom of speech and freedom of expression..."

However, not even this unequivocal statement brought about revision or annulment of the Regulations, and in most instances the High Court of Justice has refrained from intervening in the considerations of the Minister of the Interior regarding licensing the publication and distribution of papers in East Jerusalem.

2. Censorship

The military censor operates under Part VIII of the Defence (Emergency) Regulations, 1945. Following are the pertinent clauses:

Prohibited Matter:

87-(1) The Censor may by order prohibit generally or specially the publishing in publications of matter the publishing of which, in his opinion, would be, or be likely to be or become, prejudicial to the defence of Palestine or to the public safety or to public order.

(2) Any person who publishes any matter in contravention of an order under this regulation and the proprietor and editor of the publication in which it is published and the person who wrote, printed, drew or designed, the matter shall be guilty of an offence against these Regulations.
Power to require submission of matter for censorship before publication:

97—(1) The Censor may by order require the proprietor, editor, printer or publisher of any publication, or the proprietor or manager of any printing press or printing business, or the author of, or any person about to print or publish, any matter, to submit to the Censor before printing or publishing any matter intended for printing or publishing.

(2) Any such order may be given either generally or in respect of any particular subject or class of subject, and, in the case of a publication published at regular or irregular intervals, may be given in respect of any particular issue or class of issues or of all issues for a specified period.

(3) Any person who contravenes an order under this regulation shall be guilty of an offence against these Regulations.

Censorship not to be disclosed:

98—(1) The printer or publisher of any publication shall not, without the written permission of the Censor—
(a) print or publish any statement to the effect, or from which it may be inferred, that any alteration, addition, or omission has been made by order of the Censor in any matter submitted to him;
(b) print or publish any matter which has been submitted to the Censor in such a way as to show or suggest that any alteration, addition or omission has been made by order of the Censor;
(c) print or publish any statement to the effect that publicity of such matter has been forbidden.

(2) Any person who contravenes this regulation and the proprietor and editor of the publication in question shall be guilty of an offence against these Regulations.

C. The agreement between the IDF and the Editors' Committee

Even though the Regulations quoted above theoretically delineate the relationship of the entire Israeli press with the military censor, in practice they are rarely invoked against most of the Hebrew press, the Jerusalem Post, or the electronic media. This state of affairs was brought about by a voluntary agreement between the Editors' Committee and the IDF.

This agreement was reached in 1950 but its roots extend much further back, to the relations between the Hebrew press and the pre-state "Haganah."

Underlying the agreement were the editors' objections to being subject to the censor's authority under the British regulations. The agreement, which was slightly modified in 1966, limits to a few sensitive subjects the reports which
those bound by the agreement are required to submit for censorship. The subjects are set forth in an agreed upon (and confidential) list which is updated periodically.

The accord also stipulates that any disagreements that may arise will not be submitted for arbitration by the courts but will be resolved by a joint committee, one of whose members will be a public figure.

Newspapers and magazines whose editors are not bound by the agreement with the security authorities are subject to all the clauses relating to censorship in the Defence (Emergency) Regulations, 1945. The most prominent Hebrew publications that have had many of their articles banned over the years and had various sanctions brought against them by the censor are Kol Ha'am, Ha'olam Hazeh, and more recently, the daily Hadashot. Similar measures have been taken against the Arabic press inside the Green Line, most notably against the Communist party organ al-Ittihad. The same clauses also apply to foreign correspondents in Israel, who are required to submit their articles and reports to the censor prior to publication. Relations between the foreign press and the censor have seen periods of calm as well as periods of tension and disputes, particularly during the Lebanon War and the Intifada. However, censorship is indisputably applied most rigorously against the Palestinian press in East Jerusalem.

The agreement between the IDF and the Editors' Committee has been sharply criticized, and when it was signed it was opposed by the Attorney General. Critics of the agreement point to two main flaws:

1. As the agreement has no legal validity, the press possesses no legal recourse for taking action against the censor when he exceeds the powers bestowed upon him. According to jurist Moshe Negbi:

   As long as these restrictions are based only in an agreement, they cannot be enforced in the courts and the censor can disregard or circumvent them.\(^{10}\)

   It is worth stressing here that in the event of an appeal, the final arbiter is the Chief of Staff.\(^{11}\)

2. Even if a reasonable degree of freedom of expression is afforded by the agreement itself, this does not apply in the case of those who are not signatories to it. Where the latter are concerned, censorship is applied to a level far exceeding the norm in democracies, all under the absolute sanction of the law and with the tacit consent of papers party to the agreement. Negbi writes:

   ...In return for the censor's formal undertaking not to apply political censorship to them, the members of the Editors' Committee have paid a high ethical
and moral price, becoming in effect passive accomplices in suppressing the freedom of many other papers and journalists.\textsuperscript{12}

\textbf{D. Israeli courts and freedom of the press}

Israeli courts, and the Supreme Court in particular, have tended to stress the importance of freedom of expression and the need to protect it from the arbitrary whims of the authorities. A benchmark decision in this respect was the precedent-setting judgement handed down in 1953 by the Supreme Court, sitting as the High Court of Justice.\textsuperscript{13} In this judgement the court, citing Israel’s Declaration of Independence, declared that freedom of expression is a "preeminent right" that "constitutes the a priori condition for the realization of nearly all other freedoms," and that a constant effort was required to prevent this freedom from being infringed upon or eroded. At the same time, the Supreme Court has generally refrained from intervening in considerations of the various authorities operating under articles of the Defence (Emergency) Regulations, 1945 — thus with respect both to the licensing of journalists and to violations of censorship regulations.\textsuperscript{14}

\textbf{E. Day-to-day relations between the censor and the East Jerusalem press}

From conversations with editors and reporters on the papers we visited, the following picture emerges:\textsuperscript{15}

The staff maintain a kind of "self-censorship" and try to moderate their style when criticizing Israel. They refrain a priori from writing reports or articles that they know will stand a poor chance of obtaining the censor’s approval. Every evening the East Jerusalem papers submit to the military censor two copies of all "material pertaining to state security, public safety and public order in Israel or in the Judea, Samaria and Gaza regions"\textsuperscript{16} that is slated to appear in the next day’s edition of the paper (items not slated for immediate publication are submitted during regular working hours).

Later in the evening the editor returns and picks up one copy of each item submitted. The censor may approve any given item, ban an entire item or part of one, or hold up items pending further consideration. In case of late-breaking reports, editors sometimes phone the censor at home.

A paper has the right to appeal any of the censor’s decisions to the Chief Military Censor.
B'Tselem staff examined all material submitted to the censor from two Palestinian papers in East Jerusalem over given periods, chosen at random. Following are the names of the papers and the periods reviewed:

* Ash'a'b, a daily. Material examined was submitted to the censor during the second week in January 1990 (January 7-13, 1990, inclusive).

* Al-Bayader Assiyasi, a weekly. Material examined was from the four editions that appeared in January 1990 (on January 7, 13, 20, and 27).

Asha'b submitted a total of 357 items (reports, articles, pictures, etc.) to the censor during the stated period. Of these, 242 items (67.8%) were approved in their entirety, 29 items (8.1%) were partly banned, and 86 items (24.1%) were banned in their entirety.

Al-Bayader Assiyasi submitted 264 items to the censor in January, of which 151 (57.2%) were approved for publication, 43 (16.3%) were partly banned, and 70 (26.5%) were banned in their entirety.

The censor therefore banned, either in part or in whole, 36.7%, or more than a third of the items submitted by the two publications together.

The following figures apply to the two publications together.

A. Breakdown by item type:

<table>
<thead>
<tr>
<th>Item Type</th>
<th>Total Submitted</th>
<th>Banned*</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report</td>
<td>377</td>
<td>127</td>
<td>33.7%</td>
</tr>
<tr>
<td>Article</td>
<td>136</td>
<td>49</td>
<td>36.0</td>
</tr>
<tr>
<td>Picture</td>
<td>47</td>
<td>32</td>
<td>68.1</td>
</tr>
<tr>
<td>Obituary</td>
<td>30</td>
<td>3</td>
<td>10.0</td>
</tr>
<tr>
<td>Cartoon</td>
<td>4</td>
<td>-</td>
<td>0.0</td>
</tr>
<tr>
<td>Other (announcements, interviews, puzzles)</td>
<td>27</td>
<td>17</td>
<td>61.0</td>
</tr>
<tr>
<td>Total</td>
<td>621</td>
<td>228</td>
<td></td>
</tr>
</tbody>
</table>

*In part or in whole.
B. Breakdown by source on which item based

<table>
<thead>
<tr>
<th>Source Type</th>
<th>Total Submitted</th>
<th>Banned</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper’s own sources</td>
<td>463</td>
<td>181</td>
<td>39.1%</td>
</tr>
<tr>
<td>Israeli press</td>
<td>122</td>
<td>35</td>
<td>28.7</td>
</tr>
<tr>
<td>E. Jerusalem press</td>
<td>7</td>
<td>1</td>
<td>14.3</td>
</tr>
<tr>
<td>Foreign press</td>
<td>16</td>
<td>5</td>
<td>31.2</td>
</tr>
<tr>
<td>News agencies</td>
<td>13</td>
<td>6</td>
<td>46.2</td>
</tr>
<tr>
<td>Total</td>
<td>621</td>
<td>228</td>
<td></td>
</tr>
</tbody>
</table>

*The paper’s own reporters, or no cited source.*

C. Breakdown by item content

<table>
<thead>
<tr>
<th>Item’s Main Topic</th>
<th>Total Submitted</th>
<th>Banned</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intifada: incidents</td>
<td>334</td>
<td>150</td>
<td>44.9%</td>
</tr>
<tr>
<td>Intifada: political</td>
<td>57</td>
<td>37</td>
<td>64.9%</td>
</tr>
<tr>
<td>PLO</td>
<td>27</td>
<td>14</td>
<td>51.9%</td>
</tr>
<tr>
<td>Israel-Arab relations</td>
<td>73</td>
<td>13</td>
<td>17.8%</td>
</tr>
<tr>
<td>and peace process</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Israel domestic affairs</td>
<td>62</td>
<td>7</td>
<td>11.3%</td>
</tr>
<tr>
<td>Territories (unrelated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to Intifada)</td>
<td>38</td>
<td>4</td>
<td>10.5%</td>
</tr>
<tr>
<td>Foreign affairs</td>
<td>24</td>
<td>3</td>
<td>2.5%</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Total</td>
<td>621</td>
<td>228</td>
<td></td>
</tr>
</tbody>
</table>

* Demonstrations, clashes, killings and woundings, IDF and Administration policy (curfew, detentions and releases, house demolitions and sealing, etc.).

** General reference to the Intifada, the “struggle,” etc., without specific reference to particular incidents.
Following are questions that reporter Shosh Avigal put to the Chief Military Censor and his replies, as published in Hadashot on December 9, 1988.

- What is the logic behind prohibiting Arab papers from quoting material that has already appeared in the Israeli or foreign press?

- According to what criteria do censors remove passages and ban articles by Arab journalists?

- Palestinian journalists, led by the chairperson of their union, Radwan Abu Ayash, contend that what is left of their papers today is a sad joke, that they are not permitted to express opinions on any subject. Was this the intention of the lawmaker?

Brig. Gen. Yitzhak Shani:

1. Censors do not as a rule ban material from the foreign or Israeli press unless in the censor's judgement such material threatens state security, public safety, or public order in Israel and the areas of the Civil Administration.

2. The criteria are the law the censor's judgement as to whether security is threatened, and/or whether there is incitement to cause disturbances.

3. Arab journalists are certainly able to express themselves and present their opinions. Any sensible person who knows Arabic and reads these papers will see this for himself.
Re: Censorship of the East Jerusalem press

Subsequent to our telephone conversation, I am forwarding to you the following questions regarding the policy of censorship of the East Jerusalem press.

1. What are the criteria according to which the censor approves or disqualifies the publication of material in East Jerusalem newspapers?

2. Is there a directive or policy which entitles East Jerusalem newspapers to report on the Intifada only by citing items previously broadcast on Israeli radio or television?

3. Are there instances where the publication of an item is authorized in one newspaper but forbidden in another? If so, why?

4. I would be grateful if you could cite the reasons for the disqualification of each of the articles, photographs, and illustrations enclosed herein.

Sincerely,

Yuval Ginbar
Information Coordinator
B’Tselem
IDF SPOKESPERSON'S REPLY

(Parts of the reply relating to specific examples of the censor's work are reproduced in the "Examples" chapter.)

IDF Spokesperson
Information Department
3004 2-ח
February 15, 1990

To: B'Tselem – Yuval Ginbar

Re: Censorship of the East Jerusalem Press
(your ref. 349 of January 30, 1990)

1. First question: The criteria according to which censorship is practiced are based in the law – that is, in the Defence (Emergency) Regulations, 1945. The censor excercises his authority while giving due consideration, among other things, to the Supreme Court ruling which views freedom of expression as one of the basic principles of democratic government. This is evident in all the newspapers published in Jerusalem, including those published in Arabic.

The censor acts to prevent the publication of material which calls for or encourages civil rebellion, opposition of authority or of calm; which can reasonably be suspected of incitement to or identification with criminal terrorist acts; which may upset public order; and of course military topics whose publication is liable to substantially compromise state security.

2. Second question: No such policy exists.

3. Third question: Generally not. As far as the censors are concerned, such cases can be defined as random exceptions. Some result from the appearance of different versions of a given story in different newspapers, others result from different circumstances under which material is submitted to the censors, and also human error.

In any case, the censor is open to appeals from the editors both in writing and verbally.

4. The examples cited in your letter do not represent an accurate reflection of the situation. Nevertheless, upon inspection of the material, it can be said that some of the samples might indeed have been approved when submitted.

I have enclosed notes relating to the specific examples.

Lieut. Avital Margalit
Officer, Information Dept.
Notes on Examples:

Censorship of part of a photograph:

Only a small proportion of the photographs of the demonstration held in Jerusalem at the end of 1989 were censored. Only those pictures which the censor considered at the time to be harmful to public order and public safety were banned. On the other hand, many other photographs of the same demonstration were approved.

B’Tselem report:

The above mentioned article was censored by mistake on December 19, 1989. It should be noted that articles on the same subject (including figures) were approved in the same newspaper in the issues of December 9 and 10, 1989. Likewise, similar articles were approved elsewhere. For instance:

a) An-Nahar – 2 articles on December 7, 1989
b) Al-Fajr – 2 articles on December 7, others on December 8, 20 and 28, 1989.

c) Asha’b – December 4, 1989. In this and in some other newspapers, some of the reporting of an Amnesty International report was censored because its presentation was biased. Condemnation of the murder of Arabs by other Arabs was not reported although it appeared in the original report.

The censor intervenes in reports of the kind mentioned above when it is feared that the presentation of the data could be harmful to public safety. For instance, as far as one newspaper is concerned, the number of killings has already exceeded 800. This figure includes victims of "intentional" road accidents. This is an example of the material from the "Palestinian Center for Citizens’ Rights."

In your particular case, it is regrettable that the editor did not exercise his right to appeal as he has done in the past, and as has been elucidated a number of times verbally and in writing (then the mistake would have been revealed).

Banned cartoon:

The censors banned material directed against Jewish immigration because it is liable to harm public safety and public order.

Interview with injured man:

The censor cut out several sections of this interview. Again, to the extent that the editor feels these sections were wrongfully censored, he could have brought this to the attention of the censor.
Other Reports:

Newspaper editors tend to present IDF actions as unprovoked and unjustified. In such cases, reports are censored. Distorted reporting is also seen in the fact that the very incidents which give rise to the so-called "arbitrary" actions of the IDF are given extensive coverage in those same newspapers.

Some clarifications for those who do not read the actual papers:

The censors maintain that the readers' right to freedom of information is primarily infringed upon not by actions of the censors, but rather by the "censorship" of newspaper editors.

1. Thus, for example, when a journalist from al-Bayader Assiyasi was injured by masked youths, the journalists preferred to refer to the attackers as "unidentified individuals."

2. The Jerusalem municipality is referred to in Al-Fajr as "Teddy Kolleck's municipality." Many reports emanating from Jerusalem are presented as reports from Tel Aviv.

3. Some settlements inside Israel proper are presented as "settlements."

4. The papers tend not to give extensive coverage to road accidents in general. But any accident involving a military or police vehicle is not only reported on the front page, but is especially highlighted...

""Hitnahlut," the Hebrew term used exclusively for settlements in the occupied territories - ed."
CONCLUSIONS

Few people, if any, would dispute the fact that Israel's current security requirements necessitate military censorship. Security requirements may indeed constitute a justifiable reason for taking legitimate measures intended to protect public safety. However, when used unwisely, "security requirements" can easily be turned into a sweeping justification for arbitrary measures and for unjustifiable infringement upon public and individual freedoms.

It is incumbent upon the censor to realize the gravity of the responsibility inherent in his role when limiting freedom of expression, a freedom which Justice Agranat characterized as a "preeminent right" over which security interests have priority "only when truly required by the situation." This applies even when the censor operates under the protection of a law - the legacy of a foreign occupier - which grants him extraordinarily broad powers.

B'Tselem's investigation indicates that at least in the case of the Palestinian press in East Jerusalem, the censor is a long way from adopting Justice Agranat's narrow approach. The investigation reveals that the censor practices massive censorship of journalistic material of almost every variety, source, and subject. In dozens of cases we examined, the censor banned reports that had been translated verbatim from the Hebrew press; items that were purely political in content, including statements by government ministers and other Israeli public figures; items on reports of human rights organizations; and items that had been approved for publication in other East Jerusalem papers. Photographs and political cartoons fared no better.

The IDF Spokesperson and the censor explain some of these phenomena as mistakes. However, the frequency with which such "mistakes" occur indicates either the existence of a deliberate policy, or alternatively, a degree of negligence which is entirely inappropriate in the treatment of so sensitive a subject.

In the letter sent by the IDF Spokesperson to B'Tselem, a more serious accusation relates to "censorship by the editors." It was in fact charged that the editors of East Jerusalem papers are influenced by their political positions in their choice of terminology (e.g. "unknown individuals" instead of "masked youths") and titles (e.g. "the Kolleck municipality"), and in the placement and length of articles. This accusation is accurate for these editors as well as for any other editor. Editorial considerations are part and parcel of freedom of expression, no matter how disagreeable such considerations or the views that guide them may be.

It is important to reiterate that according to Israeli law, the Palestinian press in East Jerusalem is in every respect part of the Israeli press. It is therefore hard to avoid the conclusion that another basic principle of democracy has been violated here: the principle of equality before the law.
NOTES


2. For a discussion of the general laws pertaining to freedom of the press in Israel (e.g., Courts Law, Libel Law, and articles in the criminal code pertaining to espionage, state secrets, etc.), see: Gabriel Strassman, *Media Laws and Professional Ethics: Theory and Practice* (Tel-Aviv, 1986).

3. Ibid, p. 28.


7. Among other things it was emphasized that censorship would not be applied to commentary and opinion, editorials, or political analysis; the censor’s authority would, however, apply to matters concerning “national morale.” See Benvenisti, p. 21 and Negbi, p. 36.


10. See Negbi, p. 36.


12. Ibid, pp. 33-4, as well as Benvenisti, p. 15, and *Journalism under Occupation*, pp. 55-6.

14. See Journalism under Occupation, pp. 109-116. The Supreme Court also adopts this attitude towards other articles in the Defence (Emergency) Regulations, 1945 that apply to the territories, for example, the demolition of houses and deportations.

15. See Falloon, p. 6.


In addition to the systematic investigation, we present below examples of the censor's work. The material was collected from the editorial boards of *Asha'b*, *Al-Bayader Assiyasi*, and from the daily *Al-Quds* and the weekly *Attali'a*. The editorial board of an additional daily did not allow us to photocopy material.

The material is principally collected from issues slated for publication in December 1989 and January 1990.

In addition to deletions that were perhaps justifiable out of security considerations, we came across many more instances for which it was difficult to discern any security necessity for censorship.

These instances may be divided into the following categories:

- A. Censorship of items translated from the Israeli press
- B. Arbitrary censorship (p. 27)
- C. Censorship of political material (p. 31)
- D. Confusion, lack of logic, or inconsistency (p. 36)

The following examples are only a few of dozens of questionable cases of censorship collected by B'Tselem staff. There are many additional examples in the archives of newspapers we visited. Some of the examples were sent to the IDF Spokesperson; the Spokesperson's explanations will appear alongside each example of these. Additionally, a number of letters from the censor to the editors and from the editors to the censor are included (p. 42).

A. Censorship of items translated from the Israeli press

A B'Tselem staff member checked the translations of each of the following reports (as well as many others that do not appear here) in the East Jerusalem papers and found that the translations were in general precise. Here and there there was room for improvement in the translation quality, but in no case was the content or tone of the item changed, nor were remarks or commentary added.

The fact that the censor banned translations of articles concerning the Amnesty International report demands special attention. It is difficult to think of a more incriminating measure that a government could take regarding the human rights situation than censoring reports dealing with that very situation.

*The categories that we have chosen occasionally overlap and were decided according to what seemed to us the dominant manifestation in each case.*
Al-Bayader Assiyasi, December 30, 1989

(Dates noted refer to the dates on which items were submitted to the censor)

Report entitled: A Crate of Tomatoes...and a Curse

The item, originally published in Davar (December 25, 1989), was censored in its entirety.

Report entitled: Yehuda Suissa from Ami-Oz in reference to a note to his Arab workers: "The terms 'dogs' and 'whores' were intended for the road-block so that they would confiscate the vegetables."

The article's content describes an incident in which a farmer from Moshav Ami-Oz paid his workers from the Gaza Strip in part with a crate of tomatoes. A note was attached to each crate to explain to soldiers manning the road-block at the entrance to the Gaza Strip that "the dogs and whores each received a crate of tomatoes from me." According to an informal understanding between moshav members and soldiers manning the road-blocks, crates of produce accompanied by crassly written notes are to be confiscated by the soldiers. The incident was described as routine by both Suissa himself and the Eshkol Regional Director under whose jurisdiction Moshav Ami-Oz lies.
منظمة العفو الدولية تنتقد إجراءات إسرائيل في اطلاع النار ضد الفلسطينيين
The article describes Amnesty International’s report which stated that “existing guidelines for the use of firearms as well as the pattern of killings and subsequent investigations suggest the Israeli authorities are effectively condoning and perhaps even encouraging extrajudicial executions as a means of controlling the unrest.”
Asha'b, January 15, 1990

Report entitled: Al-Hamishmar: The PLO Cooperates with Hamas

The item was censored in its entirety.

Original article entitled: "PLO co-operates with Hamas"

The article quotes a member of the PLO's Central Committee explaining that despite the differences between the two organizations, the fundamentalist Hamas is co-ordinating its activities with the PLO in the occupied territories.
Report entitled: Richard Reoch in the Jerusalem Post: Amnesty Defends its Report on the Subject of Israeli Violations of Human Rights in the Occupied Territories

The item was censored in its entirety.
Amnesty responds to criticism of its reporting on human rights violations:

'We recognize that the PLO advocates violence'

Richard Reoch

It should perhaps be noted in this context that the Chief of Staff repeatedly acknowledged in an interview with Israel Radio on September 29, 1988 that people who had died as a result of the use of tear-gas by the PLO were dead as a result of the use of tear-gas. The answer was given by him as follows: 'In very strange cases, the normal practice is to seal off the streets and to seal off the areas and to seal off the entrance to the house in which the individual died. The individual died as a result of the use of tear-gas.'

As in Amnesty International's previous reports, the organization is not interested in the number of deaths resulting from the use of tear-gas. The organization is interested in the circumstances in which people died and the methods used by the Israeli authorities to deal with such an event. The organization is also interested in the circumstances in which people died and the methods used by the Israeli authorities to deal with such an event.
B. Arbitrary Censorship

We collected under this heading examples which have in common a broad, radical, and occasionally astonishing interpretation of what is dangerous and forbidden for publication.

Al-Quds, December 19, 1989

Report entitled: On the First Anniversary of Its Founding...The Findings of The Israeli Information Center on Events in the Occupied Territories

The report, relying on the Reuters news agency, presents findings from the B'Tselem's 1989 Annual Report and reports on a conference convened by B'Tselem on the occasion of the report's publication.

The majority of the figures that appeared in the news-item that relate to B'Tselem were accurately recounted from our report. Some of the figures were erroneous.

The item was censored in its entirety.

Also censored was the following sentence:

"The presence of MK Shulamit Aloni at the conference was interpreted as an open reconciliation between her and MK Dedi Zucker after an extended period during which tense relations prevailed between the two."
The IDF Spokesperson's explanation:

B'Tselem report:

The above mentioned article was censored by mistake on December 19, 1989. It should be noted that articles on the same subject (including figures) were approved in the same newspaper in the issues of December 9 and 10, 1989. Likewise, similar articles were approved elsewhere. For instance:

a) An-Nahar – 2 articles on December 7, 1989
b) Al-Fajr – 2 articles on December 7, others on December 8, 20 and 28, 1989.
c) Asha'b – December 4, 1989. In this and in some other newspapers, some of the reporting of an Amnesty International report was censored because its presentation was biased. Condemnation of the murder of Arabs by other Arabs was not reported although it appeared in the original report.

The censor intervenes in reports of the kind mentioned above when it is feared that the presentation of the data could be harmful to public safety. For instance, as far as one newspaper is concerned, the number of killings has already exceeded 800. This figure includes victims of "intentional" road accidents. This is an example of the material from the "Palestinian Center for Citizens' Rights."

In your particular case, it is regrettable that the editor did not exercise his right to appeal as he has done in the past, and as has been elucidated a number of times verbally and in writing (then the mistake would have been revealed).

Reports on B'Tselem were also censored in Al-Quds on December 10, 1989 and on December 19, 1989.

As this Information Sheet was going to press, we learned that on February 27, 1990, the censor banned the publication of items concerning B'Tselem's report on taxation in Asha'b, Al-Quds, and An-Nahar.
Asha'b, January 10, 1990

Editorial cartoon:
The man is labeled "Mandela"
He is saying:
"The chains will soon be broken."
The cartoon was censored.

Asha'b, January 22, 1990

A cartoon depicts the American Chief of Staff in the region.
The Arab is saying:
"Hello Mr. Panama!"
The cartoon was censored.
Attali’a, January 28, 1990

Report entitled: General Vilnai: Our Aim is to Reduce the Level of Violence

The item consists entirely of a word for word translation of an item from Ha’aretz. In two instances, remarks were added. In the first instance they were written as a transitional phrase: "continuing in this fertile imagination." In the second instance, in the conclusion, after quoting Vilnai’s remark that the IDF was making Palestinians “understand what they can and cannot do,” it was remarked, “and we hope that soon Vilnai as well will understand something about reality.”

The item was censored in its entirety.

Original article entitled: “General Vilnai: We are Fighting Organizations which Want to Destroy us and Kick us Out of Here”

The article reports on a lecture given by the IDF OC Southern Command to a group of high-school students. In his lecture, Vilnai describes the IDF’s mission of “reducing the level of violence in the territories and depicts the conflict as an prolonged and "existential" conflict requiring patience.”

General Vilnai: Our Aim is to Reduce the Level of Violence

The item consists entirely of a word for word translation of an item from Ha’aretz. In two instances, remarks were added. In the first instance they were written as a transitional phrase: "continuing in this fertile imagination." In the second instance, in the conclusion, after quoting Vilnai’s remark that the IDF was making Palestinians “understand what they can and cannot do,” it was remarked, “and we hope that soon Vilnai as well will understand something about reality.”

The item was censored in its entirety.
C. Censorship of Political Material

The following items and articles, like many others, pertain to purely political matters, the political pronouncements of Israelis, Palestinians, and people of other nationalities. These opinions are unrelated to security or to any incitement to violence.

Al-Quds, December 20, 1989

Report entitled: Israeli Survivor of Bus #405: We Must Speak With the Palestinians. Time is Running Out and we Want to Live

The report is based on an interview conducted by Al-Ḥaʾmishmar with Amir Avramson who was seriously injured in that incident. It contains statements that were not included in the original such as "The Intifada — which for many Israelis is happening as if on a different planet — hit them full-force within the pre-war borders of Israel."

Sections from Avramson’s letter to Prime Minister Shamir were translated directly from the interview.

The following passage was also included: "Tell the people who don’t think enough, the people who don’t understand that after many years [original: 100 years] of war we will lose — if we haven’t lost already — if we continue being tough and occupying the Palestinian people [original: Israel is tougher, militant, occupier]. We have to talk. Time is passing and we want to live [original: Tomorrow it will be too late. I have no time and I’m not Trumpledor]."

The item was censored in its entirety.

The translator omitted from the outset any attempt to include the following passage from the original Hebrew interview: “I want to go to Tunis. I want to speak to Arafat in person. I can be a symbol of someone who almost got it in the Intifada yet still wants to live with yesterday's enemies as tomorrow's allies.”

The IDF Spokesperson’s explanation:

The censor cut out several sections of this interview. Again, to the extent that the editor feels these sections were wrongfully censored, he could have brought this to the attention of the censor.
Al-Quds, December 25, 1989

Christmas editorial entitled: The Absence of Peace

Included was a quotation from the Pope referring to "the Palestinian people" who still "have no homeland or state in which they can feel like citizens with full rights." The article also mentions the "absence of peace in the land of peace" and notes "the peace strategy declared by the PLO more than a year ago." The article decry's "violence," "counter-violence," and "the spilling of innocent blood" without pointing an accusing finger at any one side. Israel and the Intifada are not mentioned in the editorial, which concludes by wishing a Merry Christmas to "our people."

The article was censored in its entirety.
Asha'b, January 12, 1990

Editorial entitled: Israeli Rejection of Peace

Deleted selections are emphasized:

...[The Baker initiative] is still a less than positive response to facts determined by twenty-five months of the Intifada...
...Israel's position is the natural consequence of a strategy that opposes peace...
...[Israel's] rejection of peace and even of the American Secretary of State's initiative...
...in light of the grave dangers that are likely to result from this intransigence and that will harm not only the peoples of the region but also the fundamental security and stability of the world.

In addition, the concluding section was deleted which called for the United States to pressure Israel to respond favorably to the "will of the world."
Attali'a, February 17, 1988

Report entitled: Peres Supports the Establishment of a Joint Administration in the Gaza Strip

The item reads: "Israeli Foreign Minister Shimon Peres expressed readiness to conduct discussions with Jordan or with a joint Palestinian-Jordanian delegation without preconditions. However, he noted Israel's opposition to the establishment of an independent Palestinian state. He added, with clear reference to self-rule, that he is convinced that it is preferable for administration of the city of Nablus, for example, to be conducted by the residents of the city of Nablus and similarly for other cities. Peres said that he supports the establishment of a Jordanian-Palestinian administration in the Gaza Strip as long as it does not constitute a threat to Israel."

The item was censored in its entirety.
D. Confusion, lack of logic, and inconsistency

The following are instances in which, beyond the difficulty in finding security justifications for censorship, it is difficult to even identify any logic or guiding principles.

The phenomenon in which the exact same news item, photograph, or political cartoon is censored in one East Jerusalem newspaper and approved in another paper still occurs frequently. B’Tselem has many additional examples of this.

Attalia, October 25, 1989

A photograph from Yediot Aharonot of the same day.

The photograph was censored.

Asha'b, October 26, 1989

The same photograph as it appeared in that paper after being approved by the censor.
A cartoon from the Jerusalem Post. Shamir says to a Palestinian sitting next to him (in sight of an immigrant from the Soviet Union): "Would you mind moving up a little?"

The cartoon was banned.

The IDF Spokesperson's explanation:

**Banned cartoon:**

The censors banned material directed against Jewish immigration because it is liable to harm public safety and public order.

Al-Quds, January 18, 1990

The exact same cartoon.

The censor approved it.
The censor approved the photograph (from a Peace Now demonstration around the walls of the Old City) but deleted the child carrying balloons and the words: "Next to him a child is carrying..."

The IDF Spokesperson's explanation

Censorship of part of a photograph:

Only a small proportion of the photographs of the demonstration held in Jerusalem at the end of 1989 were censored. Only those pictures which the censor considered at the time to be harmful to public order and public safety were banned. On the other hand, many other photographs of the same demonstration were approved.
Al-Quds, January 8, 1990

Report entitled: Two Martyrs in Bethlehem and Atil• Five Wounded in the West Bank and Gaza Strip

One of the sections that was banned, concerning the circumstances behind the death of Fahd Khalil el-Zabkali in Bethlehem on January 7, 1990: "The American television network ABC, which was in Bethlehem at the time of the incident, showed footage in which the youth el-Zabkali appears in a crowd of masked stone throwers. This contradicts the army's version, according to which el-Zabkali was carrying a hatchet."
Al-Quds, January 15, 1990

Approved report entitled: Martyr el-Zabkali: Investigation Results Prove Soldier who Killed him Deviated from Orders

Among other things the news-item reports: "The army reported that the demonstrators were armed with hatchets and that the soldiers fired in the air; however, the American network showed Palestinians who only threw stones and a soldier firing directly at the demonstrators."
It seems that the censor's wrath was provoked by the fact that Adal'ah's editor left the Arabic numeral "1" that marks the first part of the article. This part had been censored and, as noted, the prohibition falls upon the remains of any trace of the censor's work.
To: Editor, Attali' a  
Mr. Elias Nasrallah
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Dear Editor,

Re: Censorship Offenses

1. Despite my repeated entreaties, you continue to leave indications censorship in your newspaper.

2. I ask that you obey the censorship regulations to the letter before I am forced to consider taking measures against your newspaper.

Sincerely yours,

( - )

Lt. Col. Avi Gur-Ari
Censorship Base Commander, Jerusalem
Chief Censor

cc: Manager, al-Ittihad press

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