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Israel takes on Facebook in battle against incitement

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In this Thursday, July 14, 2016 photo, Israeli Public Security Minister Gilad Erdan speaks during an interview with The Associated Press in his office in Tel Aviv, Israel. Blaming incitement for the latest, 10-month spate of Palestinian attacks, Israel is taking its fight to a new level: A new law in the works, co-sponsored Erdan, aims to force Facebook and other social media platforms to take down content Israel deems as fueling violence. Some warn it goes too far, limiting free expression. (AP Photo/Tsafrir Abayov)

Nine months ago, Dareen Tatour posted a poem to Facebook about her frustration over spiking violence between Israelis and Palestinians. Days later, Israeli police banged on her door in the middle of the night and arrested her, accusing her of inciting violence on the social network.

Tatour, an Arab citizen of Israel, is one of several hundred people detained in recent years for allegedly spreading incitement.

Hoping to further clamp down on what it sees as the driving force behind a 10-month spate of Palestinian attacks, Israel is now preparing a law that aims to rein in content on social media, including Facebook, a platform it says plays a central role in inspiring attackers.

Critics say Israel is going too far, and that the new legislation will make it easier to violate freedom of expression, especially of Israel's Arab citizens.

"Where is the democracy here? There is no democracy. Voicing your opinion is the only medium for an individual in a democracy," Tatour, 34, said by phone from the apartment outside Tel Aviv where she was confined to house arrest after spending three months in jail. She has no access to the internet and is forced to wear an electronic ankle monitor.

Tatour says her poem was never a call to violence, but rather an expression of anger against what she saw as Israel's excessive use of force.

In it she writes: "Resist, my people, resist them ... And follow the caravan of martyrs."

She has been charged with incitement to violence and support for a terror organization for a series of posts last October, including one in which she voiced support for a Palestinian uprising, according to the

indictment.

Before being arrested, Tatour worked in elderly care but is now out of a job. She wrote poetry as a hobby, sharing her pieces with close friends and 4,000 Facebook followers. She read her poems in public only on three occasions. She says she was somewhat politically active, attending protests supporting Palestinian causes several times a year.

More than 150 literary figures, including pro-Palestinian authors Alice Walker and Naomi Klein, are calling for Tatour's release.

The current violence erupted in mid-September over tensions surrounding a Jerusalem site holy to both Muslims and Jews. Since then, Israel has repeatedly pointed to examples of social media content that it says fueled attacks, from drawings depicting Jews being killed to instructions on how best to stab an Israeli.

The Palestinians say such content—like the violence—is the result of frustrations over nearly 50 years of Israel's occupation and a lack of hope.

The latest wave of attacks has killed 34 Israelis and two visiting Americans, mostly in stabbings. More than 200 Palestinians have been killed at the same time, the majority of whom are said by Israel to have been attackers. The rest were killed in clashes with Israeli troops.

In a bid to extinguish what they see as the wellspring of the violence, Israeli police scour social networks, sifting through hundreds of thousands of posts that may be deemed as inciting to violence. Posts that directly call for or encourage murder immediately set off alarms, but officials also look for certain keywords, the type of exposure a post gets in terms of followers or likes and whether the user is affiliated with a militant group.

The police declined to say how many people are on the monitoring team, when it began operating or what tools it uses to scour Arabic social media sites.

Shlomi Avramzon, a Justice Ministry official who heads a team that assesses content for incitement, says the process has built-in checks so as not to infringe on freedom of expression.

He says that unlike other crimes in Israel, police need to receive permission from the state attorney's office before they can launch an investigation. If the state attorney's office wants to issue an indictment, it must first receive clearance from the attorney general.

According to police figures obtained by the Israeli Movement for Freedom of Information, 426 Arabs were arrested for incitement between 2011 and 2015, much of it on social media. The figures did not differentiate between Palestinians and Arab citizens of Israel. Some 64 Jews were arrested during that time.

Over the last year and a half, the Justice Ministry said 45 indictments had been served, the majority against Arabs.

Palestinians in the West Bank are bound by Israeli military law, which has its own rules on incitement. The military says 100 indictments have been issued against Palestinians for incitement offenses since last November.

Suhad Bishara, the acting director of Adalah, an Arab legal rights group, said that some investigations into incitement are justified but others challenge posts "that fall clearly within the realm of free expression."

The new [social media](#) law, dubbed "the Facebook Law," would enable courts to order social networks to remove posts in cases in which the

user cannot be found or is not under Israel's jurisdiction. Israeli authorities identify inciting material and seek the court order.

It is not clear if the law could be enforced. Public Security Minister Gilad Erdan said authorities could sue Facebook if it did not comply with the court order for any damage that the incitement causes.

Erdan, one of the law's sponsors, told The Associated Press that as a test, Israel asked Facebook to remove 74 posts it said amounted to incitement. Facebook agreed to remove 24, a sign Erdan said pointed to a need to hold social networks accountable for content their users post.

"We are left with no choice in order to protect the public other than advancing a law that will give us a legal tool to act against internet companies," Erdan said. "I've called on Mark Zuckerberg to take responsibility."

Erdan denied that Israel is infringing on freedom of expression, insisting it was preferable to investigate people for potentially incriminating posts, even if they were innocent, rather than risk violence.

Another draft bill by an opposition lawmaker goes further, seeking to force social networks to self-monitor for incitement or face a fine.

Facebook did not respond to repeated requests for comment. Facebook's website says it reviews "reports of threatening language" and removes "credible threats of physical harm to individuals."

Aaron Mackey, a legal fellow at the Electronic Frontier Foundation, a U.S. group promoting civil rights in the digital world, said it was unlikely that the California-based Facebook would be bound by the Israeli law.

Such legislation was a slippery slope toward censorship of its Arab

minority, he added.

"It can become problematic when a policy intended to prevent certain speech about violence is actually used to repress speech from certain disempowered communities."

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