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HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

**Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression.**

REFERENCE: AL G/SO 214 (67-17)
ISR 3/2012

21 March 2012

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 16/4.

In this connection, I would like to bring to your Excellency's Government's attention information I have received concerning the **alleged raid of *Watan Television (TV)* and *Al-Quds Educational TV (AQTV)* in Ramallah and al-Bireh, respectively, by the Israeli Security Forces (ISF)**. *Watan TV* station has been operating in the West Bank since 1996 and is registered with the Palestinian Authority. It is the first TV station to be licensed since the signature of the Oslo Accords on 1993 (Declaration of Principles on Interim Self-Government Arrangements), and has been registered by the International Telecommunication Union (ITU) in 2004. The channel's programmes include educational, social and political issues, as well as extensive coverage of Palestinian prisoners' affairs and demonstrations in the West Bank. *AQTV*, established in 1996 and licensed by the Palestinian Ministry of Communications, is located on al-Quds Street in al-Bireh. Its building is housed in the Institute of Modern Media (IMM), and belongs to al-Quds University. A large number of its programmes are educational, particularly focus on children. It also serves as a training center for the IMM's 400 undergraduate students. Both channels have reportedly been broadcasting since 1996.

According to the information received:

On 29 February 2012, at approximately 2:00 a.m., Israeli Security Forces (ISF) soldiers reportedly entered the local headquarters of *Watan TV*, which is located on the fourth and fifth floors of the building of the Palestinian Agricultural Relief Committees in Qaddoura refugee camp in the center of Ramallah. The ISF soldiers were allegedly led by a fluent Arabic-speaking officer and provided no search warrant or any explanation for the raid, which lasted for approximately two

hours. During the raid, Israeli security forces reportedly confiscated broadcasting equipment, over 20 computers, two servers, and physical administrative and financial files in addition to the channel's archives stored on hard drives. As a consequence, broadcast was reportedly suspended for two days.

On 29 February 2012, at approximately 3:30 a.m., ISF soldiers reportedly raided the office of *AQTV*, which is housed in the Institute of Modern Media (IMM), the department of media studies at Al Quds University in al-Bireh. The soldiers were allegedly accompanied by members of the Israeli intelligence and communication engineers. The soldiers allegedly had a device with which they could detect the location of the channel's transmitter, and directly proceeded to seize it without entering other sections of the offices or confiscating any other equipment.

Both channels have now reportedly resumed partial transmission through support from other Palestinian channels. According to statements by the ISF and by the Ministry of Communications, the operation was carried out by officials from the Israeli Ministry of Communications, who were escorted by ISF soldiers. The ISF spokesperson has reportedly stated that both television channels have been broadcasting illegally, interrupting other television stations in Israel, and interfering with aircraft communication at Ben Guiron airport. However, both channels have been broadcasting since 1996, and have neither received any past complaints from the Israeli authorities on issues relating to frequencies and transmission, nor any warnings prior to the recent raid.

Concern is expressed that the alleged raid on *Watan TV* and *AQTV* constitutes a disproportionate response to the alleged interference with Israeli channels and aircraft communication, as such concerns could have been raised through the Palestinian Authority and the Joint Telecommunications Committee as stipulated in the Oslo Accords. Further concern is expressed that the confiscation of equipment and documents from *Watan TV* and *AQTV* may constitute an attempt to hinder the free flow of information in the West Bank.

While I do not wish to prejudge the accuracy of these allegations, I would like to remind your Excellency's Government of its obligations to fully guarantee the right to freedom of opinion and expression, as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Moreover, I would like to underscore that any action or measures taken which restricts the right to freedom of opinion and expression must be proven as necessary and proportionate to pursue a legitimate purpose listed in article 19, paragraph 3 of the ICCPR. I would thus like to seek clarification from your Excellency's Government regarding the necessity of the raid of *Watan TV* and *AQTV*, and how such a raid was the

least restrictive and proportionate measure to achieve an intended and legitimate purpose. Furthermore, since it is my responsibility under the mandate provided to me by the Human Rights Council to seek to clarify all cases brought to my attention, I would be grateful for your clarification on the following matters:

1. What is the legal basis of the raid of the offices of *Watan TV* and *AQTV*?
2. Please provide further information regarding the justification of the necessity and proportionality of the raid of *Watan TV* and *AQTV*, in light of the Oslo Accords of 1993 (Declaration of Principles on Interim Self-Government Arrangements), which sets out the procedure for resolving such issues through prior warnings and consultation and through the Joint Technical Committee.
3. Please provide further information on whether the equipment and documents that have been confiscated have been returned, and if not, please explain why.

I would appreciate a response within sixty days. I undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports I will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression