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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)
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15 August 2013

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 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 In this connection, we would like to bring to your attention information we have received concerning the forced closure of two media offices in Gaza City.

According to the information received:

On 25 July 2013, the Prosecutor General of the de facto authorities in Gaza (DFA), Ismail Jaber, issued an order to temporarily shut down two media offices in Gaza, Maa'n News Agency and Al Arabiya News Channel, without sending any prior order to them. It is reported that at about 4:30 PM the same day, a group of policemen arrived at the premises, informed the media personnel that they would arrest anyone who enters the agencies, and requested them to shut down the offices. Staffs at both offices were not provided with a copy of the Prosecutor General's closure order, and the exact period of the closure is unknown.

It is further reported that Maa'n News Agency and Al Arabiya were accused of distributing false news regarding Hamas and the role of Hamas in relation to Egypt's affairs, which reportedly became the grounds for the closure order.

On 30 July 2013, staffs at the two media agencies were summoned by the DFA Internal Security to hand over the keys of the offices, and were released soon after. The same day, a Hamas spokesperson held a press conference in Gaza where he disclosed the details of the involvement of Fatah, its political rival, in organizing an incitement campaign against Hamas.

Grave concerns are expressed with regard to the alleged closure of two media offices as it severely hampers the fundamental right to freedom of opinion and expression. Further concerns are expressed the closure order to restrict media freedom is made in an arbitrary manner without respecting international norms and standards.

While I do not wish to prejudge the accuracy of these allegations, I would like to appeal to the all relevant authorities to take all necessary measures to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights (UDHR), 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."

I would also like to refer to General Comment No. 34 adopted by the Human Rights Committee in July 2011, which affirms that the restrictions to the right to freedom of opinion and expression must be "provided by law," "necessary", and "must conform to the principle of proportionality." It further stipulates that "States parties should ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence and editorial freedom."

I would further wish to recall that I already expressed concern on reports of intimidation and harassment of journalists working in Gaza after visiting the strip in December 2011 (A/HRC/20/17/ADD.2). In my report, I called upon the de facto authorities to "promote a culture of tolerance of divergent views, including criticisms, which is essential for any healthy society." The report further urged the authorities to "stop the practice of arbitrary arrests, detention and interrogation of individuals expressing critical views, as well as raids of offices, and interference with human rights related conferences and events." It finally urged the de facto authorities in Gaza to ensure that both local and foreign journalists can carry out their legitimate work without intimidation, harassment and interference by officials from the Internal Security Agency. This included halting the practice of short-term detention and abolishing the requirement for foreign journalists to name a local contact in Gaza.

Moreover, it is my responsibility under the mandates provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected to report on these cases to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by the alleged victims?
3. Please provide the details on how the actions undertaken by public officials regarding this case are compatible with the international norms and standards of the right to freedom of opinion and expression.

I undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report I will submit to the Human Rights Council for its consideration. Finally, I would like to inform your Excellency's Government that I have addressed a communication of the same contents to Mr. Mohammad Faraj El Ghoul, Gaza, Palestine.

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