

ADC

TRULY ARAB, FULLY AMERICAN.

**Comment Submission:
META Oversight Board (OB)**

Posts that Include From the River to the Sea

For more information please contact:

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Via Electronic Mail/Online Submission

META Oversight Board
Washington, D.C. | London, GB

Re: From the River to the Sea

Dear Members of the Oversight Board

I am writing to you on behalf of The American-Arab Anti-Discrimination Committee (ADC). As the premier civil rights and issue advocacy organization serving the Arab American community, ADC is a national organization with volunteer chapters across the nation, and members from every state in America.

We call on the Oversight Board to reject calls to remove posts containing the phrase, *From the River to the Sea*. Any phrase can be said with the intent to cause harm, but blanket rules aimed at censorship sweep too broadly and prevent users' freedom of expression.

Protecting Free Speech During Times of Conflict

The Charter and the Delaware Trust establishing this Board refer to the purpose to “protect free expression” and these and subsequent policies and guidance reference the consideration that international human rights standards have great weight and that international human rights law will be the primary authority when there is a conflict with Meta policies or regulations. Internationally, there is a movement towards the “right to truth” – the right “to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led ... to the perpetration of those crimes.”¹

The right and freedom to seek, receive, and impart information and ideas of all kinds is also included in Article 19(2) of the ICCPR. The International Convention for the Protection of All Persons from Enforced Disappearance states in its preamble the right of any victim to know the truth. Multiple other international, regional, and domestic covenants contain protections for free speech and expression.

Determining that the phrase *From the River to the Sea* is against Community Standards will restrict the speech and expression of millions of users, during the time of an ongoing genocide, conflict. Censoring the phrase will go against the founding principles of the Oversight Board and its purpose.

¹ E/CN.4/2005/102.Add.1, endorsed by the UN Commission on Human Rights Res 2005/81 (21 April 2005).

From the River to the Sea

Requests for Meta to remove posts containing the phrase *From the River to the Sea* are not based on any reasonable argument that those words, on their own, should be understood to constitute hate speech, antisemitic harassment, or support for dangerous persons or organizations. Rather, they are attempts to goad Meta into using its considerable power to put the thumb on the scale of a raging public debate about Israel's ongoing genocidal campaign in Gaza and what freedom for the Palestinian people requires. Many who use the phrase use it merely a convenient slogan to show solidarity with the Palestinian people. Others use it to advocate for an end to the political ideology of Zionism and the apartheid regime it has created.

One may disagree with these ideas, but that does not make them rooted in hate or support for any particular organization. *From the River to the Sea* is a call for the liberation of the people who live between the Jordan River and the Mediterranean Sea. Meta was correct to decide that to interpret it any differently requires context which a simple ban on the phrase does not take into account.

Ocalan's Isolation – Time of Conflict

Separate from the simple fact that the phrase alone does not communicate the intent of the speaker without reference to context in which it is said, the posts that contain this phrase have been among the most effective tools for advocacy for the end of the genocide in Gaza. The State of Israel has leveled most of the Gaza Strip and has, at best, not permitted entrance to and, at worst, murdered journalists who would cover its campaign.

Ordinary people have become historians to document these atrocities and to advocate for their immediate end. Not only would censorship of such documentation be a misuse of Meta's policies designed to protect its users from hate, but it would also fly in the face of Meta's loftier mission to be a place for the free exchange of ideas and for people to advocate for causes they believe in. The *Ocalan's Isolation* case highlighted that Meta's due diligence obligations, including those under the UNGPs, are higher during situations of conflict, increased risk of harm, or restrictions on freedom of expression or government retaliation or reprisals.

In the present conflict, this is of increased concern given the importance of preserving evidence during violent conflict, the allegations of extensive interference and requests from the Israeli government and thousands of users whose accounts have been impacted, and most concerning, the number of Palestinians imprisoned in Israel or held in infinite administrative detention based on social media posts.

Restricting the speech of Palestinians and supporters of Palestine will contradict the ruling this Board made in the *Ocalan's Isolation* case. Therefore, based on the foregoing, this Board should understand that it has the authority, and in fact international human rights law obligation, that it does what it can to protect the human rights of users, including the right of free expression.

From The River to the Sea, Black Lives Matter, other chants

Meta did not ban the use of the phrase *Black Lives Matter* even though many who disagreed with its use found it to be personally offensive. *From the River to the Sea* is no different. Any phrase can be said with the intent to cause harm, but blanket rules aimed at censorship sweep too broadly and prevent users' freedom of expression.

Meta has mechanisms to remove posts that violate its terms that rely on context. The instances before the Board now were found, in their context, to not have violated any policies. Controversial political speech can only be managed in this way. Overbroad rules will satisfy those who want Meta to censor those they disagree with, but they will render Meta unable to do the things it's best at.

Based on the explanations provided in this submission, we respectfully request that the Oversight Board not remove posts mentioning *From the River to the Sea*. Determining otherwise will lead to censorship and limit the freedom of speech and expression of millions of users and have far-reaching implications. Meta has a duty and obligation to ensure speech is protected during a time of an ongoing genocide.

Respectfully submitted this 22nd day of May, 2024 on behalf of the American-Arab Anti-Discrimination Committee (ADC).



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