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#1 RESOLUTION ON FREEDOM OF EXPRESSION IN PALESTINE AND ISRAEL

Proposed by English PEN and PEN Palestine
Seconded by PEN South Africa, PEN Jordan, PEN Chile, PEN Lebanon, PEN Iraq, PEN Wales

PEN International strongly condemns the escalation of violations of freedom of expression that have taken place since the attacks carried out by Hamas and other Palestinian armed groups on 7 October 2023 and throughout the ongoing war on Gaza, in the Occupied Palestinian Territories and in Israel. These violations have included:

- The targeted killings of writers, journalists, and their families;
- arbitrary detention and other attacks on writers;
- deliberate restrictions targeted at limiting access to information – including the destruction of telecommunications infrastructure, use of sporadic internet backouts, lack of access granted to international journalists, and censorship of media outlets;
- the systematic destruction of tangible and intangible forms of cultural heritage.

The Israeli authorities have carried out the vast majority of these violations to date.

The killings of writers and journalists

The massive loss of life, a primary characteristic of the ongoing war, includes significant numbers of artists and writers. The Palestinian Ministry of Culture’s most recent report cites the loss of at least 45 artists, writers, and cultural activists between October 2023 and February 2024.¹ PEN International has documented the cases of at least 14 writers and poets killed in Gaza between October and December 2023 as a result of Israeli bombardment, marking this the deadliest period for writers in recent history (note – these figures represent information that PEN International was able to verify, but it by no means represents the total number of writers killed since October).

The toll on writers, journalists, and media workers is unprecedented. According to the Committee to Protect Journalists’ preliminary investigations,² as of 26 September 2024, more than 116 journalists and media workers have lost their lives, making it the deadliest period since they began gathering data in 1992. Of these, 111 were Palestinians, two were Israelis, and three were Lebanese. According to Reporters Without Borders, at least 32 journalists have been killed in the course of their work or because of their work - many of whom were clearly identifiable as journalists.³ Others have been killed by strikes that specifically targeted their homes. To date, no one has been held accountable for these deaths. This follows a pattern of impunity in relation to the killing of journalists, such as the 2022 killing of Palestinian journalist Shireen Abu Akleh.⁴

¹ <https://drive.google.com/file/d/13lg3uc1vWFzWZqQeRjzTeutNPT-dGT50/view>

² <https://cpj.org/2024/07/journalist-casualties-in-the-israel-gaza-conflict/>

³ <https://rsf.org/en/israel-hamas-war-list-journalists-killed-line-duty-palestine-israel-and-lebanon-gets-longer>

⁴ <https://www.pen-international.org/news/pen-international-joins-33-rights-groups-demanding-independent-investigation-into-the-killing-of-al-jazeera-journalist-shireen-abu-akleh>

Arbitrary detention and other attacks on writers

Writers and journalists continue to face arbitrary arrest, assault, detention, interrogation, smear campaigns, and threats. These are in addition to unbearable living conditions - including bombardment, displacement, disrupted communications, injury, dehydration, and famine - which have been described as amounting to acts of genocide by many international organisations and UN Special Rapporteurs.⁵

The Israeli authorities have intensified their practice of arbitrary detention of Palestinians, especially in the West Bank, which has risen exponentially since the beginning of the war,⁶ resulting in unprecedented numbers of administrative detainees held without charge or trial, with many systematically subjected to inhumane and degrading treatment in detention.⁷ Recent reports by Israeli human rights organisations provide evidence of widespread and systematic use of torture, sexual violence and rape, starvation, and dehumanising treatment of Palestinian detainees.⁸

PEN International has condemned the arbitrary detention of several Palestinian writers including writer and human rights activist Ahed Tamimi,⁹ writer, poet, and librarian Mosab Abu Toha,¹⁰ and the President of PEN Palestine, Hanan Awwad.¹¹

Restrictions on access to information

The intensive and widespread Israeli bombardment has devastated Gaza's infrastructure,¹² including its telecommunications, causing acute limitations to internet access,¹³ in addition to Israel's recurrent practise of imposing complete communications blackouts for days at an end.¹⁴ Gazans, the vast majority of whom have been forcibly displaced, struggle to use social media and communication apps to inform their families whether they remain safe, which has been hampered by the longstanding inadequacy of Gaza's internet services.¹⁵ PEN International has experienced difficulty communicating with writers and artists in Gaza as a direct result of this.

Social media companies have censored content in support of Palestine and Palestinian human rights and have severely limited individuals' reach on their platforms.¹⁶ International journalists are not allowed entry to Gaza unless embedded with the Israeli military and, even then, face severe restrictions on their reporting. These moves create a hostile environment for journalists and make independent reporting even more challenging. On 7 July 2024, the Foreign Press Association expressed its "shock and profound disappointment" regarding the Israeli ban on independent access to international media to Gaza and reiterated its call for "unfettered and independent access" for international media outlets to Gaza.¹⁷

The Israeli government has also escalated its censorship of media outlets inside Israel. This includes threats of retaliation against Haaretz for its war coverage,¹⁸ and the introduction of a new media law giving the government power to close foreign broadcasters considered a threat to national security. The government used the law to halt Al

⁵ <https://www.un.org/unispal/document/anatomy-of-a-genocide-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-palestinian-territory-occupied-since-1967-to-human-rights-council-advance-unedited-version-a-hrc-55/>

⁶ <https://www.france24.com/en/middle-east/20240117-israel-administrative-detention-rates-soar-after-october-7>

⁷ <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/>

⁸ https://www.btselem.org/publications/202408_welcome_to_hell

⁹ <https://www.pen-international.org/news/palestinian-writer-and-activist-ahed-tamimi-detained-amid-surge-in-arbitrary-arrests-by-israeli-forces?rq=OPT%5Cisrael%3A%20Palestinian%20writer%20and%20activist%20Ahed%20Tamimi>

¹⁰ See Palestine section, PEN-I CL 2023/2024: <https://www.pen-international.org/news/pen-international-case-list-2023-2024>

¹¹ <https://www.pen-international.org/news/writer-and-president-of-pen-palestine-held-at-gunpoint-by-israeli-soldiers>

¹² <https://news.sky.com/story/israel-hamas-war-satellite-images-show-homes-and-infrastructure-destroyed-in-gaza-12985717>

¹³ <https://www.accessnow.org/press-release/communications-blackout-gaza-strip/>

¹⁴ <https://www.palestinechronicle.com/internet-communication-services-fully-cut-off-in-gaza-for-seventh-time/>

¹⁵ <https://edition.cnn.com/2023/10/13/middleeast/gaza-internet-outage-map-visuals-dg/index.html#:~:text=Internet%20access%20is%20hanging%20on,working%2C%20but%20with%20disrupted%20service.>

¹⁶ <https://www.hrw.org/report/2023/12/21/metaspromises/systemic-censorship-palestine-content-instagram-and>

¹⁷ <https://foreignpressassociation.online/2024/07/07/statement-by-the-foreign-press-association-regarding-non-access-for-foreign-press-to-gaza-july-7-2024/>

¹⁸ <https://www.haaretz.com/israel-news/2023-11-23/ty-article/israels-communications-minister-threatens-haaretz-suggests-penalizing-its-war-coverage/0000018b-fd0c-de73-a9bb-fefb9f10000>

Jazeera's operations within Israel, seized its equipment, banned broadcasts, and blocked its websites.¹⁹ In addition, the Israeli government seized the broadcasting equipment of the Associated Press and blocked its live video from Gaza on 21 May 2024, which was reinstated after international pressure.²⁰

Destruction of cultural heritage

The Israeli Defence Forces' (IDF) military operation has had a devastating impact on most of Gaza's civilian infrastructure,²¹ including homes, roads, hospitals, schools, and cultural institutions. The future of Gaza's educational, cultural, and arts sectors remains at grave risk.²² The Palestinian Ministry of Culture reported in February 2024 that at least 32 cultural institutions, nine public libraries, and eight publishing houses and printing presses have sustained serious damage or have been completely destroyed as a result of continuing Israeli bombardment,²³ including most of Gaza's museums, the Gaza Central Archive,²⁴ and Great Omari Mosque.²⁵ Additionally, writers have reported the loss of their personal libraries which contained thousands of books, including rare copies of indigenous writings, due to the indiscriminate bombardment of their homes.

In June 2024, the Gaza-based *28Magazine* gallery in Rafah,²⁶ a valuable cultural space frequented by many Gazans that has hosted numerous cultural activities in recent years, and the historic Al Ghussein Cultural House,²⁷ were destroyed by Israeli bombardment. Such substantial losses represent a significant loss of Palestine's tangible cultural heritage and cultural infrastructure²⁸ (and pose immeasurable losses for Palestine's intangible heritage), constituting a challenge to Palestinians' access to cultural resources in the present and future. The impact on future generations of Palestinians is likely to be unparalleled. An entire generation of children in Gaza is not only at severe risk of loss of life from bombings, malnutrition, starvation, and disease, but also the disruption of their education and access to cultural services and facilities, severely hampering their ability to develop and enjoy their creative expression in later life, depriving us all a crucially important Gazan perspective on life and the world.

Conclusion

PEN believes that these violations constitute a serious breach of international law that should be investigated by the International Criminal Court (ICC). The international community must use its significant influence to ensure that all parties to the conflict adhere to international law. The protection of writers, journalists, and all constituents of PEN is crucial due to the essential role they play in documenting, reporting, and witnessing war crimes and other human rights violations.

In order to best protect writers, journalists, and all the constituents of PEN, the Assembly of Delegates of PEN International calls for:

All parties to the conflict to:

- Agree to and uphold an immediate and permanent ceasefire;
- Immediately cease all indiscriminate attacks against civilians, including writers, artists, and cultural workers;
- Respect the right of writers and journalists to report on the hostilities and to guarantee their safety.

Israel to:

- Immediately halt the indiscriminate bombardment of Gaza;

¹⁹ <https://www.bbc.co.uk/news/world-middle-east-68961753>

²⁰ <https://www.ifj.org/media-centre/news/detail/category/israel-gaza-conflict/article/israel-government-blocked-associated-press-live-video-from-gaza>

²¹ <https://www.theguardian.com/world/ng-interactive/2024/jan/30/how-war-destroyed-gazas-neighbourhoods-visual-investigation>

²² https://reliefweb.int/report/occupied-palestinian-territory/verification-damages-schools-based-proximity-damaged-sites-gaza-occupied-palestinian-territory-update-4-3-june-2024?_gl=1*3hvxfy*_ga*NTQ1NDU2NjY1LjE3MDk3MzYyMzg.*_ga_F60ZNX2F68*MTcxODQ0MDYwNy4xNS4xLjE3MTg0NDI1MzMuMTcuMC4w

²³ <https://drive.google.com/file/d/13lg3uc1vWFzWZqQeRjzTeutNPI-dGt50/view>

²⁴ <https://www.middleeasteye.net/news/israel-palestine-war-israeli-forces-destroy-central-archive-gaza-city>

²⁵ <https://www.bbc.co.uk/news/world-middle-east-67664853>

²⁶ <https://www.28mag.ps/category/c1/c6/>

²⁷ <https://www.facebook.com/AlGhoussein.Cultural.House/>

²⁸ <https://www.youtube.com/watch?v=FpUYkDQkfy8>

- Immediately withdraw Israeli forces from Gaza;
- Immediately and unconditionally release all arbitrarily detained Palestinians, and ensure their access to lawyers and family members, adequate food, water, and health care, as well as protection from torture and other forms of ill-treatment pending their release;
- Immediately cease targeting cultural infrastructure and heritage sites and hold accountable individuals found to be responsible;
- Ensure widespread access to information, including through unimpeded access for international journalists;
- Promptly and thoroughly investigate all attacks on writers and journalists, and hold accountable individuals found to be responsible;
- Allow writer and journalists and their families to leave Gaza should they wish to do so.

Palestinian armed groups to:

- Stop deliberate killing of hostages, immediately and unconditionally release all Israeli hostages; and ensure their protection from torture and other forms of ill-treatment pending their release.

International community to:

- Support swift, transparent, and independent investigations into the killings of all writers and journalists and an end to impunity;
- Respect the independence of the ICC and ICJ and their ongoing investigations, including by disengaging from intimidation and smear campaigns;
- Work towards an end to the Israeli occupation of Palestine and an end to systems of racial segregation and apartheid as practised by Israel, in accordance with the ICJ's Advisory Opinion of 19 July 2024.²⁹

²⁹ <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>