***The Case of Libya Floods***

**Case Analysis**

***Meta-Data*:**

* **Case Number**:
* **Date of decision**:
* **Featured case**: N/A
* **Region**:
* **Country**:
* **Type of expression**:
* **Judicial Body**:
* **Type of law**:
* **Main Themes**:
* **Outcome**:
* **Status**:
* **Tags**:

***Analysis:***

* **Summary and Outcome**:

On February 27, 2024, the Oversight Board overturned Meta’s original decision to remove a video supporting victims of flood in Libya caused by Storm Daniel and the collapse of two dams. The Board noted that this case underlined the over-enforcement of the Dangerous Organizations and Individuals policy which hindered users’ ability to express solidarity. After being notified of the appeal, Meta reversed its original decision and restored the post.

*\*The Oversight Board is a separate entity from Meta and will provide its independent judgment on both individual cases and questions of policy. Both the Board and its administration are funded by an independent trust. The Board has the authority to decide whether Facebook and Instagram should allow or remove content. These decisions are binding, unless implementing them could violate the law. The Board can also choose to issue recommendations on the company’s content policies.*

* **Facts**:

In September 2023, a user posted a video of overlaid two images to Facebook. The background image was of two individuals in military uniform with badges, one of which read “Brigade 444 – Combat” in Arabic. The overlaid image showed two people pulling a third person out of water, the people on the sides had “west” and “ south” on their chests while the person being rescued had the word “east”.

In August 2023, armed clashes broke out between the 444th Combat Brigade and the Special Deterrence Force, both parties of the clashes are militias fighting for power since the 2011 overthrow of Muammar Gaddafi. Meta originally removed the post for violating the Dangerous Organizations and Individuals (DOI) policy. The user appealed the decision to the Oversight Board.

**Decision Overview**:

The main issue before the Board was whether the removal of the video was consistent with Meta’s content policies, values, and human rights obligations.

In their submission to the Board, the user clarified that the aim of the video was to show that Libya was “one people” with “one army” supporting the city of Derna after the floods caused by Storm Daniel and the dam collapses in September 2023.

On the hand, Meta reversed its decision after the company was notified by the Board of the appeal. The company noted to the Board that the post did not violate Meta’s policies as it did not refer to any designated organization or individual.

The Board emphasized that this case exemplified over-enforcement of the DOI policy, especially through automated systems, which could hinder user’s ability to comment on current events on Meta’s platforms. The Board recalled its recommendation from the “Öcalan’s isolation” for Meta to evaluate the automated enforcement of the DOI policy which Meta declined to implement and explained that the policy guidance in that case did not contribute to automated enforcement.

Furthermore, the Board reiterated two recommendations from the “Breast cancer symptoms and nudity” decisions. The first was for Meta to internally audit automated procedure to analyze a sample of automated decision to reverse to reduce enforcement errors. Meta reported implementing this recommendation without publishing information to show its complete implementation. The second recommendation was for Meta to expand transparency reporting on data representing the number of automated removal decisions per policy and how many of those decision was reserved by human review. Meta reported process on implementing a consistent accounting methodology for these metrics. Similarly, the Board recalled its recommendation from the “Punjabi concern over the RSS in India” which urged Meta to improve transparency reporting on enforcement error rates by making the data viewable by country and language for each policy.

The Board emphasized that the full adoption of its recommendations alongside published information demonstrating their full implementation would decrease enforcement errors of the DOI policy which would reduce the number of users whose freedom of expression was infringed upon. The Board overturned Meta’s original decision to remove the content and acknowledged its correction of the initial error.

***Direction:***

* **Outcome**: Contracts Expression/Mixed Outcome/Expands Expression
  + This should be based on international standards
  + However, if you have knowledge of national standards, and can provide insights into how the decision impact precedent nationally, please do so.
* **Explanation for why and how it contracts or expands expression or has a mixed outcome.** You can also provide additional context about the case here.

***Perspective***:

* **Related International and/or regional laws**:

**Example:**

[ECHR, art. 10](https://www.echr.coe.int/Documents/Convention_ENG.pdf);

[ECHR, art. 11](https://www.echr.coe.int/Documents/Convention_ENG.pdf);

* **National law or jurisprudence**:
* **Example:** [Sp. Constitution art. 14](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/const_espa_texto_ingles_0.pdf);

**Other national law or jurisprudence**:

* **List here any references to national case law outside the Court’s jurisdiction**. For instance, if a UK Court relies on Canadian or Australian case law, it would be listed here.

***Significance***:

* **Binding or persuasive precedent within jurisdiction**; **Decision establishes influential or persuasive precedent outside jurisdiction**; **Explanation**:

Standard I: The decision establishes a binding or persuasive precedent within its jurisdiction.

Information: i.e. Judgments of the European Court of Human Rights are binding upon parties to the decision.

Standard II: Decision (including concurring or dissenting opinions) establishes influential or persuasive precedent outside its jurisdiction.

Information: i.e. The decisions of the European Court of Human Rights have precedential value on the interpretation of the right to freedom of expression for other States Parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

* **Related Cases**: Self-generated
* **Date updated**: N/A

***Docs***:

* **Official Case Documents**:

**Examples:**

Judgment (in English) [Attached]

Press Release issued by …. (in English) [Attached]

* **Reports, Analysis, and News Articles**:
  + Please list any titles and URLS of interesting articles or analyses about the case that might be of interest to readers