



## Public Comment Appendix for

Case 2023-028-FB-UA

Case number

Case description

In June 2023, a Facebook user posted an illustration of a bullet, with notes in Arabic identifying its different components. The caption for the post, also in Arabic, provides instructions on how to empty a gun's cartridge of its bullet and use the components to create a Molotov cocktail-type device – a simple incendiary, typically in a bottle, that can be easily made. There is an additional note on how to throw the device safely, and the caption also states, “victory for the Sudanese people” and for the “armed people forces.” The content had only a few views before being removed by Meta.

The content refers to the user's homeland of Sudan. In April 2023, fighting broke out in the country's capital between the Sudanese Armed Forces and the paramilitary group, the Rapid Support Forces (RSF). Other groups have since joined the armed conflict, which has [left thousands dead](#) and forced more than four million people to flee.

On the day the content was posted, a “hostile speech classifier” enforcing three of Facebook's Community Standards – [Hate Speech](#), [Violence and Incitement](#), and [Bullying and Harassment](#) – determined it violated one. The post was removed by Meta for violating Facebook's Violence and Incitement Community Standard. Following the removal, Meta applied a standard strike and a three-day feature limit to the content creator's profile, which prevented them from interacting with groups, and from creating or joining any messenger rooms. The user immediately appealed Meta's decision. This led to a human reviewer assessing the post. Meta confirmed it was correct to initially remove the content, but this time for a violation of the [Restricted Goods and Services policy](#). The user then appealed to the Board.

After the Board brought the case to Meta's attention, the company determined that its original decision to remove the content under the Violence and Incitement Community Standard was correct. Under this policy, Meta removes content that includes instructions on “how to make or use explosives” or “how to

make or use weapons if there is evidence of a goal to seriously injure or kill people.”

The Board selected this case to assess Meta’s policies on weapons-related content and the company’s enforcement practices in the context of conflicts. This case falls within the Board’s [seven strategic priorities](#), specifically “crisis and conflict situations.”

The Board would appreciate public comments that address:

- Insights into Sudan’s socio-political context and among communities of the Sudanese diaspora, the country’s ongoing conflict, and the potential for offline harm being caused by similar content to the one in this case.
- How international humanitarian law (also known as the law of armed conflict) should inform Meta’s responsibilities when it comes to moderating weapons-related content in the context of armed conflicts.
- Meta’s enforcement of its content policies for Arabic-language expression in relation to the situation in Sudan, as well as the company’s use of automation to enforce its rules.
- The impact of content moderation on users’ abilities to engage in online discussion of armed conflict in Sudan and elsewhere, and Meta’s human rights responsibilities in this context.

As part of its decisions, the Board can issue policy recommendations to Meta. While recommendations are not binding, Meta must respond to them within 60 days. As such, the Board welcomes public comments proposing recommendations that are relevant to this case.



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The Oversight Board is committed to bringing diverse perspectives from third parties into the case review process. To that end, the Oversight Board has established a public comment process.

Public comments respond to case descriptions based on the information provided to the Board by users and Facebook as part of the appeals process. These case descriptions are posted before panels begin deliberation to provide time for public comment. As such, case descriptions reflect neither the Board's assessment of the case, nor the full array of policy issues that a panel might consider to be implicated by each case.

To protect the privacy and security of commenters, comments are only viewed by the Oversight Board and as detailed in the [Operational Privacy Notice](#). All commenters included in this appendix gave consent to the Oversight Board to publish their comments. For commenters who did not consent to attribute their comments publicly, names have been redacted. To withdraw your comment, please email [contact@osbadmin.com](mailto:contact@osbadmin.com).

To reflect the wide range of views on cases, the Oversight Board has included all comments received except those clearly irrelevant, abusive or disrespectful of the human and fundamental rights of any person or group of persons and therefore violating the [Terms for Public Comment](#). Inclusion of a comment in this appendix is not an endorsement by the Oversight Board of the views expressed in the comment. The Oversight Board is committed to transparency and this appendix is meant to accurately reflect the input we received.



## Public Comment Appendix for

Case 2023-028-FB-UA

Case number

10

Number of Comments

## Regional Breakdown

2	2	1	1
Asia Pacific & Oceania	Europe	Latin America & Caribbean	Middle East & North Africa
1	3	0	
Sub-Saharan Africa	United States & Canada	Central & South Asia	

CASE 2023-028-FB- PC-19001  
UA

United States &  
Canada

Case number

Public comment number

Region

Gregory

Stanton

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Genocide Watch

Yes

Organization

Response on behalf of  
organization

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Full Comment

Sudan is currently in a civil war that has already killed over 7000 civilians. It is also in a genocide by the Rapid Support Forces (formerly called the Janjaweed) against the Massalit people of West Darfur. At least 3000 Massalit have been murdered in the past year in that genocide. This genocide violates the Genocide Convention. Murders of civilians violate the Geneva Conventions on the laws of war, specifically Common Article 3 and Optional Protocol 2, which applies to militias and non-state actors.

Facebook's policy against publishing instructions for constructing weapons that could be used for illegal violence are correct. This post clearly violates Facebook's policy. The post should be taken down and the persons who posted it should be permanently barred from use of Facebook.

Link to Attachment

No Attachment

CASE 2023-028-FB- PC-19006  
UA

Sub-Saharan  
Africa

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of  
organization

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Full Comment

The comment does incite (grassroot) violence and in the current conflict crisis between SAF and the RSF, where citizens are reportedly arming themselves in conflict hotspots to protect their lives and livelihoods, it is particularly concerning. Additionally, the comment supports the SAF faction of the war despite years of resistance against the military regime which resulted in the ouster of Omar AlBashir in 2019 and a coup in 2021. This support is echoed by millions who feel brutalized by the RSF through its attacks on various major Sudanese cities as well as the capital. The RSF is notorious for inciting hate speech through their formal speeches, as well as junior soldiers' and diaspora content on various social media platforms, boasting about their attacks of citizens, property, looting, sexual and physical assault, detention and kidnapping. Nonetheless, I doubt that people will utilize this post to create Molotov bottles because the weapons being used now are lethal heavy weapons, as well as drones and fighter jets. Finally, the text of the comment available for review does not contain speech against the RSF explicitly, unless we look at the polarized environment, knowing that pro-SAF can be anti-RSF in this environment, and vice versa.

Link to Attachment

No Attachment

CASE 2023-028-FB- PC-19008  
UA

Europe

Case number

Public comment number

Region

Maria

Mingo

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Mnemonic

Yes

Organization

Response on behalf of  
organization

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Full Comment

Mnemonic is the umbrella organization for the Sudanese Archive, Ukrainian Archive, Syrian Archive, and Yemeni Archive. We create searchable databases of open source information related to human rights violations to help memorialize conflicts, raise awareness of situations, and investigate human rights violations and atrocity crimes. To date, we have preserved over 15 million items related to alleged human rights from social media platforms. Our comments on this case are based on close to 10 years of experience preserving human rights content from social media platforms and conducting open source investigations. We have been working on Sudan since 2019. Our Sudanese Archive is run by Sudanese staff and informed through our work with civil society organizations, activists, and journalists in Sudan.

This submission responds to the Oversight Board's call for information on (1) the impact of content moderation on users' abilities to engage in online discussion of armed conflict in Sudan and elsewhere, and Meta's human rights responsibilities in this context, and (2) Meta's enforcement of its content policies for Arabic-language expression in relation to the situation in Sudan, as well as the company's use of automation to enforce its rules. We aim to contribute to these questions by highlighting

the importance of online content from Sudan for justice efforts, the need for transparent retention of human rights content, and potential consequences of removing certain content from Sudan.

Online content is essential to ensuring and advancing justice for illegal acts committed during the current conflict in Sudan

In Sudan, many people use social media to understand public opinion, become aware of politicians' actions and tactics in certain locations, and be able to seek shelter or refuge in time. People in Sudan and its diaspora community also use social media to find out whether loved ones are safe or if their homes have been looted through for example videos of perpetrators boasting about their crimes. Facebook in particular is the most widely used social media platform in Sudan, seen by many citizens as an important tool for social organization and mobilization, human rights reporting, and staying informed of political developments. In this sense, Facebook is the main platform on which citizens in Sudan upload photos and videos documenting alleged human rights abuses. This information is under constant threat of removal through content moderation policies and related takedown algorithms. As Mnemonic's Sudanese Archive rushes to preserve and verify that information for investigations, we see a significant amount of content removed by the platform.

As highlighted in our previous submission to the Board on case 2022-002-FB-MR on Sudan, every piece of human rights content can be important for bringing perpetrators of grave crimes to account. While only few items of content may ultimately be used as evidence, it can be difficult to know before cases are brought what of the potential evidence will indeed have this critical relevance. The availability of multiple items of related content can be helpful to making that determination.

In certain conflicts such as Sudan, citizens finding themselves in chaotic situations amidst acute security concerns are often the first to document the events, long before official investigators can access the scene. Investigations thus rely on combining many "puzzle pieces" to form a complete picture. For example, even a well-shot livestream of an event as it unfolds (or shot shortly afterwards) that can be easier to verify will need supporting documentation in the form of other videos, photos, or reports. We may review such a livestream that goes for 30 minutes during which people appear to have been shot, but from the angle or chaos of the livestream it may not be immediately apparent what happened. When we combine the livestream with later videos from a



hospital for example, we can match probative information like clothes and faces to help assess what happened. Self-published content by parties to an armed conflict can produce exceptionally important evidence. Similarly, weapon information generally, especially if it contains serial number information or bullet headstamps, can be incredibly valuable information to identify perpetrators. Overall, multiple corroborating information and sources of the same event can be helpful for case-building.

As mentioned, this content could aid international justice mechanisms and domestic prosecutors as open source human rights documentation can constitute evidence or can otherwise support legal investigations, such as by providing leads so that investigators know where to start and what to look for. Open source investigations can also help build cases for sanctions against specific perpetrators. Mapping geolocated sightings and online relationships among armed groups can point to areas of deployment and corroborate command structures, demonstrated also in our work with Security Force Monitor. To this end, Sudanese Archive is training lawyers and legal practitioners to be ready to present this evidence in future trials for accountability in Sudan.

With this in mind, the sections below highlight the need for Meta to increase transparency on content retention and access to human rights content for research and accountability purposes, as well as on the functioning of its takedown algorithms and how it addresses Arabic language shortcomings to avoid over-removals and activist censorship in Sudan.

In cases where important content is appropriately removed, Meta should provide transparency about its removal, retention, and access

While some content, like the video in question, needs to be taken down to protect vulnerable people and populations, it is crucial that content moderation policies and retention practices do not nevertheless lead to the loss of potential evidence.

We welcome the Oversight Board's 2023-004-FB-MR decision in which it recommended Meta to develop a public protocol to preserve and share information with competent authorities to assist in investigations and legal processes to remedy or prosecute atrocity crimes or grave human rights violations. However, we hereby ask the Board to take one step further.

As highlighted in WITNESS' submission to the European Commission, article 40 of the EU Digital Services Act (DSA) requires platforms to provide vetted researchers access to data to detect, identify, and understand systemic platform risks for the EU. This includes human rights researchers from civil society and academia, as reports, dossiers, investigative findings and other research are crucial for the realization of the EU's fundamental right of access to justice, and the full exercise of EU member states' universal jurisdiction laws.

By not granting vetted researchers access to taken down content, including civil society organizations and academics who investigate human rights abuses, Meta is hindering this crucial work required by the DSA that helps prevent and address risks, including to the European Union.

We therefore urge the Board to strongly recommend Meta to provide more public information on:

How it defines the end of the retention period in line with GDPR. One option here would be adding an accessible and transparent option of renewal given the often years-long delays to international justice and accountability.

How it assesses platform systemic risks under the DSA for conflict situations, particularly when most of the content is in a non-English language.

The process by which external parties, including academic and civil society researchers working on human rights investigations, can request the retention of data in situations of armed conflict when the content has been removed by the platform, in line with article 40 of the DSA.

The measures Meta is putting in place to comply with article 40 of the DSA regarding researcher access to data, for instance but not limited to: Any protections around privacy, data localization approaches, changes to existing policies on retention and disclosure, and the type of data to disclose.

Considering the extremely high stakes in which people in Sudan upload online content and its potential evidentiary value, the current takedown classifiers system is unacceptably dysfunctional

In our experience monitoring social media developments in the context of the Sudanese conflict, one of the main content moderation issues in Sudan involves over-removals through broad algorithms, also taking down content that is either legal or does not violate specific community guidelines, or content that does violate Meta's guidelines but would fall under Meta's newsworthiness allowance (yet is removed anyway). While in the case under review we do not question the need to remove content that instructs users on how to create weapons, this case highlights fundamental flaws in Meta's current content moderation enforcement which can easily lead to over-removals.

In particular, this case exemplifies the broad use of one single (speech) classifier to enforce three Facebook policies, which can lead to the failure of capturing context or language nuance, important for human rights content. Furthermore, the fact that a human reviewer then attributed the removal to a different community guideline violation only to then revert again to the original guideline shows the lack of policy clarity not only for users, but also within Meta itself.

Given that the review was triggered only through appeal by the user at multiple stages, this case also highlights Meta's reliance on user appeals for proper implementation and assessment. This is unacceptable and unreasonable in conflict zones like Sudan where security risks are high, access to the internet is unreliable, and the stakes around access to information being shared via social media can be life or death.

Additionally, inconsistent moderation, especially when combined with a poor understanding of dialects, is compounded by the use of automation. As previously submitted to the Oversight Board in case 2022-002-FB-MR on Sudan, and confirmed by POLITICO at the time, Meta tolerates an incredibly high failure rate in the Arabic speaking world. Meta needs to address its failures in moderating Arabic-language content by hiring more Sudanese dialect experts as even within Sudan there are regional differences. Without clear, high quality training data, problems are "baked in" to machine learning processes, leading to further over-takedowns. Such takedowns are contrary to Meta's responsibility to protect freedom of speech and access to information with respect to human rights, which has been subject to litigation against Meta.

We do want to note once again that in Arabic-speaking countries like Sudan, Meta's "Dangerous Individuals and Organizations" (DIO) policy, which has been rightfully criticized by the Oversight Board in the past, also contributes to over-removal.

According to Meta’s own Community Standards, only clear “praise, support, and representation” should be removed. That does not mean that any mention of an organization or individual on the list is grounds for removal. In fact, as made clear by the company itself in response to Oversight Board case 2021-006-IG-UA, political discussion that is not praise, support, or representation about banned individuals and organizations is allowed under the policy. As we have documented over many years, DIO enforcement, especially when done by automated means, is a major threat to human rights documentation and Meta’s commitment to human rights.

We therefore ask the Board to call on Meta to reduce the negative impact of content moderation on users’ abilities to engage in online discussion of armed conflict in Sudan by:

Providing more information on its algorithmic content removal in situations of armed conflict (in line with the DSA), the different review stages, and how they in practice balance different values and responsibilities when taking content moderation decisions on human rights.

Reviewing and minimizing its reliance on user appeals in armed conflict..

Investing adequate resources to ensure that there is proper (Arabic) language support and that machine learning processes are of the highest quality.

Ensuring that it is truly following its own policies on DIO and not taking down content that incidentally mentions groups or names on the DIO list.

Mnemonic remains available for further consultation at [info@mnemonic.org](mailto:info@mnemonic.org).

Link to Attachment

[PC-19008](#)