

# The District Commissioner of the Capital

## A Copy from the DEED BOOK

Year 2023, Wednesday 3rd of May at 09:30, Valgeir M. Levy, representative of the District Commissioner of the capital area, convened at Hlíðasmára 1, Kópavogur.:

Injunction number: 2023-026291

Plaintiff: Anti Defamation-League, 605 Third Avenue, New York, NY 101583560, United States

Defendant: 1984 ehf., reg. no. 500306-2110, Fálkagata 8, 107 Reykjavík

On behalf of the plaintiff, lawyer Sigurður Kári Kristjánsson is present.

On behalf of the defendant, lawyer Ólafur Örn Svansson is present.

The following documents are presented:

1. Injunction request, received by the district commissioner of the capital area on April 28, 2023.
2. Power of Attorney, dated March 14, 2023.
3. Printout from the company register, current registration for 1984 ehf., dated March 14, 2023.
4. Summons, dated March 3, 2023.
5. Email from the defendant's attorney to the plaintiff's attorney, dated March 10, 2023.
6. Printout from the website <https://mapliberation.org/> - The Mapping Project - What is the Mapping Project?
7. Printout from the website <https://mapliberation.org/> - The Mapping Project - Anti-Defamation League (ADL).
8. Printout from the website <https://mapliberation.org/> - Zionism, Policing, and Empire: A Dispatch from the Mapping Project, dated June 3, 2022.
9. Translation by Ellena Ingvadóttur, legally certified interpreter and document translator on selected and authenticated parts of documents no. 6 and 8.
10. Printout from the plaintiff's website [www.adl.org](http://www.adl.org) - ADL's Mission & History.
11. Printout from the plaintiff's website [www.adl.org](http://www.adl.org) - ADL Regional Offices.
12. Printout from the plaintiff's website [www.adl.org](http://www.adl.org) - Board of Directors.
13. Printout from the plaintiff's website [www.adl.org](http://www.adl.org) - Leadership and Staff.
14. Printout from the front page of the defendant's website [www.1984.is](http://www.1984.is).
15. Printout from the defendant's website [www.1984.is](http://www.1984.is) - About 1984 Hosting Company.
16. Printout from the defendant's website [www.1994.is](http://www.1994.is) - Service Terms.
17. Email communications between representatives of the plaintiff, on one hand, and the Icelandic ambassador in Washington D.C. and the office of the National Police Commissioner, on the other hand, from the period June 22, 2022, to July 12, 2022.
18. "5 Reasons Why the BDS Mapping Project is Dangerous for Jews (and Everyone Else)", dated July 21, 2022, printout from the website [www.ajc.org](http://www.ajc.org).
19. "POV: Antisemitic Mapping Project Likely to Lead to More Anti-Jewish Violence", Boston University, BU Today, dated June 16, 2022, printout from the website [www.bu.edu](http://www.bu.edu).

20. "Simply put, it's dangerous", Jewish nonprofit leader says of The Mapping Project, GBH News, June 17, 2022, printout from the website [www.wgbh.org](http://www.wgbh.org).
21. "Pro-Palestine mapping website raises alarm in Jewish groups", dated June 30, 2022, printout from the website [www.apnews.com](http://www.apnews.com).
22. "What is hate speech?", Dr. Davíð Þór Björgvinsson, professor, dated April 25, 2022, printout from the website <https://uni.hi.is/davidth/2022/04/25/hvad-er-hatursordraeda/>.
23. "What is hate speech?", Jóna Aðalheiður Pálmadóttir and Iuliana Kelnikova, dated November 7, 2019, printout from Vísindavefur, [www.visindavefur.is](http://www.visindavefur.is).
24. "Hate speech, an overview of current laws and rules - suggestions for the future", Authors: Jóna Aðalheiður Pálmadóttir and Iuliana Kalenikova, Publisher: Icelandic Human Rights Office, 2013.
25. "Could be sentenced to death for attack on prayer house", news from RÚV, dated April 25, 2023.
26. "Warning about planned attacks on Jewish prayer houses", news from RÚV, dated November 4, 2022.
27. Summons to the defendant for appearance regarding the injunction, dated April 28, 2023.
28. Summons to the plaintiff's attorney, dated April 28, 2023.

The presented evidence is reviewed. According to the proposed injunction request, the plaintiff demands that an injunction be placed against:

The hosting of the defendant on the website <https://mapliberation.org>, whether or not [www.is](http://www.is) is in front of the website name, as well as the data, content, and information published on the website. The plaintiff also requests that the district commissioner in the capital area impose an injunction preventing the defendant from providing access to the website <https://mapliberation.org>, whether or not [www.is](http://www.is) is in front of the website name, and from disseminating data, content, and information published on the website.

Upon summoning the defendant, the plaintiff's lawyer was notified of the commissioner's decision to secure a temporary amount of ISK 2,000,000. The lawyer has presented a requested temporary security, cf. transfer note, today, submitted as document no. 29.

The defendant's lawyer is introduced to the plaintiff's claim and the case's evidence. Lawyers briefly express their views to the commissioner's representatives.

Main viewpoints of the defendant: The defendant's lawyer mainly demands that the request be rejected. Additionally, the lawyer requests that the plaintiff should be required to provide a security amount of ISK 3,000,000. The defendant's lawyer believes that the conditions for an injunction are not met and presents an explanation, along with annexes marked no. 30 - 33.

It is argued that the defendant objects to the plaintiff's request for an injunction against hosting the disputed website or making it inaccessible to the public. The defendant believes that the freedom of expression of service recipients outweighs the intended interests of the plaintiff. The defendant points

out that the request is not based on the website's content violating the main rules of privacy, but solely because the website's content has obvious characteristics of hate speech and antisemitism, which fall under article 233 of the General Penal Code no. 19/1940.

The defendant points out that the domain itself is registered with the company GoDaddy, which has rejected the plaintiff's demands. The defendant argues that the plaintiff's demands are excessive and constitute an apparent infringement on freedom of expression. The defendant believes that the website's content cannot be considered an act that interferes with the plaintiff's lawful rights to such an extent that an injunction should be imposed. The plaintiff has not demonstrated that interests would be severely at stake even if he had to wait for a court ruling on their protection. Therefore, it is based on the conditions of paragraph 1 of Article 24 of Act no. 31/1990 on restraining orders, injunctions, etc. not being met.

The defendant also points to comments in the general remarks with the draft amendment to the Act on Electronic Commerce and Other Electronic Services no. 30/2002, which state that the aim is to maximize freedom of expression by reducing the liability of hosting providers and their obligation to remove data. There is a risk that such liability and obligation could cause chilling effects on freedom of expression.

Main viewpoints of the plaintiff: The plaintiff's lawyer rejects the defendant's viewpoints.

The plaintiff bases his request, among other things, on the content of the website <https://mapliberation.org>, having obvious characteristics of hate speech and antisemitism. The purpose of the website is explained on its homepage, and the topics align with this purpose. The hate speech that appears on the website targets individuals, companies, and institutions associated with the Jewish community in Boston, Massachusetts, USA, and its surrounding area. The homepage encourages actions against the institutions, companies, and individuals associated with the Jewish community in Boston and its vicinity, either by dismantling or disrupting their activities. This rhetoric is directed specifically against institutions that belong to or are in some way connected to the Jewish community in the area, such as high schools, service centers for disabled people, student associations, religious community centers, media, charities, and even art centers. The hate speech is not only directed against institutions associated with Jews but also against private companies, politicians, police stations, financial companies, universities, and healthcare companies.

The plaintiff's lawyer repeats that the request is just, and this is the correct course of action for the case. In other respects, reference is made to the proposed injunction request.

The plaintiff then expresses the viewpoint that damages do not secure the plaintiff's claim, cf. the first sentence of paragraph 3 of Article 24 of Act no. 31/1990, on injunctions.

Then, the plaintiff's lawyer rejects the need to increase the proposed security.

For further communication between the plaintiff and the defendant, a description of the events, and the reasons for the case, reference is made to the received injunction request.

The District Commissioner's decision:

The District Commissioner's representative postpones the proceedings until 2:00 pm today, when the decision will be announced.

Attendees are informed of the content of the booking, which no comments are made about.

The following were present:

Valgeir M. Levy, representative (sign)

Sigurður Kári Kristjánsson, lawyer (sign)

Ólafur Örn Svansson, lawyer (sign)

The correct copy is confirmed by

The District Commissioner of the capital area, 3rd of May 2023.

The District Commissioner of the capital area.

# Copy from the RECORD OF PROCEEDINGS

Year 2023, Wednesday, May 3rd at 2:00 pm, Valgeir M. Levy, the representative of the District Commissioner of the capital area, was at Hlíðasmára 1, Kópavogur.:

Injunction case number: 2023-026291

Plaintiff: Anti-Defamation League, 605 Third Avenue, New York, NY 101583560, USA

Defendant: 1984 ehf., ID 500306-2110, Fálkagötu 8, 107 Reykjavík

On behalf of the plaintiff, lawyer Sigurður Kári Kristjánsson is present.

On behalf of the defendant, lawyer Ólafur Örn Svansson is present.

Case documents no. 1-33 are presented. The case was taken up this morning at 9:30 am and was then postponed until 2:00 pm today to present the District Commissioner's decision on the pending injunction request. Now a copy from the record of proceedings, dated today no. 34, is presented.

According to the submitted injunction request, the plaintiff demands that an injunction be placed on:

the defendant's hosting of the website <https://mapliberation.org>, whether www. is in front of the website's name or not, as well as data, content, and information displayed on the website. It is also demanded that the District Commissioner of the capital area imposes an injunction preventing the defendant from providing access to the website <https://mapliberation.org>, whether www. is in front of the website's name or not, and from distributing data, content, and information displayed on the website.

The plaintiff has provided a security deposit of ISK 2,000,000 which the District Commissioner deems satisfactory according to Article 16 of Act no. 31/1990 on injunctions, etc.

District Commissioner's Decision:

In this case, it is demanded that an injunction be imposed on:

The defendant's hosting of the website <https://mapliberation.org>, whether www. is in front of the website's name or not, as well as the data, content, and information displayed on the website. It is also demanded that the District Commissioner of the capital area imposes an injunction preventing the defendant from providing access to the website <https://mapliberation.org>, whether www. is in front of the website's name or not, and from distributing data, content, and information displayed on the website.

According to the 1st paragraph of Article 24 of Act No. 31/1990, an injunction may be placed against a commenced or imminent action of an individual or the responsible person of an association or institution, if the plaintiff proves or makes probable that the action violates or will violate his legal rights, that the defendant has already begun the action or will do so, and that the rights of the plaintiff will be significantly impaired or damaged if he has to wait for a verdict.

The 3rd paragraph of Article 24 indicates that an injunction will not be placed if it is believed that the rules of law on punishment or compensation for the disruption of the plaintiff's interests provide sufficient protection, or it appears that there is a significant difference between the interests of the defendant in carrying out the action and the interests of the plaintiff in preventing it.

From this, it can be seen that the injunction remedy is an emergency measure that should not be used if other general remedies are available.

Considering the plaintiff's request, dated April 26th, and the defendant's statement, dated today, it is the District Commissioner's assessment that the plaintiff has not demonstrated or made probable that the conditions of Article 24 of Act No. 31/1990 are met to impose the demanded injunction. It may be noted, among other things, that it does not seem that the content of the website, which the claim targets, exceeds the limits of freedom of expression and that the rules of law on punishment or compensation ensure the interests of the plaintiff.

Referring to the presented documents and the perspectives that have been put forward in this case, the District Commissioner of the capital area considers that the conditions of Article 24.1 of Act No. 31/1990 are not met.

The plaintiff's request for an injunction is denied.

The parties present are informed of the content of the booking, with no objections being made.

So proceeded:

Valgeir M. Levy, representative (sign)

Sigurður Kári Kristjánsson, lawyer (sign)

Ólafur Örn Svansson, lawyer (sign)

Correct copy confirmed

District Commissioner of the capital area, May 3rd, 2023.