

STATEMENT

of the defendant in the district court case no. K-3162/2023

Anti Defamation-League
vs
1984 ehf.

Legal Representative:

Ólafur Örn Svansson Esq., Forum Attorneys, Ármúla 13, Reykjavik, pleads this case on behalf of the defendant, 1984 ehf.:

Claims:

The defendant requests that the decision of the District Commissioner in Reykjavik, taken on May 3, 2023, in the legal prohibition case no. 2023-260291, be confirmed, to reject the plaintiff's request for a legal prohibition against the defendant hosting the website <https://mapliberation.org> as well as the data, content, and information published on the website, and by the defendant providing access to the website, distributing data, content, and information published on the website.

The defendant also requests that the plaintiff be ordered to pay the defendant's legal costs according to a bill of costs, which will be submitted during the main proceedings of the case, or at the discretion of the court.

Grounds and other circumstances:

I

The defendant, 1984 ehf., specializes in web hosting for companies and individuals around the world. Thousands of websites are hosted by the company.

The plaintiff's request for a legal prohibition arose because of the content referred to on the website www.mapliberation.org, but the content that the domain refers to is hosted by the defendant.

According to the website, its advocates claim to be promoting a deeper understanding among the public about the situation of the Palestinians and supporting the cause they stand for. It appears that the advocates of the website believe that opponents of Palestinian sovereignty collectively oppose the interests of Palestine and work together in protecting their interests against the cause of Palestine by coordinating their actions. According to the website, its proponents want to shed light on these connections. Also, the activists behind the

website want to unite those who share common interests to increase pressure on those who work against the interests of Palestine. The website contains references to maps of those whom the website's proponents believe own or are related to them, as will be addressed later in this statement. It is outlined how each individual works against the interests that the website's supporters stand for, including Palestinian sovereignty, and in particular, reference is made to the settlements. The support for the colonial policy is reviewed, and the intended connections of certain parties with the Israeli colonial policy are planned. Attention is drawn to the fact that some are landowners in occupied territories. Then, the website's proponents believe that certain parties named there support the colonization. In a translation that the plaintiff himself provides, the following is said, among other things, about the purpose of the website:

"This map is intended first and foremost to cultivate relationships between organizers across movements and deepen our political analyses as we build community power. Building community power, for us, has meant seeking the knowledge of those organizing in community with us and highlighting the radical analyses and resistance of earlier generations which have been suppressed.

Our goal in pursuing this collective mapping was to reveal the local entities and networks that enact devastation, so we can dismantle them. Every entity has an address, every network can be disrupted."

On the map, several hundred organizations are specified. Only one demands an injunction, specifically the prosecuting party of this case, named the Anti Defamation-League (hereafter referred to as ADL), which is headquartered in New York according to the injunction request.

The website states in the discussion about the association that members of the ADL hide under the umbrella of "civil rights," but it is claimed that the ADL is actually an organization that aims to protect the mutual interests of American and Israeli authorities and prevent unity among the oppressed, especially with regards to Palestine. They spy on activists and use their connections with authorities, police, schools, and business associations while undermining their activities by keeping up one-sided propaganda in support of Israel. The website also states that while the ADL claims to support Jews, the association has supported violence against Jews. It says that the association cannot be reformed but must be dismantled.

Historically, it should be noted that the United Nations (UN) made a decision after World War II to divide the territory known today as Israel and Palestine between Jews and Arabs. The division was approved at the general assembly of the association in 1947. The division was accepted by the Israelis but not by the Arabs. Since the Six-Day War in 1967, the West Bank has been under Israeli military occupation, as is well known.

Today, the majority of countries recognize the sovereignty of Palestine. Thus, over 70% of all countries that are members of the UN recognize Palestine as an independent and sovereign state, or 136 countries, including Iceland, which was the first country in Western and Northern Europe to recognize sovereignty.

The country that has most actively opposed the sovereignty of Palestine is the United States, which has most often advocated on behalf of Israel when issues related to Palestine and Israel have been discussed in the Security Council. The United States is one of the five countries that have veto power in the Security Council. Some of the issues discussed by the Security

Council concern Israeli settlements that the international community has deemed illegal under international law. The settlements have long been one of the main contentious issues, and reading the writings of scholars, it can be seen that they generally agree that they are the main obstacle to reaching an agreement.

On the website www.mapliberation.org, the service recipient, as previously mentioned, has listed the parties that the service recipient believes are working against the interests that the service recipient is protecting and/or that they are secretly and openly working within the US political system to deny Palestinian rights.

II

The website provides detailed coverage of the companies, associations, and institutions it refers to. As previously mentioned, only a small part of it is dedicated to the ADL. The plaintiff presents a large amount of material from the website but chooses to translate only a small part. It must be understood from the plaintiff's arguments that he believes the translated part violates his intended rights.

The website states that the ADL is a well-funded organization with over \$221 million in assets. Its total income was over \$91 million according to the organization's financial statement for the year 2020 (doc. 51). About \$85 million of that came in the form of donations, but the ADL does not disclose where the donations come from. The website states that the ADL uses a considerable portion of its assets to monitor and suppress associations and individuals who threaten Zionism, the US imperialism, or liberal groups that the ADL believes threaten its interests.

The website then describes examples of the ADL's modus operandi:

First, it is mentioned that in 1967 the Student Nonviolent Coordinating Committee (SNCC), published an article in its newsletter describing Zionism as a colonial movement based on white supremacy. The article argued that the "Zionist project" had received support and encouragement from Britain, the United States, and other white western colonial powers. This support enabled colonial rulers to take over the lands and homes of non-whites. Therefore, the SNCC article argued that this Zionist colony in Palestine fit into the imperialist policies of the countries. Thus, the United Nations partition plan of 1947 was initially only approved by the "white countries of Europe, America, and Australia."

The article also argues that Zionism is a form of white domination that also harms Jews, as Jews who are darker-skinned "from the Middle East and North Africa are second-class citizens in Israel" because their "color line puts them in a position inferior to white European Jews," as stated.

The website states that the SNCC article was, in short, too accurate, prompting the ADL to intervene. Thus, in August 1967, the ADL declared the SNCC a 'Negro extremist' organization and accused it of 'anti-Semitism' equated with the Ku Klux Klan.

Following the website's coverage of the ADL's actions against the SNCC, it discusses the ADL's attacks on other groups and points out that the ADL believed it had the ultimate authority on what counts as 'responsible' resistance. For example, the ADL attacked the 'Movement for Black Lives' for its declaration of solidarity with the Palestinian struggle. Its

fight was labeled 'anti-Semitic' in the same way as is now done against the content of the discussed website. The website refers to the writings of Emmaia Gelman, a lecturer in American studies at New York University, also found in document no. 62. She claims that grassroots organizations are the most outspoken critics of the ADL because the ADL has managed to undermine all international associations criticizing the ADL.

In 2020, various groups fighting for social rights criticized the ADL for silencing events and demanded that various institutions stop collaborating with the ADL. Among other things, the organization was accused of attacking justice movements led by non-white, LGBTQ+, immigrant, Muslim, Arab, and marginalized groups, while aligning itself with right-wing extremists. Several of these groups are mentioned on the website.

Another example of the ADL's tactics mentioned on the website is the organization's surveillance of those who might show solidarity with the Palestinian struggle.

Thus, it is argued that the ADL has worked against Palestinian or other Arab organizations that support the Palestinian freedom struggle. Representatives of the ADL have had special surveillance of these groups and may even have infiltrated them for the sole purpose of labeling them as 'anti-Semitic' disseminators.

On the website, there is a discussion about a letter written by Benjamin Epstein, then executive director of the ADL, to Paul Jofte, the organization's secretary-general, dated July 7, 1961 (document 56), where he explains the goals of these actions referred to on the website as "spy operations". In the letter, which is also discussed in a news article (document 57), it says in a rough translation from the defendant:

The ADL has for many years maintained a very important investigative role regarding Arab activities and propaganda. We have been collecting information since 1948 on activities related to Arab propaganda offices, the Arab delegation at the United Nations, the Arab information center, the Arab refugee office, and Arab student organizations.

The information from us has been of great value and served both the US State Department and the Israeli government, as well as being essential for our operations. The information has been made accessible in both countries with full acknowledgment that it comes from us. In many cases, our information has exposed Arab plans before they have been implemented.

On the website, it is mentioned that ADL uses connections on university campuses to conduct the aforementioned surveillance. In this regard, the website refers to the fact that in 1983, the ADL produced a pamphlet with the names of individuals and groups that the organization regards as "pro-Arab propagandists". In a news article published in the New York Times on January 30, 1985, under the headline "Middle east group wants Anti-Defamation League to disown list", the name list, which was stamped "confidential", was sent out in 1983 by the ADL office to several dozen Jewish leaders on the specified university campuses (see exhibit no. 61). According to the news article, the pamphlet was accompanied by a cover letter from Leonard Zakim, Executive Director of ADL in New England, which states in a rough translation by the defense:

"If you need further information about these groups or others, please call us. Furthermore, if you have any evidence about individuals or groups not listed in the booklet, please send us the information so that we can have a more complete and useful registration about them."

The website states that the aforementioned booklet was just the tip of the iceberg. ADL's surveillance has been much more widespread since the middle of the last century. Thus, it became more apparent in the nineties of the last century how extensive the operation was, following a lawsuit against the organization. The case is said to have arisen from revelations that the organization had worked with police in California, spying on individuals and groups, as can be read in a Los Angeles Times news story from September 28, 1999, titled "Anti-Defamation League Settles Spying Lawsuit" (see exhibit no. 54). The initiation of the lawsuit is also discussed in a news report by the Eir News Service, written by Joseph Brewda on May 7, 1993, under the headline "The Joffes Case: ADL spying for Israel since the 1960s" (see exhibit no. 55).

The documents showed that the ADL had monitored more than 10,000 individuals and over 900 organizations involved in the rights struggle of various groups, such as the liberation of Palestinians, immigrant advocacy groups, LGBTQ+ advocacy groups, etc. The information was intended to reach everyone who had shown solidarity with the Palestinian struggle or otherwise threatened the interests of the United States and Israel. The data also confirmed that the ADL had consulted with the governments of South Africa on the apartheid policy and provided information on black activists against apartheid. Additionally, there were documents confirming that the organization had provided information on Palestinian activists to Israeli authorities.

The website then presents a list of organizations that the ADL spied on according to the data that emerged from the aforementioned lawsuit. The following organizations, among others, are mentioned:

- General Union of Palestinians Students (GUPS)
- Institute for Palestine Studies
- Palestine Congress of North America
- Palestine Human Rights Campaign
- Palestine National Council
- Palestine Solidarity Committee
- Search for Justice and Equality in Palestine
- The Organization of Arab Students in the United States and Canada
- Association of Arab-American University Graduates
- League of Arab Students
- American Jewish Alternatives to Zionism
- Jewish Alliance Against Zionism
- Union of Iranian Students
- American Indian Movement (AIM)
- National Indian Treaty Council
- Asian Law Caucus
- Japanese-American Citizens League
- ACT UP
- Centro Legal de la Raza
- Irish Northern Aid

According to the same documents, the ADL also monitored representatives in trade unions and labor unions in San Francisco. Monitoring was carried out on individuals ranging from high school students to renowned authors like Edward Said, Walid Khalidi, Eqbal Ahmad, and Noam Chomsky.

It emerged that the ADL had used two key men in its surveillance operations in California. On one hand, there was Tom Gerard, a police officer in San Francisco, and on the other hand, Roy Bullock, a former bodybuilder who pretended to be an art dealer when he approached those he was monitoring. The website refers, among other things, to an article by Jeffrey Blankfort that appeared on the news outlet CounterPunch on June 12, 2016 (doc. 57).

It is mentioned that Alex Odeh was subjected to ADL surveillance. He was a Palestinian who worked as a regional director of the American-Arab Anti-Discrimination Committee (ADC) on the west coast. Odeh was killed in 1985 when a bomb exploded at his office in Los Angeles by pro-Israel activists. Investigators reportedly found a key to the office and a drawing of the building in the documents that ADL spy, Roy Bullock, had allegedly compiled about Odeh. The website refers to sources, including an article in The Intercept about the incident.

It is stated that Bullock managed to infiltrate the ADC, thereby helping the ADL to falsely label the ADC as "anti-Semitic." Jeffrey Blankfort, an activist who himself had to endure ADL spying, has written about Bullock's role. It mentions, among other things, that he was commissioned by the ADL to place an ADC booklet at a conference of Holocaust denial groups in order to falsely accuse the ADC of working against Jews when that was not the case at all.

It is also mentioned that Chris Hanani, a black South African activist, was assassinated in South Africa on April 10, 1993, shortly after he traveled to California to give speeches. It emerged that a police officer working for the ADL had prepared a detailed report on Hanani for pro-apartheid South Africa, and it is mentioned that Israel had at one point supported and armed pro-apartheid South Africa and relied on the ADL's assistance to prevent solidarity between the liberation struggle of Palestinians and South Africa.

The website thus discusses sources suggesting that the ADL continues to monitor organizations and groups that they believe threaten their interests. As such, individuals are encouraged to join such organizations to gather information. In this context, it is mentioned that after the attack in Charlottesville, Virginia, in 2017, the ADL encouraged US police to film and place undercover agents in groups that fight against racism and fascists to gather information for prosecution.

A third example highlighted on the website of the ADL's modus operandi are references suggesting that the organization supports racism, among other things by attacking organizations that threaten the supremacy of whites. The ADL works covertly and openly to shape policy that is loyal to Israel within the US political system, which includes close cooperation with US police, schools, and companies.

The website states that the ADL primarily approaches police officers through their training, which is done systematically. The ADL reportedly held its first police training in February 1951, titled "The Policeman and His Role in the Field of Human Relations". The website refers to a 1967 ADL report titled "MAJOR PROGRAMS OF THE B'NAI B'RITH ANTI-

DEFAMATION LEAGUE: 1945-1965", presented as exhibit No. 52. According to the report, the ADL viewed the police as the key to ensuring that civil rights movements did not become too radical. The report states that the ADL had at that time provided training for "over 130 top police officers from 31 U.S. states". The website also discusses a report from Dore Schary, an ADL board member to Benjamin R. Epstein, ADL Executive Director from 1964, which is found in exhibit No. 53.

The website indicates that the ADL has since significantly increased its police training efforts, thereby centralizing "education" and simultaneously downplaying racism in American society. In the 1980s, the ADL reportedly launched a so-called "A World of Difference" program, said to "fight against prejudice" in schools where the police played a significant role. The website refers to writings by Emmaia Gelman on this program, found in her article written in the Boston Review on May 23, 2019, titled "The Anti-Defamation League Is Not What It Seems" (exhibit 62). The program faced opposition from various anti-racism groups and those supporting LGBTQ+ rights, arguing that it fosters Islamophobia and contributes to violence against the LGBTQ+ community. The ADL also reportedly opposed even the most peaceful anti-discrimination groups. Emmaia Gelman's article also discusses the organization's surveillance of individuals and groups.

According to the website, following the September 11, 2001 attacks, the ADL had the opportunity to increase its interactions with U.S. law enforcement. In the aftermath of the attack, which certainly heightened prejudice against Arabs and Muslims, the ADL reportedly ramped up its police training. The ADL arranged trips for law enforcement and related institutions to the "National Counterterrorism Seminar" in Israel, paid for by the ADL, including accommodation. In the ADL's 2016 annual report, which is referenced on the website, the organization boasts that "100% of major city police departments in the U.S. have sent participants to the ADL's counterterrorism seminar in Israel and the ADL's advanced training school on extremist and terrorist threats" (exhibit 59). The website states that through these trips, the ADL encourages police to identify with Israel, view Palestinians as "terrorists", and see those showing solidarity with Palestinians as terrorist supporters.

The website indicates that law enforcement and related parties from New England also participated in these trips to Israel. This includes numerous police departments, officers of Immigration and Customs Enforcement (ICE) in Boston, the New England Department of Homeland Security, the US Marshals Service, the US Secret Service, various offices of the district attorney, and university police. Robert Trestan, the Director of ADL in New England, is said to have justified these trips on the ADL New England website, referenced on the website, with the intention of aligning local law enforcement methods with Israeli operations. In a rough translation of the defense argument, it says:

"It is crucial that police departments in Massachusetts can prevent and respond to crimes while also protecting us against the threat of terrorism. The Israeli National Police have been at the forefront in the fight against terrorism for decades and are capable of sharing their own experience in keeping the public safe despite various threats."

The website points out that when the training takes place in the United States through the ADL's intervention, Israelis are also involved in the training. An example given is that in 2019, the ADL in New England held a so-called "Law Enforcement Seminar". Prior to the seminar, the ADL is said to have produced information documents on what the ADL defined as "extremism", which they distributed to police departments participating in the seminar.

Several documents referred to on the website, stemming from the ADL, are presented in support of the above, including emails, promotional materials, and expense reports (exhibit 60).

The website also reveals that the ADL, along with several other groups, has been active in the fight against the boycotting of products from Israel. The ADL has been involved when discussions arose in the Cambridge city council about implementing such rules both in 2018 and 2021. The website suggests that this is not the first time the ADL has taken action in these matters. It points out that the organization declared in 1976 that the "Arab boycott [of Israel] is immoral because it is unfair, discriminatory, and destructive to the open US market." Over the last decade, the ADL is reported to have played a leading role in efforts to pass laws in Massachusetts that prohibit the implementation of boycott rules concerning Israeli interests and make it punishable. This has not yet been successful.

The argument is made that the ADL promotes opposition to Palestinian interests through the organization's collaboration with numerous companies. For instance, the organization works with companies that operate search engines and assist in eliminating and removing what the ADL deems as "anti-Semitism". This includes the organization's work as a "content vetting partner" in cooperation with, for example, Google and Microsoft. Given that the ADL is responsible for evaluating content, this often means that material relating to Palestinian rights activism is removed, even if it has nothing to do with "anti-Semitism". In this way, the voices of Palestinians are suppressed. The website cites, in support of this, an article by Mariam Barghouti published on the website restofworld.org entitled "I am Palestinian. Here's how Israel silences us on social media" (exhibit 63), which points out that discussions on various incidents relating to Palestine are removed from social media platforms. This is seen as an attempt to silence uncomfortable voices directed against interests that the ADL defends.

Attention is also drawn on the website to the fact that information is available indicating that the ADL achieves its objectives through collaboration with schools. Specifically, the ADL in New England has been working with the Massachusetts public school system to review the curriculum and train teachers. In this collaboration, pressure was applied to change content that was deemed unacceptable to Israelis. The website refers more specifically to the fact that in 2019, the ADL praised itself for the success of this intervention and explained what it entailed. The organization even goes so far as to thank interest groups for managing to change the curriculum to cover more about Israel and in a positive light regarding the discussion about the Middle East.

The fourth example mentioned on the website concerns how the ADL has been shaped by the interests of American authorities abroad. It states that Israel has long supported the US's global dominance policy by training, arming, and spying on behalf of the US government around the world. This is a fact that can be read about extensively. The website's coverage builds on this by arguing that the ADL plays a supportive role in this alliance. The organization is said to be quick to wave the "anti-Semitism" banner when it comes to governments that threaten US and Israeli interests while simultaneously downplaying the crimes of governments supported by these same countries.

The website lists many examples related to, among other things, South America, and references are provided in all cases. The conclusion of the discussion suggests that all the examples demonstrate how the ADL's stance at any given time has nothing to do with facts or history but is narrowly confined to defending the interests of Israel and the United States.

The fifth example discussed regarding the ADL is how the organization can turn a blind eye to Nazism when the conversation turns towards American global power interests.

It's necessary to highlight this discussion on the website for context. The website indicates that various groups are targeted if the ADL deems them "opponents" of the organization's position, whether they are international organizations or grassroots associations fighting for the rights of refugees, LGBTQ+ individuals, anti-racism, or Palestinian issues, as previously outlined. The primary purpose of the website is to explain how certain groups are systematically targeted to control the discourse and to safeguard the interests of specific nations at the expense of others. The client believes it is necessary to clarify who these parties are and how they are connected. This information is as essential to the public as a register of political conflicts of interest. These connections can take various forms. On the website, those connected to the ADL in this way are simply listed, especially referring to police departments and related entities.

III

The defendant argues that the freedom of expression of the service provider weighs heavier than the intended interests of the plaintiff, ADL. The defendant points out that the claim, as it was presented to the District Commissioner's office, does not assert that the content of the website breaches main principles of privacy. Instead, it is based solely on the assertion that the content of the website has clear characteristics of hate speech and anti-Semitism. The defendant further asserts that comments on the website, to which the domain refers and which are hosted by the defendant, fall under paragraph 233a of the general penal code. The defendant points out that the plaintiff has already reported the intended violation to the police. It is up to the police or the prosecution to assess whether a violation has been committed against the said provision. The police have already investigated the case and do not see any reason to respond, no more so than the police or authorities in the United States. The defendant protests the police's stance that they need to wait for a court order to take "action against the company hosting the website," as claimed in the plaintiff's pleadings. If this information has been provided to the plaintiff by the police here in the country, these practices are not supported by law. The decision to prosecute is simply in the hands of the prosecution and cannot be influenced by the outcome of a private law injunction case.

Furthermore, it is evident that the plaintiff has directed demands to public entities in the United States, including the police, who have not seen reason to respond to the website's content. The defendant draws particular attention to the fact that the domain itself is registered with the company GoDaddy, an American company that specializes in domain registration and is headquartered in Tempe, Arizona. The company has nearly 7,000 employees. It is reported that the plaintiff has already made demands on this company. In a news item published in The Times of Israel last summer under the headline: "ADL organizing forum to address 'danger' of pro-Palestine 'mapping' project," the following is stated:

"Internet company GoDaddy, where the website's domain name is registered, reviewed the website and concluded it didn't violate its domain name registration agreement, spokesperson Nick Fuller said in a statement."

Thus, the giant company GoDaddy in this market meticulously examined the plaintiff's demands and concluded that the content of the website did not contradict the company's rules,

and that the content of the website to which the domain refers must not violate the law. The discussed company came to the same conclusion as the defendant.

The plaintiff's demands thus seem to have hit a dead end wherever they have been directed. The last straw appears to be the demand for an injunction here in Iceland, based on precisely the same perspectives that have not found a foothold elsewhere, including with authorities in the United States where the domain is registered and where the parties targeted by the content are located. The defendant believes this to be a stretch, and perhaps the plaintiff's approach in this case reflects the assertions made on the website about the ADL's operations and the purpose of the organization, which is said to include suppressing uncomfortable discussion that could harm the organization or the interests it is intended to protect. The argument is that the discussion involves "hate speech" or "anti-Semitism". This approach is contested.

IV

It is argued that the defendant's demands for an injunction on the defendant hosting the content of the said website, either under the discussed domain or another domain, or for an injunction on making the website accessible to the public, should be rejected.

As previously stated, the content of the website is protected on the grounds of freedom of expression. The defendant emphasizes that the authors of the content on the website enjoy freedom of expression according to international treaties and Article 73 of the Constitution. From case law, it is clear that all restrictions to curtail this freedom must be narrowly construed. Furthermore, recent case law shows that the trend is even further towards protecting freedom of expression.

Upon reading the site, it is clear that the discussion is extremely thorough and detailed, including about the operations of the plaintiff. The fact that the discussion is uncomfortable for the defendant does not mean it can be shut down with an injunction. It is precisely under these circumstances that freedom of expression is most important. Additionally, it should be noted that the plaintiff is not an individual but an organization that has acted for decades against individuals, organizations, states, and public opinions. They have also worked to control the discourse, including by providing police training and influencing school curricula. An organization that operates in this way must tolerate strong criticism and cannot shut down such criticism by waving the hate speech card without evidence, thereby shutting down the uncomfortable information dissemination that the website provides.

It should be noted that the discussion on the website is merely a compilation of information originating from the plaintiff themselves, information from lawsuits, news, articles, etc. Thus, there are no claims on the website that are not supported by sources or other people's writings.

It should be clear that an injunction on hosting or accessing the website goes too far, given the large amount of information on the site. It is further argued that the plaintiff's demands are excessively biased. Additionally, it is argued that the demands, as they are presented, involve a clear violation of freedom of expression since they involve shutting down the entire website. Thus, it is not a demand for an injunction on publishing specific comments on the website, but simply to close it down.

It should also be noted that the plaintiff also demands a injunction on the defendant "disseminating data, content, and information published on [the website]" as stated in the demand. This demand effectively means that no website hosted by the defendant may publish any content currently on the disputed website, whether it pertains to the plaintiff or others. This demand crystallizes the purpose of the injunction, i.e., to silence the discussion about the plaintiff. The defendant believes it is unacceptable to impose a injunction in this way. In fact, the demand for a injunction can be likened to demanding a injunction on hosting mbl.is if a discussion in Staksteinn offends the one making the demand. There is an overreach here, however the matter is viewed.

On behalf of the defendant, it is argued that it could never happen that a injunction would be placed on hosting the entire website or its content, as is the basis of the plaintiff's demands. Since no other grounds are marked for the demand for a injunction, it is impossible to agree to the demand for a injunction. There are no further demands for a injunction on specific comments, as is usually the case at least in part. The defendant points out that the plaintiff has specifically requested a list of exactly what comments the plaintiff considers "hate speech". It has also been requested to clarify what intended punishable behavior the plaintiff believes the website is inciting. More details are given in an email sent to the plaintiff's lawyer on March 10, 2023:

"In your challenge, reference is made to the website mapliberation.org. It is said that the website contains hate speech and it is said that parties are urged to take action, and according to your judgement, these cannot be interpreted in any other way than as threats or incitement to punishable behaviour.

Here it is requested that you specify in more detail what your clients believe exactly constitutes "hate speech". Additionally, it is requested to clarify precisely which punishable behaviour is being encouraged according to your judgement, with precise references to the text on the website."

No response was given to this request. For this reason, it was not possible to communicate to the client what comments are supposed to constitute hate speech.

According to Article 24, paragraph 1, of Act No. 31/1990 on injunctions and injunctions, etc., a injunction may be imposed on the initiated or impending action of an individual or the responsible party of a society or institution if the applicant proves or makes it plausible that the action violates or will violate his lawful right, that the respondent has already undertaken the action or will do so, and that his rights will be in jeopardy or suffer considerable damage if he has to wait for a judgement about them.

The defendant contends that the content of the website cannot be considered an act that disrupts the legal rights of the plaintiff in such a way that a injunction should be imposed. The plaintiff has not demonstrated that interests are at stake, even though they have to wait for a resolution of their protection. Thus, it is based on the condition of paragraph 1, article 24 of the law not being met. It is pertinent to note that the website has been hosted by the defendant for one year when this report is written, or since June 18, 2022. The plaintiff has not demonstrated that the intended interests justify the provisional measure involved in the injunction as a demand is made to clarify interests and violations against those who have raised the claim.

Then the interests of the defendant, who hosts thousands of foreign websites, must be considered. The plaintiff argues that the defendant should not be too involved in the case as they have such limited interests to defend. The defendant points out that if it were possible to impose an injunction based on allegations that content contains hate speech without any authorities having considered grounds for action, it could lead many clients to divert their business elsewhere, away from Iceland, despite the existence of legislation here designed to ensure broad freedom of expression online. Thus, the defendant is protecting both their own interests and the interests of their clients, including the customer in this case.

The defendant maintains that the writings in question do not intrude upon the supposed privacy of the plaintiff or others more than they should tolerate in public discourse in a democratic society, and this is not being argued by the plaintiff. It appears that the service user strongly criticizes the plaintiff and accuses the plaintiff of openly and covertly working against the interests of Palestine and, indeed, the interests of Jews. The website's coverage suggests that the plaintiff's role is to conduct silencing events, and it emerges that the association has engaged in espionage for decades and uses the tactic of falsely labelling activists as criminal organizations if they are not pleasing to the plaintiff or the position of the association. The website reveals that the plaintiff uses their connections with various parties also mentioned on the website.

The defendant believes it is reckless to assume that the requirements of Article 24 of Law No. 31/1990 have been met. In evaluating whether the factors specified in paragraph 3, Article 24 of the law are considered met, particularly subparagraph 2, the primary focus should be on the interests of the authors of the content and/or the service user, not the defendant. The defendant believes it is not possible to look solely at his interests from the injunction but not the website owner's or the content authors'. Otherwise, the service user's interests would be disregarded. For the service user, it is vitally important that the website is not taken down on the grounds of an injunction on hosting it in Iceland. The plaintiff has claimed that the association has already suffered damage due to the website. There is no discussion about what the alleged damage entails and how the website is supposed to have caused it. If the damage lies in the fact that the public is now better informed, that cannot be a justification for an injunction. The defendant points out that the website is not the only place where the plaintiff is critically discussed. For example, reference can be made to the following websites:

<https://www.bostonreview.net/articles/emmaia-gelman-anti-defamation-league/>

<https://droptheadl.org/the-adl-is-not-an-ally/>

<https://www.latimes.com/archives/la-xpm-1999-sep-28-me-15044-story.html>

<https://www.latimes.com/archives/la-xpm-1993-04-13-mn-22383-story.html>

<https://forward.com/news/381488/adl-tells-police-to-infiltrate-and-film-antifa-protests/>

<https://electronicintifada.net/content/israel-lobby-group-adl-rehabilitates-hitlers-accomplices-ukraine/35021>

<https://www.nytimes.com/1985/01/30/us/middle-east-group-wnts-anti-defamation-league-to-disown-list.html>

<https://cairnational.medium.com/criticizing-israels-apartheid-policies-isn-t-anti-semitic-and-hasn-t-led-to-a-surge-in-c736b1313835>

<https://www.thenation.com/article/activism/adl-greenblatt-extremist/>

<https://www.israellobby.org/ADL/>
<https://electronicintifada.net/content/anti-racist-organizations-must-drop-adl/35316>
<https://jewishcurrents.org/the-anti-democratic-origins-of-the-jewish-establishment>
<https://jewishcurrents.org/how-the-adls-israel-advocacy-undermines-its-civil-rights-work>
<https://www.sandiegouniontribune.com/opinion/commentary/story/2021-12-06/zionism-antisemitism-israel-palestine>
<https://daisybenardo.medium.com/what-is-the-anti-defamation-league-doing-in-my-school-e9fc96a01a23>
<https://inthesetimes.com/article/anti-defamation-league-civil-rights-facebook-hate-speech-palestine-bds>
<https://jewishcurrents.org/attacks-from-pro-israel-groups-threaten-californias-ethnic-studies-curriculum>
<https://truthout.org/articles/watered-down-anti-racism-training-in-schools-is-perpetuating-racism/>
<https://www.alternet.org/2013/02/how-anti-defamation-league-fuels-islamophobia>
<https://www.jrbooksonline.com/adl/adl/adl-turned-notion-of-human-rights-on-head.htm>
<https://nycdoe-droptheadl.tumblr.com/>
<https://www.counterpunch.org/2013/06/12/adl-spies/>
<https://psmag.com/news/kings-garbage-76228>

If the plaintiff believes they have suffered damage, it is unfounded to say that this damage results from coverage on the discussed website and not due to other websites, including those mentioned above. Under point 93 in the plaintiff's statement of claim, it is asserted that the plaintiff has suffered damage without further clarification and how it relates to the "legal rights" of the plaintiff referred to in the same paragraph, and what legal rights those are. There is also reference to some potential future damage that the website is supposed to cause without further explanation, and it must be kept in mind that the plaintiff is only pursuing their own interests, not the interests of others. It is virtually impossible for the defendant to understand what the damage is supposed to entail.

Moreover, a large part of the content found on the website is not directed at the defendant at all. The purpose of the site, as stated at the outset, must also be upheld. Such comments may be unacceptable and far fetched. This does not mean that conditions exist to impose a injunction on the hosting of the site or its publication. This entails evident censorship.

If a injunction were imposed on the hosting of the site, it would also go against remarks in general comments on a bill to amend the laws on electronic commerce and other electronic services, no. 30/2002, (149th legislative session 2018–2019, Parliamentary Document 810 — 494. case) where it says verbatim:

"With the bill, the aim is to expand freedom of speech, which is achieved by reducing the responsibility of hosting providers and their obligation to remove data, but there is a risk that such responsibility and obligation will have a chilling effect on freedom of speech."

The content of the website is thus protected due to freedom of speech as previously stated. The same applies to comments that the plaintiff believes may have ambiguous meanings, but the defendant protests that the comments on the website constitute incitement to violence. As mentioned before, the plaintiff has been asked to specify exactly which comments he believes break the law.

In the plaintiff's statement under point 20 and in the injunction request to the District Commissioner under point 19, it is mentioned that the website encourages actions against specific parties, particularly referring to the words "dismantled" and "disturbed". One may assume that these are the words the plaintiff believes justify a injunction on hosting the website and thus closing it to the public. The plaintiff chooses to translate the word dismantled as "uproot". The defendant believes this is an incorrect translation as the word refers to taking apart, such as a company being dissolved. Reference is made here to the Cambridge dictionary (<https://cambridge.org/dictionary/english/dismantled>) where the following explanation is given for the word:

to take a machine apart or to come apart into separate pieces:

She dismantled the washing machine to see what the problem was, but couldn't put it back together again.

The good thing about the bike is that it dismantles if you want to put it in the back of the car.

to get rid of a system or organization, usually over a period of time:

Over the next three years, we will be gradually dismantling the company and selling off the profitable units.

Unions accuse the government of dismantling the National Health Service.

Here, the interpretation that the plaintiff chooses to apply to these comments cannot determine the outcome. Whether the translation "uproot" or "dissolve" is used, in no way does it constitute an incitement to violence or hate speech. Nor do these comments justify a injunction, which is an exceptionally serious action against the freedom of expression of the service recipient. The same applies to the word "disturbed", which simply implies that the operation is disrupted. Neither behaviour constitutes a violation of the Penal Code.

Under point 25 in the explanation, other comments are specified that the plaintiff believes justify the injunction. They are as follows in the plaintiff's translation:

"We have shown real addresses, names of representatives and leaders, and mapped connections. These associations are real and can be disturbed. We hope people will use our map to see how they can respond in an impactful way."

The plaintiff interprets the above words as an "incitement or call for actions against Jews." The wording leaves it to readers "to decide for themselves what such actions should involve." The plaintiff is essentially admitting that violence is not being incited. The interpretation appears to rely on the assumption that readers could interpret the appropriate response to be violence. The defense objects to this interpretation. This interpretation could similarly be applied to numerous comments in various articles and books, including the Bible. It is, therefore, meaningless to refer to violent crimes in recent years that are in no way related to

this website. It is also meaningless to refer to the alleged concerns of Jews in the Boston area due to the website as the subject matter is uncomfortable for many since it is critical commentary. However, the commentary does not specifically target Jews unless otherwise stated. In this context, it should be noted that numerous institutions and police departments, which are not in any way related to Jews, are discussed. The criticism of these is that they have accepted teaching and training from the plaintiff. In addition, officials have gone on trips at the plaintiff's expense. Educational institutions that have allowed the plaintiff to influence the curriculum are also criticized. The plaintiff, as well as those who have accepted or approved such actions, including educational institutions and authorities, are not above this criticism. The fact that the addresses of companies or institutions are specified has no significance as they are accessible to everyone.

It is both incorrect and careless to claim that the commentary is directed at Jews, but the plaintiff is eager to support the claim that the website contains anti-Semitism. It is impossible not to see that the same methodology is being used here that the plaintiff is criticized for using on the website.

Regarding claims that the website contains anti-Semitism, it should be noted that the plaintiff is criticized on the website for fighting against the interests of Jews. This is stated in the translation of Ellena Ingvadottir, submitted by the plaintiff: "At the same time as ADL claims to support Jews and that it fights against 'anti-Semitism' on their behalf, the organization has supported violence against Jews....". From this, it must be concluded that the service recipient is criticizing the plaintiff for perpetrating violence against Jews. It is impossible to reach the conclusion that the service recipient is inciting violence or engaging in "hate speech." The defense is based on the fact that the term would be devalued if the conclusion were that the commentary that the plaintiff refers to constitutes hate speech. In this context, it is important to consider the context in which the comments are made and the practices of the plaintiff since the middle of the last century.

The defendant further points out that it is well known that individuals or companies are encouraged to react against various parties. For example, Amnesty International regularly uses the method of urging individuals to take action against specific parties or countries. Trade unions have encouraged members not to do business with certain companies, listing them and their locations. Moreover, Israelis have been subjected to pressure here in the country, with calls for Israeli goods to be boycotted. In this regard, a news story published on mbl.is on September 12, 2002, with the headline 'Calls for Israeli goods to be boycotted' is referred to. This does not constitute hate speech. Furthermore, animal protection organizations have since 2014 maintained the campaign 'Don't buy from Icelandic whalers,' in which they encourage businesses associated with Hval hf., including HB Grandi and Brim, to be boycotted.

The client simply considers certain companies, interest groups, and institutions to be acting against interests that the client is protecting. These parties seem to have been listed and it is left to each individual to decide what their response is. Merely being on such a list could cause them to, for example, stop sending police officers for training with the plaintiff or schools might consider who controls what material is taught in schools. The public's response may be to criticize the practices of these parties. Additionally, the reaction may be to avoid doing business with these parties, which could result in their business shutting down. Furthermore, it may be that some choose to regularly, even daily, challenge these parties. The core of the matter is that there is no incitement to violence unless it's a defensive response, as

the website carries criticism of invasions, including spying and violence. The fact that Jews may be behind some activity does not justify a injunction on hosting the website on the grounds of hate speech or anti-Semitism. It could be argued that the plaintiff's demands constitute a suppression of speech. The plaintiff's rhetoric becomes rather ridiculous when reviewing the history of the plaintiff and the criticism set out against the organization on the website and elsewhere.

The core of the matter is that the content of the website does not constitute hate speech or anti-Semitism, as the plaintiff's legal position has not found support anywhere, including in the United States, where demands have been made. Therefore, the conditions for a injunction are not met. The formulation of the demand leads to it being impossible to agree to the demand as it is far too subjective as it is presented. It can be assumed that the plaintiff deliberately formulated the demands so that they do not address specific comments as the plaintiff's intention is to close the website entirely as it seems unsatisfactory to the plaintiff regardless of what comments are directed at the plaintiff. It is mainly inferred from the plaintiff's rhetoric that the demand concerned two words, namely the words "dismantled" and "disturbed". As previously stated, these words do not justify the plaintiff's demands. It is based on the fact that the comments do not go beyond what the plaintiff must tolerate in a free country.

In his defense, the defendant has referred to certain Supreme Court decisions in support of his claims. On behalf of the defendant, it is based on the fact that the judgments have no precedent value in this case or relevance as the said lawsuits concerned the distribution of copyrighted content. Nothing like this is present in this case.

The plaintiff bases his district court brief on the assertion that the content on the website constitutes a violation of the privacy of private life and violates the honor of the plaintiff and the association's employees, cf. discussion under paragraphs 52-53 in the brief. These grounds were not built into the injunction request which was only concerned with whether certain comments constituted hate speech. The mentioned grounds, therefore, do not come into consideration and they are irrelevant. Regardless, no comments involve a violation of the privacy of private life or infringe on the honor of the plaintiff or unnamed employees who are not parties to this case. It is based on the fact that truthful statements cannot constitute a violation in addition to the freedom of expression provides the service recipient the right to conclusions from data and the website refers without exception to sources, including data leaked from the plaintiff. The plaintiff has not pointed out those comments which are supposed to have violated the privacy of private life or the honor of the plaintiff or the employees of the plaintiff. Because of this, the injunction request should be rejected. If the case was built on these grounds initially, the nature of the case would dictate that the comments be presented in the injunction request to the District Commissioner and demand an injunction against the publication of those specific comments. As previously mentioned, this is not satisfactory to the plaintiff who wants to shut down the entire website as it compiles content about the plaintiff that the plaintiff finds inconvenient. It is based on the fact that these grounds will not be solved in an injunction case. It would have been correct for the plaintiff to sue for defamation if the plaintiff actually believes that the website contains defamatory comments, but it is completely denied that this is the case. The defendant objects to the plaintiff's reference in the brief to laws that are irrelevant in this case.

Referring to all of the above and the premises of the District Commissioner in case no. 2023-260291, it is based on confirming the office's conclusion from April 26, 2023, to reject the

request for an injunction. Also, a demand is made to reject the plaintiff's claim for litigation costs from the defendant, whatever the outcome of the case may be. The defendant, however, believes it is right that the plaintiff should be made to pay the defendant's litigation costs. Otherwise, all the plaintiff's arguments and case conduct are objected to.

V

The defendant refers to Act No. 31/1991, especially Article 24. The defendant also refers to the Act on Electronic Commerce and Other Electronic Services No. 30/2002. Furthermore, the defendant refers to the Constitution, especially Article 73, and Article 10 of the Act on the European Convention on Human Rights No. 62/1994. The claim for litigation costs is based on the provisions of Act No. 91/1991, cf. Act No. 31/1991 and No. 90/1989.

VI

The defendant now presents:

50. This explanatory statement.
51. ADL's 2020 annual report prepared by KPMG
52. Joseph M. Kirman's report - Major Programs of the B'nai B'rith Anti-Defamation League: 1945-1965
53. Dore Schary, ADL board member's report to Benjamin R. Epstein, ADL executive director from 1964.
54. Los Angeles Times news from September 28, 1999, named Anti-Defamation League Settles Spying Lawsuit.
55. Eir News Service news written by Joseph Brewda on May 7, 1993, under the headline "The Joftes Case: ADL spying for Israel since the 1960s"
56. Letter from Benjamin R. Epstein to Saul Joftes dated July 7, 1961.
57. Counter Punch news from June 12, 2016, titled ADL Spies on Americans which discusses, among other things, the letter from Benjamin R. Epstein to Saul Joftes dated July 7, 1961.
58. The Israel Lobby Archive news under the headline "Criminal investigation and successful civil lawsuits against the ADL over privacy right violations – 1992 – 1993".
59. ADL's 2016 annual report on the association's police training.
60. ADL documents on police training, including computer posters, promotional materials, and cost statements.
61. The New York Times news from January 30, 1985, titled Middle east group wants Anti-Defamation League to disown list.
62. Article by Emmaia Gelman from May 23, 2019, published in Boston Review under the headline The Anti-Defamation League Is Not What It Seems.
63. Article by Mariam Barghouti published on the website restofworld.org under the headline "I am Palestinian. Here's how Israel silences us on social media.

The right is reserved to submit documents at later stages, further substantiate the case and support the defendant's claims in more detail.

Respectfully, on behalf of the defendant,

Ólafur Örn Svansson, Attorney at Law.

To the Reykjavik District Court