

STATEMENT
Plaintiff in the district court case no. K-3162/2023
Anti-Defamation League
vs
1984 ehf.

CLAIMS:

The plaintiff demands that the decision of the District Commissioner of the Capital Region, dated May 3, 2023, to reject the plaintiff's request of April 26, 2023, for a injunction against the defendant according to legal request no. 2023-260291, be invalidated and that it be enforced that the Commissioner impose a injunction on the defendant's hosting on the website <https://mapliberation.org>, whether www. is in front of the name of the website or not, as well as content and information that are published on the website.

It is also demanded that the Commissioner impose a injunction on the defendant providing access to the website <https://mapliberation.org>, whether www. is in front of the name of the website or not, and distribute content, material, and information that is published on it.

Furthermore, the plaintiff demands that the defendant be ordered to pay him court costs in full, according to a later submitted cost account, or according to the court's estimation.

PLEADING AGENCY:

Sigurður Kári Kristjánsson attorney at law, LLG Lawyers Ltd., Laugavegur 31, 101 Reykjavík, represents the plaintiff Anti-Defamation League, with its legal domicile at 605 Third Avenue, New York, NY 10158-3560, in the United States.

PRESENTED DOCUMENTS:

The plaintiff submits the following documents:

47. *"Want a injunction on 'hate site' that is hosted in Iceland and has been said to be connected to Iran."*, news from the National Broadcasting Service's website, www.ruv.is, dated May 18, 2023.
48. *"Jewish organizations want a injunction on a site that is hosted in Iceland"*, news on the website www.visir.is, dated May 22, 2023.
49. *"Boston Racism, Image, Reality"*, article from The Boston Globe website, <https://apps.bostonglobe.com>, dated December 10, 2017.

CIRCUMSTANCES AND OTHER EVENTS:

1. The plaintiff is a well-respected association that was founded in 1913. The association is independent and non-profit and their legal domicile is in New York in the United States.

2. The purpose of the association has been from the beginning to fight against defamation of Jews and to ensure justice and fair treatment for all. Today, the association has the declared policy to fight against anti-Semitism and all kinds of racial hatred and hate speech wherever it appears.
3. The association operates numerous offices in the United States and Europe. The purpose of the association and their activities, as described in the defendant's comments to the District Commissioner, are strongly protested as wrong and offensive to the plaintiff.
4. The defendant is a specialized web hosting company.
5. According to information from the defendant itself, it specializes in web hosting for companies and individuals worldwide. The defendant hosts thousands of websites.
6. The defendant's homepage states that his web hosting is the most popular in Iceland.
7. Business with the defendant is based on terms of service published on his homepage.
8. The terms state, among other things, that the hosting the defendant offers is so-called shared hosting service, which means that multiple subscribers share hardware and/or virtual hardware.
9. The terms of service also state that the defendant reserves all rights to turn off or hinder the use of a subscriber's service, temporarily or permanently, such as if the defendant considers that laws or moral standards that the defendant deems reasonable to demand are being violated by subscribers at any time.
10. The terms of service prohibit offering, selling, or linking to other websites that offer, sell, or display illegal, harmful, or morally reprehensible content or information, in the opinion of the defendant.
11. Moreover, the terms of service stipulate that the defendant's customers waive all rights to compensation from the defendant for possible damage that a injunction, such as the aforementioned, or termination of service can cause them. 2
12. Otherwise, the terms of service stipulate very limited liability on the part of the defendant for the service he provides. The liability limitation of the terms applies regardless of the defendant's fault or his employees.
13. It can therefore be said that the defendant disclaims responsibility for all the content that he nonetheless hosts for a fee.
14. One of the websites hosted by the defendant is the website <https://mapliberation.org>
15. The defendant has refused to disclose who is behind the website, despite the plaintiff's challenges about it. Therefore, the court cannot consider any unspecified interests of the authors of the website's content or its affiliates, as the defendant demands, as it is not known who they are. If the news is to be believed, they are linked to the authorities in Iran.
16. In any case, it is clear that its affiliates are very hostile to Jews and their community, whether they are located in Israel or elsewhere.
17. The content of the website clearly bears the characteristics of hate speech and anti-Semitism.

18. The purpose of the website is explained on its front page and the topics are in line with that purpose.
19. The hate speech that appears on the website is directed against individuals, companies, and institutions that are connected to the Jewish community in Boston, Massachusetts in the United States and the vicinity of the city.
20. The homepage clearly encourages action to be taken against the institutions, companies, and individuals, who the website's administrators say are connected to the Jewish community in Boston and vicinity, in the sense that they should be dismantled or their activities should be disrupted or disturbed.
21. More specifically, this discourse is directed against institutions that belong to or are somehow connected with the Jewish community in the area, such as high schools, service centers for disabled people, student societies, places of worship, media outlets, charitable organizations, and even art centers.
22. The hate speech is not only directed against institutions connected with Jews in some way but also against private businesses, politicians, police stations, financial companies, universities, and healthcare companies.
23. In fact, it goes so far as to publish addresses of individuals, companies, and institutions on the website, along with the names of their representatives and other personal information.
24. On the website, one can also find a map with points and lines connecting those individuals, companies, and institutions named, attributing to them false beliefs and participation in various improper acts described on the website.
25. In other words, the website's content, the information presented, and their presentation constitute an encouragement and/or call to action against Jews. However, the website leaves it to the readers who take up this encouragement or call to decide for themselves what such actions should entail and what methods should be used. For example, it is done in the following way:

"We have shown real addresses, names of representatives and leaders, and mapped connections. These organizations really exist and it is possible to disrupt them. We hope that people will use our map to see how they can respond in an impactful way."
26. The content of the website has caused the plaintiff and others mentioned on it significant concern.
27. The Jewish community in the Boston area shares these concerns and views the website's content as a serious threat to their safety and a gross violation of their privacy and personal life.
28. The website's content ultimately suggests that its purpose is to encourage actions against those who belong to the Jewish community in Boston and its surroundings. They cannot be interpreted in any other way than as threats or incitement to punishable behavior against the plaintiff and others named on the website or referred to in other ways, at best, violations of their rights which are protected by law.

29. In this context, the plaintiff points out that the launch of the website coincided with a significant increase in shootings against civilians in the United States, whether in schools, shopping centers, places of worship, or other public and crowded places, and communities of Jews and other marginalized groups have been particularly vulnerable to such attacks.
30. It is worth mentioning that the attackers who carried out the shootings at the Tree of Life Synagogue in Pittsburgh, Pennsylvania, in October 2018, and at the Tops shopping center in Buffalo, New York, in May 2022, were driven by anti-Semitism.
31. The prosecutor's intent is clearly that the purpose of the website is to promote violent behavior such as that which took place there.
32. By a prohibition request, dated April 26, 2023, the prosecutor demanded that a injunction be placed on the defendant's hosting of the website, as well as on the data, content, and information that appear there. Additionally, the prosecutor requested that the administrator impose a injunction on the defendant providing access to the website and its content in the manner described in the claim.
33. By decision dated May 3, 2023, however, the administrator denied the prosecutor's request.
34. In the preconditions of the administrator's decision, which was recorded in his deed book, it appears that the administrator's assessment is that the prosecutor has not demonstrated or made plausible that the conditions of Article 24 of Act no. 31/1990 are met to impose the requested injunction. It can be noted that the content of the website, which the claim is directed at, is within the boundaries of freedom of expression and that legal rules on punishment or compensation ensure the interests of the plaintiff. With reference to the submitted documents and the parties' arguments, the administrator considered that the conditions of Article 24 of Act no. 31/1990 are not met and therefore denied the request.
35. As the prosecutor considers the administrator's conclusion to be incorrect and the preconditions on which it was based do not hold up, he demands a district court's resolution on the decision with reference to the provisions of paragraph 1 of Article 33 of Act no. 31/1990.
36. The prosecutor demands that the administrator's decision be invalidated and that he be obliged to impose the requested injunction with reference to the case reasons set forth in this article for the court and in his prohibition request from April 26, 2023.
37. The prosecutor is based on the fact that all the conditions of paragraph 1 of Article 24 of Act no. 31/1990, on restraining orders, injunctions, etc., for imposing the requested injunction are met.
38. Upon review of the content of the website, it does not fit within the boundaries of freedom of expression as the administrator claims. Just as clearly, legal rules on punishment or compensation do not protect the prosecutor's interests, which will be discussed below.
39. The prosecutor believes it is clear that the content of the website <https://mapliberation.org/> bears clear signs of hate speech, racism, and anti-Semitism.

40. The purpose of it is clearly to marginalize a defined group of people and encourage actions against them based on their race, religious beliefs, and origin, where racism and anti-Semitism are incited.
41. The content of the website can only be interpreted as direct threats or encouragements to crimes against the rights of others, which the prosecutor interprets as incitement to punishable behavior, such as violence and/or vandalism, against those who belong to the Jewish community in the city and its surroundings. Otherwise, the names and addresses of those specifically mentioned on the site would be specifically indicated there and their connections would be systematically mapped.
42. With such naming and information about residences and workplaces, the prosecutor, like others who are mentioned on the site, are clearly made direct targets of the actions encouraged on the website.
43. Given these reasons, the content of the website cannot be considered a contribution to general political or national discourse of any kind or that it is within the boundaries that the prosecutor has to tolerate in public discourse in a democratic society as the defendant claims. The prosecutor is based on the fact that the content of the website has nothing to do with such a discussion.
44. The plaintiff absolutely objects to the defendant's assertions that the plaintiff's demand constitutes a silencing event.
45. The plaintiff bases his argument on the fact that while human freedom of expression is protected according to Article 73 of the Constitution nr. 33/1944 and Article 10 of the European Convention on Human Rights, cf. Law nr. 62/1994, this protection is not unlimited.
46. It is limited, among other things, by the protection provided for the privacy of the plaintiff, and others mentioned on the website, according to Article 71 of the same constitution and Article 8 of the European Convention on Human Rights.
47. The plaintiff points out that according to the aforementioned freedom of expression provisions, it is permissible to impose restrictions on freedom of expression for reasons such as maintaining public order, to prevent riots and crimes, to protect people's health or morals, the reputation or rights of others, as stipulated in the aforementioned freedom of expression provisions.
48. All the conditions for imposing such limitations in the manner requested by the plaintiff in this case have been met.
49. The freedom of expression provisions of the constitution and human rights convention are not intended to guarantee the rights of people, who have not been identified in this case, to publicly threaten or incite crimes against the rights of others, including punishable behavior towards groups of people or communities that are defined by their race, religious beliefs, or origin, as is clearly done on the website <https://mapliberation.org/>. It only matters whether such incitement or threats are made directly or indirectly.

50. Nor are the same freedom of expression provisions intended to protect the rights of people to host, distribute, or provide access to such content in the way the defendant does.
51. On the contrary, such expression, its hosting, and distribution violate the rights of those against whom the expression is directed, and those rights also enjoy protection according to the aforementioned constitutional and human rights provisions.
52. The plaintiff argues that the content of the website severely violates his privacy, and that of others against whom the site is directed, which is protected by Article 71 of the Constitution and Article 8 of the European Convention on Human Rights.
53. The content of the website is not only threatening to the plaintiff, but it also undermines his reputation and that of his associates. In addition, there are gross misrepresentations about the plaintiff and his activities, clearly intended to marginalize him and to incite the readers of the site against the plaintiff and to take action against him. The lowest motives are appealed to in this regard.
54. The plaintiff argues that the content of the website bears all the hallmarks of hate speech, as it propagates racial and anti-Semitic hatred. Such discourse is protected neither by Article 73 of the Constitution nor Article 10 of the European Convention on Human Rights and therefore does not fall within the bounds of the freedom of expression that these legal rules are intended to protect, as the administrator claimed.
55. Although there is no formal definition of the term "hate speech" in international or national law that enjoys international recognition, various legal provisions and international conventions can provide definitions of hate speech and its substantive content.
56. In this regard, the plaintiff considers it appropriate to refer to Article 233. a of the General Penal Code nr. 19/1940, which is the provision of the Penal Code associated with hate speech. It criminalizes defamation, insult, or threats against a person or a group of people with statements or other forms of expression, such as images or symbols, because of their national origin or ethnic origin, skin color, race, religious beliefs, disability, gender characteristics, sexual orientation, or gender identity. The provision also criminalizes the dissemination of such, and violations against the provision can be punishable by fines or imprisonment for up to 2 years.
57. It follows from case law that individual comments falling under this provision are considered sufficient for the provision to be applicable.
58. International treaties also provide indications of what are considered the main elements of the concept at the international level and according to Icelandic law.
59. Thus, paragraph 2 of Article 20 of the International Covenant on Civil and Political Rights of 16 December 1966, cf. Law no. 10/1979, refers to hatred due to nationality, race or religion, and expression that involves incitement to discrimination, hostility or violence.
60. Article 4 of the United Nations Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, cf. Law no. 14/1968, refers to propaganda based on ideas

or theories about the superiority of certain races, or groups of people of a particular color or national origin, or that attempts to justify or incite racial hatred and injustice in any form.

61. A 1997 resolution by the Committee of Ministers of the Council of Europe refers to expression that disseminates, encourages, supports, or justifies racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, manifested in aggressive nationalism, discrimination and hostility against minorities, travelers, and people of foreign origin.
62. The plaintiff also refers to the Council of Europe's Convention on Cybercrime of 23 November 2001 and its Additional Protocol of 28 January 2003. The Additional Protocol refers to the presentation of ideas and theories that advocate, support, or incite hatred, discrimination, or violence directed against any individual or group of individuals that can be traced back to race, color, descent, or national or ethnic origin, and to religious beliefs.
63. The Media Act no. 38/2011 also contains important general rules in this area. Thus, according to Article 27 of the Act, it is prohibited to incite hatred on the basis of race, gender, sexual orientation, religious beliefs, nationality, or cultural, economic, social, or other status in society in a deliberate manner.
64. In explanations in the commentary to the provision, the term is defined as speech, text, expression, behavior, and/or behavior that is manifested in text, sound, and/or image where incitement to violence, prejudice, and/or prejudiced behavior against an individual or group of people and/or by disrespecting, belittling, scaring, and/or threatening the relevant individual or group.
65. For further demarcation, the term hate speech has been broadly broken down into four different stages on the international stage, using what has been called "The Hate Speech Pyramid".
66. The plaintiff argues that, according to these criteria, it is clear that the content of the website <https://mapliberation.org/> is considered hate speech as defined in Article 233. a. of the General Penal Code and other legal sources referred to above.
67. Considering all of the above, the plaintiff asserts that he has proven, or at least made plausible under the terms of Article 1, paragraph 1 of Law no. 31/1990, that the content of the website <https://mapliberation.org/> is considered hate speech in the aforementioned sense, as the website explicitly advocates anti-Semitism, or at best prejudice and hostility towards Jews.
68. Its content clearly violates the rights of the plaintiff and others who are named on it, including their right to privacy. Therefore, the content of the website in no way falls within the bounds of freedom of expression protected by Article 73 of the Constitution and Article 10 of the European Convention on Human Rights.
69. For these reasons, the decision of the district commissioner to deny the plaintiff's request for an injunction is incorrect.
70. It should be annulled and the district commissioner should be ordered to impose the injunction that the plaintiff has requested.

71. The plaintiff has sought the assistance of authorities both in the United States and in Iceland in order to have the website closed for the above reasons.
72. These attempts have not yielded results to date.
73. In these communications, it has been stated, among other things, that the Icelandic police believe they need a court order to feel authorized to take action against the company that hosts the website, i.e., the defendant.
74. With a demand dated March 3rd, the plaintiff urged the defendant to close the website, remove its content, and/or prevent access to it. The defendant did not comply with this demand.
75. As stated earlier, the plaintiff contends that all conditions of Paragraph 1, Article 24 of Law no. 31/1990, for imposing an injunction, are met.
76. From the plaintiff's claim, it can be seen that his demand is aimed at the hosting of the website <https://mapliberation.org/>, the distribution of its content, and the public's access to the site.
77. It is undisputed that the defendant hosts the aforementioned website.
78. Since the defendant is an Icelandic legal entity and the website is hosted in Iceland, jurisdiction in this case is in this country, even though the content of the website is aimed at individuals, institutions, and companies outside Icelandic jurisdiction, i.e., in the United States.
79. The plaintiff is one of the parties specifically mentioned on the website, and its content and publication are directed against him. In fact, all 25 members of the plaintiff's government are named on the site, along with dozens of individuals who work for the plaintiff in the United States.
80. There is also a particularly value-laden, wrong, and false discussion of the plaintiff's activities on the website. It is enough to mention allegations that the plaintiff has carried out espionage activities, such as against specific activists, but also that the plaintiff, who claims to protect the rights of Jews and other marginalized groups, has supported violence against them and even covered up for Nazis.
81. The purpose of this discussion is clearly to foster hatred or hostility towards the plaintiff and to encourage the site's readers to take action, even violent action, against him, those individuals associated with or working for the plaintiff, or against the Jewish community in Boston and its vicinity, and those individuals, institutions, and companies named on the website and connected in the manner visible there.
82. For this reason, it is clear that the plaintiff has a legitimate interest in his claim in this case under Article 24 of Law no. 30/1991 and in accordance with the main rules of legal procedure, since the website, its hosting, and the distribution of its content clearly infringe on his legal rights, e.g., in the sense of Article 71 of the Constitution no. 33/1944, and Article 8 of the European Convention on Human Rights, cf. Law no. 62/1994, as previously mentioned.
83. In addition, the content of the website is considered hate speech and anti-Semitism in the aforementioned sense. Its content as such is therefore in violation of Article 233 a. of the

General Penal Code no. 19/1940, and the distribution of it is also punishable under the provision.

84. The plaintiff points out that Icelandic courts have in their judgments agreed to block access to websites if their content or functionality infricts on people's legal rights. It is enough in this context to refer to the judgments of the Supreme Court in cases no. 214/2009, 25/2017, and 33/2017.
85. Infringements on the plaintiff's legitimate interests and rights have been occurring for some time. It is not anticipated that these infringements will cease if nothing changes. The offenses began when the supporters of the website made an agreement with the defendant about hosting it on June 18, 2022, and the website subsequently went live. The defendant still hosts it and thus contributes to giving readers access to its content. This is an action that has already started, cf. the exception of Paragraph 1, Article 24 of Law no. 31/1990. It does not matter in this context that the hosting has been ongoing for a considerable time. It is not completed, but ongoing, unless something is done.
86. The plaintiff disputes that his demand is excessive and goes too far as the defendant argues.
87. On the contrary, the plaintiff argues that no further damage should be done. It is inherent in the nature of the website, its design, content, and the purpose behind it, that a injunction cannot be placed on the hosting or access to a part of it.
88. In this context, it should be noted that the website involves, as the name suggests, mapping individuals and entities that its supporters oppose and wish to act against. The names, addresses, and relationships of these people, as they relate to the website's supporters, are published on the site.
89. The nature of the case dictates that either such mapping on the internet, for the purpose described above, is placed under injunction or not.
90. Similarly, it is necessary for the plaintiff to demand a injunction on hosting the website and providing access to the content hosted by the defendant.
91. In this context, hosting the website and providing access to the hosted content can be equated in the sense that readers would not have access to the website if it was not hosted by a hosting provider, in this case, the defendant.
92. For these reasons, it is clear that the plaintiff could not enforce his rights except in the way he does with his claim. He could not achieve these rights by only demanding a injunction due to specific remarks on the site.
93. The plaintiff argues that he has already suffered damage due to the actions of the defendant, as the defendant hosts a website that violates his legal rights, as described above. Furthermore, the hosting of the website could lead to further damage to the plaintiff and others it names in the future given the content, incitements, and challenges that appear on it if nothing is done. There is no indication that the defendant will change his behavior. Therefore, it is impossible to

determine how much damage may possibly result from unrestricted access to the website in the future, cf. Paragraph 1, Article 24 of Law no. 31/1990.

94. The plaintiff argues that the damage to the plaintiff and disruption of his interests and rights will not be compensated according to the rules of tort law or the rules of punishment.
95. It is unclear who the supporters of the website are. The defendant denies providing this information. Therefore, it is unclear against whom such claims should be directed.
96. It is also unclear how much damage may occur or could occur from unrestricted access to the website, cf. item 1, paragraph 2, Article 24 of Law no. 31/1990.
97. No information is available on the ability or capacity of the website's supporters to pay the plaintiff compensation for the damage that has occurred or may result from its operation and the content published there, as it is not known who they are.
98. The defendant has also disclaimed all liability for the content he hosts according to the aforementioned terms of service. Liability limits in Law no. 30/2002, on electronic commerce and other electronic services, such as provisions of Chapter V of the Law, mean that the rules of tort law and rules of punishment do not protect the plaintiff's rights against the defendant.
99. Furthermore, the plaintiff argues that his interests in a injunction on hosting the site are much greater than the defendant's interests in continuing to host the site and ensuring unrestricted access for readers to the content that appears there, cf. item 2, paragraph 3, Article 24 of Law no. 31/1990.
100. Hosting the website only provides its supporters with the necessary position to violate the plaintiff's protected rights, but not to conduct other activities, as the content of the website is intended to facilitate its readers and users in illegal activities and to encourage their application.
101. For this reason, the interests that the defendant may have in continuing to host the website must be respected, as the purpose of maintaining it is illegal, as is its content, as traced above.
102. The interests of the website's supporters or the author of its content have no relevance to the subject matter of the case, as it has not been disclosed who they are.
103. Finally, the plaintiff relies on the fact that the provisions of Law no. 20/2002, on electronic commerce and other electronic services, on liability limitations of a service provider like the defendant, in no way prevent the demanded injunction from being imposed.
104. On the contrary, it is expressly stated in the comments on the bill, cf. Chapter V of the comments, that their provisions have no effect on the injunction measures of the parties.
105. In light of all the above, the plaintiff bases his claim on the fact that all the conditions of Article 24 of Law no. 31/1990 for imposing a injunction on the defendant's activities are met
106. In reference to this and the reasons outlined in the plaintiff's request for an injunction to the magistrate, his demands must be met as his rights are not guaranteed in any other way.

107. The plaintiff demands that the defendant be ordered to pay him litigation costs according to the court's discretion.
108. The claim for legal costs is based on the provisions of Article 130 of the Act on the Procedure of Civil Cases no. 91/1991, cf. Article 35 of Law no. 31/1990 and Paragraph 1 of Article 91 of the Rules of Procedure no. 90/1989.

CHALLENGE:

109. The plaintiff challenges the defendant to disclose which individuals and/or legal entities are behind the website <https://mapliberation.org/> which the defendant hosts and are in business with the defendant for its hosting.

REFERENCE TO MAIN LEGAL PROVISIONS:

110. The plaintiff refers to his claims for support to the provisions of Law no. 31/1990 on injunctions, injunctions, etc., especially Article 24 of the law, and the main principles of civil procedure and Law no. 91/1991 on the handling of civil cases, so the main principles of legal protection of interests. He also refers to the provisions of Articles 71 and 73 of the Constitution no. 33/1944, and Articles 8 and 10 of the European Convention on Human Rights, cf. Law no. 62/1994. He also refers to the plaintiff's hate speech to Article 233 a of the General Penal Code no. 19/1940, but also to the provisions of the International Covenant on Civil and Political Rights of December 16, 1966, cf. Law no. 10/1979, the United Nations Convention on the Elimination of All Forms of Racial Discrimination of December 21, 2016, cf. Law no. 14/1968, the Council of Europe's Committee of Ministers' approval from 1997 and the Council of Europe Convention on Cybercrime of November 23, 2001, and the Additional Protocol to the Convention of January 28, 2003. In addition, the plaintiff refers to the provisions of Law no. 30/2002, on electronic commerce and other electronic services, and the main principles of the Media Act no. 38/2011. For litigation costs and litigation procedures for disputes like this, the plaintiff refers to the provisions of the Act on the Handling of Civil Cases, no. 91/1991, the Act on Injunctions, Injunctions, etc., no. 31/1990 and the provisions of the Rules of Procedure no. 90/1989, as applicable.

RESERVATION:

111. The plaintiff reserves the right to present further pleadings and legal arguments for his claims at later stages of the case.

EVIDENCE AND TESTIMONY BEFORE THE COURT:

112. The plaintiff reserves the right to call witnesses to testify before the court during the conduct of the case.
113. The right is also reserved to submit further evidence if the defendant's defenses give reason for it.

**Reykjavik, June 6, 2023,
on behalf of the plaintiff,**

Sigurður Kári Kristjánsson, Attorney at Law

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TO THE DISTRICT COURT OF REYKJAVIK.