

Petitioner's statement, Anti-Defamation League in the Court of Appeals case no. 812/2023:

Anti-Defamation League

Vs.

1984 ehf

1. I represent the petitioner, Anti-Defamation League, in this case, seeking to overturn and amend the challenged ruling as follows:

To nullify the decision of the District Commissioner of the Capital Area, dated May 3, 2023, which denied the petitioner's request of April 26, 2023, for an injunction against the respondent according to injunction application no. 2023-260291, and to order the District Commissioner to impose an injunction against the respondent's hosting of the website <https://mapliberation.org>, whether or not 'www.' precedes the website's name, as well as the data, content, and information published on the website. Furthermore, to order the District Commissioner to impose an injunction preventing the respondent from providing access to the website <https://mapliberation.org>, whether or not 'www.' precedes the website's name, and from distributing the data, content, and information published thereon. To order the respondent to compensate the petitioner for legal costs incurred in the district court and for appeal costs in the Court of Appeals, as assessed by the court.

Reasons for the case and main events:

2. Regarding the case's events, reference is primarily made to the district court's report, see pages 51-64 in the case documents, and the injunction request it was based on, see pages 367-379 in the case files. Additionally, for the main events and principal reasons why the district court's ruling was appealed to the Court of Appeals, refer also to the discussion in the appeal, see pages 37-47 in the case file.

Subject matter of the case and dispute between parties:

3. In resolving this case, the question is whether the conditions of Article 24(1) of Act No. 31/1990 on attachments, injunctions, etc., are met for imposing the injunction sought by the petitioner.
4. In this assessment, it is tested, among other things, where the boundaries of the freedom of expression, which is protected according to Article 73 of the Constitution, No. 33/1944, with subsequent amendments, and Article 10 of the European Convention on Human Rights, as per Law No. 62/1994, lie, such as in relation to the sanctity which is protected according to Article 71 of the Constitution.
5. In this context, the interpretation of whether the content of the website <https://mapliberation.org>, its presentation, purpose, and objectives, are protected under the aforementioned freedom of expression provisions or not is tested. The plaintiff does not believe this to be the case. The content of the website and the presentation of its content, including through an interactive map, all bear the hallmarks of hate speech which is presented with malicious intent, as will be further detailed below.
6. As is stated in the premises of the appealed ruling, it is undisputed that the condition for an injunction according to paragraph 1 of Article 24 of Law No. 31/1990 is met, as it concerns an action that has begun or is imminent. This is evident since the defendant hosts the website in question, see page 15 in the case file.

The conditions of paragraph 1 of Article 24 of Law No. 31/1990 are fulfilled:

7. The plaintiff argues that the conclusion of the appealed ruling on pages 1-19 in the case file is incorrect and that the premises upon which the district court's decision is based do not hold up.
8. The plaintiff bases their argument on having proven, or at least made sufficiently plausible, during the case proceedings in the district court and at the sheriff's office, that the conditions of paragraph 1 of Article 24 of Law No. 31/1990 are considered fulfilled, so that their claims could have been accepted at earlier stages of the case.
9. The following discussion of the plaintiff's arguments and comments on the premises of the appealed ruling further confirm this. This discussion is in addition to what is already presented in the aforementioned documents.

The Website: Its Content, Purpose, and Functionality:

10. The purpose of the plaintiff's claim is primarily to obtain an injunction on the hosting of the website <https://mapliberation.org> and the content and information published and made accessible there. The website is presented in its entirety in the case, see Court of Appeal documents marked B and C.
11. The website was first launched on June 2, 2022, on the Jewish day of rest, Shabbat.
12. On it, there is an interactive map of Boston in the state of Massachusetts, USA, and the city's surroundings. This interactive map is titled 'The Mapping Project', which has been translated as 'Kortlagningaráætlunin', see page 455 in the case file.
13. The map links individuals, along with businesses and institutions that they either operate, work at, visit, or are otherwise associated with, by connecting them with dots and lines. Additionally, names and addresses are published without the consent of the involved parties.
14. Furthermore, the website contains a large amount of information that demonstrates significant animosity by the site's administrators towards Jews, particularly the plaintiff.
15. On the website, there is a clear encouragement to take action against the individuals, companies, organizations, and institutions mentioned therein, with calls for them to be dismantled and their activities or operations disrupted or disturbed.
16. Readers of the website are then left to decide for themselves which methods to use for the aforementioned purpose. The administrators of the site express hope that the interactive map will be useful in these actions. Thus, it is stated on the website (in the translation by a certified document translator), see page 456 in the case file:
We have shown physical addresses, named officers and leaders, and mapped connections. These entities exist in the physical world and can be disrupted in the physical world. We hope people will use our map to help figure out how to push back effectively.
17. Nothing is known about who is behind the website. Information about this is not disclosed. The defendant has neither been willing to inform the plaintiff nor the courts about this, despite repeated requests, see e.g., pages 63, 377, and 479 in the case file. Instead, the defendant, through their legal strategy, has undertaken to justify the content and purpose of the website on behalf of their client, whom they refuse to identify. The defenses of the defendant have been in substantive alignment with the content of the website, as if these defenses are presented by those who actually run the website.
18. The defendant, however, is an Icelandic web hosting company that hosts the website and the content on it for a modest fee. The defendant appears not to have a fixed place of business, but rather a post office box, and employs three staff members on its payroll. The vigorous content defenses of the defendant against the plaintiff's claim are particularly noteworthy in this light, and all the more so as the defendant, referring to its service terms, see pages 535-

539 in the case file, and the provisions of Law No. 30/2002, has completely disclaimed any responsibility for the content of the websites it hosts.

19. The legal strategy of the defendant thus suggests that they are acting as a proxy for the anonymous administrators of the site, while shielding themselves behind their own disclaimer of responsibility for the content of the website.
20. The individuals and legal entities targeted by the website and its content, and linked together by the interactive map, have in common that they belong to or are associated with the Jewish community in Boston and its vicinity.
21. The plaintiff is part of this community, being a respected Jewish human rights organization in the United States, founded in 1913. The organization's board is composed of individuals from the American business community and academia. The Special Advisor for Global Affairs of the organization is Tony Blair, former Prime Minister of the United Kingdom, see page 516 in the case file. This fact alone confirms that the organization does not adhere to extremist views in any sense, but rather advocates for the human rights of Jews and other marginalized groups.
22. The plaintiff believes it is evident that the discourse presented on the website, both about themselves and others associated with the Jewish community in the area, constitutes hate speech in the general sense and in the context of laws and international agreements. This speech is driven by racial and anti-Semitic animosity or hostility (antisemitism) due to the race, religious beliefs, and origin of those targeted.
23. The website is not an educational site or a database on Jewish affairs and history, as the defendant claims, nor is it a contribution to public discourse in the conventional sense. Its purpose, on the contrary, is to marginalize a defined group of people and to directly and indirectly incite actions against them, including violence and other illegal conduct, based on religious beliefs, race, and origin, including against the plaintiff.
24. About this, there should be no need for debate, as this purpose is explicitly stated on the website itself.
25. In the case of the plaintiff, this discourse is manifested in value-laden, incorrect, unfair, and indeed repulsive coverage of their activities, where it is claimed that they sail under a false flag. The plaintiff is thus presented as pretending to be a human rights organization defending the rights of Jews and other marginalized groups, but in reality, supports violence and persecution against them. On the website, the plaintiff is accused of spying on ordinary citizens and supporting ethnic cleansing, colonial and segregationist policies, and various other atrocities, even terrorism. In fact, it goes so far as to accuse the plaintiff of favoring and backing Nazis in their operations, see for example pages 431, 441, and 456 in the case file. The plaintiff's activities must be 'effectively countered', using the interactive map to 'dismantle the organization and use every penny from their pockets to repair the damage they have caused.', see page 456 in the case file.
26. The plaintiff argues that the content of the website is far from being a stance on any issue or cause. On the contrary, it presents hate speech in its clearest form, driven by attitudes towards race, origin, and religious beliefs, i.e., racial and anti-Semitic hatred.
27. The content and presentation of the website can only be interpreted as an incitement to commit hate crimes, property damage, or other atrocities, including terrorism, against a defined group of people, namely Jews.
28. To underscore the purpose and objectives behind the website, the interactive map, 'The Mapping Project', facilitates access to those targeted by the website, see Court of Appeal documents marked B and C.
29. With this presentation, those belonging to the Jewish community in Boston and its vicinity are made direct targets of the website's readers who embrace its message and wish to undertake the actions it encourages.
30. It is impossible to see the purpose of the website and the interactive map as anything other than to cause harm and damage to the plaintiff, their employees, and others who are

mentioned there. For this purpose, a method known in the online world as 'doxing' is used, which involves publishing personally identifiable or traceable information on the internet without consent and with malicious intent.

31. The intent behind the website <https://mapliberation.org> is indeed malicious.
32. The plaintiff argues that they, their staff, and others targeted by the website are in direct danger due to the website and the message it conveys.
33. The website 'The Mapping Project' has caused considerable concern and unease among the Jewish community in Boston and its vicinity, as can be seen from media coverage about it, see for example pages 301, 309, 315, 317, and 335 in the case file. The plaintiff views the content of the site as a serious threat to themselves and their staff, as well as to the safety of everyone targeted by the website. In other words, they are in direct danger from its content and purpose. As evidenced in the testimony of one of the plaintiff's representatives, Dr. Sharon Nazarian, before the district court on page 29 onwards in the case file, and numerous other documents in the case, such as Court of Appeal documents marked G and H.
34. It is on record that following the launch of the website, the plaintiff issued warnings to the Jewish community in Boston as early as June 7, 2022. Subsequently, on June 10, 2022, the plaintiff formally alerted the American company GoDaddy Inc., which specializes in domain registration, that the content of the website was in violation of its terms and demanded that the website be taken down, see Court of Appeal document marked G. This request was complied with, but thereafter, the website was hosted by a new web hosting provider in Bulgaria, Siteground.com. The plaintiff also sent a letter to this hosting company on June 17, 2022, demanding the website be taken down, which was done, see Court of Appeal document marked H. Following this, the defendant took over the hosting of the website, likely from June 18, 2022.
35. Subsequent requests by the plaintiff for assistance from Icelandic authorities and law enforcement have, however, yielded no results. In an email dated July 12, 2022, from Runólfur Þórhallsson, an assistant chief police officer at the analysis department of the National Commissioner of the Icelandic Police, it was communicated to the plaintiff that the police would need a court ruling, such as the one requested in this case, in order to take action against hosting providers that host questionable content on websites. In fact, that email from the National Police Commissioner's office indicated that Icelandic web hosting companies have not been cooperative and that law enforcement has called for legislative changes for these reasons, see page 329 in the case file and Court of Appeal document marked F.
36. It appears there is a pressing need for this, as Iceland seems to be becoming a haven for those needing to host websites with dubious content. It has been disclosed that Icelandic web hosting companies have taken on the task of hosting websites for the terrorist organization ISIS, in addition to sites used by neo-Nazis and various types of financial fraudsters, as noted on page 420 in the case file.
37. The plaintiff asserts that the website in question is no better, as it features threats based on hate speech or incitement to use violence against defined groups, driven by racial and anti-Semitic hatred, whether those threats are considered direct or indirect.
38. The executive branch has acknowledged this problem. The Prime Minister has introduced a special action plan against hate speech for the years 2023-2026, in the form of a parliamentary resolution, among other things, to facilitate government responses to the hosting of websites like the one in question. For example, see action 8 in the plan in a new document in the Court of Appeal marked E.
39. The plaintiff believes that courts already have legal remedies to address situations like this, namely the injunction measure. The courts can resort to this measure in this case, as the conditions of paragraph 1 of Article 24 of Law No. 31/1990 for its application are met.
40. Therefore, the plaintiff requested that an injunction be imposed on the defendant's hosting of the website and the content published there, as well as on providing access to and

distributing that content on the web.

Context in Relation to the Icelandic Reality

41. Given that the website targets the Jewish community in the United States, the plaintiff suggests that for resolving this case, it would be useful for the court to contextualize the incidents and circumstances to the Icelandic reality. Thus, instead of dealing with the website <https://mapliberation.org>, the court would address an injunction request for hosting a similar website where comparable discourse and content are directed against a defined group or community in Iceland, but on a different basis, for example, based on sexual orientation rather than race, religious beliefs, or origin.
42. The plaintiff asserts that if a special website, protected by anonymity, specifically targeted the LGBTQ+ community in Reykjavik and its vicinity, publishing the names of LGBTQ+ individuals, along with the addresses of their businesses, institutions, or associations they work for, operate, or are otherwise associated with, as well as information about their main gathering places connected to this community, where there would be direct encouragement to take actions against their rights organizations, i.e., Samtökin '78, in such a way that they would be dismantled or their activities disrupted or disturbed, and furthermore, if the connections of all the aforementioned were also mapped with an interactive map, then it is certain that such a website would be considered to contain hate speech towards LGBTQ+ people posing a threat to them, presented with the intention to incite hate crimes against them or other illegal conduct, directly due to sexual orientation.
43. The plaintiff asserts that the content of such a website would not be considered protected by the freedom of expression provisions of Article 73 of the Constitution and Article 10 of the European Convention on Human Rights, and the purpose of publishing and distributing content from it would not be deemed lawful.
44. The plaintiff also ventures to assert that in assessing whether the conditions of paragraph 1 of Article 24 of Law No. 31/1990 for imposing an injunction against hosting such a website are met, the decision of the magistrate and courts would undoubtedly be that they are.
45. The plaintiff argues that this should also be the outcome in this case.

Regarding Freedom of Expression, Its Protection, and Hate Speech:

About Freedom of Expression in General and Its Protection:

46. The plaintiff contends that the content and presentation of the website <https://mapliberation.org>, in the context of the obvious malicious intent and purpose behind it, do not fall within the scope of the freedom of expression protected by Article 73 of the Constitution and Article 10 of the European Convention on Human Rights.
47. The plaintiff points out that although freedom of expression generally enjoys protection, this protection is not unlimited according to the aforementioned provisions on freedom of expression. It is, for example, limited by the rights of others who also enjoy protection, such as the privacy of the plaintiff and their employees or others targeted by the website.
48. It is permissible to impose restrictions on freedom of expression, such as for the sake of public order, to prevent disorder and crime, to protect the health or morals of people, reputation, or the rights of others, as per paragraph 3 of Article 73 of the Constitution and paragraph 2 of Article 10 of the European Convention on Human Rights.
49. From scholarly theories, it can be inferred that it is permissible to impose significantly greater restrictions on freedom of expression when legal entities are involved compared to individuals.¹

¹ See: Dr. Eiríkur Jónsson: Human Rights of Legal Entities - Protection of Legal Entities According to the Human Rights Provisions of the Constitution, Especially Articles 71 and 73, Codex Publishing 2011, p. 214.

50. The plaintiff contends that the district court should have agreed to their demands in the case, as the legal conditions for imposing such restrictions on the hosting of the website <https://mapliberation.org> and its distribution are clearly met.
51. On the website, there is a threatening and explicit hate speech targeting individuals and legal entities that share the common characteristic of belonging to the Jewish community. The obvious purpose of the website is to marginalize a defined group of people, directly based on their race, religious beliefs, and origin, and to incite violence and other illegal actions against them, thereby causing them harm or damage. This is done by fostering and promoting racial and anti-Semitic hatred. Additionally, the interactive map on the website facilitates access for interested readers to those Jews, companies, institutions, and organizations that are encouraged to act against, thus making them direct targets of their adversaries and those who embrace the website's message.
52. Under such circumstances, the district judge should have, for instance, with reference to the general principle, to prevent chaos and crimes against those whom the website targets, their health and rights, in the sense of Article 73(3) of the Constitution and Article 10(2) of the European Convention on Human Rights, agreed to the demands of the plaintiff in this case, rather than reject them.
53. This becomes even more apparent if the court immerses itself in the circumstances that have arisen in the United States, i.e., where the content of the website is directed, even though it is hosted in Iceland. The fact is that antisemitism in that country has not only increased, but gross violence, including mass murders, property damage, and other illegal conduct against Jews, has grown enormously in recent months and years, see for example pp. 261, 301, 315, 341, 363, and 475 in the case files. It is clear that under such circumstances, it must be considered likely, or at least probable, that hate speech such as that which appears on the website increases the likelihood of chaos, crimes, and violence and is thus capable of endangering the health and rights of those against whom it is directed, and therefore is directly dangerous. It is also well known that individuals who commit terrorism or other atrocities become radicalized on the internet, see for example p. 477 in the case files.
54. In this aspect, the premises and the conclusion of the appealed verdict are wrong, as the freedom of expression provisions of the Constitution and the European Convention on Human Rights are not intended to protect the type of expression or discourse that appears on the website.
55. Nor are they intended to protect the rights of those who host websites containing such expression, distribute it, or provide access to it, as the defendant does, especially in cases where the operators of such websites do not dare to come forward under their own name.

About hate speech and the district court's interpretation thereof:

56. In this context, the plaintiff makes specific objections to the district court's conclusion that the expression appearing on the website does not constitute hate speech within the meaning of Article 233(a) of the General Penal Code No. 19/1940 or according to other legal provisions and definitions referred to by the plaintiff in the district court, which fall outside the scope of protection of Article 73 of the Constitution and Article 10 of the European Convention on Human Rights, see pp. 17-18 in the case files.
57. The content of that expression, as it appears to the plaintiff, and the purpose behind it, has been described above and in the district court's memorandum, the injunction request, and in the testimony of Dr. Sharon Nazarian before the district court, see page 29 and onwards in the case files.
58. The plaintiff is, in other words, in no doubt that the content of the website bears all the hallmarks of hate speech in the legal and conventional sense, as it is based on racial and antisemitic hatred (antisemitism), which is not protected by the provisions of freedom of expression.

59. Since there are no formal definitions of the term 'hate speech' in international law or the domestic law of states that enjoy international recognition, the plaintiff argues that if existing legal provisions and international legal rules are interpreted based on conventional legal interpretation perspectives and methods, the Court of Appeal should agree with the plaintiff's assessment that the content and presentation of the website <https://mapliberation.org> constitute hate speech in the sense of laws that fall outside the scope of protection of Article 73 of the Constitution and Article 10 of the European Convention on Human Rights.
60. In assessing the limits of freedom of expression, the plaintiff has particularly referred to the substantive content of Article 233(a) of the General Penal Code No. 19/1940. In the handling of the case in the district court, the plaintiff also referred to the legal rules of the following laws and international agreements which should be taken as the basis for this assessment, such as:
- Paragraph 2 of Article 20 of the International Covenant on Civil and Political Rights from December 16, 1966, cf. Law No. 10/1979.
 - 4. gr. samnings Sameinuðu þjóðanna um afnám kynþáttamisréttis frá 1965, sbr. lög nr. 14/1968,
 - Samþykktir ráðherranefndar Evrópuráðsins frá 1997 og samnings Evrópuráðsins um tölvubrot frá 23. nóvember 2001 og viðbótarbókunar við samninginn frá 28. janúar 2003.
 - Þær meginreglur laga sem 27. gr. fjölmiðlalaga nr. 38/2011 byggir á og athugasemdum í greinargerð við ákvæðið með frumvarpi því sem varð að fjölmiðlalögum
61. The plaintiff argues that if the content of the aforementioned legal rules is taken as a basis, it is clear that the content of the website <https://mapliberation.org> constitutes hate speech in a legal sense, which does not enjoy the protection of the freedom of expression provisions of Article 73 of the Constitution and Article 10 of the European Convention on Human Rights. Direct and indirect incitements to use violence of any kind do not enjoy such protection either.
62. Additionally, the plaintiff points out that in academic writings on the international stage, the characteristics of hate speech have been described with reference to a standard known as 'The Hate Speech Pyramid.'² According to it, the following criteria are used to determine whether an expression constitutes hate speech:
- Whether the expression is prejudiced.
 - Whether it expresses hatred.
 - Whether it is directed against specific individuals or groups due to their particular characteristics or status.
 - Whether the expression is public.
63. The plaintiff considers it obvious that the content of the website <https://mapliberation.org> bears all the characteristics of hate speech when the criteria of 'The Hate Speech Pyramid' are applied.
64. In this context, the plaintiff makes specific remarks regarding the district court's legal interpretation of the content of Article 233(a) of the General Penal Code No. 19/1940.
65. Thus, it is stated in the reasoning of the appealed decision that the definition of hate speech in Article 233(a) of Law No. 19/1940, and other decisions and definitions referred to above, mostly or all have in common that the expression in question must 'be directed at individuals or a group of individuals, then because of certain factors that characterize them, such as

² See more in: Dr. Davíð Þór Björgvinsson, Professor: 'What is Hate Speech' (2022), pp. 297-300 in the case files. Also see: The Human Rights Office of Iceland: 'Hate Speech - Overview of current laws and regulations - pointers for the future', Jóna Aðalheiður Pálmadóttir and Iuliana Kalanikova, 2013, pp. 155-211 in the case files, and 'What is Hate Speech', Jóna Aðalheiður Pálmadóttir and Iuliana Kelnikova, 2019, a transcript from the Science Web, pp. 275-281 in the case files.

- nationality, race, or otherwise.', see page 16 in the case files. In other words, the provision does not apply to expressions directed against legal entities.
66. The plaintiff considers this narrow legal interpretation by the district court to be inappropriate, and therefore, the conclusion of the appealed decision does not stand.
 67. If this interpretation were generally applied to the provisions of the General Penal Code, then Article 247 of the same law, for example, would not be applied to someone who embezzles funds that a legal entity, such as a company, organization, or institution, owns, but only if the embezzlement involves funds owned by another individual, as per the phrase 'but another person owns', see Article 247(1). Numerous other examples could be mentioned.
 68. Legal interpretation of this kind has no basis in legal practice, see for example Supreme Court ruling 660/2014. It is also inconsistent with academic theories that deal with coherence in legal interpretation, especially internal coherence interpretation.³
 69. Moreover, the plaintiff argues that the legal protection intended by the aforementioned provisions to be afforded to individuals and groups of individuals would be of little value if it did not also extend to associations that fight for the rights of individuals or defined groups of them, as the plaintiff indeed does. The plaintiff, in any case, contends that if it is not accepted that the aforementioned provisions provide legal entities like the plaintiff protection against hate speech, as they do for individuals or groups of people, then analogy should be applied so that the plaintiff's legal protection against such expression is also ensured.
 70. Additionally, the plaintiff considers that the conclusion drawn by the district court from the content of the discussion about the plaintiff on the website is incorrect, i.e., that the discussion concerns the activities of the plaintiff, and not the fact that the plaintiff is part of the Jewish community.
 71. The plaintiff completely objects to this conclusion of the district court. He points out that it cannot be a coincidence that the content of the website, the mapping that appears there, and the clear call of its operators for effective actions are limited exclusively to individuals and legal entities associated with the Jewish community in Boston and its vicinity.
 72. In other words, the content of the website is not based on a position regarding a certain cause or contributing materially to a defined political or societal debate, as the district court seems to suggest, but rather the content is driven by an opinion, i.e., animosity and/or hatred, based on attitude and/or prejudice towards race, origin, and religious beliefs.

Does Article 73 of the Constitution protect the opinion or conviction of someone other than the person who expresses it?

73. Before the district court, the plaintiff argued that the defendant could not base their defense on the freedom of expression provision of Article 73 of the Constitution, as the protection of freedom of expression according to the provision is limited to those who hold a particular opinion or express a certain conviction. The same considerations apply to the protection guaranteed by Article 10 of the European Convention on Human Rights.
74. The argument is that the legal conditions are not met to deny a request for an injunction by referring to the protection of the defendant's freedom of expression, as it is established, and undisputed, that there is no expression of opinion or conviction by the defendant on the website, in the sense of Article 73 of the Constitution. The defendant himself claims, and bases his defense on the fact, that he is neither the author nor the responsible party for the content that appears on it, and refers in this regard to his own terms of service and the provisions of Law No. 30/2002 on electronic commerce and other electronic services.

³ See, for example, Róbert R. Spanó, Interpretation of Legal Provisions, 2nd edition, Codex Publishing 2019, page 86 and onwards.

75. The district court rejected this argument of the plaintiff, stating that neither Article 73 of the Constitution nor other legal reasons prevented the defendant from presenting all kinds of arguments, including those concerning the freedom of expression of his client, whom he does not wish to identify and whom the district court knew nothing about at the time of pronouncing the verdict, see page 16 in the case files.
76. The plaintiff believes that the district court's discussion of this argument and its resolution in the grounds of the appealed decision requires reconsideration.
77. It is inadequate in the sense that although it might have been permissible for the defendant to present the argument, there is a complete lack of sufficient reasoning as to why it was accepted in the appealed decision.
78. It is indeed particularly surprising how little importance the district court seemed to place on the fact that it was not disclosed who was behind the website in question in this case, and thus the expression that appears there, even though this fact has fundamental significance for the resolution of the case.
79. In this context, the plaintiff refers to the wording of Article 73 of the Constitution. Although it states that everyone is 'free of their opinions and convictions,' the provision requires in its second paragraph that 'the person' who expresses his thoughts must himself be responsible for them before a court.
80. From the case documents and the defendant's own statements, it is evident that there is no opinion, conviction, or thought expressed by him on the website that could be protected under Article 73 of the Constitution.
81. And since the defendant refuses to disclose who is behind the website, there is no one who can bear personal responsibility for its content before a court in the sense of Article 73(2) of the Constitution.
82. In the plaintiff's opinion, hosting or fostering such opinion or conviction, which is publicly disseminated anonymously, does not enjoy the protection of Article 73 of the Constitution, at least not in the manner that the district court seems to assume.
83. The plaintiff argues that if this were the case, such protection would at least need to have some legal basis, similar to that which applies to the protection of journalists' sources, see for example Article 25 of the Media Law No. 30/2011. There is a complete lack of such legal basis in the case of web hosting providers like the defendant.
84. A court decision based on such legal interpretation is also not acceptable due to the circumstance that if it were allowed to stand, it would greatly facilitate the misuse of freedom of expression, and thereby circumvent the rights of those targeted by the expression each time.
85. Such circumvention could be easily practiced by simply publishing content that may violate the legally protected rights of others on a website and hosting it with an Icelandic web hosting company anonymously, as in this case, thereby distorting the freedom of expression.
86. If such a conclusion were allowed to stand, there is a risk that the legally protected rights of those targeted by the expression would prove to be worthless under such circumstances.
87. Icelandic scholars have argued that legal entities do not enjoy the protection of Article 73(1) of the Constitution, possibly with the exception of religious organizations, which the defendant is not.⁴
88. There seems to be uncertainty in academic theories regarding whether the protection prescribed by the first clause of Article 73(2) of the Constitution extends to legal entities, and if so, to what extent. In any case, it can be asserted that the protection of legal entities'

⁴ See: Dr. Eiríkur Jónsson: Human Rights of Legal Entities - Protection of Legal Entities According to the Human Rights Provisions of the Constitution, Especially Articles 71 and 73, Codex Publishing 2011, page 200. It states, among other things: "With reference to all of the above and the recognized methodology of legal sources in this country, the conclusion is drawn that legal entities do not enjoy the protection of Article 73(1) of the Constitution, except for religious organizations, which can rely on the provision as long as the intervention in question pertains to the religious opinions and convictions that the organization is founded upon."

rights in these matters cannot be equated to the protection of individuals, if such protection is deemed to exist at all.⁵

89. According to academic theories on the interpretation of Article 73 of the Constitution, it is clear that the conclusion of the appealed decision to reject the plaintiff's claim with reference to the defendant's freedom of expression is wrong, or at best highly far-fetched and lacks a clear legal basis.
90. This becomes even more apparent when it is considered that the defendant has repeatedly refused to inform the plaintiff and the courts about who his client is.
91. Under such circumstances, it is neither possible nor permissible for the court to take a position on whether the client of the defendant enjoys constitutional protection in this sense, let alone to reject the plaintiff's claims based on the freedom of expression of someone whose identity is unknown and whose freedom of expression may or may not be protected.
92. From all of this, it follows that the conclusion of the appealed decision is wrong and lacks the necessary legal basis.

Regarding the privacy of the plaintiff:

93. The plaintiff strongly objects to the reasoning in the appealed decision that his argument, based on the right to privacy as understood in Article 71 of the Constitution and Article 8 of the European Convention on Human Rights, was not sufficiently elaborated, particularly the viewpoint that his right to privacy should outweigh the freedom of expression at issue in the case.
94. This argument was substantively discussed in paragraphs 46-53 and 82 of the district court memorandum, and naturally, it is interrelated with the discussion about the limits of freedom of expression and other rights, such as the right to privacy.
95. In this regard, the plaintiff particularly objects to the district court's assertion that the plaintiff did not attempt to justify that an organization like his can enjoy the type of privacy protected by Article 71 of the Constitution and Article 8 of the European Convention on Human Rights, see page 18 in the case files.
96. In this context, the plaintiff points out that according to current law, legal entities enjoy such privacy if one considers the interpretation of the Supreme Court of Iceland on the protection provided by Articles 71(1) and 71(2) of the Constitution, cf. Article 9 of the Constitutional Law No. 97/1995, as evidenced by cases like Hrd. 177/2002 and 178/2002. In the reasoning of these Supreme Court judgments, it is stated, among other things, "*Although the defendant is a limited company, it enjoys the same privacy as an individual, as referred to in Articles 71(1) and 71(2) of the Constitution, cf. Article 9 of the Constitutional Law No. 97/1995 ...*"
97. Therefore, it is established both that the plaintiff enjoys such privacy and that this privacy is protected by the provisions of Article 71 of the Constitution.
98. Additionally, the plaintiff contends that the district court's remark that the plaintiff, as an organization, has not sufficiently justified on what grounds it can claim that its own privacy, as well as that of others, is being infringed upon, is unfounded.
99. The plaintiff has a legally protected interest in his claim as per Article 24(1) of Law No. 31/1990 on attachment, injunctions, etc., and according to the principles of civil procedural law, since not only is there extensive discussion about him on the website, but there is also a direct encouragement to eradicate, disrupt, and/or dismantle the plaintiff's operations. Additionally, the plaintiff's connections to other institutions, companies, organizations, and individuals are mapped out with an interactive map. Furthermore, readers are encouraged to take effective actions against the plaintiff and to use the interactive map for this purpose.

⁵ See: Dr. Eiríkur Jónsson: Human Rights of Legal Entities - Protection of Legal Entities According to the Human Rights Provisions of the Constitution, Especially Articles 71 and 73, Codex Publishing 2011, pages 183-186, 214-216, and 288-289.

100. The purpose of the content on the website, as far as it concerns the plaintiff, cannot be misunderstood. It is malevolent and directly intended to cause harm and damage to the plaintiff, his employees, and others associated with him.
101. With this, it is not only the privacy and operations of the plaintiff and his workplaces that are being infringed upon, but also the privacy and security of all those who work for the plaintiff. General rules regarding the rights and obligations of employers lead to the conclusion that the plaintiff can claim that the content of the website infringes upon his own privacy and that of all the people under his purview, and possibly other rights protected by the Constitution and the European Convention on Human Rights. He has full authority to do so according to general rules.
102. It must be considered that the plaintiff is a human rights organization fighting against all forms of persecution, particularly against Jews, who are the targets of the website's operators. Although the plaintiff advocates for Jewish people, it is unreasonable to expect them to obtain a mandate from all members of the Jewish community in cases where the plaintiff sees a need to fight for their rights. Such a demand would, in any case, severely hamper the plaintiff's operations and their fight for the rights of their clients, and set a bad precedent for other organizations fighting for people's human rights.
103. Referring to the reasoning of the appealed decision, the plaintiff maintains that in this context, it is irrelevant that the plaintiff has a long history and a strong financial position. They are still entitled to the same rights as others, despite these factors.
104. Historically, persecutions and animosity against Jews have often been justified on similar grounds, i.e., referring to their financial strength and position of power.
105. The plaintiff considers such viewpoints baseless and argues that they should not influence the resolution of cases in courts. The reality is that the global Jewish community consists of only about 15.2 million individuals. It should not require special justification to the court that this is a marginalized minority group that has always had to defend itself against persecution and violence, and often had to fight for its very existence.
106. Finally, it should be noted that although the plaintiff can accept that, like others, they must be subject to criticism, the content and presentation of the website do not constitute criticism in the conventional sense, but rather hate speech, which neither they nor others mentioned on the site should have to endure.
107. It is evident that the content of the website does not concern "important matters of public interest" in such a way that freedom of expression should be less restricted, as the district court concluded, see page 18 in the case files.
108. The plaintiff actually finds it difficult to discern what important matters are being referred to, as it is not justified in the reasoning of the appealed decision.

Are traditional legal avenues, such as those based on rules for damages or penalties, feasible?

109. The plaintiff objects to the assertion in the appealed decision that he has made little effort to demonstrate what rights of his will be lost or damaged if he is forced to seek legal redress through traditional means, see page 18.
110. The plaintiff has consistently argued that the content and presentation of the website constitute hate speech against him, aimed at causing him harm or damage, as there is a direct incitement on the site to take action against him and others mentioned there.
111. It is far-fetched to interpret these incitements in any other way than as encouragement to commit hate crimes based on animosity or hatred on grounds of race, origin, and religious belief. Thus, the plaintiff is threatened, and his legally protected rights are violated as detailed above.
112. As detailed in the district court memorandum and explained during the oral proceedings in the district court, the plaintiff believes that if his demands are not met, he and others targeted

- by the website will continue to be direct targets of those who take the incitements appearing on it to heart and wish to act "in an effective manner" against those specified there.
113. The plaintiff, like others belonging to the Jewish community, faces a direct danger from the website. This danger can be averted by granting the plaintiff's claim, thus preventing his rights from being lost or damaged in the aforementioned sense.
 114. In comparison, the interests of the defendant in continuing to host the website are negligible compared to the interests of the plaintiff in his claim.
 115. The financial interests of the defendant are at least not substantial. On the defendant's website, they claim to be the most popular in their field and host thousands of websites for a very low fee, see pages 529-531 in the case files. The defendant has no interest in maintaining expression that is not their own.
 116. Additionally, other traditional remedies, such as the application of legal rules regarding punishment and damages, will obviously not secure the interests of the plaintiff in the same way as the sought injunction would.
 117. It is significantly important that the plaintiff does not know who the operators of the website are, and the defendant has adamantly refused to inform the plaintiff and the courts about who is behind it.
 118. As a result, the defendant has made it impossible for the plaintiff to determine against whom potential claims for damages, or other types of claims, should be directed.
 119. For these reasons, there is no information available regarding whether the operators of the website and the interactive map have the financial capacity to pay damages for any harm that may have occurred or may occur due to it.
 120. Furthermore, the defendant has waived all responsibility for the content of the website. This has been done both through their terms of service, see pages 535-539 in the case files, and through an agreement with the operators of the website, as well as by referring to the exemption clauses of Law No. 30/2002 on electronic commerce and other electronic services, such as Article 14 of that law.
 121. The financial strength and other activities of the defendant also do not suggest that he would be able to bear the cost of substantial damages, as indicated on pages 287-296.
 122. The same considerations apply regarding the potential application of legal rules about penalties.
 123. The plaintiff believes that, at best, it is unclear, according to the aforementioned, against whom a complaint, such as for violations of Article 233(a) of the General Penal Code No. 19/1940, should be directed. Additionally, the provisions of Law No. 30/2002 suggest that a complaint against the defendant, as it stands, would not result in the plaintiff achieving any rights for themselves.
 124. The case documents indicate that the plaintiff's rights will not be secured even if such a complaint were filed, possibly against unspecified individuals or legal entities, as the Icelandic police authorities have already informed the plaintiff that a court order is necessary for them to take action against hosting providers who host questionable content on websites, see page 329 in the case files.
 125. From the above, it follows that it is impossible for the plaintiff to seek legal redress for their rights through the traditional means referred to by the district court in its reasoning.
 126. All of the above was pointed out during the handling of the case in the district court.

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127. Referring to all the above-mentioned points, the plaintiff argues that the conclusion of the appealed decision is incorrect.
128. Similarly, he has proven, or at least made sufficiently probable, that the conditions of Article 24(1) of Law No. 31/1990 are met, and therefore his claims in the case should be

accepted. Other conditions of Law No. 31/1990 are also fulfilled for the plaintiff's claims to succeed.

Regarding the formulation and scope of the claims:

129. The plaintiff reiterates their objections to the defendant's assertions that their claim is too extensive or goes too far.
130. The plaintiff argues that it is not possible to go any shorter, given the nature of the website, its content, its presentation, and the purpose behind it, that an injunction should not be limited to just a part of its hosting.
131. The plaintiff points out that the inseparable connection of the interactive map, "The Mapping Project," as it appears on the website, with the content and other information on the site, necessitates a decision on whether to allow such online mapping for the aforementioned purpose, or to place an injunction against it.
132. For this reason, the plaintiff believes it is necessary that the injunction claim should not only apply to the hosting of the website as such, but also to the data, content, and information published on the website.
133. Furthermore, the plaintiff feels compelled to demand an injunction against the defendant providing access to the website and distributing the data, content, and information that can be found on it.
134. The plaintiff considers it necessary to ensure the fulfillment of their rights as aimed with the claim, to demand an injunction both against the hosting of the website and against providing access to it, as readers of the website would hardly have access to it if it were not hosted by a hosting provider.
135. It is then in the hands of the court to decide whether it deems the conditions met to grant the plaintiff's claim in whole or in part.
136. Otherwise, the plaintiff refers to the arguments and legal grounds presented in his injunction request, district court statement, and appeal to the Landsréttur, as well as to the arguments otherwise made during the case's proceedings in the district court.

Claim for legal costs and reservation.

137. The plaintiff's claim for payment of legal costs for the case proceedings in the district court and the cost of the appeal for its proceedings before the Landsréttur is supported by the provisions of Articles 129 and 130 of Act No. 91/1991 on the procedure in civil cases, see also paragraph 2 of Article 150 of the Act.
138. The appellant reserves the right to present claims or further arguments beyond those made in previous court instances, with reference to paragraph 2 of Article 163, see also paragraph 4 of Article 150 of Act No. 91/1991.

Reference to the main legal provisions:

139. Before the Landsréttur, the plaintiff bases their claims on the provisions of Act No. 31/1990 concerning attachment, injunction, etc., particularly Article 24 of the Act, as well as on the fundamental principles of civil procedural law and Act No. 91/1991 on civil proceedings, such as regarding legitimate interests. The plaintiff also refers to Articles 71 and 73 of the Constitution No. 33/1944, and to Articles 8 and 10 of the European Convention on Human Rights, as per Act No. 62/1994. Further, the plaintiff refers to hate speech under Article 233 a. of the General Penal Code No. 19/1940, as well as to provisions of the International Covenant on Civil and Political Rights of 16 December 1966, as per Act No. 10/1979, the United Nations Convention on the Elimination of All Forms of Racial Discrimination of 21 December 2016, as per Act No. 14/1968, the Council of Europe's

Committee of Ministers' Resolution of 1997, and the Council of Europe Convention on Cybercrime of 23 November 2001 and its Additional Protocol of 28 January 2003. Additionally, the plaintiff refers to the provisions of Act No. 30/2002 on electronic commerce and other electronic services, and the main principles of the Media Act No. 38/2011. Regarding legal costs and appeal costs, the plaintiff refers to the provisions of the Act on Civil Proceedings, No. 91/1991, especially Articles 129 and 130 and paragraph 2 of Article 150, as well as to the Act on attachment, injunction, etc., No. 31/1990 and the provisions of the Enforcement Act No. 90/1989, as applicable. The grounds for appeal are referred to in paragraph 1 of Article 35 of Act No. 31/1990, see also paragraph 4 of Article 91 of Act No. 90/1989.

New documents for the Court of Appeals:

140. During the proceedings of this appeal before the Court of Appeals, the plaintiff submits new documents:
- A. This statement of defense.
 - B. The website <https://mapliberation.org/> (which is submitted on separate USB drives).
 - C. A printout of the homepage of the website <https://mapliberation.org/> and a picture of the interactive map found there, located at <https://mapliberation.org/mapjs/> on the same website.
 - D. A proposal for a parliamentary resolution on an action plan against hate speech for the years 2023-2026, 153rd legislative session, Doc. No. 2012-795. Government proposal, presented by the Prime Minister.
 - E. A chronologically arranged overview by the plaintiff's lawyer of the main facts of the case.
 - F. A translation by a certified document translator of part of document No. 20 from the district court, see page 329 in the case documents.
 - G. A letter from Johnathan Greenblatt, the plaintiff's CEO, to Aman Bhutani, CEO of GoDaddy Inc, dated June 10, 2022.
 - H. An email from the regulatory team of the website siteground.com to Steve Sheinberg, the plaintiff's general counsel, dated June 20, 2022.
141. The plaintiff reserves the right to submit additional documents during the proceedings, including translations by a certified document translator of selected court documents that are already part of the case.

Request for oral presentation of the case:

142. The plaintiff requests that this appeal be presented orally in the Court of Appeals, in accordance with paragraph 3 of Article 149 of Act No. 91/1991.
143. Should oral presentation of the case be permitted, the plaintiff's lawyer intends to project the interactive map from the website <https://mapliberation.org/> onto a screen in the courtroom, if possible, to explain its functionality to the court.
- If oral presentation of the case is permitted, the plaintiff's lawyer plans for the duration of their argument before the Court of Appeals to be 60 minutes in the first round.

Reykjavik, December 6, 2023
On behalf of the plaintiff,
Anti-Defamation League,
{SIGNATURE}
Sigurður Kári Kristjánsson, attorney.