

**Report on the 4th annual conference of the International Network Against
Cyber Hate
'The Internet & Law Enforcement: Dealing with Hatred, Extremism, and
Terrorism'
at the ADL Head office, New York City,
September 29 - 30, 2005.**

Members meeting, morning of September 29.



As usual, a part of the annual conference was dedicated to the Network and the members. Board-member Mellouki Cadat chaired the meeting in his inimitable way. During the meeting INACH's new Chairman, Christopher Wolf, was officially installed. Members gave an overview of current issues in their countries. Some of the conclusions/outcomes of the Members Meeting are:

- INACH has built an excellent reputation for itself during the last 2 years. Now INACH has to consolidate what it has achieved, has to capitalize on its successes and needs to make true on its promises. It is extremely important that network members contribute data on an annual basis, to be used in a central INACH report. Members need to take ownership of INACH by also organizing activities in which the name INACH is used, or do lobbying or interventions and statements during (international) meetings. It is high time that others 'show their face'.
- Polish member Never Again Association offered to host the 2006 conference, which was gladly accepted. Next annual conference will be in Warsaw. To benefit from the presence of diplomats and politicians, it will be held just before or after the OSCE HDIM, or even partly overlapping.
- INACH needs to do more training workshops for new organizations

- The co-operation with ODIHR/OSCE's TnD is good and has to be taken further. An Educational CD-ROM is planned.

Public meeting in the afternoon of September 29.

Some 80 guests, mainly from Law enforcement agencies, were present.

Chair: Ronald Eissens

Opening

Welcome to the 4th annual conference of INACH, the International Network Against Cyber Hate, this year kindly hosted by our member ADL. A special welcome to the Consul of Belgium, the vice-consul of Germany and Major Mark Smith of the New York State Police, who is here as personal representative of Governor Pataki. My name is Ronald Eissens, I'm general director of Magenta Foundation, co-founder of INACH. I'll be your chair for today and tomorrow. Together with my colleague Suzette Bronkhorst, secretary-general of INACH, I've been involved in the issue of cyber hate since 1994 – when the web was young, pictures were small, plain text was the standard – and extremists already saw all the benefits of the Internet.

An international network of organisations countering cyber hate – since 1997 that was a dream in the minds of Jugendschutz.Net, the German bureau and the Dutch Magenta Foundation, my outfit. Despite the fact that The Netherlands and Germany are neighbours (or maybe because of it), it took until 2002 to find each other and realise that dream. Now, only 4 years later we have 14 members of which 2 in North America, we organized successful conferences, training workshops and events, we stood at the cradle of the OSCE conference on the relation between Online hate and In Real Life hate crime, which resulted in commitments made by the OSCE participating states on the issue of cyber hate. And now we are here, doing a conference in New York, hosted by our member the Anti Defamation League. Not shabby, as one of my colleagues likes to say.

INACH is very successful in taking on cyber hate. Since 2002, thousands of instances have been taken removed from the internet and ten thousands have been monitored by our members, analysing trends, finding the best way to take action against the phenomenon.

We link both long-established organizations and fledgling hotlines to enable them to band together and amplify the impact of a small group of talented experts working off an almost zero budget but with a gigantic commitment and level of dedication.

INACH runs on air but it doesn't run on empty. Some of the members have more resources than others, and mutual support comes natural. On this note, I'd like to thank ADL for hosting us, and Ford Foundation, who made it possible for a number of our members to come over to New York.

As our network continues to grow, and as the world changes, additional challenges face us. Online extremism is no longer the playing field of neo-nazi's, Muslim haters, holocaust deniers, racists and antisemites. As 9/11, Madrid, Istanbul, Amsterdam, Cairo and London put a mark on the world, they also puts its mark on the Internet and on us. INACH had its members meeting this morning and I can tell you that one of the outcomes of the meeting is that data is of utmost importance. For the next few years we will focus on that, but also on training more bureaus, becoming more professional and consolidate our lobby activities towards international bodies like the OSCE.

As freedom of speech goes hand in hand with the responsibility to have respect for the rights and reputations of others, we need to be extremely careful when setting boundaries to freedom of speech, but we also need to be very careful in giving hate mongers, extremists and terrorists a free reign. History has proven that censorship lurks around the corner but has also proven time and time again that free speech without ethics and responsibility can have deadly and devastating consequences.

Just after the second London bombing I was asked by a friend what terrorism has to do with Human Rights and antiracism. It is quite simple. 1. We do not want to be blown-up. 2. We don't want other people to be blown-up, whatever the reason. 3. Terrorism generates more hostility between groups in our societies.

Make no mistake, dangerous crackpots are out to get us, which means everyone of us that does not conform to their demands, be it Muslim, Christian, Jew, black, white, gay, or whatever colour, shape or creed.

The title of this conference is '*The Internet & Law Enforcement: Dealing with Hatred, Extremism, and Terrorism*'. A number of governments around the world made a commitment to deal with cyber hate, extremism and terrorism. Now we need to see how to go about it a practical way, on the ground, in the European and U.S. context, by the people who have to translate policies and take action; That is what this conference is about.

We're honored to have American and European experts from academia, government and law enforcement here to examine this important issue from different perspectives. Last but not least we'll have a speaker from the Industry - representing a number of large online-focused companies and Internet providers, who'll give us his view on the subject.

Now I would like to introduce our host, in the person of Mr. Ken Jacobson, Associate National Director and Director of International Affairs of the Anti Defamation League.

Ken Jacobson holds official opening speech.

Thank you Mr. Jacobson, that was most inspiring. Ladies and gentleman, before I take you through the program, I have a confession to make. The INACH network has been without a chair for some time. A few months ago our previous Chair, Mr. Samuel Althof, laid down his function. Sadly he can also not be with us today. We had to really shop around – a chair of a Network like ours has to have some special qualifications. He has to be knowledgeable on Internet issues, legal issues, and technical stuff. In short, he's got to have clue. I'm happy to say that we found someone.

Christopher Wolf is a partner in the Washington, DC office of the New York-based law firm, Proskauer Rose LLP, where he chairs that firm's Internet Law practice. MSNBC has called Chris a "pioneer in Internet law" reflecting his involvement in precedent-setting Internet-related cases involving copyright, domain names, free speech, privacy and jurisdictional legal issues. For more than a decade, Chris has devoted substantial time and energy to the issue of hate on the Internet through his

involvement with the Anti-Defamation League. Chris chairs the ADL's Internet Task Force, and is a senior ADL lay leader, serving on the National Commission, National Executive Committee and National Advisory Committee of the ADL. Chris represented the ADL at the 2004 OSCE Paris meeting on the relationship between incitement on the internet and hate crime In Real Life, and moderated panels at the United States Senate and House of Representatives on the topic of hate on the Internet. INACH got to know Chris as a great speaker, moderator and person during the Paris OSCE Conference

We're very happy that he has agreed to become chairman of the board of the International Network against Cyber Hate. He was elected yesterday during a special board meeting and presented himself to the network members this morning. I must say, we all think he's quite a catch. Welcome Chris! You probably would like to say a few words, so the floor is yours.

Christopher Wolf holds a short acceptance speech, stressing the importance of the network in countering cyber hate.

Now I'll give the Floor to Brian Marcus, Director of Internet Monitoring for the Civil Rights Division of the Anti-Defamation League. Since he'll be moderating a session tomorrow I'll give you the full Monty on him then. Brian will do a Multimedia presentation, which will partly be what OSCE diplomats call 'the INACH horror-show'. After this Stefan Glaser, board member and coordinator of the Right-wing Extremism department of our German member Jugenschutz.NET, will give you an overview of INACH and its accomplishments. Brian and Stefan, you have the floor!

Brian Marcus and Stefan Glaser hold multimedia presentation

After a coffee break the meeting reconvenes and session 1 starts, moderated by Chris Wolf: **(Practical) changes in law enforcement, in both the European and U.S. context, brought about by the Internet**



Mr. Peter Rodrigues, Anne Frank Foundation, Amsterdam, Professor Brian Levin, Director of the Center for the Study of Hate and Extremism, California State University, San Bernardino and Michael Gennaco, Office of Independent Review, Los Angeles Sheriff's Department held interesting and diverse speeches.

Some of the issues which were presented and discussed with the room:

- international treaties like the Additional Protocol to the Cybercrime Convention to tackle internet discrimination are interesting and could be practical
- Education – enforcing the law is important but education even more so
- Public prosecutors should put more effort in enforcing hate-speech laws
- Prosecution of internet hate speech should be concentrated at one court
- Is doing cyber patrol effective? What are the pitfalls? We talked about entrapment, chat rooms. Some think that going out on the Internet and being pro-active is a waste of resources and that we should just see if a crime is committed and only act then.
- We talked about trans-national cases like the Free Historical Research site – about the 'Asian Hater' case – about the possibilities of mutual recognition of decisions on criminal matters, about the infamous Nuremberg files and intent
- many other interesting examples were presented, and of course we talked about the relationship between online incitement to hatred and violence and hate crime In Real Life.



After a short summary the speakers are thanked and handed a little present. Ronald gives an overview of what is in store for the next day and closes the meeting. Afterwards at 6pm a reception is held.

Public meeting part 2 – morning session September 30.

Ronald opens the meeting and summarizes the first day. He continues: 'Today we will focus on Enforcement and prosecutions of online extremism and/or terrorism in the European and U.S. context, including experiences with ISPs and legal issues, and of course we have again a number of excellent speakers lined up for you. We'll do a session with 3 speakers first, and after that we'll have a special speaker on Hosting & ISP perspectives, Markham Erickson. I'd like to introduce the moderator of the next session – someone who was instrumental in realising this conference - Brian Marcus. Brian is the Director of Internet Monitoring for the Civil Rights Division of the Anti-Defamation League, where he reports on the use of the Internet by terrorists, hate groups and extremists of all kinds. Mr. Marcus has been an advocate for many years on the use of the Internet as a means to promote civil rights and educate the public about extremism online. Prior to joining the Anti-Defamation League, Mr. Marcus worked with the Boston-based website HateWatch.org as Research Director, and in a similar role for HateMonitor.org, the website of the Center for the Study of Hate and extremism at California State University, San Bernardino. Mr. Marcus graduated from the State University of New York - Albany, with a BA in history. He received his Master of Arts in Church-State Studies from the J.M. Dawson Institute of Church-State Studies at Baylor University. Currently, he is working on a doctoral degree that focuses on the use of the Internet by extremist/hate groups. Brian, you have the floor.'



Brian opens Session 2 and introduces the speakers.

Enforcement and prosecutions of online extremism and/or terrorism in the European and U.S. context, including experiences with ISPs and legal issues.

In this session Introductory speeches were given by Pascal Hetzscholdt, NHTCC - National High Tech Crime Center, Amsterdam, The Netherlands, Stephen Camp, Edmonton Police Hate Crimes Unit, Alberta, Canada and David Deitch, Domestic Terrorism Coordinator, Counterterrorism Section, US Department of Justice.

Session 2: Enforcement and prosecutions of online extremism and/or terrorism in the European and U.S. context, including experiences with ISPs and legal issues.

Some key elements from the introductory speeches

-Pascal Hetzscholdt, NHTCC - National High Tech Crime Center, Amsterdam - The Netherlands

- Terrorists don't use internet only for contact, but also for fund raising, propaganda and recruiting
- Terrorists use Web logs, server hijacking and chat rooms
- Only 200 of the 50.000 Dutch police officers are specialists on internet issues
- A new Dutch governmental complaints bureau starts at the end of 2005 – it will be working especially on child pornography and online-hate

-Stephen Camp, Edmonton Police Hate Crimes Unit, Alberta, Canada

- Community partnerships with Minorities
- Holding together a network of all responsible groups and persons in that field (police, NGOs etc.)
- Communicating statements that promote hatred against any group are an offence
- The Hate Crime Unit works on: Online Monitoring, is witness in cases against online haters, does police training and prevention

-David Deitch, Domestic Terrorism Coordinator, Counterterrorism Section, US Department of Justice

- Focus on counter terrorism
- Strategic emphasis on prevention
- Terrorists use internet because of: anonymity, the global audience, it is inexpensive, knows very little regulation.
- Important to distinguish speech and conduct, not all speech is free speech under the first amendment

Some Questions:

- Does material on the Internet have an effect on the real world?

Hetzscholdt: Material on the Internet can be one of the symptoms that someone is committing hate crimes.

Deitch: I can indicate evidence from cases. It clearly has effects on the real world.

- How can law enforcement cooperate with networks like INACH?

Hetzscholdt: I give great importance to cooperation with all organizations working in the field. If you don't do that even counter-action would be really difficult.

Camp: Without NGOs there wouldn't be a hate crime unit. You can't be successful without working together with NGOs.

Deitch: We work together with NGOs. Problem is that it is a one-way street because we cannot share information about our cases.

Some of the other issues that were discussed:

- How are NGOs working with law enforcement – different successful models, the importance of working together – partnerships could be important
- Specialized law enforcement units which can transfer expertise – Pascal's High Tech Crime Unit is an example, Edmonton Police Hate Crimes Unit, of course also the Domestic Terrorism Coordinator
- Bringing all the lines together and sharing Intel is sometimes a problem
- All kind of extremism should be targeted, be it left wing or right wing, period.
- There is so much out there – NGOs sometimes do not realise what law enforcement is looking for. Share with NGOs, that's the message. NGOs can sometimes do more than law enforcement. But trust is a problem. That takes some time, but in the end you'll get there. Partnerships are important.
- Where does the info come from that breaks a case, who takes the credit - Concentrate on the issue, not on the credit!
- Removing versus letting a site stay online to gather more Intel – A central database, a depository of case information should maybe be created?
- Teaching the bosses – sometimes the leadership of agencies have no clue about internet, which makes it very tough for those in the organization to work on cyber hate.
- Industry – Terms of Service are important and useful – Seems though that the Industry only relies on others to police their sites.
- The issue of top-listing of words in search engines. How to deal with that, education again – technical solutions, filters, and such. Filtering can be good and appropriate for children – 'but if there is a crime committed outside, you don't want to draw the curtains'. –
- If an ISP does not enforce its own TOS - was an ISP ever taken to court over that?
- The U.S. Delegation's speech during the OSCE Internet conference in Paris, 2004 mentioned that free speech must be encouraged, that we need good speech, robust speech, to counter bad speech (hate)..
- Jurisdictions – see the Yahoo case – the old saying that the internet routes around blocking.
- Inter-agency co-operation: some of the people in this room, all specialists, only know each other by name or not at all. More networking on cases!

After the coffee break Ronald introduces the Industry speaker, Mr. Markham Erickson:

'Mr. Markham Erickson is a partner at McGuinness & Holch, where he has 14 years' experience representing clients in numerous legislative and administrative proceedings on a broad range of federal policy matters.

In addition, he provides counsel for federal candidates and clients on election law, campaign finance issues, and lobbying disclosure and ethics requirements. Amongst other things, Mr. Erickson also is executive director and general counsel to NetCoalition, a public policy association of the world's leading Internet companies. His members include some of the leading technology companies in the world, including Ask Jeeves Inc., Bloomberg L.P., Google, CNET Networks, IAC/InterActiveCorp., and Yahoo!. In this position, he works on the key administrative and legislative proposals affecting the online world. Mr. Erickson, you have the floor.'

Markham Erickson holds a speech about Hosting & ISP perspectives. Some of his points are:

- all NetCoalition members have robust Terms Of Service
- Members' abuse departments are in contact frequently with NGOs about objectionable material which violates TOS.
- NetCoalition has no own research data on violations of TOS, because of the sheer volume of hosted material.
- Since most information is generally accessible, it is very important to do education, particularly for the young
- NetCoalition members in foreign countries all act different on complaints about ToS violations and respect the national laws of countries were the offices are located.

After some questions, Chris Wolf takes the floor and introduces Mr. Abraham Foxman, Executive Director of ADL. Mr. Foxman holds a moving speech, congratulating INACH on choosing Chris Wolf as a new chair and talks about 'Speaking evil' both in a religious and secular sense.



Ronald Thanks Abe Foxman. Presents for the Speakers are handed out. Lunch is brought in and over lunch Ronald summarizes and gives a few conclusions to the conference:

- International treaties could be practical
- More international co-operation – and of course the INACH network is already doing this
- Enforcing the law is important but education even more so
- More effort and commitment enforcing hate-speech laws
- Cyber patrol is effective as a tool to counter online hate
- The relationship between online incitement to hatred and violence and hate crime In Real Life is evident, but we need to map this, analyze this relationship. We need data.
- This was a very productive conference, enjoyable, and if nothing else it was a great networking opportunity

Ronald gives the floor to Chris Wolf, who closes the conference:

'I think I'm the only one between you all and lunch - Thank you all – the next annual conference will be in Warsaw, Poland, hosted by our Polish member, the *Never Again Association*. Our thanks to ADL's Brian Marcus and the people of the INACH secretariat, who both have worked real hard to make all this possible. Thanks to all speakers and panellists for making this conference a success. I wish you a good weekend, and safe travels.'