

kisa

Ισότητα, Στήριξη, Αντιρατσισμός
Equality, Support, Antiracism



The fight against online hate speech - Challenges and risks (The Christofias-Watch example)



April 2017

A. Profile and areas of activity of KISA

KISA is a grassroots NGO, founded in 1998 in Cyprus. KISA's vision is to promote an open, multicultural society, without exclusions, that respects and promotes the rights and active participation of all, regardless of race, citizenship, nationality, ethnicity or legal status, colour, creed or beliefs, gender, sexual orientation or identity,, age, disability or any other diversity.

KISA is active in the areas of Migration and Asylum as well as in the fight against Human Trafficking, Discrimination and Racism, Hate Speech and Hate Crime. KISA's work is manifold and multi-level and includes the following:

Documentation and awareness raising: Reports, positions and shadow reports in the -main areas of concern to the organization and priority issues, active -engagement and cooperation with conventional/traditional mass media and social networks, as well as organisation of round tables, seminars, conferences and workshops.

Campaigns and mobilizations: Promotion and advocacy for institutional/structural and legal changes as well as policy changes, demonstrations, other events, petitions, other mobilizations and active participation.

Strategic litigation: Selection and pro bono promotion of important cases before national and international courts (ECtHR, ECJ), the outcome of which is deemed to have a positive impact and bring about more general institutional changes. This is part of KISA's overall strategy and action for positive changes in legislation, policies and society at large.

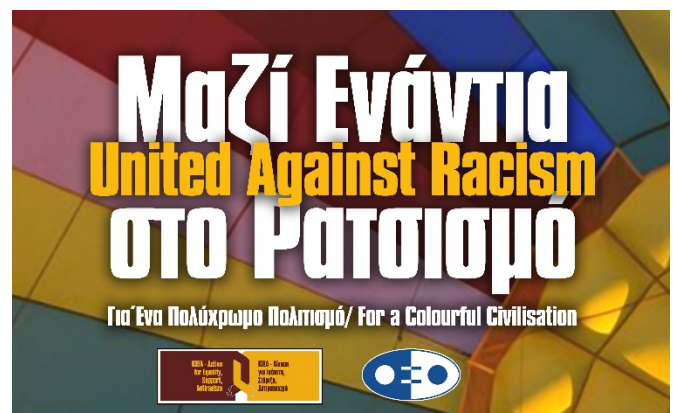
Empowerment and self-organization of migrants: Provision of free information, counselling, advocacy, mediation and support services with a human rights-based approach. Also, provision of free legal representation in

strategic litigation cases as a key tool for integration and active participation in active citizenship.

KISA has developed and maintains close relationships and strong bonds of mutual trust and respect with migrant and refugee communities and ethnic communities in general, including specific groups such as youth, women and other vulnerable groups, as well as with other NGOs, including Turkish Cypriot NGOs, as with civil society in general.

KISA is also an active member and participates in EU bodies such as the Civil Society Platform for Trafficking in Human Beings, and the European Integration Forum, both of the European Commission, and the Fundamental Rights Platform of the Fundamental Rights Agency (FRA) of the European Union.

KISA attaches great importance to cooperation and coordination with European and international NGOs such as ENAR (European Network Against Racism), PICUM (Platform for International Cooperation on Undocumented Migrants), EAPN (European Network Against Poverty), EMRN (Euro-Mediterranean Network for Human Rights), MIGREUROP, JUSTICIA, FAIR TRIALS and others.



B. European Union Fundamental Rights Organization (FRA)

In February 2007, the Council of the European Union adopted [Regulation EC 168/2007 which established the Fundamental Rights Agency \(FRA\)](#). FRA replaced the European Monitoring Centre on Racism and Xenophobia, which was established in 1997 with the main goal of "providing the Community and its Member States with objective, reliable and comparative data at European level on the phenomena of racism, xenophobia and anti-Semitism in order to help them when they take measures or formulate courses of actions within their respective spheres of competence" and to "study the scope and development of the phenomena and manifestations of racism, xenophobia and anti-Semitism, analyse their causes, consequences and effects and examines examples of good practice in dealing with them".

FRA, as per Article 4 of the Regulation on achieving its goals, shall "develop a communication strategy and promote dialogue with civil society in order to raise public awareness of fundamental rights and actively disseminate information about its work."

According to the establishing Regulation, "each Member State should appoint an independent expert to the Management Board. Having regard to the principles relating to the status and functioning of national institutions for the protection and promotion of human rights (["The Paris Principles"](#)), the composition of that Board should ensure the Agency's independence, from both Community institutions and Member State governments , and assemble the broadest possible expertise in the field of fundamental rights.

In the context of this provision, in 2007 Mr Christos Clerides and Mr. Xenis Xenofontos were appointed as the first member and alternate member for Cyprus, respectively, on the proposal of the Government of the Republic of Cyprus.

There followed the appointment of the Commissioner for Administration and Human Rights and an officer from her Office, as member and alternate member, respectively.

Also, the establishing Regulation, in "recognizing the important role of civil society in the protection of fundamental rights", stipulates that "the Agency should promote dialogue with civil society and work closely with non-governmental organizations and with institutions of civil society in the field of fundamental rights. It should set up a cooperation network called the "Fundamental Rights Platform", with a view to creating a structured and fruitful dialogue and close cooperation with all relevant stakeholders.

In view of the special importance KISA attaches to combating discrimination and racism, hate speech and hate crime, as well as its priority of action and cooperation with other stakeholders at European level, the organisation developed close and active cooperation with both the European Monitoring Centre on Racism and Xenophobia and the Fundamental Rights Agency. As of 2007, KISA has been participating in FRA's civil society Fundamental Rights Platform. As a non-governmental organization, it has close relations and actively cooperates with FRA, the aims and objectives of which are interconnected and directly related.

FRA opinion 8

Member States should refrain from the stigmatisation of human rights CSOs and their members. Moreover, they should actively condemn any crimes – including hate crimes – committed against CSOs and their members and fully implement their positive obligations under international law and applicable EU law to protect CSOs and their members. Data on hate crimes against human rights CSOs should be collected and published.

C. Christofias-Watch: Nationalism and hate speech

In April 2009, the [Christofias-watch website](#) was launched. The website was managed by a so-called "Committee for the Restoration of Democracy in Cyprus". The members of the Committee never made their names public and wrote under the pseudonyms of Tefkros, Praxandros, Modestos, Evagoras, Onisilos and Rimachos.

KISA, as a human rights organization with strong action in the fields of protection of freedom of expression, the fight against nationalism and intolerance, discrimination, hate speech and hate crime, has engaged as of its mandate with the task properly and diligently. Through the analysis and evaluation of all available data and information, KISA concluded that it was a site where there prevailed hate speech, racism, intolerance, threats of violence, defamation and slander, and in general the moral and political elimination of those who supported the Bicomunal Bizonal Federation as the basis for a solution to the Cyprus problem. KISA considered that the administrators were also responsible for monitoring and intervening regarding the comments expressed by either anonymous or named commentators on the site.

Hate focused particularly on those who in 2004 joined and publicly supported "Yes" in the well-known referendum on the Annan Plan, on the Turks, the British, refugees, Muslims and human rights organizations that disagreed with its views and action.

The following articles and posts on this site demonstrate the above character and profile of the website:

a. On 04/06/2009, the website in an article entitled [«those serving foreign masters live among us ...»](#), attacks, among others, academician Yiannis Papadakis and the PRIO Institute for publishing a study on the teaching of history in Cyprus.



Στη φωτογραφία, μέλη της ΚΙΣΑ διαμαρτύρονται για τις ναζιστικές εκδηλώσεις ενάντια στην κατοχή

Christofias-Watch website: In the picture, members of KISA protest against the Nazi events against the occupation

Commentators include "Rigas", to whom we will refer more extensively below. Indicatively, we quote an anonymous comment: "The nenekos ('Yes' supporter) Oppositionist does not mind that foreigners treat him as a native Zulu! You idiot, we (KISA's comment: with "we" it obviously means the Greeks). have taught the world about dialogue and mutual respect. The Cyprus problem is a matter of invasion-occupation and not one of two Zulu tribes fighting each other and the "civilized" (foreigners) come to teach us to live with each other.

b. On Thursday, 17/09/2009, in an article entitled [«a super mouse!»](#) and the like-minded newspaper "the Cypriot mouse", attacks Makarios Drousiotis, a well-known journalist who strongly supported "Yes" in the 2004 referendum, calling him "deipnosophist¹ Magarios" and insinuating bribery and corruption.

In post at 9:44 p.m. the same day, commentator Rigas states: "Rigas said ... Magarios has NEVER responded to all that has come out in the open he is a COCKROACH

¹ From the Greek word 'δείπνο' (dinner) and 'σοφιστής' (sophist), a skilled conversationalist at dinner or other meals. In modern Greek, the word is used to imply a rather sinister or cynical person who uses these skills to make a good impression or obtain advantages.

An obvious reference to 'Makarios', the journalist's name but also a contortion of the word 'μαγαρίζω – 'magarizo', which means to defile something or make it dirty.

that just hides when the light is on. MAGARIOS, COWARD and THUG get out of your hole and answer: <http://www.efylakas.com/archives/2218>. In any normal country in the world, Magarios would have got what he deserved. In Cyprus I see him in the diplomatic corps one day. Yousufaki (Muslim-lover), thug, coward, traitor. A pit of lime is what you need, not even a bullet in the head. Rigas". On the same day, at 11.56 p.m., under the same article, he continues: "Rigas said ... I repeat: What would happen to someone in German-occupied Greece, Serbia, the USSR, France who receiving money to support a "solution" plan proposed by the Nazis? What would happen to someone in Palestine receiving money to support a "peace" plan proposed by the Americans and Israel? What would happen to someone in Ireland receiving money to support a "peace" plan proposed by the British? or in any country or colony? There is not even PRETENCE here! There is not even PRETENCE here! In Cyprus, TRAITORS have gone over the top. Not only are they OPENLY getting money but they also accuse everybody else that ... they don't want a solution! What is this solution? Federation and cooperation with the SETTLERS² and the MECHMETZIK (mujahedeen)! You can have a partnership at your homes with the mullahs for your marital duties! And you can do as many alternating positions as you like. But =leave your FETISHES FAR AWAY from our homeland. You bloody bastards! Rigas".

- c. On 23/09/2009, the website in an article entitled [«Makarios \(Magarios\) Drousiotis: The shame of Cypriot journalism»](#) presents the journalist as a monkey and addresses him as follows "We thank the well-known advocate of the settlers, blogger -'epoik-lover"..."». The article goes on to explain why Makarios Drousiotis "in view of the way he writes he can also be characterized as Magarios Drousiotis.



This picture is from the particular article on the website Christofias-watch

Because instead of standing firmly with Cypriot Hellenism, in its effort to survive and get rid of the occupation, he repeatedly downgrades the responsibilities of Turkey and its foreign protectors and throws mud and defiles his compatriot Greek Cypriots and victims of the occupation."

- d. On 20/10/2009, an article was posted entitled ["Advisor of Eveliktos³ Humiliated"](#). The article refers to a television programme which included among the guests, Mr. Christos Clerides, who is praised by the Website administration committee for his stance towards Mr Toumazos Tsielepis. In our view, during the programme there was a totally inappropriate and coordinated attack against Toumazos Tsielepis, a member of the Cyprus negotiating team, questioning even his academic qualifications, his suitability to be a member of the Cyprus negotiating team and even his personality. It should be noted that Mr Tsielepis also served as a member of the negotiating team of two previous Presidents of Cyprus, Mr Glafkos Clerides and Mr Tassos Papadopoulos, without ever any doubts as to his qualifications and ability to be part of the

² People mostly from Anatolia, who were transferred by Turkey to the northern part of Cyprus after the invasion in 1974

³ "Ευέλικτος" (flexible) was an adjective used to describe then President Mr Demetris Christofias because of his support of 'compromises' in the negotiations for a solution to the Cyprus question.

negotiating team. The stance of those hosted in the programme, including that of Mr Christos Clerides, was characterised by then-DISY MP and later EU Commissioner for Humanitarian Affairs Mr Christos Stylianides as "an attempt to politically eliminate a person with ethos, integrity and sound judgement". The conversation between Mr Clerides and Mr Tsielepis has been published in the "Alithia" newspaper.

- e. On 31/12//2009, the website published the "[Christofias-Watch Awards](#)", where they insulted and slandered all important politicians and other public figures who had supported the Annan plan, while they praised those who agreed with them and opposed the bizonal, bicomunal federation and against the Annan Plan. Among those rewarded was commentator Rigas.
- f. On 04/03/2010, the website published an article entitled "[Magarios in the court of Artaxerxes⁴](#)" on the occasion of an interview Makarios Drousiotis took from the Turkish President. Among other things, the website called on him to "finally transfer to the "community"of settlers!" In the same article, the Committee for the Restoration of Democracy refers to the reactions caused by the interview of Makarios Drousiotis, citing articles by Mikaela Loizou, a journalist of "Simerini", whom they call the "Committee's dear young journalist ". Under this article, there was also a comment by Rigas, which is a threatening message inciting violent acts against the life and physical integrity of Makarios Drousiotis.

At the beginning of March 2010, [Mr Makarios Drousiotis filed a complaint with the Attorney General of the Republic](#), who referred him to the police authorities for a relevant complaint. The Police investigated the operation of the website and found out through a trap that the IP Address of the specific website was connected to a computer or computers that Mr Xenis Xenofontos kept in his house. The criminal investigation was stopped by the prosecuting authorities after the successful

challenge by Mr Xenophontos of the legality of the Police actions for tracking the owner and IP Address of Christofias-Watch. Mr Xenophontos was represented in the case by Mr Christos Clerides.

As this was an issue directly related to its actions, KISA considered condemnable the fact that Mr Xenophontos, one of the representatives of the Republic of Cyprus oin the Management Board of FRA, participated, either as an administrator, or as a supporter, or as a commentator in a site with the features described above.



Ο κ. Χρ. Κλήριδης στη συνέντευξη που παραχώρησε στους Α. Καρατζά και Μ. Τσικουρή.

Mr. Clerides is a public figure with a strong presence and action in the public sphere. [As he told the digital newspaper SYNIGOROS](#), he was a co-founding member of the International Association for the Defence of Human Rights in Cyprus in the 1980s, with Mr Loukis Loucaides, a former Assistant Attorney General and later judge at the European Court of Human Rights, in Strasbourg. The International Association for the Defence of Human Rights in Cyprus has developed a strong activity in awareness raising for the continuing violations of human rights in Cyprus as a result of the Turkish invasion. Mr. Clerides has also spearheaded numerous articles, discussions, radio and television interviews, in the mobilization against the Annan Plan in the period 2002-2004. He was elected Member of Parliament for Nicosia in the period 2001-2005 with the New Horizons of which he was Vice President.

He then led the founding of the European Party, through which he was a candidate MP for Nicosia in 2006. On the first Sunday of the 2008

⁴ The name of a number of satraps (rules in ancient Persia). In modern Greek, the word means 'autocrat', 'despot',

oppressor'. Here, the word refers to the Turkish president Recep Tayyip Erdogan.

presidential elections, he supported Tassos Papadopoulos and then supported the candidacy of Ioannis Kasoulidis. At the same time, he served as a member of the Presidential Council of the Democratic Rally (DISY), and as a member of President Anastasiades's negotiating team on the Cyprus issue. He represented Cyprus in the Inter-Parliamentary Assembly of the Western European Union and in the procedures of the Mediterranean Dialogue with NATO. He participated in the National Council until December 2004, when he resigned following a disagreement with the decision to support the start Turkey's accession negotiations. From 2007 to 2010 he represented Cyprus on the Management Board of the Fundamental Rights Agency (FRA) of the European Union.

In our opinion, Mr Christos Clerides omitted, both as a human rights lawyer and as a representative of Cyprus on the Management Board of FRA, to firmly condemn Christofias-Watch as a site of hate speech and incitement to violence that clearly deviate from the framework of freedom of expression.

At an [interview to Christofias-watch on 13/01/2010](#), Mr Clerides not only did not make any reference or criticism to the threats and hatred speech that the website systematically broadcasted, but in response to a relevant question he stated that "the issue is to be able to stand up to criticism. This is a matter of mentality and culture. I am sure it will take some time to adapt to the idea of freedom of opinion and freedom of speech as enshrined in the Constitution and the European Convention. "

By giving an interview, Mr Clerides, who was a public figure well known for his work on human rights and as a representative on FRA's Management Board, should have unequivocally condemned Christofias-watch's hate speech, legitimized, in the view of KISA, this site. It is also indicative of the fact that the administration committee of the Website (Committee for the Restoration of Democracy) fully identified with the content of the interview of Mr Clerides, for which they stated "impressed with the clear positions it projects".

The following is a comment from Christofias-watch's Steering Committee:

[In a statement to the Kathimerini newspaper](#), dated 10/05/2010, he described Christofias-Watch as a blog " which has a clearly oppositional character" and that "the conflict that came to the surface, on the occasion of the complaint of M. Drousiotis, is just the tip of the iceberg. The reality is that this blog is not to the liking of the rulers, who have set their sights on closing it. They have taken advantage and used this complaint". At the same time, Mr Clerides downplayed the threats and hate speech on the blog, stating that "no one would take any comments like this seriously." Finally, he described Mr Drousiotis's complaint as "political revenge", "dark ages mentality" and "spiritual terrorism against the opposite view".



KISA having in mind that Mr Xenophon:

- was identified via the IP address as the administrator/ one of the administrators of the Christofias-Watch website
- shared and expressed the same positions and opposition of the website regarding the Bizonal, Bicomunal Federation as a solution to the Cyprus problem and
- Was a fervent supporter of the site, it formed the opinion that Mr. Xenophon did not meet the credentials to continue representing Cyprus on the Management Board of the Fundamental Rights Agency.

KISA also conducted a thorough assessment of the stance of Mr Christos Clerides as an exclusively public figure, an authority figure, with

a strong profile in the field of human rights and especially as the representative of Cyprus in the Fundamental Rights Agency of the EU.

In its evaluation, KISA took into account that Mr Clerides:

- He shared with Christofias-watch common positions regarding the Bizonal Bicomunal Federation as a form of solution to the Cyprus problem as well as his disparaging stance towards those who supported the solution of the Cyprus problem on the basis of the Bizonal, Bicomunal, Federation, the Annan plan and the bicomunal dialogue conducted to this day
- Christofias-Watch saw in the face of Mr Clerides, with the exception of his collaboration with DISY and President Anastasiades, as a very capable and remarkable collaborator, supporter and fellow traveller.
- He never condemned the character of the web site as a space dominated by hate speech, racism, intolerance, threats of violence, defamation, slander and the moral and political elimination in general of those who supported the Bicomunal Bizonal Federation as the basis for a solution to the Cyprus problem.
- He never condemned the hate expressed by the website towards those who in 2004 sided with and publicly supported "Yes" in the referendum on the Annan Plan, the Turks, the British, refugees, Muslims and human rights organizations who disagreed with their views and actions.
- He never, as a public figure and as a member of the FRA Management Board, condemned the systematic attack against journalist Makarios Drousiotis, which aimed at his moral elimination, attack on freedom of expression and the function of journalism. Instead of unequivocally condemning the site for hate speech, instigation and incitement to acts of hate and violence against Makarios Drousiotis, he isolated and belittled the issue to a "polluting" comment of an anonymous

commentator. [In fact, in his statement to the "Kathimerini" newspaper](#) dated 10/05/2010, he characterized the incident as «a trivial» and supported the website, which, as he stated, is being persecuted because "the governors, who have set their sights on closing it, do not like it."

- Mr Clerides never condemned, as a public figure in favour of human rights and a member of the FRA's Board of Directors, the racist attitudes and hate speech against refugees and Muslims on the website.
- Mr Clerides has never publicly condemned the attacks and hate speech against human rights organizations as described above. This stance is not in line with [the special importance that the EU Agency for Fundamental Rights attached to the role of civil society organisations](#) in defending human rights and the positive responsibility of protecting civil society activists from third party attacks, threats and intimidation such as in this case the Christofias-Watch blog.
- Mr. Clerides was a Member of Parliament and a senior executive, vice-president of EUROCO, a party whose top officials and the president himself expressed hate speech and racist rhetoric against refugees.
- Mr Clerides has never publicly positioned himself or condemned these statements, as he should, in KISA's opinion, as a public figure in the field of human rights and a member of the Management Board of FRA.

KISA assessed with due consideration the fact that Mr Clerides decided at the time in question to legally represent Mr Xenophontos. KISA is an active member of the European Fair Trials and Justice Network and is therefore particularly sensitive to the rights of suspects. After comprehensive and careful consideration of the issue and without at any time doubting the rights of the suspect or accused for legal representation or the rights and obligations of the professional lawyer, KISA concluded that in this particular case Mr Clerides, due to his capacity as a human rights defender and member of the EU Agency

for Fundamental Rights, he should it have declared an obstacle and moral reservation as to the legal representation of Mr Xenophontos. This view of KISA is a position of principles on the part of civil society organizations and would lead to the same conclusion if, for example, a lawyer was a member of the multidisciplinary committing against human trafficking but decided to represent a colleague accused of trafficking in persons or on Anti-Drug Council and represented in court a person accused of drug trafficking.

Based on the above evaluation, KISA considered that Mr Clerides did not in its opinion adequately meet the required credentials to continue or be reappointed as a representative of Cyprus on the Management Board of the EU Agency for Fundamental Rights.

In this context, KISA drafted and sent, on 20/05/2010, to a number of collaborating NGOs an electronic message along with a draft of a joint petition to FRA with a request to replace the representatives of Cyprus on the FRA Management Board. The Steering Committee of KISA had decided to prepare a text to be sent to other NGOs with which there was cooperation in these matters. The text would raise KISA's concerns regarding the events and with which it would appeal to the other NGOs if they agreed to proceed together to a joint petition to FRA and the government. In this context, the controversial e-mail and draft petition were prepared and sent on 20.05.2010 to NGOs with substantial action in the field of human rights protection.

The electronic message dated 20/05/2010, accompanied by the controversial draft call, was never sent by KISA to any other recipient other than a specific portion of NGOs within the framework of practice and policy as outlined above. The e-mail came to the possession of Mr Clerides from a particular journalist, who at the time was one of the writers and editors of the Christofias-Watch website. The message was forwarded to the reporter from the email of the NGO RUBSI. We were later informed orally and in writing by the then President of RUBSI that, the organisation never discussed the content of the message, nor did it take any decision to forward the text in question. At the time, RUBSI's e-mail

was administered exclusively by one person, and that person was the mother of the journalist to whom the message was forwarded to illegally, as the message contained clear indication and reference to absolute confidentiality and prohibition of reproduction and forwarding to any third parties or its promotion to any recipient other than the recipients for whom it was intended for.

The aim of KISA was to exchange views with the other NGOs and if there was a common interest and agreement between them then and only then the petition, after appropriate development and finalization to meet the positions of the other NGOs, would be co-signed and sent to FRA and the Cypriot government. In the end, the text was never sent by KISA or any other NGO to FRA or the government in view of the submission of a libel lawsuit by Mr Clerides and Mr Xenophontos.

This action, i.e. to send the e-mail by attaching a draft joint petition, is a common practice followed by KISA and other non-governmental organizations (NGOs) when we consider that there is a common matter that either affects or interests other NGOs.

According to the case law of the European Court of Human Rights, non-governmental organizations (NGOs) are equated with journalists in terms of freedom of expression as both function as "public watchdogs". When an NGO addresses issues of public interest, they play the role of "public guardian" of similar importance as the press (see *Animal Defenders International v. The United Kingdom*, App. No. 48876/08 (2013)). KISA considers that its actions on this issue were completely intertwined and in the context of its role as a "public watchdog".

The controversial electronic message of KISA was sent on Thursday, 20/05/2010 at around 4:00 p.m. On the following turday, 22/05/2010, at around 6:30 p.m., when KISA's offices are closed. The following Saturday, 22.05.2010 around 6:30 a.m. where the offices of KISA were closed, Mr Clerides sent a letter via KISA's email from the e-mail of his law firm, requesting that we sent him and Mr Xenophontos a letter of apology and to withdraw the text in question. In his e-mail, Mr

Clerides also called for an apology to all recipients of the post.



Mr Xenofontos and Mr Clerides gave KISA a deadline to take the above steps by 25 May 2010, a date however they they proceeded, through Mr Loukis Loucaides, to filing a libel lawsuit for damages of more than 2 million euros. The writ was served to KISA on the same day at 09:00 a.m. In view of the fact that the only working day between sending the e-mail by Mr Clerides and the receipt of the writ was 24 May 2010, which was a public holiday, in fact KISA had no time to consider the request of Mr Clerides and Mr Xenophontos for revocation of the text and an apology.

The fact that Mr Clerides and Mr Xenophontos

- a. sent their email request to KISA to apologize during a holiday,
- b. The deadline for an apology expired before a single intervening working day,
- c. they prepared the application during this holiday and filed it immediately but without requesting precautionary measures that may have justified its immediate filing,
- d. the application was submitted on an outrageous scale for the nature and data of the case as well as the financial data of a public benefit, non-profit organization

This led KISA, to reasonably suspect that these were disproportionate and abusive actions by those in power who have been criticized and thus wanted to punish, intimidate or eliminate the action of KISA and human rights activists. Actions and practices of this form are recorded by the Fundamental Rights Agency (FRA) itself in the [Report Challenges faced by civil society organisations working for human rights in the EU](#)

KISA, after the filing of the libel lawsuit by Mr Xenofontos and Mr Clerides, froze any action for the promotion of the text and was confronted with the mentioned lawsuit but also by the domestic press that called on KISA to take a position on the lawsuit against her.

