

UITSLUITEND PER AANGETEKEND POST

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Rotterdam, November 2nd, 2018

Subject: Request to suspend/terminate the Twitter account of mr. Geert Wilders

Dear Sir/Madam,

As the authorized Attorneys at Law of our client, TICF (Turkish Islamic Cultural Federation) in The Netherlands, I would like your attention to the following:

Our client is of the firm opinion that the below specified publications of mr. Geert Wilders on your Twitter platform constitutes a breach and violation of your established and published Rules for content on Twitter. Therefore please note the following facts and applicable rules being the reason for our clients request.

The Account of mr. Geert Wilders needs to be suspended and/or permanently banned due to continuous publications on his Twitter account of messages, images and other content which is a display of hateful conduct, especially, but not limited to, his post on his Twitter Account on March 15, 2018 (**Annex 1**) about the Islamic religion and muslims worldwide. However this post should be taken into consideration as a part of a continuous publication of hateful conduct tweets and videos. Attached a list (**Annex 2**) of public made hate-crime expressions of mr. Geert Wilders on the Twitter platform (we limited it from September 2017 till march 2018), which Therefore as a result of the aforementioned activities the use of his Twitter account by mr. Geert Wilders is contrary to Clause 4 of your Twitter Terms of Services and your Twitter Rules as published by you on November 2, 2017 and entered into force on December 18, 2017 (unlawful conduct and hateful conduct):

Twitter Rules as published per November 2, 2017:

Clause 4 'Using the Services':

*We may suspend or terminate your account or cease providing you with all or part of the Services at any time for any or no reason, including, but not limited to, if we reasonably believe: (i) you have violated these Terms or the Twitter Rules, (ii) you create risk or possible legal exposure for us; (iii) your account should be removed due to **unlawful conduct**, (iv) your account should be removed due to prolonged inactivity; or (v) our provision of the Services to you is no longer commercially viable.*

Our hateful conduct policy and rules against abusive behavior prohibit promoting violence against or directly attacking or threatening other people on the basis of their group characteristics, as well as engaging in abusive behavior that harasses, intimidates, or uses fear to silence another person's voice. We are broadening these policies to include additional types of related content and conduct including:

- Any account that abuses or threatens others through their profile information, including their username, display name, or profile bio. If an account's profile information includes a violent threat or multiple slurs, epithets, racist or sexist tropes, incites fear, or reduces someone to less than human, it will be permanently suspended. We plan to develop internal tools to help us identify violating accounts to supplement user reports.*
- Hateful imagery will now be considered sensitive media under our media policy. We consider hateful imagery to be logos, symbols, or images whose purpose is to promote hostility and malice against others based on their race, religion, disability, sexual orientation, or ethnicity/national origin. If this type of content appears in header or profile images, we will now accept profile-level reports and require account owners to remove any violating media.*

Mr. Geert Wilders is a convicted criminal who is convicted by the Dutch Court in The Hague on March 9, 2016 (Case nr. 09/837304-15 and published ECLI:NL:RBDHA:2016:15014 on www.rechtspraak.nl) for committing a hate-crime.

To support our request we attach the following tweets and posts of mr. Geert Wilders:

See the list attached in **Annex 2**.

We would also like to emphasize the following:

Not only does the use of his Twitter Account by mr. Geert Wilders constitute an infringement of Twitter's own rules of conduct but his publications on your social media platform is in violation of the laws of many countries of which we have summarized the following:

Indonesian Penal Code¹

Article

156

The person who publicly gives expression to feelings of hostility, hatred or contempt against one or more groups of the population of Indonesia, shall be punished **by a maximum imprisonment of four years or a maximum fine of three hundred Rupiahs**. By group in this and in the following article shall be understood each part of the population of Indonesia that distinguishes itself from one or more other parts of that population by race, country of origin, religion, origin, descent, nationality or constitutional condition.

Article

156a

By a maximum imprisonment of five years shall be punished any person who deliberately in public gives expression to feelings or commits an act,

- a. which principally have the character of being at enmity with, abusing or staining a religion, adhered to in Indonesia;
- b. with the intention to prevent a person to adhere to any religion based on the belief of the allmighty God.

Pakistan Penal Code²

Article 295-A

Deliberate and malicious acts intended to outrage religious feelings of any class by insulting Its religion or religious beliefs: Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with **imprisonment of either description for a term which may extend to ten years, or with fine, or with both.**

¹ https://www.unodc.org/res/cld/document/idn/indonesian_penal_code_html/I.1_Criminal_Code.pdf

² <https://www.oecd.org/site/adboecdanti-corruptioninitiative/46816797.pdf>

Turkish Penal Code³

Article 216

(1) Any person who openly **provokes** a group of people belonging to different social class, religion, race, sect, or coming from another origin, to be rancorous or hostile against another group, is punished with imprisonment from **one year to three years** in case of such act causes risk from the aspect of public safety.

(2) Any person who openly **humiliates** another person just because he belongs to different social class, religion, race, sect, or comes from another origin, is punished with imprisonment from **six months to one year**.

(3) Any person who openly **disrespects** the religious belief of group is punished with imprisonment from **six months to one year** if such act causes potential risk for public peace.

Moroccan Press Code⁴

Article 38

Sont punis comme complices d'une action qualifiée crime ou délit ceux qui, soit par discours, cris ou menaces proférés dans les lieux ou réunions publics, soit par des écrits, des imprimés vendus, distribués, mis en vente ou exposés dans les lieux ou réunions publics, soit par des placards ou affiches exposés aux regards du public, soit par les différents moyens d'information audiovisuelle et électronique, auront directement provoqué le ou les auteurs à commettre ladite action si la provocation a été suivie d'effet. Cette disposition sera également applicable lorsque la provocation n'aura été suivie que d'une tentative de crime.

Article 41

(1) Est punie d'un emprisonnement de **3 à 5 ans** et d'une amende de 10.000 à 100.000 dirhams toute offense, par l'un des moyens prévus à l'article 38, envers Sa Majesté le Roi, les princes et princesses Royaux.

(2) La même peine est applicable lorsque la publication d'un journal ou écrit porte atteinte à la **religion islamique**, au régime monarchique ou à l'intégrité territoriale.

(3) En cas de condamnation prononcée en application du présent article, la suspension du journal ou de l'écrit pourra être prononcée par la même décision de justice pour une durée qui n'excèdera pas trois mois.

³ <http://www.wipo.int/edocs/lexdocs/laws/en/tr/tr171en.pdf>

⁴ <http://www.med-media.eu/wp-content/uploads/2015/09/ma052fr-1.pdf>

(4) Cette suspension sera sans effet sur les contrats de travail qui liaient l'exploitant, lequel reste tenu de toutes les obligations contractuelles ou légales en résultant. Le tribunal peut prononcer, par la même décision de justice, l'interdiction du journal ou écrit.

The publications of mr. Geert Wilders constitute a violation of aforementioned penal codes of the countries listed. However it is important for Twitter to know that by enabling mr. Geert Wilders to spread his hate-messages by way of using the platform provided by Twitter, Twitter itself is also liable and responsible for committing these hate-crimes. The modern world does not only exist of the country called The Netherlands and the publications of mr. Geert Wilders are not only visible on Twitter in The Netherlands. His hate messages are being spread worldwide thanks to the platform and abilities twitter provides to him.

We especially emphasize the mere fact that mr. Geert Wilders is expressing his messages of hate not only in the Dutch language but deliberately also in English which provides him with a worldwide audience. Mr. Geert Wilders and Twitter by enabling him to do so have therefore in our opinion accepted the possibility of violating the laws of not just The Netherlands but multiple jurisdictions like the ones we have disclosed above.

Now therefore and upon request of our client, the foundation according to Dutch Law being 'Stichting Turks-Islamitische Culturele Federatie', holding it's principle office in Amsterdam, we urge for the following actions by Twitter:

That Twitter will suspend the Twitter account and consequently a permanent ban of the Twitter of mr. Geert Wilders.

Furthermore I regret to inform you that we reserve our right to take any legal actions and measures necessary if you will not take action as request within 21 days after this notice/request. I also have to inform you that we have specific instructions from our client to submit criminal complaints accompanied with a request for immediate temporary relief by asking for a 'ban' on access to Twitter in the jurisdictions mentioned before, but not limited to (Pakistan, Indonesia, Turkey and Morocco) against mr. Geert Wilders and Twitter jointly if Twitter fails to comply with the request of our client which is in our view in full alignment with your Clause 4 of your Twitter Terms of Services and your Twitter Rules as published by you on November 2, 2017 and entered into force on December 18, 2017.

Finally I have to inform you that our client has reserved all rights to start any legal action in any jurisdiction with the purpose to holding Twitter Liable for any material and immaterial damages as a result of providing mr. Geert Wilders a platform worldwide to express and publish his hate-crimes violation of your own Twitter Terms of Services and Rules.

Rotterdam, October 23rd, 2018

Attorney at Law/ Advocaat

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