UNITED STATES OF AMERICA	)	**Supplement to Government Addendum to Motion to Take Judicial Notice dated 16 November 2012**
v.	)	
Manning, Bradley E. **PFC, U.S. Army,** **HHC, U.S. Army Garrison,** **Joint Base Myer-Henderson Hall** **Fort Myer, Virginia 22211**	)))))	**<u>Enclosure 1</u>** **11 January 2013**

The New York Times

This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers here or use the "Reprints" tool that appears next to any article. Visit www.nytreprints.com for samples and additional information. Order a reprint of this article now.

February 22, 2010

LINK BY LINK

A Vision of Iceland as a Haven for Journalists

By NOAM COHEN

ICELAND, where the journalists run free.

A banking scandal nearly bankrupted this tiny island nation (population: barely 300,000) little more than a year ago, but Iceland is considering a new vision: to become a haven for journalists and publishers by offering some of the most aggressive protections for free speech and investigative journalism in the world.

The proposal, the Icelandic Modern Media Initiative, combines in a single piece of legislation provisions from around the world: whistle-blower laws and rules about Internet providers from the United States; source protection laws from Belgium; freedom of information laws from Estonia and Scotland, among others; and New York State's law to counteract "libel tourism," the practice of suing in courts, like Britain's, where journalists have the hardest time prevailing.

"We would become the inverse of a tax haven," said Birgitta Jonsdottir, a member of Parliament and a sponsor of the initiative. "They are trying to make everything opaque. We are trying to make it transparent."

For many observers, this legislation represents a direct reversal of recent Icelandic history. Secret dealings by a few banks in Iceland, combined with a lack of regulation and oversight, led to calamitous debts that were nine times the gross domestic product. In response, Iceland would institutionalize the most aggressive sunshine laws possible.

There are 19 sponsors of the media initiative in the Althing, Iceland's Parliament; that is about a third of the membership, representing all parties on the political spectrum, Ms. Jonsdottir said. The legislation is set to be debated this week. While the left-leaning government that took power after the crisis can have no official position on the proposal, she said, presumably it would be sympathetic to the idea.

The plan to make Iceland a world leader in journalism protection took shape in December with the assistance of two leaders of the whistle-blower Web site Wikileaks.org, Julian Assange and Daniel Schmitt, whose publish-nearly-anything ideology has given them personal experience with news media laws around the globe.

They outlined the idea at the annual meeting of the Icelandic Digital Freedoms Society, and relocated there in January to help local advocates and politicians draft the legislation.

The pitch was, in part, practical: much the way businesses relocate to countries like the Cayman Islands or Switzerland to take advantage of legal protections and shield laws for bank accounts, publications would relocate to Iceland — or at least relocate their computer servers that publish their Web sites — in order to get the benefits, and gain access to Iceland's plentiful energy resources.

"Iceland could become an ideal environment for Internet-based international media and publishers to register their services, start-ups, data centers and human rights organizations," reads the Web site, which explains the proposal and answers questions about it. "It could be a lever for the economy and create new work employment opportunities."

But, of course, there is a strong moral claim being made as well. And the timing for such an appeal was ideal, said Smari McCarthy of the digital freedoms organization. The population was shaking off the shock of the economic crisis and dealing with the humiliation of needing financial assistance from European neighbors.

"Throughout the run-up to the crisis — the bubble — people were so excited with what they were doing," said Mr. McCarthy, who has an Irish parent but has lived in Iceland since he was 11. "Suddenly that dream disappears. People had the option of sinking into some sort of sadness about it, some national depression, or the alternative, trying to figure out a new way of doing things."

To some experts on how the Internet is changing media law, the Iceland initiative should be hailed more for its bold thinking than for offering genuine legal protection.

"The proposal is largely symbolic — which is not to say unimportant," said David Ardia, who runs the citizen media law project at the Berkman Center of Harvard Law School. "Its impacts are likely to be felt long term."

For example, he praised the wisdom of offering a package of proposals touching on how news is gathered, distributed and read — thus, issues like Internet privacy, protection for search engines and compensation for defending frivolous lawsuits are all considered part of protecting free speech.

"There is a value in thinking holistically about creating an environment to foster good journalism," he said. "Institutions of power have shown a willingness to use their power to stop reporting they don't like — anything that levels the playing field is a good thing."

He was more skeptical, however, of the idea that Icelandic law could protect journalism as it was practiced somewhere else, simply because of legal registration or where Internet servers were located.

"Obviously Iceland can't pass a law that could affect the domestic laws of another country — that changes the law in China, Pakistan or Turkey," he said.

"It can say that its courts won't enforce a judgment rendered in another country's courts," he added, but as long as the publication has resources in that country, it would be vulnerable. "Most journalism is done on the ground — it is great that servers get these protections, but it won't help local sites."

That such an unprecedented package of protections has a chance of passing is a reflection of how the crisis realigned Iceland's politics, a fact typified by the ascendance of Ms. Jonsdottir, a 42-year-old writer, designer and Internet activist.

In an interview from the capital, Reykjavik, she described a peripatetic life that included a brief stint selling Kirby vacuum cleaners in New Jersey. Before entering Parliament in April, she said, she was translating and designing books, and organizing protests about Tibet outside the Chinese Embassy.

Two-thirds of the members of Parliament, like her, have been serving less than two years, she said.

"I would never have decided to go for Parliament, if there wasn't a crisis," she said. Her party, the Movement, was created barely eight weeks before the election, and despite having little money, gained 7 percent of the vote.

Now Ms. Jonsdottir holds regular meetings with the prime minister, and is taking up the task of shepherding the media-protection proposal out of committee and into law.

"Legislation tends to go into a long, deep coma in committee, and all of my effort will be to get it out of committee," she said. "The good thing about being new in Parliament is not knowing the traditions."

Copyright 2010The New York Times Company

Privacy Policy | Terms of Service | Search | Corrections | [redacted] | First Look | Help | Contact Us | Work for Us | Site Map