CEPOL online course 88/2021

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EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT TRAINING

THE SUPPORT AND PROMOTION OF TERRORISM ON SOCIAL NETWORKS IN THE PERSPECTIVE OF HATE CRIME

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Learning Outcome

In the end of this lesson you should be able to:

- Understand the importance of social media for terrorist groups.
- Perceive hate crime on social media as one of the secondary consequences of terrorist attacks.
- Performing a quality analysis in obtaining evidence of crime.

Importance of social media for extremists groups

- Large number of international and national social networks, impossible to monitor all of them by law enforcement.
- The possibility of anonymous activities under fake accounts.

- **Useable for multiple purposes**: recruitment of new members, radicalization of believers, sending of hidden messages, advertisement of successful attacks, rapid dissemination of information in a short time period.
- Addressing a message to a wide range of sympathizers and supporters.
- Usage of applications enabling data encryption.
- Usage of social networks created in the Darknet for hidden communication with members of the terrorist groups.

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Live broadcast of the ongoing terrorist attack on social media – as a new trend?

The terrorist attack in Christchurch which took place on the 15th of March 2019 went online for more than 16 minutes - live broadcasted on Facebook and shared on other social networks like Twitter, YouTube or Reddit and used in the news by traditional medias.

The advantage of social media:

- Fast sharing of information without limits, which is unstoppable.
- Addressing sympathizers of extremist movements and giving them strength to continue the fight against the society.
- Causing a disharmony of public opinion and the creation of specific groups on the social networks that strongly disagree with the terrorist attacks and on the other hand establishing radical groups glorifying the perpetrator's act.

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Inspired by the success of ISIS?

- ISIS has been using fantastical propaganda on social media that describes the Islamic State as a land that is full of happiness in order to recruit supporters.
- Charlie Winter, a senior research fellow at the International Centre for the Study of Radicalization and Political Violence (ICSR), in his report, Documenting the Virtual "Caliphate" (2015), wrote that ISIS has **six instruments to improve its existence and strategic goals. One of them is Islamic utopia. The others are brutality, mercy, victimhood, war and belonging.**
- **In the live broadcasted terrorist attacks you can find three of them – brutality, victimhood and war.**

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Predictions for the future?

- In the future, attacks by right-wing extremists in Europe can be expected to increase religious targets in the form of Muslims or Jewish centres.
- Such a development of the situation will be predictable, if there is a rapid increase of terrorist attacks by radical Islamists in Europe, when the frustrated radical right will not be willing to leave such acts unanswered and will increasingly seek stronger radicalization against its enemies.
- Related to this is the radicalization of society, under the influence of the growing fear of migration and the increase in terrorist attacks, will begin to support political parties spreading ultra-right ideas.
- With the increased importance of the far-right parties, the ultra-left opposition will also become more important, as the opposition wing, and violent expressions can be expected here as well.
- Manifestations of hate crime on social networks by radical groups can be a measure of radicalization of the society.

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Support, Promotion and Approval of a Terrorist Attack on Social Media in the Czech Republic

- Especially after the terrorist attack in Christchurch there was a huge amount of posts on social networks in the Czech Republic included comments and discussions that were approving the terrorist act.
- Some of the radical comments were recorded on the international social media like Facebook or Instagram and the others were found on domestic social networks.
- Most of the offenses were reported by citizens themselves.
- The Minister of Interior and the Police President gave a statement, that each case will be carefully investigated by police and evidence will be collected for eventual criminal prosecution.

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Collecting of information

- **The importance to identify the offender on the social media.**

The perpetrator can be identified:

- **Open source intelligence** (OSINT) gives the possibility to identify the perpetrator – however, frequent updates by the administrator make it difficult to identify profiles, even if there is a successful hit the investigator can not be 100% sure – a combination of more positive information and a good analyze can make out the useful evidence.
- **A witness**, who reports hate crime on Facebook, can be a useful tool to identify the perpetrator (the history of comment on the social network).
- Some of statements may be reported by the **administrator of the social networks**, if they are of a serious nature or do not comply with company policy. The problem of hate crime is that it moves on the edge of the freedom of speech.

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COURT ORDER

- The ORDER TO RELEASE DATA OF THE TELECOMMUNICATION TRAFFIC can be a very useful tool, if it is accepted by the administrator.
- A safer way to obtain the necessary data to identify the perpetrator is to freeze the perpetrators account by the administrator of the social network and then request the data through Mutual Legal Assistance.
- A mutual legal assistance request is commonly used to formally interrogate a suspect in a criminal case, when the suspect resides in a foreign country.

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Importance of National Cybercrime Contact Point in the Czech Republic

National Cybercrime Contact Point pursuant to Article 35 – Convention on Cybercrime (the Budapest Convention - ETS No. 185)

Main tasks pursuant to Article 35:

- the provision of technical advices
- the preservation of data
- the collecting of evidence
- the provision of legal information
- the localization of suspects and missing persons
- the communication with the other contact points on an expedited basis

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Cybercrime POC in Czech Republic

- preservation of data only for Czech law enforcement agencies abroad
- dealing with other international requests sent via Europol and Interpol National Unit
- collecting of basic subscriber information from foreign online service providers – Facebook, Skype, Apple, etc.
- no legal force for preservation of data for foreign law enforcement agencies

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OUTGOING REQUESTS

- Czech law enforcement agencies send request to our Cyber Crime Contact Point
- after verification of the request, translated request is sent to the partner contact point or to online service provider (for example: Facebook's LE Online Requests Portal)
- approximately 45 data preservation requests to abroad per month
- the biggest part of these requests is directed to Facebook
- increasing amount of requests to Apple, Microsoft,
- we are able to get basic subscriber data from some world online service providers (Facebook, Skype, Apple, Google, Microsoft)

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INCOMING REQUESTS

- requests of foreign law enforcement agencies must include the same information as our requests to abroad
- for issuing of the preservation order we must have approval of a local prosecutor
- if the request is legitimate, we ask a local prosecutor for approval and then we can order the ISP to preserve data for 90 days
- **in justified cases, we can extend data preservation for another 90 days (so maximum is 180 days)**
- approximately to 5 incoming foreign preservation requests per month
- more requests for information via Europol or Interpol National Unit – approximately 10 - 20 per month

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EMERGENCY REQUESTS

- threats to life, health, property or for example major cross-border cyber attacks
- we use all possible ways – our contacts to online service providers, cyber contact points, Europol or Interpol
- typically we cooperate with online service providers in cases of missing persons – children or people with suicidal tendencies
- we would welcome if all online service providers had similar "web portal for requests" as Facebook

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Importance of information analysis

- The results of the performed analysis must clearly define the evidence. As a part of the evidence, it must be clarified whether a specific manifestation of hate crime is a simple abbreviated act or has a direct connection to a specific extremist group. That means, whether it is only a hate crime or a support and promotion of a specific extremist movement. This can be found out from the offender's ideological focus and specific manifestations on the social networks. Among other things, the existence of such movement in the Czech Republic must be directly confirmed, it does not have to be formalized, but it must be based on racial and ethnic intolerance, xenophobia, anti-Semitism and the use of violence against groups.

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Collecting Evidence

- Good information analysis must provide the investigator with the necessary evidence based on demonstrable facts. It must be clearly demonstrated that all legal features of the crime are met.
- An analysis of assumptions and probabilities alone is not evidence and therefore even a useful analysis can lose its weight in a court.
- In cases where support and promotion of extremist or terrorist groups on social networks is demonstrated, the ideal evidence is a combination of data obtained from social media administrators together with a well-performed analysis of the perpetrator's personality and his ideological expressions.

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CASES

- All 4 cases mentioned in the presentation have a direct connection to events on social networks after the terrorist attack in Christchurch.
- From the results of the court hearing and the imposition of the subsequent punishment, it is clear that the society will not tolerate these types of comments on social media, but nevertheless demands the imposition of symbolic punishments as a warning.
- Law enforcement and judicial authorities themselves see these crimes as a high danger to society and it is in the general interest to punish this type of crime.

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CASES IN THE CZECH REPUBLIC

Two men in Czech Republic indicted for approving of neo-Nazi terrorism in Christchurch, New Zealand

22.4.2020 7:59

Czech Supreme State Prosecutor Pavel Zeman. (2019) (PHOTO: Czech Constitutional Court, Jan Symon)

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CASE I

- The perpetrator made a comment under a newspaper article posted on Facebook, cited: „**Finally, someone had balls and showed how to manage with Muhammadans. Good work**.„ The article was posted on the newspaper's Facebook profile, where it was **publicly available**.
- The perpetrator was prosecuted and convicted for his speeches on Facebook, where he wrote in mid-March 2019 his comment.
- Following the Czech Criminal Law, he committed a crime for which he was facing up to fifteen years in prison.
- According to his proper live and because he had no direct connection to an right-wing extremists group. The Prague High Court upheld a **three-year suspended sentence for his comment**.

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CASE II

- Similar comment as in the case I was found on a Czech web site www.drsnysvet.cz, where a offender made a comment under an article entitled "This is how the attacker fired in the New Zealand mosque„ cited: **„Even if it sounds stupid to join him? What did those Muslim scum to Europe? And they are treated like lambs. They do not keep the laws of the country that helped them. He is a great fighter for me.“**
- Due to a certain resemblance to case I, the offender received the same punishment as in CASE I and according to his proper live and because he had no direct connection to an right-wing extremists group, he got a **three-year suspended sentence for his comment**.

CASE III

- The strictest possible suspended sentence from the Pilsen Regional Court received a perpetrator, who shared an article about shooting in Christchurch on his Facebook profile and wrote a comment: **"Definitely nicely done work, for me"**.
- The investigation revealed that the offender is a person inclined to right-wing extremism. He was a supporter of right-wing extremist groups and he had a tattoo inscription "ACAB" ("All Cops Are Bastards") on his body.
- Just to illustrate the case, because the perpetrator defended himself, among other things, by thinking, after reading the article, that it was good that the New Zealand Police had detained the shooter so quickly, so he wrote a comment about the nicely done work. He meant the work of the police, and it never occurred to him that he would praise the shooter. However, this claim was **refute by his tattoo on his body**.
- He got a **five-years** suspended sentence for his comment.

CASE IV

- The last mentioned case is to show, that support and promotion of terrorism on social media is not only the dominance of men. A woman in the age of 47 posted a comment on the Czech server hoj.cz where she thanked Brenton Tarrant for his courage, her comment on Facebook was watched by over 160.000 people. Cited: **„So this is a big dude, I wish there were more of us like him, when governmental bodies don't do anything with the Muslim swine"**.
- The woman received a **two years suspended sentence** for her hate speech on Facebook.
- According to the statement of the perpetrator, the woman committed a crime of supporting and promoting terrorism, for which there is a risk to get the penalty up to fifteen years in prison. The prosecutor acknowledged that the woman had not yet been punished and led a proper life, but due to the penalty rate, he suggested that she impose an unconditional sentence.

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Lessons Learned

- The courts statement to hate crime is that, the number of hate crimes is rapidly increasing and there is no doubt about the danger of this type of crime.
- According to hate crime without any connection to extremism or terrorism a warning punishment is sufficient.
- In the Czech Republic attention should be paid to the growing opinion that the defined penalty of **5 to 15 years** for approving terrorism by the press, film, radio, television or public computer networks did not take into account verbal comments defined by the law enforcement as hate crime.

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Philosophical Reflection

- As in traffic, where it is forbidden to go on red, the basics of ethics and decency must be applied in cyberspace. When some people do not follow social conventions and rules, they must also be enforceable by law enforcement. Maybe the time has come to give cyberspace its rules. However, this step must be decided by the society and adapt its behaviour accordingly. If the society does not start behaving correctly, the problem will have to be solved by state authorities, for example by regulating the access to the Internet, what is at the moment unimaginable from the perspective of the society.

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The Fight Against Hate Crime and Disinformation from the perspective of Hybrid Threats

- Disinformation campaigns are used in the Internet environment and mainly on social networks to spread hate speech. This method is used by both religious and ultra-left or ultra-right extremists. By disseminating misinformation on all information platforms, it is very easy to influence public opinion. For this reason, this can be understood as a hybrid threat.

The Czech Security System and Hybrid Threats

- This kind of security issues at the governmental level in the Czech Republic are solved at the National Security Council. For the area of hybrid threats, which includes disinformation, an expert working group on hybrid threats was established in March 2017, whose members are representatives of the State Security Council, including the armed forces, intelligence services and police forces. This platform enables the rapid exchange of information and a fast reaction to threats that can seriously affect events in a democratic country.

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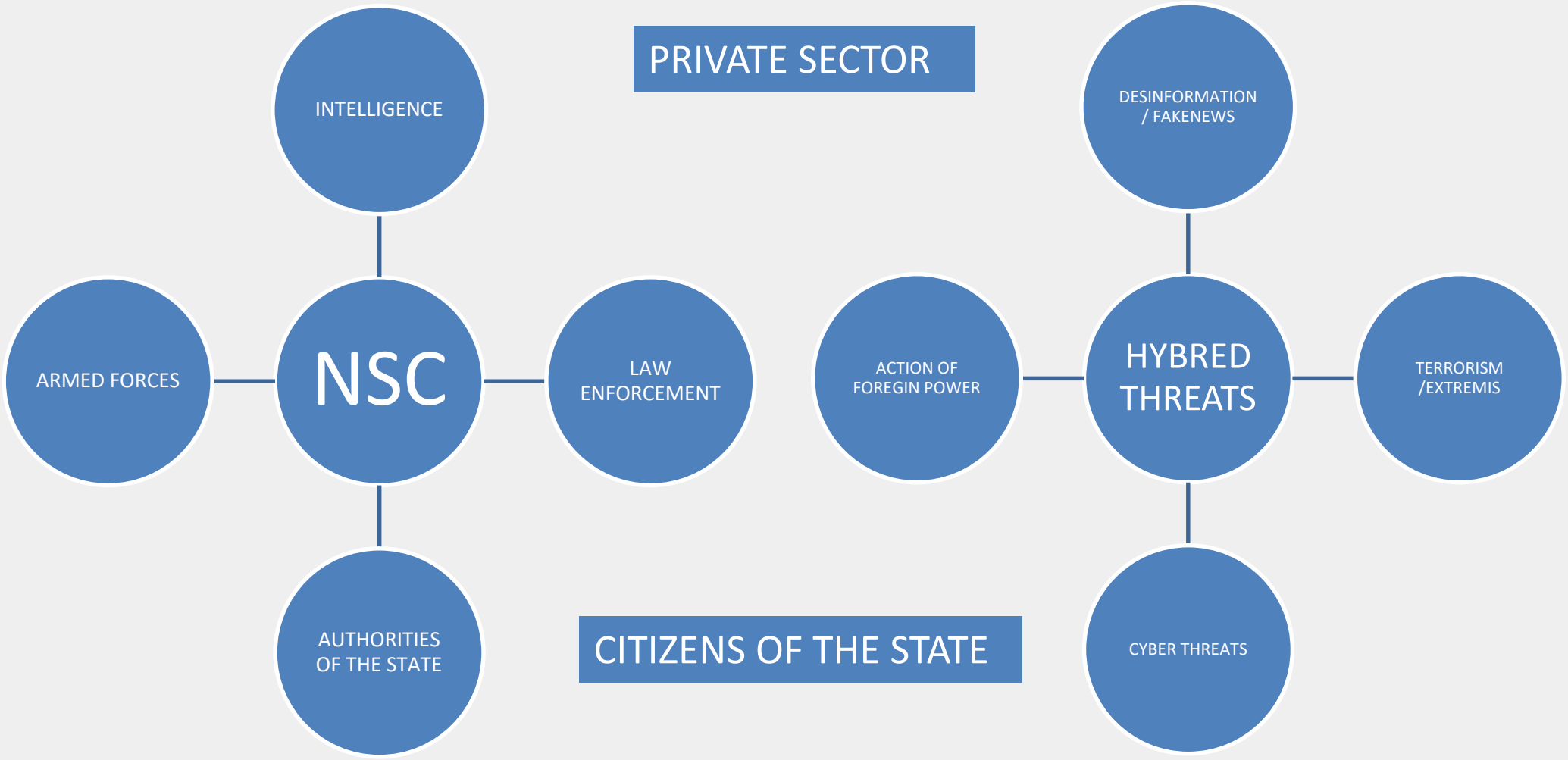
The Czech Security System and Hybrid Threats



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The Role of the Law Enforcement against Disinformation – Fake News

- The role of the law enforcement will be always the detection, documentation and investigation of crime.
- Law enforcement authorities will always play an important role in combating hybrid threats, but only at the criminal law level.
- It is important for the police and the public prosecutor's office to receive information in time about the fact that a crime is imminent or committed - therefore it is important to share information.

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Disinformation / Fake News / Crime

- When it becomes a criminal offense to influence the media and public opinion?
- Importance of cooperation with commercial, media, non-profit (NGOs) and the education sector – to get information about the crime committed in the cyberspace (social media/networks).

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Disinformation - Criminal Code of the Czech Republic

The Czech legislation does not know the term "disinformation" or "propaganda", therefore the factual nature of the crime of "disinformation" or "propaganda" is not defined in Czech criminal law either. These acts are criminal only if they occur within the framework of acts that would fulfill, for example:

- § 181 Infringement of Rights of Another
- § 184 Defamation,
- § 345 False accusations
- § 355 Defamation of a nation, race, ethnic or other group of persons
- § 356 Instigation of hatred towards a group of persons or suppression their rights and freedoms
- § 357 Spreading of alarming news
- § 364 Incitement to a criminal offense
- § 365 Approval of a criminal offense
- § 404 Expression of sympathy for a movement aimed at suppressing human rights and freedoms

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Disinformation in the time of Pandemic SARS CoV 2

- Most of the disinformation is spread via the internet using social networks and communication applications.
- Disinformation campaigns focused on measures taken by state authorities by the citizens of the state.
- Disinformation focused at the quality of the vaccines against the virus SARS CoV 2.
- Misuse of vaccine shortages to propagate Russia's political power and the cause of SPUTNIK V supplies.
- Misuse of fake news to provoke demonstrations and hate against government officials and institutions.

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Spreading of alarming news

Whoever intentionally causes a threat of serious concernment of at least a part of population of a certain area by spreading alarming news that is untrue, shall be sentenced to imprisonment for up to two years or to prohibition of activity.

Higher penalty if the alarming / fake news is spreading:

- through mass communication media (internet/social media)
- during a natural disaster or another event seriously endangering lives and health of people, public order or property (PANDEMIC).

CASE I

In October 2020 the Prague City Public Prosecutor's Office stopped the charge of spreading an alarm message against two women, who in March 2020 spread disinformation on the Internet about a general LOCK DOWN. The authors of the report could get punished by two to eight years in prison, because the fake news was spread in the time of the emergency declared for the SARS CoV 2 pandemic situation. The disinformation was spread in the form of an audio recording through social networks and the source of the recording was from the company's crisis management meeting.

CASE II - USA is moving troops to Europe

The Romani community and others in the Czech Republic are sharing a hoax associated with the COVID-19 coronavirus pandemic by e-mail and social media. The main article being shared is entitled "In the shadow of the coronavirus: USA transfers enormous number of troops, airplanes and tanks to Europe".

The article containing various false insinuations was published by the Arfa.cz disinformation website. The manipulatori.cz news server, which monitors such content in the Czech environment, has reported on the hoax.

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CASE II - USA is moving troops to Europe

Lessons Learned

- National strategy on hybrid threats and disinformation.
- Build a system of strategic communication capable of effectively, coherently, credibly and timely communicating information to the public and other types of target audience, namely both continuously and preventively, and in response to a specific crisis situation. This system will be based on the coordination and synchronization of communication activities of all relevant ministries and elements of public administration.
- Monitoring trends in the spread of disinformation in other EU and NATO member states.

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Thank you for your attention!

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