



# Judgement

*Europe v Unpopular People*  
[2019] Del 2

## 1 Notes

Notes written by Imperium Anglorum on 8 February 2020. The text of the judgement was very lightly edited to correct typographical errors and updated citations.

Judgement given 16 October 2019. The Delegate acted sua sponte under inherent authority at executive discretion.

No appeal to the Founder was made successfully. Upon conclusion of the sentence, the ejected nation requested lifting of the ban per section 2(c) of the Criminal Law Act 2018.<sup>1</sup>

## 2 Opinion of the Court

The Delegate (Imperium Anglorum).

- [1] Section 6(f) of the High Crimes Acts states that—

Any person who provides or offers to provide money or telegram stamps to an individual or group for the purposes of influencing elections or appointments is guilty of elector fraud.

- [2] The nation ‘Unpopular People’ sent a telegram to a number of people in the region claiming that ‘I will be running advanced computer programmes determining precisely which candidate is the least popular, and significant amounts of money will be injected into their campaign to ensure their victory’.<sup>2</sup>
- [3] There is nothing else in the telegram which suggests to the casual reader that humour of satire was the intended goal. Typographical errors (swapping B for N, present in the top of the

telegram) are not sufficient to ground that assertion: it is more likely that the error emerged from negligence than from some strange humour.

- [4] What was have from the telegram is not the solicitation of a crime. It is conduct that constitutes the beginning of the intended offence. The questions before me are clear: is there (i) a provision or offering of (ii) money or telegram stamps to (iii) an individual or group for (iv) the purposes of influencing elections or appointments?
- [5] Injecting significant amounts of money into a campaign constitutes criteria (ii), (iii), and (iv). The sending of the telegram, however, does not constitute an ‘offer’. An offer must plausible be rejected. Nor does it fall into the provision where one ‘provides’ the illicit material, as the crime has not happened.
- [6] However, drawing upon *Rex v Schofield* Cald 397 (1784), ruling that one may not escape punishment by the law when one lights a candle in a barn with the intent to commit arson even if the barn does not catch fire, the attempt to commit a crime is itself a crime. Here is an attempt to conduct electoral fraud. It is a crime by interaction with customary law.<sup>3</sup>
- [7] To preempt any claim under the Privileges Act 2017, such privileges are granted only to electors.<sup>4</sup> A claim cannot be made by someone not eligible to vote before Parliament as to being protected by parliamentary privilege.
- [8] Pursuant to the sentencing guidelines in section 2 of the High Crimes Act 2018, as ‘a person possessing judicial powers, both delegated and non-delegated’, I possess discretion on the length of a ban. Subsection (a) therein requires me to submit an explanation to the

<sup>1</sup> Also known as the High Crimes Act 2018. The judgement was written before the Act was renamed.

<sup>2</sup> Telegram (Unpopular People) at [4], Document 1 *infra* p 2.

<sup>3</sup> See generally Government Act 2017 s 2(a).

<sup>4</sup> See Privileges Act 2017 s 2 (Judicial powers may not be used against any elector. . . ).

European Council if that length is not between a quarter and three-quarters of the maximum punishment. The maximum punishment for this crime is a ban for four months.<sup>5</sup>

- [9] As the defendant has only attempted to commit the offence in question, I am lenient. The defendant shall be banned from the region for a period not to exceed one and a half (1.5) months. This may be updated in light of future evidence.
- [10] This decision may be reviewed by the European Council, but as the procedures of the European Council require it to dismiss issues without *locus standi*, which includes any matter brought by a non-electors, such review is *de facto* closed. After the repeal of a 'motion of courtesy' granted to non-electors in section 7 of the Government (Reform) Act 2017, review may no longer be granted by Parliament.<sup>6</sup>
- [11] Review may be requested of the founder on two questions: (i) whether the the defendant committed the crime as defined by law and (ii) whether the attempt to commit a crime is itself a crime.

does not win, as per the wishes of the International Community.

- [5] Kind regards and Christmas is coming soon  
Deng Mohamad  
76 Smith Street  
Africa

### 3 Documents

#### 3.1 Telegram (Unpopular People)

*This telegram has been lightly edited. Formatting dividing lines and emoji have been removed.*

- [1] Dear Batians [sic] of Europe
- [2] This is an important follow up telegram from Deng Mohamad—aka Representative for the Official Oppressed Peoples of Unpopular People Delegation to Europe 2019.
- [3] I am not normally one to send out mass telegrams in such quick succession, however something vital has come to light—soon, Europe will be hosting a major election, deciding who will be its next Grand Commissioner.
- [4] Need I not remind you that my extended stay in this region is for the purpose of ensuring fair and equal treatment to all candidates in the poll, but particularly, to the unpopular ones. As such, I will be running advanced computer programmes determining precisely which candidate is the least popular, and significant amounts of money will be injected into their campaign to ensure their victory. The result will be questioned if my chosen candidates

<sup>5</sup> High Crimes Act s 6.

<sup>6</sup> But see Government Act s 8.