



Judgement

Europe v Rivierenland
[2020] Del 2

1 Notes

Judgement given 8 May 2020. The Delegate acted on submission of a complaint¹ by Dizgovzy which was submitted initially to Feria-Alkaline. Complaint was brought up initially to the Moderation Committee, which concluded independently—and correctly—that it did not have jurisdiction. Complaint was then transferred to the Delegate.

Testimony and other archival information can be found at this forum thread and Google Drive image archive.

Rivierenland banned for a period not to exceed two and a half months. For the purposes of this judgement, a month means 30 days. As this is a matter related to the interpretation of statutory law, this decision can be appealed to the European Council under the provisions of section 7(c) of the Government Act 2017.

2 Opinion

The Delegate (Imperium Anglorum).

- [1] Section 8 of the Criminal Law Act 2018, as amended, states that:

Any person which carries out or threatens to carry out an invasion of privacy or the unwanted release of personal information, is guilty of harassment. Such an offence shall be punished with a ban not to exceed four months.

- [2] We are all people on the Internet, hiding (or, more generously, residing) behind pseudonyms. While it is relatively easy to find out the names of people on the Internet, as has been repeatedly shown over and over again, the mere presence of information existing publicly on the Internet is insufficient. See *infra* at [11].

¹ Complaint, Document 1.

- [3] This does raise a question, not touched on in testimony and submissions, as to what is an ‘invasion of privacy’ or ‘an unwanted release of personal information’. I will return to this theme. Repeatedly we are told in sworn testimony that hints were dropped as to a way to impute the identity of the complainant. The respondent does not challenge that fact.²

- [4] All incidents took place by accounts known to be owned by the appropriate parties on the region’s Discord server. As the statute does not specify the locale of the offences, it should be interpreted to encompass any Europe-associated platform. There are two groups of incidents alleged in the complaint.

- [5] The first incident, to the best of my knowledge, involved Rivierenland making known that Dizgovzy had posted to a relatively well-known YouTube video about NationStates with a YouTube account bearing Dizgovzy’s real name. According to the complaint, Rivierenland then referred to Dizgovzy with his legal name on a European platform a number of times.³ As Rivierenland knew Dizgovzy’s first name from a Twitter account,⁴ this information was easy for him to impute. It is not prohibited for Dizgovzy to share his Twitter account, which contained his given name, to Rivierenland; the concern of the region here is rather the re-sharing of that information to the public writ large.

- [6] While there does not exist third-party documentary evidence or sworn testimony yet provided to support this narrative, Rivierenland admits to the claims made in the com-

² Rivierenland, <http://www.europe-game.eu/index.php?threads/2020-del-2-europe-v-rivierenland.14112/post-362698>.

³ Complaint at [2], Document 1.

⁴ Dizgovzy, <http://www.europe-game.eu/index.php?threads/2020-del-2-europe-v-rivierenland.14112/post-362775>.

plaint.⁵

- [7] The second incident on 30 April 2020 is clearer. Screenshots are available to corroborate the claims. Regnum Italiae provided a screenshot of the situation. The redacted form can be found in the Google Drive image archive. I have seen the un-redacted image and can affirm that sufficient information was provided to easily impute the Dizgovzy's name.
- [8] The claims about the first incident are clear-cut violations of the statute as they involve an direct and clear unwanted release of personal information.
- [9] The second incident is more clear in terms of third-party confirmation, but also less clear as to the law. The 'hints' provided by Rivierenland were more than sufficient enough for a reasonable person to impute private information.
- [10] As to the second incident, while it is true that Dizgovzy's name was posted on YouTube by his own personal account, that the information was already public is insufficient. Moreover, if the statute is to have any meaning, a possible fig-leaf defence of not explicitly releasing that information, but providing all that is necessary to impute it or find it, cannot be sufficient. The fact of the matter is that Rivierenland knew that his name was the relevant one of the hundreds of commenters only by Dizgovzy's relation via a semi-personal Twitter account.
- [11] The thing being penalised is the release of the necessary information to de-anonymise that name and relate it specifically to Dizgovzy. Without the knowledge that Rivierenland released, the public comment by Dizgovzy with his personal name on his personal YouTube account could not be linked specifically to him. It is the release of this information necessary to connect the two that is penalised by statute.
- [12] The maximum sentence provided by statute is four months. Insofar as that is the maximum, I am forced to imagine that those most serious cases would constitute such a ban. However, the case against Rivierenland is not maximally serious.
- [13] The Republic of Satherland mentions off-hand in sworn testimony that part of the information necessary to impute Dizgovzy's name
- was already made public in a dispatch by Dizgovzy.⁶ This was confirmed by Dizgovzy on Discord.⁷
- [14] With that in mind, there are even more different factors at hand in this case. Rivierenland's admissions against interest show clearly that this behaviour was repeated and that it was discouraged both in the first and second instances. However, the ability to impute Dizgovzy's name was made much more simple by the relative laxness with which it was guarded.
- [15] Also forthcoming was Rivierenland himself in his cooperation with this investigation and statements to that effect. Dizgovzy submitted evidence as to that cooperation being less than genuine.⁸ Combined with the repeated behaviour documented above and admissions to that effect, Dizgovzy's claims as to motive are more than plausible.
- [16] That said, the weight of the first consideration is far heavier than the second in any reasonable balancing test that any competent administrator with responsibilities to her community could employ. In line with the sentencing guidelines in section 2(a) of the Criminal Law Act 2018, I am constrained to between one and three months within submission of an explanation to the European Council. The purpose of that provision was to restrict the top and bottom quartiles of the punishment range to the most and least serious offences. With that in mind, I ban Rivierenland for a period not to exceed two and a half months.
- [17] This decision may be appealed against to the European Parliament by motion of privilege,⁹ the European Council,¹⁰ or the Founder.¹¹

3 Documents

Few documents are attached in this section most of the relevant testimony and evidence is already saved on the forum and, therefore, needs no repetition here.

⁵ Rivierenland, <http://www.europe-game.eu/index.php?threads/2020-del-2-europe-v-rivierenland.14112/post-362966>.

⁶ The Republic of Satherland, <http://www.europe-game.eu/index.php?threads/2020-del-2-europe-v-rivierenland.14112/post-362672>.

⁷ Dizgovzy, <https://drive.google.com/open?id=1a0-voBAMQCXhZ04AMX0XGCsvkjAGlc-N>.

⁸ Dizgovzy, <http://www.europe-game.eu/index.php?threads/2020-del-2-europe-v-rivierenland.14112/post-362757>.

⁹ Commission Act 2017 s 7(a)(vi); Government Act 2017 s 7(b).

¹⁰ Criminal Law Act 2018 s 2(b); Government Act 2017 s 7(c).

¹¹ Government Act 2017 s 7(b).

3.1 Complaint

This was initially entitled 'Complaint filed at Rivierenland by Dizgovzy'. It was re-posted by Feria-Alkaline to the forum. Quoted verbatim.

- [1] The nation known as Rivierenland has repeatedly shared my personal information in both #chatter and #general of Eurocord. This includes my legal name and youtube channel which shares that name. Rivierenland found my channel through digging through the comments section of a very large video and matching it to my first name. He knew which video to go to as I had been speaking with Eritei about it. After doing this, he posted on chatter calling me by my legal name. I immediately got very defensive, as I never wanted Rivierenland to either have my channel/name and especially share it in a large discord server. I told Rivierenland to delete his message and to never share it again. A few weeks later, Rivierenland shared it again during a conversation with multiple other people in Eurocord. I had joked that I was female so that I could replace Scarlett as First Deputy Commissioner. Upon this, Rivierenland posted my name again. I told him to take down my name, to which he replied "[you're not a girl then]". I told him the same as the previous time, albeit much angrier this time because he had done it again even though I had explicitly requested him not to.
- [2] Fast forward to today, 30 April, and Drew Durnil released his second NationStates video. In Eurocord, Rivierenland mentioned to everyone that I was in the video. My comment on his previous video appears on screen while he is reading another. It was very clear to any one who saw the video that my Dizgovzy was not in the video, but that my comment/channel/name was. Rivierenland shared this with the people in the server at the time even though I was telling him not to. This was the 3rd time. Members such as Satherland, who I did not want having my channel and full name, were thus given it. A quote from Satherland, "I never knew that was your last name XD".
- [3] Rivierenland showed little to no remorse after sharing my name with the entirety of Eurocord active at that time. I left the servers for Eurocord, ESTO, and EuroNews shortly after both due to the fact that my identity was compromised and the fact that Rivierenland was in all of those servers. I can't comfortably stay (cont.) because a large amount of people who I did not want or give permission to have my personal information have it. I will admit that I have been more liberal in personal information, my first name and city of residence are not hard to find, but I am scared and appalled that Rivierenland would go against my requests and share my personal information with the general populace.
- [4] These following nations would be willing to testify on my behalf:
- Eritei
The Oriental Empire
Kalifer and Baska