

Nation Of Yoah!l
Court of Appeals
High Justice SpaceVolcano

Entered 10/18/2019

Before:
Justice MightyOddish

Between:

Sventhar	Appellants
NevermoreGrimm	
JustIMatter	
WackyAki	Respondant
Government of Yoah!l	Interested Party

In the matter of Harassment:

The Original Ruling of MightyOddish

From this trial i will be stating,
as sventhar has pleaded guilty to meming, shitposting and baiting.
Given that baiting is intent to get a response and continue to harass people. and those actions have lead to people feeling uncomfortable the courts will find you guilty of harassment.

From this I will now be ruling a 'line in the sand' continued 'memeing' 'baiting' and 'shitposting' that cause upset to others and lead to them feeling uncomfortable or unhappy being in our community will lead to a warning placed upon the person or persons who are causing said harm. Regardless of intent or its just a game bro actions taken can and will hurt others. Failure to understand this will result in said warning given. First warning will result in an apology to be made by the harassing party. Second warning will result in another apology and given the word that the next time this occurs they are to be removed from the discord as they clearly are only here to cause harm to others.

Additionally. Sventhar this will regard to your first warning. The courts would like to ask you to make an apology to Wakiaky, Orinari and others who have been hurt by your actions.

The Appellate Decision

I.

The court finds that the ruling made by MightyOddish will only partially stand. The ruling has been found to be partially acting against the charter as well as incomplete on definitions, application of powers, and punishments.

II.

Definitions

The court has found it necessary to define two types of Harassment, In-Game Harassment (abv. IGH) and On-Discord Harassment (abv. ODH).

A.

In-Game Harassment shall be defined as:

Any actions taken within game towards another player that may cause emotional distress, actions that are directed with mal-intent, actions taken in retribution towards another player in a repeated manner, actions that may exclude players from the community due to racial, gender, sexual or other personal matters directed at individuals, and any other actions deemed offensive by the council either by consensus or law.

Examples of IGH would include:

Saying or placing signs in game using slurs, repeated offensive name calling:
e.g. racial slurs, homophobic sayings.

Repeatedly targeting players using actions that may be tiresome or annoying:
e.g. nonstop snowball throwing, punching other players without the intent of murder.

Defacing others property

e.g. non-damaging grief

As well as any other actions deemed offensive by the council either by consensus or law.

B.

On-discord Harassment shall be defined as:

Any actions taken within game towards another player that may cause emotional distress, actions that are directed with mal-intent, actions taken in retribution towards another player in a repeated manner, actions that may exclude players from the community due to racial, gender, sexual or other personal matters directed at individuals, threatening direct messages, repeated spam, repeated bait-posting, harmful trolling, and repeated inconsiderate memeing. As well as any other actions deemed offensive by the council either by consensus or law.

Examples of ODH would include

Unessascary name calling involving slurs or inappropriate language

e.g. Racial slurs directed at individuals

Spamming the discord with repeated messages or images directed to cause distress to individuals or the community

e.g. posting images multiple times of inappropriate material

The posting of certain material with or without intent that may elicit a negative emotional response.

e.g. baiting an individual of a known trait to reply to a message in a manner that the individual finds he must “defend” his beliefs

Repeated Direct messages of a threatening nature involving in-game actions

e.g. blackmail, or leverage threats

As well as any other actions deemed offensive by the council either by consensus or law.

III.

Hierarchy of Acts

The severity of harmful repeated actions shall be broken into three categories listed from least severe to most severe.

1. Incidental Harassment

The least severe act of Harassment: any actions where the acting individual repeatedly creates acts that another player finds to be in a harassing manner, and the acting individual may not realize the acts to be in a harassing manner.

2. Minor Harassment

A moderate act of Harassment by an acting individual that causes distress to an individual, and the acting individual continues to repeat actions even after being repeatedly told to cease and desist harassing actions by the harassed individual or others

3. Major Harassment

A severe act of Harassment by an acting individual done in a cruel and intentional manner done; with the intent of forcing someone to leave the community via means of repeated harassing acts, with the intent to cause someone great emotional distress, and/or with the intent of immense communal disruption.

IV.

Punishments for the act of Harassment

Punishments for the acts of harassment shall be based upon the severity of the act and issued upon precedent or manner befitting the severity of the act.

V.

Statement of the Courts

The court finds that the discord platform is a separate moderated platform for discourse involving the community with the rights of extra channels and speech to others being non-essential to belonging to the community. The rights entailed in the Charter apply in unique ways to the discord platform as it is not necessary to exist in the discord to be a member or citizen of the community of Yoah! In-Game. The platform of Yoah!'s discord is owned by an individual who distributes rights to other members to moderate or speak with-in the platform. It is a platform under which The Yoah! Charter is applied for the purpose of organization, moderation, and structured communication by the owner and accept as rule of law by the members. However the sole rights of distribution

membership of the discord platform are still afforded to the owner of the platform. The people have chosen the current discord platform as it is to be the external means of communication and therefore the rule of law is to be afforded to members as granted by the Charter, as well as the extra rule of the owner can determine membership of the platform. The Charter of Yoahatl does grant explicit rights:

1. All Yoahtlans have the right to freedom of expression.
2. All Yoahtlans have the right to self-defense against an unlawful aggressor.
3. All Yoahtlans have the right to freedom of belief.
4. All Yoahtlans have the right to a timely and just trial.
5. All Yoahtlans have the right to privacy.
6. All Yoahtlans have the right to peaceful assembly and protest.
7. All Yoahtlans have the right to be free from discrimination and harassment.

The rights numbered 1 and 7 do not conflict with each other in any manner as Right 7 has the ability outweigh Right 1 as Right 7 has the ability to label expressions unlawful.

VI.

Ruling

The court finds that expressions that are harassing in nature as defined in this document may not be considered freedom of expression.

The court finds that membership of the discord platform is non-essential to membership of the in-game community

The court upholds the guilty verdict of Harrassment levied against Sventhar by presiding Judge MightyOddish

The court enumerates the verdict of Harrassment charged to Sventhar as Minor Harrassment

VII.
Sentencing

The court sentences Sventhar to a period of silence wherein the roles of posting within any channel shall be revoked within the platform of discord for a period of 6 weeks, the court will also recognize Sventhar did cease any discord discourse and all harassing behavior with the start of the Appeals trial to the court knowledge, and will grant the privilege of time served therefore ending the period of discord silence on Nov 13, 2019. At the end of this period the apology as requested by the lower courts shall be posted by Sventhar as well.