

**CASE NOTE:
THE NETHERLANDS**

CASE CITATION:
LJN BW9843

NAME AND LEVEL OF THE COURT:
Middelburg District Court

DATE OF DECISION:
28 June 2012

The decision in full is available at <http://zoeken.rechtspraak.nl/detailpage.aspx?ljn=BW9843>

Threats via Twitter

The court decides as follows. On 21 August 2011 the accused placed the following tweets on the Internet: 'I am really going to buy an AK47 soon and fire away at the Grote Markt #alphenaandenrijn style' and 'I am so fed up, I've had it, I'll put an end to my life but I'll do it in style' and 'I want the police to shoot and kill me @politiezld? Do you dare do that?' and 'I am going to hack at heads and stab at ribs'. By using the address '@politiezld' in his message, the message in question was received directly by the Zeeland Police Force. The court considers the text of this tweet a threat in view of its contents – but certainly also viewed together and in relation to the contents of the other tweets of that same date referred to above. Because the accused on that day also typed the hash tag '#alphenaandenrijn' in another message, this message was distributed around the world to anyone on Twitter or via search engines on the internet types the same hash tag. By uttering such a threat in a public account – within months of the shooting incident at Alphen aan den Rijn on 9 April 2011 resulting in many dead and wounded, the accused knowingly accepted the significant possibility that random individuals or readers would find out about the threat and that it would arouse considerable fear in them. Therefore the accused is guilty of threatening to commit a terrorist crime. When the message was received by the Zeeland Police Force on 21 August 2011 an investigation was started into the accused's twittering. From this investigation it emerged that on 4 August 2011 the accused wrote the following tweet: "Don't think so, I'll perform a mercy killing on you, bastard pig". The court believes that this text should be understood as a threat to commit criminal acts that would result in significant personal injury or death of police officers, which message was actually received by police officers. Therefore the accused is guilty of threatening to commit criminal acts that would result in significant personal injury or death. That this was a joke or absurd humour is not evident from anything to the readers of the tweets, not from the text itself, not from texts surrounding those tweets, nor from the site where the tweets were placed – contrary to the

comparison made by the defence to a case in which texts had been placed on a web site that was intended to shock – or in any other way.

It follows from the above that the charges, in so far as they relate to the tweets of 4 and 21 August 2011, are legally and conclusively proved.

The accused is sentenced for threatening to commit criminal acts that would result in significant injury or death to a 60 hour community sentence, or alternatively 30 days' imprisonment less the period spent in pre-trial detention, as well as to a 2 months' custodial sentence, suspended, with an operational period of 2 years, and a number of special conditions.

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