

# The order

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# Before the order – investigation by FBI

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- The FBI was investigating a DNSChanger case
- Their suspects had resources registered with ARIN and RIPE NCC
- FBI wanted to prevent the transfer of these resources
- FBI requested the Dutch police through the MLAT process to order the RIPE NCC to freeze the registration for 4 blocks of IPv4

# The order – execution of the order

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- The RIPE NCC received the Police order and based upon Article 2 of the Police Act
- RIPE NCC executed the order as requested and informed the members involved about it
- After the execution the RIPE NCC investigated the legality and the obligatory nature of the order

# After the execution – legal analysis

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- Order based on Article 2 of the Police Act 1993 (general legal basis for the police to act and give orders)
- This article can order people to tolerate a situation - not to actively do something
- This article alone is not sufficient for the police to issue orders - needs additional legal basis for the order
- Disobeying orders based on this article does not create remedies

# Communication with the prosecutor

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- The RIPE NCC
  - Requested further legal basis about the order
  - Would not voluntarily obey to non obligatory orders
- The prosecutor
  - Did not provide any further legal basis
  - Notified that:
    - if the order is reversed, RIPE NCC will be liable for any consequence
    - seizure of the “RIPE NCC administration” would also be an appropriate measure

# Where are we now?

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- The prosecutor confirmed he would not proceed with seizure at this point in time
- RIPE NCC “defrozen” the IP address blocks
  - Informed the relevant members about the “defreeze”
- RIPE NCC is pursuing legal action to get clarity on the situation

Questions?



# Orders from national authorities

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# Current framework and policy

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- Governance documents
- Deregistration and/or closure only upon Dutch court order

# Concerns about current policy

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- Orders can be issued by other national authorities, not only courts
- Violations in other jurisdictions must be evaluated by Dutch courts
- Why should the legal system take decisions about self-governance issues?

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# Decisions about self-governance issues

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- We could start evaluating orders as regular complaints
- But:
  - Evaluation of law not a self-governance matter
  - RIPE NCC cannot evaluate the national law

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# Evaluation by Dutch courts

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- Law enforcement in other countries
- Internet borderless nature
- Not a RIPE NCC specific problem
- Solutions by national authorities themselves

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- Violations in other jurisdictions must be evaluated by Dutch courts
- Why should the legal system take decisions about self-governance issues

# Orders by other Dutch national authorities

- Expand to other Dutch national authorities and to other orders (not only about registration)
- We will evaluate the order on a case-by-case basis



# So where does this leave us....

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“Take a step back and re-evaluate the existing procedure and the practicality of it.”

# Basic principles for RIPE NCC for orders

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- All activities are for the benefit of the RIPE NCC membership
- Crucial benefit for the membership → accurate data in the Public Registry
- Accurate data is to record about the organisation/person responsible for the IP
- Changing or amending data in the Registry is not beneficial towards the membership

# Revised procedure for orders

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- Any order – ordering a change/revocation of data in the Registry is not beneficial to the membership
- Will refuse or contest orders that change/amend or revoke Registry data
- Orders will be evaluated on case-by-case basis

Questions?

