

# Italy convicts 3 Google execs in abuse video case

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An Italian court convicted three Google executives of privacy violations Wednesday because they did not act quickly enough to remove an online video that showed sadistic teen bullies pummeling and mocking an autistic boy.

The case was being closely watched around the world due to its implications for Internet freedom.

In the first such criminal trial of its kind, Judge Oscar Magi sentenced the three in absentia to a six-month suspended sentence and absolved them of defamation charges. A fourth defendant, charged only with defamation, was acquitted.

Google called the decision "astonishing."

"We will appeal this astonishing decision," Google spokesman Bill Echikson said at the courthouse. "We are deeply troubled by this decision. It attacks the principles of freedom on which the Internet was built."

Those convicted were Google's global privacy counsel Peter Fleischer, its senior vice president and chief legal officer David Drummond and retired chief financial officer George Reyes. Senior product marketing manager Arvind Desikan, based in London, was acquitted. All four had denied wrongdoing.

"The judge has decided I'm primarily responsible for the actions of some teenagers who uploaded a reprehensible video to Google video," Fleischer, who is based in Paris, said in a statement.

He noted with irony that he was convicted for privacy violations despite devoting his career to "preserving and protecting personal privacy rights."

Drummond said he was "outraged" that he was found criminally responsible for the video, noting that both European Union and Italian law recognized that Internet service providers like Google are not required to monitor content that they host.

"This verdict sets a dangerous precedent," Drummond said in a statement. "(It also) imperils the powerful tool that an open and free Internet has become for social advocacy and change."

In the United States, the Communications Decency Act of 1996 generally gives Internet service providers immunity in cases like this, but no such protections exist in Europe.

The verdict could help define whether the Internet in Italy — and perhaps beyond — is an open, self-regulating platform or if content must be better monitored for

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abusive material. It comes as Google already is facing regulatory challenges in Italy, where a draft bill would require Internet sites to control content the same way television stations do. Google has lobbied for changes to the bill.

Google, based in Mountain View, California, had called the trial a threat to freedom on the Internet because it could force providers to attempt an impossible task — prescreening the thousands of hours of footage uploaded every day onto sites like YouTube.

Prosecutors had insisted the case wasn't about censorship but about balancing the freedom of expression with the rights of an individual.

Prosecutor Alfredo Robledo said he was satisfied with the decision because it upheld the principal of privacy and put the rights of the individual ahead of those of a business. It could force Google, and any other hosting platform, to better monitor its video, he added.

"This is the big principal affirmed by this verdict," Robledo said. "It is fundamental, because identity is a primary good. If we give that up, anything can happen and that is not OK."

The charges were sought by Vivi Down, an advocacy group for people with Down syndrome. The group alerted prosecutors to the 2006 video showing an autistic student in Turin being pushed, pummeled with items, and insulted by bullies at school, who called him a "mongoloid" in a mock telephone call to Vivi Down.

"Unfortunately, in Italy, the term 'mongoloid' is used as an insult, which we don't like," Edoardo Censi, president of Vivi Down, said outside the courtroom. "Our problem is the defense of our children, of the disabled ... when we learned of the video, our first concern was to remove it."

Google Italy, which is based in Milan, said it took down the video two hours after being notified by police, as is required by law. Prosecutors argued that viewers had flagged it well before police contacted Google, and the fact that it shot to the top of a "most entertaining videos" list on the Italian site, had 5,500 views and 800 comments during the two months it was online meant it should have been noticed sooner.

Thanks to the footage and Google's cooperation, the four bullies were identified and sentenced by a juvenile court to community service. The events shortly preceded Google's 2006 acquisition of YouTube.

In another setback Wednesday for Google, the European Commission in Brussels said it had asked Google to comment on allegations by rivals that it demotes their sites in its search rankings.

EU spokeswoman Amelia Torres declined to name the three rivals and stressed that the EU hadn't yet opened a formal investigation.

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Google said it would provide "feedback and additional information on these complaints," but stressed it was not violating any EU antitrust rules. It said those complaining were Foundem, a British price comparison site, the French legal search engine ejustice.fr and Microsoft Corp's Ciao! from Bing.

The low rankings complaint is significant because high rankings in Google searches drive higher volumes of traffic to Web sites.

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AP Correspondent Robert Wielaard contributed from Brussels.

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On the Net:

<http://googlepolicyeurope.blogspot.com/>

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