

# Not enough evidence for “no” vote on case 864 (ex 823)

As attested by my address [1] and the evidence I submitted on June 15<sup>th</sup> in case 833 [2], I am the submitter of the document with filename 8xxr.pdf [3] used by the current challenger as justification. **In the interest of preserving Kleros’ image as an impartial arbitrator, I am asking this jury to vote “yes” on this one specific case for lack of evidence.**

## I. General Considerations

In the conclusion to 8xxr.pdf [3], I made the following recommendation, which I stand by (emphasis added):

If the submitter account has admitted to being owned by of Agent99/CryptoEvangelist:

Vote “no” (1)

Otherwise:

If a new video with recent blockhash has been submitted:

**Vote “yes” (2)**

Otherwise:

Vote “no” (3)

Reasoning:

(1) [...]

(2) The video is suspicious but we cannot prove that Agent99 is the puppet master behind it and a new timestamped video has been provided, which shows at the very least that whoever owns the profile keys is capable of getting in touch with the profile’s “owner” again. We cannot reasonable request more evidence than that and so we should vote “yes”.

(3) [...]

Let me expand on (2).

The crux of the issue is that the claim that some address does not “belong” to a person is an *unfalsifiable* claim, that is, a claim for which in no circumstance could any evidence be provided to prove otherwise, or in this case, a claim in which the accused could not –however false the accusations may be– provide a positive defense.

In 8xxr.pdf [3], I argued that, given the strong evidence of fraud, it was reasonable to shift the burden of proof to the submitter somewhat and ask for complementary evidence from the accused, namely a new timestamped video showing the submitter again. This is an action that could reasonably be undertaken by any submitter at low cost and without requiring any more sacrifice from them than the original submission. In particular, complying would not weaken their privacy or security, as, for instance, a much less reasonable request to present official ID would.

What would not be reasonable would be to outright reject all profiles vouched through the Atticus/Agent99 pyramid and/or displaying the same modus operandi, even after they had already submitted the complementary evidence requested. This should be obvious if you consider that

Atticus/Agent99 may well, at least occasionally, help people set up fully non-custodial wallets and PoH profiles (as claimed in their “manifesto”). Such profiles would be perfectly legitimate and must not be rejected, since doing so would amount to enshrining the concept of *guilt by association* into Kleros.

Note that I would not find it objectionable if Proof of Humanity introduced a mechanism so that certain individuals could be banned from vouching (even on weak suspicion of wrongdoing), but Kleros’ role is to apply existing rules, not to invent them.

## II. Specifics

This is the only evidence submitted by the submitter (in case 824):

Proof of Life

1 - Should not be able to challenge if not member of POH, lie can't be punished. He will lie again.

2- 2mb not enough to read Hash

3- My friend helped me, won't help anymore people. This no good.

Submitted By: 0x2727...F477

Attachment:

<https://ipfs.kleros.io/ipfs/QmZwpuu2VbCpvPdQXXXXbVF8ToXW855HRyP2BcZeKTfTFQ/limon-proof-2-.mp4>

Although I suspect that this was not submitted by Limon himself and that the grammatical mistakes were faked, this is merely a suspicion and proof of life was provided as asked.

Let us compare this case to cases 861 (ex 824) [4] and 834 [5], which are similar in that a second “proof of life” video was produced as requested.

In case 861 (ex 824) which is ongoing but that I expect will be resolved as a “no”, the submitter submitted (using their address) the following evidence in which they admit to being the “CryptoEvangelist” (Atticus/Agent99):

Offer of Settlement.

In the Spirit of forgiveness and as the victim of the libel as "the administrator" of this account known as the CryptoEvangelist I hereby make offer of settlement to allow my accuser to pay damages in the amount of 100 ETH as full restitution.

In case 834, resolved as a “no”, the submitter submitted (using their address) this evidence:

Proof of beneficial ownership of the account

The rules against Spanish are discriminatory. The evidence is in Spanish or I would be accused of feeding him the words. Can an impartial party translate and submit evidence please! There is no rule against helping others.

Also 2mb is a ridiculous limit for video.

This is slightly less straightforward than case 861, but saying that the person appearing in the video has “beneficial ownership” of the account is clearly the same as saying that the account is “administered”.

As such, these two cases are unlike the current one in that the submitter did not provide self-incriminating evidence, and since

1. proof of life was provided as requested; and
2. there is no other *conclusive* evidence of fraud,

it is my opinion that this profile should be accepted (i.e. vote “yes”).

**Note:** Someone has been asking for “direct interaction” with the submitter(s). This is in my opinion a good idea in principle but unfortunately unrealistic due to a lack of infrastructure at these early stages of the Kleros ecosystem. In particular, this would require the use of a Spanish translator or of a Spanish-speaking representative of the court to communicate with the submitter. It might also be hard to schedule such a meeting before the end of the evidence period given the constraints of evidence submission and the limited time frame.

## Conclusion

Please reject the challenger’s claim that “there’s sufficient evidence to conclude that this account is a puppet account of Atticus” since accepting it would weaken Kleros’ reputation by legitimizing the Kafkaesque notions that:

1. the burden of proof can be shifted to the accused to the extent of them being required to disprove unfalsifiable claims; and that
2. guilt by association constitutes sufficient basis for ruling against a party.

[1] 0xE86e325C60d1C69f6020BDf54cD17bd715Db3156

[2] <https://court.kleros.io/cases/833>

[3] <https://ipfs.kleros.io/ipfs/QmPnydGCM9wNkqpZA2s6LpsGNUdDJujk5akNCL8ubZRkRW/8xxr.pdf>

[4] <https://court.kleros.io/cases/861>

[5] <https://court.kleros.io/cases/834>