

# Internet Pirate's Facebook Message Causes Harsher Sentence



Ninjavideo.net, an Internet piracy site that released free movie and TV downloads, was raided last year by the ICE – [Immigration and Customs Enforcement](#), a division of the Department of Homeland Security.

After the site's manager, Hana Bashera, 30, pleaded guilty to conspiracy and copyright infringement, she posted indignant messages to her online "community." Because of this lack of remorse, the judge ended her grace period before starting a [two-year prison sentence](#), over what the federal government charges was thievery from the motion picture and entertainment industry.

The site in North Brunswick, NJ was shut down. Bashera was Ninjavideo.net's main message board moderator, and supervised the uploading and placement of files – mostly TV shows and movies, even posting films not yet released. She and her crew saw their operation as a movement, looking for sympathy from the world of Facebook through a lawyer-edited statement posted right after her guilty plea.

Bashera had every right to exercise the First Amendment, technically, but she probably should have exercised her right to remain silent until after the sentencing. Then she could have said anything she wanted, says Internet law attorney [Mark J. Ingber](#). Instead, her moral statement landed her straight into custody. Ingber of the [Ingber Law Firm](#) in Millburn, NJ, says that publishing her moral statement expressing zero remorse could have waited until after the legal process.

In addition to going straight to jail, Bashera will have to pay \$210,000 in reparations to the Motion Picture Association of America that she railed against for being greedy, along with 500 hours of community service. She lost time to get her life squared away.

## What is Piracy?



Mark J. Ingber

“[Copyright infringement](#) is a strict liability and it could go right down to the user, to the person who buys the material,” [Ingber says](#), adding he didn’t know if authorities could track user IP addresses as a result of the raid. The website had over a million users at its peak, but “I don’t think the consumers are the target.”

This raid, which ICE Director John Morton called part of a sustained effort, sent a message, [Ingber says](#). “Ms. Basher is a high-profile person who’s been poking the Motion Picture Association of America in the eye, so they want to make an example of her.”

Questions over fairly pricing entertainment aside, artists do have a right to retain the rights, and profits, to their work, he says. “On the other hand, it seems to be an excessive punishment, and against what I believe are her First Amendment rights of free speech. Apparently, the judge and prosecutor thought she was mocking them by posting Facebook messages. They locked her up immediately because of her Internet posts. I am very troubled by that.”

## Keep Off ICE

Everyone has seen the opening frames of films – they are FBI warnings. Unfortunately, even if a bootleg is a shaky recording in a movie theater, consuming it, technically, is illegal. Websites like Basher’s, which made a tidy sum making the entertainment industry available for free to the public, will be targeted by law enforcement, and their users can be held legally accountable.

[Ingber says](#) the sentence is harsh, and that’s a signal that law enforcement is serious about targeting what Basher calls the “scum” of the “grey” world of Internet justice.

And it doesn’t look pretty. Basher weeps as she says she thinks she did nothing wrong, in a [Youtube video](#) posted right after the raid, which was part of a June 2010 crackdown involving 100 federal agents in 11 states.

By playing martyr on the Internet, Basher struck at the judge. She'd been offered probation and reduction of charges. "She's in custody of the federal government," [Ingber says](#), due to lack of remorse about giving the public free access to copyrighted material.

For the average downloader need not be concerned — **the government is interested in shutting down access, not prosecuting the user.** They're targeting the sites themselves.

"I don't think she should be punished by what she's saying," [Ingber concludes](#). "I think there are people in prison who have done much worse."

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