

Internet Terrorism Trial Highlights Web Open Info Access Dilemma

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A husband and wife charged with running Web sites that supported terrorists by providing them information on how to make bombs went on trial in Switzerland Wednesday.

Moez Garsallaoui, a 39-year-old Tunisian based near Fribourg, in western Switzerland, and first detained in February 2005, is accused of running Internet discussion forums used by terror groups to share information and to publicize claims of responsibility for attacks and threats against Westerners. Swiss prosecutors demanded two years of prison for Garsallaoui, six months of which would be suspended.

Malika El Aroud, a 48-year-old Belgian-born widow of an al-Qaeda suicide bomber and Garsallaoui's wife, stands accused of operating an Islamist Web site. The widow of one of the suicide attackers who killed the anti-Taliban Afghan warlord Ahmed Shah Massoud two days before the Sept. 11, 2001, attacks, El Aroud is facing a 12-month suspended prison sentence.

Both Garsallaoui and El Aroud this week pleaded innocent to the charges against them.

Prosecutors have said the couples' four sites and several online forums, although visited by only about 2,000 people, were set up to promote racially motivated crimes. This case is the second this year in Switzerland focusing on Islamic terrorism, but the first-ever terrorism case there involving the Internet. Prosecutors are hoping to secure convictions this time round. In February, seven defendants were cleared of belonging to and supporting al-Qaeda.

Swiss prosecutors are charging the accused with crimes that amount essentially to malicious mischief because, in part, the issues surrounding Internet use carry with them the questions of free speech, open access to information, and whether an ISP or its customer is ultimately responsible for posting Web site content. The impact of any violent crimes that Web site visitors commit after viewing the content is not part of the sentencing criteria.

"It's just like YouTube," Andrew Colarik, an information security consultant who holds a doctorate in information systems security from the University of Auckland, told InformationWeek. "If you post a beheading video, is YouTube responsible? I don't think Western civilization has come up with an answer to that."

"Society hasn't yet drawn the line between free speech and free sharing of information on the Internet and the liability for contributing to terrorism. Instead, such issues are often deferred to the agreement that a user has with their Internet service provider. "

"The ISP agreement is a compromise between protecting the ISP and protecting the public," Colarik said.

There's very little precedent for the case against Garsallaoui and El Aroud, particularly in Switzerland. However, a somewhat similar case is playing out in the United Kingdom as British officials try to get U.K. resident and terrorism suspect Babar Ahmad extradited to the United States on charges that he, through the creation and use of various Internet sites, e-mails, and other means, provided expert advice and assistance, communications equipment, military items, currency, monetary instruments, financial services, and personnel designed to recruit and assist the Chechen Mujahideen and the Taliban, and raise funds for violent jihad in Afghanistan, Chechnya, and other places.