The Web: Silencing jihadi Web sites

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The online communications channel between al-Qaida's shadowy leaders and its terrorist operatives has been severely disrupted in recent weeks -- since the July 7, 2005, jihadi attacks on London -- apparently by British intelligence.

Though the Internet is a recent and universal resource, legal and military experts told UPI's The Web there is ample precedent for a government, in time of war, to attempt to deny the enemy the ability to communicate.

Recent reports in the foreign press, including the Sunday Times of London, indicate a number of jihadi sites, such as mojihedun.com in Pakistan -- which apparently contained detailed plans for terrorists on how to strike a European city and "tens" of other sites and provided information on making weapons, including biologicals -- have been stealthily shuttered.

Intelligence agents are thought to be working with Internet service providers to disable the inflammatory Web sites, experts said.

"There is technology that allows you to 'spider' Web sites for content -- that is a tool being used by ISPs," said Chris Boring, vice president of marketing at Aplus.Net, a Web-hosting and content development firm in San Diego. "It is similar to a Google search. You use it to red-flag content. Since the content sometimes changes continuously, it is a daunting task to monitor these sites."

Aplus.Net and other service providers have been working with law

enforcement and other government agencies to track thousands of sites. Whenever terrorist or criminal content is located, the government is alerted. If the content is deemed risky, the online link can be quickly disabled by an ISP.

Every Web-site producer that posts content on the Internet via a commercial Internet Service Provider signs an agreement to abide by the terms of service of the ISP. Most of these contracts contain provisions that indicate the posting of criminal or terrorist content is prohibited, so removing the content is well within the contractual rights of the ISPs.

"They have agreed not to post offensive content," said Boring.

The pursuit of these sites also is well within the law for the government.

"I think the British actions against the terrorist Web sites are entirely legitimate," said Dave Kopel, an associate policy analyst at the Cato Institute, the think tank in Washington, D.C.

During the American Civil War in the 1860s, President Abraham Lincoln ordered that newspapers that sympathized with the rebel cause be shut down.

"Controversial as such measures against domestic dissent may rightly be in a constitutional democracy, however, they are not the yardstick by which acts taken to silence an enemy's voice should be measured in wartime," said Joseph A. Morris, partner in the law firm of Morris & De La Rosa, with offices in London and Chicago. "Although the fanatic Islamist jihadists of the 21st Century generally are not nation states or government belligerents in the traditional understanding of international law, they are belligerents nonetheless, waging war on peoples who have legally recognized rights of self-defense. The right of self-defense unquestionably extends to interdiction of the enemy's channels of public

and clandestine communication."

Morris also served as a U.S. delegate to the United Nations Commission on Human Rights in Geneva, and is a former director of the U.S. Department of Justice's office of liaison services, in charge of international affairs for the attorney general.

"Whether al-Qaida Web sites are being used to stir up terror's supporters, demoralize its enemies, or give instructions to its 'soldiers,' the allies have every right to shut them down," he added.

The Web sites might expect some free speech protection, were they not thought to be part of a coordinated campaign of terror, experts said. The same could be said of U.S. Internet publishers.

"To the extent that a U.S. publisher intended to promote actual terrorism, he could be criminally prosecuted," Kopel said.

At present, ISPs and law enforcement and intelligence agents are mostly reacting to terrorist content found online. Though technologies exist to scan for inflammatory materials, many actions are initiated "usually when someone calls to complain," Boring said. His firm is working on a new technology, in the conceptual stage, which could more efficiently scan Web sites for terror content, and place the government in a "proactive, rather than reactive mode" in fighting online terror, he said.

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