



By: *Tomorrow's Affairs Staff*

The trial that will determine the future of the Internet



The US Supreme Court is again examining the limit to which the protection of Internet platforms from liability for published content can reach.

On Wednesday, the Court heard from the parties in the case *Twitter v. Taamneh*, in which the family of a victim of the 2017 Istanbul terrorist attack sued Twitter and other platforms for allowing ISIS to recruit and train terrorists through their networks.

The case underlines the core of the functioning of the Internet and examines its essence - whether platforms have responsibility for published content, even if it is a question of billions of messages on social media.

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Once again, the famous Section 230 of the Communications Decency Act, which was passed in 1996, in the prehistory of the Internet, is in the spotlight.

This law envisages that the internet was in its infancy, and risked being choked out of existence if website owners could be sued for things that other people posted.

Today, the Internet's existence is at risk, 27 years after the passage of Section 230.

In this case Twitter specifically invoked Section 230, claiming that it is immune from prosecution on account of that section of the law, because if ISIS used the platform to promote itself, that does not constitute the company's "knowing" assistance to the terrorist group.

Twitter attorney Seth P. Waxman stressed that the plaintiffs had not accused Twitter of providing "substantial assistance, much less knowing substantial assistance, to that attack or, for that matter, to any other attack", adding

that it was undisputed that Twitter "had no intent to aid ISIS's terrorist activities."

"What we have here is an alleged failure to do more to ferret out violations of a clear and enforced policy against assisting or allowing any postings supporting terrorist organisations or activities." That was not enough, Mr. Waxman argued, to amount to "aiding and abetting an act of international terrorism."

Twitter knew that ISIS was using your platform (Sonia Sotomayor)

However, Justice Sonia Sotomayor told Mr. Waxman that the fact remained that Twitter "knew that ISIS was using your platform."

With regard to the questions of the judges and their attitude towards this case, it is difficult to conclude what their decision, expected in June, will be.

Some members of the court believe Twitter should bear some responsibility for indirectly supporting ISIS in general, even if the company may not have been responsible for the specific attack in 2017 that led to the current case.

It seems that some judges were closer to Twitter's arguments that it is not liable under the Anti-Terrorism Act. The Anti-Terrorism Act is the law that Twitter is accused of violating.

This case could be a turning point for the future of the Internet. If a verdict is passed against Twitter, it will mark the opening of the hunt for this and many other internet platforms to be held responsible for failing to prevent content that caused harm to someone from appearing.

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The case may also be a turning point for the application of Section 230, as a long-standing protection to all internet platforms from liability for the content that others publish.

The scope of this law has also been measured before the Supreme Court, and an unfavourable verdict for Twitter and YouTube, which is also before this court on a similar case, might significantly narrow the application of this old law. Old by the Internet standards.

Courts have so far respected Section 230 as a defence against claims of defamation, negligence and other allegations.

So far, for example, AOL, Craigslist, Google and Yahoo have received court protection based on this law, building up a body of law so broad and influential as to be considered a pillar of today's internet.

However, whatever the June Supreme Court decision, Section 230 will remain a subject of debate among politicians and experts, as the development of the Internet has called into question its essence and original intent.