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Terror on Twitter: the life and crimes of Mehdi

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Cyber laws need to keep pace with technological changes, focussing on mobile internet and social media misuse to redefine cyber terror, war or naxalism

The arrest of Mehdi Masoor Biswas, the man behind the Twitter handle @ShamiWitness, as the "IS tweeter" and "suspected jihadi" places questions about whether tweeting constitutes an act of terror before an Indian court of law. When it comes to that, it will not be about "police claims" or "intelligence sources", but about hard facts, evidence and the letter of the law to answer how "complicit to terror" the tweeter and his tweets were.

One of the police officers who interrogated Mehdi admitted that this is a "test case" because it's the first time that they actually have "no real world connect yet" and "only a Twitter account" to prove involvement in a terror case. For instance, Mehdi, despite his "open ideological support" is not an "enrolled or registered member of the IS", neither is there any evidence to prove that "he was taking directions or was involved in any other real world activity for the IS".

He was a "lone ranger" and pretty much operated on his own and so far there is no evidence to prove that his involvement was beyond his tweets, he added.

But then, there are thousands of "lone rangers" in the cyber world claiming to represent hundreds of "rabid and terrorist" ideologies and hence the question – how much of evidence can tweets alone be in a case of this nature?

A Mumbai-based lawyer specialising in cyber laws, Pawan Duggal, says that this case is not just about tweets and terrorism, but about Indian cyber laws and their ability to deal with such incidents. "Under the language of Section 66 F of the Information Technology Act a mere tweet alone does not fulfil the parameters of cyber terrorism" and this only shows "the need to revisit the law to define and bring into focus the use of social media for cyber terrorism," he argued.

Mr. Duggal added that "the law was amended in 2008 and since then much has changed in terms of technology and this only shows that cyber laws need to keep pace with quick technological changes" and that there is an "urgent need to focus on mobile internet and social media misuse to redefine cyber terror, war or naxalism."

However, in the present backdrop, the key in front of investigators is to prove a "real world link". Investigators say that at the least, they can charge Mehdi for being a 'propagandist' for the IS, furthering their cause to wage a war against the regimes in Syria and Iraq. "We have evidence, some even through public tweets by IS fighters that he was a radicalising

agent and a motivator, which is abetting the crime," said an official.

The police are also banking on the 14,000 plus private direct messages on Twitter to prove that he incited men to fight for the IS, which they claim is enough to charge him under Section 39 of UAPA, 2004 and Section 125 of IPC for supporting a terror outfit and abetting to wage a war against a friendly Asian ally.

While the IS itself was not declared a "banned outfit" under Indian law at the time of Mehdi's arrest, investigators argue that it was declared a "terrorist outfit" by the United Nations and had carried out "extreme acts of terror." It automatically meant that support to it can be construed as an "act of terror" under the UAPA, they argued.

However, Bengaluru-based lawyer Jaffer Shah, who will represent Mehdi in the case, said that this case raised a "fundamental question" on whether expression of "opinion and ideological support and re tweeting or tweeting information" can be considered a case of waging a war against a friendly Asiatic ally, constituting cyber terrorism under the IT Act.

Mr. Shah further argued that the case would determine "where we then draw the distinction between thousands of hate or war mongering tweets that are put out and an act of terror". "The police seem to have declared that expressions of ideological support and opinion in favour of the IS were acts of terror, our defence is to question that premise," he added.

In this context, several Supreme Court judgements are cited by legal experts, including the 2007 order in the Arup Bhuyan vs. State of Assam case, in which a two- judge bench ruled that even "mere membership of a banned organisation will not make a person a criminal unless he resorts to violence or incites people to violence or creates public disorder by violence or incitement to violence."

Noted human rights lawyer Anand Grover said: "Unless there is direct involvement in an act it is difficult to prove these cases" and they fall in a "grey area."

By Mehdi's own admission to interrogators, he had "no interest in creating a movement on Indian soil" and the case against him is in the context of a "friendly Asiatic ally." Mr. Grover points out that such cases are an "open question determined by a political context" on what constitutes an "act of terrorism" and what does not.

By any yardstick, this is a complex case that has emerged around a man, who through several thousand tweets, had declared and expressed support for a violent "terrorist" movement. While the evidence against Mehdi would be the key for investigators, the case itself could have much larger ramifications on defining use or abuse of the social media; it could redefine just how far a tweet can go in a "war against any nation"!

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