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ALGORITHMS AS ACCOMPLICES: ANALYSING LEGAL ACCOUNTABILITY OF ONLINE PLATFORMS WITH SPECIAL REFERENCE TO THE GISÈLE PELICOT CASE

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1. INTRODUCTION

The morning of December 19, 2024, witnessed a landmark verdict by the Avignon Judicial Court of France: Dominique Pelicot, along with 50 other defendants, was found guilty of orchestrating and engaging in the repeated sexual assault of his wife, Gisèle Pelicot, for nearly a decade. This case, also known in international media as *the Mazan Trials*, will forever remain a crucial moment in legal history for its historical conviction of 51 perpetrators — with the remaining offenders filmed in the videos of the crime remaining unidentified to this day — against the same victim, and for its widespread impact in facilitating conversation around aggravated sexual violence against women, drug-facilitated assault, and the conflicting notions of what is and isn't considered consent in a social and sexual setting.¹

Additionally, this case shed light on the insidious ways technology can be abused to facilitate such heinous crimes. While the majority of the offenders against Madame Pelicot were rightfully brought to justice, the final judgment of this case raised one critical question: *Is there no accountability to be held by the online platform that enabled the actions of those who were guilty?*

The crimes of the 51 defendants of the Mazan Trials would, perhaps, not have reached the extent that they did, or taken as long as they eventually took to be investigated, had the online chatrooms they used to plan instances of sexual assault against Madame Pelicot monitored the conversations held in their forums and alerted authorities about the content of those discussions. On the other hand, however, one can argue that a digital platform cannot be expected to constantly monitor its usage by its consumer base, especially since many of these platforms promise a sense of complete privacy against data breaches and digital tracking as an incentive

¹ BBC News, *Who are the men convicted in the Gisèle Pelicot rape trial*, (Dec. 19, 2024), <https://www.bbc.com/news/articles/c785nm5g5y1o>.

for people to employ them.

The following article aims to discuss how the Pelicot Case carries within itself a clear lesson for legal bodies around the world to address the urgent need to explore and establish the liability of digital platforms that, through their design or negligence, become instrumental in the commission of heinous crimes such as sexual assault or homicide. Holding these platforms accountable is not merely a matter of seeking justice for victims like Madame Pelicot, but is also a crucial step in ensuring that no person in the future has to bear the brunt of such crimes due to the lack of accountability and initiative taken by digital platforms in taking strict actions against possible offenders that lurk within their user base.

The paper is divided into four parts, with the first part being the above introductory segment. The second part provides the reader with a succinct background of the Mazan Trials, along with the role that specific digital platforms played in enabling the offenders in their activities against Madame Pelicot. The third part of the paper aims to expand the discussion to the general accountability of digital platforms in cases where they are used as a medium of communication by offenders to premeditate a crime against their victims, and also aims to provide suggestions to the existing legal framework to prevent the same. Lastly, the fourth part aims to summarize the paper for its readers in a concise yet lasting manner.

2. GISÈLE PELICOT AND COCO.FR: A COMPLEX PRECEDENT

An elderly resident of the Mazan commune in southeastern France, Gisèle Pelicot was the victim of an estimated 92 instances of drug-facilitated sexual assault by 72 men (of whom only 51 were brought to trial in 2024) for almost a decade in an elaborate arrangement by her then-husband, Dominique Pelicot. Although his crimes were undiscovered until 2020, French investigators were quick to gather evidences against him and his accomplices — a task seemingly made easier for them by Dominique himself, who had recorded and meticulously labelled each and every act of sexual assault against his wife, committed by himself and by other men, on multiple digital drives — once his scheme was accidentally uncovered when he was arrested for upskirting women using his mobile phone at a Carpentras supermarket in 2020. He also further admitted to covertly drugging his wife with the anxiolytic medication *Lorazepam*, an act that caused Madame Pelicot many physical ailments such as severe weight loss and hair loss over the nine-year period of his crimes. Lastly, His carelessness in confirming

the sexual health of his fellow accomplices led to Madame Pelicot being exposed to multiple Sexually-Transmitted Diseases during the course of the crimes, including one of the rapists who was HIV-Positive at the time of assault but fortunately was unable to expose her to the virus during intercourse.²

One of the most curious aspects of this case is that Madame Pelicot's repeated assaults were coordinated by Dominique on a digital forum called *à son insu* (French for "without her knowledge"), where he connected with strangers and conspired in detail the graphic assaults of the victim.³ This forum was hosted on the online chat site *Coco.fr*, which closed in 2024 during the Mazan Trials. Additionally, messages on the telecommunications application *Skype* were also discovered in which Dominique was seen bragging about drugging his wife and soliciting strangers to rape her.⁴

The involvement of *Coco.fr* is of special importance in this case, for this is not the first time this chat room had been exploited to organize criminal activities. According to data provided by esteemed Paris prosecutor Laure Beccau, *Coco.fr* was implicated in 23,051 criminal cases involving 480 victims within a meagre three-year period. Ranging from accounts of paedophilia, such as the *Richard DeWitte case*, to the homophobic murder of *Michel Sollosi*,⁵ *Coco.fr* had become a go-to spot for perpetrators of hate crime, paedophilia, and even drug trafficking. What made this specific online chat room so popular with criminals was its utter lack of digital moderation, ease of use and accessibility, and popularity with people of vulnerable demographics due to its anonymous nature.⁶

Despite the chat site running nearly uninterrupted from 2003 under different domain IDs, it

² Kim Willsher, *Man accused of enlisting strangers to rape drugged wife goes on trial in France*, The Guardian (Sept. 2, 2024), <https://web.archive.org/web/20240907011020/https://www.theguardian.com/world/article/2024/sep/02/man-accused-of-enlisting-strangers-to-drugged-wife-goes-on-trial-in-france>.

³ Nick Robins-Early, *The anonymous, anything-goes forum at the heart of the Pelicot rape case*, The Guardian (Oct. 12, 2024), <https://www.theguardian.com/world/2024/oct/12/coco-website-pelicot-rape-trial>.

⁴ Catherine Porter & Ségolène Le Stradic, *France Confronts Horror of Rape and Drugging Case as 51 Men Go on Trial*, The New York Times, (Sept. 2, 2024). <https://www.nytimes.com/2024/09/02/world/europe/france-husband-rape-drug-trial-mazan.html>

⁵ Frédéric Naizot, *Val-d'Oise : l'accusé condamné à 20 ans de réclusion criminelle pour le meurtre homophobe de Michel*, Leparisien.fr (Sept. 10, 2021), <https://www.leparisien.fr/faits-divers/val-doise-25-ans-de-reclusion-requis-contre-laccuse-pour-lassassinat-homophobe-de-michel-10-09-2021-256MZRECEVD7JDCCRHOY2QPE3U.php>.

⁶ Lina Fourneau, *Entre pratiques sexuelles et trafic de drogues, le forum Coco.fr interdit après avoir frisé trop souvent l'illégal*, (June 23, 2023), <https://www.20minutes.fr/by-the-web/4042318-20230623-entre-pratiques-sexuelles-traffic-drogues-forum-coco-fr-frise-trop-souvent-illegal>.

wasn't until the Pelicot Case that the widespread media attention it garnered during the trial forced its shutdown in 2024. Furthermore, it wasn't until the end of the Mazan trials that the platform faced any accountability in a court of law; the founder and manager of Coco.fr, *Isaac Steidl*, was finally charged in France at the beginning of 2025 for being complicit in the crimes against Madame Pelicot.⁷

However, despite these charges and an upcoming trial, Steidl has ultimately been free for far too long. The lack of similar charges being made against him during the 2023 case of Richard DeWitte, a French celebrity caught making sexual propositions to minors on Coco.fr, is an astounding reflection of the authorities' long-standing neglect in addressing the accountability of such online platforms.⁸

With the facts of the trial available for people across all nations and backgrounds to access online, it is easy for a layperson to see for themselves the many digital platforms that ultimately had the option to warn the concerned authorities regarding the actions of Dominique Pelicot and his accomplices. However, due to no monitoring systems being in place in their digital framework, they were reduced to being virtual accomplices, aiding the orchestration of the aggravated assaults against Madame Pelicot. From Coco.fr to Skype, every digital platform mentioned as a medium of communication or even storage within the countless reports of the Mazan Trial has some blame upon its head for its sheer negligence towards its user base and the public at large.

3. LEGAL ACCOUNTABILITY

As observed in the Mazan Trials and the established history of negligence of Coco.fr, There needs to be some accountability for digital platforms that are being utilized as a medium of premeditation by offenders which it ultimately fails to inform authorities against. The very fact that it took the Mazan Trials to end for the French legal authorities to hold Isaac Steidl accountable speaks volumes about the absence of strong legal codes in place outlining the course of action in a legal setting against digital platforms acting as accomplices in such acts.

⁷ Kim Willsher, *France charges founder of website used by Dominique Pelicot*, The Guardian (Jan. 9, 2025), <https://www.theguardian.com/world/2025/jan/09/france-charges-isaac-steidl-founder-of-website-used-by-dominique-pelicot>.

⁸ Par Esther Paolini, *Richard Dewitte, star déchue du groupe Il était une fois, au tribunal pour corruption de mineurs*, (Sept. 17, 2023), <https://www.lefigaro.fr/faits-divers/richard-dewitte-star-dechue-des-annees-1970-au-tribunal-pour-corrupcion-de-mineurs-20230917>.

3.1 PRESENT-DAY LACUNAE

The Mazan Trials stand as a stark reminder for us that the never-ending world of digital platforms are disturbingly easy to use for offenders to connect with one another, communicate and ultimately coordinate their crime. The current legal systems fail to outline cases where, even if they themselves may not explicitly endorse or encourage such activity, digital platforms are providing perpetrators the very infrastructure for these crimes to be deliberated and to occur. Traditional legal bodies also struggle to apply the principle of “*aiding and abetting*” a crime, often reserved for individuals, to formless and decentralized mediums such as online platforms.

Another example similar to that of Coco.fr, is that of the web-based online chat service *Omegle*, which operated with immense popularity from 2009 to 2023. The closure of this platform stemmed as a clause from a settlement agreement reached by the company with a plaintiff referred to as A.M, who had filed a 22 million Dollar Lawsuit against Omegle alleging that the company knowingly exposed minors to paedophiles.⁹ A.M’s account of being sexually exploited as a child digitally via Omegle was not the first of its kind, for there had been multiple reports and even trials which found multiple adults guilty of misusing this platform to broadcast or engage in child pornography and sexual exploitation. However, it wasn’t until A.M’s lawsuit against Omegle that the chat site was ever under legal scrutiny for its contribution in aiding the exploitation of its minor users through the means of its framework.¹⁰

Through the above discussed cases, one can easily identify the most pressing issue at hand — The lack of a robust legal framework that provides a definite criterion for the liability of such digital platforms in cases where they have been abused as a medium to execute heinous crimes. Like in the aftermath of the case of Madame Pelicot, legal or administrative authorities must also have the *Suo moto* power to investigate and charge an online platform for functioning as a digital accomplice.

However, in the scope of the present international legal codes, the role of such digital platforms is largely ignored in criminal or civil trials all together. This deficiency of legal culpability also

⁹A.M v. Omegle.com LLC, (U.S. Dist. Ct., Dist. of Or. 2019).

¹⁰ Graeme McNaughton, *Guelph man can no longer be teacher after child porn conviction*, Guelph Mercury (May 10, 2023), https://www.guelphmercury.com/news/crime/guelph-man-can-no-longer-be-teacher-after-child-porn-conviction/article_7b1fca76-cef1-56e5-a9e7-cb9091ac43bb.html.

allows many of these digital platforms to turn a blind eye towards the practices of its users and, if ever held liable in a court for their neglect, are quickly replaced by successor platforms which perpetuate the same cycle; Despite Coco.fr's shutdown, Many "successor" chat-rooms have emerged under names such as *Coco-chat.fr*, which through strikingly similar designs to the original chat site shall inevitably invite similar offenders to exploit their digital framework and execute their heinous acts.

Thus, the only manner in which such platforms can be addressed en bloc is through strict codifications that mandate the ethics under which such platforms must function, so that one does not need to wait for individual lawsuits to shut particular sites down but instead can address similar types of digital platforms as a whole and hold them accountable for their assistance in violation of an individual's private rights.

3.2 SUGGESTIONS

Legal authorities around the world must allow certain arguments in court when discussing digital platform liability, such as that of *foreseeability* and *duty of care*. For the former, it is important to know that online platforms, particularly those like Coco.fr that provide digital tools and features enabling anonymity and private communications, can be easily exploited for illicit activities such as facilitation of sexual assault or distribution of child pornography. Especially with the scores of cases recorded in the past where such platforms have been named as a medium of communication between the perpetrators or the preparators and the victim, Platforms have no reason not to foresee the risks of such features, yet they often fail to implement adequate safeguards to mitigate them. This ties in further with the principle of duty of care, where the platforms need to acknowledge the significant impact they have on the way people interact and access private information and start indulging in responsible practices that ensure the most judicious usage of their platforms.¹¹

This can be implemented through stricter verification processes, digital monitoring and flagging systems that can alert the framework when certain trigger words or images are shared, or delayed broadcasting to allow editing or censoring live feed. Platforms such as Coco.fr or Omegle could have easily prevented a significant percentage of the crimes enabled on it, if not all, by employing such virtual systems of checks-and-balances. Ultimately, the argument is not

¹¹ Daphne Keller, *Systemic Duties of Care and Intermediary Liability*, (May 29, 2020), <https://cyberlaw.stanford.edu/blog/2020/05/systemic-duties-care-and-intermediary-liability/>.

that platforms should be held liable for every instance of minor misuse, but rather that they should take proactive steps to prevent their platform from being used to facilitate serious crimes.

Furthermore, the issue of *Platform design* needs careful consideration: Some platform features, while seemingly innocuous, can inadvertently contribute to the facilitation of abuse despite the sheer necessity of these features in the first place. End-to-end encryption, for example, is an extremely vital digital tool put in place for safeguarding our confidentiality across various contexts and further protecting international fundamental rights such as our *Right to privacy* or *Right to free speech*; However, this very feature can make it harder for law enforcement investigations to extract crucial data for inspection.¹² In such cases, the platforms must be soundly cooperative with the authorities and provide them necessary details if it means possibly preventing future victims of heinous crimes.

Lastly, the concept of *shared responsibility* is crucial. Holding platforms liable must not absolve the direct perpetrators of the crime; They are, and should continue to be, the primary focus of law enforcement efforts. However, the legal principles of “*aiding*” a crime must evolve internationally to include possible digital accomplices, which shall then help recognize the role of such platforms in facilitating these crimes and acknowledge the complex ecosystem of abuse which can only be solved using a dynamic approach to prevention. Thus, All the stakeholders involved – Individuals, Platforms or even the law-making authorities – must play an active role in creating a safer online environment.

4. CONCLUSION

The Pelicot case offers the world a valuable opportunity to re-evaluate its collective approach to online safety and accountability; Ignoring the role of digital platforms in facilitating crimes such as Sexual assault is no longer an option for legal fraternities around the world. A strong legal framework that addresses the unique challenges posed in cases of heinous crimes by digital mediums, while taking carefully into account principles such as *foreseeability*, *duty of care*, *platform design* and *shared responsibility*, is the very need of the hour. Such a framework shall encourage platforms to proactively address the risks of abuse, collaborate with law enforcement authorities and prioritize the safety of their users.

¹² Thomas Wahl, *Law Enforcement Experts: Action against End-to-End Encryption Needed*, Euclid (July 31, 2024), <https://euclid.eu/news/law-enforcement-experts-action-against-end-to-end-encryption-needed/>.

Establishing platform liability is not without its challenges; Concerns about free speech and burdening regulations ought to be duly considered by law-making bodies when designing frameworks for the same. However, these concerns should not overshadow the primary goal of protecting vulnerable individuals from perpetrators who use digital platforms to meticulously and often anonymously plan ways to commit public wrongs.

The Pelicot case is one such demonstration, highlighting for the world to see first-hand the devastating consequences of digital platforms overlooking the kind of usage of its features being exercised by its consumers. By holding digital platforms accountable, one can aspire to indulge in a safer online world that would never tolerate even in the slightest amount the organization of crimes. The web of accountability must broaden its horizons to encompass the digital infrastructures to ensure that justice is not only served against the perpetrators in real life, but also against those who, through inaction, provided the very means for such atrocities to occur.

