



## Apex threats to National Security

*C. L. C. M. Patabendige*

*Published on Ceylon Today, 09<sup>th</sup> April 2022*

Guilt, sadness, repentance, and accountability are futile matters to a terrorist or an extremist. Social media is widely used by many, to deceive and manipulate the community. Social media is a haven for terrorists as well as extremists to deliberately harm the social, moral, and public order. At present, it is important to realize that modes of war have changed. Unlike in the past, war is not always militaristic. It can also be by way of information. Information warfare is done by the creation and dissemination of false information, misinformation, disinformation as well as hate speech. One single word, a picture, or a video can create restlessness in society. Hence, it is imperative to criminalize online falsehoods and manipulations. Moreover, it is pivotal to abide by laws, by thwarting the suppression of freedom of expression and freedom of publication. Thus, it is now high time to introduce legislation to criminalize online falsehoods and manipulations.

### Legislation

The rationale behind introducing and executing a law, relating to online falsehoods and manipulations is to preserve moral, public, and social order. The law will furnish a safeguard to society to cherish harmony by dissuading deliberate hatred. In addition, the Act will criminalize profit-driven individuals, entities, terrorists, extremists, and people with prejudices. Furthermore, victims of malicious acts must be compensated. This will bestow the judiciary with the power to penalize the perpetrators. Therefore, the Act must provide calibrated remedies. On the other hand, it is crucial that the accused have the right to explain. The Act should not be an undue influence by the Government. Besides, there needs to be room for judicial review. In addition, to judicial remedies, it is important to correct the false statement imminently and in the case of an inherently deliberate false statement, it must be taken down. The Act must be precise and free of ambiguities. It must be focused with great oversight.

### Freedom of Speech

Now the question occurs as to whether it will denigrate the right of freedom of expression and freedom of publication which are fundamental rights of the Sri Lankan Constitution. The Constitution is democratic in nature, giving prominence to the public interest. The rights, as well as duties stipulated in the Constitution, are for the enhancement of the life of individuals in the country. What is important to identify is the Act will not prevent constructive criticism. Therefore, determining whether the conduct is acceptable or not is completely dependent on the motive and the conduct of the individual or the entity. Looking at the trends around the world and the emerging as well as the existing threat of falsehoods, it is understandable what free

flow of information is competent of. What is important to identify is, that the Act will not forbid free speech or publication, but it will only impede acts that are inconsistent with the public interest.

### Raising awareness

With that being said, it is crucial to accept such legislation. The Government must educate the public on the threat of online falsehoods and manipulations. As long as people are unaware of the existing threat, they will not take any action swiftly to prevent or counteract it. Being ignorant of the threat is disastrous compared to knowing the risk. Therefore, the Government is duty-bound to take essential actions to educate society. There are many benefits of the Act from a public perspective. The Act will act as a safe point to prevent privacy violations and defamation by penalizing the perpetrators meanwhile taking down the false content. The Act provides a reporting mechanism to the public to lodge complaints against falsehoods and manipulations.

Thus, it is crystal clear that online falsehoods and manipulations are detrimental. Introducing an Act to criminalize will aid the justice process. As the Government is the custodian of the public, the interests of the public must be given precedence. Due to that reason, the Government must instill information literacy in people to give society the proficiency, to find, evaluate, organize, use, and communicate information in all its various formats. Moreover, it is important to strengthen data protection in order to prevent data privacy violations. Fact-checking is an important step that will prevent online falsehoods. All the stakeholders must verify the source, motive, context, and other surrounding facts of the piece of information before reacting to the content and disseminating it.



*Charani Patabendige is an Honorary Associate Research Fellow and a Research Assistant at the Institute of National Security Studies, the premier think tank for the Ministry of Defence, Sri Lanka; she holds a Bachelor of Laws degree with a second class as well as an Advanced Diploma in Transitional Justice from Bandaranaike Centre for International Studies with a Distinction Pass. Currently, she is reading for the final year of the Attorney at Law examination. She has also represented Sri Lanka at the 'International Scientific-Practical Conference on Regional Security in Asia in the context of preventing new challenges and threats' conducted by the Conference on Interaction and Confidence Building Measures in Asia (CICA). Her research interests are on counter-terrorism, religious extremism, drug menace, human rights and national security.*