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Agenda item 2

Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General

Written statement* submitted by International Buddhist Relief Organisation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2022]

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* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

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Preventing Online Falsehoods

The Sri Lankan government successfully defeated the ruthless terrorist organization; Liberation Tigers of Tamil Eelam (LTTE) and safeguarded the rights of Sri Lankans. Irrespective of the victory, Sri Lanka is now accused of a Tamil Genocide. The fictitious claim by LTTE is growing in domestic as well as international contexts. To convince the world, LTTE has now transformed their strategy to information warfare. The new war is equally important to the militaristic war. It reaches a wider audience, as war can happen at your fingertips. The problem arises through whether we, as a country, are ready to mitigate and prevent the information war that we are facing, keeping in mind the financial constraints, bureaucracy and archaic laws that hinder us.

Threats happen in several ways. This includes 'Misinformation', which is the spread of false or mistaken information. 'Fake News, which is fabricated information or news that is non-verifiable through sources, facts or quotes. 'Disinformation', which is information created to deceive, lie or support, either an individual's or a social/political group's agenda. In addition, 'Hate speech is any form of expression through which speakers intend to vilify, humiliate, or incite hatred against a group or a class of persons based on race, religion, skin colour sexual identity, gender identity, ethnicity, disability, or national origin.

Moreover, there are various modes of distribution of terrorist propaganda. For example, terrorists use publicly-available anonymous proxy servers such as Tor to access the [darknet], combined with money transfers through cryptocurrencies such as Bitcoin, leaving few traces and making online surveillance and digital forensics highly complex. They also use secure mobile devices with cutting-edge encryption technology and a variety of mobile applications for encrypted chat such as Telegram or Signal, [which] provide safe ground for internal coordination by terrorists while avoiding communication interception by law enforcement. . Finally, the popular method utilized by terrorists is the use of pseudo accounts.

The terrorist content shared online is a threat to national security. Results are, the public is intimidated, they are convinced of bogus claims, they are radicalized, they become extremists, they become facilitators of terrorism and some of the individuals may be recruited as terrorists. Recently, on 24th December 2021, the Transnational Government of Tamil Eelam (TGTE) came, together with other Tamil entities, to lobby the United States of America (US) Congress. TGTE, with other entities, congratulated Ambassador Julie Jiyoon Chung on her appointment as the United States of America Ambassador to Sri Lanka. The organisations in the United States of America that joined TGTE are the Federation of Tamil Sangams of North America (FeTNA), IIankai Tamil Sangam, Tamil Americans United Political Action Council, United Stated Tamil Action Group (USTAG) and World Tamil Organization (WTO). In their congratulatory message to the Ambassador, they have mentioned a "veritable existential threat of Tamil People" in Sri Lanka. They have made several requests in the congratulatory message, which are,

1. An internationally conducted and monitored Referendum that allows people living in the north-eastern region of the island of Sri Lanka (Northern and Eastern province) before 1948 and their descendants to find a democratic, peaceful, permanent, and political solution that meets Tamils' aspirations.

2. An interim International Protection Mechanism in the north-eastern region of the island.

3. The Repeal of the Sixth Amendment to the Sri Lankan Constitution.

4. The referral of the situation in Sri Lanka to the International Criminal Court concerning genocide, crimes against humanity and war crimes, and legal action against Sri Lanka before the International Court of Justice under the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture.

This congratulatory message depicts the seriousness of online falsehoods. This was widely disseminated in social media, resulting in distrust, doubt and unrest in the community. Moreover, this is an attempt to obstruct the friendly relationship of Sri Lanka with the United States of America. The reality is, these requests are inequitable, malicious, as well as

unsubstantiated. If escalated, this can even lead to a geopolitical issue. This conduct of TGTE, which is proscribed by the Gazette Extraordinary Notification No 1758/19 of May 15, 2012, in light of UNSCR 1373 displays the threat to Sri Lanka's national security.

One of the main challenges Sri Lanka has had to face when countering the national security threats by online falsehoods is the argument of 'Freedom of Expression'. LTTE international networks strategically use this claim to defend their heinous actions. The same stance is utilized by LTTE organisations that are front, covered and sympathetic in nature. It is important to understand that national security and public interest always take the upper hand. The right to freedom of expression is enumerated in Article 14(1) (a) of the Constitution as "Every citizen is entitled to the freedom

of speech and expression including publication". Nonetheless, Article 15 (2) states, "The exercise and operation of the fundamental right declared and recognized by Article 14(1) (a) shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or relation to parliamentary privilege, contempt of court, defamation or incitement to an offence." Therefore, the state must disallow online hate speech and other such crimes by taking necessary imminent action.

There are numerous ways to recognize online falsehoods such as recognizing the 'authority' as to who is the author and where did the item originate from. Another point to be taken is 'accuracy'; information that is accurate and free from errors is considered more reliable. [The question is] are there links to other resources to back up the claims that one source is making? 'Objectivity' must also be taken into account to check if the information is presented with the least amount of prejudice or personal bias. Is it an opinion or is it trying to sell you something? Finally, 'Timeliness' is a helpful factor, which refers to when was the information first published. Is the content you are looking at up-to-date or the website updated regularly, or is it old and made to look like new information?

To sum up, it has become evident that LTTE international network has utilised information warfare to promote the allegation of the Tamil Genocide against the Sri Lankan government. Therefore, it is crucial to counter online falsehoods immediately. Furthermore, terrorists use 'freedom of expression' as an excuse to spread hatred, misinformation, extremism and radicalization on online platforms. Freedom of expression is important and must be cherished. However, it should not be a weapon against national security. Therefore, the state is duty-bound to uphold laws to safeguard national security.

To deter, as well as combat online falsehood threats, the Sri Lankan government can adopt numerous measures. Monitoring online platforms and recognizing terrorist-run accounts are important. It is crucial to report terrorist content after notifying the intelligence and police officials. In addition, it is imperative to prosecute and convict the terrorists. The said conviction should not only be limited to detention but also to de-radicalisation and rehabilitation of the perpetrators. There should be a follow-up mechanism in the aftermath of serving the jail term or in the aftermath of the rehabilitation process. It is pivotal to educate the public on online falsehoods and measures to be taken if such action is noticed or reported. Improving computer literacy and strategic capability to fruitfully identify and rebut false claims disseminated online is a prudent mechanism that can be used to counter online falsehoods. Furthermore, the creation of an inter-agency platform consisting of the technology industry, government, civil society and academia to share information and expertise to counter terrorist and violent extremist activities on online platforms will be praiseworthy.

London Initiative, Global Srilankan Forum UK, GSLF Excom, NGO(s) without consultative status, also share the views expressed in this statement.

1.Kenneth D. Ward, Free Speech and the Development of Liberal Virtues: An Examination of the Controversies Involving Flag-Burning and Hate Speech, 52 U. MIA L. REV. 733 (1998)
Available at: https://repository.law.miami.edu/umlr/vol52/iss3/4

2. "Violent Extremism Archives." Digital Watch Observatory. Accessed December 28, 2021. https://dig.watch/topics/violent-extremism/.

3. Ibid

4. Transnational Government of Tamil Eelam [@tgteofficial]. "Congratulatory message from…" Twitter, 25 Dec. 2021 twitter.com/tgteofficial/status/1474772445097824257?s=09

5. "What Is Fake News and How to Stop the Spread of Misinformation?" Settlement.Org | Information Newcomers Can Trust, accessed December 28, 2021, https://settlement.org/ontario/daily-life/communication/ethnic-and-cultural-media/what-is-fake-news-and-how-to-stop-spreading-misinformation/.

6. ibid

7. ibid