

IMPACT OF SOCIAL MEDIA ON TERRORISM: A LEGAL ANALYSIS

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ABSTRACT

“Mass-Mediated Terrorism looks at terrorism, political violence, and mass media, and shows how terrorists exploit global media networks and information highways to carry news of their violence along with propaganda of the deed.”

Key Words: *Media; Terrorisms, Mass-mediated terrorism, Sensitizing, Unauthentic, Perception, Human Shield, Human shield" episode, goal of terrorist group.*

Perception about anything plays a vital role. The perception created by media regarding those security forces which are dealing with counter-terrorism plays a very important and vital role in combating terrorism and preventing the same from spreading. Terrorist attacks are often carefully choreographed to attract the attention of the electronic media and the international press. Terrorism is aimed at the people watching, not at the actual victims. In the famous quote of the British Prime Minister “Media is oxygen to terrorism”. The aim of a terrorist attack is to draw the attention of the media in order to propagate their message.¹ Terrorist never attacks insignificant people or places. They always choose the most famous and crowded place so the media can be attracted. As we have seen in the serial Bomb Blast in Delhi in the year 2005, so the attention of electronic Media and the international press be drawn toward them by claiming the responsibilities of the attack.¹

On the other hand the electronic media as well as other media has vehemently criticized the using of a civilian as “Human Shield” in on the bonnet of Jeep by Major Letul Gogoi. This act has been publicized as violation of human right by Media without analyzing the circumstances and situation faced by the Army engaged in combating terrorism.²

This activity of media creates lots of anguish and rebellion spirit in the young and innocent mind of the people which is misused by the terrorist organization in order to propagate their agenda of terrorism.

¹ New York Times, 16 Jul.1987, <http://www.nytimes.com/1985/07/16/world/thatcher-urges-the-press-to-help-starve-terrorists.html>

² *Times Of India*, May 30, 2017, 05:10 IST

Army Chief Bipin Rawat awarded a commendation to Maj Leetul Gogoi for such a bloodless operation in a terrorism-affected area, the media again criticized such a commendation by Army Chief.³

Recently it has been reported by the Army that only 66 out of the 1,736 allegations leveled against the Armed forces for violating human rights have been found to be true since 1994, in which around 150 soldiers have been punished and compensation awarded in 49 cases. This was claimed by a senior officer of the Army that the human rights record "is one of the best in the world, which is appreciated globally". This comes in the backdrop of stringent criticism of the "human shield" episode, which saw Major Leetul Gogoi controversially truss up a civilian on his jeep's bonnet to rescue over a dozen security and election personnel from a stone-pelting mob in Kashmir last month.

While media is criticizing the innovative idea of Major Leetul Gogoi, on the other hand Additional Protocol I imposes restriction on the means and mode by which counter terrorism is conducted by Security Personnel. It reminds that in combating terrorism the Security forces cannot use all or any methods to counter terrorism because it has more chance to cause suffering to them than to safety. This protocol puts restriction on use of such means which may indiscriminately cause damage and destruction to civilian population.⁴

Terrorism is defined as "an act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostility in a situation of armed conflicts with the purpose of such act, by its nature or contexts is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act".⁵

The Media being fourth estate of democracy in our country is playing very important role in upholding the human values, raising social issues by becoming voice of those who are downtrodden and weaker section of the society. But the other aspect of media is also that many times due to fierce competition amongst media, they are sensitizing unauthentic and negative aspect of any incident which poses lots of problem.

³ <http://www.thehindu.com/opinion/editorial/the-commendation/article18572957.ece>

⁴ *ISIL Year Book of International Humanitarian and Refugee Law*, The Indian Society of International Law New Delhi, Vol.1, 2001 on p .5

⁵ International Convention for the Suppression of the Financing of Terrorism, Article 2(1) (b), Resolution No. 54/109 of 9 December 1999. In the General Assembly of the United Nations.

Terrorism is devastatingly affecting the enjoyment of the right to life, liberty and physical integrity of victims. In addition to these it affects society at large, can destabilize Governments, undermine civil society, jeopardize peace and security, and threaten social and economic development. All of these have real and direct devastating consequences on the enjoyment of human rights. Now a day's Terrorism become mimic is continuously changing its faces. On the other hand, security of the citizens or common people is primary and foremost duty of Government; accordingly, the Governments are duty bound to protect human rights of its own people and also to bring the guilty before justice.

In last few years, however, the mode and methods applied by the Governments of Nations have subjected to controversies being because these measures has created a grave concern to human rights and rule of law. Claims are often made that some States while combating terrorism creating a miserable life to people. The armed forces involved in Counter terrorism fights on two fronts simultaneously. They often faces criticism from the human rights activists, however, they remain unheard.

In above back drop it is necessary to analyze the legal implication relating with operation of counter terrorism operation specifically the issues relating to human right violation and exceeding the limits of by the security forces during antiterrorism operations and its reporting by media.

In Jammu and Kashmir in the year of 1990, it was felt by the Government that in order to curb down and counter the terrorism it is necessary to enact a specific law. Therefore, the Government enacted the Jammu & Kashmir Armed Forces Special Act, 1990 that give legal cover to Armed Forces for conducting operation in disturbed areas from prosecution.⁶

After the twenty five years of implementation of AFSPA in Jammu and Kashmir it has become a bone of contention for both separatist and regional parties. There are lot of debate over status and merit and demerits of the law. The government has refused to appeal it despite several oppositions by regional parties and Separatist.

In North Eastern State of India violence had become way of life and State administration was incapable to observe it fundamental duties to keep peace and maintain its internal disturbance, therefore, and the Union Legislature enacted Armed Forces (Assam &

⁶ The Armed Forces (Special Powers) Act, 1990.

Manipur) Special Powers Act, 1958. This Act also provide legal cover to Armed Forces against its action in combating terrorism.⁷

On 6 June 2005 the Committee of Justice Jeevan Reddi Constituted to review the Armed Force (Special Power) Act, 1958 gave its report which clearly states that this act is symbol of oppression and instrument of highhandedness. The then Union Minister did not made this report public but The Hindu managed to obtained its copy in which it was clearly recommended that this Controversial Act is against the people in Manipur and elsewhere should be repealed.⁸

In its report committee says that the Act has become symbol of suppression and an object of hate and instrument of discrimination and highhandedness.

There is relation between counter terrorism, media and security forces and law enforcement agency are dependent on each other. This book suggest that in all these agency should work together to fight terrorism. It is a generally observed that all they cannot work properly and effectively by remaining independent to each other. This book emphasise that while combating terrorism, the human rights standard should be maintained in such and measures taken to counter terrorism should not sacrifice the human rights of common men. It should be observed at the core of the strategy while combating terrorism.⁹

Mass-Mediated Terrorism, look at terrorism, political violence, and mass media, shows how terrorists exploit global media networks and information highways to carry news of their violence along with "propaganda of the deed."¹⁰

It is emphasised that goal of terrorist group is not the kill people but to draw the attention of the world towards themselves. The Media is inadvertently contributing to fulfil the purpose of terrorist by creating fear and suspicion in the mind of population. It also discussed that the role of media in such situation become very crucial. This book discusses the real object of terrorist and how media is serving that object inadvertently.¹¹

In July 2014 a journalist stated that it is a duty of the journalist to meet a terrorist and it is not sedition. Interviewing a terrorist, conducted by a specialist such as psychologist, sometimes by some thinkers it is considered as a risk of civilising evil and humanizing

⁷ The Armed Forces (Special Powers) Act, 1958

⁸ Justice (Retd.) B.P. Jeevan Reddi, Report of the Committee to Review 'The Armed Forces (Special Powers) Act, 1958.' Government of India, Ministry of Home Affairs, 2005

⁹ Jonathan Cooper, A Manual Counter- Terrorism Protecting Human Rights, OSCE Office for Democratic Institutions and Human Rights (ODIHR), ISBN 83-60190-49-6.

¹⁰ [Brigitte L. Nacos](#), Mass-Mediated Terrorism, The Central Role of the Media in Terrorism and Counterterrorism, 2nd Edition, Rowman & Littlefield Publishers, Inc., ISBN-13: 978-0742553804.

¹¹ Jean-Paul Marthoz, Media and the Terrorism, United Nations Educational, Scientific and Cultural Organization, 2017, ISBN 978-92-3-100199-4.

barbarity. It is also suggested that the media must satisfy certain conditions before taking interview of the terrorist. During terrorism and counter terrorism operations because in some way or other the media support terrorism and their propaganda.¹²

There is a certain question that comes up before us while we analyze these issues relating to terrorism. Such as “What are the impacts of media on combating terrorism? What are the various ways by which media may play an effective role in combating terrorism? What are the perceptions of common men and affected people on the role of media while combating terrorism? What are the changes required in law to regulate the role of media to combat terrorism?, and Does the Constitutional framework permits to make of required changes in law? To answer these questions it is necessary to work on the following issues, such as-

Suggestions: There is a need of amendment in the laws prevailing in India pertaining to the regulation of media and its reporting. There is also a need to invent a mode by the social status of people in terrorism-affected areas can be improved by positive and responsible reporting. It is high time to explore the effect of media in combating terrorism by changing the perception of the general mass and people affected by terrorism. It is necessary to find out the modalities for regularising the role of media in combating terrorism and also the modes by which media can play a positive role in the process of combating terrorism. The media instead of becoming the oxygen of terrorism may become tools of suffocation and may play a constructive and effective role in combating terrorism if it is strategically managed and used for counter-terrorism. The media can be used as an effective tool to combat terrorism. The Media being a strong and effective instrument, it can be used by terrorist as well as by security forces which are engaged in combating terrorism in their own favour.

¹² *Shyam Tekwani* (Ed.), *Media & Conflict Reporting in Asia*, Asian Media Information & Communication Centre (AMIC), 2008,p. 2.