

Truth or Treason? The Tussle between Secrecy and Security

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Sri Lanka has long standing legislation, protecting official secrets in the interests of national security. Yet, these laws are yet to clearly demarcate the boundaries of such terminology, which may result in the infringement of fundamental rights such as the right to expression, publication and dissemination, guaranteed in the Constitution of 1978; neither does Sri Lankan law permit the release of material it categorizes as 'official secrets' for the public good. Thus, if a public servant were to act as a whistle blower, she would not have the defence of public interest. To this end, the article seeks to analyse two recent case studies that occurred in the United States, prosecuted under the Espionage Act of 1917, a statute which could well be deemed Sri Lanka's counterpart. Through such evaluation, the writer seeks to caution against similar action being taken against any Sri Lankan citizen who might release information, to further accountability and transparency in the government. The writer posits that lessons could be learnt from such a comparative analysis, suggesting that the defence of public interest be made a part of Lankan jurisprudence when it comes to civic minded citizens and a clear definition be provided for pivotal terms such as 'official secrets' and 'national security.' Leaving room for ample interpretation of legal terminology might result in injustice, repression and legal uncertainty. Clarity and curtailment would aid greatly towards establishing trust in public authorities, the tri forces, state accountability and ultimately foster sustainable national security.

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