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DISINFORMATION - PART OF A BUNDLE. How CAN MALIGN ACTORS TARGET ANY ONE OF Us?

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This case involves two civil servants, who live rather regular lives as a married couple. Jane works for the Ministry of Health, while John works for the Ministry of Energy; his job leads him to contribute to the preparation of the negotiation of a new Free Trade Agreement with a neighboring State.

Jane has suffered from drug addiction and has discussed it with strangers online. She becomes the target of a malign actor, who befriends her, before starting to feed her with information relevant for her husband's work. The flow of information quickly becomes bilateral, with Jane providing her "friend" Mark with information relating to that work.

It later becomes apparent that Jane and John have been microtargeted by malign actors from a third nation, interested in stalling current FTA negotiations and willing to use different cybercriminal methods (hacking, spread of misinformation, fake social media accounts) for influence purposes.

Keywords: Hybrid warfare – Weaponization of an individual – Useful idiot – Misinformation – Disinformation – Influence – International negotiation – Cyber hygiene

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Preamble

Disinformation is a phenomenon that exists within an information space. For it to thrive, communication is essential, whether it is bi-directional or one-directional. There is no universally-recognized definition of disinformation, but for the purpose of this case study, it can be viewed as “the purposeful spread of false, misleading, or exaggerated content, or the use of fake online accounts or pages designed to purposefully manipulate or mislead users” (Garcia-Camargo, 2021, p. 7).

Disinformation is frequently used as a weapon against entire societies or social groups, but it can equally target smaller entities, even individuals. Malign actors use diversified strategies to reach their audience, and disseminate disinformation across multiple media: magazines, social media platforms or encrypted channels. Even though we commonly associate it with trolls, it can be spread by bots or cyborgs – accounts administered partly by human beings, partly by computers. There are also cases when it becomes professionalized and employed by whole companies of trolls, called troll farms. In any case, it is the intent of the malign actor and the existence of manipulative elements that constitute disinformation rather than mere misinformation.

Only where there is an information flow can there be an information disorder, a part of which is disinformation (Wardle & Derakhshan, 2017, p. 5). When discussing disinformation, much of the attention is centered on the phenomenon itself or on the perpetrators – malign actors who intentionally deceive and manipulate their audience. Moreover, scholars and policymakers debate how to contain this threat or how to bolster societal resilience, to mitigate its harmful societal effects.

In effect, the focus is largely on the present, with little attention given to the evolution of the threat and its future potential to influence hearts and minds. Disinformation can affect and victimize an individual outside the focus area. These spillover effects can either be targeted or unintended outcomes. The shambolic nature of these cascading effects supports the desired effect of chaos-focused disinformation operations, which aim to destabilize a target audience from within.

The future of disinformation may introduce new tactics, techniques, and procedures designed to exploit our vulnerabilities in even more sophisticated ways. Microtargeting,

leveraging multiple platforms, and exploiting human weaknesses are tactics already employed by these malign actors. Additionally, disinformation rarely operates in isolation — it is typically used in tandem with other non-kinetic hybrid threats, such as cyberattacks (Caramancion et al., 2022).

Characters

This case study tells the story of Jane — not a politician, nor an employee of a security service, but an ordinary government employee — who was microtargeted by malign actors. This attack was neither instigated, nor provoked by her. However, she inadvertently contributed to her predicament through poor cyber hygiene and questionable transparency.

Jane is a citizen of Libera, married to John. She works as a technical advisor for the Liberan government at the Ministry of Health. Jane considers her working environment particularly stressful and demanding, so she has been reaching for drugs to stay up longer and perform better. Her best-kept personal secret is that she is a high-functioning drug addict.

John is also a citizen of Libera, who also works for the government, at the Ministry of Energy. He holds a senior position and must work long and odd hours. His hobby is motorcycles. He is a supportive husband and one of the only people who know of Jane's addiction.

Mark is a virtual acquaintance of Jane's. She met him in an online support group.

Libera is a Federal Republic and liberal democracy located somewhere on Earth. It is currently negotiating a Free Trade Agreement (FTA) with neighboring Agraria. It is a developed economy, has vast natural resources reserves, and its society enjoys a high standard of living. Liberans living by the Liberan-Agrarian border fear that increased trade in natural resources could damage the environment and have negative effects on their communities.

Agraria is a developing country and a liberal democracy. It looks for natural resources to support its growing industry. Through negotiation, it is looking to develop international trade with its regional partners. Agraria would rather trade with Libera than Rusovia in hope for technology transfers.

Rusovia is a Federal Republic with an authoritarian regime, which shares a border with both Libera and Agraria. It is known for aggressively pursuing its political objectives and weaponizing disinformation to weaken and polarize societies in other countries. Rusovia's population remains rather poor, even though the country is rich in natural resources. It looks for new markets and eyes Agraria.

Part 1 - Jane and John

It was a Friday evening, and the weekend was just around the corner. Jane skimmed through the local news, waiting for John to join her so they could watch a series and unwind after an intense week. John was deep in conversation about motorcycle matters with his online community. When he is not working at the Ministry, he spends as much

time as he can exploring all kinds of things related to vehicles. She knows these moments are precious to him as he works hard on setting the scene for the Liberan negotiating team in Free Trade Agreement (FTA) negotiations with Agraria. Jane does not share her husband's interest, but that has never been an issue. After all, she has her own hobbies and a no-less-demanding job, and she too deserves some me-time.

Despite the fast pace of work, Jane is praised as a high-performer and an overachiever. However, few people know that there is a darker side to her productivity. She used to maintain her long working hours by regularly using illegal stimulants. At times, it was difficult to conceal her drug addiction from her boss and colleagues, but she was quite fortunate – since the pandemic, the Ministry had become more amenable to remote work. She looks out the window and wonders that if anyone were to find out, things would not go well for her. Such a revelation would undoubtedly erode trust, lead to questions about the validity of her work, and potentially cast a shadow over the Ministry. Personally, Jane feels she might be relegated to a less visible role or advised to take an extended leave, which would derail her career trajectory. Alternatively, she could simply be fired.

Her grim contemplations were suddenly interrupted with a burst of laughter from behind John's screen. "No way! You didn't!" she heard. She had no idea what was going on there, but that little distraction was enough to reroute her thoughts to something more pleasant. Sometime later John joined her on the couch, and they finally could watch their favorite series and rest a little bit after that long day.

Part 2 - Leaking data

"We are writing to let you know of a data security incident that may have involved your personal information," was the first thing Jane read the next Monday morning when she opened her office email application on her phone. It was not the first time she had seen that message in her lifetime, and it caused more irritation than terror. She thought sleepily that she would have to update her password once again, since whichever of the portals she was signed into could not keep her data safe.

When she returned from work, she found her husband at home, clearly agitated. He explained that the previous day, he had been chatting with friends from his online motorcycle club. They were reminiscing and sharing laughs over past experiences. When it was his turn, and in response to stories about the troubled youth of some club members, he half-jokingly and half-seriously shared a bit of their family history. He mentioned that someone close to him had struggles with drug addiction and had made poor choices in the past, including stealing from their own family. Now, he said, that revelation seemed to be drawing more attention than he had anticipated.

After hearing more details, Jane comforted her husband. While she considers his actions thoughtless, he has not said anything that could be directly linked to her. Everyone knows it is better to be safe than sorry, and there are plenty of people online that one should not trust. For her part, she believes this nasty moment would be lesson enough to deter him from making similar mistakes in the future. Jane then shared about her day,

especially about the security breach she had discovered that morning. It turned out the hacked database belonged to the Ministry of Health and the digital footprints led to hackers associated with Rusovia.

The very next morning, Jane opened her computer to check her social media. Immediately, her eyes were drawn to a prominent advertisement banner: "Thinking of your health? Try our product!" Accustomed to aggressive and nonsensical marketing, she initially brushed off such banners. However, when she noticed that every other "suggested for you" post related to alcohol, drugs, or other medical topics, she began to suspect something was amiss with her browser. She decided to visit the usual forums where she had previously sought support during her difficult times of more intense addiction. She tried to maintain a low profile on social media and added as little information to her account as possible. This strategy had helped her feel secure enough to even exchange messages and share experiences with other users.

When Jane checked these groups, she immediately noticed a negative change. Most were now inundated with new posts: targeted articles, promotions for new "remedies," and discussions from long-time users venting about their overflowing inboxes. Apparently, many netizens had been contacted by strangers – some received spam on their emails, others on social media, and some even received phone calls or text messages from dubious companies. However, everyone seemed to tie this unnerving, targeted attention back to a recent data breach at the Ministry of Health. While Jane found it disconcerting, she figured there were worse things in life than being contacted by spammers. For her part, she only found an ordinary message from one of the forum users, named Mark.

Part 3 - Is a friend in need always a friend indeed?

Jane had been observing Mark engage in various threads for several months and remembered often agreeing with his posts. This time, he reached out to her to complain about "their" forum being spammed again, suggesting that the moderators should intervene. Jane engaged with the topic, and the ensuing conversation turned out to be witty and fun. She learned that Mark works for the Association for Cross-Border Cooperation, where he analyzes the impact of government regulation on the environment and people's lives. Ultimately, Mark expressed his fatigue with their forum being continuously raided by scammers and trolls and suggested moving to a popular messaging app with encrypted communication. Jane happily agreed, and they exchanged numbers. After all, she interacted with most of her friends – both real and virtual – through messaging apps.

As a few weeks passed, Jane found her acquaintance with Mark growing and developing. They spent a lot of time exchanging messages and recordings, discussing her work, the effects of governmental policy on ordinary people's lives, and potential solutions to assist them. She appreciated his good heart and caring nature – a contrast to some of her colleagues at the Ministry. She also spoke of her husband, whom she barely sees due to the ongoing Liberan-Agrarian negotiations over the FTA. Although the draft agreement was largely complete, some areas still required further negotiation rounds. As usual,

John's unit worked long hours to prepare the negotiating team and provide them with all the necessary data. Most recently, they strived to collect the necessary data to justify the exclusion of carbohydrate trade in the FTA.

Quite unexpectedly, Mark sent her studies containing statistics and personal accounts detailing the detrimental effects of Liberan energy policies on the environment and the way of life of people living by the Liberan-Agrarian border. Jane felt this was exactly what John needed to finalize his inputs. She shared the studies with her husband, who seemed quite pleased to receive such useful and timely resources. A statistics-based study on the issues in question was welcomed, especially as it saved some work for the already over-stretched unit and provided additional context. She did not hesitate to mention this to Mark. He was very pleased and thanked Jane for her efforts. "How about I send you some similar studies from time to time? We have a network of experts," Mark suggested. "We would need some information on what is going on in your husband's unit to better match our studies to your needs," he added.

For the next few weeks, Jane supplied Mark with information and directions about John's unit's work and she was happy, in return, to pass on the stream of useful data that Mark kept forwarding. However, it was only after the final negotiation round that she became aware that something had gotten out of hand. John's colleagues, who were personally involved in the negotiations, suspected that the Agrarian team appeared to know their red lines and arguments. The final negotiation round went terribly, and the negotiators from Agraria seemed uninterested in setting any further round for a definite time, apparently knowing that Libera was not keen to liberalize trade in carbohydrates.

The sudden stall in negotiations and the surprising behavior of the negotiators raised questions about the strategy of the negotiating team. To make matters worse, John's team ran a secondary validation process during which they discovered inconsistencies in the data they had been fed with. Jane's mind raced with questions and potential implications. Was it possible that Mark, the good comrade, had been feeding her inaccurate information? Could he have any connection with the Agrarian negotiators? She wanted to confront him as soon as possible. She sent him an angry message, questioning the quality of the data, and interrogating him about passing information outside of their private chat. He responded promptly: "I am sorry to hear that the negotiating round did not go as you expected. As for the data, this must have been due to some miscommunication – I will do my best to supply better data in the future." Still agitated, Jane responded that there would be no more exchanges and she had lost all trust in him. When she checked the app later in the evening, she was surprised to discover that the number he used had removed his messages and that he had disappeared from social media too. She tried to call him, but the number was not available.

The next day, her phone vibrated with a new notification from a messaging app, from an unknown number: "Dear Jane, it has come to our attention that for a few years, you have been consulting specialists about a certain matter and that recently you forged a peculiar friendship with a person from a support forum." Below, she saw a few screenshots

– one from her medical records and a few from her exchanges with Mark. She quickly recognized some messages where she provided insights from John’s team, but there were also other, intimate messages she had never written. Jane also saw a screenshot of her discharge from a mental hospital – one to which she had never been. She felt a chill and typed nervously: “These screenshots are fake! What do you want from me?”

Soon after, she saw a response. “Fortunately for you, we understand completely that it would be best for everyone if none of these messages were revealed to others. They might not be as forgiving as we are. We only ask that you continue helping the good people, and who knows, maybe that help could be mutually beneficial?” As she pondered her next move, she saw the typing indicator signaling an incoming message: “By the way, how’s your husband? We are big fans of motorcycles too! We understand he might be having a difficult period at work but surely, he would appreciate it if you took him out somewhere, maybe to a racing gig he really wanted to attend. All we need is a little gesture of goodwill on your end. We’d like you to help secure some public funding for a few friendly organizations.” “I must think it over,” she wrote. “Very well, we’ll be contacting you soon.”

Possible questions for all audiences

- 1) What elements seem to indicate that we are in a hybrid warfare situation? What are the different tactics at play in this scenario? How do they play in conjunction with one another?
- 2) Draw a stakeholder map including all involved parties, i.e., a graphic representation of all actors, with arrows between them indicating support or opposition. Identify the main interests and values of the main actors.
- 3) This seems to be a patiently and well-prepared plan from the nefarious actors. How to interpret this?
- 4) The lack of cyber hygiene of the main characters (Jane and John) may seem outrageous; however, the scenario does seem awfully realistic. Discuss.
- 5) What preventive measures (at societal, organizational and/or individual levels) would you advise to avoid such scenarios?
- 6) Organizations are vulnerable because of their staff's conduct. What tools are (or could be) used to target individuals? How should organizations work with their members to increase cybersecurity? Does the generalization of remote work make individuals better targets for hybrid warfare efforts?
- 7) This case seems to exemplify the butterfly effect (a small action with huge consequences). Hybrid warfare is characterized by the fact that it does not aim at military targets but may aim at large or small organizations, or public services. Specific individuals (including with limited public exposure) may also be targeted. Discuss.
- 8) If you were Jane at the end of the scenario, what would you do? Please list her alternatives, with pros and cons for each one, before stating your preferred course of action.
- 9) Should Jane be punished for her actions? Should John? More generally, should people who are being used without their consent be considered partially liable for the damage created?

Possible specific questions for lawyers and law students

- 1) You are an attorney and Jane hires you for advice. What would you suggest her best course of action to be? What are the risks attached to each alternative at her disposal?
- 2) You are an attorney and John hires you for advice. What would you suggest his best course of action to be? What are the risks attached to each alternative at his disposal?
- 3) Should John and Jane hire the same lawyer? Would that create a conflict of interest? If so, how would lawyers address it?
- 4) Imagine the Minister of Energy investigates and discovers that the data channeled by both Jane and John to Libera's negotiating team comes from shady sources. What do they risk in terms of their employment and in criminal terms? (Assume the applicable law in both areas is that of the jurisdiction where your course is based.)
- 5) Consider negotiation in general: how to ensure confidentiality? How to ensure that the information parties rely on is legitimate?
- 6) The case describes two countries competing for the natural resources of a third one. Where do you place the limit between healthy competition and unlawful conduct? Do Nation-States have legal recourse to deal with unlawful conduct emanating from another Nation-State? If this exists, would it be effective?