

# Human Rights Defenders Alert - India

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The Chairperson  
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Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – Andhra Pradesh: PUCL activist arrested and remanded to judicial custody for Facebook post on T.N. Governor – Reg**

Greetings from Human Rights Defenders Alert - India! HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the arrest of Ms. Jaya Vindhyala, Human Rights Defender associated with the People's Union for Civil Liberties (PUCL), Hyderabad, on Sunday, 12 May 13, on charges of posting derogatory comments on Amanchi Krishna Mohan, MLA of Chirala, a town in Prakasam district and Tamil Nadu Governor K. Rosaiah on her Facebook account.

## **About the Human Rights Defender under attack:**

Ms. Jaya Vindhyala is the president of the Andhra Pradesh unit of the People's Union for Civil Liberties (PUCL), one of India's largest and oldest human rights organizations that has sought to defend human rights and is also a noted civil liberties activist.

## **The Perpetrators:**

1. The Andhra Pradesh Police
2. Amanchi Krishna Mohan, MLA of Chirala, a town in Prakasam district
3. Mr. Praksam, Tamil Nadu Governor

**Date and Time of Incident:** Sunday, 12<sup>th</sup> May 2013

**Place of Incident:** Hyderabad, Andhra Pradesh

**Incident:**

The police picked up Ms. Vindhyala in Hyderabad on Sunday, the 12<sup>th</sup> of May, 2013 based on a complaint filed by the ruling party legislator from Chirala. She has been shifted to the district prison after she failed to furnish the sureties for the bail granted to her. She was remanded to judicial custody till May 24 by a court on Monday, following her arrest on charges of posting derogatory comments on her Facebook timeline on Amanchi Krishna Mohan, MLA of Chirala — a town in Prakasam district — and Tamil Nadu Governor K. Rosaiah.

The police had invoked the provisions of section 66 (A) of the Information Technology Act, and section 120(B) of the IPC which deals with conspiracy.

The PUCL activist's arrest has once again triggered a debate over the use, misuse and abuse of the provisions of the Information Technology act. Ms. Vindhyala had been opposing the local legislator on various issues and had brought out a fact-finding committee report on various issues accusing the legislator of malpractices. Her Facebook timeline includes her petitions submitted under the RTI act, the PUCL fact-finding committee reports, a legal notice sent by the MLA's counsel, and her reply to it. The Facebook posts were a part of the fact-finding committee report. Eleven other persons, members of the fact-finding committee, were also cited as accused in the case, but none of them has been arrested so far.

The police had written to Facebook to delete her postings, but her timeline continues to show all her posts as on Monday night. The offence alleged to have been caused seems to be an offence of defamation covered under Section 499 of the IPC. It is to be noted that the addition of Section 66A to the FIR is now a growing phenomenon, where any crime with a remote connection to the Internet is getting an obligatory reference to section 66A of the IT Act.

Meanwhile, the PUCL has condemned the arrest and said Ms. Jaya Vindhyala had been exposing the corruption of the MLA and other senior officials of the State. In a statement, the national general secretary of PUCL, V. Suresh, questioned the need for the arrest quoting Supreme Court directions, which stipulated that the arrest was not necessary if the accused person would appear before the police on summons

and when there was no danger of the person absconding, threatening witnesses or tampering with evidence. He said Ms. Vindhyaala was a well known human rights activist and there was no need to arrest her.

## **Appeal**

We, therefore, urge you to immediately take necessary steps to ensure that:

- All necessary measures are taken to guarantee the physical and psychological integrity and security of Ms. Jaya Vindhyaala
- Ms. Jaya Vindhyaala is immediately released and all the false cases foisted against her and other PUCL members in Prakasam district are closed
- All human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment in all circumstances.
- Respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India is guaranteed

Looking forward to your immediate action in this regard,

Yours sincerely,



**Henri Tiphagne**

Honorary Working Secretary  
Human Rights Defenders Alert - India

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