

URGENT ACTION

ADMINISTRATIVE DETENTION FOR FACEBOOK POSTS

Kishorchandra Wangkhem, a journalist based in Manipur, India, was arrested in August, and again in November 2018, because of Facebook posts where he criticised the government. While he was released on bail in both cases, on 27 November, he was arrested under the National Security Act (NSA). This draconian administrative detention law allows for him to be imprisoned for 12 months without charge or trial, in violation of regular criminal justice safeguards. The High Court of Manipur will hear his challenge to his detention under the NSA on 1 February 2019.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Chief Minister of Manipur N Biren Singh
 Manipur CM Office,
 4th Block, Western Block, New Secretariat
 Imphal, Manipur, India - 795001
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Dear Chief Minister,

Kishorchandra Wangkhem, a journalist based in Manipur, has been held in administrative detention since 27 November 2018 under the National Security Act (NSA). The detention order against him references his Facebook posts criticising the government and declares that if he were released he would continue to act in a manner "prejudicial to the security of the state and maintenance of public order".

This is not the first time Kishorchandra Wangkhem has been detained for his posts on Facebook. He was arrested on 9 August 2018, for Facebook posts two days prior, where he criticised the state government. He was arrested for the alleged offences of 'making statements promoting enmity and ill will' and 'defamation'; he was subsequently released on bail. On 20 November 2018, he was arrested for the alleged offence of 'sedition', in relation to Facebook videos he posted on 19 November that criticised the Chief Minister of Manipur and the Prime Minister of India. He was released on bail on 26 November, as the Chief Judicial Magistrate, Imphal West, noted that he was merely expressing his opinion. However, he was taken into custody under the NSA the following day.

I am very concerned that Kishorchandra Wangkhem is being targeted using repressive laws for simply exercising his right to freedom of expression. Many of the laws and criminal provisions that he has been arrested under, such as criminal 'defamation', 'sedition', and the National Security Act do not meet international standards and have been criticised for being vague, overbroad, and repressive.

I call on you to

- a) Immediately and unconditionally release Kishorchandra Wangkhem from administrative detention and ensure that he is given a fair trial for all pending criminal cases, in accordance with international human rights standards. Pending his release, ensure he is not subjected to torture or other ill-treatment; and,*
- b) End the use of administrative detention and desist from using the criminal provisions of defamation and sedition, against journalists and human rights defenders in Manipur.*

Yours sincerely

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

Kishorchandra Wangkhem is a journalist based in Manipur, India. In early August 2018, Wangkhem put up Facebook posts that were critical of the government in Manipur. Following this, he was arrested on 9 August 2018, for the alleged offences of 'making statements promoting enmity and ill will' and 'defamation' under the Indian Penal Code (IPC). On 12 August 2018, the Chief Judicial Magistrate, Imphal West, released him on bail, citing that the offences were not "grave or heinous" and on grounds of ill health. Amnesty International has repeatedly called for the decriminalisation of defamation as it amounts to an unnecessary restriction on freedom of expression, and imprisonment for such action is a disproportionate sanction. Laws on defamation in India fall short of international standards on freedom of expression and enable the criminalising of opinion.

On 19 November 2018, Wangkhem put up four Facebook videos where he was critical of a cultural event being held in Manipur. In particular, he criticised the Chief Minister of Manipur and the Prime Minister of India. Wangkhem was then arrested again on 20 November 2018. This time, he was arrested for the alleged offence of 'sedition' under Section 124A of the Indian Penal Code. On 26 November 2018, he was released on bail. While granting bail, the Chief Judicial Magistrate, Imphal West, noted that the Facebook posts did not amount to sedition and were a "mere expression of opinion against the Prime Minister of India and Chief Minister of Manipur, which cannot be equated with an attack to invite people to violence against the Government of India or Manipur to topple it". Sedition is an archaic criminal provision that is an unreasonable restriction on the right to freedom of expression and violates international human rights law. Amnesty International continues to demand the repeal of this draconian law.

The day after Wangkhem was released on bail, he was detained under the National Security Act (NSA) on orders of the District Magistrate, Imphal West. The District Magistrate rejected his representation against the detention order on 7 December 2018. The State Government of Manipur confirmed the detention order on 14 December and fixed the period of detention as 12 months. The NSA permits administrative detention for up to 12 months on loosely defined grounds of national security and maintenance of public order. Administrative detention laws allow for people to be detained without charge or trial. Under international law, administrative detention is only permitted in exceptional circumstances and when subjected to stringent safeguards. Amnesty International opposes all systems of administrative detention.

On 20 December 2018, Wangkhem challenged his detention under the NSA in the High Court of Manipur. The High Court of Manipur will hear this case on 1 February 2019.

Amnesty International believes that the detention of Kishorchandra Wangkhem is politically motivated, in light of his multiple arrests for expressing his opinion, under vague, overbroad, draconian and repressive legislations. These legislations have been repeatedly used to silence journalists and human rights defenders. These actions by the authorities in Manipur are a grave violation of the right to freedom of expression.

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 26 February 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Kishorchandra Wangkhem – He/His

LINK TO PREVIOUS UA: n/a