

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No.D-3927/2017

Farieha Aziz & 08 Others Petitioner

Versus,

Federation of Pakistan & Others Respondents

STATEMENT

Received in this office:

- (i) Report/Parawise Comments on behalf of Respondents No.2 (FIA);

Copies of the above are enclosed herewith for kind perusal of this Hon'ble Court.

Karachi,
Dated. 06.07.2017

Astfaq Rafiq Janjua
Assistant Attorney General

IN THE HIGH COURT OF SINDH, KARACHI

C.P No. D-3927/2017

Fariha Aziz & 08 others

.....Petitioners

VERSUS

- 1. Federation of Pakistan through Secretary, Ministry of Interior**
- 2. Federal Investigation Agency through its Director General**

.....Respondents

REPORT/PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 2 (FIA)

Respectfully Sheweth:

Preliminary Objections

That the instant petition is liable to be dismissed on the following scores:

- i). The steps taken by FIA are fully fortified by section 5 of the FIA Act, 1974, empowering this Agency to inquire into and investigate the offences, which are on schedule of FIA. Section 20 (1) of Prevention of Electronic Crimes Act (PECA), 2016 is FIA's scheduled offence, as the preceding Act is on FIA's Schedule.
- ii). Instant FIR No. 01/2017 was registered by the PS FIA, Counter Terrorism Wing (CTW) Islamabad under Section 20 (1) of Prevention of Electronic Crimes Act (PECA), 2016 on the basis of enquiry No. 23/2017 in accordance with law.
- iii). The facts leading to instant case are that, as stated above, the instant FIR was registered on the basis of enquiry on the specific allegations that a campaign of vilification and character assassination by some unknown individuals has been illegally, unauthorizedly, dishonestly with malafide intention and ulterior motives, started on Internet using social media i.e. Facebook & Twitter etc. by disseminating / spreading / uploading defamatory / objectionable and disgraceful material / contents against the Government of Pakistan, Armed Forces of Pakistan and top brass of Pakistan Army etc. Such illegal activities are causing disharmony and unrest among different government institutions as well as inciting hatred and contempt against Government and state institutions. Prima facie, a case was made out under Section 20 (1) of Prevention of Electronic Crimes Act (PECA), 2016. Hence, the instant FIR was/has been registered against unknown persons. Further investigations are underway. Besides, the technical experts are conducting technical analysis & profiling of the social media users including that of Twitter & Facebook etc, who are suspected to be involved in the questioned vilification campaign.

ON FACTS

Paras-1 & 2

No Comments

Paras-3

Incorrect. The entire action of FIA is quite in accordance with law.

Paras-4

The contents of this para are incorrect. As stated above, the proceedings of FIA are quite covered under the law. **None of the persons was ever detained by FIA, which has been falsely stated in this para.**

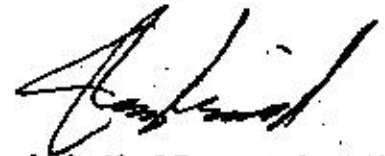
Paras-5

Correct position is that one Adnan Afzal Qureshi was arrested by FIA Cyber Crime Circle Lahore in FIR No. 53/17 dated 30.05.2017 u/s 20 & 24 of Prevention of Electronic Crimes Act (PECA), 2016 R/W 419, 500 & 506 PPC.

Paras-6 to 9 (A) to (F) Denied. Correct position has been submitted above.

PRAYER

Foregoing in view, the instant petition may very kindly be dismissed for want of any merit.



(On behalf of Respondent No. 2)