
AMNESTY INTERNATIONAL NEWS SERVICE 150/93

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NEWS SERVICE ITEMS: EXTERNAL - PAKISTAN, KENYA

PLEASE NOTE: EFAI has changed address, following are their new details: 17, rue du Pont-aux-Choux, 75003 PARIS. Standard: + 331 44 59 29 89, Fax: + 331 44 59 29 80, Courrier électronique: Mac 44 59 29 86, PC 44 59 29 87. Katie Rickards, in the Secretary General's Office at the IS has the full list of individuals' direct numbers, so please contact her if you need it.

PLEASE NOTE: Please forward the enclosed item on Kenya to Campaign Coordinators/lobbyists before the government donors meeting in Paris on 22-24 November.

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

Venezuela - 10 November - SEE NEWS SERVICE 121/148

Iran - 17 November - SEE NEWS SERVICE 138/148

Pakistan - 7 December - SEE NEWS SERVICE 137

India - 15 December - SEE NEWS SERVICE 137

TARGETED AND LIMITED NEWS RELEASES

Egypt - 11 November - SEE NEWS SERVICE 149

Portugal - 15 November - SEE NEWS SERVICE 149

CORRECTION: Papua New Guinea - 19 November - SEE NEWS SERVICE 138/148

End of 9th paragraph (beginning "Even more disturbing..."), delete "continues to provide military aid to Papua New Guinea" and replace with the phrase, "has since supplied a further helicopter to the Papua New Guinea security forces."

Human Rights Day Speech - 9 December - SEE NEWS SERVICE 138

FORTHCOMING NEWS INITIATIVES 1994

Tunisia - 12 January

South Africa - 19 January

Colombia - 16 March - SEE NEWS SERVICE 123 + UAs AMR 23/56+57/93

BRITISH SECTION INITIATIVE

The British Section has prepared an audio cassette with celebrities reading on the following cases from the EJE's Campaign: Turkey, Croatia, India, Peru, Iraq, Kuwait, Sudan and Sri Lanka. If you would like a copy for media work, please contact the British Section Press Office.

News Service 150/93

AI INDEX: EUR 38/WU 01/93
12 NOVEMBER 1993

PAKISTAN: JOURNALIST ARRESTED ON APPARENTLY FALSE CHARGES AND SENTENCED TO 10 YEARS' IMPRISONMENT AFTER UNFAIR TRIAL

Amnesty International has just received information that Sailab Mahsud, a journalist, was sentenced on apparently false charges to ten years' imprisonment purely for the exercise of his professional activities on 13 October. The human rights organization considers Sailab Mahsud to be a possible prisoner of conscience and urges the government of Pakistan to release him immediately and unconditionally.

A correspondent of the Urdu daily Jang and The News, Sailab Mahsud was arrested on 24 September 1993 after he had interviewed Amanullah Kundi, alias Mano Khan, a prominent person charged with drug offences who had escaped from detention.

Sailab Mahsud was charged with a number of criminal offences, including conspiracy to commit war against Pakistan, harbouring offenders and resistance to lawful apprehension. The evidence available to Amnesty International strongly suggests that he was in fact arrested solely on account of his journalistic activities and that the criminal charges against him are false.

Sailab Mahsud was arrested in South Waziristan, a Federally Administered Tribal Agency (FATA) of Pakistan. Under the constitution of Pakistan, FATA areas retain the judicial system which was granted to them during the colonial period; it does not fall within the higher judiciary of Pakistan and contains none of the safeguards regarding arrest and trial available under the regular legal and judicial system of Pakistan.

Sailab Mahsud was tried under the Frontier Crimes Regulation of 1901, which provides for trial by Jirga - a council of tribal elders. The trial on 12 October, in which Sailab Mahsud did not have any legal counsel and which was not public, took only a few hours. Reports suggest that it was not constituted according to the requirements of the Frontier Crimes Regulation as besides tribal elders the Jirga also allegedly involved members of the local administration.

According to a press statement of the South Waziristan Agency, Sailab Mahsud was found "guilty of criminal conspiracy of blocking the lawful apprehension of Mano Khan, being instrumental to providing shelter to Mano Khan". Under the Frontier Crime Regulation there is no possibility of appeal to a higher court. Amnesty International has learned that Sailab Mahsud has submitted an appeal to the highest executive authority of South Waziristan, the Commissioner, who may then forward the application to the Home Secretary of the federal government for decision.

During his detention in Tank after his arrest and until his trial, Sailab Mahsud was held incommunicado. Following his transfer to the Central Jail in Dera Ismail Khan on or around 13 October, Sailab Mahsud's family and friends have been able to visit him. He does not appear to have been subjected to ill-treatment.

Amnesty International is concerned about the arrest of Sailab Mahsud on apparently false charges and about his trial which was manifestly unfair. It urges the Government of Pakistan to release Sailab Mahsud immediately and unconditionally and to ensure that all political prisoners, including those in the FATA

areas, receive trials which conform fully with international standards for fair trial.

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News Service 150/93

AI INDEX: AFR 32/WU 01/93
12 NOVEMBER 1993

KENYA: GOVERNMENT HARASSMENT OF CRITICS INTENSIFIES AS KOIGI WA WAMWERE IS ARRESTED

Koigi wa Wamwere, a former member of parliament and political prisoner and now a human rights activist, was arrested early on 5 November 1993 in the office of his lawyer in Nakuru, Kenya. His arrest appears to be part of a pattern of harassment and arrests of critics of the government who are investigating the political violence in the Rift Valley and other parts of Western Kenya.

Independent observers estimate that around 1,000 people have been killed and 300,000 displaced since the violence began in late 1991. Government involvement has been alleged, in particular in support of members of the Kalenjin ethnic group (to which President Daniel arap Moi belongs) who have been launching attacks on Kikuyus, Luos and others. A select parliamentary committee report in September 1992 and a report by the National Council of Churches of Kenya (NCCK) in June 1992 both implicate government officials, including government ministers, in abetting and instigating the violence. The select committee report was rejected by parliament, then still composed solely of members of the ruling party. The government has failed to punish those responsible for inciting the violence; the majority of cases for crimes related to the violence have not been pursued forcefully and most of those charged are out on bail. Amnesty International is continuing to call on the Kenyan government to order an independent and impartial investigation into the killings, with a view to identifying those responsible for the continuing violence and bringing them to justice.

In September 1993 the government responded to renewed violence by restricting access to those areas of the Rift Valley affected by declaring them "Security Zones" and forbidding entry to all those attempting to investigate the fighting - including journalists, human rights activists, opposition members of parliament and church leaders. Amnesty International is concerned that this has resulted in the restriction of information and the arrests of people who appear to be prisoners of conscience.

Koigi wa Wamwere was charged on 10 November, along with five others, Stefan Kariuki Muigai, John Njoroge Wamwere, Geoffrey Kuria Karuiki, Francis Ngigi Kabege and Wilfred Kinuthia Ngengi, with attempted robbery with violence and being in possession of firearms without a certificate, following an alleged violent attempt to rob a police constable. Robbery with violence is punishable by a mandatory death penalty; those charged with this offence cannot be released on bail. Also arrested on 6 November 1993 and held without charge for a period of seven days is ex-Air Force Chief and retired Major-General **Peter Kariuki**.

At the time of his arrest, Koigi wa Wamwere was on bail facing charges of possessing seditious publications - including publications of a non-governmental human rights organisation, the National Democratic and Human Rights Organization, recently founded by Koigi wa Wamwere - and of illegal weapons. He is also accused of entering the restricted security zone in the Burnt Forest area and "administering an unlawful oath".

If well-founded, the charges facing Koigi wa Wamwere and others are very serious, but there are reasons to suspect that they may have been fabricated. In the past the police have frequently charged peaceful government critics with "sedition" and other political offences. In a major trial in 1991, fabricated prosecution evidence contributed to prisoners of conscience being convicted in an unfair trial.

Koigi wa Wamwere has been a political prisoner three times before: most recently he was imprisoned with Geoffrey Kuria Kariuki from October 1990 to January 1993 on treason charges which were finally withdrawn. Prison conditions were harsh and they were subject to torture and ill-treatment, including denial of adequate medical treatment.

Amnesty International is urging that the substance of the charges be reviewed by a court promptly to ensure that the police are not making abusive use of non-bailable offenses to justify imprisonment, in the absence of adequate evidence to support the charges. Amnesty International is concerned that, if convicted on these charges Koigi wa Wamwere and the others would be sentenced to death.

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