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1. Introduction

Since their establishment in 1978, special tribunals outside the normal judicial system have sentenced thousands of political prisoners, including prisoners of conscience, to various terms of imprisonment and to death. Amnesty International is concerned that political prisoners sentenced by these courts have not received a fair trial. It is calling upon the Afghan Government to set up an independent and impartial review procedure to examine the cases of all prisoners sentenced by these tribunals. The review body should be empowered both to order the immediate and unconditional release of any prisoners found to have been sentenced simply for the non-violent expression of their political opinion or religious beliefs, and to order a re-trial by a court that conforms to the minimum international safeguards for a fair trial for those prisoners against whom recognisable criminal charges may be laid.



Space for the Photograph

Prisoners sentenced by Special Tribunals usually receive a copy of the court verdict. The above verdict was issued to a prisoner who was arrested on 29 December 1979 and was sentenced by a Special Revolutionary Court on 12 February 1985 to 16 years' imprisonment for being "treacherous to people and the revolution". Some details have been concealed by Amnesty International to protect the identity of the former political prisoner.

According to the information Amnesty International has received, thousands of political prisoners, including prisoners of conscience, have been sentenced to various terms of imprisonment and to death by special tribunals set up outside the normal judicial system. These sentences have been passed under

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successive government administrations in Afghanistan since early 1978. Amnesty International is concerned that prisoners sentenced by special tribunals have not received a fair trial. This document deals with the non-conformity of the procedures of these special tribunals with international law and includes a section on Amnesty International's recommendations to the Government of Afghanistan. It also includes an appendix entitled "TESTIMONIES" comprising selections of reports received by Amnesty International.

The information given in this report is based on testimonies provided by former political detainees living as refugees in Pakistan, interviews with former political prisoners in their countries of asylum in Europe and independent accounts provided by former government officials.

2. Development of Special Political Courts in Afghanistan

Special tribunals or courts dealing with people accused of political offences have been functioning in Afghanistan since the military coup of 27 April 1978 which brought to power the People's Democratic Party of Afghanistan (PDPA) under President Noor Mohammad Taraki. As a result of the coup, the 1977 Constitution was abolished and all legislative, executive and judicial powers were vested in the Revolutionary Council headed by the President. Consequently, powers of the Supreme Court were transferred to a Supreme Judicial Council, which functioned under direct government control. The Supreme Judicial Council established Military Revolutionary Courts to deal with alleged offences against the security of state including those allegedly committed by civilian suspects. The Military Revolutionary Courts also functioned under direct government control since the judges of the courts were appointed by the Revolutionary Council and were responsible to it.

In 1979 Amnesty International expressed its concern about the Military Revolutionary Courts in a report entitled: Violations of Human Rights and Fundamental Freedoms in the Democratic Republic of Afghanistan (AI Index ASA 11/04/79). The organization has expressed its concern about the conduct of such special courts under successive government administrations in Afghanistan.

2.1 The Special Revolutionary Court

The Military Revolutionary Courts were replaced in early 1980 by Special Revolutionary Courts which were established under an interim constitution called *THE FUNDAMENTAL PRINCIPLES*. Special Revolutionary Courts continued to operate under direct government control and were empowered to deal with crimes allegedly committed against the internal and external security of the state. In a memorandum in March 1980, Amnesty International urged the government of President Babrak Karmal to enact legislation guaranteeing the independence of the judiciary in Afghanistan and to try all political prisoners before regular criminal courts, with full legal safeguards.

Special Revolutionary Courts, however, continued to function and by early 1984 these courts had sentenced hundreds of political prisoners including prisoners of conscience to various terms of imprisonment, and scores of them to death. In December 1984 Amnesty International launched an appeal for the commutation of 77 death sentences that were reported to have been passed by the courts.

Non-compliance of these courts with internationally established safeguards for a fair trial was of serious concern to Amnesty International, as were the political directives given by President Karmal to prosecutors to object to "unjustifiably determined light punishment" and to acquit defendants only in the light of "total and clear innocence of the accused". In Amnesty International's view these directives as well as "confessions" reportedly extracted from political suspects by means of torture, led to the arbitrary imposition of the death penalty and long-term imprisonment.

The accused in trials conducted by Special Revolutionary Courts did not have the right of judicial appeal. Sentences, including the death penalty, simply required confirmation by the President. Trials did not normally last more than a few minutes, and accounts given to Amnesty International suggest that some prisoners tried by Special Revolutionary Courts did not have access to defence counsel and that neither defence nor prosecution witnesses were presented. Judges of Special Revolutionary Courts were reportedly PDPA members and in some cases recruited from the KHAD (State Security Intelligence Service) itself. Most judges did not have any legal training or judicial background. Hearings were not public and relatives were seldom informed that trials were taking place. Some trials were filmed for broadcast on television for propaganda purposes and were called "open" trials.

The Government of Afghanistan has never published an official estimate of the number of cases in which the death penalty was imposed by Special Revolutionary Courts. However, a former examining magistrate interviewed by Amnesty International has alleged that over eight thousand people were executed between 1980 and 1988 after being sentenced to death by Special Revolutionary Courts.

"In 1988 I was appointed to join a committee, which included members of the party's Central Committee, to study the conduct of the Special Revolutionary Court and make recommendations for improvement. The government had started its policy of national reconciliation and such committees were being set up in all areas. In the course of my work with this committee I came to know that between 1980 and 1988, a total of 8006 persons had been sentenced to death by these courts and had subsequently been executed. There were no figures for those killed without trial."

One of those executed in such circumstances was Dr Mohammad Younis Akbari, a lecturer and nuclear

physicist arrested in 1983 and sentenced to death in 1984 for alleged "subversion and counter-revolutionary" activities. Dr Akbari's fate remained unknown until June 1990 when the Minister of State Security, Ghulam Farouq Yaqoubi, stated that his death sentence had been carried out following "its passage through all legal stages". It remains unclear what these legal stages comprised or when Dr Akbari was executed. Amnesty International was especially concerned that he had been executed in view of reports that his trial was conducted in secret and that he was denied an adequate opportunity to defend himself against the charges brought against him.

2.2 1986 Policy Changes affecting political prisoners

A series of policy changes were introduced in Afghanistan following the resignation, in November 1986, of President Karmal. These changes were aimed at finding a political solution to the war between the Afghan army supported by the military forces of the USSR, and the Islamic armed opposition - the Mujahideen - supported by the United States, Pakistan and Saudi Arabia. In January 1987, the new government headed by Dr Najibullah announced a policy of "national reconciliation" intended to provide a framework for the possible withdrawal of Soviet forces, negotiation with the opposition groups and the implementation of a proposed amnesty for prisoners, including those held for political offences.

A general amnesty decree provided for the release of selected categories of prisoners "who had committed crimes against the domestic and foreign security of the country", including: all female convicts; all male convicts under the age of 18 and over the age of 60; all prisoners sentenced to up to five years' imprisonment; all prisoners sentenced to up to seven years' imprisonment who had served at least four years of their sentences; and all convicts suffering from a chronic disease on the recommendation of an "authoritative medical commission". Prisoners involved in "crimes of spying, murder and explosion" could only be released on the recommendation of a peace *Jirga* (committee).

Amnesty International believes the majority of the prisoners held during this period on charges of acting against the security of the country may have been prisoners of conscience.

In February 1987 the government announced the release of more than 1200 prisoners from Pul-e-Charkhi, one of Afghanistan's main detention centres near Kabul. However, foreign journalists witnessing the event from outside the prison gates reported they saw only half that number emerge. The government further claimed to have released about 5,000 prisoners from Pul-e-Charkhi and other jails including Jalalabad by April, another 2,000 by the end of July and a further 3,000 by the end of December 1987. These figures were not confirmed by independent sources and the government did not reply to repeated requests from Amnesty International seeking names and other details of those said to have been released. However, reliable information obtained by Amnesty International indicated that several thousand prisoners had been released, many of whom were reportedly drafted directly into military service.

Among dozens of political prisoners known to Amnesty International, four prisoners of conscience, all of whom were former academics at Kabul University, and five others believed to have been possible prisoners of conscience, were released as a result of the amnesty.

Amnesty International welcomed the releases of political prisoners, but was concerned that the policy changes affecting these releases did not alter the mandate of, or the procedures followed by, the Special Revolutionary Court. Despite periodic amnesty decrees, people suspected of political offences continued

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to be arrested in large numbers and sentenced after unfair trials. Trials continued to be conducted without access to defence counsel, witnesses were rarely produced, the accused were allowed only 15 to 30 minutes to defend themselves and those sentenced had no right to a judicial review of their cases.

The exact number of prisoners released since the introduction of the policy of "national reconciliation" is not known to Amnesty International. In 1990, official sources claimed that since 1987, a total of 19,514 had been released through 20 general amnesty decrees. Amnesty International is unable to verify these figures.

2.3 The Special Court of National Security

In mid-1988 the Special Revolutionary Court was renamed as the Special Court of National Security, as the government began to change the socialist orientation of the state in a new effort to win over the Islamic armed opposition which had not responded favourably to its policy of "national reconciliation".

The composition of the court and the nature of political trials, however, remained unchanged. Testimonies given to Amnesty International by former political prisoners who had been sentenced by these courts indicate that the courts have not provided for fair trials within the meaning of Article 10 of the Universal Declaration of Human Rights which states that everyone is entitled to a fair trial by an independent and impartial tribunal. (See below: section 5, International Standards; and the Appendix "Testimonies".)

The headquarters of the Special Court of National Security are in the Sedarat building complex in central Kabul. The court has five benches and each bench has mobile units that travel within the country to hear cases.

After interrogation at the Riasat¹ detention centres where many prisoners are reported to have been subjected to torture and prolonged detention (see Afghanistan: Reports of Torture and Long-term Detention Without Trial, AI Index: ASA 11/01/91), political prisoners are interviewed by an examining magistrate who decides whether the prisoner should be referred for trial by a Special Court of National Security or be released. Reports indicate that examining magistrates do not have adequate training in law, and that they are sometimes unable to examine the case because the KHAD has instructed them not to. The main *Riasat* interrogation centres have their own examining magistrates who are themselves reportedly KHAD officials.

Afghan political prisoners do not have access to a lawyer during the interrogation period which may last several months, nor are they represented by a lawyer in courts. Even in ordinary criminal cases that are tried by civilian courts in Afghanistan and which require the presence of defence counsel, the lawyer usually does not appear in person. It is apparently sufficient for a lawyer to give a written statement to the accused who must then personally read it in his/her own defence. Prisoners tried by the Special Court of National Security do not have access to a defence lawyer even at this level.

Kabul radio announced seven cases of trial by the Special Court of National Security in 1989 but the actual number of trials by these courts were believed to be much higher. All officially-reported cases involved foreign nationals from Saudi Arabia, Pakistan and some Western countries allegedly involved in espionage or armed confrontation with the government forces. In almost all these trials, the radio announced that the prisoners would be allowed to appeal against the judgment of the court, although it was not clear whether this would be to a higher tribunal. All these trials were also filmed and shown on the state-run television.

After one of these trials, the president of the court reportedly told foreign journalists that two Pakistani prisoners who had been sentenced for espionage to 18 and 16 years' imprisonment respectively would have been sentenced to death had they not confessed and asked for leniency.

¹ There are over a dozen interrogation centres, officially known as *riasats* (directorates), in Kabul and an unknown number in provincial cities.

There has been no mention in the official media of the trials of other foreign nationals and several hundred Afghans who, Amnesty International believes, were also convicted during the year by the Special Court of National Security in secret hearings.

During 1990, the official media announced even fewer trials by the Special Court of National Security, but according to Amnesty International's information hundreds of prisoners were sentenced by the court. Among these were scores of prisoners from a total of over 200 civilians and army officers arrested for their alleged involvement in the coup attempt of 6 March 1990. The exact number of those convicted, details of court hearings and the existence of possible judicial safeguards are not known to Amnesty International.

In a speech to a meeting of judges, prosecutors, and personnel of crime detection and investigation bodies in March 1991, President Najibullah announced that the Special Court of National Security and the prosecution offices associated with them were no longer in existence. Translated transcripts of the speech did not make clear whether the special courts had been permanently abolished and, if so, what judicial body or process had replaced them. It also did not indicate the effect of the announced change on prisoners convicted in the past by the Special Court of National Security. Amnesty International wrote to President Najibullah in April 1991 for further information about the present status of the Special Court of National Security and details of any legislation that terminated these courts. As of August 1991, the government had not responded.

Amnesty International is unable to confirm the current status of the Special Court of National Security. It is apparent that the Special Court of National Security has served as an extension of the detention and interrogation facilities of the Ministry of State Security. Together, these constitute a separate system of official punishment for alleged political offences that does not regularly or inevitably lead to trial or detention within the normal judicial or penal systems. Irrespective of whether the Special Court of National Security continues to exist or whether its powers and functions have been transferred to another agency, Amnesty International believes that hundreds of political prisoners remain in detention in Afghanistan as a result of sentences imposed by these special courts.

3. The right to judicial appeal

The 1990 constitution of Afghanistan defines the judiciary "as an independent component of the State", which is "composed of the Supreme Court and other courts which are formed in accordance with law". The function of the Supreme Court is to "supervise the activities of the courts and ensure the uniform application of law by courts". The only reference to a review of the verdict of the courts is made in Article 115 of the Constitution:

"The verdict by the court shall contain the statement of reasons and evidence. The final verdict of the court is binding except in the case of a death sentence which is executed after the approval of the President".

The constitution does not clarify if a prisoner convicted by a lower court has the right to appeal to a higher judicial body. In any case, Amnesty International has established that political prisoners have been continuously denied a trial within the regular provisions of Afghanistan's judicial system as specified in

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the constitution and established under the responsibility of the Ministry of Justice. Political prisoners have been tried instead within a parallel judicial system of special tribunals under the authority of the Ministry of State Security which, in Amnesty International's view, constitutes a separate system of official punishment in violation of international law.

The verdict of the Special Court of National Security is reportedly final and, to Amnesty International's knowledge, there is no higher tribunal within the meaning of Article 10 of the Universal Declaration of Human Rights to which the prisoner can appeal. However, unofficial reports received from former government officials indicate that there is apparently a review procedure known as the High Council of the Special Court of National Security, reportedly set up by the government in 1988 to examine and review the cases of those prisoners who can prove that they have been wrongfully sentenced. Amnesty International has not received any official confirmation about this review procedure and does not have details of its functions, mandate, or categories of cases that it reviews, or of the means by which prisoners may register an appeal with it.

4. International Standards

The operation of special courts in Afghanistan contravenes a number of key international human rights standards. For example, Article 10 of the Universal Declaration of Human Rights stipulates:

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

According to the information received by Amnesty International, special tribunals in Afghanistan do not function independently of the government. The Ministry of State Security has direct influence in determining the fate of the prisoners. Reportedly, it is normal practice for the Ministry to suggest what sentence the prisoner should receive and for the special court simply to endorse that sentence. Furthermore, examining magistrates and judges of the special tribunals do not receive adequate training to enable them to ensure the proper application of legal safeguards.

The International Covenant on Civil and Political Rights, to which Afghanistan acceded in 1983, specifies in Article 14 that:

"... In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. ..."

Among the minimum guarantees provided by this article are the rights of the accused to be promptly informed of the nature and cause of the charge against him; to communicate with a defence counsel of his choosing; to be tried without undue delay; to examine, or have examined, the witnesses against him; and the right to have his conviction and sentence reviewed by a higher tribunal according to law.

Amnesty International is concerned that the special judicial system dealing with political offences in Afghanistan has denied political prisoners these minimum guarantees. Some prisoners have reportedly been kept in detention for up to nine years without being informed of the charges against them. In some cases, pre-trial detention is said to have lasted several years, during which period the accused had no right

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to communicate with a defence counsel; and, as witnesses are never produced during trials, the prisoners effectively have no possibility of examining the prosecution witnesses or of producing witnesses in their own defence. To Amnesty International's knowledge, those sentenced have no right to a higher judicial hearing governed by the principles of independence and impartiality.

Article 8 of the Universal Declaration of Human Rights states that:

"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

Amnesty International is not aware of any effective legal procedures in Afghanistan to offer a remedy against violations of fundamental constitutional rights. For example, Article 42 of the Constitution of the Republic of Afghanistan, adopted in June 1990, states that testimony obtained from an accused person by means of torture is not valid and therefore cannot be used as evidence of unlawful activity. However, former political prisoners interviewed by Amnesty International have reported the use in evidence by the special tribunals of "confessions" extracted under torture. So far, to Amnesty International's knowledge, political prisoners have had no access to an effective legal remedy to enable them to challenge their conviction on the grounds that the use in evidence of testimony extracted by means of torture during trials has been in violations of their fundamental constitutional rights.

5. Amnesty International's concerns and recommendations

Amnesty International is concerned that thousands of political prisoners, including prisoners of conscience, who since 1978 have been sentenced by special tribunals to various terms of imprisonment and to death, did not receive a fair trial. The special tribunals operating outside the normal judicial system have failed to provide independent and impartial hearings, and the normal judicial system has failed to provide a judicial review of sentences based on the principles of independence and impartiality.

Amnesty International calls upon the Afghan Government:

- 1.To set up an independent and impartial review procedure to examine the cases of all prisoners sentenced by special tribunals.
- 2.To empower the review body to order the immediate and unconditional release of any prisoners found to have been detained or sentenced simply for the non-violent expression of their conscientiously held beliefs.
- 3.To order a re-trial, by a court within Afghanistan's normal judicial system, of those prisoners against whom recognisable criminal charges may be laid, ensuring that this court conforms to the minimum international safeguards for fair trial.
- 4.To ensure that all political detainees are brought before a judicial authority within Afghanistan's normal judicial system promptly after being taken into custody.
- 5.To ensure that all detainees have prompt and regular access to a lawyer of their own choosing.

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6.To ensure that no-one is detained or brought to trial simply for the non-violent expression of his or her political opinion or religious beliefs.

7.To ensure that examining magistrates and judges have adequate legal training.

8.To make public information on the formal abolition of special tribunals.

9.To ensure that political prisoners charged with criminal offences are tried before a court that conforms to minimum international standards for a fair trial, and to ensure that their sentences would be reviewed by a higher court that conforms to these standards.

Appendix to Afghanistan: Unfair Trials by Special Tribunals

TESTIMONIES

This section includes a selection of reports which Amnesty International has received from former political prisoners and former government officials now living outside Afghanistan. Some details have been concealed by Amnesty International to protect the identity of those who wish to remain anonymous.

1. A former Afghan politician was released in 1988 after he had served half of his 16 years' sentence in Blocks 1 and 2 of Pul-e-Charkhi². He was sentenced by a Special Revolutionary Court in 1985 after about five years in detention without trial. He gave the following account of his experience to Amnesty International in his country of asylum.

"A political prisoner cannot have a lawyer in Afghanistan. When the trial date is fixed only the prisoner is informed and no one else. A form is given to the prisoner by his interrogator, which list the accusations against him. The prisoner is then given one piece of paper and a pen on which to write his defence. The only time I was allowed to use pen and paper was when I was told to write my own defence.

"During the trial prisoners do not get a chance to defend themselves. There is no lawyer. The charges are read to the accused or if the accused can read and write, an official paper containing these charges is given to them.

"I was tried in a court inside Pul-e-Charkhi. There was one judge and two assessors. It will not come as a surprise to anyone if I say that my judge was a KHAD officer. My trial did not take long and I was not given the right to appeal against my sentence."

2. A former examining magistrate who worked at the prosecution offices of national security (which are associated with the Special Court of National Security) between 1982 and 1990, gave the following account to Amnesty International in his country of asylum.

"Cases of political prisoners are sent to the Prosecution Offices of National Security after interrogation in the *Riasat* detention centres. An examining magistrate looks at the case, interviews the prisoner, prepares an accusation sheet and sends the case to the Special Court of National Security for trial. In some cases, the examining magistrate can order a prisoner's release.

"The Special Court of National Security has five benches. The benches all perform the same function and the division is for administrative purposes only. All benches conduct both closed and 'open' trials.

"An 'open' trial is usually held for known criminals or when the government can obtain publicity against its opponents. These trials are always shown on the television. Some people are shown as the audience, but they could be KHAD members or the court staff. Ordinary people cannot attend these trials.

²Pul-e-Charkhi Prison comprises several blocks. Blocks 1 and 2 are reserved for unsentenced prisoners and are operated by the Ministry of State Security. Other blocks hold sentenced prisoners and are run by the Ministry of the Interior.
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"The prisoners are brought to these trials one by one, or sometimes in groups of two to three people. Judges wear civilian clothes. The accused have to defend themselves in person. They have no access to lawyers. In Afghanistan the prisoner does not have a lawyer to defend him.

"Open' trials usually take place in *Riasat-e-Haft* in Shashdarak. Occasionally they take place also in Sedarat³. After the defendant has answered all questions the judges reach a verdict. This does not usually take long. Only death sentences have to be approved by the President. Death sentences are sometimes commuted by the President. Other sentences are final, and the prisoner is then sent to Pul-e-Charkhi.

"Prisoners considered politically dangerous, or about whose alleged crimes there is little evidence, are sent directly to Blocks 1 and 2 of Pul-e-Charkhi, without trial. Every five or six months, the examining magistrate may visit the prisoner for a few minutes to decide whether the prisoner's case should be sent to the court.

"Inevitably, judges and examining magistrates work in close collaboration with the KHAD. At times, they are likely to exercise a degree of autonomy. Examining magistrates usually press for regular access to under-trial prisoners in Blocks 1 and 2 of Pul-e-Charkhi, and there are sometimes clashes with KHAD. For example, if the prisoner has been badly tortured, the KHAD will not allow the examining magistrate to see him once the prisoner has been admitted to Blocks 1 and 2 of Pul-e-Charkhi.

3. Dr Usman Rustar, a former Kabul University lecturer, was a prisoner of conscience for five years. He was arrested in May 1982 and was sentenced to 10 years' imprisonment in 1983 for "counter-revolutionary" offences. He was released in August 1987 after he had served half of his sentence in Pul-e-Charkhi. What follows is an account of his trial before the Special Revolutionary Court.

"It was known to many prisoners that the accused would receive a pre-trial sentence. The prisoner would be secretly sentenced by a pre-trial commission comprising a Soviet adviser as president, a member of the Special Revolutionary Court, a member of the *Riasat* centre that interrogated the prisoner and an examining magistrate. The verdict would then be communicated to a Special Revolutionary Court which would arrange a trial and simply endorse the sentence. There were cases where the prisoners had learnt of their sentences through paying bribes and using their influence even before their trial had begun.

"The Special Revolutionary Court was set up to try political cases only but there was no definite criteria as to what constituted a political case. Thus, theft committed by a party member would be considered a political offence and the accused would be sentenced by the Special Court of National Security. This broad definition of a political offence was an arbitrary attempt by the government to discredit political prisoners as people guilty of petty criminal offences.

"The courts would stage show trials (officially called 'open' trials) from time to time which would be filmed and later edited and shown on the television. The audience for these trials would be restricted to party members, KHAD officials and hand-picked employees of government institutions.

"Although the constitution had given the accused the right to defence counsel, prisoners were not allowed to appoint a lawyer. Those tried would be given the right to defend themselves, but as many of the

3A large building complex in central Kabul which houses the headquarters of the Ministry of State Security and the Special Court of National Security.

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accused were illiterate and had no knowledge of the judicial system, they could not defend themselves.

"Many people had been sentenced to long terms of imprisonment on suspicion of intending to engage in anti-government activity.

"In a majority of cases, prisoners would be accused of a multiple of crimes to make the sentence appear reasonable even though the prisoner may not have been involved in any of these crimes. In almost all cases, the prisoner's sentence would be twice as long as the actual period they would spend in jail, so as to make amnesties and pardons possible. Thus, prisoners sentenced to ten years would be released after five years following an amnesty decree reducing their terms of imprisonment to half."

4. Allain Guillo, a French photojournalist, and Mohammad Nazar and Abdul Samad, two Afghan media workers who accompanied him, were arrested in September 1987 on charges of "illegal entry into Afghanistan and espionage". In January 1988 Allain Guillo was sentenced to 10 years' imprisonment; his two Afghan companions were each sentenced to 16 years' imprisonment by a Special Revolutionary Court. Allain Guillo was released in April 1988 after French President Mitterand appealed to President Najibullah for his release. Mohammad Nazar and Abdul Samad continue to be held in Pul-e-Charkhi.

The following is a summary of Allain Guillo's account of his experience in jail, in his book UN GRAIN DANS LA MACHINE which was published in 1989.

"One day at the end of December 1987, they brought me clean clothes. I was then taken to an administrative centre where I would meet 'my' judge.

"The room was small. I saw a chair placed in the centre, three men on the left, three on the right, behind desks. The judge, enthroned on a platform and wearing an *astrakhan* hat, ordered me to extinguish my cigarette.

"I did not know who the people were, they were not presented to me. A bunch of papers were offered to me. I asked if there were a representative of the French embassy present. I said I had not had chance to choose a lawyer, so these papers were of no interest to me. They told me I had been given a lawyer. They showed me a well-dressed man, who said he belonged to the Ministry of Justice like the judge and the procurator there.

"Again, I asked the judge that I be allowed to meet a representative of the French embassy. I was told it was not necessary. I asked for the legal code according to which I was being tried. I was denied this.

"Some days later, on 6 January, I was again dressed in clean clothes by the administration. I was taken on a journey with two other prisoners, accompanied by three guards.

"We arrived at a large amphitheatre, with desks below, several dozen spectators spread around the room. There were two television crews, one Afghan, the other Soviet. It was the revolutionary court.

"The first rank of spectators comprised the interpreter and, next to him, presumably my lawyer whom I had not seen since he was first presented to me. He was there for decoration.

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"Mohammad Nazar, the first, was called to the bar. He held a paper in his hand, the defence which had been drawn up for him. The procurator rose and accused him of crimes I didn't understand. There was a page of them. Then an assistant took the paper from Nazar and read the defence of the accused which was one phrase: 'He puts himself at the mercy of the court.'

"Next, Abdul Samad... The procurator read out two pages of crimes... He read his one-page defence to the court. 'I appeal for national reconciliation and the right of refugees to return home. This right is guaranteed by the government. I have never carried arms, I put myself at the mercy of the court.'

"When my turn came, they asked personal details for identification purposes. Everything I said was translated by the interpreter. I asked if my lawyer or a representative of the French Embassy were in the room, but I received no answers. The judge banged his desk with a hammer. He was getting impatient.

"At the end the judge and assessors withdrew, and the consul from the French Embassy, surrounded by unknown diplomats entered the room. I was told several foreign delegates had been sent to observe the trial. They did not have access to the hearing, only to the verdict. The judge and assessors returned. The sentences were given: my two companions were condemned to 16 years' detention.

I asked if it was possible to appeal. 'No', replied the judge."