

EXTERNAL (for general distribution)

AI Index: AFR 28/01/92
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Please bring this follow-up and the original UA to the attention of the person responsible for outreach work in your section as appeals from journalists and lawyers would be particularly welcome

Further information on UA 399/91 (AFR 28/05/91, 15 November 1991) - Legal/health concern

GHANA: Kwesi Armah, lawyer, former government minister

and new name: George Naykene, editor of the Christian Chronicle

Kwesi Armah is still held without charge or trial following his arrest on 25 October 1991.

A Preventive Custody Order was issued on 15 November 1991 authorizing his indefinite administrative detention "in the interest of national security": it reveals no other reasons for his imprisonment. He is currently being held in the police hospital in Accra where he is receiving treatment for hypertension (high blood pressure).

George Naykene, editor of the Christian Chronicle newspaper, has also been detained without charge or trial, under the terms of a Preventive Custody Order, since his arrest on 12 November 1991. Arrested by the military police, he was later transferred to police custody in Accra but has not been charged. Colleagues who were able to visit him shortly after his arrest have reported him to be in good health, but it is not known whether he has since been allowed regular access to his family and legal representative.

On 19 December 1991 Nana Akuoko Sarpong, Secretary for the Interior, while criticizing Amnesty International's recent report on political imprisonment in Ghana (Ghana: Political imprisonment and the death penalty, AI Index: AFR 28/03/91), said that Kwesi Armah and George Naykene were being investigated on charges of criminal libel. However, three months later no charges have been brought against them. Political detainees have been held under Preventive Custody Orders for long periods in the past (sometimes many years), in cases where the authorities are apparently unable to substantiate their accusations.

It appears that both men have been questioned about an article in the Christian Chronicle which alleged that members of the Armed Forces Ruling Council (AFRC), the military government which held power from June to September 1979, following a coup had profited from an illegal foreign loan obtained by the People's National Party (PNP). Kwesi Armah, former legal advisor to the PNP, was sentenced to nine years' imprisonment in October 1982 for his part in the affair and was released in October 1989. Leading members of the AFRC head the Provisional National Defence Council (PNDC) which seized power in December 1981.

Amnesty International is concerned that Kwesi Armah and George Naykene are being held under a law - the Preventive Custody Law, PNDC Law 4 of 1982 - which allows unlimited administrative detention, that is, imprisonment without charge or trial, and provides for no regular judicial review of detentions. The right of *habeas corpus* - the right to challenge detention

in the courts by special writ - was removed, under PNDC Law 91 of 1984, for those held under the Preventive Custody Law. An application for *habeas corpus* which was filed in December 1991 on behalf of Kwesi Armah, George Naykene and four other political detainees was dismissed by the High Court in Accra on the grounds that the court had no power, under PNDC Law 91 of 1984, to examine the application.

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Amnesty International considers that Kwesi Armah and George Naykene are prisoners of conscience, detained for the non-violent expression of their opinions, and is appealing for their immediate and unconditional release.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/express and airmail letters

- calling for the immediate and unconditional release of Kwesi Armah and George Naykene as prisoners of conscience detained for the non-violent expression of their opinions;
- expressing concern that they are being held under a law which allows unlimited detention without charge or trial, and provides for no regular judicial review of detentions;
- inquiring whether the authorities are intending to press charges against the two, following the statement made on 19 December 1991 by the Secretary for the Interior, Nana Akuoko Sarpong, that they were being investigated on charges of criminal libel;
- appealing for them to be treated humanely in custody and allowed regular access to their families, legal representatives and medical doctors.

APPEALS TO:

1) Flight-Lieutenant J.J. Rawlings
Chairman of the Provisional
National Defence Council
Office of the PNDC
PO Box 1627
Osu Castle
Accra, Ghana
Telegrams: Flt-Lt. Rawlings, Accra, Ghana
Telexes: 2001 STAR GH or 2337 NATSEC GH

Salutation: Dear Chairman

2) Captain Kojo Tsikata
PNDC member responsible for National
Security and
Foreign Affairs
Office of the PNDC
PO Box 1627
Osu Castle
Accra, Ghana
Telegrams: Kojo Tsikata, Accra, Ghana
Telexes: 2132 SCALE GH or 2337 NATSEC GH

Salutation: Dear Captain

COPIES OF YOUR APPEALS TO:

Dr Obed Y. Asamoah
Secretary for Foreign Affairs

3) Major-General W.M. Mensah-Wood
Chief of General Staff and General Officer
Commanding
the Ghana Armed Forces
Burma Camp
Accra
Ghana
Telegrams: Maj-Gen Mensah-Wood, Accra, Ghana
Telexes: 2077 BCAMP GH

Salutation: Dear Major-General

4) Nana Akuoko Sarpong
Secretary for the Interior
Ministry of the Interior
PO Box M42
Accra, Ghana
**Telegrams: Interior Secretary Sarpong,
Accra, Ghana**

Salutation: Dear Secretary

Ministry of Foreign Affairs
PO Box M53
Accra, Ghana

and the following newspapers:

Christian Chronicle, PO Box 494, Dansoman Estate, Accra, Ghana
Evening News, PO Box 7505, Accra, Ghana
Christian Messenger, PO Box 3075, Accra, Ghana
The Echo, PO Box 5288, Accra, Ghana

and to diplomatic representatives of Ghana in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 March 1992.