

## **EXTERNAL**

**18 June 1996**

**AMR 51/52/96**

### **USA (California): Amnesty International concerned about imprisonment of community activist**

Amnesty International is concerned that Robert Norse Kahn, who began a prison sentence in San Francisco, California, on 17 June, may be a prisoner of conscience.

Mr Kahn is a member of Food Not Bombs (FNB), an organization of volunteers who distribute free food to the poor and homeless in a number of US cities as well as literature on homelessness and related issues. He was sentenced to 60 days' imprisonment in 1994 for violating an injunction forbidding FNB from distributing food in public in San Francisco without a permit. Mr Kahn had served free soup and bagels to homeless people in the centre of San Francisco on 4 October 1993. He has already served one day's imprisonment of his sentence, and began a 59-day prison sentence on 17 June 1996. Legal appeals on his behalf and a motion for reduction of sentence to the one day's imprisonment which he has already served have been denied.

Amnesty International previously raised concern with the San Francisco authorities about the repeated arrests and harassment of FNB activists in 1994 and in 1995. Amnesty International expressed concern that FNB activists may have been targeted for political reasons rather than for any justifiable public health concern because their activities were unpopular with the city administration. FNB's activities reportedly ran contrary to former Mayor Frank Jordan's program to move the homeless off the streets and public places. Amnesty International understands that at one time FNB obtained a permit to distribute free food after this requirement was introduced in 1988. However, in 1990 the San Francisco Parks and Recreation Department ceased issuing permits except for recreational purposes; since then the Health Department has also reportedly refused to issue permits for the distribution of free food, despite numerous applications from FNB. This has made it impossible for FNB to comply with the injunction requiring them to obtain a permit.

In defending the repeated arrests and other actions taken against FNB members for continuing to distribute soup to the poor, both Mayor Jordan and the police commander in 1993 made direct reference to the political nature of the organization, accusing FNB of "sending a political message" and having a "political agenda". Supporters of FNB have argued that there is no legitimate public health reason for denying them permits to distribute free food. In 1993 the San Francisco Board of Supervisors voted 7 to 2 to allow FNB to serve free food in front of City Hall; despite this the police continued to arrest FNB supporters serving food in this area.

Since 1988, more than 1,000 FNB activists have been arrested in San Francisco for feeding the homeless without a permit. Robert Kahn is the only person to have received a confirmed prison term (apparently most other charges have been dismissed, but Mr Kahn chose a "speedy trial", and his case is the only one to have been pursued all the way through the court process).

Amnesty International understands that the city's policy towards the free distribution of food has changed under the new San Francisco administration elected in 1996, and that this has resulted in a dramatic reduction in the arrests of FNB activists. Amnesty International believes

that the decrease in arrests of people distributing food to the homeless in San Francisco since the change of policy serves only to underline its original concerns that the FNB arrests, including that of Robert Kahn, were politically motivated and thus a violation of fundamental freedoms.

Amnesty International has written to the state authorities expressing concern that Robert Kahn and other FNB activists may have been targeted on account of their beliefs and effectively prohibited from exercising their right to freedom of expression, assembly and the right to impart information, and called for immediate clarification as to the precise reasons why FNB were denied authorization to distribute free food to the homeless. If, as appears to be the case, there was no legitimate public health or other similar reason for denying the permits, the City of San Francisco would be in breach of international law and Robert Kahn would be a prisoner of conscience who should be immediately and unconditionally released.

Several other FNB activists have recently been arrested in the Northern California towns of Arcata and Whittier, and are facing similar charges.