

28 October 1994

AMNESTY INTERNATIONAL SEEKS FURTHER INFORMATION ON "FOOD NOT BOMBS" ACTIVISTS ARRESTED IN SAN FRANCISCO, USA

Amnesty International today wrote to District Attorney Arlo Smith in San Francisco, USA, to request further information and a response to a number of concerns the organization has regarding the alleged harassment and arrests of the group "Food Not Bombs." Robert Kahn, Keith McHenry and some 20 other volunteers since September 1993 have been arrested and charged (and in Mr Kahn's case, convicted) in connection with their activities distributing free food to poor and homeless people in San Francisco, and disseminating literature on the subjects of housing, homelessness, peace, social justice, military spending and other related issues.

On 4 February 1994, Robert Kahn was convicted by a jury of violating a 1989 court injunction which forbids Food Not Bombs from distributing food in public places without a permit from the Health Department. He was sentenced to 60-days' imprisonment but released on his own recognizance pending appeal. Mr Kahn was arrested after he served free soup and bagels in Civic Center Plaza, San Francisco, on 3 October 1993. Food Not Bombs have apparently made many attempts to obtain the requisite permit, but in 1990 the Recreation and Parks Department abolished the process under which a permit to serve free food could be obtained.

Keith McHenry, a leader of the San Francisco Food Not Bombs group, is charged with various felonies stemming from separate incidents which occurred in January and May 1994. According to reports, he is accused of assaults where the alleged victims and witnesses were all employees in City Hall, several of whom have been key figures in opposing the actions of Food Not Bombs. He was freed on bail of \$75,000 - an unusually high figure given the relatively minor crimes of which he was accused. His trial was postponed several times, and is currently scheduled to begin on 31 October.

While Amnesty International is not in a position to comment on the charges against Mr McHenry, the organization is concerned that they may fall within a pattern of harassment of Mr McHenry and other Food Not Bombs activists over a six-year period. Since 1988, Mr McHenry has been arrested more than 90 times in connection with his activity providing a free food service to homeless people and disseminating literature prepared by Food Not Bombs on housing, peace and social justice issues. He has frequently been arrested by the police on charges that were then dropped; his phone was wiretapped at one point; he was allegedly beaten on several occasions by police, and was reportedly pushed down a flight of stairs at City Hall while handcuffed behind his back in March 1991.

Amnesty International understands that some 20 other people since September 1993 are still pending trial on felony charges connected with their food and information distribution to the homeless. Amnesty International is concerned at reports alleging that Food Not Bombs activists have been ill-treated by police while being arrested, and that some individuals have been beaten while in custody.

Amnesty International is aware that the Food Not Bombs activists have been charged with criminal acts. However, it is disturbed at suggestions that the law may have been used to harass and arrest these individuals because their beliefs and activities are unpopular with the City administration. The right to peaceful expression, assembly and dissemination of information is recognized under the US Constitution. These are also fundamental freedoms enshrined in international human rights standards.

Amnesty International is concerned that the Food Not Bombs 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. If this were found to be the case, the City of San Francisco would be in breach of international law and Amnesty International would adopt those imprisoned as "Prisoners of Conscience" and would work for their unconditional release.