

### UPCOMING EVENTS

**Thursday, August 23, 7:30 PM.** *Monthly Meeting* Caltech Y is located off San Pasqual between Hill and Holliston, south side. You will see two curving walls forming a gate to a path--our building is just beyond. Help us plan future actions on Sudan, the 'War on Terror', death penalty and more.

**Tuesday, September 11, 7:30 PM.** *Letter-writing Meeting* at the Coffee Tree at 696 East Colorado Blvd., #8, in the alley just off Colorado. (This is across the street from Vromans bookstore and the Laemmle theater.) This informal gathering is a great way for newcomers to get acquainted with Amnesty!

**Sunday, September 16, 6:30 PM.** *Rights Readers Human Rights Book Discussion Group.* Vroman's Book Bookstore, 695 E. Colorado Blvd., Pasadena. This month we read Sonia Nazario's Pulitzer-winning account of migrant children, *Enrique's Journey* (More below).

### COORDINATOR'S CORNER

Hi everyone,

Long time no see! Well, I'm back to writing the column again as I have finished all the classes and am 75% of the way done with my project for the Cambridge College, Ontario, CA Masters in Education program. (Thanks to Joyce, Rob, and Stevie who have been my proof-readers!) Thanks to those of you who "filled in" for me since February. It has really been a lot of fun and I met a lot of great people in Ontario this summer, including several school nurses from Las Vegas!

What has Group 22 been doing since I've been away? Group 22's China expert, Wen Chen, along with Lucas Kamp, our Co-Coordinator, and other local China activists have been meeting with Pasadena city and Tournament of Roses officials since June of this year regarding the Pasadena City Council's invitation to the Chinese government to have an Olympic themed float in the 2008 Tournament of Roses Parade. This is of concern to many in the community because of China's poor human rights record-especially the persecution of Falun Gong members. The husband of one of Wen's friends, Bu Dongwei, has been imprisoned in China (he was there working for an aid organization) for having Falun Gong literature at his home. Amnesty deems him to be a prisoner of conscience as he was arrested for practicing his right of freedom of expression and religion. There are other human rights concerns in China dealing with labor issues, the displacement of persons evicted from their homes to make way for the building of Olympic facilities, the

crackdown on the media, with continued imprisonment of journalists and writers, and internet censorship, plus the secretive and excessive use of the death penalty. Read Amnesty's report on China at: <http://www.amnesty.org/library/Index/ENGASA170152007>

One of our Group 22 members recently returned from visiting her sister, who works as a teacher in Xinjiang province in China, an area north of Tibet that is bordered by Russia, Mongolia, Kazakhstan and Kyrgyzstan that has many ethnic minorities, including Uyghurs.

Remember Rebiya Kadeer, the Uyghur woman who was one of our special focus cases several years ago? Well, she was released May 2005 and we heard her speak at one of the regional conferences. Her children are still imprisoned in China.

Below is an action on their behalf.

Kathy [aigp22@caltech.edu](mailto:aigp22@caltech.edu)

### CHINA

#### *Concern for Rebiya Kadeer's Children*

Under the Chinese Anti-Terrorism law, thousands of Uyghurs, an ethnic minority group, have been detained and political prisoners have been executed after unfair trials. On numerous occasions Chinese authorities have arrested Muslim preachers and religious leaders, destroyed Mosques, and closed down many Muslim religious schools.

Rebiya Kadeer is a former Amnesty International prisoner of conscience. After she was arrested in 1999 for supposedly leaking secrets of the State, her family was the target of harassment by authorities that has only intensified since her release and arrival in the United States. Prior to her release in March 2005, Rebiya claims she was warned that "her businesses and children will be finished" if she engaged with members of the Uyghur ethnic community or spoke publicly about "sensitive issues" after her release. After her release the Chinese government launched an investigation into alleged financial irregularities by her company, the "Akida Trading Co." in Urumqi; Rebiya has repeatedly denied any wrongdoing. Amnesty International believes that the ongoing harassment and reports of torture of Rebiya's family casts serious a doubt on the credibility of this investigation.

Rebiya has provided numerous examples of the abuse her family has suffered. On May 29 of 2006, Rebiya's sons, Alim and Ablikim, her daughter, Rushangul, and six other family members (four of them children) were detained by Chinese authorities in an apparent attempt to prevent them from meeting with a delegation from the United States Congressional Human Rights Caucus, which was scheduled to visit them the following day. The official Chinese press, however, reported that members of the Kadeer family were

detained due to charges related to financial irregularities in Rebiya Kadeer's business. After the departure of the delegation, her family members were freed, though her four grandchildren that were released are reportedly being prevented from leaving their homes to attend school.

Only days later on June 1, in an attempt to influence Rebiya's activities promoting the rights of Uyghur people, Alim and Ablikim were beaten by police in front of their children and Rebiya's daughter Rushangul, who was then handed a phone and told to call Rebiya in the United States to tell her what was happening. Rushangul was later taken to a hospital to be treated for symptoms related to stress and shock.

Alim was sentenced to 7 years in jail on November 27. Ablikim is still being detained while he awaits trial. Rushangul remains under house arrest.

Secretary of State Condoleezza Rice  
US Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Secretary Rice,

I am concerned by the imprisonment of three of Rebiya Kabeer's children who were taken into custody in May of 2006. Ms. Kadeer is a prominent human rights activist that was a prisoner of conscience in China for six years. I urge you to press the Chinese government to immediately and unconditionally release her children.

When Ms. Kadeer was released from prison, in March 2005, after serving a six-year prison term for "leaking state secrets," Chinese security forces warned her not to advocate for the rights of the Uyghur minority in the United States or elsewhere or else her family and businesses would suffer the consequences.

At the end of May of 2006, her two sons, Alim and Ablikim, as well as her daughter, Rushangul, were detained and subsequently placed under house arrest. The following day, security forces reportedly beat her sons outside of Urumqi City, Xinjiang, which resulted in the hospitalization of one. Chinese authorities have arrested both sons and her daughter remains under house arrest. It is also reported that another relative of Ms. Kadeer's, Kahar Adiriyim, is now facing criminal charges.

As an advocate of the basic human rights we enjoy here in the United States, I urge you to press the Chinese government for the immediate and unconditional release of Rebiya Kadeer's children.

Sincerely, Your NAME and ADDRESS

## **CORPORATE ACTION NETWORK** *Protect Sudanese Environmentalists*

The Secretary General of the Committee Against the Building of the Kajbar Dam, Osman Ibrahim, was arrested at his home in Farraig village by some 40

police and security officers on 20 July. He had recently left the hospital where he was being treated for diabetes. When he was arrested, the security forces refused to allow him to take his medication with him. Dr Mohamed Jalal Ahmed Hashim, who also suffers from diabetes, was reportedly twice taken to the hospital for treatment and returned to prison. Journalist Mujahed Mohamed Abdallah is now known to have been arrested on 13 June. Abdulaziz Mohamed Ali Khairi was released on 5 August. Raafat Hassan Abbas was released on 23 June, and Saad Mohamed Ahmed on 9 July.

Six others, named above, remain in prison. Most were arrested on 13 June after they arrived in the Northern State capital, Dongola, to investigate the killing of four people in a demonstration against the Kajbar Dam earlier that day in Farraig. Only two of them have been allowed any contact with the outside world: Dr Mohamed Jalal Ahmed Hashim and Alam Eldin Abdelghani have been allowed 15-minute family visits.

All seven detainees are being held in Debek Prison, north of Khartoum, where conditions are very poor, especially in the rainy season, which is now, when there are swarms of mosquitoes and flies. None of those in custody has been formally charged with any offense.

**BACKGROUND INFORMATION.** The Kajbar Dam is to be located on the third cataract of the Nile. Local residents are protesting against the destruction of their villages and the failure of the authorities to hold a proper consultation over the proposed dam construction.

Article 31 of the 1999 National Security Forces Act gives the security forces the power to detain people for up to nine months without access to judicial review. All those detained over the protests against the Kajbar Dam are likely to be held under this legislation.

**ACTION:** Please send appeals:

- expressing concern for those detained in connection with the construction of the Kajbar Dam;
- urging the authorities to give them immediate and regular access to their families, lawyers, and any medical treatment they may require;
- urging the authorities to release the detainees unless they are to be charged promptly with a recognisably criminal offense;
- urging the authorities to repeal Article 31 of the National Security Forces Act, which allows detainees to be held for up to nine months without access to judicial review.

**APPEALS TO:**  
Prof. Al-Zubair Bashir Taha  
Minister of Internal Affairs  
Ministry of Interior, PO Box 281  
Khartoum, SUDAN  
Mr Muhammad Ali al-Maradhi

Minister of Justice and Attorney General  
Ministry of Justice  
PO Box 302  
Khartoum, SUDAN  
Email: info@sudanjudiciary.org

COPIES TO:

Ambassador John Ukec Lueth Ukec  
Embassy of the Republic of the Sudan  
2210 Massachusetts Ave. NW  
Washington DC 20008  
E-mail: info@sudanembassy.org

## RIGHTS READERS

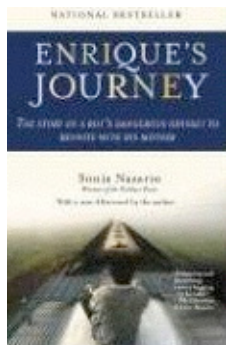
### *Human Rights Book Discussion Group*

*Keep up with Rights Readers at*  
<http://rightsreaders.blogspot.com>

**Sunday, September 16, 6:30 PM**

#### **Vroman's Bookstore**

695 E. Colorado Boulevard in Pasadena



### *Enrique's Journey*

by Sonia Nazario

In this astonishing true story, award-winning journalist Sonia Nazario recounts the unforgettable odyssey of a Honduran boy who braves unimaginable hardship and peril to reach his mother in the United States. Enrique sets off alone from

Tegucigalpa, with little more than a slip of paper bearing his mother's North Carolina telephone number. Without money, he will make the dangerous and illegal trek up the length of Mexico the only way he can—clinging to the sides and tops of freight trains. Enrique pushes forward using his wit, courage, and hope—and the kindness of strangers. It is an epic journey, one thousands of immigrant children make each year to find their mothers in the United States.

## REFUGEES

### *Lao Refugees Fear Forcible Return*

The 149 Lao Hmong refugees detained at Nong Khai Immigration Detention Center (IDC) began a hunger-strike at midday on 16 August in protest at their continued detention in appalling conditions. There are grave concerns for their welfare, particularly as more than half of them are children and some are already suffering from health problems made worse by the conditions at the detention centre and the fact that they have been detained for a prolonged period.

Conditions at the Nong Khai IDC have deteriorated recently. Since June the refugees are confined to two small, hot, windowless, overcrowded cells, which they are not allowed to leave, in what the United Nations Refugee Agency (UNHCR) has described as

“deplorable” conditions. They reportedly have no access to clean drinking water, have not been allowed to wash their clothes, and have had their mosquito netting and blankets removed. This is reportedly in response to the escape of seven of the group in June, two of whom were recaptured and returned.

The 149, who are recognized as refugees by the UNHCR, have been detained for the last nine months. They were arrested in mid-November 2006 and initially detained at the IDC in Bangkok. On 7 December they were transported to Nong Khai, on the border with Laos.

The Thai authorities attempted to forcibly return the group to Laos on 30 January, but met with international condemnation after immigration officials dragged the women and children from their cell, loaded them onto buses and took them to the Lao border. The authorities attempted to force the men and boys from their cell, where they had barricaded themselves. The unlawful deportation attempt was abandoned, and since then Prime Minister Surayong Chulanont has stated that the group will not be forcibly returned to Laos, and will be allowed to resettle in third countries. Four countries have accepted all of them for resettlement, but the Thai authorities have not yet allowed the refugees to leave.

Despite repeated calls from UNHCR and other members of the international community, including Amnesty International, the 149 recognized refugees in Nong Khai IDC have not been released and allowed to proceed with their resettlement.

#### **BACKGROUND INFORMATION**

Around 8,000 ethnic Hmong Lao asylum-seekers are living in a camp at Huay Nam Khao in Phetchabun province. Lao Hmong started arriving at the camp in large numbers in 2004, seeking refugee status. In addition, an unknown number are held at police detention facilities in the province.

These individuals claim to have been persecuted in Laos because of their connection with ethnic Hmong armed resistance groups, who fought alongside the USA against the communist Lao forces during the Viet Nam war (1965-1975) and its spill-over fighting in Laos.

So far, the UNHCR has not been allowed access to the Lao Hmong in Huay Nam Khao in order to determine their protection needs, and the Thai authorities have not introduced a fair and satisfactory procedure to enable these individuals to claim asylum and a durable solution to their plight. In early June a group of 163 asylum-seekers were forcibly returned under a bilateral agreement between Thailand and Laos, in breach of international human rights law and standards.

RECOMMENDED ACTION: Please send appeals:

- expressing concern that 149 Lao Hmong refugees, including children and infants, remain in prolonged

detention in overcrowded and unsanitary conditions in Nong Khai Immigration Detention Center;

- expressing concern that the refugees are already in poor health, and that this is likely to deteriorate further as they embark on a protest hunger strike, and urging the authorities to immediately provide the refugees with adequate medical care;

- calling on the authorities to take immediate steps to improve the conditions at the IDC and the treatment of the refugees, in accordance with UN Standard Minimum Rules for the Treatment of Prisoners;

- urging the authorities to arrange the speedy resettlement of the refugees to a third country;

- urging the authorities to ensure that UNHCR and other relevant independent humanitarian agencies are given immediate access to all asylum seekers, including new arrivals, in Huay Nam Khao and other facilities in Phetchabun province.

#### **APPEALS TO:**

Head of agency with responsibilities for border areas and refugees:

Secretary-General

Prakit Prachonpachanuk

National Security Council

Government House, Phitsanulok Road

Dusit, Bangkok, 10300

THAILAND

General Surayud Chulanont

Office of the Prime Minister

Government House, Phitsanulok Road

Dusit, Bangkok, 10300

THAILAND

Email: [opm@opm.go.th](mailto:opm@opm.go.th), [spokesman@thaigov.go.th](mailto:spokesman@thaigov.go.th)

Nitya Pibulsonggram

Ministry of Foreign Affairs

Wang Saranrom, Bangkok 10200

THAILAND

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#### **COPIES TO:**

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1024 Wisconsin Ave. NW

Washington DC 20007

Email: [info@thaiembdc.org](mailto:info@thaiembdc.org)

## **DEATH PENALTY** *Stop Texas Execution*

Kenneth Foster is scheduled to be executed in Texas on 30 August. He was sentenced to death in 1997 for the murder of Michael LaHood, a white man, in 1996. Mauriceo Brown, the person who shot LaHood, was executed in 2006. Kenneth Foster, in a car some 30 metres from the crime when it was committed, was convicted under the "law of parties", the 1974 Texas law under which the distinction between principal actor and accomplice in a crime is abolished and each

may be held equally culpable. Kenneth Foster maintains that he did not know that Brown would either rob or kill Michael LaHood. There is evidence not heard at trial that the murder was an unplanned act committed by Mauriceo Brown, as the latter himself claimed.

On the evening of 14 August 1996, Mauriceo Brown, DeWayne Dillard, Julius Steen and Kenneth Foster drove around San Antonio in Foster's grandfather's rental car, with Foster driving. They committed two armed robberies, with Steen and Brown robbing at gunpoint first a woman and then a man and two women. Then, in the early hours of 15 August, they stopped outside the house of Michael LaHood to which LaHood and a female companion, Mary Patrick, were returning. According to the trial evidence, Mary Patrick approached Foster's car and asked who they were. When she realized she did not know the occupants, she walked back towards Michael LaHood. Mauriceo Brown got out of the car, approached LaHood, demanded his wallet, and shot him. Not long afterwards, Kenneth Foster and his three companions were stopped by police and arrested. Kenneth Foster, who was aged 19 at the time, gave police a statement in which he said that, "Mauriceo jumped out of the car... We had tried to get Mauriceo to get in the car and leave... We just wanted to leave... I heard a gunshot... I did not know, at the time, that Mauriceo had a gun. Mauriceo trotted back to the car... He was gasping... I asked him, what happened, what had he done. He didn't reply".

Mauriceo Brown and Kenneth Foster were tried jointly for capital murder. Brown admitted being the gunman but denied intent to kill. At the trial Brown testified that there had been no discussion of robbing LaHood before he got out of the car. Foster pleaded not guilty. Both were sentenced to death. Mauriceo Brown was executed on 19 July 2006. Neither Julius Steen nor DeWayne Dillard was prosecuted for the LaHood murder.

To convict Kenneth Foster of capital murder under the law of parties, the prosecution had to prove that there was a conspiracy between him and Brown to rob LaHood, and that Foster should have anticipated that murder might have occurred during the robbery. The prosecution's key witness was Julius Steen. Although Steen testified that he had not been sure of Brown's intent when he left the car and that there had been no discussion in the car about committing a robbery, he said that "it was kind of like, I guess understood what was probably fixing to go down." Asked by the prosecutor if he had understood that when Brown got out of the car, there was going to be a robbery, Steen testified that "I would say I kind of thought it". He also said that he was not sure of Foster's understanding in this regard. Affirming the death sentence in 1999, the Texas Court of Criminal Appeals observed that the case against Foster "rested largely on Steen's testimony as an accomplice". The prosecution had pointed to the two earlier robberies committed at gunpoint as a reason Foster should have anticipated that a murder

could have occurred.

Neither Julius Steen nor DeWayne Dillard (who did not testify at the trial) was interviewed by Kenneth Foster's trial lawyers. This was because each was facing charges in other cases, and their own lawyers refused to allow them to be interviewed while those cases were still pending. Since the trial, both have given statements. Dillard testified at a state appeal that before the shooting, Kenneth Foster had told him that he wanted Brown and Steen to stop committing the robberies, and because Dillard had known the two longer, asked him to persuade them to stop. Dillard testified that he himself had believed there would be no more robberies because he had taken his gun back after the two earlier crimes.

He said that the four were heading back to his home when they came to a dead end and, after turning the car around, had stopped when they saw Mary Patrick apparently flagging them down. Dillard testified that Brown had grabbed the gun but that Foster was unlikely to have seen that; that there was no agreement or plan to rob anyone; and that no one had encouraged Brown to do what he did. He said that after the shot was heard, Foster had appeared surprised and panicked and started to drive away, but Dillard had told him to stop and wait for Brown.

Julius Steen signed an affidavit in 2003 clarifying his trial testimony, clarification that had not been elicited by the defense because their cross-examination was inevitably weak due to their lack of pre-trial contact with this witness. Steen recalled that it was only when he had seen Mauriceo Brown standing opposite Michael LaHood that he understood "what might be going down. At that point, and not before, I thought that Brown might be robbing the man". He stated that "There was no agreement that I am aware of for Brown to commit a robbery at the LaHood residence. I do not believe that Foster and Brown ever agreed to commit a robbery. In my opinion, I don't think that Foster thought that Brown was going to commit a robbery. When Brown got back in the car, we were all shocked. Even Brown looked shocked. I don't think that Brown knew why he shot the man and was surprised that he did". In a recent appeal, Foster's lawyer has argued: "Foster clearly did not anticipate what Brown himself did not foresee. Brown clearly acted on his own independent impulse, and not pursuant to the imaginary robbery conspiracy that has trapped Kenneth Foster on death row".

In 2005, a federal district judge found a "fundamental constitutional defect in Foster's sentence". In 1982, the US Supreme Court had ruled in *Enmund v. Florida* – in the case of a man who had been in a parked car while his accomplices committed robbery and murder in a house nearby – that the death penalty is disproportionate if it is imposed on a defendant who did not himself kill, attempt to kill, or intend to kill the victim. The Court modified this rule five years later in *Tison v. Arizona* when it held that a defendant who participates in a crime that leads to murder and whose

"mental state is one of reckless indifference to the value of human life" may be sentenced to death. The federal judge ruled that Foster's jury had not been asked to determine if he had any intent to kill LaHood, and that this failure represented a misapplication of the law. However, Texas appealed to the Fifth Circuit Court of Appeals, which overturned the decision.

The UN Safeguards Guaranteeing Protection of the Rights of those facing the Death Penalty state that "capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts". The fact is that Kenneth Foster did not kill Michael LaHood, and there is compelling evidence that he did not plan, intend or anticipate that he would be robbed or killed either.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible (please include Kenneth Foster's inmate number, #999232):**

- expressing sympathy for the family of Michael LaHood, and explaining that you are not seeking to excuse the manner of his death or to downplay the suffering it will have caused;
- noting that the person who actually shot Michael LaHood, Mauriceo Brown, was executed last year;
- expressing concern at the use of the law of parties in this case, noting evidence that the shooting was the spontaneous act of Mauriceo Brown, and that all those involved in the crime have said that there was no conspiracy to rob Michael LaHood, which would make Kenneth Foster innocent of capital murder;
- noting that the two other accomplices in the car were never prosecuted in this crime, and yet as the evidence stands today their and Foster's culpability in it would appear to be similar or the same;
- calling for Kenneth Foster to be granted clemency.

**APPEALS TO:**

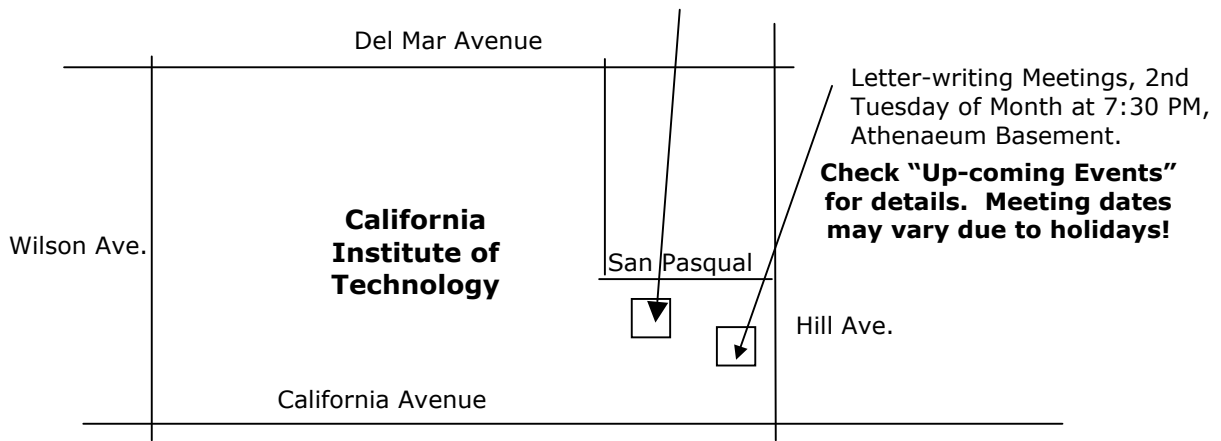
Rissie Owens, Presiding Officer  
Board of Pardons and Paroles  
Executive Clemency Section  
8610 Shoal Creek Boulevard  
Austin, TX 78757

Governor Rick Perry  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

<b>LETTER COUNT</b>	
Summer Postcard Action	37
Urgent Actions	23
Eritrea	8
<b>Total:</b>	<b>68</b>
To add your letters to the total contact lwkamp@sbcglobal.net	

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Monthly Meetings, 4<sup>th</sup> Thursday of Month, 7:30 PM,  
Caltech Y Lounge.



From the 210 exit on Lake Avenue, head south, turn left on Del Mar  
From the 110 continue on Arroyo Parkway north, turn right on California  
Street parking is generally available.

Amnesty International Group 22  
The Caltech Y  
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<http://rightsreaders.blogspot.com>



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