

## **British Murder Suspect Released Under Amnesty**

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By Rahimullah Samander in Kabul (ARR No. 111, 24-Mar-04)

Colin Berry, who claimed he was in the country undertaking secret work on behalf of the British authorities, left the country just days after an IWPR report published last August. (Case of Jailed Briton Reviewed [http://www.iwpr.net/index.pl?archive/arr/arr\\_200308\\_72\\_1\\_eng.txt](http://www.iwpr.net/index.pl?archive/arr/arr_200308_72_1_eng.txt))

A decree issued by President Hamid Karzai released foreign prisoners charged with "ordinary" [non-political] crimes, to mark the country's independence day.

Sayed Jalal Jalal of the attorney-general's office in Kabul, which was responsible for investigating the case against Berry, said his office had received little notice that Berry was to be released as part of the amnesty programme and was bitterly disappointed. The investigation had been completed, and he felt that compelling evidence had been found.

The case began in February 2003, when Berry was whisked from his room at Kabul's top hotel by a group of men and dumped, naked, at a local hospital with a bullet wound. Two Afghan men were found shot dead back in his hotel room.

Berry, who claimed he was a former member of the British special forces, said that the pair was shot by others in the room during a confrontation. He also said he had been tortured while being held in detention.

In the days after the decree was issued - but before the release took place - the attorney general's office for Kabul sent a sternly worded letter to the supreme court complaining that releasing people like Berry before they stood trial ignored the rights of the victims' families.

Under Islamic law, crime victims and their families are supposed to be consulted in such cases, and Karzai's decree actually specified that the victims' kin were not to be overlooked. According to Sayed Jalal Jalal, the only other foreigners released under the amnesty programme were two Iranians who had been arrested on passport charges.

Exactly who was ultimately responsible for approving Berry's release under the amnesty remains unclear. Officials with the justice ministry, the attorney general's office and the supreme court all denied making the decision.

Spokesmen for the president declined to comment.

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