

EXTERNAL (for general distribution)

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Further information on UA 38/93 (AFR 32/04/93, 15 February 1993) - Fear of ill-treatment/Legal concern

KENYA: Njehu Gatabaki, journalist

and new names: the Reverend Jamlick Miano) also
Peter Ndekei Kihumba) journalists

Njehu Gatabaki, editor of Finance magazine, was granted bail by a High Court judge on 24 February 1993 and released. He had been arrested in Nairobi on 2 February 1993 and charged with sedition in connection with an issue of Finance magazine criticizing President Moi. No information is yet available on his treatment in custody.

The Attorney General has now given consent to prosecute Njehu Gatabaki and his wife, Rachel Gatabaki, on earlier similar charges of sedition, but no date has yet been set for their trial. Consent to prosecute on the new charges has not yet been given. If convicted of sedition, either could be jailed for up to ten years on each charge. No further action by Urgent Action participants is requested at this time on behalf of Njehu Gatabaki since he has been released on bail.

On 16 February 1993 police in Nairobi arrested two other journalists, the Reverend Jamlick Miano (a presbyterian church minister), editor of The Watchman, a new magazine, and an editorial colleague Peter Ndekei Kihumba, who were then also charged with publishing a seditious publication. The charges related to the magazine's cover entitled "Moi - devil's whip on Kenya" and other articles critical of the President. Both men are still being held, with a bail application by their lawyer refused. After Njehu Gatabaki was granted bail, the Chief Justice, according to Kenyan press reports, instructed magistrates not to grant bail if the offence was likely to be committed again. This might mean that the Reverend Miano might be kept in custody until trial - which could be for several months - as he is also still facing similar sedition charges in connection with articles in a church magazine in mid-1992.

In the past two weeks police have also confiscated issues of several magazines and newspapers criticizing President Moi, and briefly detained some of the people selling these publications.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or your own language:

- expressing concern at the arrest in mid-February 1993 of the Reverend Jamlick Miano and Peter Ndekei Kihumba of The Watchman magazine, and that they have been charged with sedition in connection with articles critical of President Moi and his government, for which they could be imprisoned for up to 10 years;

- stating that they appear to be prisoners of conscience imprisoned for exercising the right to freedom of expression;
- appealing for their immediate and unconditional release and the withdrawal of these and previous charges of seditious publication against the Reverend Jamlick Miano;
- urging that they be treated humanely in custody and allowed regular access to their families, legal representatives and medical doctors of their choice.

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APPEALS TO:

1) His Excellency President Daniel arap Moi
President of the Republic of Kenya,
Office of the President
P O Box 30510
Nairobi, Kenya
Telegrams: President Moi, Nairobi, Kenya
Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB
(via Ministry of Foreign Affairs)
Faxes: + 254 2 33 7340 (Ministry of Foreign Affairs)

Salutation: Your Excellency

2) Mr Amos Wako
Attorney General
Office of the Attorney General
P O Box 40112
Nairobi
Kenya
Telegrams: Attorney General Wako, Sheria, Nairobi, Kenya
Faxes: + 245 2 211082

Salutation: Dear Attorney General

COPIES OF YOUR APPEALS TO:

1) Mr James Mareka
Commissioner of Prisons
Kenya Prisons Service Headquarters
P O Box 30175
Nairobi, Kenya

3) Mr Justice Alan Hancox
Chief Justice
Law Courts
P O Box 30041
Nairobi, Kenya

2) Mr Philip Kilonzo
Commissioner of Police
Kenya Police Headquarters
P O Box 30083
Nairobi, Kenya

4) Mr F Kagwa
Acting Chairman
Law Society of Kenya
P O Box 72219
Nairobi, Kenya

and to diplomatic representatives of Kenya accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 March 1993.