

EXTERNAL (for general distribution)

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Further information on UA 330/90 (AFR 32/14/90, 10 August, and follow-up AFR 32/19/90, 7 September) - Fear of Torture/Legal Concern

KENYA : Joe Omwaka Ager

Joe Ager, who was released on bail, will reportedly stand trial before the Chief Magistrate in Nairobi on 27 September 1990 on the charge of possessing a seditious publication - an issue of the subscription newsletter Africa Confidential.

He will have legal representation and reportedly intends to plead not guilty to the charge, which carries a maximum penalty of seven years' imprisonment. Africa Confidential is not banned in Kenya, but the government apparently wished to prevent Kenyans reading its issue criticising President Moi's government for corruption, tribalism and nepotism in the Kenyan security forces, by prosecuting Joe Ager and others for allegedly possessing this issue.

However, the real reason for arresting Joe Ager seems to have been his connection with former Vice-President Oginga Odinga, a prominent critic of one-party rule in Kenya, to whom he is related, and whose son Raila Odinga is currently detained indefinitely without charge or trial under the Public Security Regulations.

Amnesty International opposes the use of criminal charges to suppress the internationally recognized right to hold opinions and to possess publications which do not involve the advocacy of violence. It also fears that Joe Ager would not receive a fair trial. If he was convicted, the organization would adopt him as a prisoner of conscience and call for his immediate and unconditional release.

FURTHER RECOMMENDED ACTION: Telegrams/telexes/express and airmail letters:

- expressing concern that the authorities intend to proceed with prosecuting Joe Ager for mere possession of a newsletter article criticising the government but not banned in Kenya;
- stating that if convicted and imprisoned, Joe Ager would be adopted by Amnesty International as a prisoner of conscience and that his imprisonment for his opinions would violate the International Covenant on Civil and Political Rights, to which Kenya is a party;
- appealing for the sedition charge against Joe Ager to be withdrawn;
- urging that Joe Ager should not be tried.

APPEALS TO:

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Office of the Attorney General
PO Box 40112
Nairobi, Kenya

Telegrams: Attorney General Muli, Nairobi, Kenya
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(via Ministry of Foreign Affairs)

COPIES TO:

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The Chairman
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and to diplomatic representatives of Kenya in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 18 October 1990.