

EXTERNAL (for general distribution)

AI Index: AFR 32/13/91  
Distr: UA/SC

UA 107/91

Legal Concern

20 March 1991

KENYA: Joseph Njoroge Watoro, journalist

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Joseph Njoroge Watoro, a 53-year-old freelance journalist and retired civil servant, was arrested in Nairobi in early March 1991 and brought to court on 14 March. He was charged with sedition - publishing a seditious letter whose intentions were "to bring hatred or contempt against the government of Kenya".

The charge arose from allegations that he had sent a letter to The Nairobi Law Monthly, a monthly law journal, although no such letter was published under his name. However, a letter was referred to in the editorial entitled "Tribalism" in the February 1991 issue of the journal, which police had seized.

The letter, whose author was not named, had asked the journal to name heads of banks, businesses, para-statal and other organizations and the provincial administration, the unstated implication being that they came from President Daniel arap Moi's Kalenjin ethnic group, although their names were not published. The editorial was one of the reasons for the arrest of the editor, Gitobu Imanyara, shortly before Joseph Njoroge Watoro's arrest (see UA 79/91, AFR 32/09/91, 4 March, and follow-up AFR 32/11/91, 11 March).

Joseph Njoroge Watoro has been remanded in custody and his case has been joined to that of the editor, who is also in custody, with bail denied, and also faces a similar sedition charge carrying a possible ten-year prison sentence. Gitobu Imanyara was arrested on 1 March and charged with publishing a seditious publication. The journal had carried many articles and readers' letters criticising the government for human rights violations and calling for multi-party democracy in Kenya. The printer of the journal, Dominic Martin, was also arrested and fined in early March, and it is reported that other printers in Nairobi have been intimidated into preventing any other issues of the journal being published.

Amnesty International regards Joseph Njoroge Watoro as a prisoner of conscience, arrested solely for expressing his non-violent opinions in a letter to a journal.

**RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:**

- expressing concern at the arrest of Joseph Njoroge Watoro and the sedition charges brought against him;
- requesting assurances that he is not being subjected to torture or ill-treatment;
- urging that he be given immediate regular and private access to his legal representative, family, and medical doctor;
- stating that as he appears to have been arrested solely for expressing his opinions, which did not advocate violence, in a letter to a journal, he is a prisoner of conscience and should be released immediately and unconditionally;
- pointing out that his arrest contravenes Article 19 of the International Covenant of Civil and Political Rights, guaranteeing the right to freedom of expression, to which Kenya acceded in 1972.

PLEASE ORGANIZE APPEALS FROM JOURNALISTS' ASSOCIATIONS

**APPEALS TO:**

President Daniel arap Moi  
President of the Republic of Kenya  
Office of the President  
P O Box 30510  
Nairobi, Kenya

**Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB**  
**(via Ministry of Foreign Affairs)**  
**Faxes: + 254 2 33 7340 (Ministry of Foreign Affairs)**

Mr Matthew Muli  
Attorney General  
Office of the Attorney General  
PO Box 40112  
Nairobi, Kenya

**Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB**  
**(via Ministry of Foreign Affairs)**  
**Faxes: + 254 2 33 7340 (Ministry of Foreign Affairs)**

**COPIES TO:**

Mr James Kanyotu  
Director of Dept of State Security Intelligence  
Kenya Police HQ  
PO Box 30083  
Kenya

Mr Philip Kilonzo  
Commissioner of Police  
Kenya Police HQ  
PO Box 30083  
Nairobi, Kenya

Mr James Mareka  
Commissioner of Prisons  
Kenya Prison Service HQ  
PO Box 30175  
Nairobi, Kenya

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 2 May 1991.