

EXTERNAL (for general distribution)

AI Index: AFR 32/23/90
Distr: UA/SC
20 September 1990

Further information on UA 330/90 (AMR 32/14/90, 10 August) and follow-ups AFR 32/19/90 (7 September) and AFR 32/22/90 (19 September) - Fear of Torture Legal Concern

KENYA: Joe Omwaka AGER, tour operator
and Mary AGER, his wife (new name)

=====

Joe Ager was arrested on 31 July 1990 for possessing a seditious publication and was bailed. He will reportedly stand trial on 27 September.

Amnesty International has learned that Mary Ager, the wife of Joe Ager, has also been arrested. She appeared in court before the Chief Magistrate in Nairobi on 11 September and was charged with the same offence as her husband - possession of a seditious publication. She was released on bail and will be tried with her husband. Their joint trial will reportedly start on 27 September.

The alleged seditious publication which she and her husband are accused of possessing, was an issue of the subscription newsletter Africa Confidential, which is published in London and widely read throughout Africa. The issue contained a critical article on the dominance of members of President Moi's ethnic group, the Kalenjin, in the security forces, government and civil service.

RECOMMENDED ACTIONS: Telegrams/telexes/express and airmail letters

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- appealing for the sedition charge against them to be withdrawn;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

APPEALS TO:

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

Telegrams: Attorney General Muli, Nairobi, Kenya
Telexes: 22003 FOREIGNRB or 22696 FOREIGNRB
(via Ministry of Foreign Affairs)

COPIES TO:

Mr Justice Alan Hancox
Chief Justice
Law Courts
PO BOX 33041,
Nairobi, Kenya

Mr Wilson Ndolo Ayah
Minister of Foreign Affairs
Ministry of Foreign Affairs
PO Box 30551
Nairobi, Kenya

The Chairman
Law Society of Kenya
PO Box 72219
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 18 October 1990.