

**President Kaguta Yoweri Museveni,
President of the Republic of Uganda,
Office of the President of Uganda,
State House Nakasero, P.O. Box 24594,
Kampala, Uganda.
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Re: Concerns regarding the case of lawyers Mbugua Mureithi and Al-Amin Kimathi

Dear President,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents around one million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders around the world.

We are writing to express our serious concerns over the recent arrest of Mr Mbugua Mureithi, Kenyan human rights lawyer and Coordinator of the Litigation Fund Against Torture (LIFAT), and Mr. Al-Amin Kimathi, the Executive Coordinator of the Kenyan Muslim Human Rights Forum (MHRF).

According to the information received, on September 15, 2010, Messrs Mureithi and Kimathi were arrested by Ugandan Government agents as they were travelling to Kampala to attend a court hearing in connection with the Kampala bombings of June 11. The trial was scheduled on September 16 and Mr. Mureithi was to represent Kenyan civilians transferred from their country to Uganda for having allegedly participated in the bombings.

Mr. Kimathi and the MHRF are known for denouncing human rights violations perpetrated in the name of the fight against terrorism in the East and Horn of Africa and their arrest seems to aim at sanctioning their human rights activities.

Especially worrisome is that during detention, Mr. Mureithi did not have access to a lawyer and was not allowed to make any phone calls. Though he was subsequently released, Mr. Al-Amin Kimathi, whose laptop has been confiscated, remains in detention with no access to a lawyer and no authorisation to make any phone call.

On September 20, it would seem that Mr. Kimathi was brought before the Nakawa Chief Magistrate's Court in Kampala and charged with terrorism, attempted murder and 89 counts of murder in relation to the July 11 bombings. We believe that the Magistrate's court does not have jurisdiction to try him on those charges - murder and terrorism are capital offences - but the charges were read out to him and he is remanded to Luzira maximum security prison. Moreover, it would appear that the charge sheet

does not provide any detailed allegations to indicate the conduct he is accused of, or how it is connected to the crimes described.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular its article 1 states that:

“Everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels”,

In view of the above, the CCBE respectfully urges you to investigate the above mentioned facts and to take immediate and effective action to guarantee in all circumstances the physical and psychological integrity of Mr. Al-Amin Kimathi as well as all human rights defenders, in order to preserve the independence and integrity of the administration of justice in Uganda.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'JMD', is written over a horizontal line. The signature is stylized and somewhat abstract.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ
President