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Uganda: Concern over continuing restrictions to the work of human rights defenders

Amnesty International reiterates its concerns about restrictions to the work of human rights defenders in Uganda, following the exclusion from Uganda of four Kenyan human rights defenders on April 13.

The four are: Mr. Samwel Mohochi, a trustee of the Kenya National Coalition of Human Rights Defenders; Mr. Hassan Omar Hassan, a Commissioner with the statutory body, The Kenya National Commission on Human Rights; Mr. Hussain Khalid, from Muslims for Human Rights; and Mr. Muhdhar Khitamy, chairman of the Coast province branch of the Supreme Council of Kenya Muslims. The four, alongside seven other persons, including lawyers and human rights activists, were part of a delegation entering Uganda from Kenya to attend a pre-arranged meeting with Ugandan authorities. The purpose of the meeting scheduled for April 14 is to discuss the case of Al-Amin Kimathi, a Kenyan human rights defender who is currently held in pre-trial detention, charged with terrorism and other offences in relation to the July 2010 bomb attacks in Kampala. Seven other members of the delegation were allowed to enter the country.

After hours of detention by immigration officers the four were made to sign deportation papers and ordered to return to Nairobi at about 3 pm. No explanation was provided for their exclusion.

There is a pattern of deportations of human rights defenders trying to enter Uganda to observe the trial of those charged for the July 2010 Kampala bombings, without reasonable explanation. In December 2010, Clara Gutteridge, a lawyer working with a human rights organization, was detained and deported upon arrival in Entebbe airport. Clara had travelled to Uganda to observe Mr. Kimathi's bail hearing. In September 2010, Al-Amin Kimathi and Kenyan lawyer Mbugua Mureithi were arrested a few hours after their arrival to Uganda from Kenya. They were in Uganda to observe the court case of some of those charged with terrorism in connection with the July 2010 bombings. Al-Amin Kimathi and Mbugua Mureithi were both held in incommunicado detention before Mbugua Mureithi was released and deported to Kenya. Mr. Kimathi was charged with terrorism, murder and attempted murder related to the July 2010 bombings and added to the same court charge sheet as the suspects whose case he had sought to observe.

The work of human rights defenders has been recognized by both the United Nations and the African Commission on Human and Peoples' Rights as deserving of special protection.

Amnesty International is concerned that the Ugandan authorities are unduly restricting human rights monitoring work related to Al-Amin Kimathi's continued detention and pending trial, and alleged human rights violations against suspects charged in relation to the July 2010 bombings. Lawyers for some of the accused persons have expressed concerns in court and to Amnesty International about inadequate access to health services and religious material, and restrictions to the suspects' movement within the prison including limiting the number of hours they are allowed outside their holding cells. Prison authorities have consistently refused to grant access, as part of human rights monitoring work, to local and international human rights non-governmental organisations to Al-Amin Kimathi or any of the other persons accused of involvement in the

bombings. Amnesty International has been denied such access on three separate occasions in the last six months. No reasons have been provided for this denial of access.

Mr. Kimathi, through the Muslim Human Rights Forum – a Kenyan non-governmental organization for which he works, has since 2006, documented cases of human rights violations, including the unlawful transfer of persons between countries, committed in the context of governments' counterterrorism measures. In September 2010, Amnesty International publicly stated that in the absence of any other reasonable detailed explanation from Ugandan authorities, the circumstances of Mr. Kimathi's arrest, detention and charge suggested that his treatment was because he sought to exercise his work as a human rights defender. More than six months later, the prosecution has provided some particulars of the allegations against Mr Kimathi, but still has not disclosed to him or his lawyers, any actual evidence against him.

Amnesty International calls on Uganda, in meeting its obligations to investigate, prosecute and bring to justice those responsible for the July 2010 Kampala bombings, to ensure that all proceedings against anyone accused of involvement fully comply with international human rights law and standards as well as the Ugandan constitution.

Amnesty International calls upon the Ugandan government to:

- Publicly affirm its commitment to, and respect in practice, the rights of human rights defenders to carry out human rights work as provided for in the UN Declaration on Human Rights Defenders.
- Immediately disclose to Al-Amin Kimathi and his lawyers all materials that the Prosecution plans to offer in court against Al-Amin Kimathi or that are exculpatory, and respect his right to trial without undue delay. If the Prosecution does not possess materials reasonably capable of supporting the charges against Al-Amin Kimathi then the government must halt proceedings against him and ensure his immediate release.
- Ensure that the measures taken to investigate, prosecute and bring to justice alleged perpetrators of the July 2010 bombings, fully comply with international human rights law and standards and the Ugandan Constitution.

BACKGROUND

On 11 July 2010, over 76 people were killed and hundreds injured as a result of bombings by unknown people at two different public venues in Uganda's capital, Kampala. Following criminal investigations dozens of people of different nationalities were arrested for suspected involvement in the bombings. There are currently 17 people in detention, charged with a number of offences related to the bombings, including terrorism, murder and attempted murder. The trial process is ongoing.

The work of human rights defenders is recognized as deserving of specific protections under the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms ("UN Declaration on Human Rights Defenders"), which was adopted by consensus by UN member states in 1998. The African Commission on Human and Peoples' Rights has called upon its member states to "promote and give full effect to the UN Declaration on Human Rights Defenders, to take all necessary measures to ensure the protection of human rights defenders".