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## **Uganda: Disclose Evidence against Human Rights Defender, Others**

Immediately Provide Counsel for All Defendants in Terrorism Trial

The Ugandan government should disclose any evidence it claims to have against the detained Kenyan human rights defender Al-Amin Kimathi or release him, Human Rights Watch, Amnesty International, Reprieve and the East and Horn of Africa Human Rights Defenders Project said today.

Kimathi, along with 18 other defendants, is expected to appear in court on September 12, 2011, for a pre-trial hearing on charges of terrorism for the July 2010 bombings in Kampala. The hearing is scheduled to take place in Court Room 1 at the Kampala High Court at 9 am. Most of the defendants still do not have lawyers, as they cannot afford to hire private defense counsel.

“Kimathi seems to have been sitting in jail for a year for calling attention to injustices by Kenya and Uganda,” said Daniel Bekele, Africa Director at Human Rights Watch. “If Uganda can’t show that it has a serious case against him, it should free him and drop the charges immediately.”

Kimathi is the executive director of the Muslim Human Rights Forum, a non-governmental organization that for several years has documented and publicly challenged arbitrary detention and rendition carried out in East Africa in the context of counter-terrorism operations.

In August 2010, Kimathi criticized Kenya’s transfer to Uganda, without respecting extradition procedures, of people accused in connection with the July bombings. Kimathi was arrested on September 15 along with a Kenyan lawyer, Mbugua Mureithi, when they traveled to Uganda to observe the suspects’ court appearance. Mureithi was released after three days and deported to Kenya. Kimathi was charged with terrorism, murder and attempted murder on September 20 alongside the suspects whose rights he was defending and has been in a maximum security prison since then.

Kimathi applied to be released on bail, but his initial application was denied in December 2010. A second bail application was submitted in February 2011 and scheduled to be heard in March, but the hearing was postponed and has not been re-scheduled. The right to bail is protected under the Ugandan constitution. Bail should not be denied in circumstances which would result in the violation of the right to a fair trial and the right to be presumed innocent before proven guilty.

Over the past year, the state prosecution has not disclosed any evidence against Kimathi or the other defendants, apart from a very brief case summary and an indictment, laying out the charges. The director of public prosecutions has indicated, however, that the majority of the evidence will be disclosed on Monday.

“The fact that the Ugandan government has failed to disclose any evidence against Al-Amin Kimathi, after detaining him for nearly one year, suggests that the criminal process is being used as a cloak behind

which to silence an effective human rights defender,” said Clare Algar, Executive Director of Reprieve. “If the Ugandan government does not immediately disclose evidence, Kimathi should be released as a matter of urgency to get on with his important work.”

The lack of disclosure thus far, coupled with the lack of lawyers for most of the defendants, raises serious concerns that the defendants will not be able to present an effective defense, the organizations said. They should be given sufficient time to review the evidence against them. Failure to do so could lead to unnecessary delays and further prolong their detention.

If the prosecution does not possess evidence reasonably capable of supporting the charges against Kimathi, or any of the other defendants, the government should halt proceedings against them and free them immediately, the organizations said.

“The Ugandan government should immediately ensure that all defendants have access to capable defense counsel and set a trial date within a reasonable time, as the constitution guarantees,” said Michelle Kagari, deputy Africa programme director of Amnesty International. “It should also promptly disclose to Kimathi, his lawyers, and all other defendants in the July bombing case evidence that the prosecution plans to use against them or that can be used in their defense.”

The work of human rights defenders such as Kimathi has been recognized by both the United Nations and the African Commission on Human and Peoples’ Rights as deserving special protection. “The Ugandan authorities should publicly affirm their commitment to, and respect in practice, the rights of human rights defenders to carry out human rights work,” said Hassan Shire, Executive Director of the East and Horn of Africa Human Rights Defenders Project. “This includes in the context of governments’ counter-terrorism efforts.”

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