

URGENT ACTION

ACTIVIST CHARGED WITH TERRORISM

After six days held in incommunicado detention without any judicial supervision, Kenyan human rights activist Al-Amin Kimathi was charged, on 21 September, with terrorism, murder and attempted murder in relation to the July bombings. No details or basis of the charges have been provided. He is being held under pre-trial detention.

Al-Amin Kimathi, who heads the Muslim Human Rights Forum in Kenya, was arrested, along with Kenyan lawyer Mbugua Mureithi, on 15 September. The two had travelled from Kenya to Uganda to observe a hearing of six Kenyans charged with terrorism in connection with the July bomb attacks in Kampala, which killed over 76 people who were watching the World Cup final. Mr. Mureithi was released after three days and deported to Kenya.

Section 23(4) of the Ugandan constitution stipulates a 48-hour maximum for detention without judicial supervision. Six days after he was arrested and detained, Mr. Kimathi was brought before Nakawa Magistrate's court and charged with terrorism, murder and attempted murder in relation to the July bombings. 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. The only amendment to the original general criminal charge sheet was to add the names of Mr. Kimathi and the 37th and 38th suspects in the case. Mr. Kimathi remains in pre-trial detention.

Amnesty International is concerned that, in the absence of any other reasonable detailed explanation from Ugandan authorities, the circumstances of Mr. Kimathi's arrest, detention and charge suggest that his treatment is because he sought to exercise his work as a human rights defender.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Urging that Mr. Kimathi and his legal counsel are immediately and formally informed of the detailed particulars and basis of the charges against him or he be released.
- Demanding that Mr. Kimathi has full access to visits by and communications with his legal counsel and family in accordance with international human rights standards, and that the confidentiality of his communications with legal counsel is fully respected.
- Urging that all 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 and in particular, that anyone detained in connection with the bombings anywhere is promptly charged or released.
- Demanding an independent and impartial inquiry is established into human rights violations associated with the arrest and transfer outside of established legal procedures of suspects from Kenya to Uganda.

PLEASE SEND APPEALS BEFORE 09 NOVEMBER 2010 TO:

Minister of Internal Affairs

Hon Ali Kirunda Kivejinja

Ministry of Internal Affairs

PO Box 7191, Kampala, Uganda

Fax: + 256 414 343 088

Salutation: Dear Minister

Also send copies to diplomatic representatives of Uganda accredited to your country. Please check with your section office if sending appeals after the above date. This is the second update of UA 205/10. Further information: <http://www.amnesty.org/en/library/info/AFR59/011/2010/en>

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ADDITIONAL INFORMATION

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 in Uganda and Kenya in the last few weeks, over 30 people of different nationalities, including Ugandan, Kenyan and Somali, have been arrested in connection with the bombings and charged with criminal offences, including murder, terrorism and attempted murder. The trial process remains ongoing.

In August 2010, Mr. Mureithi, on the instructions of the Muslim Human Rights Forum acting on behalf of the families of the first three suspects of Kenyan nationality to be arrested, filed an application in the Kenyan High Court. The application challenged the transfer of the suspects from Kenya to Uganda by Kenyan and Ugandan authorities on the basis that the transfer failed to respect the established legal procedures governing such transfers. The Muslim Human Rights Forum had worked on similar issues in the past in other contexts, notably in 2007, when it documented the arbitrary detention, secret expulsion, and unlawful transfers of dozens of men, women, and children who had fled from Somalia to Kenya in 2006 and early 2007.

The lack of any precise charges against Mr. Kimathi fails to respect his right under Article 14(3) (a) of the ICCPR "to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him."

The work of human rights defenders is recognized as deserving of protection 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* ("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". Article 9(3) (b) and (c) of the UN Declaration provides for the right of human rights defenders to attend hearings, proceedings and trials so as to form an opinion about their compliance with national and international law and standards and to offer legal assistance and other advice in defending human rights.

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