

URGENT APPEAL - THE OBSERVATORY

UGA 002 / 0411 / OBS 062
Arbitrary detention / Deportation
Uganda
April 14, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH) requests your urgent intervention in the following situation in **Uganda**.

Description of the situation:

The Observatory has been informed by reliable sources about the arbitrary arrest in Entebbe Airport in Kampala and the subsequent deportation to Kenya of Mr. **Samwel Mohochi**, trustee of Kenya National Coalition of Human Rights Defenders and member of OMCT General Assembly, Mr. **Hussain Khalid**, member of Muslims for Human Rights (MUHURI), Mr. **Muhdhar Khitamy**, Chairman of the Coast province branch of the Supreme Council of Kenya Muslims (SUPKEM) and Mr. **Hassan Omar Hassan**, member of the Kenya National Commission on Human Rights (KNCHR).

According to the information received, on April 13, 2011, at 9 a.m., the four Kenyan human rights defenders flying from Nairobi were arrested by immigration officers at their arrival at Entebbe Airport in Kampala, Uganda, and detained there. The four individuals have reportedly not been interrogated, and no reason to their detention has been provided by the Ugandan authorities. At 3. p.m., they were deported back to Nairobi. Their passports were given back to them, along with a notice from the Ugandan government stating that they were "prohibited immigrants". They are now free, and no charge has reportedly been brought against them.

The four human rights defenders were reportedly travelling with four other Kenyan people, who have been allowed to enter the country. They were all flying to Kampala to meet with the Chief Justice of Uganda, in order to discuss the case of Mr. **Al-Amin Kimathi**, a Kenyan human rights defender, Executive Director of the Kenyan Muslims Human Rights Forum (MHRF), who was arrested in Uganda in September 15, 2010 and is now detained at the Luzira Maximum Security Prison.

The Observatory denounces the arbitrary arrest and deportation of the four Kenyan human rights defenders, since they seem to only aim at sanctioning their human rights activities.

Background information:

Mr. Al-Amin Kimathi had been arrested on September 15, 2010, along with Mr. Mbugua Mureithi, a Kenyan human rights lawyer and Coordinator of the Litigation Fund Against Torture (LIFAT), as they were travelling to Kampala to attend a court hearing in connection with the Kampala bombings of July 11, 2010¹. 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 the human rights violations perpetrated in the name of the fight against terrorism in the East and Horn of Africa.

Mr. Mureithi and Mr Kimanathi were taken to the headquarters of the Ugandan Police's Rapid Response Unit in Kireka, a suburb of Kampala, and detained there. They were questioned by individuals in civilian clothing about alleged contacts with Al-Shabaab operatives, an islamist

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See Observatory Urgent Appeal UGA 001 / 0910 / OBS 114.

group which claimed responsibility in the terrorist bombings perpetrated in Kampala on July 11, 2010.

On September 18, Mr. Mureithi was released and escorted to Entebbe to take a plane to Kenya in the morning. During his detention, Mr. Mureithi did not have access to a lawyer and was not allowed to make any phone calls. 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, Mr. Al-Amin 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. The Magistrate's court did 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 was remanded to Luzira Maximum Security Prison.

Actions requested:

Please write to the authorities of Uganda, urging them to:

- i. Repeal the notice from the Ugandan government stating that Messrs. Samwel Mohochi, Hussain Khalid, Muhdhar Khitamy, Hassan Omar Hassana were "prohibited immigrants, to allow them to enter the country, so that they can meet with the Chief Justice of Uganda;
- ii. Put an end to all acts of harassment against all human rights defenders in Uganda ;
- iii. Guarantee in all circumstances the physical and psychological integrity of Mr. Al Amin Kimathi as well as of all human rights defenders in Uganda;
- iv. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with:
 - Article 1, which provides that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels",
 - Article 6.a, which states that "everyone has the right, individually and in association with others: To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
 - Article 9.3 which provides that "everyone has the right, individually and in association with others, *inter alia* [...] to attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments; and to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms",
 - Article 12.2 which states that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration".
- v. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by

Uganda.

Addresses:

- 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. Fax: +256 (0) 414 436 102 / + 256 41 4235459 / +256 41 4344012. E-mail: museveni@starcom.co.ug / aak@statehouse.go.ug
- Hon. Dr. Edward Kiddhu Makubuya, Attorney General and Minister of Justice and Constitutional Affairs, Ministry of Justice and Constitutional Affairs, Parliament Avenue, P.O.Box 7183, Kampala, Uganda. Fax: + 256 41 4250829. E-Mail: mojca@africaonline.co.ug
- Mr. Richard Buteera, Director of Public Prosecutions, Ministry of Justice, Constitutional Affairs & the Attorney General, Tel: +256-414-332-502/332-504, Fax: +256-414-258-565/341-316, Email: admin@dpp.go.ug
- Mr. Ruhakana Rugunda, Minister of Internal Affairs, Jinja Rd, PO Box 7191, Kampala, Uganda. Fax: + 256 414343088
- Mr. Edward Kale Kaihura, Inspector General of Police, Telephone: +256 (0) 712 755 999
- H.E. Mr. Maurice Peter Kagimu Kiwanuka, Permanent Mission of Uganda to the United Nations in Geneva, 6 bis rue Antoine Carteret, 1202 Genève, Switzerland. Fax: + 41 22 340 70 30. Email: mission.uganda@ties.itu.int.
- Embassy of Uganda to the EU in Brussels, 317 avenue de Tervueren, 1150 Woluwe-Saint-Pierre, Belgium. Fax: + 32 2.763.04.38. Email: ugembrus@brutele.be

Please also write to the diplomatic representations of Uganda in your respective countries.

Geneva-Paris, April 14, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, an OMCT and FIDH venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

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