

BY AIRMAIL

Hon. Uhuru Kenyatta,
President of the Republic of Kenya,
State House, Statehouse Road,
P.O Box: 40530
00100, NAIROBI, **KENYA**

Email: president@statehousekenya.go.ke

Amsterdam, 5 July 2016

Re: death of human rights lawyer Willie Kimani and his client

Your Excellency,

Lawyers for Lawyers is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

Lawyers for Lawyers are concerned about the killing of human rights lawyer Mr. Willie Kimani. We have reason to believe that he was targeted in connection to his legitimate activities as a lawyer.

Mr. Willie Kimani was a Kenyan lawyer working for International Justice Mission¹, a global organization that protects the poor from violence in the developing world.

According to our information, Mr. Willie Kimani, his client Mr. Josephat Mwenda and taxi-driver Mr. Joseph Muiruri went missing on Thursday, 23 June 2016. They had attended a hearing of a traffic case against Josephat Mwenda. Police officers from Syokimau AP Camp had charged Mwenda with six traffic offenses, including riding a motorcycle without a helmet, in December 2015. Months earlier, Josephat Mwenda had lodged a complaint with the Independent Policing Oversight Authority, against a senior officer at the camp. This senior officer had illegally shot Mwenda April 2015 as he dismounted a motorcycle after the officers had waved him down to stop.

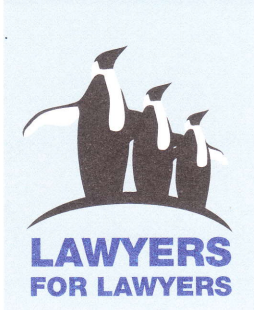
On June 30, 2016, the bodies of Mr. Willie Kimani, Mr. Josephat Mwenda and Mr. Joseph Muiruri were recovered from Ol-Donyo Sabuk River in Machakos County, eastern Kenya.

On 1 July, Inspector General of Police Mr. Joseph Boinnet has ordered the arrest of three police officers, Frederick Leliman, Stephen Chebuletand Silvia Njoki, suspected of being involved in the kidnapping and killing of the three men.

We would like to draw your attention the UN Basic Principles of the Role of Lawyers², more particular Principles 16, 17 and 18, which read:

¹ <https://www.ijm.org>

² The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice'



"16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference"

"17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities."

"18. Lawyers shall not be identified with their clients or their clients' cases as a result of discharging their functions."

In view of the above, Lawyers for Lawyers respectfully urge you to:

- (i) Carry out a prompt, thorough, impartial and transparent investigation into the killing of Mr. Willi Kimani, his client Mr. Josephat Mwenda and taxi-driver Mr. Joseph Muiruri, so as to identify all those responsible and bring them to justice.
- (ii) Guarantee in all circumstances that all lawyers in Kenya are able to practice law without threat, intimidation, hindrance, harassment, improper interference or reprisals.

We thank you for your attention to this very important matter. We are confident of your good will and sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Yours sincerely,

LAWYERS FOR LAWYERS

Adrie van de Streek
Executive Director

Letters concerning the same topic were sent to:

- Hon. William Ruto, Deputy-President of the Republic of Kenya

Copies of these letter were sent to:

- Dutch Ambassador to Kenya, Mr. F. Makken
- Embassy of the Republic of Kenya in The Netherlands,
- The Permanent Mission of the Republic of Kenya to the United Nations, Mr. Ambassador Macharia Kamau
- UN Special Rapporteur on the Independence of Judges and Lawyers, Ms. Mónica Pinto

resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.