

H.E. Hon. Uhuru Kenyatta, CGH
State House,
Statehouse Road
P.O Box: 40530 00100,
Nairobi,
Kenya

Brussels, 29 September 2014

Re: Concerns regarding death threat against Wendy Wanja Mutegi, a human rights lawyer

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its serious concern over death threats against Ms Wendy Wanja Mutegi in connection with her work as a human rights lawyer. Ms Mutegi is also a community organiser who currently chairs the Law and Social Development Trust (LASODET), an organisation dedicated to the defence of indigenous and environmental rights in Kenya.

The CCBE has been informed that on 19 September 2014 at around 16:00, Ms Mutegi was at the Hotel Legacy in Chuka, Kenya, when a local businessman sat next to her. She recognised him as one of the loggers whose activities triggered the court case in which she is involved as counsel. When she stood up to leave, the man whispered a warning to her, "today is the day". As Ms Mutegi left the premises, she was shadowed by three unidentified men. She boarded a public minibus and the three men continued to follow her, one taking a seat next to her, with the two others seated behind. She attempted to escape by getting off the bus and trying to use her cell phone. However, the men approached her and warned her not to do so. They gave her what they called a 'final warning', stating that she should withdraw the court case if she wanted to live. They told her that they knew where she lived and gave her 7 days to withdraw the case, warning her that they would track her if she reported the threats to the police. Ms Mutegi's next court hearing is scheduled for 2 October 2014 and the 7-day threat that she received expired on 26 September 2014.

According to the information that we received, this was not the last threat. On 23 September 2014, Ms Mutegi was forced to cancel her scheduled meetings regarding another case on behalf of an indigenous community in Eastern Kenya for fear of an attack from a group of men who threatened to harm her if she did not halt her advocacy work.

In this context, the CCBE wishes to draw to your attention the following Principles of the United Nations Basic Principles on the Role of Lawyers (1990):

Principle 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, principle 17 says that:

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

In view of the above, the CCBE respectfully urges you to investigate the death threat against Ms Mutege and to take all necessary measures to guarantee her security and physical and psychological integrity. In addition, the CCBE asks you to take all necessary measures to guarantee that all lawyers in Kenya are able to perform their professional duties without fear of reprisal, hindrance, intimidation or harassment.

I look forward to hearing from your Excellency urgently.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo BULGARELLI
President