

Le Bâtonnier

Honorable Chief Justice Willy Mutunga
The Office of the Chief Justice
Supreme Court Building
City Hall Way, Nairobi
P.O. Box 30041 – 00100
Nairobi, Kenya

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Geneva, 21 July 2016

Ref: Assassination of Mr Willie Kimani

Honorable Chief Justice,
Mr President of the Supreme Court,

I am writing to you on behalf of the Ordre des avocats de Genève (ODAGE), which represents more than 1,500 lawyers in Geneva. The ODAGE is member of the Swiss Federation of Lawyers, the Union Internationale des Avocats and the International Bar Association.

The ODAGE, which places great emphasis on respect for human rights and the rule of law and is particularly concerned by the situation of human rights defenders in the world, has been deeply shocked by the news of Mr Willie Kimani's murder on 30 June 2016.

According to reports, Mr Willie Kimani, who was a human rights lawyer, was abducted with his client, who had filed complaints against the local police as well as a senior official of the police forces, and another person, on 23 June 2016 after a hearing at the Tribunal of Makovo.

On 29 June 2016, Kenyan lawyers had demonstrated before the Supreme Court. In a statement, 11 human rights organisations had further suggested that the police had kidnapped Willie Kimani and the two other persons. The three of them would have later been detained illegally for a while at the police station of Syokimau, illegally withdrawn therefrom, tortured and killed in a most heinous fashion.

We understand that three police officers suspected to be involved in Willie Kimani's assassination have been arrested.

- The ODAGE would like to draw the Kenyan authorities' attention to the 1990 UN Basic Principles on the Role of Lawyers, according to which they have an obligation to ensure that lawyers can perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they do not suffer, or be threatened with, prosecution for any action taken while carrying out their duties (Principle 16).
- Furthermore, according to Principle 17, "*Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.*"

The ODAGE therefore urges the Kenyan authorities to comply with the standards set forth by the Basic Principles on the Role of Lawyers as well as their obligations under International Human Rights Law and to:

- protect all lawyers and human rights defenders in Kenya against any present or future harassment, intimidation and/or reprisal in the exercise of their profession and of legitimate human rights activities;
- ensure that the investigations into Willie Kimani's murder is independently and impartially conducted. All necessary steps should be adequately taken to bring to justice those responsible, in accordance with international standards.

I thank you for your attention to this very serious matter, which the ODAGE and I will continue to closely monitor.

Respectfully yours,



Grégoire Mangeat
Chairman

Copy to:

- **Law Society of Kenya**, Lavington, Opposite Valley Arcade, Gitanga Road, P.O Box 72219-00200, Nairobi, Kenya (E: Isk@Isk.or.ke)
- **Consulat général de la République du Kenya**, Avenue de la Paix 1-3, 1202 Genève, Suisse (E: embassy.bern@mfa.gov.eg ; F: +41 22 731 29 05)
- **Swiss Embassy in Kenya**, Embassy of Switzerland, P.O. Box 2600, 00621 Nairobi, Kenya (E: nai.sdc@eda.admin.ch ; F: +41 58 462 18 74)
- **Special Rapporteur on the Independence of Judges and Lawyers**, Office of the United Nations High Commissioner for Human Rights, United Nations Office at Geneva, 8-14 Avenue de la Paix 1211, Geneva 10 Switzerland, (E: SRindependenceJL@ohchr.org; F: +41 22 917 9006)