



The Law Society of Upper Canada | Barreau du Haut-Canada

August 29, 2016

H.E. Uhuru Kenyatta
President of Kenya
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Your Excellency:

Re: Murder of Lawyer Willie Kimani

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the murder of lawyer Willie Kimani. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

It has come to our attention that on June 30, 2016, human rights lawyer Willie Kimani was found dead, along with his client Josephat Mwenda and their taxi driver, Joseph Muiruri. Willie Kimani, a lawyer working with the International Justice Mission (IJM) and the Rights Promotion and Protection Centre, had been representing his client in a case against a police officer who allegedly shot him during a traffic stop in 2015. On June 23, 2016, Willie Kimani, his client and taxi driver were abducted after departing from a court hearing at the Makovo Law Courts. Seven days later, their bodies were recovered on the bank of a river near Nairobi. Post-mortem reports reveal that the trio had signs of torture including severe bleeding and fractures to the skull.

The Law Society is deeply saddened by the murders of Willie Kimani, Josephat Mwenda and Joseph Muiruri and strongly condemns these extrajudicial killings. Reports from Kenyan human rights and non-governmental organizations indicate that in recent years, there have been several hundred cases involving abuses carried out by Kenyan officials including corruption, harassment, abduction, torture and judicial killings.

It is the Law Society's understanding that on August 11, 2016, the High Court ruled that Willie Kimani, Josephat Mwenda and Joseph Muiruri were abducted and murdered by police officers. The Law Society is pleased to hear of this ruling

but remains very concerned about the ability of lawyers and members of the judiciary in Kenya to carry out their legitimate duties.

The Law Society of Upper Canada urges Your Excellency to comply with Kenya's obligations under international human rights laws, including the *African Charter on Human and Peoples' Rights*, the *Universal Declaration of Human Rights*, the *International Covenant of Civil and Political Rights* and the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on Role of Lawyers* states:

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, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

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

The Law Society urges the government of Kenya to:

- a. put an end to all acts of abuses and extrajudicial killings of lawyers and human rights defenders in Kenya;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms is in accordance with international human rights standards and international instruments.

Yours very truly,

Paul Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

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David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales