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**Report submitted by the Special Rapporteur on the situation of human rights
defenders, Margaret Sekaggya**

Addendum

Summary of cases transmitted to Governments and replies received*

* The present document is being circulated in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

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Introduction

1. The present document is submitted by the then Special Representative of the Secretary General on the situation of human rights defenders, Ms Hina Jilani, and the Special Rapporteur on the situation on human rights defenders, Ms Margaret Sekaggya, to the Human Rights Council, pursuant to resolutions 5/1 and 7/8 of the Human rights Council. The Special Rapporteur took up her functions on 1 May 2008. The document provides summaries of the communications on specific cases addressed by the then Special Representative and the Special Rapporteur to Governments, as well as summaries of the replies by Governments received and their observations thereon.

2. The cases raised by the then Special Representative and the Special Rapporteur in this addendum include communications sent from 11 December 2007 to 10 December 2008. The addendum contains summaries of responses received from Governments until 10 February 2009. Although received before 10 February 2009, few replies are not included in the present report because translation is awaited. Most of the responses by Governments refer to cases raised by the then Special Representative and the Special Rapporteur during the period December 2007 to December 2008; however, some of the responses are to cases addressed by them in earlier reporting periods. While the summaries of these responses are included in this report, the summaries of the cases to which they refer will be found in the then Special Representative's reports from preceding years (see A/HRC/7/28/Add.1, A/HRC/4/37/Add.1, and E/CN.4/2006/95/Add.1, covering the previous three years).

3. For ease of reference, cases have been grouped by country, with countries listed alphabetically according to their names in English.

Afghanistan

Letter of allegations

4. On 14 August 2008, the Special Rapporteur, together with the the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on violence against women, its causes and consequences, sent a letter of allegations to the Government concerning Ms **Mary Akrami**, member of the Afghan Women's Skills Development Centre (AWSDC), a non-governmental organization (NGO) dedicated to reducing the suffering of Afghan women and children through rehabilitation and development projects and the promotion of peace.

5. According to information received, on 21 July 2008, Ms Mary Akrami went to the Attorney General's office with a client who had been summoned there. In an argument with the women, the Attorney General claimed that the AWSDC supported prostitutes and that its members must pay the price for this. Ms Mary Akrami was detained for three hours. No reason was given for her detention.

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1484. The reply of the Government also contained a detailed analysis of the relevant provisions of the Penal Code and the Code of Criminal Procedure.

Observations

1485. The Special Rapporteur wishes to thank the Government of Japan for the reply it has provided regarding the communication of 14 May 2008.

Kenya

Urgent appeal

1486. On 15 January 2008, the then Special Representative sent an urgent appeal to the Government concerning Mr **Maina Kiai**, Chairperson of the Kenyan National Commission on Human Rights, an independent government body established under the UN Paris Principles on National Human Rights Institutions, where he has set new standards for African national human rights institutions in terms of independence and credibility.

1487. Prior to his current functions, Mr Maina Kiai was nominated in November 2004, and accepted, to sit in the Steering Committee of the African Policing Civilian Oversight Forum (APCOF), which comprises national police oversight and human rights institutions in Africa, as a way to foster more accountability from the police forces in Africa. Mr Maina Kiai was also the Director of Africa Programs at the International Human Rights Law Group (now Global Rights) based in Washington DC from July 2001; served as Africa Director at the International Secretariat of Amnesty International (AI) in London, UK from 1999 to 2001 and was the founding Executive Director of the nongovernmental Kenya Human Rights Commission (one of Kenya's leading NGOs), where he served from September 1992 to September 1998.

1488. According to information received, following the recent disputed presidential elections, the life of Mr Maina Kiai was believed to be at risk. On 7 January 2008, members of the security forces were reportedly instructed to target Mr Maina Kiai who was placed under surveillance the following day. Mr Maina Kiai had reportedly openly questioned the validity of the results of the elections. He had publicly called on President Mwai Kibaki to step down, called for an end to the post-election violence and a negotiated settlement to the present impasse. Concern was expressed that the threats against Mr Maina Kiai may be directly linked to his work in defence of human rights and his criticism of recent electoral practices in Kenya. Further concern was expressed for the physical and psychological integrity of Mr Maina Kiai.

Urgent appeal

1489. On 23 January 2008, the then Special Representative sent an urgent appeal to the Government concerning members of the **Kenyans for Peace with Truth and Justice Initiative (KPTJ)**, a coalition of independent non-governmental organizations formed in the aftermath of the immediate past general elections to denounce electoral frauds and to support freedom of expression and association in the country, as well as Mr **Wafula Buke** and Mr **Okoiti Omtata**. Mr Wafula Buke was a human rights officer with the Kenyan National Human Rights Commission from 1995 to 1999 and is still an active human rights defender. Mr Okoiti Omtata is a publisher and columnist with Nation Newspaper.

1490. According to information received, on 8 January 2007, members of KPTJ were reportedly warned by reliable sources within the Kenyan Police Force and the National Security Intelligence Service that a special unit had been established to consider "methods of neutralization" of KPTJ, and that they had to be cautious when driving at night. On 16 January 2008, Mr Wafula Buke was reportedly participating in a demonstration in Nairobi when he was arrested and detained in Bungoma Police Station on charges of 'causing a disturbance', before being released on bail later that day. He reportedly appeared in court on 17 January 2008, where charges against him were dropped, although according to reports, he is being followed by unknown men.

1491. On 17 January 2008, Mr Okoiti Omtata was arrested when he chained himself to the railings of the police headquarters in Nairobi, as part of a demonstration by civil society activists in protest at extrajudicial killings allegedly committed by members of the police. Okoiti Omtata reportedly sent friends a phone text message stating that he had been taken to Central Police Station; however police had not recorded his arrest and detention and reportedly deny that he was currently being held there. Okoiti Omtata's phone was later confiscated by police. Okoiti Omtata appeared in court on 19 January 2008 and was charged with 'causing a disturbance', and was reportedly still detained.

1492. Concern was expressed that the threats against the members of KPTJ and the arrest and detention of the aforementioned may be directly related to their activities in defence of human rights. Further concern was expressed for the physical and psychological integrity of Mr Okoiti Omtata while in detention.

Urgent appeal

1493. On 31 January 2008, the then Special Representative sent an urgent appeal to the Government concerning Mr **Muthoni Wanyeki**, Executive Director of Kenya Human Rights Commission, Mr **Haroun Ndubi**, human rights lawyer, member of Kenya Domestic Observers Forum, Mr **David Ndii**, author of report on electoral irregularities, Ms Gladwell **Otieno**, Director of Africa Centre for Open Government, Mr **Ndung'u Wainaina**, staff member of National Convention Executive Council, Ms **Njeri Kabeberi**, Executive Director of the Centre for Multi-Party Democracy, Mr Nahashon **Gachehe**, employee of Independent Medico-Legal Unit, and Mr **James Maina**, member of the People's Parliament (Bunge La Mwananchi).

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1494. According to information received, in previous weeks, the aforementioned persons had reportedly received a series of anonymous threats, including death threats, through SMS messages, telephone calls and emails. As a result, they had decided to flee their house or to refrain from making further public statements. These threats were in response to statements or actions by the aforementioned persons about irregularities in the results of the Kenyan General Election held on 27 December 2007, or about human rights abuses committed by the police and armed gangs throughout the country following the results. All except one of these persons were of Kikuyu ethnicity, the ethnic group largely perceived to have supported President Kibaki, and have consequently been accused of being "traitors" to their ethnicity. Four of the aforementioned persons were also named in an anonymously authored pamphlet that had been circulating within the Kikuyu community by print and email in recent days. The pamphlet listed them together with more than 25 people of Kikuyu origin who are called "traitors (who) live among us in peace" and should be killed.

1495. Serious concern was expressed that the threats against the aforementioned persons may be linked to their non-violent activities in defence of human rights. Further concern was expressed for their psychological and physical integrity.

Urgent appeal

1496. On 26 February 2008, the then Special Representative sent an urgent appeal on the situation of Prof **Wangari Maathai**, a human rights defender and former member of the Kenyan parliament. According to information received:

1497. On 19 February 2008, Prof Maathai received a text message on her mobile phone which read, "Because of your opposing the government at all times, Prof Wangari Maathai, we have decided to look for your head very soon, you are number three after Were, take care of your life." The message referred to MP Melitus Mugabe Were, who was killed on 29 January 2008. A second MP, David Kimutai Too, was killed in Eldoret town on 31 January.

1498. Reports indicate that two people employed by Prof Maathai received similar threats on 19 and 21 February. The threats were reportedly signed "Mungiki", an outlawed gang, which has claimed responsibility for beheadings and other murders involving mutilation. Prof Maathai's police bodyguard was reportedly removed after she won the Nobel Peace Prize in 2004.

1499. Concern was expressed that the threats made against Prof Maathai may be directly related to activities in defense of human rights and her exercising the right to freedom of expression. As such these threats may have come in response to the Professor's calls on both President Kibaki and opposition leader Raila Odinga to reach an agreement to end the political crisis in Kenya. Serious concern was expressed for the physical and psychological integrity of Prof. Wangari Maathai. The Special Representative further reiterated her grave concern regarding the increased risks faced by human rights defenders in Kenya in recent times.

Urgent appeal

1500. On 22 May 2008, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal on the situation of Mr **Job Wandalia Bwonya**, Executive Director of the non-governmental organization Western Kenya Human Rights Watch (WKHTML), Mr **Taiga Wanyania**, member of the Mwatikho Torture Survivors' Organization, located in Bungoma, Western Kenya, and accredited with the International Rehabilitation Council for Torture Victims, as well as Mr **Henry Wilberforce Lumbuku**, human rights activist. According to the information received:

1501. Messrs Job Wandalia Bwonya, Taiga Wanyania and Henry Wilberforce have been forced to flee their office in Bungoma and find refuge in another country after exposing in the media alleged acts of torture of Sabaoth Land Defence Force (SLDF) suspects by the military in the Mt. Elgon region. Atrocities committed allegedly by SLDF against the civilian population since 2006, with a peak of human rights violations in January 2008, triggered the deployment of soldiers in the area on 10 March 2008. Three days after the start of the military operation, WKHTML started receiving complaints from people from the area, allegedly arrested by the military, including children aged 13, who had been taken to Kapkota military camp, tortured, released or taken to court. A number of people were reported killed in the course of the operation, and over 18 people died as a result of torture, including five in prison.

1502. From 14 to 25 March 2008, WKHTML conducted a fact-finding mission to investigate the allegations received, and to identify other victims who had not filed official complaints yet. On 21 March, WKHTML visited victims at Bungoma prison who had multiple injuries allegedly inflicted by the military at Kaptoka camp before being handed over to the police for prosecution.

1503. On 28 March, Mr Job Wandalia Bwonya went to Sirisia and Lwakhakha to interview more victims. The military arrested Mr Job Wandalia Bwonya at noon at Lwandanyi market in Bungoma West District. He was interrogated for one hour on his activities, and then taken to the Chepkube military camp and further interrogated for three hours before being released. The military reportedly warned Mr Job Wandalia Bwonya to stop alleging that soldiers were torturing people.

1504. On 29 March, 33 alleged victims of torture were transported to Bungoma to deliver testimonies regarding their treatment in Kapkota camp, in the presence of the media. On 30 March and 1 April, the stories of these alleged victims were highlighted in both print and electronic media. A joint press release by Human Rights Watch, Mwatikho and WKHTML was issued on 4 April.

1505. On 4 April, soldiers visited several staff of WKHTML, asking about the whereabouts of Mr Job Wandalia Bwonya. Hearing that the military was actively looking

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for him, he decided to flee the country. Soldiers also went to the house of Mr Taiga Wanyania's parents. Mr Taiga was not present and decided to flee the country as well.

1506. On 16 April, Mr Henry Wilberforce Lumbuku, who was also active in interrogating victims of torture, was arrested by the military, interrogated on his activities, and detained in Nakuru barracks for two days. He subsequently left the country as well.

1507. Serious concern was expressed that the abovementioned acts of harassment against Messrs Job Wandalia Bwonya, Taiga Wanyania and Henry Wilberforce Lumbuku may be linked to their non-violent activities in defense of human rights, in particular in investigating and exposing alleged human rights violations by the military in the Mt. Elgon region.

Urgent appeal

1508. On 15 August 2008, the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal on the situation of Dr. **Walter Wekesa Nalinya**, a registered doctor with the Medical Practitioners and Dentist Board practising at Moi Teaching and Referral Hospital. Dr. Walter Wekesa Nalinya has examined torture cases on behalf of the Kenyan Independent Medico-Legal Unit, a registered NGO defending the rights of torture victims in Kenya. According to the information received:

1509. On 14 August 2008, Dr. Walter Wekesa Nalinya was reportedly summoned by police. Since then he has been held for interrogation at the Kakamega's Provincial Criminal Investigation Office for his participation in documenting human rights violations in Mt. Elgon Hospital Kitale in relation to alleged acts of torture committed by the military in the Mt. Elgon region in March 2008. The findings of Dr. Walter Wekesa Nalinya were published by the Kenya National Commission on Human Rights in May 2008.

1510. Concern is expressed that the summoning and interrogation of Dr. Walter Wekesa Nalinya may be linked to his non-violent activities in defense of human rights, i.e. his participation in documenting torture cases in the Mt. Elgon region. On 22 May 2008, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders sent a joint urgent appeal on reported acts of harassment against Messrs Job Wandalia Bwonya, Taiga Wanyania and Henry Wilberforce Lumbuku who investigated and exposed similar human rights violations by the military in the Mt. Elgon region. So far no response from the Government of Your Excellency has been received on these allegations.

Urgent appeal

1511. On 19 September 2008, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent an urgent appeal to the Government regarding acts of intimidation against Ms. **Pouline Kimani**, a member of the Gay and Lesbian Coalition of Kenya.

1512. According to information received, on 23 August 2008, Ms. Pouline Kimani appeared on a television program which dealt with the issue of homosexuality in Kenya. On 25 August 2008, she was the victim of intimidation by a group of men in her community, while on 1 September 2008 she was chased and threatened with rape by a group of men. On 2 September 2008, she received threats in an envelope which was found outside her place of residence. These incidents were reported to the police by Ms. Pouline Kimani but she is unaware of whether there has been any investigation into them yet.

1513. Concern was expressed that the acts of intimidation against Ms. Pouline Kimani may have been related to her activities in defense of the rights of the gay and lesbian community in Kenya. Further concern was expressed for the physical and psychological integrity of Ms. Pouline Kimani.

Observations

1514. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted a reply to her communications of 6 July 2005, 27 July 2005, 17 September 2007, 15 January 2008, 23 January 2008, 31 January 2008, 26 February 2008, 22 May 2008, 15 August 2008 and 19 September 2008. She considers response to her communications an important part of the cooperation of Governments with her mandate. She urges the Government to respond to the concerns raised by her, and provide detailed information regarding investigations undertaken, subsequent prosecutions as well as protective measures taken.

1515. The Special Rapporteur is particularly concerned about the situation of human rights defenders who have documented human rights violations in the Mt. Elgon region. She urges the authorities to create a safe environment conducive to the work of all defenders.

Korea (Republic of)

Letter of allegations

1516. On 18 January 2008, the then Special Representative sent a letter of allegations concerning Kajiman **Khapung**, **Raju Kumar Gurung** and **Abul Basher M. Moniruzzaman (Masum)**. The three men are, respectively, President, Vice-President and General-Secretary of the *Migrant Workers' Trade Union (MTU)*, an affiliate of the *Korean Confederation of Trade Unions (KCTU)*.