

H. Thomas Wells, Jr.
President

AMERICAN BAR ASSOCIATION

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Via fax (011-254-20-250264)

March 18, 2009

His Excellency The Hon. Mwai Kibaki C.G.H., M.P.
President of Kenya
Harambee House, Harambee Avenue
P.O. Box 30510, Nairobi
Kenya

Re: The murders of Oscar Kamau King'ara and John Paul Oulu

Your Excellency:

The American Bar Association (ABA) is an independent, voluntary, non-governmental organization of lawyers and judges, with more than 410,000 members worldwide. It regards human rights and the rule of law as cornerstones of a free and fair society and is committed to strengthening them in the United States and abroad.

The ABA is deeply concerned about the recent brutal murders in Nairobi of two human rights defenders, Oscar Kamau King'ara and John Paul Oulu. Their organization, the Oscar Foundation Free Legal Aid Clinic, has led efforts to document alleged extrajudicial killings by Kenyan police. On March 5, 2009, a government spokesman publicly accused the Oscar Foundation of being a front for the outlaw Mungiki sect, suspected followers of which, according to the foundation, have been subjected to extrajudicial execution. Shortly after that announcement, King'ara and Oulu's car was cornered in traffic by several other vehicles, from which armed assailants emerged and shot both men dead at point-blank range.

Given public speculation about police involvement in the murders, and in light of the Oscar Foundation's past allegations of police abuse, the ABA respectfully urges your government to let independent authorities conduct a thorough and impartial investigation of these crimes, and to ensure that swift and effective justice is rendered in accordance with international due process and fair trial standards. We further urge your government's full and consistent observance of the United Nations Declaration on Human Rights Defenders, Article 8(2) of which declares the right of all persons "to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to

any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.”

Sincerely,

A handwritten signature in black ink, appearing to read "H. Thomas Wells, Jr.", written in a cursive style.

H. Thomas Wells, Jr.

cc (via fax): Prime Minister Raila Odinga
Minister for Internal Security George Saitoti
Hon. Hillary R. Clinton, U.S. Secretary of State
Hon. Peter Ogego, Ambassador of Kenya to the United States
Kenya National Commission on Human Rights
UN Spec. Rapporteur on the Situation of Human Rights Defenders
UN Spec. Rapporteur on Extrajudicial, Summary or Arbitrary Executions