

ABRIDGED REPORT ON
**THE STATE OF PLANET, ENVIRONMENTAL
AND LAND RIGHTS DEFENDERS**
IN UGANDA 2023.



Combined images of land and environmental defenders alongside activists who have been criminalized for defending planet, land and environmental rights in Uganda.

“The situation of planet, environmental and land rights defenders is further deteriorating in Uganda as 2023 witnessed a record of over 180 attacks.”

A Special Report By Witness Radio - Uganda

CONTEXT

Uganda continues to attract a good share of foreign direct investments (FDIs) mainly in the power, agricultural and construction sectors. Often, the rush to implement these projects overlooks responsible environmental practices and the protection of land rights, as many of these businesses heavily rely on land resources. Although media reports are awash with issues of massive land grabbing to give way for agribusiness and mineral extraction, threats to grassroots Planet, land and environmental defenders often receive less visibility, highlighting the need to monitor and document the concerns for the grassroots defenders to amplify their voice and recognition that they are more vulnerable to attacks/threats due to unequal power relations and their proximity to business establishments. The National Action Plan on Business and Human Rights (NAPBHR) presents an opportunity to address these emerging issues, particularly in the realm of land-based investments, which are among the riskiest areas for human rights defenders. By monitoring and documenting the concerns of grassroots defenders, their voices can be amplified, and their vital role in safeguarding land rights and the environment can be recognized and protected.

It is this context that has guided and informed Witness Radio's action publish this report towards monitoring and documentation of land and environmental rights related violations for accountability, mitigating the risks and ensuring effective response and support where the threat may not be fully avoided and promoting a multistakeholder approach to addressing challenges that accrue.

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THE CONCERN

Nearly 200 courageous community land and environmental defenders and activists continue to pay big price for defending their land and environmental rights in Uganda in 2023. According to Witness Radio – Uganda, 181 cases of arbitrary arrests and detentions, imprisonments, and kidnaps were documented.

The intensifying climate crisis and increasing global demand for agricultural commodities, fuel, and minerals are exacerbating environmental strains, placing additional pressure on courageous individuals who risk their lives to safeguard it.

Witness Radio's findings reveal a disturbing pattern where in all arrests are marked by extreme violence, particularly targeting those who boldly stand up to fight and mobilize their communities in defense of their land and environmental rights. Beyond the mere detentions, these defenders often fall victim to kidnapping, torture, and arbitrary arrest, fostering an atmosphere of fear among them and the communities they represent.

Nevertheless, in defiance of the severe repercussions they confront, these defenders persist in standing firm and carrying on their noble fight. Notably, the mid-Western sub region emerges as a fiery epicenter for the unjust criminalization of these brave individuals, where the flames of oppression burn most intensely.

46-year-old, Sarah Nanyonjo is a community woman land rights defender based in Nalyankanja village, Kyenda Town Council in Mubende district, central Uganda, whose name has stood out for mobilizing her community to resist land grabbing by Businessman Paul Mafumu. In her tireless efforts to push back for justice on behalf of nearly 100 individuals whose 108 hectares of land were wrongfully seized by Mafumu, Sarah Nanyonjo has encountered repeated arrests and charges. Despite facing intimidation tactics, Sarah remains steadfast in her commitment to defending her community's land rights. During an interview with Witness Radio, Sarah disclosed that in February 2023, she was summoned to appear to Mubende Magistrates Court where she was arrested and charged with malicious damage to property and trespass under Civil Suit No. 47 of 2023 marking yet another legal battle in her ongoing struggle against land grabbing and oppression. ¹

Since 2020, Sarah has been entangled in a series of legal disputes due to her efforts to resist land grabs and protect her community's interests. In that year, it was her first experience to face charges of malicious damage and criminal trespass at the Chief Magistrate's Court of Mubende.

Additionally, she faced charges of contempt of court in the same proceedings for her conduct of disobeying Court's orders, which she claims not to know when she committed the aforementioned crime. Despite the passage of time, these charges have yet to be adjudicated, leaving Sarah in a state of uncertainty.

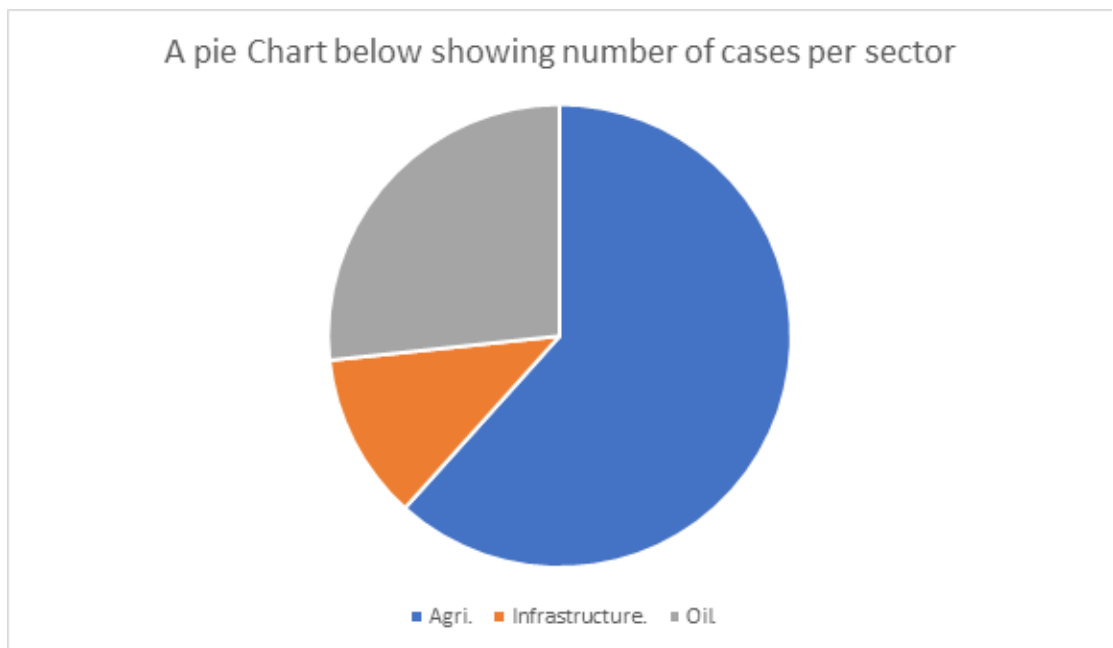
1 <https://witnessradio.org/a-man-implicated-in-illegal-evictions-targets-women-land-rights-defenders-in-mubende-with-a-civil-suit/>

<https://witnessradio.org/state-house-anti-corruption-unit-nets-a-surveyor-implicated-in-mubende-district-land-grabs/>

The charges listed against Sarah represent just a fraction of what she is facing, in 2020 and 2021, she was summoned by the police in Mubende district, arrested, and charged with malicious damage and criminal trespass on her land by the same businessman Mafumu, whose influence in the region cannot be underestimated.

THE AGRICULTURE, OIL AND INFRASTRUCTURE SECTORS LEADING THE VIOLENT AND ARBITRARY ARRESTS

According to Witness Radio's findings, the agricultural sector has seen a surge in violent arbitrary arrests and detentions, followed by the oil sector, and lastly, the infrastructure sector underscoring the urgent need for comprehensive action to address the escalating threats and attacks faced by land and environmental defenders in Uganda.



In the oil sector, the controversial East African Crude Oil Pipeline (EACOP) has persistently inflicted detrimental effects on the very individuals it purports to benefit. From unfair compensations and land grabbing to relentless harassment and violent arrests of critics, its impact is starkly evident. Notably, among those forcefully arrested and falsely charged for raising legitimate concerns about the environmental damage caused by the pipeline project is, Bob Barigye.

Barigye is a climate activist and an advocate for social justice and human rights, working with the African Initiative on Food Security and Environment (AIFE).



Figure 1 Bob Barigye(in the middle) and other environmentalists arrested for protesting against EACOP in 2023. (Photo: AIFE/Twitter)

Barigye, was arbitrarily arrested and detained more than three times in 2023. He recounted one harrowing incident on January 24th, 2023, while in Kampala. He revealed that during this arrest, 15 police officers man-handled and severely beaten him. The catalyst for the activist's arrest was his involvement in organizing a debate addressing the environmental, human rights, and economic ramifications of the EACOP project.

Barigye further described being forcefully placed into a police van, where officers compelled him to lie on the floor beneath the seats. He was then transported to and detained at Wandegaya Police Station, in Kampala district. He reported being charged with obstructing police officers while on duty before being released on police bond on January 27th, 2023.

THE MAGNITUDE

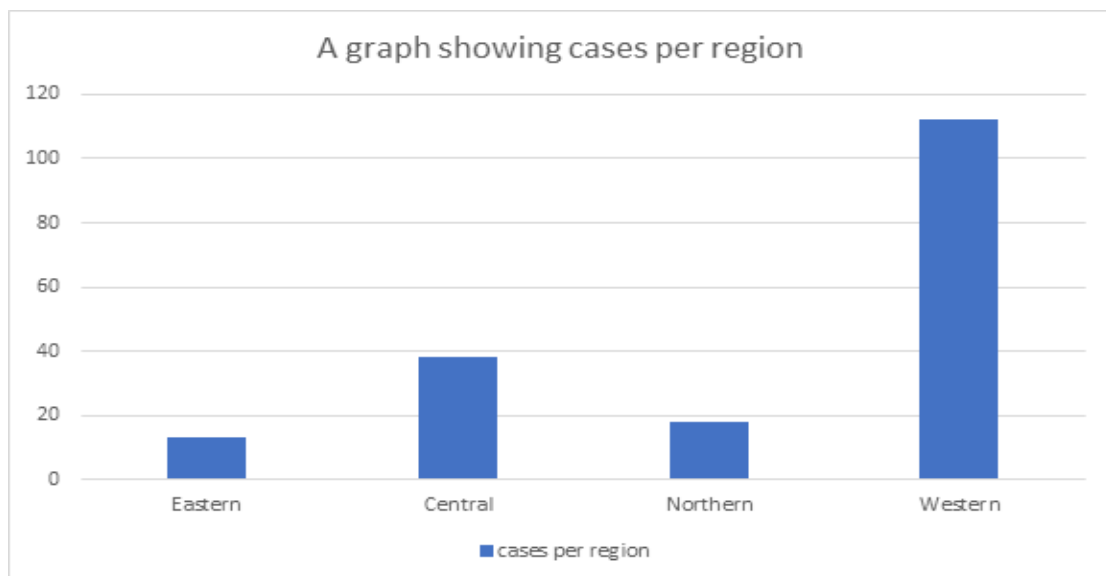
In total, Witness Radio documented 181 cases of arrests and detentions of land and environmental defenders. Notably, the western region exhibited the highest number of cases, indicating a concerning trend of increased persecution and suppression of activism in that area. Following closely behind were the central, northern, and eastern regions, demonstrating that the issue of attacks on defenders is spreading wide across Uganda.

Over the past years, Witness Radio has documented the complicity between the police, army, and private security guards in carrying out illegal evictions, as well as their roles in suppressing protesters advocating for land and environmental rights. Unfortunately, 2023 has seen a continuation of this pattern, with the police, private guards and army actively involved in violent evictions, resulting in the arrests and detentions of critics of various projects.



Figure 2 Junior lands Minister, Sam Mayanja (in suit) inspecting land where the shooting incident took place. Photo by Pulse Ug website.

In Rwabunyonyi village in Hoima district, a community member, whose identity remains undisclosed due to fears of reprisal from land grabbers, disclosed that in March 2023, 21 land defenders were forcibly arrested by local police, allegedly in collusion with land grabbers. Shockingly, these defenders were falsely charged with murder and aggravated robbery, a



blatant attempt to silence them and instill fear among the communities they represent.

“The land remains heavily guarded by private security personnel, preventing us from accessing and utilizing it for our livelihoods. These guards have intensified their efforts and persistently engaged in violent eviction tactics against local communities. Shockingly, even when the Junior Lands Minister, Mr. Sam Mayanja, attempted to intervene, the security guards stationed on the land went as far as threatening him with potential violence, almost resorting to gunfire. This shows the impunity with which these guards operate. If they show no fear in confronting high-ranking officials, how about us the ordinary citizens, challenging their oppressive tactics.” A woman defender who did not want her name to be revealed in this research told Witness Radio. 2

The involvement of private security guards has consistently inflicted adverse effects to the community planet, land and environmental defenders. One unforgettable incident occurred at the beginning of December 2023 when private security guards affiliated with Magnum Limited, contracted by Somdiam Limited owned by an Indian investor, fatally shot the son of a community land rights defender in Kiryandongo district. Furthermore, his second son sustained critical injuries as a result of the same incident underscoring the grave risks faced by defenders.

Somdiam contracted Magnum Limited had contracted the security company in October 2023 to carry out illegal evictions in the villages such as Nyamuntende, Kikungulu, and Ndoi in the Kiryandongo sub-county in Kiryandongo district without a court order.

Eyewitness accounts detailed that the distressing events unfolded in Kisalanda Village, Kiryandongo district, when 10 Somdiam armed personnel, guarding Somdiam on orders of Isaac Balute, Somdiam Company manager, raided the residence of a community land rights defender, Kaliisa Joseph at Kisalanda with the intent of forcibly evicting him from his property.

Joseph Kaliisa, a community land rights defender in the Kiryandongo district, has been actively engaged in mobilizing his community of more than 3000 residents to push back Somdiam Company’s illegal land eviction in Nyamuntende, Ndoi, and Kikungulu, and among other villages in the Kiryandondongo district.³

2 <https://witnessradio.org/witness-radio-condemns-violent-gunfire-incidents-during-state-land-ministers-visit/>

3 <https://witnessradio.org/a-son-of-the-community-defender-is-shot-dead-another-critically-injured-in-a-retaliatory-attack-by-security-guards-evicting-locals-off-their-land-to-give-way-to-large-scale-sugarcane-growing/>
<https://witnessradio.org/breaking-police-invade-the-kiryandongo-community-in-the-wee-hours-of-the-morning-and-arrest-12-people-including-children-others-on-run/>



Figure 3 One of the defender's son that was shot in the violent eviction in Kisalanda village, Kiryandongo district. Photo by Witness Radio

The security company, Magnum has a documented history of being hired to carry out illegal land evictions and guarding grabbed pieces of land. There is evidence that Magnum security was involved in another illegal land eviction incident, this time affecting over 2500 locals in Kapapi, Hoima district, to make way for the East African Crude Oil Pipeline Project (EACOP). These evictions led to the arrest and detention of numerous individuals.

As per Witness Radio records, the majority of charges levied against land and environmental rights defenders are criminal in nature. These charges include criminal trespass, malicious damage, threatening violence, murder, inciting violence, and common nuisance, among others. Despite the challenges faced by land and environmental defenders, there is a potential turning point this year. President Yoweri Museveni, in a media address towards the end of 2023, announced a ban prohibiting the involvement of the Uganda People's Defence Forces (UPDF) in land matters. This decision is a response to growing concerns about the army's role in carrying land evictions and guarding grabbed land, actions that deviate from its primary mandate of securing the country's borders.



Figure 4 Some of the Kapapi community land rights defenders in prison before being released by Court. Photo by Witness Radio

Additionally, the Ugandan minister of internal affairs Kahinda Otafiire, earlier this year cautioned police's involvement in illegal land evictions and added that he has always advised the Ugandan police to stay away from land involving conflicts. Mr. Otafiire also gave a directive barring private security company groups from manning people's land. 4

Of the total cases, 108 are still pending at the court level, indicating the ongoing legal battles faced by these defenders. However, there is some progress, as 61 cases have been successfully closed through legal intervention and advocacy efforts. Additionally, 12 cases remain at the police level, awaiting further action.

However, the ongoing barrage of legal cases imposed on defenders has effectively silenced many and sapped their strength in their quest for justice.

“Just imagine trekking 186 kilometers from Buliisa to Hoima for a court hearing, only to be informed upon arrival that the state attorney or magistrate won’t be available. It is a sheer waste of time and money. This is the norm if it is not the magistrate, then it is the witnesses causing delays, prolonging the case indefinitely. This recurring pattern drains our already limited resources and diminishes our resolve to fight for what rightfully belongs to us. Take our case, for instance. We have been attending court since last year, and yet the proceedings are constantly adjourned. We are exhausted by this endless cycle.” A Kapapi defender whose community land was grabbed for an oil pipeline revealed to Witness Radio - Uganda.

In addition to their primary roles of monitoring, investigating, and documenting cases, the legal team at Witness Radio has been instrumental in providing legal services to some of the defenders. Out of the 181 cases involving defenders, the team is currently handling 47 cases, offering legal representation and assistance to those in need.

Mrs. Bulyeri Joan, the community empowerment Program officer at Witness Radio Uganda reveals that the prevalence of the continued unforceful evictions and escalating criminalization of community land and environmental defenders is as a result of insufficient due diligence by both government entities and investors in their business investments.

THE APPEAL

Owing to the foregoing, Witness Radio calls upon;

Government to rigorously enforce regulations requiring thorough human rights and environmental due diligence processes before endorsing any land-based investments and carryout periodic evaluations of land-based investments operations. This ensures that projects are carried out responsibly to minimize negative impacts on communities and the environment.

Government through Uganda Investment Authority should engage and ensure that investors and companies operating in Uganda establish Internal Grievances Appeal Mechanisms to deal with cases of adverse social and economic effects of their operations.

The Uganda Police Standards Unit, should leverage on the findings documented in this report to hold implicated police officers accountable and ensure all police officers respect and uphold freedom of speech and expression. Defenders should be allowed to voice

their concerns about projects that may have adverse effects on their communities or the environment without fear of reprisal.

Authorities should cease the practice of arresting and criminalizing individuals who defend their land and environment, but instead halt police actions against defenders and respecting their rights to protect their resources.

The Statehouse Anti-Corruption Unit should leverage on the documented evidence in this report to stop security agencies including the Uganda People's Defense Forces (UPDF), from defying directives prohibiting their involvement in land matters as issued by President Yoweri Museveni.

Development partners, investors and financiers of land-based investments should prioritize projects that respect human rights, considering the triple bottom line of people, planet, and profit. This ensures that investments contribute positively to local communities and environmental sustainability.

Government should enforce directives from relevant ministries, such as the Ministry of Land, Housing, and Urban Development, and the Ministry of Internal Affairs, which restrict the involvement of armed and plain-clothed individuals and private security companies in land conflicts and evictions.

Policymakers must consider strong policy, plans and legislative reforms that will strengthen land rights and environmental safeguards to protect communities and the environment from adverse impacts of development projects. Existing safeguards should be strictly enforced to prevent exploitation and ensure sustainable development.

All relevant Government departments and Agencies to ensure accountability by holding responsible parties accountable for attacks on defenders and enabling affected individuals to seek remedy and reparations for damages caused by companies' actions. This includes legal mechanisms for seeking justice and compensation for those affected by land disputes and environmental harm.

Grieved defenders should use the Grievance Redress Mechanisms (GRM) of respective entities involved for a faster, and fair resolution of disputes.



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