



LAND

IN MUBENDE

Guns, Money and Power grabbed over 1,975,834 hectares of land; broke families



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of land; broke families





An eviction carried out by police and UPDF off the land which was claimed to have been bought by businessman Abid Alam;



Some of families evicted by head of land desk in State House Gertrude N. Njuba



Military police deployed in Maduddu sub-county to evict native communities



A family escaping police and army violence meted on them during an eviction that took place at Bujuuko, Kabulamuliro parish

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AKNOWLEDGEMENTS

Witnessradio.org is grateful to present the first ever report in Uganda that focused on recording the size of land lost by local families, number of families affected and impact of illegal land evictions to an ordinary citizen living in Mubende district.

Our special thanks go to Open Society Initiative for Eastern Africa (OSIEA) for the financial assistance that helped us to realise our dream.

Witnessradio.org also appreciates our lead consultant Mr. Paul Kimumwe, its staff members from Mr. Geoffrey Wokulira Ssebagala who supervised the entire project to Mr. Expedito Kimazi and Deo Walusimbi for monitoring and documenting roles played during the project implementations.

EXECUTIVE SUMMARY

This report presents findings of a one-year monitoring and documentation study with the objective of understanding the magnitude of land forcefully taken through evictions and its impact on the indigenous peoples' livelihoods. We monitored and investigated land evictions, a combination of research and data collection methodologies including conducting interviews with both victims and perpetrators, document reviews of both courts and newspaper articles on the same; as well as medical records and other documents from partners working on the issues of land grabbing in Mubende district.

Over that period, Witnessradio.org has been able to document cases of land grabbing and forceful eviction of sitting tenants and bonafide occupants from land totaling up to 1,975,834 hectares. The findings indicate that majority (60%) of the evictors/perpetrators were local business persons followed by foreign investors with 6 cases (24%) and government with (12%) cases.

More than 70% of the grabbed land has been acquired through "title on the table" process. Unfortunately, this process sidelined lawful procedures as prescribed in the 1998 Land Act. The new process introduced by officials in Mubende Land Board issues minutes for the titles from their offices before physically visiting the land and consulting established structures including area land committees.

The findings also show that Freehold land had the highest cases of disputes and evictions with 13 (52%) out of the 25 cases followed by Mailo land with 6 cases. In terms of land size, still Freehold land was the largest at almost 99%, equivalent to 1,945,539 hectares

Additionally, from the findings, 24 out of the 25 cases were forceful evictions, affecting over 186,000 households. The only case which was not forceful was because the occupants hadn't been evicted yet.

Impact on Peoples' livelihoods

The findings show that the forceful land evictions have had a negative impact on the livelihoods of the victims as many of them have lost sources of livelihoods, especially land for cultivation. Additionally, the evictions have weakened the judicial processes as findings show that some of the evictions have been carried out with total disregard of the existing court orders against the evictions.

Conclusion

Land is the most basic resource in terms of the space it provides, the environmental resources it contains and supports and the capital it represents and generates. It is a commercial asset that can be used and traded. It is a critical factor of production and an essential part of the national patrimony. From the findings, forceful land evictions in Mubende have been on the increase and the victims continually having no avenues for redress.

Recommendations

Government

- Review the existing legal frameworks to provide for more protection of bonafide occupants.
- Empower the relevant institutions such as the land commission and the office of the Inspectorate of Government to enhance the fight against corruption within the respective land divisions that are promoting forgeries of land titles

Civil society

- Engage in public awareness campaigns to end forceful land evictions and inform poor people their land rights
- Provide legal services to ensure poor people including those in rural communities, have meaningful access to legal remedies to protect their rights to land
- Whenever possible, engage in strategic litigation against legal provisions that disempower the ordinary person of their right to land and property, such as the current Land Amendment Bill 2016.
- Together with the media, monitor and document cases of illegal land grabbing and forceful evictions with the aim of exposing them.

Media

- The media plays a very important role in shining a spotlight on cases of abuse of offices and exposing cases of land grabbing.
- Provide a platform to the victims of land grabbing and forceful land evictions to share their stories and testimonies

INTRODUCTION

Having a secure land tenure system and by extension property rights are fundamental to guaranteeing access to shelter and livelihoods as well as precursors to the realization of other fundamental human rights, poverty reduction, food security, economic prosperity and sustainable rural and urban development¹.

Unfortunately, majority (over 90%) of Uganda's population does not have any form of land documents to protect their land rights and small-holder farmers' land rights are being squeezed by multiple external factors².

Over the years, the government has made attempts to provide for legislation to settle the land question, tenure systems, ownerships, management and administration among others, without much success. Successive legislations have always had gaps that are easily exploitable by the grabbers.

In 2013, the Ministry of Land, Housing and Urban Development developed the National Land Policy³ to try and deal with the weaknesses in the existing land related laws and policies (Land Reform Decree 1975, the Land Act 1998, Article 237(3) of the Constitution, among others). Unfortunately, probably due to lack of political will, the provisions of the policy are yet to be appreciated, and the government continues to bring more amendments to the 1998 land Act.

Indeed, in 2017, the government finally tabled in parliament the proposed constitutional amendment of article 26 of the Constitution "to resolve the current problem of delayed implementation of Government infrastructure and investment projects due to disputes arising out of the compulsory land acquisition process."⁴ The government argues that "the problem of delayed Government projects has caused significant financial loss amounting to millions of dollars in penalties paid to road contractors for redundant machinery at construction or project sites as the courts attempt to resolve the disputes, most of which relate to quantum of compensation"⁵

To support the bill, the Ministry of Lands, Housing and Urban Development documented and costed 9 cases where the government has lost money due to failures to acquire land in time for the different projects.⁶

While as a victim, the government can always change the goal posts by seeking legislative redress, the majority of ordinary citizens who have lost land to government

and other private individuals and entities (sometimes with the help of security forces) are often times left without any avenue to seek justice.

Moreover, the actual cost (social, economic and cultural) of the land losses, especially during forceful evictions are rarely monetized and thus, the victims remain a statistic in the documented cases.

Background to the Project

Since late 2016 to October 2017, witnessradio.org has been documenting land-related conflicts in the district of Mubende with the objective of understanding the magnitude of land forcefully taken through evictions and its impact on the indigenous peoples' livelihoods.

The project also sought to establish a register of land grabbing cases in Mubende, develop a individuals and companies behind land grabbings, document all forms of human rights abuses subjected to indigenous communities by a cartel of economically powerful and Politically-connected Individuals during the scheme of grabbing poor Ugandans' Land; as well as proposing workable recommendations to the government in line with curbing forceful land grabs.

As part of the project, the witnessradio.org monitors, documents and investigates cases of land-grabbing and evictions. Witnessradio.org conducts field visits, attends courts sessions, visits prison inmates, studies land title documents, reviews all land related literatures, including laws, policies, newspaper articles; conducts interviews with selected victims as well as residents and profiles selected cases.

This report is therefore part of a series of outputs to be produced and shared by witnessradio.org. Other outputs include; support victims with evidence in courts of law, documentaries, news articles/features and presentations to create awareness about land crisis in Uganda, promote public debate and advocacy for change.

LAND OWNERSHIP AND TENURE SYSTEMS IN UGANDA

Uganda has a total area of 241,038 sq. km, with a land area of about 236,000 sq. km comprising cultivated areas, arable but uncultivated land, rangelands, mountains and built up areas. 16% of the total area constitutes water and swamps while 7% is under forests⁷

The control of productive land is highly concentrated and unequally distributed across the regions, between income groups and by gender, with the inequality being highest in the central region, and is higher in urban areas than in rural areas⁸.

The right to land and property is provided for under Article 26(1) of the Constitution. The article further protects citizens from evictions over their land and property by providing clear safeguards under which compulsory acquisition may occur thus; (a) when the possession or acquisition is in public interest; and (b) made under the law with (i) prompt and fair payment/compensation and (ii) the right of access to court of law by any person who has an interest or right over the property.

Land tenure systems differ across Uganda and tenure practices are a mixture of traditional practice, colonial regulations and post-colonial legislation.⁹ Both the 1995 Constitution and the 1998 Land Act provide for four land tenure systems namely; customary, freehold, mailo and leasehold.

In Uganda, customary tenure represents the bulk of landholdings—between 70% and 80% of the land. Customary systems also vary in how members access, use, manage, and transfer land. The Land Act recognizes that occupancy of customary land conveys legal rights without documentary evidence and provides for a “certificate of customary ownership.”¹⁰

A small portion of land is held under registered freehold tenure and most of this land is found in the former Ankole, Toro, Kigezi, and Bugisu Districts¹¹. Transactions involving freehold land (as well as mailo land registration) are governed by the Registration of Titles Act¹².

On the other hand, mailo tenure was introduced as a result of the 1900 Buganda Agreement. Under this agreement, 9000 sq. miles of land were divided between the Kabaka, other notables and the Protectorate government. Initially there were two categories, private mailo and official mailo. In the case of official mailo, grants of land were 17 attached to specific offices in the Buganda government. They could not be subdivided or sold but passed intact from the original office holder to his successor. In private mailo, the owner held rights in the land akin to those of freehold and could dispose of land as he wished. Official mailo land was transformed into public land in 1967, with the abolition of kingdoms¹³

Under leasehold, a land owner (of freehold, customary or mailo) referred to as landlord or lessor grants or is deemed to have granted another person, namely the tenant or lessee, exclusive possession of land usually but not necessarily for a period defined, directly or indirectly, by reference to a specific date of commencement and a specific date of ending¹⁴

LAND MANAGEMENT AND ADMINISTRATION IN UGANDA.

Land administration and management in Uganda is entrusted in several institutions at the National (Ministry) and District levels most of them decentralized by the 1995 Constitution and the Land Act Cap 227. These include, the National Land Commission at national level, the District Land Boards and Land Committees at the district level.¹⁵ The administrative functions of each of these bodies vary in relation to the various types of land tenure and at different levels.

Uganda Land Commission (ULC)

The ULC is provided for under Article 238 of the Constitution and Section 46 of the Land Act. The commission is a body corporate with perpetual succession and may sue or be sued in its corporate name. The commission shall consist of a chairperson and not less than four other members appointed by the President with the approval of Parliament. The functions of the ULC including¹⁶;

- Holding and managing any land in Uganda vested in or acquired by the Government of Uganda in accordance with the provisions of this Constitution and shall have such other functions as may be prescribed by Parliament;
- Where applicable, hold and manage any land acquired by the Government abroad, except that the commission may delegate the management of such land to Uganda's missions abroad;
- Procure certificates of title for any land vested in or acquired by the Government;
- Perform such other functions as may be prescribed by or under this Act or any other enactment

District Land Boards (DLBs).

DLBs are provided for under Article 240 of the Constitution and Section 56 Land Act. DLBs are body corporate and may sue or be sued in its corporate name. They are constituted by a minimum of five (5) members with at least one of the members being female. The tenure of office for DLB members is for a period of five (5) years who are also eligible for reappointment for a further term. The functions of DLBs as stipulated in the Constitution and the Land Act¹⁷ as well as the procedural regulations contained under the Land Regulations are as follows;

- Hold and allocate land in the district which is not owned by any person or authority, Facilitate registration and transfer of interests in land,

- Take over and exercise powers of a lessor in the case of a lease granted by a former controlling authority,
- Cause surveys, plans, maps, drawings and estimate to be made,
- Compile, maintain and review a list of rates of compensation payable in respect of crops and buildings of a nonpermanent nature,
- Hold in trust for the citizens the reversion of any lease which was granted by the former controlling authority,
- In respect to leasehold tenure the District Land Board shall sell, lease such lands held by it in trust for the citizens.
- The DLBs hold in trust for citizen's lands which it either grants out as a lease or as freehold.¹⁸

Land Committees.

The district council at sub county or division level appoints Land Committees. A Committee shall consist of a chairperson and four other persons who shall serve on a part time basis. A person holding office as member of a local government council shall relinquish that office upon appointment as a Committee member. Tenure in office for Committee members is for a period of three years with eligibility for reappointment for one further term.

The Land Committee shall assist the DLB in an advisory capacity on matters relating to land including ascertaining rights on land. The mode and criteria for their appointment, qualifications, remuneration of the members of the Committee and conduct of the same is detailed under sections 64, 65, 66 and 67 of the Land Act respectively. The administrative functions of Land Committee include,

- Verification and demarcation of boundaries of land in respect of application made for a certificate of occupancy under mailo tenure of land ownership.
- Keeping copies of Notices to Show cause for termination of tenancy for nonpayment of ground rent by tenants in occupancy in respect of land held under mailo tenure.
- Provision of recommendations to the Board where an application has been made for conversion of customary tenure into freehold, application for lease on land held by a DLB. Their recommendations cover issues of whether or not there is a dispute relating to ownership or boundaries on the land which is the subject of an application.
- Receiving applications on behalf of the Board for issuance of a Certificate of Customary Ownership. They accordingly notify any persons claiming interest(s)

or adjacent land that may be affected by the application.

Land evictions in Uganda

In Uganda there has been evidence of land evictions over the past years which have left families landless and homeless. The main causes of land evictions range from historical, political, developmental, social and investments factors¹⁹.

From a historical perspective, the Buganda Agreement of 1900 has contributed to land evictions especially in the Baganda Kingdom. This is because, the land that was originally distributed (to the chiefs, Kabaka and Queen of England) belonged to other people who were left landless. These people become bibanja holders and therefore at the mercy of the mailo land owners²⁰.

Currently, the need to attract investors has also resulted in widespread land evictions. Most of the evictions that have been conducted in Uganda have been done with the purpose to create land for local businessmen and foreign investors²¹. The government has relied on Articles 26(2) and 237(2)(a) of the Constitution, as well as chapter 226 of the Land Acquisition Act of 1965, which allow the government to deprive an individual of his property for public purpose or in the interest of defence, public safety, public order, public morality or public health.

Furthermore, the registered land owners do not disclose to the purchasers that the specific land has tenants on and this often causes clashes between the purchaser and the tenants.²²

According to Mr. Kamyia Mathew, a former government Land surveyor, the new people who inherited the mailo land from their grandparents love money more than their fellow human beings. Mr. Kamyia lists a number of reasons for the rampant land evictions including;

- The court magistrates do not go down to the ground to inspect the disputed land before they execute the attorney generals powers.
- In case of the systematic errors made during the field surveys, some private surveyors do not take enough time to check and adjust the angular and linear misclosures. Technically, this is one of the causes of multiple overlapping land title certificates for a single piece of land.
- The Uganda land commission officers do not inspect land to find out whether it

is occupied by indigenous Ugandans before it is leased to new tenants.

- The good land laws in the Uganda constitution, which protect the common man from land grabbers has remained in principles but have not been implemented in the society.
- The state administrators have forgotten that the common man who is evicted from land is the major producer of Uganda food products and coffee for export.²³

Since 2015, Witnessradio.org²⁴ together with Unwanted Witness²⁵ have been documenting cases of land disputes and evictions throughout Uganda in particular Mubende district as part of their work under the Land and Property rights.

Background of Mubende and answering the why?

Mubende district is one of the 116 district local governments, located in Central Uganda. It is bordered by Kyankwanzi District to the north, Kiboga District to the northeast and Mityana District to the east. Gomba District and Sembabule District lie to the south, Kyegegwa District to the southwest and Kibaale District to the northwest of Mubende District. Mubende district is one of the oldest districts in Uganda created in 1905. It has mothered several other new districts namely, Mityana, Kyankwanzi, and Kiboga.

According to the 2014 National Population and Housing Census, Mubende district has an estimated population of 684,348 with 151,100 households. 119,709 (79%) of the households depend on subsistence farming as their main source of livelihood.²⁶

The general social economic situation for the District is characterized by high infant mortality rate, low safe water coverage, high dropout rate at primary school level, and predominant peasant /subsistence mode of agriculture²⁷

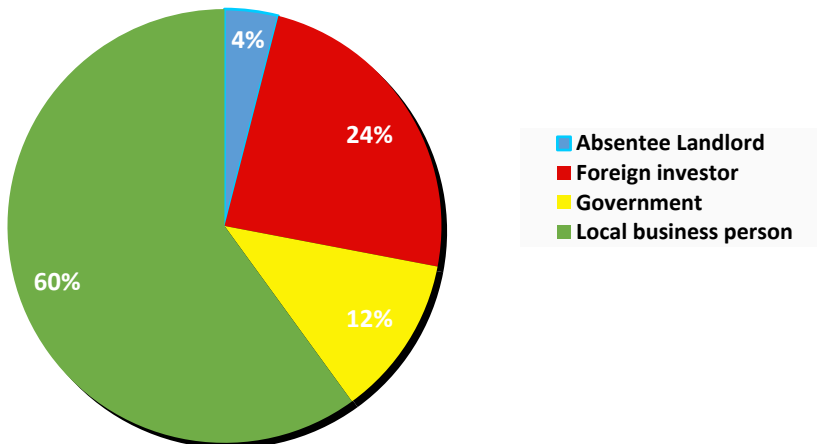
In Mubende, the land tenure system is predominantly customary mailo, with the district having been part of the Buganda geographical area during the signing of the 1900 Buganda Agreement between the Kabaka and the Protectorate Government. As part of the agreement, land in Buganda was divided between the Protectorate on one hand and the Kabaka on the other hand, through this, the Protectorate Government took waste and uncultivated land (mainly forests and swamps) which later became public land.²⁸

FINDINGS

Land evictions in Mubende

Over the last 12 months (November 2016 to October 2017), Witnessradio.org has been able to document cases of land grabbing and forceful eviction of sitting tenants and bonafide occupants from land totaling up to 1,975,834 hectares. Our findings indicate that majority (60%) of the evictors/perpetrators were local business persons followed by foreign investors with 6 cases (24%) and government with (12%) cases.

Distribution of cases by perpetrators



More than 70% of the grabbed land has been acquired through “the title on the table” process. Unfortunately, this process sidelined lawful procedures as prescribed in the 1998 Land Act. The new process introduced by officials in Mubende Land Board issues minutes for the titles from their offices before physically visiting the land and consulting on the established structures including area land committees. This practice sidelines area land committee as far as applying for freehold titles is concern.

The law requires that any certificate for customary/ freehold title to be issued, area land committees have got to be notified using a prescribed form as set out in the law.

Section 5 of the Land Act give powers to area land committees to determine, verify and mark the boundaries of all interests in the land that is which is the subject of the

application; demarcate rights of way and other easements over the land the subject of the application and any adjacent land which benefit or burden or are reputed to benefit or burden any such land or which it considers will be necessary for the more beneficial occupation of any such land in respect of which an application may be granted or any adjacent land, whose processes are not followed.

Section 6 (2) states that; Where an application has been submitted to the committee, a notice in the prescribed form shall be published and posted in a prominent place in the parish and on the land which is the subject of the application— (a) specifying the location and approximate area of the land; (b) requiring all persons who claim any interest in the land or in any adjacent land which may be affected by the application, including in respect of any adjacent land claims as to the boundaries of that land, to attend a meeting of the committee at a specified time and put forward their claims; and the time specified shall be not less than two weeks from the date on which the notice is published and posted as required by this subsection.

The research findings indicate that evictions benefited a handful of people totaling to 26 individuals that continue to target big chunks of land mainly for tree planting and animal grazing.

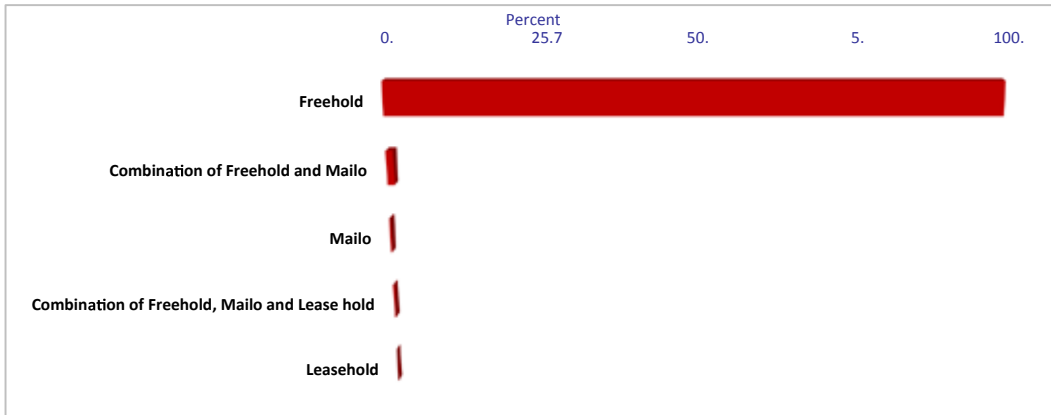
Over 265,502 households have been left homeless and landless with nothing to feed on since majority community members have been involved in subsistence farming. The land to many was giving them a sense of belonging as their graveyards were being hosted on the same land. Families have not only lost land but properties worth billions of shillings from houses that have been burnt to ashes, vehicles and motorcycles looted or got burnt in the process of eviction. Household belongings were also lost to businessmen and their casual workers.

Public institutions like police, Uganda People Defense Forces, office of the Mubende District Resident Commissioner (RDC), Mubende District Land Board, Prosecutors and Courts of law mandated to protect indigenous communities and their properties have been caught ready handed protecting workers of businessmen to commit gross human abuses ranging from gang rape, torture, participating in illegal arrests and detentions, oversee the use of ungazetted detentions centers to imprison community leaders organizing communities to oppose illegal land evictions and malicious prosecution among others.

Evictions by tenure system

Findings show that Freehold land had the highest cases of disputes and evictions with 13 (52%) out of the 25 cases followed by Mailo land with 6 cases. In terms of land size, still Freehold land was the largest at almost 99%, equivalent to 1,945,539 hectares

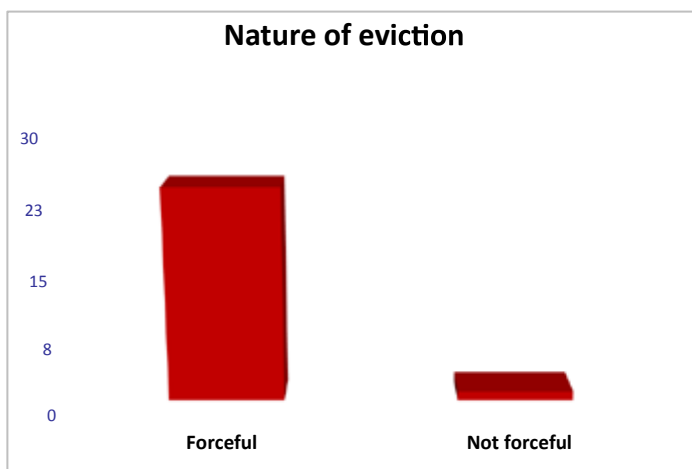
Distribution of evictions by land tenure systems



Nature of evictions

From the findings, 24 out of the 25 cases were forceful evictions, affecting over 186,000 households. The only case which was not forceful was because the occupants hadn't been evicted yet.

Impact of land evictions on Peoples' Livelihoods



According to the 2013 Land Policy; “Land is the most basic resource in terms of the space it provides, the environmental resources it contains and supports and the capital it represents and generates. It is a commercial asset that can be used and traded. It is a critical factor of production and an essential part of the national patrimony.

It is a key factor in shaping individual and collective identity through its history, the cultural expression and idioms with which it is associated. It also influences spirituality and aesthetic values of all human societies. Land is perhaps the most essential pillar of human existence and national development and is usually a political issue with potential to be volatile,”

As noted earlier, the district has an estimated population of 684, 348 with 151,100 households. With over 187,000 people having been evicted from their lands, it means 27% of the total population in Mubende have lost their sources of livelihood. But beyond the violations of the right to land, the evictions have also ended up infringing on peoples’ other fundamental human rights, food security, decimating the capacity of those evicted to participate in gainful employment as well as destroying their social fabric.

Human Rights Violations

The findings by witnessradio.org, suggest that over 70% of prison inmates in Mubende are in prisons over land-related conflicts. Whereas the charges appear to be independent criminal charges on the surface, in real sense, these cases have connections to the unchecked land conflicts from the communities. The charges range from aggravated robbery, rape, defilement, murder, theft among others.

In one of the land grabbing cases, the occupants (customary or bonafide) of land comprised in the following locations of Mubende district: Butolo, Kaswa, and Nakasozi villages in Naluwondwa Parish; Namayindi, Kisiigwa, Bikonyi Mukiguluka, Busaabala, and Kyedikyo in Kakenzi Paris, Madudu Sub-county, Buwekula County; Kicucuulo village, Kasolo-Kamponye Parish, Butoloogo Sub-country, Buwekula County sued the Attorney General together with the Registrar of Titles in Mityana alongside two companies, Formosa Co. Ltd and Quality Parts (U) Ltd for the violation of their right to freedom from torture, right to personal liberty, the right to property, the right to privacy of person, home and other property.²⁹

Prosecution alleges that agents of FORMASA CO. Ltd, said to be owned by a Chinese

national, threatened, beat-up and injured a number of the customary and bonafide occupants in a bid to force them sell and evacuate the said land. The company is accused of using torture, gang rape, illegal arrest and detention of community spokespersons plus use of trumped up charges to imprison those opposing its actions among other methods employed to evict the over 400 families.

In July 2017, Steven Tumwine, a manager of FORMASA tree-planting company was



Ssenkinga in Mubendn hospital after being hatched by agents of Formasa Company

attacked by unidentified people while allegedly cutting down people's plantation to plant trees. He was hacked to death following authorities' reluctance to respond to natives' cries over an investor who has been grabbing their land without compensation³⁰.

Another case involves Mr. Charles Lwanga Masengere, a bonafide land owner who has been battling for over 17 years attempts to grab his land by a one Moses Karangwa. Masengere and his driver were allegedly kidnapped on a gun point by plain clothed operatives and bungled into a car boot from Bulange Mengo. According to medical reports signed by a police surgeon, Masengere was badly tortured and later found himself at Kampala Central Police Station where police opened charges of robbery against him. The following day, he was transferred to

Mubende Chief Magistrate Court where he was charged with two counts of theft namely; Stealing goats and hens; and Stealing 10 traditional women dresses and several bags of charcoal. Masengere, who was bleeding and urinating blood, was remanded to Kaweri prison. According to Mr. Masengere, the kidnap occurred on 25th/10/2011 at 7:45PM few months after losing his 642.65 hectares of land to Karangwa Moses³¹. Masengere claims that he never met his accuser throughout his trial until the case was dismissed due to lack of evidence.



Mr. Masengere's vehicle that was allegedly burnt by unknown people and other properties 28th/02/ 2016. Photo by witnessradio.org





In another land grabbing case, a local businessman, Mr. Wilfred Bugingo and his agents are alleged to have caused the kidnap of five community members namely; Crespo Buyondo, Abdullah Kasigire, Eldard Tamale, Godfrey Kanamugire and Everest Kibaya Ssekyondwa.

The land in question is located in Bunakagwa village, Kiteredde Paris, Manyogaseka Sub-country in Buwekula County, Mubende district. It comprises of 2 square miles. An estimated 150 lawful, customary and bonafide occupants of the land were violently evicted by Mr. Bugingo together with his accomplice, Mr. Rashid Kalyango.

It is alleged that when the five (5) influential members of the community attempted to speak for the rest and to resist the evictions, the two perpetrators (Bugingo and Kalyango) with the help of the police, arrested them, took them to prison and trumped on them charges of aggravated robbery. But the actual purpose was to isolate the five from the community so that the evictions could continue undisturbed. This was in March 2013. By the time of writing this report, the five were still being held up in Mwinaina prison in Mubende, having been denied bail. But apart from losing their land holdings and livelihoods, their families have broken up, ie. wives have run away, children have dropped out of school and the young daughters are being forced into early marriages³². The community leaders still insist that they never committed the offense but rather their kidnap was intended to weaken them as a community to enable the grabbers take their land.



Ssekyondwa Evalisiti, 54, 3rd from the right is among the five(5) family heads who were kidnapped from their homes in wee hours, charged and jailed on aggravated robbery.

Findings show that the landlords, both local government and individuals in Mubende have illegally established and used ungazetted centers to arbitrarily arrest and detain members of native communities, and eventually evicting them off the land. A number of the victims interviewed noted that the centres are used to extort money from natives and coerce people to sign fake sale agreements without compensation before surrendering their land and their belongings. This is contrary to the provision of Article 240 (2) that states that “in performance of its functions, a district land board shall be independent of the Uganda Land Commission and shall not be subject to direction or control of any person or authority but shall take into account district council policy on land”

With clause (2) of article 240 of the Constitution, It's very clear that the district land board of Mubende has abused its powers to the extent that community land has been given out to individual businessmen or companies without following the due processes.

Witnessradio.org findings reveal that the awarding processes of freehold land leases on formerly public land in Mubende do not only abuse natives' land rights but it's marred with corruption, making it actually impossible for the poor communities to acquire a land title. During our investigations, we discovered that when local communities apply for a land title after being given a green light from the same committee, all their (communities') paper-work is instead used to award land title to a different rich individual or company.

Mubende district Land Board has recently introduced a “title on table” system. With this, the rich fellow does not follow the legal processes to apply for such lands including verification process plus meeting with the area land committee to ascertain whether the land exists but instead, all processes are handled in office and the title gets issued behind the backs of bonafide occupants. Shortly after the issuance of the title, the new land lord uses court to possess a court order allowing him/her or a company to open the said land boundaries. The said court orders have been executed by police, which in most cases have been very brutal to indigenous communities worse more with supplemented man-power from the Uganda People Defense Forces (UPDF). These actions are a clear violation of Article 237 of the constitution that provides for the peoples' right to land and property as well as section 2 of the Land Act 1998.

Weakening judicial systems in Mubende district

The trend of the evictions monitored and documented by witnessradio show a worrying trend where judicial processes, especially court orders that have been obtained by the victims are blatantly ignored by the perpetrators.

This despite the fact that the victims are always being encouraged to seek court redress in-case of receiving threats to land evictions. The failure by the citizens to get justice does not only breed anger and hopelessness among natives but makes it harder for poor and vulnerable communities to own land, and eventually leads to lose of trust in judicial institutions.

The perpetrators have been emboldened to deliberately disregard lawful procedures to acquire land while knowing at the back of their minds that even if communities go to court, the authorities in the district will not enforce a court order. In our investigations, 40% of land evictions have taken place after courts orders stopping the evictions have been issued until the main suit has been disposed of. Witnessradio.org has documented several cases where hundreds of families have been violently evicted off their land with active court orders. These include, Obey Christopher who evicted people off over 15 square miles, Allan Mugisha evicted families off 4.5 square miles in Kibalinga sub county at Kanyogoga village, Kanyogoga parish, Butolooogo sub county Mubende district.

In an interview with Kibaaba Rwangabo, 63, a victim of land eviction at Kayebe village said, court orders issued in favor of local communities are very weak to change the status quo. "We have been at Mubende police several times with our court orders but the police officers are not interested in enforcing the court orders. The police's noncompliance has had serious effects to our livelihood and survival among other direct and indirect effects..." said Kibaaba

In October 2017, 200 families were evicted off two villages in Kayebe parish, Kitenga Sub county in Mubende district despite having a court order. Two local business people namely; Mercy Ddungu and David Mugenyi are accused to be behind this illegal eviction. The communities say that they have lived on this formerly public land since early 1980s.

Documents seen by witnessradio.org indicate that Mubende district land board issued land titles to Mugyenyi on August 15th 2016 and the land is registered on Block 373, plot 169 and Block 373, plot 171. The same process that issued a freehold land title to business people is being contested by local communities saying, they have not been invited as bonafide occupants to meet with the government body and iron out the issues. The matter was first taken to court on February 2nd, 2017, by the communities led by Mushuhukye Vicente, Asaba Kakuhirire and others accusing Ddungu and Mugyenyi and their agents of torture, attacks to their gardens and plantations. The attacks included cutting down of their food plantations, demolition of people's houses and illegal arrests and detention by police in Mubende.

On October, 20th, 2017, Mubende Grade One Magistrate Naigaga Winfred Kyobiika issued an injunction restraining Mercy Ddungu and David Mugyenyi and their agents from further destruction of properties, trespassing and carrying out any activity on the land being contested until the main suit is heard and disposed of.

However, Mercy Ddungu and Mugyenyi disrespected court orders and continued to hire casual laborers to cut down people's food plantations and attacking residents under the watchful eye of Mubende police.

Impact on right to employment

The recent World Bank study shows that a large portion of people aged 15–24, including graduates, in Sub-Saharan Africa are involved in self-employment in the informal sector. For example, in Uganda over 80% of the population is employed in the informal sector, and the respective figures for Ethiopia and South Africa are 74% and 31%.

According to the World Bank, Uganda was reported at 71.68 % in 2013, in regards to the institution's collection of development indicators. However, with increasing challenges in the agricultural sector, including widespread land evictions, land grabbing that make families landless, human rights violations / abuses being committed with impunity, climate related risks like increased variable rainfall and higher temperatures, pest epidemics, and limited accessibility to arable land, the burden of unemployed among the working population is likely to shoot up double. The high demand for land by companies and economically powerful individuals that

reduces indigenous communities to only be hired casual laborers from landlords that were able to grow enough food to feed their families and use agricultural as income generating activities.

The land evictions and grabbing documented in the project have not only affected small farmers but medium businesses that would hire the locals to work in a factory or in a modernized farming were brought to a complete downfall.

For example, in Bukuya and Kitumbi sub-counties in Mubende district, permanent homes, small and medium businesses belonging to over 120,000 families were razed down during the forceful evictions of residents from the mines by a combined force of heavily-armed police, the army and military police to pave way for mining by the Gemstone International, partly owned by Ms. Gertrude Njuba³³ following a directive from state house. Ms. Njuba also doubles as a State House official in charge of directorate of land³⁴.

The evictors did not give eviction notice nor did they allow traders and families members to remove their belongings including domestic animals, even after the area MPs had written to the President requesting for more time³⁵. In the process, houses and shops were razed down, domestic animals were eaten by soldiers and police, and properties like iron sheets have been sold to date to scrap dealers.





An old woman whose house was attacked and burnt by soldiers, agents of Mrs Njuba.



A section of residents that had been evicted by Ms. Njuba demostartion outside gold land. Photo by witnessradio.org

Witnessradio.org findings reveal that the eviction caused a financial loss of over one hundred million shillings to Mubende Trust Gold Buyers and Traders' SACCO in loans. The Trust has been in existence for five years with close to 1500 clients that would save and borrow using their businesses and homes as collateral³⁶. Over 207.8 Sq. Miles are being claimed to be owned by Njuba's company Gemstone International.

Another case is that of Mr. Ssebandeke Twaha, 37, a former resident of Lugongwe, is one of the heads of 120,000 families that were forcefully and violently evicted by Gertrude Njuba off their land by armed men ie. soldiers and police. Njuba's eviction under her mining Gemstone International companies, did not carry out verification of occupants to ascertain their legitimacy. The eviction was random where livelihoods were shattered, investments brought to a complete end without clear reason and small and medium businesses that had existed for years were destroyed.

During an interview with witnessradio.org, Mr. Ssebandeke³⁷, said, he bought a plot of land at Lugongwe using hard earned money but lost everything during the forceful evictions. He said, he had stayed on his land for about 5 years running a bar, a pool table and a retail shop, which would help him earn about 70,000 Uganda shillings per day.

"After losing my land, which was a sole source of my employment, I am jobless, I cannot put food on the table for my family, my children have dropped out of school and my family has broken up" Said Ssebandeke.

In the case of Formasa, a tree planting company, casual laborers of a company under the protection of Mubende police, are alleged to have destroyed/ cutdown people's plantations ranging from banana, cassava, beans to coffee. Sinamenya Paul, said his 5 acre land was cut down by agents of Formasa company and he was stopped from accessing his garden. When he reported the matter to police, he was instead arrested and charged with criminal trespass, a case which is still on in Mubende courts. Sinamenya, who's in jail on another murder case, said before his arrest, he couldn't find any work to do since his land was forcefully taken and his family was starving.



Residents from madudu Sub County display immature banana plantation cut down by Formasa Tree company. Photo by witnessradio.org

Like Sinamenya, many local communities in Mubende have lost their gardens and land due to increasing evictions. These evictions do threaten the traditional employment spaces where landlords have been reduced to casual laborers working in shambas or factories belonging to either local or multinational investors that have grabbed their land.

Destruction of Local Economy

Acquisition of large chunks of land in Mubende by local businessmen and companies has tremendously affected the local economy. According to witnessradio.org findings, it is noted that most of the land previously used to grow cash crops like maize, coffee, and food crops such as bananas, Irish potatoes, cassava, among others is left idle with no economic activity taking place and as a result there has been a drastic reduction in the local food supplies.

Witnessradio.org affirms that 70% of the grabbed land in Mubende has remained underutilized and is the same state for over 10 years. Some of the land cases that have not been utilized include, Abid Alam forcefully grabbed 18 sq. miles in 2006, Allan Mugisha evicted over 700 families off 4.5 sq. Miles and since 2012, Naava Milly Namutebi, since 2008 has evicted over 800 families off 6.5 Sq. Miles.



Some of the of Residents fleeing after their homes were set ablaze by army and police under the orders of businessman Abid Alam in Lwamagembe village, Kiganda sub-county, Mubende district. Photo by witnessradio.org

According to Mubende district statistics, agriculture is by far the main economic activity in the district. The district's recent studies and surveys indicate that over 70% of the population depend on subsistence farming as the main source of livelihood, with agriculture contributing more than 50% of the district total local revenue per financial year.

There's an increasing number of landless communities and natives are becoming very idle because what used to keep them engaged was shattered. They can no longer grow food for their families thus having nothing to sell to meet their basic needs and yet the situation has put them (landless communities) in a position where everything to be used has to be bought with food prices hiked. The small remaining communities are very few to grow enough food that can feed these landless communities thus making traders to import food from outside districts to feed these vulnerable communities.

The changes in the land use in Mubende district have exposed it to extreme poverty as the district is falling short of what to supply to the national market. Most of Communities so far forcefully evicted off their land used to derive their livelihoods from subsistence farming which is no more thus increased poverty. The increased poverty levels for some households have hence resulted into high crime rates like theft murders, general conflicts in the community, above all early marriages among others.

The statistics indicate that due to cultural beliefs in some communities there is a problem of early marriages for material gain with over eleven thousand cases recorded by Uganda National Bureau of Statistics. The report also indicates that there is a high incidence of widowed, divorced or separated individuals attributed to the prevalence of early marriages and other attendant poor socio- economic conditions.

Notably, in the destruction of local economy, the most affected groups are; women, children and the elderly. As a result of biting poverty, several families have broken up, rendering women solely responsible for education, feeding, shelter and other basic needs for their children.

These women live in extremely difficult lives to the extent that they can't even access financial services because they lack properties to use as a collateral.

Impact on Food Security

The evicted communities from Mubende district used the arable land to grow maize, beans, bananas, cow peas, among others to feed themselves and spare some for sell to get money that involved, supplying both the nearby markets and by extension the capital Kampala food. But now, the district population has to import food from other districts to feed themselves. This has led to an increase in the living costs for ordinary people in Mubende district, making it difficult for some community members to feed themselves.

By the time of writing this report, witnessradio.org had documented a new method of land grabbing and eviction in Mubende. The new method is about targeting and cutting down people's gardens with intention to cause discomfort and starvation. The method is very common in Kitega, Maduddu, Kiyuni, Butoloogo and Kibalinga Sub-counties subjecting over 3000 families to hunger and starvation.

Some of the landlords that have used similar methods include Maj. Eric Kigambohwa, hired by one Naava Milly Namutebi to evict over 800 families off 6.5 Sq miles. Their casual laborers descended on people's plantations and cut everything in the garden down. Similar approach being used by one Allan Mugisha who's evicting over 700 families off 4.5 sq. Miles, and Edward Ssemaganda evicting about 330 families off 2 sq. Miles among others. All these families are sleeping on empty stomachs as they have been stopped from going back to their land.

In November, 2017 alone, more than 200 bonafide families living on a 2-square mile land covering three villages namely Kiryamenvu, Kayebe A and Kayebe B in Kayebe Parish, Kitenga Sub-county in Mubende district have lost their food gardens to one Mercy Ddungu.

Vicent Mushuhukye, Kibaaba Rwangabo, Asaba Kakuhihire, Amos Mugisha and Korurembo Benikonsiira that represented their community told witnessradio.org that they have lived and utilized their land peacefully since 1970s until 2017 when Mercy Ddungu, emerged from nowhere to claim ownership of their land.

According to available information, the land was a public land and a freehold land title was acquired through a popular system in Mubende under the code name 'Title on the Table' by one Mugyenzi David before selling it to one Mercy Ddungu. Title on the table, is a fraudulent system used by Mubende land board officials to offers a land title without one following the legal due process.

The land has two land titles issued on 15th/August/2016 on details, Block 373, plot 171 while the 2nd title is under block number 373, plot 169 respectively. Occupants said, when Ddungu acquired their land, she ordered her casual laborers to destroy all their gardens that contained their food crops; Cassava, banana plantations, sweat potatoes, and maize an action that has exposed them to extreme hunger because they don't have anything to eat and they have been blocked from cultivating their gardens.

Loss of sense of Belonging

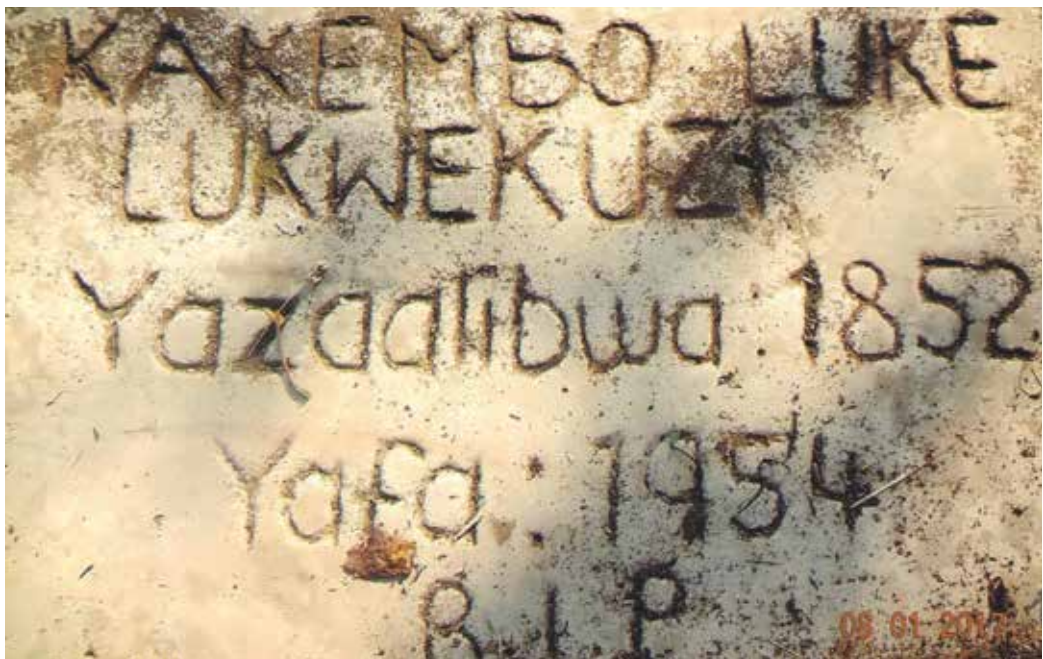
The findings by witnessradio.org indicate that about 3-5 generations a majority of them being the youth have survived on the land that has been forcefully grabbed by the economically-powerful and politically connected individuals and companies. These generations did not only look at their land as arable, but also their life. The land that has been grabbed, has been their grave yards, permanent structures/shelters had been erected, heirs or great grandchildren have had their shares of land which had become their source of employment and a beacon of hope for the survival of their children, who were also equally displaced in the process.

The same land had become a source of education for their children. It had also become the source of income to meet the basic needs for their children. During the period under review, witnessradio.org established that over 4.9 million acres of land were lost in land grabs.

With 177 square-miles of land forcefully grabbed just in Mubende district in a period of 12 months and directly affected households standing at 265,502, the number of homeless indigenous people with no family lineage is going to be created in Uganda.

The land had been an ancestral land for many after generations, hosting large graveyards, gardens which have been destroyed, very old and new houses demolished, among others, leading to a complete end of their originality.

Grabbing of communities' land does not only break up families but takes away people's heritage and origin forever.



Some of the graves destroyed by formasa tree planting company in Maddudu Sub County

CONCLUSION AND RECOMMENDATION

“Land is the most basic resource in terms of the space it provides, the environmental resources it contains and supports and the capital it represents and the generates. And although the right to land and property is provided for under the Uganda Constitution, the report findings show that there is a systematic land loss by native communities through forceful land evictions orchestrated by local and foreign businessmen with minimal interventions from justice institutions. Mubende should be treated as example to the situation in most part of the country with the victims having no avenues for redress.

The findings also show that the forceful land evictions have had a negative impact on the livelihoods of families that have lived on that land as many of them have lost sources of livelihoods, especially land for cultivation. Additionally, the evictions have had the effect of weakening the judicial processes as findings shows that some of the evictions have been carried out with total disregard for existing court orders against the evictions.”

Recommendations

Government

- Review the existing legal frameworks to provide for more protection of bonafide occupants
- Empower the relevant institutions such as the land commissions and the office of the Inspectorate of Government to enhance the fight against corruption within the respective land divisions that are promoting forgeries of land titles

Civil society

- Engage in public awareness campaigns to end forceful land evictions and inform poor people their land rights
- Provide legal services to ensure poor people including those in rural communities have meaningful access to legal remedies to protect their rights to land
- Whenever possible, engage in strategic litigation against legal provisions that disempower the ordinary person of their right to land and property, such as the current Land Amendment Bill 2016.

- Together with the media, monitor and document cases of illegal land grabbing and forceful evictions and expose them

Media

- The media plays a very important role in shining a spotlight on cases of abuse of offices and exposing cases of land grabbing.
- Provide a platform to the victims of land grabbing and forceful land evictions to share their stories and testimonies

(Endnotes)

- 1 http://www.gltm.net/jdownloads/GLTM%20Documents/gltm_-_uganda_plan_of_action.pdf
- 2 Ibid
- 3 <http://extwprlegs1.fao.org/docs/pdf/uga163420.pdf>
- 4 <http://parliamentwatch.ug/wp-content/uploads/2017/07/Constitutional-amendment-Bill-2017.pdf>
- 5 Ibid
- 6 <http://mlhud.go.ug/wp-content/uploads/2015/10/Constitutional-Ammendment-Bill-2017.pdf>
- 7 ftp://ftp.fao.org/agl/agll/kageradocs/08case_studies/ug_nrm_overview_paper.pdf
- 8 https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Egypt_Profile-1.pdf
- 9 ftp://ftp.fao.org/agl/agll/kageradocs/08case_studies/ug_nrm_overview_paper.pdf
- 10 http://pdf.usaid.gov/pdf_docs/PA00J7T6.pdf
- 11 https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Egypt_Profile-1.pdf
- 12 <https://www.ulii.org/ug/legislation/consolidated-act/230>
- 13 ftp://ftp.fao.org/agl/agll/kageradocs/08case_studies/ug_nrm_overview_paper.pdf
- 14 <https://www.ulii.org/ug/legislation/consolidated-act/227>
- 15 See sections 46, 47, 49, 56 and 64 of the Land Act, Cap 227 Laws of Uganda.
- 16 See Article 239 of the Constitution and Section 49 of the Land Act, Cap 227 Laws of Uganda
- 17 Article 241, 1995 Constitution of the Republic of Uganda and Section 59 of the Land Act.
- 18 See sections 59 (8), 60 (1) (c) and (d) of the Land Act
- 19 <https://repository.up.ac.za/bitstream/handle/2263/26966/dissertation.pdf?sequence=19>
- 20 Ibid

- 21 Ibid
- 22 Ibid
- 23 <http://leadershipmagazine.org/?p=14009>
- 24 <http://witnessradio.org/>
- 25 <https://unwantedwitness.or.ug/?cat=7>
- 26 <http://www.ubos.org/onlinefiles/uploads/ubos/2014CensusProfiles/MUBENDE.pdf>
- 27 <http://budget.go.ug/budget/sites/default/files/Individual%20LG%20Budgets/Mubende%20BFP.pdf>
- 28 http://www.nemaug.org/district_reports/mubende_2004_report.pdf
- 29 See Civil Suit No: 31 of 2017, in the High Court of Uganda at Mubende
- 30 <http://www.radiosimba.ug/2017/07/18/maneja-asaliddwako-omutwe-ngembuzi-lwa-nkaayana-za-ttaka/>
- 31 Interview with Mr. Charles Lwanga Masengere October 2017
- 32 <http://witnessradio.org/wp-content/uploads/Report-to-the-Land-inquiry-Commission.pdf>
- 33 <http://allafrica.com/stories/201708160129.html>
- 34 <https://uganda7.com/info/mubende-evictions-curbing-illegal-mining-or-land-grabbing-ploy/>
- 35 <http://allafrica.com/stories/201708160129.html>
- 36 Interview with Balinya Brian Sifiyani, Operations Manager – Mubende Trust Gold Buyers and Traders Sacco – September 2017
- 37 Interview with Mr. Sebandeeke

THE REPUBLIC OF UGANDA
IN THE CHIEF MAGISTRATE'S COURT OF MUBENDE AT MUBENDE
MBD.OO.CR. MA. 80 / 2014
(ARISING FROM MBD. OO. CV. MA. 79 / 14)
(ARISING FROM MBD. OO. CV. CV. CS. 50 / 14)

GASUZA HERMAN & 5 OTHERSAPPLICANTS
VERSUS
MAYIDI JOSEPH SENYONDO & 6 OTHERSRESPONDENTS

INTERIM INJUNCTION ORDER

This application coming this 26th day of August 2014 for final disposal before His Worship WANDERA WILSON MAG. G.I ESQ in presence of the applicants and in the absence of the respondents.

It is hereby ordered that: -

1. Interim injunction order doth issue restraining the respondent / their agents from trespassing, using or developing the suit land till disposal of the main application.
2. Costs of the application be borne in the cause.

Given under my hand and the seal of the court this 26th day of August 2014.



.....
WANDERA WILSON
MAGISTRATE G.I

IN THE SUPREME COURT OF UGANDA AT KAMPALA

CIVIL APPLICATION N0 06 OF 2015.

(From Civil Appeal No. 58 of 2008 of the Court of Appeal).

CHARLES MASENGERE=====APPLICANT.

VERSUS

1. GODFREY KABAGAMBE

2. SAM KASAMUNYANGU=====RESPONDENTS.

3. KANAMUGIRE

FFIDAVIT IN REJOINER.

I MUKIIBI ELPHAZ of Kyamuliga Village, Kyamuliga Parish Kitumbi Sub county Kassanda County Mubende District do hereby solemnly and sincerely make oath and state as follows that;

- A.**
1. That I am male Ugandan aged 78 years of sound mind.
 2. That it was on Sunday 26th day of November 2016, Mr. Samuel Kyalwazi came to me and told me to go to Kampala to file forms to help someone called Badru.
 3. That He told me to go there and then but I refused because I was sick so we opted to go on Monday.
 4. That On Monday a car came at 7am early in the morning with Mr. Kyalwanzi and Mr. Kabagambe but Mr. Badru had a motor cycle that he left at Makonzi.
 5. That this was the second time for me to see Mr. Kabagambe Godfrey.
 - 6 That At Makonzi where Mr. Badru left his motor cycle and joined us in the car.
 7. That as we were driving to Kamapala, they diverted and took another direction taking us to Kabegga where we picked a lady known as Afuwa Kawoya.
 8. That Afuwa Kawoya was known to me as we had earlier worked with her on Bukuya Sub County.
 9. That After getting Afuwa Kawoya, Badru left us and he told us to board a taxi, when we boarded a taxi Mr. Kabagambe paid the fare as I had nothing to pay.



- taxi, when we boarded a taxi Mr. Kabagambe paid the fare as I had nothing to pay.
10. That while on the road, Mr. Kabagambe kept calling different people and they were talking at length on issues we did not know of.
 11. That when we reached Kampala, Mr. Kabagambe changed the plan and told us that someone we want to see has gone for a burial at minister's home in Jinja Hon. Migereko who lost his mother. Therefore he has provided a car to take us to Jinja. We agreed and proceeded to Jinja where we reached at 3pm.
 12. That He told us that the officer whom we are going to meet has not returned so we had no option but to wait until 6pm that is when the officer came back.
 13. That Mr. Kabagambe handed us to officer and informed us that he is Afande Karangwa Moses.
 14. That He was dressed in a Kaunda suit with pistol on his belt. He greeted us and told us to wait for the papers being made by the lawyer Muziransa.
 15. That we waited until 8:30 pm that is when the papers where ready.
 16. That They invited us to the lawyer's office who told us to sign but I denied and I told him that I cannot see properly at night and besides that we are very old and tired so give us the papers we read through tomorrow and we sign. The lawyer opted to read for us and he showed me where to sign.
 17. That Due to fear and tiredness, I signed depending on what the lawyer read thinking it's what was on the paper whereas not.
 18. That the fear was due to lack of transport back, lack of where to sleep, fearing the pistol and actually our life was in danger as I never visited Jinja for the last 35 years.
 19. That Nobody told us that we were signing court papers neither did we know that we were going to Jinja but Kampala.
 20. That Mr. Karagwa gave us Ugshs.1,000,000 (one million) which he called allowance and gave us a car to take us to Kampala.



me and asked Mrs. Namugenyi but she told Masengere to leave his phone contact.

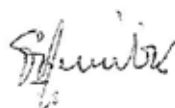
22. That I went to Namugenyi's drug shop to buy drugs where she told me that there was a man who is complaining about his land that you have recommended someone to transfer to his names.
23. That Mrs. Namugenyi gave me Mr. Masengere's contact phone No. which I called and he told me that there is a matter in court which you know of concerning my land.
24. That He told me to find him at Buloba and we talk about the issue.
25. That Mr. Masengere sent me Ugshs.20,000 for my transport to Kampala Buloba where I found him.
26. That when I reached Kampala he gave me a booklet with court information, he opened for me page 43 (BC2) which is alleged to be my affidavit.
27. That I saw an affidavit duly signed on 01/12/2016 by the Commissioner of Oaths Mrs. Rose Mildred Nassiwa Advocates of P.O.Box 2098 Jinja whom I have never met before.
28. That Miziransa Advocates read a document saying we were members of Bukuya Sub County area subcommittee which was correct but not an affidavit.

Reply to purported affidavit;

B.1. Reply to paragraph 2: That Mr. Kabagambe Godfrey came to our office. and told us that he wanted us to sign application forms for conversion of land from customary to free hold but we told him to bring purchases Agreement and come along with the seller. Mr. Kabagambe disappeared to date until when he came to take us to Kampala and only to remember him due to cross eyes.

2. Reply to paragraph 3 That we never summoned any meeting in his absence or presence and all the people on the list are not known to me and they are not villagers on the said land but Kigozi Fred is alive and sound but denies knowledge of the meeting.

3. Reply to paragraph 4: None of the purported applicants are known to me or any other members of the Committee. We came to



after seeing him for the 2nd time.

4. **In reply to paragraph 5:** That nobody inspected the land and stamped the papers but its all forgeries.
5. **In reply to paragraph 6:** it's true that no objection / complaint made due to the fact that no meeting was there as 200 hectares cannot be free with no squatter of any kind that is a total lie.
6. **In reply to paragraph 7:** This act proves that actually what the lawyer does are forgeries and Mr. Kigozi Fred and Moses Mpima where right to call it forgeries.
7. **In reply to paragraph 8:** that these are not allegation but truism having added us to a matter we do not know of.
8. **In reply to paragraph 9:** that the signatures of all committee members are forgeries as the said persons are not known anywhere in the said villages but Kampala wise men NAMED "Land grabbers" well known for different land cases from Busoga to Buganda regions.
9. **In reply to paragraph 10:** That whatever was started in the purported affidavit is untrue but tricks used to see that justice is done in their favour.

That whatever is stated herein above is true and correct to the best of my knowledge.

SWORN by the said,
MUKIIBI ELPHAZ,
 At Kampala.

This.....8th.....day of.....December.....2016.

.....*Elphaz*.....
 DEPONENT.

BEFORE ME

.....*[Signature]*.....
 A COMMISSIONER OF OATHS.

Drawn and filed By:

MUKIIBI ELPHAZ.

To be served upon,

Muziranda Associated Advocates,

Charles Masengere.

KILYAMENVU LCI
KAYEBE PARISH
KITENGA SUB COUNTY
MUBENDE DISTRICT.

25TH/2/2017.

TO THE REGIONAL POLICE
COMMANDER/CHD
WAMALA REGIONAL MITYANA.



RE : COMPLAINT ON CRIMINAL CASE NO. MBD/CRB/350/2017.

We Rwatangabo William, Ashaba Mushuhukye Vicent, Mugisha Amosi Mushuhuhe Marry, Habert Juri Name and Mugisha Evelyne raising complaint into your office against Mubende Police station whereby they detained Innocent people and so far they have taken 3days in the custody.

This happened when we opened a civil case in Chief Magistrate Court against the complaint in above case who tried to chase us on our bibanja.

It has come to our notes that the one Mugyenzi David uses Police to force the detained people to with draw the civil case.

Therefore our request is to call for the help through your office so that to get justice.

We shall be grateful if at all our complaint are put into consideration.

Yours faithfully,
MUSHUHUKYE VICENT

[Handwritten signature of Mushuhukye Vicent]

KIBAALÉ RWATANGABO

[Handwritten signature of Kibaalé Rwatangabo]

KORUBAMBO BENIKONSURA

[Handwritten signature of Korubambo Benikonsura]

C.C. RDC
C.C. DPC MUBENDE
C.C. KAYEBA POLICE POST
C.C. CLIENT

THE REPUBLIC OF UGANDA
 IN THE HIGH COURT OF UGANDA AT MUBENDE
 MISC. APPLICATION NO. 078 OF 2016
 (ARISING OUT OF MISC. APPLICATION NO. 077 OF 2016)
 (ARISING OUT OF CIVIL SUIT NO. 059 OF 2016)

1. CHRISTOPHER OBEY
2. MELANIE ATWINE and 9 others:APPLICANTS

VERSUS

1. MUBENDE DISTRICT LAND BOARD
2. KALAASI WILLIAM
3. TROPICAL ECO FOREST Ltd
4. KARAMUZI ROBERT and 7 Others: RESPONDENTS

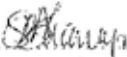
INTERIM ORDER.

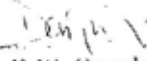
This Application coming for final disposal this 22nd day of November 2016 before Her Worship Wanume Deborah, Assistant Registrar in the presence of Ahamya Sam Butsya, Counsel for the Applicants and in the presence of Oundo David, Counsel for the Respondent, BY CONSENT OF BOTH PARTIES;

IT IS HEREBY ORDERED as follows:

1. That, an Interim Order is hereby issued maintaining the status quo of the suit land.
2. That the Respondents, their Agents, Representatives, Assignees, be restrained from ferrying more persons unto the said land until the substantive Temporary Injunction is heard and disposed off.
3. Costs shall be in the cause.

* WE CONSENT


.....
Ahanya Associates & Advocates
Counsel for the Applicants


.....
Candia & D.W. Oundo Advocates
Counsel for the Respondents

Given under my Hand and the Seal of this Honorable Court this 22nd day of November, 2016.


.....
ASSISTANT REGISTRAR.

Extracted by:
Ahanya Associates & Advocates,
2nd Floor Crown House,
Plot 4A Kampala Road,
P. O. Box 34440,
Kampala..

FAX NO: (0414) 255630
WEBSITE: www.upf.go.ug
GENERAL EMAIL: upf@pf.go.ug
P.O.Box 7055 Kampala - Uganda
In any correspondence on this subject
PLEASE QUOTE NO.....**PLS/62/211/01**



**UGANDA POLICE FORCE
POLICE HEADQUARTERS**

7th March 2017

The District Police Commander
Mubende Police Station
MUBENDE

MATTER CONCERNING LAND COMPRISED IN MUBENDE LRV 2970, AT KIRUMBI, KITENGA AND VUGA BELONGING TO CHRISTOPHER OBEY

Reference is made to the letter from MK-Mutara Associates Ltd concerning the above captioned subject matter. I have seen the order of court and confirmed it is genuine.

It is reported that your office has not assisted the managers to stop the encroachment and trespass on the land.

The purpose of this letter is to ensure that you take over the supervision of this matter and ensure that the court order is complied with.

As already discussed with the managers explore what is required and put in place a security facility to ensure the security of the whole estates as the outcome of the case in court is awaited.

JE
Twaruhukwa Erasmus
For: **INSPECTOR GENERAL OF POLICE**

Copy to: Regional Police Commander
Wamala Region
MK-Mutara Associates Ltd

*Received by
APRIL 15 11:05
WIKI
RPLs contact 0713 940 934*

Printed & Signed

**AMENDED****IN THE HIGH COURT OF UGANDA AT MUBENDE**

Court Case No.: MBD-AA.38/13
DPP Case No.: MUB-CO-00633/13
Police Case No.: MUBENDE CRB 221/13

The day of 20....

At the sessions Holden aton the day of20....

The court is informed by the Director of Public Prosecutions that A1. **TAMALE ERIDADI A2. KANAMUGIRE GODFREY A3. KASIGIRE ABDUKALI A4. SSEKYONDWA EVEREST, A5. CRESPO BUYONDO** are charged with the following offence:

STATEMENT OF OFFENCE

AGGRAVATED ROBBERY contrary to sections 285 and 286(2) Of The Penal Code Act.

PARTICULARS OF OFFENCE

A1. TAMALE ERIDADI A2. KANAMUGIRE GODFREY A3. KASIGIRE ABDUKALI A4. SSEKYONDWA EVEREST, A5. CRESPO BUYONDO and others still at large on the 21st day of April 2013, at Bunakabwa village in Mubende District, being armed with pangas and sticks, robbed Kalyango Rashid of cash Ushs.3, 200,000/= (Three millions two hundred thousand shillings), two Mobile phones, a watch and a power saw machine and at or immediately before or immediately after the said robbery, used deadly weapons to wit pangas and sticks on the said Kalyango Rashid.

OBBO PATRICK ONEKO
RESIDENT STATE ATTORNEY/ MUBENDE
For: THE DIRECTOR OF PUBLIC PROSECUTIONS

- TO: A1. TAMALE ERIDADI**
- A2. KANAMUGIRE GODFREY**
- A3. KASIGIRE ABDUKALI**
- A4. SSEKYONDWA EVEREST**
- A5. CRESPO BUYONDO**

TAKE NOTICE THAT you will be tried on the above Indictment at the session of the High Court to be holden at on the day of 20 ... at 9.00 O'clock in the forenoon.

.....
Registrar (Crime)

THE REPUBLIC OF UGANDA
IN THE CHIEF MAGISTRATE COURT OF MUBENDE AT MUBENDE
CRIMINAL SESSION CASE NO.....OF 20.....
COURT CASE NO.MBD.AA.038/13
UGANDA:..... PROSECUTOR
VERSUS
A1. TAMALE ERIDADI
A2.KANAMUGIRE GODFREY
A3. KASIGIRE ABDUKALI
A4. SSEKYONDWA EVEREST
A5. CRESPO BUYONDO }
.....ACCUSED

SUMMARY OF THE CASE

(SEC.168 (1) MCA)

The Director of Public Prosecutions shall adduce evidence at the trial to prove the facts that:-

1. On 20th April 2013, the victim, Kalyango Rashid, in the Company of several casual laborers, went to one Jaggwe's farm located at Bunakabwa village in Manyogaseka Sub County, Mubende district, where he was the manager, to cut trees for charcoal. They set up a camp where they were to stay.
2. In the morning of 21st April 2013, the victim and his group divided themselves into two groups; one group went to the forest to collect firewood while the victim and others went to collect water. While on their way back to the Camp, the victim and his group heard an alarm being raised by the accused persons and they thought it was a call to them, but within a short time they were surrounded, by an armed group of people who included the accused persons. They were armed with pangas and clubs.
3. The accused persons descended on the victim and severely assaulted him using the clubs and sticks and A1, A3 and A5 who were each armed with a panga cut him on the head. A2 and A4 also participated in the assault of the Victim. After a thorough assault the victim was carried to the nearby bush where firewood had been collected for burning him. It was the wife of A3 who pleaded with the accused not to burn the victim. In the course of the beating, the victim was also robbed of cash amounting to UGX 3,200,000/= (three million, two hundred thousand shillings), two

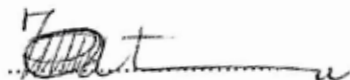
ATM cards for Equity and Barclays banks and a Casio watch all of which were taken by A3. The victim had been given that money by his boss for upkeep, wages for the laborers and fuel for the power saw to execute the assignment.

4. A concerned citizen called the police and the victim was rescued and taken for medical examination and found to have sustained injuries on his head and other parts of the body which were classified as Dangerous Harm.
5. Investigations were conducted leading to the arrest of the accused persons. Other suspects are on the run. One club and a panga were later recovered from the scene and were exhibited.
6. The accused were medically examined and confirmed to be mentally normal.
7. At the trial prosecution shall produce and rely on the following documents and exhibits;
 - a. The medical reports of that accused persons on PF24.
 - b. The panga and club which were recovered from the scene
 - c. The medical report of the Victim on PF 3 and its Appendix
 - d. Still photographs of the Scene of crime and of the victim
8. The accused recorded charge and caution statements in which they denied committing the offence.

WHEREUPON, the prosecution shall contend at the trial that there is overwhelming evidence against the accused and they should be convicted as indicted.

DATED at **MUBENDE** this 29th day of January 2015.

This summary of case has been prepared by;



OBBO PATRICK ONEKO

RESIDENT STATE ATTORNEY/MUBENDE

For: **THE DIRECTOR OF PUBLIC PROSECUTIONS.**

UGANDA
UNIVERSITY

REGISTRATION
OF TITLES
ACT

Certificate of Title

District.....MUBENDE..... County.....MUBENGA.....

Block.....373..... Plot.....169.....

Office of Titles

MITYANA

REGISTRY MUBENDE
 COUNTY MUBENDE
THE LAND REGISTER
 PART I—PROPERTY

NAME OR DESCRIPTION **LADY AT KAMPALA**

ALL THAT piece of **FELAVAS MATLO** land situate and described above which is indicated on the Registry Plan by the Block and Plot numbers written hereon.

REGISTRAR OF TITLES

SEAL OF OFFICE

PART II—OWNERSHIP

Year and Time of Registration	Instrument No.	Proprietor's Name and Address	Father's Name (if applicable)	Clan (if applicable)	Registrar's Signature
10-10-15	MT-11882	MATIGA-ROMASI of o/o P.O. Box 2647 Kampala de'd. Adminis. Division, Cause No. 27 of F-2013 at Kampala			<i>[Signature]</i>
0-10-16	MT-14770	Ali-2148 P.O. Box 3694 Kampala	Basajja Neolo David		<i>[Signature]</i>
0-35-0-0	MT-16511	MUTENZI DAVI D, JOSEPHINA NAKITINDI, KAKOZA DAULO ERITA o/o P.O. Box 2632 KAMPALA.			<i>[Signature]</i>

DISTRICT	MUBENDE	PLOT NO.	149
BLOCK NO.	373	AREA IN HECTARES	56.65
Proprietor's Signature or Mark <i>[Signature]</i>			

MEDICAL EXAMINATION REPORT

TO:

C.F.No. CRB 4804/11

THE MEDICAL OFFICER,
THE POLICE
SURGEON

OLD KAMPALA Police Station

05/NOV. 2011

Please examine MASENGERE CHARLES LWANGA

who is the ~~accused~~/complainant *in a KIDNAP / ASSAULT case and has been sent to you on the 05th NOVEMBER, 2011 Please furnish a report as soon as possible using the reverse side of this form. The duplicate should be retained.

It is particularly requested that you should distinguish between the degrees of injury which are quoted from the Penal Code (Cap. 22 section 4) as a footnote overleaf. A note as to the kind of weapon by which any injury (or injuries) may have been inflicted should be made; in the case of suspected alcoholists reasons for the conclusions reached should also be given under "Remarks".

Signature

Rank

Date

[Signature]

DIAP

05/11/11

Time 1600h

* Delete whichever is not applicable.

(P.T.O.)

Whee	flans	1/2 cm	[Signature]
	penis	wide	

REMARKS:

Cause consistent with an impaled abrasion

Complained of deep pain (R) and to pain in the hypogastrium

Date: 8th Nov. 2011



Signature: [Signature] Designation: MCO

Notes - "Harm" means any bodily hurt, disease or disorder, whether Permanent or temporary. "Grievous Harm" means any harm which amounts to a main or dangerous harm, or seriously or permanently injures health or which is likely so to injure health, or which extends to permanent disfigurement or to any permanent injury to any internal or external organ, membrane or sense. "Dangerous Harm" means harm endangering life. "Maim" means the destruction or permanent disabling of any external organ, membrane or sense

Printed by Police Quartermaster Stores.

November 4 2011

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