MEMORANDUM ON LAND GRABBING AND RELATED HUMAN RIGHTS ABUSES/VIOLATION IN FORMER GOVERNMENT RANCHES KIRYANDONGO DISTRICT.

SUBMITTED TO THE COMMISSION OF INQUIRY INTO LAND MATTERS

BY

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1.0 Introduction

1.1. Who is witnessradio.org?

The witnessradio.org is a not for profit and non-partisan organization working towards an equitable land management through the use of new technology. We work in areas of research and investigation, media campaigns and strategic litigation to ensure that citizens have access to land in order to guarantee their livelihood.

1.3 Objectives of the memorandum

i). Present our documented evidence to the Commission about two (2) companies responsible for causing mayhem and committing human rights abuses/violations against native communities.

ii). To invite the Commission to visit Kiryandongo district soonest to avert the widespread violence being aided by police, army and office of the Resident District Commissioner

2.0 Background

In the memorandum, we introduce two companies namely Agilis Partners limited and Kiryandongo Sugar Limited who are evicting over 5000 families from former government ranches in Bunyoro sub-region.

Agilis Partners limited is owned by the Joseph Initiative, a grain management and trading company. It has been operating from Bunyoro sub-region while Kiryandongo Sugar Limited, is a new company whose records are still unknown entering into the sugar business for the first time.

The two companies are violently evicting native communities under Nyamalebe Landless Association that were settled by the government of Uganda on ranches; 15, 20, 21, 22 and 23 without conducting a due process. The settlement was sanctioned under the Ranches Restructuring Scheme of 1990.

Under the defunct government sponsored ranches a number of people and companies were granted leases to establish ranches in various parts of Uganda in 1960s including former Bunyoro district. Because of political upheavals, most business
enterprises collapsed. The government sponsored ranches were affected too and they were also destroyed.

In 1990 the cabinet of the National Resistance Movement passed a resolution to restructure the ranches. The resolution was debated by the National Resistance Council which adopted it and published it in the National gazette, thus making it a law. Under the resolution it was decided inter-alia that:

a) All leases given to the government sponsored rancher be revoked and the land revert to the Uganda Land Commission
b) A ranches restructuring board be and was established to subdivide the ranches into smaller units to be given to the former ranchers and create space to the people who were found on the ranches at the time.
c) The tenure of the ranches restructuring board expired before it dealt with all the government sponsored ranches and it was succeeded by the ranches committee. Whereas, up to date the latter has not also completed the work of its predecessors, the government continued to recognize and gave settlement to landless people in case of Nyamalebe Landless Association.

3.0 Account of Human Rights Violations/Abuses

As indigenous communities were waiting for the implementation of the ranches restructuring scheme in or the month of November 2017, a delegation of people comprised of Uganda police, Uganda People’s Defense Forces, Kiryandongo local government officials, area Member of Parliament and some other people claiming to be investors from Kiryandongo Sugar Limited held a public rally at Canan trading centre and ordered people to vacate land to pave way for the investor.

Shortly after the rally, violence, intimidation, use of tear-gas and gun shots, illegal arrest and detention, harassment, demolition of schools and people’s houses, cutting down people's gardens and crops as well as unlawful and forced payment ensued, which sidelines lawful procedures of compensation of any lawful occupant as prescribed under the 1998 Land Act.

Its however important to note that operations of both companies cannot be distinguished as they use similar methods and man-power. Its a little hard at the moment
to hold one of the companies accountable for human rights abuses. Below are details of specific cases that represent a larger problem;

1). On November, 11th, 2016 without a court order allowing the company to open boundaries, the company and its agents used live ammunition to shoot two people including a 11 year old school boy, Ssewankaambo Ponsiano and tear-gassed pupils of Kabyanga Primary School while in their classrooms. This incident occurred at Kisalanda village, Kimogola Local Council One (1). According to medical reports, the gunshot caused a permanent disability to Ssewankaambo and has since dropped out of school.

2). Since December, 2017; the company and its agents have demolished over six schools namely; RCC Nursery and Primary School, Bright Future Nursery and Primary School, Good Hope Nursery and Primary School, Aloko Nursery and Primary School, Kololo Nursery and Primary School and God's Grace Nursery and Primary School among others. Since the violent eviction started to give way for investments, over 1500 pupils have dropped out of school due to the long distance to a nearby government school. Parents say, the nearest school from their village is 10 kilometers walk.

3). Over 14 community leaders who are mobilizing natives to demand for a due process before evictions have been illegally arrested and detained as well as being intimidated and they are in and out of Kiryandongo police where they are held for many days without being taken to court. Akiteng Stella, a women league leader was illegally arrested and detained for seven (7) days without appearing before court. Ms. Akiteng claims that while in police cell, she was denied water to bath, refused to go to the toilet and denied access to her doctor

4). Destruction of sense of belonging, indigenous knowledge and local economy: The company has destroyed homes; small businesses like retail shops, maize stores for small businessmen; gardens that have been source of people' daily income, to meet school fees, medical bills and other basic needs are destroyed. The company has refused lawful valuation of properties on land and adequate compensation instead, policemen and soldiers have been hired by companies to force people including the aged ones to receive whatever payment on gunpoint, after which they (natives) are given three days to vacate the land. For example; a family of Ssenkware Godfrey born in 1936 and his wife Asaba Margaret, 68 with their 11 children at Teewa village, have land totaling to ten (ten) 10 acres. This land has been used to grow cassava, maize, beans, and banana as well as fruit trees. The company paid this family UGX 1,577,500 equivalent to US $ 439 to vacate their land and start a new life elsewhere. Here attached are some of the photo evidences.
4.0 Prayers

witnessradio.org recommends that investigations be commissioned against Kiryandongo RDC, Kiryandongo District Police Commander and UPDF Masindi Battalion Commandant, Agilis and Kiryandongo Sugar Directors and punitive action be taken once found guilty.

That indigenous communities be returned onto their land until the Ranches governing committee subdivides the land.

We pray that the Commission takes an immediate visit to Kiryandongo district to secure natives stay on the land.

Signed by:

Geoffrey Wokulira Sseaggala
Executive Director

12th March 2018