

The Chairperson,
Uganda Human Rights Commission,
KAMPALA - Uganda.



WITNESS
RADIO.ORG

31st/October/2019

Dear Hon. Med Kaggwa,

Petition to investigate the continued aiding of persecution of community land rights defenders and land owners by JLOS' member institutions to give way to land investments.

The Witness Radio Organisation (witnessradio.org), writes to express its dismay and disappointment over the increasing violence orchestrated against bonafide land owners and individual community land defenders by some Justice Law and Order Sector (JLOS) members in order to give individual investors and companies to access to people's land and then disposes native communities.

witnessradio.org is a not for profit organisation that combines both media and legal expertise to advocate for development, which is community-led and that respects, protects, and fulfills human rights.

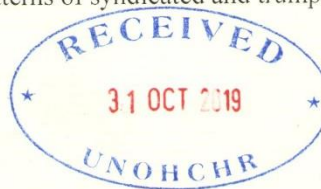
The continued harassment of land owners and community land rights defenders by Uganda police and the Office of the Director of Public Prosecution, we contend, has immensely contributed to case backlog and subsequently overcrowding in prisons.

The petition is brought to your attention as a member of JLOS whose overall goal is to promote the rule of law but most importantly, UHRC is constitutionally mandated to protect and promote human rights in Uganda especially rights and freedoms in the name of doing business or bringing development.

As an organization that monitors and document land evictions daily, we can firmly state without fear of contradiction that one third (1/3) of total prisoners on capital offenses are incarcerated as a result of either trying to lawfully resist illegal and forceful land evictions, or refusing to sign forged documents meant to facilitate land grabbing.

According to World Prison's brief of October 2017, Uganda had 54,059 people in prisons implying that there were 129 prisoners for every 100,000 Ugandans. Not much has since changed.

Over time, we have recorded patterns of syndicated and trumped up charges - capital



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in nature - ranging from murder, aggravated robbery and rape to inciting violence, among others. These trumped up charges target frontline defenders in communities and their leaders in a bid to silence and weaken their efforts to defend their land and demand for an open and transparent large-scale land acquisition.

Malicious prosecution is being tolerated mainly at the district and regional administrative units of some JLOS member institutions namely; Uganda Police Force, Director of Public Prosecution (DPP) and the Judiciary. Such actions do not only deter individuals and civil society groups from continuing their activism, but also force such individuals, communities and organizations to divert their otherwise scarce human and financial resources from improving their livelihoods to fighting malicious lawsuits brought against them.

The above actions have immensely contributed to prison overcrowding and court case backlog which undermines UHRC's mission through umbrella JLOS to improve the safety of the persons, security of property, observance of human rights and access to justice for accelerating growth, employment and prosperity.

Most importantly, the rights of all people to express themselves; to peacefully assemble; to participate in decisions that affect them; and to exercise the full panoply of individual and collective human rights are codified in binding international covenants. Those persons and collectives who strive to defend these rights are afforded special recognition at the international level through instruments such as the UN Declaration on Human Rights Defenders that serve as a guide for interpreting how human rights law should be applied to ensure that HRDs are able to do their critical work without facing unjustified reprisals.

Patterns in criminalization of access to land justice;

At the national level, efforts by native communities that demand for free, prior and informed consent on acquisition processes targeting their ancestral land by either local or international companies/businessmen have been criminalized. Much of the land hitherto lawfully occupied by communities has been given out to powerful individuals and entities — either through leases or otherwise — without the victims' involvement, knowledge, participation, consent and access to justice.

Land rights metamorphose into criminality;

In Uganda, 80% of the land is uncadastrated: untitled and unregistered. This makes such land exceptionally vulnerable to organized land grabbing, dominated and controlled by State actors including ministry and district land officials as well as security agencies.

On several occasions, procedures for one to acquire freehold titles in a situation of public land in many districts have been sidestepped and instead Certificates of Title are issued in office without verifying the facts on ground. Upon fraudulently obtaining the title, the rogue businessmen/companies then approach court for an order to open boundaries. Thereafter, police, the Uganda People Defense Forces and other stakeholders come in to enforce the court order without respecting the bonafide occupants of the subject-land because the occupants were already sidelined at acquisition processes, anyway. As our findings indicate, any victim or community land rights defender who happens to raise his/her voice against the land grabbing gets framed, arrested and trumped-up charges — capital in nature — are slapped and then preferred against them. This has contributed to overcrowding and case backlog in the courts of law.

Witness Radio Organisation (witnessradio.org), which is running database on illegal evictions and dispossession native communities with criminal charges countrywide. **Below are some examples;**

1. Fourteen (14) community land defenders in Kiryandongo District have since 2017 been reporting on police bond after being arrested and charged with inciting violence plus other criminal charges after resisting a violent land eviction by an agribusiness Agilis Partners limited company. Some women land rights defenders accuse Kiryandongo district police of unlawfully detaining them for over two weeks and blocking them from bathing and using police toilet facilities, among others. The community has lost schools, churches, private hospitals, plantations, homes, subsistence piglets and cattle farms and small and medium businesses including retail shops among others.
2. Seven (7) community land defenders in Mubende District were in 2018 tried in the absence of a key suspect, convicted and then sentenced to 34 years in prison on murder and aggravated robbery charges. The conviction came after the six (6) victims refused to 'bribe judicial officers' for plea-bargaining services that are supposed to be free of charge. The community was dispossessed by a Formasa Tree planting Company owned 100% by Chinese and lost their sense of belonging, worship centers, source of livelihood and survival and shelter among others. witnessradio.org has since filed a Notice of Appeal.
3. In defiance of a court order, a Catholic Church priest and five (5) other people (2 local council leaders and 3 members of one family) were framed, arrested and charged with murder in a Grade One Magistrate's Court. This was after that the very Court's Chief Magistrate had ordered, on August, 26, 2019, for their "unconditional release", reasoning that the accused had been unconstitutionally held in police cells for a long time without being formally charged in any Court of law.

4. Twenty-eight (28) community land rights defenders in Mubende District were framed, arrested and charged with nine counts including murder and aggravated robbery and thereafter committed to high court. They are currently in Prison — since December 2018 — their trial has been fixed under a special criminal session slated to start on November, 04th, 2019 before Justice Anthony Oyuku Ojok who is now camped in Mubende to preside the case. He was co-opted from Arua High Court after Mubende Resident Judge Joseph Murangira recused himself from the case following multiple complaints both to the Chief Justice and Judicial Service Commission against him over bias and lack of impartiality by the victims. The persecution of the 28 community land rights defenders came up after members of the affected community and their leaders tried to resist an illegal eviction from a piece of land covering five villages facilitated by Mubende police. The victims experienced a second illegal eviction in a space of 17 years after losing their first land to Kaweeri Coffee Plantation limited in 2001.

Below is a scenario of how key JLOS officials (Police, DPP and the Judiciary) have played a key role in this scandal.

- On April 17, 2018, Mubende District High Court Resident Judge Justice Joseph Murangira issued a consent order over a contested piece of land without the involvement of occupants on the aforesaid land.
- Between May and September 2018, the same Justice Joseph Murangira presided over meetings between the purported buyer of the land (Mr. Kaweesi George) and purported seller/owner of the land (Mr. Swahib Wagwa).
- In and around October 2018, the Mubende District Police Commander Martin Okoyo provided Mr. Kaweesi George and his agents with police officers who accompanied them to carry out an illegal eviction. Over 3,000 occupants on the land were subsequently illegally evicted hence losing their source of livelihood. To add insult to injury, many of their relatives are now in prison of battling nine trumped up charges, most of them capital in nature.
- Around October 2018, the Mubende Resident State Attorney Mr. Richard Birivumbuka presided over meetings between Mr. Kaweesi George (land grabber) and a small group of community members under questionable circumstances purportedly to reconcile the land grabber with the victims. Following the resistance of the illegal evictions, 28 of the community members were framed, arrested and are now being prosecuted for murder and eight other offenses by the same Mr. Birivumbuka (prosecutor), Okoyo Martin, the Mubende District Police Commander who facilitated the

an illegal eviction, is the head of investigations and the trial was to be presided over by the same Justice Joseph Murangira, had it not been witnessradio.org's defense lawyers to put up a spirited fight.

Upon that background, we now come to you seeking the following remedies;

1. That UHRC investigate the continued aiding of persecution of community land rights defenders and land owners by JLOS' member institutions to give way for land related investments; make findings public and specific recommendations to individual state or security agency.
2. Undertake courtroom observer missions especially where community land rights defenders are under trial starting with Mubende's 28 land rights defenders' trial.
3. Undertake research on the role of resisting illegal land evictions contributing to prisons' overcrowding and pre-trial detention.
4. Specifically investigate each of the cases as well as the rogue individuals mentioned herein who belong to JLOS' member organisations to ensure that justice is done.
5. Convene a meeting with petitioners for purposes of getting a deeper understanding of the challenges surrounding the criminalization of land rights defenders and bonafide land owners.

Signed on behalf of Witness Radio Organisation,



Wokulira Geoffrey Ssebagala
Executive Director,

C.C United Nations Office of High Commissioner for Human Rights

C.C The Chairperson, Democracy and Human Rights Donor Working Group