



## LAND INQUIRY COMMISSION 2017

### ACKNOWLEDGEMENT OF RECEIPT

Mr/Mrs/Ms/... WITNESS RADIO.ORG AND HUMAN RIGHTS ENFORCEMENT  
FOUNDATION

This is to acknowledgment receipt of your complaint registered under case reference number

L1/168/2017

Received on (Date) 13/06/2017

Received by (Complaint Officer) Name MIREMBE HELLEN





# ARTICLE 50

## MEMORANDUM ON LAND GRABBING AND RELATED ABUSES IN MUBENDE DISTRICT

SUBMITTED TO THE COMMISSION OF INQUIRY INTO LAND MATTERS

BY

**Witnessradio.org**  
Plot 28, Ssentema Road, Bulange  
P.O. Box 16882, Wandegaya, Kampala  
Telephone: (+256) 414697221  
Mobile: (+256) 752810079  
Email: [executive@witnessradio.org](mailto:executive@witnessradio.org)

AND

**Human Rights Enforcement Foundation (HUREF)**  
Apartment 14, Uganda House, Kampala Road  
P. O. Box 26003 Kampala  
Tel: (+256) 772858555 / 702900202  
Email: [barongate@yahoo.co.uk](mailto:barongate@yahoo.co.uk)

12 JUNE 2017

## **1.0 INTRODUCTION**

### **1.1 Who is Witnessradio.org?**

The **Witnessradio.org** is a registered and non-partisan organisation working towards an equitable land management through the use of new technology. We work in areas of research and investigation, media campaign and strategic litigation to ensure that citizens have access to land in order to guarantee their livelihood.

### **1.2 Who is Human Rights Enforcement Foundation (HUREF)?**

**Human Rights Enforcement Foundation (HUREF)** also known as Article 50 is a Ugandan based not for profit company limited by guarantee without share capital, established in 2007 and registered under Company Registration Number 90668. The core objective of HUREF is to effectuate the mandate in Article 50 of the Constitution of Uganda, which allows any person including an organisation to file an application in court to enforce the fundamental or other rights of a person. We undertake through strategic interest litigation, legal aid and policy discourse to enforce rights and freedoms of persons. Our current focus areas are land, torture, freedom of expression and the media.

### **1.3 Objectives of the memorandum**

- (a) To introduce to the Commission the painful stories coming from within Mubende District regarding massive land grabbing and the attendant human rights atrocities.
- (b) To invite the Commission to visit the District soonest in order to hear first-hand from the victims the wide spread grabbing of land and related human rights abuses.

## **2.0 BACKGROUND**

In this memorandum we introduce five (5) grave cases of land grabbing in Mubende District, which District may be regarded as the epicentre of land grabbing in Uganda. These are perpetrated by individuals and companies who are using either their financial muscle or their connections in some departments of government to evict the population. This is against a background of a massively poor, rights unaware and voiceless population who have become an easy target for all sorts of violations including torture, intimidation, unlawful arrests and detention, plus destruction of homes, crops, animals, dwellings, schools, etc.

Apart from the victims losing their livelihoods, some have died or have been rendered disabled due to the severe torture that they are subjected to in the process of evictions. Here we are speaking of close to 5000 families that have been affected in different parts of the district. Many of the victims have lived on the lands in question either since their births or their parents or grandparents were born, lived on and were buried there. In fact, it is a common feature of the various disputes that the victims had lived on the lands for decades before anybody else allegedly

got themselves registered on them. It is also the case that even those victims who report to have initially acquired the land from original owners, had continued to occupy it peacefully for decades without any interference from anywhere and from anybody.

Moreover, the perpetrators have been known to employ brute force in the evictions and in connivance of the local leaders especially at the district, plus involving both police and the army. The intimidation and torture that the victims continue to go through also involve manipulation of the legal or judicial systems in the district in order to falsely arrest, detain and sometimes imprison them. Attempts by other agencies of government to resolve these disputes peacefully have often been futile, including in one situation (the Abid Alam case in Ssinga County) where the President instituted two committees of inquiry but were to no effect.

#### **Case one: FORMOSA TREE PLANTING COMPANY**

Perpetrator: Formosa Tree Planting Company Location: Madudu and Butoloogo Sub-Counties Number of victims: 400 Land size: 10 square miles
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This is an area about 10 square miles, comprising of a number of villages, some of which are: Butolo, Kyedikyo, Nakasozi, Namayindi, Kitebe, Kisiigwa, Mukiguluka, Busaabala and Kicucuulo – all in Madudu and Butoloogo sub-counties in Mubende District. All in all, 400 lawful or customary or bonafide occupants of the land were affected. Some of the victims had lived on the land since the nineteenth century even before the 1900 Buganda Agreement that shared up the Buganda land between the British colonialists and the Buganda Kingdom at the time. The chief perpetrator of the crimes is a Chinese Tree Planting Company also known as FORMOSA, together with other three accomplices.

The harassment of the victims commenced in 2011 when three formerly unknown individuals came in the area without prior notice to the local people and claimed the land as belonging to their grandparents whom also the local people didn't know about. Soon after, the three individuals returned in the company of surveyors, a Resident District Commissioner (RDC) and police and started arbitrarily opening up boundaries of the land allegedly belonging to them. In doing so, they disregarded people's settlements and gardens. After this moment, the imposters sold the land to a Chinese tree planting company only known as FORMOSA. Through its workers, FORMOSA started intimidating people in 2015, beating them up, forcing them off the land and using their land holdings to plant pine trees. The violations took the following forms:

- Forced evictions of individuals from their land holdings
- Battering the victims with sticks and clubs by the workers of FORMOSA
- Cutting and injuring some of the victims and leaving them for dead
- Cutting down and burning victims' gardens and crops
- Burning and breaking down their houses



- Unlawful arrest and detention of influential persons in the community on trumped up charges

These violations have occurred with the complicity of civic leaders including Resident District Commissioners (RDCs) and Police officers who are usually seen in the company of the perpetrators. Sometime in 2015 police frustrated a team of advocates from the Uganda Law Society and Unwanted Witness who had gone to Mubende on invitation by the victims to explain their situation. And every time the victims went to report the matter to police it is them that were arrested or intimidated by police and the RDCs.

#### **Case two: WILFRED BUGINGO**

Perpetrator: Wilfred Bugingo  
 Location: Bunakabwa Village, Kiteredde Parish, Manyogaseka Sub-County, Buwekula County  
 Number of victims: 150  
 Land size: 2 square miles

This is land comprising 2 square miles in Bunakabwa Village, Kiteredde Parish, Manyogaseka Sub-County in Buwekula County in Mubende District. All in all, 150 lawful, customary and bonafide occupants of the land were affected. The chief perpetrator of the crimes is an individual in the names of Wilfred Bugingo, together with one accomplice in the names of Rashid Kalyango. Bugingo illegally and violently evicted the people from the land, being helped by Rashid Kalyango to effect the evictions. When five (5) influential members of the community attempted to speak for the rest and to resist the evictions, the two perpetrators (Bugingo and Rashid Kalyango) with the help of 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 can continue undisturbed. This was March 2013. To-date the five are still languish in Mwinaina prison in Mubende (Buwekula County), having been denied right to bail. They have been in jail now for close to five years and due to their prolonged imprisonment, their lives and families have been ruined. Apart from losing their land holdings and livelihoods, their families have broken up, including wives running away, children dropping out of school and young daughters being forced into early marriages and early pregnancies. As a result of these difficulties and their hopeless situation, the five were forced to enter into a plea bargain where they admitted to having committed the crimes for which they were falsely charged in order to get an early release. But they insist they did not commit those crimes.

Bugingo, the land grabber, now uses their land for cattle farming. The pattern of the violations in all situations is similar involving:

- Forced evictions of individuals from their land holdings
- Battering the victims with sticks and clubs
- Cutting and injuring some of the victims and leaving them for dead
- Cutting down and burning victim gardens and crops

- Burning and breaking down victim houses
- Unlawful arrest and imprisonment on trumped up charges
- Refusal to a fair court hearing or granting bail to the victims

### **Case three: ABID ALAM/ MITYANA FARM ENTERPRISES I**

Perpetrator: Abid Alam/ Mityana Farm Enterprises/ Basil Bataringaya  
 Location: Bukompe, Kabagala, Rwamasanga, Kanyogoga and Bukoba Villages in Nalutuntu Sub-County in Ssinga County  
 Number of victims: 2000  
 Land size: 12 square miles

This is land comprising 12 square miles in the area of Nalutuntu Sub-County in Ssinga County in Mubende District. All in all, 2000 (two thousand) lawful and bonafide occupants of the land are affected. The chief perpetrators of the crimes are two individuals again in the names of Abid Alam and Basil Bataringaya. The victims are children and grandchildren of World War I&II Ex-service men to whom the land was originally allocated by the Uganda Protectorate Government in collaboration with the then King (Kabaka) of Buganda in about 1956. Documents that attest to this fact are available. Therefore, they are lawful owners and occupants of the land who have always occupied, possessed and used the land.

Government of Uganda was expected to have issued titles for the land as it had done in similar situations like Nakivubo, Nazigo, etc. However, in the case of this particular area (Bukoba – Ssinga), the process was never completed for reason that the Obote Government suspected the Ex-servicemen of helping the Kabaka to fight him in 1966. Following from the disagreement with the Kabaka, Obote abolished the Kingdoms and the Kabaka fled to exile. In the 1970s with the coming to power of Idi Amin Dada, this land was portioned up and shared by Idi Amin's henchmen. However, in 1987, following the coming to power of Yoweri Museveni, government called upon all those who had lost property including land during Obote and Idi Amin's regimes to reclaim them. The leaders of the ex-servicemen in the name Ex-Servicemen Association Mityana Branch, went to the Uganda Land Commission to claim their land. However, having there been a long lapse of securing the official title for the land, a number of encroachers had taken advantage of this gap and started to harass the bonafide owners, leading to a number of abuses as follows:

- Invaded the homes of the victims with armed thugs
- Forced some of the victims to accept trivial compensation
- Razed down residences, kraals, animal pens and other structures of the victims
- Graded and levelled the victims' gardens and farms and destroyed their crops
- Beat up the victims and chased them out of their homes
- Grabbed and confiscated the victims' livestock of cattle and others
- Connived with police to arrest and imprison some of the victims on trumped up charges

**Case four: ABID ALAM/ MITYANA FARM ENTERPRISES II/ BASIL BATARINGAYA**

Perpetrator: Abid Alam/ Mityana Farm Enterprises  
Location: Bukompe, Kabagala, Rwamasanga, Kanyogoga and Bukoba Villages in Nalutuntu Sub-County in Ssinga County  
Number of victims: 350  
Land size: 5 square miles

This is land comprising 5 square miles in five villages of Bukompe, Kabagala, Rwamasanga, Kanyogoga and Bukoba in Ssinga County in Mubende District. All in all, 350 lawful customary and bonafide occupants of the land were affected. The chief perpetrators of the crimes are three individuals in the names of Abid Alam and his company (Mityana Farm Enterprises Limited), Basil Batarigaya and his company (Kashari-Buhweju Farmers Limited) and a one Sam Bitangaro. The three illegally and violently evicted the people from the land, being helped by the Residential District Commissioner (RDC) of the area and Police to effect the evictions. The victims had lived on the land, some dating from early twentieth century until early 2000 when harassment began. Harassment kept increasing and taking on new turns including in 2007 when the agents (evictors) of one of the main land grabbers, Abid Alam, attacked, beat up and killed one of the land owners, Mr. Mwanje and his wife in Kika Village and buried them in the same grave. In 2008, agents of the same chief land grabber, pounced on one David Ssenyama, a Local Council leader who was resisting the evictions, they beat him up and killed him. The people who committed these atrocities are known and alive but for lack of a voice and complicity by the civic leaders (the RDC and Police), the local people have been unable to obtain justice. And indeed, as is the pattern of the violations in all these situations, this too involved:

- Forced evictions of individuals from their land holdings
- Battering the victims with sticks and clubs
- Beating to death some of the victims and following them with cruelty even in their death
- Cutting and injuring some of the victims and leaving them for dead
- Cutting down and burning victim gardens and crops
- Burning and breaking down victim houses

Like in the other situations, these violations too have occurred with the complicity of civic leaders including Resident District Commissioners (RDCs) and Police officers who are usually seen in the company of the perpetrators. In this case, the RDC and police were even seen ordering the people to leave the land.

**Case five: SAMWIRI NANYENYA BIVANJU**

Perpetrator: Samwiri Nanyenya Bivanju  
Location: Kisagala, Kisagazi and Kawolo Villages in Butoloogo Sub-County  
Number of victims: 1250  
Land size: 480 hectares



This is land comprising 480 hectares and striding three villages of Kisagala, Kisagazi and Kawolo, all in Butoloogo Sub-County in Mubende District. All in all, more than 1250 lawful and bonafide land owning families are affected. The chief perpetrator of the violations is one Samwiri Nanyenya Bivanju who, in 2003 came to the area and claimed ownership of the land. Samwiri Bivanju was, until this time, unknown to the people, some of whom had lived on the same land for more than 30 years. He initially presented a title to the community, claiming ownership of the land and demanding that the people leave within 7 days. When the people resisted, he withdrew and disappeared for 13 years after which he hatched a new plan involving securing a Court Order from Mubende High Court that required the people to vacate the land. Ironically, together with the Court Order, this time he brought a land title that was different from the one he had presented earlier. He was also in the company of the army and police to effect the eviction, which led to a massive demonstration by the communities and a confrontation with the security agents. Like in all other situations above, even in this one the Resident District Commissioner (RDC) was involved siding with the perpetrators as against the people. Currently, the situation in the area is tense with the communities fearing to be finally evicted any time.

### **3.0 OUR REQUEST AND PRAYER**

Based on the above information, as **Witnessradio.org** and **Human Rights Enforcement Foundation (HUREF)**, we shall be happy if you include among your schedule, a visitation to Mubende District. From the various interactions we have had with the people there, we are aware that they are very eager to receive the Commission and present to it their grievances. We believe that the situation in Mubende will enrich the information available to the Commission in order to inform its understanding of the practices and challenges plus the law and policy relating to land in Uganda.




#### 4.0 CONTACT INFORMATION

1. **Witnessradio.org**  
Plot 28, Ssentema Road, Bulange  
P.O. Box 16882, Wandegaya, Kampala.  
Telephone: (+256) 414697221  
Mobile: (+256) 752810079  
Email: [executive@witnessradio.org](mailto:executive@witnessradio.org)
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Tel: (+256) 772858555 / 702900202  
Email: [barongate@yahoo.co.uk](mailto:barongate@yahoo.co.uk)

Signature  Date: 12<sup>th</sup> June 2017

Geoffrey Wokulira Ssebagala

**For: Witnessradio.org**

Signature  Date: 12<sup>th</sup> June 2017

Barongo ba Kafuuzi Ateenyi

**For: Human Rights Enforcement Foundation (HUREF)**