

Statement submitted by FIAN International
to the Pre- Sessional Working group of the Committee on Economic, Social and
Cultural Rights - 53 Session
1 of December 2014

Speaker: Mr. Valentin Hategekimana

Dear Chairperson, working group members

I am reading this statement on behalf of FIAN International. We thank you to give us once more this opportunity to express our concerns of grave human rights violations caused by a brutal eviction of approximately 4,000 people in Mubende District in Uganda. The detailed information about this case has been provided in the parallel report and list of issues. The facts and concerns are the following:

1. From August 17-21, 2001, the approximately 4,000 inhabitants of the four villages Kitemba, Luwunga, Kijunga and Kiryamakobe in Mubende District in Uganda, were violently expelled by the state army, police and other civilian authorities from the land of 2,524 hectares, they have been living on for generations. The eviction was described by the evictees as particularly cruel since the inhabitants were threatened and forced to leave at gunpoint, many of them were beaten in the process, soldiers set houses on fire and demolished them including the fully equipped private clinic of the community and six churches, movable properties were looted and crops were cut down and uprooted. The implication of the Army, police and other civilian authorities in the forced eviction was confirmed by the Army Commander Aronda Nyakairima.
2. The total land grabbed of 2524 hectares has been transferred by the Public-private Uganda Investment Authority for 99 years to Kaweri Coffee Plantation Ltd., a 100% sub-company of the German Neumann Kaffee Gruppe based in Hamburg to set up a coffee plantation. This land lease has taken place despite Section 10 (2) of the Ugandan Investment Code Act of the year 2000 that prohibits foreign investors to carry on business of crop production or acquire land or be granted lease for the purpose of crop production.
3. After the eviction until today the community members are still living in very difficult conditions. They are traumatized by what happened to them, done by the army, police and other civilian authorities who are supposed to protect them. Those who lost their loved ones due to hard

conditions after the eviction as they had to camp in the nearby forests and were left over without access to adequate food, clean water, and health care are still claiming justice.

4. In August 2002, the evictees sued the Government of Uganda and the Kaweri Coffee Plantation at the High Court Nakawa (Kampala). The court case has been delayed since then. Only eleven years later, on March 28th, 2013, the first judgment has been made in favor of the evictees. Since August 2013 the case is pending at the Court of Appeal without any progress. This delay has demotivated the plaintiffs. Especially the elderlies among them fear that they will die before justice is done.
5. Today the evictees live in extreme poverty near the Kaweri/ Neumann Kaffee Gruppe plantation; some of them have found temporary access to small plots of land in part of the neighboring community. However, the small plots of land are insufficient to provide adequate food to satisfy their needs. Many parents do not have money to send their children to school and health conditions are worsening among community members especially with regard to malnutrition and access to health facilities.
6. The fact that the eviction has caused human rights violations such as the right to adequate food and nutrition, right to water, right to adequate housing, right to health, right to education, right to enjoy culture life and right to a prompt justice and legal remedy, FIAN would like to highlight once again that the State of Uganda has the international obligations to ensure that its people - especially those evicted in Mubende - are respected, protected against the oppression and abuse of power and their rights are restored.

Therefore FIAN kindly requests the committee members to ensure that the State of Uganda provides information on how it will improve its human rights records especially by taking steps towards the full realization of Economic, social and Culture rights of the evictees and meet their demands which are compensation of damages caused by the eviction, getting their land back and end the impunity of those responsible of their suffering.

We would greatly appreciate if the working group could spare some time to interact further with FIAN and enable FIAN to provide more information in details on some specific questions with regard to the issues highlighted in the parallel report and list of issues

I thank you for your kind attention!