



FIAN International

Universal Periodic Review - Uganda (November 2016)

Human Rights violations in the context of Kaweri Coffee Plantation Ltd. in Mubende/Uganda

Submission by FIAN International

1. This information is submitted by FIAN International, in cooperation with FIAN Germany and Wake Up and Fight for your Rights Madudu Group. FIAN is an international human rights organization for the right to food and nutrition and has a consultative status with the ECOSOC. FIAN Germany is a national section of FIAN International. Wake Up and Fight for your Rights Madudu Group is a Ugandan association of those forcibly evicted by Kaweri Coffee Plantation in Mubende/Uganda.

Uganda and the right to food

2. Uganda ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 21 January 1987 (Art.11). It also ratified all other treaties relevant to the right to food, including the International Covenant on Civil and Political Rights - 21 June 1995 (Art. 6-1), the Convention on the Rights of the Child - 17 August 1990 (Arts. 24 and 27) and the Convention on the Elimination of All Forms of Discrimination against Women – 22 July 1985 (Arts.12 and 14). This means that, under its international human rights obligations, the Government of Uganda has the duty to guarantee the enjoyment of the right to adequate food and nutrition, and other connected rights in Uganda.

Summary of the case

3. In August 2001, approximately 4000 inhabitants of four villages: Kitemba, Luwunga, Kijunga and Kiryamakobe, were violently evicted from their land of 2524 ha by the Ugandan army, in order to lease it to Kaweri Coffee Plantation Ltd., a 100% subsidiary of the Neumann Kaffee Gruppe (NKG) based in Hamburg/Germany. Until today, the evictees have neither been compensated for the loss of their property nor acquired the restitution of their land. They live in dire situation since the eviction and have been subjected to the violation of human rights such as: the right to food, right to water, right to adequate housing, right to health, right to education, right to enjoyment of cultural life, right to timely access to justice and legal remedy.

4. During the eviction, the evictees lost their properties including their houses, which were destroyed by the soldiers. The health conditions of the evictees have been extremely deteriorating as there have been an increase of illnesses (malaria and diarrhea), and deaths of injuries from the evictions, starvation, malnourishment in children and undernourishment in adults. The number of children going to school and secondary school has dropped down (30%) because: on one hand children are unhealthy to attend the school and on the other hand parents do not have financial means to pay for their children in the secondary school particularly. Due to lack of accommodations parents have been obliged to share a bed with their adult children and this is a taboo in the Baganda tradition. Also, the evictees have lost the graveyards of their ancestors which constitute the violation of the enjoyment of cultural life. It is uncertain whether the evictees will get proper justice with adequate remedy since the case is still pending in the court until today after 14 years.
5. Following the eviction the right to food and nutrition of the evictees has been dramatically violated as their land has been given to Kaweri Coffee Plantation/NKG without compensation and also they do not have financial means to buy food. Women, children, disabled and elderly suffer most hunger and malnutrition since husbands and young people have been forced into migration and left the community to search for a work. The evictees lost their access to clean water because the only clean water source they used to have before is located in the Kaweri Coffee Plantation.

Struggle of the evictees

6. In 2002 the evictees brought the case to the Ugandan High Court. After eleven years of a legal battle, the evictees won the case on 28 March 2013. The defenders appealed against the judgment and after more than two years the Appeal Court hearing was set on 21 July 2015. The hearing could not take place as important records of almost 14 years in the Mubende Court file were missing, except the judgment. Due to this injustice situation the judges in the Court of Appeal advised the parties to find an amicable way of proceeding without harming each other. The lawyer of the evictees then conceded to the appeal and prayed Court to order for a re-hearing of the case before another judge of the High Court. The High Court has set the first re-hearing on 12 April 2016.
7. On 24 June 2015 in the concluding observation of the CESCR to Uganda with regard to the forced evictions it is stated that: *“The Committee is concerned about repeated cases of forced evictions of communities as well as lack of compensation to those communities or provision of alternative housing. The Committee is particularly concerned about the case of Mubende District whose inhabitants were evicted from their homes in 2001 in the context of the Kaweri Coffee plantation and about the fact that so far the legal redress they could obtain did not include restitution of land rights.”*¹ Therefore, the CESCR urges the State of Uganda to: *“- Refrain from forcibly evicting individuals and expropriating land, including in the context of development projects. It recalls that in cases where eviction or relocation is considered to be justified, it should*

¹ CESCR: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/150/73/PDF/G1515073.pdf?OpenElement>,
Consulted on 04 February 2016

be carried out in strict compliance with the relevant provisions of international human rights law; - Take immediate measures to ensure that the rights of the Mubende community are restored as well as of all other forcibly evicted communities; - Consider developing a legal framework on forced evictions, which includes provisions on effective and meaningful consultation, adequate legal remedies, and compensation...”²

Demands of the evictees

8. The evictees in the Kaweri case have clear key three demands:

- Restitution of their land;
- Material and moral Compensation due to everything they lost and their suffering caused by the forced eviction, and
- Holding accountable those responsible of the forced eviction

Recommendations

During the UPR following recommendations should be given to the State of Uganda:

1. To ensure that the Kaweri case Court hearing is carried out immediately and the judicial process finished as soon as possible, guaranteeing full compliance with the international human rights obligations of Uganda, especially the obligation to end hunger of the evictees immediately (ICESCR, Art. 11,2) and , implementing the Concluding Observations of the ICESCR, ending impunity and holding accountable those responsible for the suffering of the evicted community members of the former villages Kitemba, Luwunga, Kijunga and Kiryamakobe;
2. To ensure the legal aid to the evictees in case this might be required;
3. To stop Kaweri Coffee Plantation/NKG activities until the case is settled; and
4. To refrain from any illegal eviction and ensure no repetition of human rights violations under the illegal eviction.

² Idem