REPORT OF THE SELECT COMMITTEE ON HUMANITARIAN CRISIS ARISING OUT OF THE EVICTIONS AND DISPLACEMENT OF OVER 300 FAMILIES IN KYABISAGAZI VILLAGE, KIGOROBYA SUB COUNTY, HOIMA DISTRICT

October, 2019
Table of Contents

List of Acronyms .............................................................................................................. ii

1.0 Background ................................................................................................................... 1

1.1 Terms of Reference ...................................................................................................... 1

1.2 Composition of the Select Committee .................................................................... 2

1.3 METHODOLOGY ........................................................................................................... 2

2.0 Background about Bunyoro ...................................................................................... 3

2.1 The displacement and plight of evictees in Uganda .............................................. 4

2.1.1 Previous Parliamentary Interventions ................................................................. 4

2.2 Land Disputes and Human Rights in Uganda ....................................................... 5

2.3 Uganda’s Legal and Policy Frameworks on Land and Land Evictions ............... 6

2.3.1 Land Evictions ...................................................................................................... 7

3.0 FINDINGS, OBSERVATIONS AND RECOMMENDATIONS ...................................... 10

3.1 TOR 1: To Study All Claims of Ownership on the Disputed Land. ...................... 10

3.1.1 Occupants on the Land ......................................................................................... 11

3.1.2 The Beginning of the Conflict ............................................................................ 11

3.2 TOR 2: To Investigate Allegations Relating to the Identity and Status of the Persons Evicted or Displaced ......................................................... 12

3.3 TOR. 3: To Examine the Involvement and Conduct of Security Forces in the Evictions and Displacements ................................................................. 12

3.3.1 Committee Observations ...................................................................................... 14

3.4 TOR. 4: To Identify the Humanitarian Crisis Arising Out of the Evictions and Displacements and Establish the Current State of Affairs. .............................................. 16

3.4.1 Committee Observation ....................................................................................... 17

3.5 TOR. 5: To Examine Government Efforts and Other Mitigation Measures to Solve the Crisis. .................................................................................. 17

3.5.1 Committee observations ...................................................................................... 18

3.6 TOR. 6: To Make Appropriate Recommendations to Parliament. ......................... 19

4.0 Conclusion ................................................................................................................... 20

Appendices ....................................................................................................................... 21
List of Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DPC</td>
<td>District Police Commander</td>
</tr>
<tr>
<td>DSC</td>
<td>District Security Committee</td>
</tr>
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<td>ID</td>
<td>Identity</td>
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<tr>
<td>LC</td>
<td>Local Council</td>
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<tr>
<td>MP</td>
<td>Member of Parliament</td>
</tr>
<tr>
<td>NPART</td>
<td>Non-Performing Assets Recovery Trust</td>
</tr>
<tr>
<td>OPM</td>
<td>Office of the Prime Minister</td>
</tr>
<tr>
<td>PC</td>
<td>Police Constable</td>
</tr>
<tr>
<td>RDC</td>
<td>Resident District Commissioner</td>
</tr>
<tr>
<td>ToR</td>
<td>Terms of Reference</td>
</tr>
<tr>
<td>UPDF</td>
<td>Uganda People’s Defense Forces</td>
</tr>
</tbody>
</table>
1.0 Background
On 21st February 2019, Hon. Daniel Muheirwe, MP Buhaguzi County raised a concern over the humanitarian crisis arising out of evictions and displacement in Kyabiguzi County, Kigorobya Sub County, Hoima District. Consequently, the Speaker directed the Minister of Internal Affairs to make a statement on the matter.

On 26th February, 2019, the Minister of State for Internal Affairs, Hon. Obiga Kania presented a statement in response to the matter raised. However, the House was not satisfied with the Minister’s response and Hon. Daniel Muheirwe moved that a Select Committee be constituted to comprehensively inquire into the matter.

At the Sitting of the 3rd Meeting of the 3rd Session of the 10th Parliament held on 6th March, 2019, the House resolved to constitute a Select Committee to inquire into the above matter and report back. The Select Committee was thus constituted in accordance with Rule 186 of the Rules of Procedure of Parliament.

It is against this background that the Committee carried out an inquiry into the matter and hereby reports.

1.1 Terms of Reference
In carrying out the inquiry, the Committee was guided by the following Terms of Reference:

1. To study all claims of ownership on the disputed land.
2. To investigate allegations relating to the identity and status of the persons evicted or displaced.
3. To examine the involvement and conduct of security forces in the evictions and displacements.
4. To identify the humanitarian crisis arising out of the evictions and displacements and establish the current state of affairs.
5. To examine Government efforts and other mitigation measures to solve the crisis.
6. To make appropriate recommendations to Parliament.

1.2 Composition of the Select Committee

1. Hon. Mugoya Gaster Kyawa  
2. Hon. Kamugo Pamela Nasiyo  
3. Hon. Kasozi Ibrahim  
4. Hon. Khainza Justine  
6. Hon. Alum Santa Sandra Ogwang  
7. Hon. Akamba Paul

1.3 METHODOLOGY

In consideration of this inquiry, the Committee;

1. Held meetings with and received submissions from the following:
   a) Hon. Lawrence Songa Biyika (Ora County)
   b) Hon. Muheirwe Daniel (Buhaguzi County)
   c) Mr. Agaba Edgar
   d) Hon. Karubanga David, (MP Kigorobya County)
   e) Hon. Ernest Kiiza, Minister of State for Bunyoro Affairs
   f) Hon. Okello P. Charles Engola, Minister of State for Defense and Veterans Affairs.
   g) Hon. Patrick Kasumba, MP Bujenje County
   h) District Security Committee, Hoima, headed by the RDC
   i) District Staff Surveyor, Hoima
   j) District Lands Officer, Hoima
   k) Local leadership of the area
I) Representatives of the victims of eviction
2. Held public hearings in Hoima
3. Visited the evicted persons living in Pele village and Budongo Sub County in Bujenje County, Masindi District.
4. Reviewed relevant documents.

2.0 Background about Bunyoro

Bunyoro sub region is one of the cosmopolitan areas in Uganda. It is inhabited by indigenous people who comprise of the Banyoro, Baruuli, Bagungu and a big percentage of non-indigenous people who include; Lugbara, Alur, Lendu, Acholi, Langi, Banyarwanda, Barundi, Kebu, Bagisu, Bakiga among others. These tribes have co-existed since time immemorial. However, recently the non-indigenous tribes started facing hostility from the indigenous tribes over land at the beginning of 2018; to the point that they were being referred to as “bafuruki”, which literally means foreigners.

Several factors have been attributed to the influx of non-indigenous people into Bunyoro, which include; Buganda-Bunyoro pre-colonial and post-colonial conflicts, government intervention to save some communities from social and political wars in the North, resettlement of Bududa landslides victims, over-population in Kigezi and proximity to the Democratic Republic of Congo. In addition, the Government of Uganda’s open policy on ownership of land and the arrival of many refugees also facilitated the influx of non-Banyoro into the sub region. This has in part contributed to the increasing demand for land in the sub-region and the resultant conflicts.

Kigorobya Sub County, which has a population of about 100,000 people, is similarly affected by many of the above factors. As a result, the population of the non-indigenous people is almost one third of the indigenous Banyoro. Majority of the non-indigenous people settled mostly in areas that were...
regarded as infertile while others acquired land as rewards for the services they rendered to the Bunyoro chiefs from the historical times.

The situation has been exacerbated by the nascent oil industry which has attracted several people to the sub region looking for business and job opportunities.

The Committee learnt that the conflicts have translated into numerous struggles for leadership positions in Bunyoro sub region mainly on tribal basis.

2.1 The displacement and plight of evictees in Uganda
Over the years, there has been forced land evictions in diverse areas of the country. Most of these cases are a result of infrastructure and development related projects and informal settlements. Mass evictions are usually carried out by government agencies or private individuals claiming ownership of land.

Forced land evictions have caused devastating effects on both individuals and communities, majority of the victims being the poor who live in informal settlements. Key among them are the land evictions in the districts of Wakiso, Kiboga, Kyankwanzi, Kibale, and Hoima. What is remarkable among some of these evictions is the disregard of land rights, failure to adhere to the law that governs land evictions and international standards that require stakeholder inclusion and full disclosure of information about the dealings on a disputed land. The use of security agencies and bulldozers is a common phenomenon and violence at times is witnessed, resulting in the destruction of property, death and displacement of persons.

2.1.1 Previous Parliamentary Interventions
Parliament had previously and continued to condemn acts of illegal evictions and gone ahead to appoint select committees to address issues as a matter of urgency and national concern. Investigations have been carried and necessary
recommendations made for appropriate action but the problem has continued to escalate.

The Committee noted that there is no adequate procedure governing evictions in the country. This manifests in the violation of the right to life, right to dignity and property in total contravention of the provisions of Articles 22, 24, and 26 of the Constitution of the Republic of Uganda.

In addition, failure by the Government of Uganda to put in place clear and adequate procedural mechanisms to ensure respect and protection of human rights, norms and standards before, during and after land evictions. This contravenes the core state obligations to respect, protection and fulfilment of human rights enshrined in the Covenant on Economic, Social and Cultural Rights. This calls for the Government to develop comprehensive guidelines governing land evictions.

Further, Government has not put in place serious penal provisions to punish and deter perpetrators that foster unlawful evictions. The available penal provisions are sparingly used against those behind the unlawful evictions. There is therefore laxity in the enforcement of the existing laws.

2.2 Land Disputes and Human Rights in Uganda

The Committee recognizes that land is not only an important resource but also a means of the realization of other human rights such as right to food, right to life and right to adequate housing among others. The economic and environmental significance of land has been recognized by the National Land Policy in Uganda and other several international instruments passed by the United Nations, European Union and the African Union. However, in the recent past, the economic significance of land has been a source of conflicts and insecurity in various parts of the country. Whereas this is a global concern, the problem of land disputes is more visible in developing countries.
Although the Government of Uganda has put in place various legal, policy and institutional measures for the administration of land in Uganda, reports of land disputes remain rampant. The question of concern remains why these disputes persist, despite the availability of legislative and institutional measures to address them.

2.3 Uganda’s Legal and Policy Frameworks on Land and Land Evictions

Article 237 of the Constitution of the Republic of Uganda vests land in the citizens of Uganda to hold in accordance with the four land tenure systems namely; customary tenure, freehold tenure, mailo tenure and Leasehold tenure.

Article 26(1) of the Constitution protects the right to own property either individually or in association with others.

The law recognizes two kinds of tenants, namely a lawful occupant and bonafide occupant. Section 29 (1) of the Land Act, Cap. 227 defines a Lawful occupant as follows:

(1) “Lawful occupant” means—

(a) a person occupying land by virtue of the repealed—

(i) Busuulu and Envujjo Law of 1928;

(ii) Toro Landlord and Tenant Law of 1937;

(iii) Ankole Landlord and Tenant Law of 1937;

(b) a person who entered the land with the consent of the registered owner, and includes a purchaser; or

(c) a person who had occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title.

Furthermore Section 29(2) of the Land Act defines a bonafide occupant as:
(2) "Bona fide occupant" means a person who before the coming into force of the Constitution—

(a) had occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more; or

(b) had been settled on land by the Government or an agent of the Government, which may include a local authority.

In *Ndyabahika Vs Agaba And Anor, Civil Suit No.49 of 2017[2018]* court was of the view that it would be definitely unfair and unrealistic for court to order the eviction of the bonafide occupants after such fairly long stay and the development on that land and further the court referred to section 29(2) (a) of the land act to define who a bonafide occupant is. This means that a person must have settled on that land before 8th October 1983, therefore any person who settled on the land after that date does not qualify to be a bonafide occupant.

### 2.3.1 Land Evictions

The increased use of land as a commodity and the increasing demand for land has resulted in more land evictions both lawful and unlawful/illegal.

An illegal land eviction is any forcible removal of a tenant, directly or indirectly, without prior court approval. Illegal eviction involves the threat or use of violence. It is also an illegal eviction where the actions of the land owners make it difficult or unsafe for occupants to stay on the land so they are forced to leave.

**Section 32A** of the Land Act states that a lawful or bonafide occupant shall not be evicted from the registered land except upon an order of eviction issued by court and only for nonpayment of annual nominal ground rent. Furthermore,
**Subsection (2)** of the same provision provides that before making an order of eviction, shall take into consideration the circumstances of the matter.

Therefore under **Section 32A** of the Land Act a lawful or bonafide occupant cannot be evicted from the land without a court order and before a court order is issued, court shall first have to look at the circumstances of the case which might include court going for locus in quo which is now mandatory.

**Section 32A (3)** of the Land Act states that when making an order for eviction, the court shall state in order, the date, being not less than six months after the date of the order by which a person to be evicted shall vacate the land and may grant any other order as to expenses, damages, compensation or any other matter as court thinks fit. Under this provision court has the discretion to determine as to when the evictee shall vacate the land and such a period must not be less than six months.

**Under Section 92(1)(e)** of the Land Act any person who attempts to evict, evicts or participates in the eviction of lawful or bonafide occupants from registered land without an order of eviction, such a person commits an offence and is liable on conviction to imprisonment not exceeding seven years. Therefore a person who illegally evicts a person is liable on conviction to imprisonment not exceeding seven years.

A person convicted for unlawful evictions can be ordered by court to pay to the evicted people compensation or court can make an order for restitution in favour of the person who was evicted.

The Committee noted that there is no adequate procedure or guidelines governing evictions in Uganda. As a result, on 25th January, 2019 Justice Ssekaana Musa in the case of Muhindo James & 3 Others –Vs- Attorney General (HC Misc. Cause 127 of 2016) made the following declaration in respect to the same issue:
"...the absence of adequate procedure governing evictions is a threat to, and can lead to violation of the right to life, right to dignity and the right to property, under Articles 22, 24, and 26 of the 1995 Constitution of Uganda respectively."

He therefore made an order compelling the Government to develop comprehensive guidelines governing land evictions before, during and after the act.

He went on to state:

"The court is satisfied to grant this order in the circumstances and the Government should expedite the process of developing and implementing the eviction guidelines. Due to the gravity of the consequences resulting from the absence of such Guidelines from a human rights perspective, I would want to make a further order that the Government embarks on this process and report back on progress to court within seven months from the date of handing down this judgment."

"The process of developing the Eviction Guidelines should be consultative and participatory, although the states should refer to the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement for guidance on best practices."

"I wish to note that although the guidelines are to be made, the government should come up with a clear legislation with sanctions that would address the current problem of illegal evictions in Uganda by both the state and Private actors."

[Signatures]
3.0 FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

The Committee's findings and observations were premised on the following terms of reference (TORs):

3.1 TOR 1: To Study All Claims of Ownership on the Disputed Land.

The Committee was informed that the land in dispute is comprised in Leasehold Register, Volume 1039, Folio 8 Plot 5 Block 6, situate at Kyakahogoro Bugahya, Hoima District. The land measures approximately 438.0 Hectares (Approx. 1,082.298 acres) and belongs to Mr. Edgar Agaba.

While appearing before the Committee, Mr. Edgar Agaba informed the Committee that he acquired the land through the Non-Performing Asset Recovery Trust (NPART) on 15th July, 2005. By way of history, the land in dispute was leased to Mr. Neko Rukanyanga by the Uganda Land Commission in 1978, for 49 years. In 1987, Mr. Neko Rukanyanga, the registered proprietor, mortgaged the land to Uganda Commercial Bank under Instrument No. 232614. However, Mr. Neko Rukanyanga failed to pay the monies due under the mortgage and NPART, in exercise of its mandate under The Non-performing Assets Recovery Trust Act, Cap. 95, took over the mortgage. Subsequently, in 2005, NPART transferred the mortgaged property and interest of Mr. Neko Rukanyanga to Mr. Edgar Agaba in consideration of UGX 28,800,000= (Uganda Shillings twenty eight million, eight hundred thousand only) who is now the current proprietor.

The Committee further received evidence from Hoima Land Office augmenting the same. (The Lease Agreement between Uganda Land Commission and Neko Rukanyanga, Special Certificate of Title and the Transfer by NPART to Edgar Agaba are attached as Annexures A, B and C respectively).
3.1.1 Occupants on the Land

According to the evidence gathered from the evictees, the Committee found out that the majority of these people had been in occupation of this land since 1940s and 1950s. While appearing before the Committee, Mr. Edgar Agaba, also confirmed that at the time of acquisition of this land, over 600 people had been living and staying on the land. He however allowed them to stay as tenants while paying ground rent (Busulu) of UGX 50,000 per acre per year. Whereas some agreed to pay, others refused on the account that they could not pay rent on their own land.

3.1.2 The Beginning of the Conflict

The Committee was informed that the genesis of the conflict and tension between Mr. Edgar Agaba and the occupants of the land started in 2017, when the former decided to terminate their tenancy. This action by Mr. Agaba met resistance from the occupants who had peacefully settled on the same land for many years as bonafide occupants. Following the disagreement, Mr. Edgar Agaba threatened to forcefully evict them. This therefore prompted the occupants led by the then LC1 Chairman, Mr. Simon Achile to petition the Commission of Inquiry into land matters led by Lady Justice Bamugemereire over grabbing of their land. In the response to the petition, the Commission directed Mr. Agaba Edgar to cease and desist from carrying out any activities on the said land, including boundary opening, titling, disposal, alienation or otherwise for a period of six months, until the Commission of Inquiry completes its inquiries into the matter (Annex D). However, Mr. Edgar Agaba did not adhere to the directive of the Commission of Land Inquiry and went ahead to plan for their eviction.
3.2 TOR 2: To Investigate Allegations Relating to the Identity and Status of the Persons Evicted or Displaced.

Kyabisagazi village in Hoima district like other places in the country hosts a wide range of tribes from across all parts of the country. They include the Lugbara, Alur, Acholi, Kebu, Lendu, Bagisu and Congolese. These tribes have stayed and lived harmoniously with the indigenous Banyoro and Bagungu for decades. However, in recent years, a section of the Banyoro have turned hostile towards the non-Banyoro, whom they term as “bafuruki” or migrants. The so-called bafuruki have been discriminated against by a section of indigenous Banyoro and accused them of grabbing their land.

As part of its background check to ascertain the true identity of the evicted persons, the Committee obtained a copy of the 2016 national voters’ register of Kyabisagazi II from the Electoral Commission as well as some of the copies of graduated tax receipts which date as far back as 1980s, 1990s, and 2000s. From the evidence gathered, the Committee established that the evicted people were true Ugandans. This was further confirmed by both the Minister of State for Defense and Veteran Affairs and the Chairperson LC3 Budongo Sub county in Bujenje Sub County, Masindi District.

3.3 TOR. 3: To Examine the Involvement and Conduct of Security Forces in the Evictions and Displacements.

The Committee was informed that the involvement of the security forces was prompted by intelligence information that the evictees were a militia/rebel group. Hoima District Security Committee further informed the Select Committee that their involvement in this matter was to flush out the militia/rebel group which had allegedly established a parallel administrative structure called “Pele Republic” at Kyabisagazi 11, Kigorobya Sub County, Hoima District which was headed by Mr. Achile Simon who was the area Chairman LC I.
The Committee was further informed that upon receiving intelligence reports, the Hoima District Security Committee held several security crisis meetings presided over by the Minister of State for Bunyoro Affairs and the RDC, Mr. Kisembo Araali and resolved to carry out a cordon and search operation with the view of flushing out the militia/rebel group. This information corroborates the earlier statement made by the Minister of State for Internal Affairs, Hon. Mario Obiga Kania on the floor of the House on 26th February 2019 regarding the same matter.

Accordingly, the cordon and search operation was conducted on February 13th 2019. This operation however, met stiff resistance from the occupants of the land in question, which left one police officer, PC Rutaremwa Vincent dead and another injured. During the same exercise, several people were arrested and beaten while others fled the area. Those who were arrested were charged with different criminal offenses ranging from murder, being armed in public and threatening violence. When tasked to reveal the source of the information which the security agencies acted on, the RDC informed the Committee that the information came from concerned people in the community.

On the contrary, when the Minister of State for Defense and Veteran Affairs, Hon. Charles Okello Engola appeared before the Committee, he reported that following the arrests during the cordon and search operation, security agencies conducted a screening exercise and also carried out further investigations to verify the information on the alleged existence of the militia/rebel group. The outcome of these investigations and screening exercise ruled out the existence of the militia/rebel group in Kyabisagazi village as had earlier been reported.

On May 29 2019, the Committee conducted a fact-finding visit to Kyabisagazi II village after receiving numerous complaints from Hon. Daniel Muheirwe that
eviction activities were sporadically continuing, evictees’ properties being destroyed including their houses and crops. Upon reaching Kyabisagazi the Committee got information on site regarding the following:

a) There was merciless and massive destruction of property belonging to the evictees by earth-moving equipment belonging to Edgar Agaba and Bwendere Dairy Farm belonging to Mr. Magara John.
b) The people who were carrying out the above illegal activities were being guarded by the UPDF personnel.
c) The Uganda Police Force would occasionally patrol the area to buttress the security provided by the UPDF.
d) It was also discovered that the UPDF soldiers were from Kakiri Military Barracks deployed by Col. Ndahura.
e) The remnants of the evictees who had persevered to stay on the land had been chased away by gun-wielding security personnel.
f) A combined force of UPDF, Uganda Police Force, youths and guards swept through the village of Kyabisagazi, beating people, burning their houses and threatening them as they were acting on behalf of Mr. Edgar Agaba.

3.3.1 Committee Observations
The Committee observed the following:

i. The so called cordon and search operation was merely a conduit for the security agencies to hand over the disputed piece of land to Mr. Edgar Agaba, free from any encumbrance. Therefore, they carried out an illegal eviction under the guise of flushing out a militia/rebel group.

ii. The security agencies acted on concocted information of the existence of a militia/rebel group. There was high level of unprofessional conduct of some security personnel, namely Maj. Gen. Sam Okiding, the Commander Field Artillery, Maj. Esau Mwebembezi, the Intelligence Officer of the
Artillery Division, Mr. Kismbo Araali, the District Resident Commissioner, the former DPC, Hoima Afande Etima Twaha who commanded the unlawful/illegal eviction.

iii. The Minister of State for Bunyoro Affairs, Hon. Ernest Kiiza fully participated in the preparatory meetings and also presided over some of them which culminated into the unlawful evictions.

iv. Strong tribal sentiments expressed by Mr. Edgar Agaba and Hon. Ernest Kiiza while appearing before the Committee were likely to exacerbate tribal conflict in the region. The duo openly told the Committee that the Banyoro were left with no option but to defend themselves against the non-Banyoro.

As a result of the conduct and involvement of security, the evictees lost their food stuff, household belongings and livestock. Others including children, pregnant mothers, and elderly lost their lives. Some young women who attempted to collect some food from their gardens were allegedly ruthlessly raped by the soldiers who were guarding the land for and on behalf of Mr. Agaba Edgar. The evictees were rendered homeless.

The use of security forces in land evictions and wrangles remains a contentious issue characterized by violence, loss of property and lives. Indeed numerous instances of violence and excessive use of force by security agencies, hired gangs, and bouncers have been documented, not only in Kyabisagazi village but in other parts of the country where illegal evictions have been carried out. For instance, Lusanja, Wakiso District, Mukono, Mubende, Mityana, among others.
3.4 TOR. 4: To Identify the Humanitarian Crisis Arising Out of the Evictions and Displacements and Establish the Current State of Affairs.

At the locus in quo, the Committee established the following:

(i) The Committee physically witnessed appalling effects of the aftermath of the illegal and unlawful eviction, where over 600 people were rendered homeless, food insecure and children malnourished and some children lost their lives as a result of lack of food.

(ii) The Committee noted that all the houses including gardens, livestock churches, schools, boreholes, markets were mercilessly destroyed during and after eviction. The Committee found the homeless women and children with their male counterparts hiding in the neighboring areas. Others were hiding in Budongo Forest, Bujenje Constituency in Masindi. While the rest sought refuge in the homes of their relatives, churches, tobacco barns and under trees.

(iii) The Committee interfaced with the victims and recorded 135 children, 55 women with babies, 116 other women and 174 men. Reports received by the Committee revealed that 4 children had passed away due to coldness and lack of food. The situation was likely to escalate since there were no water, health and sanitation facilities. There was high likelihood of an outbreak of cholera and other related water borne diseases.

(iv) The Committee also interacted with the leadership of Budongo Sub County, which confirmed that there was an influx of evictees in the area. There were fears of increasing cases of criminality arising out the many people who were loitering in the villages without food and shelter.

(v) The Committee further visited Hoima Central Prison to ascertain the situation of the arrested victims of the Kyabisagazi eviction incidence. The Committee learnt that only 45 suspects were in custody against 75
suspects which the DSC reported. That meant that 30 people remained unaccounted for.

(vi) During the visit, the Committee established that out of 45 suspects in custody, 4 of them were juveniles. The Committee obtained reliable information that Hoima District does not have a remand home and therefore resolved to write to the Hoima Chief Magistrate to immediately release them. However, to date the juveniles are still languishing in prison.

3.4.1 Committee Observation
The Committee observed that as the country continues to witness unabated, unlawful and illegal evictions and displacement of persons by perceived rich individuals, cases of homelessness, hostility and hopelessness are also increasing. Displacement brings with it risks and vulnerabilities such as loss of land and work, homelessness, food insecurity, loss of access to services such as education and health and, possibly destruction of social networks upon which people depend, particularly during crisis. Displaced people are at a higher risk of being both impoverished and unable to enjoy their human rights.

Rt. Hon. Speaker and Hon. Members, the situation in Kyabisagazi remains so dire that it requires immediate intervention by government to resettle the evictees on their land. Where Government is reluctant to do so as the chief custodian of people’s lives and property, the evictees should promptly be compensated for all the losses and damages suffered as a result of this unlawful exercise.

3.5 TOR. 5: To Examine Government Efforts and Other Mitigation Measures to Solve the Crisis.
During the consideration of the assignment, the Committee invited the Minister for Relief, Disaster Preparedness and Refugees, Hon. Eng. Hillary Onek Obaloker,
who declined to appear before the Committee. On March 28, 2019, Hon. Eng. Hillary Onek Obaloker wrote to the Committee indicating inter alia, that investigations into circumstances surrounding the evictions was the responsibility of the Security Agencies. The Minister further stated that the OPM had responded on March 12th, 2019 with delivery of 250 bags of 100kgs of maize flour and 50 bags of 100kgs of beans for the affected population in Kigorobya. *(The letter is attached as Annexure E).*

When the Committee interfaced with the Hoima District Security Committee on April 9, 2019 at Hoima, the Deputy Chief Administrative Officer informed the Committee that she had heard that the OPM had directly sent the relief items to the evictees in Kigorobya. However, the District Chairman Hoima District, informed the Committee that no relief had been delivered to the evictees. This was reiterated by the evictees when the Committee visited and interacted with them on April 10, 2019.

### 3.5.1 Committee observations

(i) The Committee observed regrettable disrespect for Parliamentary powers by the Hon. Eng. Hillary Onek Obaloker.

(ii) The Committee observed that the displaced persons had been left to seek refuge in the nearby bushes, tobacco barns, neighbouring villages in Masindi District and other areas in Masindi such as Budongo forest, Budongo Sub County.

(iii) The Committee was further concerned that with no proper gazetted place to accommodate the displaced persons, there is a high risk of occurrence of other health related challenges such as malaria, cholera, among others.

(iv) The Committee further observed that even the substantive Minister of State responsible for Bunyoro Affairs (Hon. Ernest Kiiza) had neither
offered intervention in the plight of the victims nor sought relief assistance in form food and non-food items.

3.6 TOR. 6: To Make Appropriate Recommendations to Parliament.

The Committee therefore recommends as follows:

1. Government through the Ministry of Relief, Disaster Preparedness and Refugees should urgently provide humanitarian relief, both in food and non-food items to the affected persons.

2. The Committee recommends that the evictees who were occupying the land as bona-fide occupants prior to the acquisition of the same by Mr. Edgar Agaba should be verified and returned to the land or adequately compensated.

3. The UPDF and the Uganda Police Force should restrict themselves to their roles and functions provided for by law and desist from taking sides on land matters.

4. In order to secure maximum degree of effective legal protection against the practice of forced or unlawful evictions for all persons under their jurisdiction, the Government must take immediate measures aimed at conferring security of tenure to all persons with interest in land.

5. The affected persons should be screened and thereafter be helped to acquire National Identification cards replacement since their IDs and properties were destroyed during the eviction exercise.

6. Mr. Agaba Edgar’s involvement in the forceful evictions of the displaced persons must be further investigated by the responsible government agencies and face the justice system.

7. Government should be held vicariously liable for the unlawful conduct of its officers.

8. The UPDF and the UPF officers who participated in this illegal action should be held responsible both in their personal and official capacities.
9. The Committee recommends that the Minister responsible contacts the office of the Director of Public Prosecutions to issue a Nolle-prosqui for the release of the accused including the 4 juveniles.

10. Government should strengthen institutions such as the District Land Boards, District Land Offices, Area Land Committees, and the Local Council Courts mandated to handle land administration to effectively address land matters.

11. The Ministry responsible for lands should closely supervise the operations of the District Land Boards and the District Land Offices to ensure efficiency and effectiveness in their operations.

12. The Ministry responsible for lands should update Parliament on the status of eviction guidelines in compliance with the court order.


14. The Committee further recommends that Government adopts in place Involuntary Displacement Safeguards to prevent involuntary displacement and resettlement. Where possible Government should reduce involuntary resettlements by exploring alternatives of conflict resolution, engaging in meaningful consultation with the affected persons, compensation of losses where necessary as well as provision of assistance to the displaced persons especially the poor and the vulnerable.

4.0 Conclusion

Rt. Hon. Speaker and Hon. Members, the problem of evictions is enormous and if not handled with utmost justice it deserves, will soon plunge this country into regrettable consequences.

I beg to report.
UGANDA
REGISTRATION OF TITLES ACT
UGANDA LAND COMMISSION
LEASE BY URBAN AUTHORITY

This Lease made the six day of November, nineteen hundred and seventy eight, made in accordance therewith BETWEEN Uganda Land Commission a body incorporated by the Urban Authorities Act (hereinafter called "the Lessor") of the one part, and NEKO RUKANYANGA of P.O. Box 223, Hoima (hereinafter called the Lessee) of the other part. WITNESSETH as follows:

1. In consideration of the sum of Shillings four thousand three hundred and eighty (Shs. 4,380/-) paid to the Lessor by the Lessee on or before the execution of these presents (the receipt whereof the Lessor doth hereby acknowledge) and also in consideration of the rent hereby reserved and of the covenants and conditions hereinafter contained on the part of the Lessee to be observed and performed, the Lessor hereby demises unto the Lessee ALL THAT piece of land in the Municipality, Township of 5 in Bugahya County, containing 438.0 hectares (108.2. 3 acres) as the same is more particularly delineated on the plan annexed hereto and thereon edged with red (hereinafter called "the said land") TO HOLD the same unto the Lessee in common in

in common in

in common

of (49) forty nine years and

from the 1st day of August one thousand nine hundred and seventy eight YIELDING AND PAYING therefor during the said term the yearly

rest of Shillings Two thousand one hundred and ninety two (Shs. 2,190/-) payable by two equal half yearly payments in advance on the first day of January and the first day of July in every year.

2. THE LESSEE HEREBY JOINTLY AND SEVERALLY COVENANT with the Lessor as follows namely:

(a) to observe and perform all the conditions and covenants implied by law in this Act or otherwise herein contained or referred to,

(b) to erect on the said land buildings (hereinafter called "the said buildings") of a value of not less than Shillings to the satisfaction of the Lessor.

(Stm.) In accordance with plans and specifications which shall be approved by the Lessor.

[Signature]
THE REPUBLIC OF UGANDA
REGISTRATION OF TITLES ACT

SPECIAL CERTIFICATE OF TITLE

DESCRIPTION OF LAND

The Leasehold land edged red on the plan attached hereto and situate and known as follows:

Plot Number(s): 5
Block (Road) Name: BUGAHYA BLOCK 6
Estate Name: KYAKAHOROGO
District: HOIMA
Area: Approx. 438.0000 HECTARES

TERM from 01/08/1978 for 49 years at the rent and subject to the covenants and conditions contained or implied in Lease Number bound up herewith and to the incumbrances (if any) entered in the Incumbrance Register.

Issue of special certificate of title the certificate of title this day of 26/10/2015 the duplicate certificate of title having been Lost

For: COMMISSIONER LAND REGISTRATION

PROPRIETORSHIP

<table>
<thead>
<tr>
<th>Date, time and Inst. No.</th>
<th>Name and Address of Proprietor</th>
<th>Signature of Registrar</th>
</tr>
</thead>
<tbody>
<tr>
<td>REGD. 12/8/2005 AT 4:00 PM INST. 357136</td>
<td>EDGAR AGABA OF P.O. BOX 8700, KAMPALA ENTERED IN FPC</td>
<td>I. J. KABUYE</td>
</tr>
<tr>
<td>REGD. 6.12.78 AT 3:00 P.M. INST. 203753</td>
<td>BKO ROMAKHITA OF P.O. BOX 223, HOIMA</td>
<td>I. J. KABUYE</td>
</tr>
<tr>
<td>REGD. 12.8.2005 AT 4:00 P.M. INST. 357136</td>
<td>EDGAR AGABA OF P.O. BOX 8700, KAMPALA</td>
<td>NAMUTEBI V</td>
</tr>
</tbody>
</table>

Date of issue: 26/10/2015

Owner's Copy

I. J. KABUYE
REGISTRAR OF TITLES
THE REPUBLIC OF UGANDA
THE REGISTRATION OF TITLES ACT (CAP. 230)

(FREEHOLD) REGISTER
(LEASEHOLD) VOL. FOLIO
(MAILO) BLOCK PLOT

TRANSFER

WE, THE NON PERFORMING ASSETS RECOVERY TRUST OF P. O. BOX 23021, KAMPALA, UGANDA being the mortgagees of the above described land under Instrument No. by virtue of the Mortgage Act (CAP 229), the Non Performing Assets Recovery Trust Act (Cap 95), as amended, the mortgagor(s) and/or the registered proprietor(s) having failed to pay the monies due under the mortgage, IN

CONSIDERATION of Shs. paid to us as purchase price upon sale of the mortgaged property receipt of which is hereby acknowledged, pursuant to the powers in the mortgage and the above quoted laws, DO HEREBY TRANSFER to (the purchaser) all that piece of land and interest of (who is the registered proprietor of the above described land) to hold to the Purchaser for all the interest of the said registered proprietor.

Dated this day of , 2005.

The common seal of the Non Performing Assets Recovery Trust is affixed hereto in the presence of:

Chairman

WITNESS

NAMES
SIGNATURE
ADDRESS
QUALIFICATIONS

Signed by the Purchaser

In the presence of

WITNESS

NAMES
SIGNATURE
ADDRESS
QUALIFICATIONS
1. Mr. Edgar Agaba  
2. Mr. Neko Rukanyanga  
3. Hon. Ernest Kiiza

RE: DISPUTE OVER LAND SITUATED ON PLOT 5, BUGHYA BLOCK 6, KYAKAHOROGO ESTATE, HOIMA DISTRICT

Pursuant to section 1(i) of the Commissions of Inquiry Act, Cap. 166 (the Act) and Legal Notice No. 2 of 2017, the Commission of Inquiry established to investigate and inquire into the Effectiveness of Laws, Policies and Processes of Land Acquisition, Land Administration, Land Management and Land Registration (the Commission) is inquiring into the land cited in the reference above arising from a complaint filed to the Commission by residents therein.

While this Commission is still inquiring into this matter, you are hereby directed to cease and desist from carrying out any activities on the said land by way of clearing, opening, titling, disposal, alienation or otherwise for the next six months upon receipt of this letter to give the Commission of Inquiry time to inquire further into the matter.
Any breach of this directive shall invite the "appropriate consequences."

Dr. Douglas Singiza

SECRETARY TO THE COMMISSION

c.c. The RDC-Hoima District

Regional Police Commander Albertine Region

DPC Hoima
Ref: DM/161/01

28th March 2019

The Clerk to Parliament
Parliament of Uganda
Kampala

EVICITION OF PEOPLE FROM A PIECE OF LAND IN KYABISAGAZI VILLAGE, KIGOROBYA SUBCOUNTY, HOIMA DISTRICT

Reference is made to your letter ref. AB263/310/01 dated 25th March 2019 in which you invited me to appear before a Select Committee of Parliament inquiring into eviction of families in Kyabisagazi Village, Kigorobya Subcounty, Hoima District.

This is to inform you that The Chief Administrative Officer for Hoima District wrote to the Office of the Prime Minister requesting for relief assistance to the affected population in Kigorobya Subcounty.

The Office of Prime Minister responded on 12th March 2019 with delivery of 250 bags of 100kgs of maize flour and 50 bags of 100kgs of beans for the affected population in Kigorobya.

Investigations into circumstance surrounding the evictions is the responsibility of the Security Agencies.

The Office of the Prime Minister will provide more relief assistance to the affected persons from time to time, whenever called upon.

Eng. Hilary Onek (MP)
MINISTER FOR RELIEF, DISASTER PREPAREDNESS AND REFUGEES

Cc: Rt. Hon Prime Minister
Hon Minister of State for Relief, Disaster Preparedness and Refugees
Hon. Gaster Mugoya Kyawa, Chairperson, Select committee
28th March 2019

Hon. Gaster Mugoya Kyawa
Chairperson Select Committee
Parliament of Uganda
KAMPALA

CORDON AND SEARCH OPERATION AT KYABISAGAZI II VILLAGE,
KIGOROBYA SUB COUNTY/ALLEGED HUMANITARIAN CRISIS

BACKGROUND TO THE CONFLICT

In June 2018, I received a complaint from Edgar Agaba a resident of Hoima District about an illegal takeover of his land in Kigoroby Sub county, Hoima District. On the 7th of September 2018 I called a meeting of Hoima Local Leaders, the District Security Committee, the Area Member of Parliament and some residents of Kyabisagazi village and Edgar Agaba himself to discuss the matter, with a view of finding an amicable solution and harmonious co-existence. *A copy of the minutes is attached.*

Some of the resolutions reached were:
1. Edgar Agaba to tender the copy of the land title Plot 5 Block 6, Vol 135 Hoima and a search report.
2. Security and other stakeholders should screen and manage the illegal settlers on the land at Kyabisagazi II
3. Achile Simon to account for all 600 people (new arrivals) brought on the land that belong to Edgar Agaba.
4. Arrest and prosecute all those who have committed crime.
5. Civilian leaders need to create responses that are effective, credible and promote security.
6. A follow up meeting was recommended to sit in a weeks’ time at Kyabisagazi II Village Kigorobya S/C to interact with land occupants.

I convened the follow up meeting on Saturday 15th September 2018 at Kyabisagazi II C.O.U with the residents and other stake holders and District Security Committee together with the local leaders. At this meeting the following resolutions were made among others;

1. Egdar Agaba was the true owner of the land in conflict because he was the title holder
2. Edgar Agaba to facilitate the community leaders in withdrawing the complaint they had lodged in the Bamugemereire land commission since the question of land ownership had been resolved
3. Achilie Simon to select a team of six people to follow up the withdrawal of the above mentioned complaint.
4. Police to summon a group of 40 people mentioned as trouble causers on the occupied land for statements and caution.
5. Egdar Agaba to open land boundaries by use of a committee led by Hon. Mulindambura that would include the DPC, community representatives and local leaders.
6. Security will be provided during the opening exercise.
7. All criminal activities that were being carried out by the occupants in the area to stop with immediate effect.
8. Fresh registration of all people occupying the contested land be carried out with immediate effect.

Before any of the above resolutions were implemented the Commission of Inquiry into land matters stopped me from handling the dispute. Since September 2018 I have not participated in the dispute resolution. **Attached is a letter.**

Around 14th and 15th February 2019 I received reports of a security operation on the said land. I called a stakeholders meeting on Tuesday 19th February 2019 at my office in Hoima. I invited the Members of Parliament from Hoima District, the Security chiefs of UPDF, Police and Intelligence Agencies, Hoima District Leaders and land owners in Kigorobya to discuss, understand and appreciate the security operation.

The security team presented a report which informed the meeting as follows:
1. They said that they had received intelligence reports that there was a “rebel” group cropping up trying to be against the establishment.

2. They observed that the people at Kyabisagazi had allegedly formed their own administration referred to as “Pele” state which had degenerated into insecurity in Kyabisagazi II Village in Kigorobya sub county in Hoima District.

3. They observed that following the history of Uganda and what happened in Buseruka S/C some years back, similar reports emerged and indeed they were eventually proved to be ADF.

4. They noted that DSC, couldn’t sit back, they resolved to carry out a cordon and search operation on 13th February 2019, the operation was led by Police.

5. They said that they went on ground and in the final stage of the operation a Policeman had been hacked to death and another one injured by an arrow.

6. They mentioned that, 74 suspects were arrested including those who killed the Policeman. 114 women were rounded up and after screening by immigration officials, they were later set free to go back to their homes.

7. They noted that it was unfortunate because we lost our officer and that the suspects should be charged in courts of law.

8. They observed that the operation ended well and the one killed was theirs and no any other person had been killed as alleged by some people and media. However, this group which had been referred to as rebels were not rebels but were rowdy and charged tenants who had gone violent because of a land dispute, they were armed with pangas, spears, arrows and bows.

Attached are pictures of the killed Police Officer and the arrows and machetes.

This meeting made several resolutions amongst which are; -

1. Screening exercise of people be carried out and people who have leaved on the land for long, (bonafide occupants) should be left but recent arrivals should go back.

2. Meetings be held with encroachers/grabbers to hear their side of story as a way of finding a harmonious co-existence
3. Closure of all illegal landing sites
4. Opening of boundary on Edgar’s land should proceed as earlier planned but should wait for the elapse of six months directive issued by the Bamugemereire Commission
5. Individuals who could have committed offences should be brought to book
6. Immigration posts be created along all gazatted landing sites to check and monitor movements of people.

A copy of the minutes is here with attached.

Directive by Parliament

On the 21st February 2019, Hon Dan Muhairwe MP Buhaguzi County Kikube District raised a concern over humanitarian crisis arising out of cordon and search operation, in Kyabisagazi Village, Kigorobya sub county, Hoima District.

Government through the Minister of Internal Affairs made a statement on this matter in Parliament on 26th February 2019. The statement gave the background and genesis of the conflict and the justification that led to the cordon and search operation at Kyabisagazi on 13th February 2019. It is unfortunate that during this operation the country lost one Pc Rutaremwa Vincent who was hacked to death and ASP Amoti George was also wounded. Attached is a copy of the statement.

During the 2nd week of March 2019, I received information that residents of Kyabisagazi village, Kyabisagazi parish, Kigorobya sub county entered the villages of Ejinga, Kibali and Abangi in Kasenene parish Budongo sub county following a joint cordon and search operation mounted by security forces on 13th February 2019 in Kyabisagazi, Kigorobya Sub county.

The people who interacted with part of this group indicated that they were faced with challenges of inadequate food and inadequate shelter.

This prompted the District Security Committee (DSC) to sit on 14/03/2019 to among others, address this matter. It was however resolved that before any interventions can be made, the number and identity of people who have fled Kyabisagazi village be established to guide decision making. It was agreed that the DSC of Hoima interacts with the DSC of Masindi for information sharing to guide decision making.
On the 19/3/2019, the Regional Police Commander in company of the RISO Oil and Gas interacted with the Masindi DSC and agreed that the Joint Intelligence Committee of Masindi Composed of the DISO, Division I.O and the District Crime Intelligence Officer) conducts a profiling exercise to ascertain the origin and number of people who crossed into Masindi. The exercise was conducted on the 21/03/2019 and the report is due to be presented today Thursday 28th March 2018 to the District Security Committee.

Objectives of the profiling exercise;
1. To establish the number of people who crossed from Kyabisagazi village and are being hosted in Kasenene parish.
2. To establish the origin of these people
3. To establish the challenges being faced by these people and to recommend possibly interventions.
4. To gather information of security interest.

I had been invited to attend the security meeting in Masindi where the Joint Intelligence Committee which has been investigating and profiling these people is presenting its report and recommendations today at 10:30am. I could not go to attend this meeting given the importance of this Honorable Select Committee of Parliament.

Thank you Mr. Chairman, and Honorable Members.

Ernest Kiiza (MP)
MINISTER OF STATE FOR BUNYORO AFFAIRS