



FOR IMMEDIATE RELEASE

April 10, 2018

Kampala & Hoima, Uganda

REFINERY-AFFECTED PEOPLE PLAN TO DEMONSTRATE OVER DELAYED JUSTICE: PRINCIPAL JUDGE DIRECTS FOR QUICK DISPOSAL OF THEIR CASE

Following being notified of an intended demonstration over delayed hearing of the oil refinery-affected people's court case by the Kampala High Court, the Principal Judge has directed Land Division of the high court to quickly dispose of the refinery-affected people's court case.

"Protesting at the court does not appear to me to be the most appropriate solution to the delay. In my view, fast tracking its disposal would be a better option

I have in the spirit of fostering its quick disposal re-allocated the file to another judge," Dr Yorokamu Bamwine, the Principal Judge, said in a letter dated March 29, 2018.

In a March 28, 2018 letter, the refinery-affected people had informed him that 20 refinery-affected women and 10 children representing 7,118 oil refinery-affected people would camp at his chambers until he committed that the High Court, which he heads, would hear the refinery-affected people's court case without any further delays.

Through civil suit No. 343 that was filed in March 2014, the refinery-affected people sought court's intervention to stop the violation of their rights to prompt, fair and adequate compensation that government was abusing when it began on the compensation process of the refinery-affected people. Government started acquiring the refinery-affected people's land in June 2012.

"We expected the High Court to handle our case quickly to protect the rights of 7,118 oil refinery-affected people. These people included 3,514 women, 1, 334 children under five, 926 pupils and 408 vulnerable persons including the elderly, chronically ill and persons with disabilities.

Any justice-minded Ugandan should have handled our case quickly but the High Court disappointed us," Mr Innocent Tumwebaze, a leader of the refinery-affected people, said while explaining the frustration that had led them to make a decision to demonstrate.

He added: "We filed the case in 2014 when the compensation process had nearly just started [in June 2013]. We saw how our rights to prompt, fair and adequate compensation provided for under Article 26 of the Uganda Constitution were being violated.

We thought that if court quickly heard our case and made a decision stopping the under-compensation and unfair payment of low rates, the majority of our people would receive adequate and fair compensation,” Mr Tumwebaze said.

However, the judges assigned the case disappointed the refinery-affected people by their unwillingness to hear the case. This is evidenced by threatening to transfer the case to other High Court jurisdictions despite lack of interest in such a decision by the refinery-affected people and government in addition to judges removing themselves from the case. The case was also delayed by unnecessary technicalities raised by public prosecutors from the Attorney General’s chambers.

“The denial of justice to the refinery-affected people by the High Court judges led to the perpetration of injustices and human rights abuses that no justice-minded judicial officer should subject any citizen, let alone human being, to,” Tumwebaze said.

These injustices, many of which are captured in the 2017 annual report of the Auditor General, include:

- Under-valuation of property because the valuation methodology set by the Chief Government Valuer (CGV) was ignored by the Ministry of Energy. This resulted in monetary losses to the refinery-affected people whose customary land in five villages was under-valued in addition to losses to the taxpayers.
- Delayed compensation with 96% of the refinery-affected people being paid outside the compensation period of June 2013 to February 2014. As such, they could not buy replacement land elsewhere using the received compensation making the **compensation unfair**.
- Use of unapproved and outdated compensation rates of the FY 2011/2012 that were not signed by the Hoima District Land Board (HDLB) contrary to Section 59 of the 1998 Land Act. This resulted in the under-compensation the refinery-affected people.
- Discrimination in the application of the unapproved and obsolete rates with 43.2% of the refinery-affected people’s crops being given lower values by the Ministry of Energy than those set by the HDLB.
- Delays in constructing houses, schools, churches, cemetery and other infrastructure for the 93 refinery-affected people who opted for relocation.
- Construction of the refinery-affected people’s houses constructed in a camp setting contrary to commitments not to in the 2012 Resettlement Action Plan that guided the compensation process.
- Irregular payment of additional fees of over UGX 1.2 billion to Strategic Friends International (SFI) due to an extended contract despite SFI doing a terrible job of resettling the refinery-affected people.

Through their civil suit, the refinery-affected people had hoped that the judiciary would serve them with justice to stop the injustices against them. However, they were disappointed. With the Principal Judge’s directive however, they demand that justice be finally served.

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