



February 15, 2023

Dr. Flavian Zeija
The Principal Judge,
High Court of Uganda,
Kampala (U).

Dear Dr. Flavian Zeija,

RE: PLANNED PROTEST BY OIL REFINERY-AFFECTED PEOPLE OVER DELAYED JUSTICE IN CIVIL SUIT NO. 059 OF 2021

Greetings from the oil refinery project-affected people. We thank you for the leadership you are providing to the High Court.

Through this letter, we wish to bring to your attention that the oil refinery project-affected persons (PAPs) have continuously been denied their right to justice by the high court of Uganda.

On February 9, 2023, our case, civil suit No. 059 of 2021, was supposed to be heard by the presiding judge at the high court in Hoima at 9am. However, the judge was not available on this day. Women, the elderly, and others who are party to the case had traveled to Hoima High Court to have their case heard but were only informed when they arrived that the judge was unavailable.

We were further informed that our case file was still at the Masindi High Court. However, on November 10, 2022, we were told not to go back to Masindi High Court because our case would be heard at the Hoima High Court.

It should be remembered that this wasn't the first time that the judge failed to be available for our case hearing. Since 2020, hearings that were aimed at concluding our case were cancelled as the judge was unavailable.

Therefore, through this letter, we inform you that on February 21, 2023, 20 women and 10 children representing 7,118 oil refinery-affected people of Kabaale parish, Buseruka sub-county, Hoima district will travel from Hoima and camp at the Kampala High Court to show dissatisfaction with Uganda's judiciary for the delay in deciding our case **CIVIL SUIT NO. 059 OF 2021**

We hope to stay at the court until you assure us that the High Court will stop facilitating injustice against us. It is our humble plea that our case is heard and determined as a matter of urgency. The High Court, through delays, has denied us justice for nearly nine years and this has caused untold suffering to our families and children and has left us a broken and destitute society. We want justice now. We cannot wait any longer.

GENESIS

Your worship, in March 2014, with support from Africa Institute for Energy Governance (AFIEGO), we filed our case under Article 50 of the 1995 Uganda Constitution. We sought redress over the violation of our constitutional rights including the right to receive prompt, fair, and adequate compensation before the acquisition or possession of our land. This right is provided for under Article 26 of the 1995 Uganda Constitution.

INJUSTICES BY GOVERNMENT

At the time of filing of our court case in 2014, government had embarked on acquiring our land in Hoima district, Buseruka sub-county, Kabaale parish. The land acquisition process commenced in 2012 and the affected households were 1,221 with 7,118 people. Of these, 3,514 were women and 1,344 were children under five (5). In addition, 181 were elderly among others.

Government, through the 2012 Resettlement Action Plan (RAP) for the oil refinery project and through several meetings with the project-affected people (PAPs), committed to paying us and all the affected people promptly, fairly, and adequately in conformity with the 1995 Uganda Constitution. However, the government through the Ministry of Energy and Mineral Development (MEMD) failed to adhere to the commitments.

This was true so much so that when the Auditor General (AG) undertook a Value for Money audit of the oil refinery project in 2017, he concluded that the government had failed to pay prompt, fair, and adequate compensation to the PAPs.

The AG noted as follows in the 2017 annual report for the Office of the Auditor General, “There are concerns that the eight months’ compensation project which began on June 13, 2013, and was expected to have ended by February 13, 2014, is still far from completion with significant delays in compensation of over four (4) years.” Furthermore, the AG noted that 96% of the oil refinery PAPs were paid outside of the above-mentioned prescribed timeframe.

We the PAPs who sued the government are among the 96% who suffered delayed compensation. Notably, these delays in compensation went on until early 2018 when some of us received our compensation.

The AG also noted, “Unapproved rates were used for the compensation of almost all PAPs. Whereas compensation commenced in FY 2013/14, the rates used were for the FY 2011/2012 which were unapproved and obsolete.” This resulted in under-compensation; even the PAPs compensated in 2018, including those who are party to the suit, were compensated using the obsolete rates.

The delays in compensation also resulted in unfair compensation which saw many PAPs, including those of us who are party to the said suit, failing to replace all the land we lost to the government. Many of us were only able to buy small plots of land that are infertile because these are what we could afford. This has affected our farming and family incomes, causing poverty.

INJUSTICES BY THE JUDICIARY

When we filed our court case, we had hoped that the honorable court would expeditiously hear it to stop the injustices that government was perpetrating against us. Instead, the judiciary committed more injustices which continue to date. These injustices include:

Delays: Our case has been in court for a period of nearly nine years. The delays mean that while court had the opportunity to ensure that the government paid us adequate and fair compensation in 2014, court missed this opportunity. The delays also mean that women and the elderly who are party to the case had to be subjected to travel of over 500km to and from Kampala to hear their case; this was the case before our court case was transferred to the Masindi High Court. This was costly and insensitive to the needs of women and other vulnerable groups.

Changes in judges: Our case has also been moved from one judge to another. The judges that have heard our case include Justice Vincent Zehurikire, Justice Eva Luswata, Justice Ketra Katunguka, Justice Andrew Bashaija and Justice Cornelia Kakooza Sabiiti. After Lady Justice Sabiiti heard our court case, it was transferred to the Masindi High court. The changes in judges delay the hearing of the case further.

Transfer to different courts: On January 12, 2021, our case file was transferred from Kampala High Court to Masindi High Court. On November 10, 2022, it was again transferred from Masindi High Court to Hoima High Court. The continuous transfers from one court to another cause unnecessary delays in the hearing of the case.

UNFULFILLED COMMITMENTS

Your worship, it is notable that on March 28, 2018, we wrote to the former Principal Judge, Dr. Yorokamu Bamwine, and noted that we intended to protest at his office over the delays in hearing our case. In a letter dated March 29, 2018, Dr. Bamwine requested dialogue and assigned the hearing of our case to Lady Justice Sabiiti. He committed to ensuring that the judiciary fast-tracks the hearing of our case. Dr. Bamwine's March 29, 2018 letter to us is herein attached.

It is most unfortunate that since then, we have written over five (5) letters to your office to have these commitments fulfilled but in vain. The judiciary's failure to hear our case is not only detrimental to the protection of our rights but those of other PAPs and Ugandans who may want to seek justice but are deterred from doing so because they see how shabbily the judiciary treats PAPs.

Therefore, we inform you that on February 21, 2023, we shall peacefully camp at your office until you meet and assure us that our case shall be heard and determined with the urgency it deserves.

Our case is not civil but a human rights matter filed under Article 50 of the 1995 Uganda Constitution and as such, we request that you should not allow technicalities to perpetuate violations and constitutional abuses against us.

We thank you in advance for your cooperation in this matter.

Signatories

No.	Name	Sex	Village/District
1.	Fausta Tumuhairwe	F	Kyakaboga
2.	Innocent Tumwebaze	M	Kyakaboga
3.	Godfrey Byaruhanga	M	Kabaale
4.	Kakura Owonda	M	Kabaale
5.	Richard Orebi	M	Nyahaira
6.	Chris Opio	M	ORRA
7.	Esther Abigaba	F	
8.	Tom Mpabaizi	M	Kabaale
10.	Fenehance Kato	M	Nyakasenene
11.	Geofrey Waromirwoth	M	Kijumba
12.	John Bosco Wandera	M	Kitegwa
13.	Africa Institute for Energy Governance	-	Kampala

Cc:

- The Chief Justice of Uganda
- The Minister of Justice and Constitutional Affairs
- The Minister of Energy and Mineral Development
- The Auditor General of Uganda
- The Executive Director, Petroleum Authority of Uganda (PAU)
- The Chairperson, Uganda Human Rights Commission
- The Chairperson, Legal and Parliamentary Affairs
- The Chairperson, Parliamentary Forum on Oil and Gas
- Bemanyisa & Co Advocates