

Kaweri Coffee Plantation (Uganda) – Chronology of the case

Elaborated by FIAN Deutschland e.V.

Between 17 and 21 of August 2001 the Ugandan Army violently evicted the inhabitants of four villages because the government had leased that land to the *Kaweri Coffee Plantation Ltd.* *Kaweri* is a subsidiary company of the *Neumann Kaffee Gruppe* (NKG) based in Hamburg, Germany.

To date the evictees have not been received remedy. But they continue to assert their rights.

This document contains the developments starting from August 2001 to February 2020.

Further developments are documented on <http://www.fian.org/what-we-do/case-work/uganda-mubende/>

February 2020

Peter Kayiira is released from prison.

At the court hearing on 10 February, the decisions of all plaintiffs whether or not to accept the prosecution's offer of compensation are not yet available. The judge asks the High Court in Mubende for administrative assistance in order to get in contact with the displaced persons, to inform them and if necessary to document their decision. The next hearing is set for 12 March.

December 2019

FIAN researches on site and documents the story of an evicted woman who was again forcibly evicted from the neighbouring property of the plantation. According to statements by the Ugandan government and the Neumann Kaffee Gruppe, this neighboring property was used to resettle the inhabitants of the current plantation land.

In a letter dated 11 December 2019, the Public Prosecutor's Office increased its offer of compensation to just over 3.8 billion Ugandan Shillings (3,814,570,050 UGX), which corresponds to the amount demanded in the complaint for compensation for the destroyed property. This should cover all compensation claims. In addition, it is offering 150 million shillings (rounded up to 37,000 €) for the costs of lawyers. *Kaweri Coffee Plantation Ltd.* is not making an offer of compensation.

On 16 December, immediately after the court hearing, Peter Kayiira is arrested by men in plain clothes and taken to Luzira prison in Kampala. The reason given for his arrest is that he has not paid a money debt from 2016. He had been sentenced to pay it in 2016 because he had legally challenged the lost election to the national parliament but lost the court case. The amount of the claim is just under 40 million Ugandan shillings (37,787,500 UGX), the equivalent of just under €10,000.

November 2019

A hearing date at the High Court in Kampala scheduled for November 19 is cancelled due to the absence of the mediator.



FIAN publishes a report on the long-term consequences of this expulsion.

October 2019

The public prosecutor's office is initially offering a total compensation sum of almost 2 million Ugandan shillings (1,907,285,000 UGX), which corresponds to just under € 500,000.

Since the evictees reject this as too low, the public prosecutor's office increases its offer to 2.2 billion Ugandan Shillings, which corresponds to almost 550,000 €. In addition, it offers to cover the legal fees of the plaintiffs. Again, they reject this offer as too low. On the one hand, they demand 3.8 billion (exactly 3,814,570,050) Ugandan shillings (slightly more than 900,000 €) as compensation for destroyed property, as demanded in the lawsuit. In addition, they are demanding 30 million shillings per family (7,300 €) so that each family can buy 10 acres of land. In return they would drop their claim to get their land back.

Kaweri Coffee Plantation Ltd. is not making an offer of compensation.

September 2019

On September 10, the first negotiation meeting between the lawyers of the displaced persons, the public prosecutor's office and the lawyers of Kaweri Coffee Plantation Ltd. takes place. The public prosecutor's office declares the Ugandan state's willingness to reach an amicable agreement, but makes no concrete offer. Nor does the company make an offer.

August 2019

Together with 37 supporting organisations from around the world, FIAN and ActionAid Uganda have written a letter to President Kaguta Yoweri Museveni calling on the Ugandan state to use the court-ordered mediation process to implement the recommendation of the UN Committee on Economic, Social and cultural rights (E.C.12/UGA/CO/1, 24 June 2015). In 2015, the Committee recommended that Uganda immediately restore the rights of the evictees.

In a letter dated 27 August, the public prosecutor's office invited the lawyers of the evicted plaintiffs to a meeting at the Ministry of Justice on 10 September 2019.

July 2019

On 1 July, Justice Henry Kaweesa Isabirye conducts the second hearing in the court proceedings before the High Court of Kampala. All three parties are present. The judge orders a mediation procedure under judicial supervision and appoints Zeynep Nabukenya as mediator of the court. On 28 August 2019 he expects the report on the outcome of the mediation. If no agreement is reached and the displaced persons maintain their claim, the next court hearing will take place on 2 December 2019.

FIAN launches an international letter campaign to support the evicted plaintiffs in the mediation process.

FIAN researches on site in Kyengeza, the settlement of the evictees. In the region there was no rain during the usual planting season, which is why seeds did not sprout. The headmaster of the local primary school reports that many families do neither have enough money to pay

the school fees nor can they contribute the 5 kg of corn flour to the school meal required per pupil and per school term.

June 2019

The evictees change their lawyer and are now represented by lawyers of the Ugandan *Network of Public Interest Lawyers* (NETPIL).

March 2019

On March 11th, the first hearing of the court case at High Court Kampala takes place before Justice Henry Kaweesa Isabirye. *Kaweri Coffee Plantation Ltd.* and the evictees attend the hearing. The Attorney General does not appear. The judge directs both parties present to file their scheduling memorandum by 29th March 2019 and the trial bundle with witness statements by 25th April 2019. He schedules the next court hearing on 1st July 2019.

December 2017

The lawyer of the evictees passes away. His successor takes over the case.

September 2017

During a preparatory meeting for a public hearing in Mubende, the *Commission of Inquiry into land acquisition and management* which has been established by the Ugandan government hears four representatives of the evictees. During the public hearing only Dr. Maggie Kigozi is heard who, from 1999 – 2011, was the Executive Director of the Uganda Investment Authority.

August 2017

The High Court Kampala allocates a judge to the case after the last judge had been transferred in December 2016.

FIAN investigates the access of the evictees to clean water and to education as well as the situation of women and teenage girls at locus. Access to drinking water is not sufficient. Not all families can cover costs demanded by the school. Many families complain about seasonal migrant workers of the plantation who impregnate their teenage daughters but run away from their parental responsibilities.

May 2017

Two representatives of the evictees report the Commission of Inquiry into land acquisition and management which has been set up by the Government of Uganda. The commission, chaired by Hon. Justice Catherine Bamugemereire agrees to investigate the case at locus.

April 2017

The evictees agree to negotiate an amicable solution only within the proceedings which are provided in the rules of procedure at court.

March 2017



Neumann Gruppe Ltd. demands a Cease and Desist letter from the newspaper „junge welt“ and from FIAN staff member Gertrud Falk regarding certain statements on the forceful eviction. Both refuse to sign such a letter.

February 2017

The United Nations Committee on the Elimination of all Discrimination Against Women (CEDAW) addresses Germany's extra-territorial state obligations to regulate activities of German companies abroad and to grant victims of human rights violations through such activities access to remedies in Germany. CEDAW recommends Germany to install effective complaint mechanisms and compulsory human rights impact assessments ahead of foreign direct investments.

January 2017

The Minister of State for Kampala, Hon Benie Bugembe, together with a representative of the State House, present to the evicted community an offer of an out-of-court-settlement under the condition that they a) abstain from their claims to get their land back and b) withdraw their plaint form court.

December 2016

During the opening of the hearing on 19 December, the judge of the High Court Kampala announces that he will be transferred to another court. Therefore, the hearing is not conducted.

October 2016

The *High Court of Kampala*, which is now in charge of the case, schedules the first hearing of the case for 19 December 2016.

August 2016

On the occasion of the 15th anniversary of the forced eviction, a FIAN Team documents on site the long-term impacts of the eviction on the affected, with a particular attention on the situation of women and children, and receives substantial information regarding persistent human rights violations. Among others, children report in interviews that they do not have enough food to eat every day.

During a press conference in the Ugandan capital Kampala, the FIAN team informs the public about the continuing impunity in the context of the case.

April 2016

Upon FIAN's request, *Neumann Kaffee Gruppe* confirms that it has asked the lawyers of their subsidiary company *Kaweri Coffee Plantation Ltd.* to withdraw their demand for a deposit of 20 million Ugandan shilling by the evictees.

The hearing scheduled for 12 April at the *High Court in Nakawa* regarding the lawsuit of the evictees against the Ugandan State and the *Kaweri Coffee Plantation Ltd.* is cancelled. The reasons assigned are that the judges are dealing with criminal procedures and the Court will be suspended. The case shall be assigned to another Court by the *Principle Judge*.

March 2016

The hearing at the *High Court Kampala* in the lawsuit from Anna Nandyose Katende against the *Kaweri Coffee Plantation Ltd.* regarding the illegal occupation of her land and scheduled for 12 April is canceled, the official justification that the court is dealing with criminal procedures until 20 April.

February 2016

The *High Court in Nakawa* fixes 12 April 2016 as the date for the next hearing.

On 26th February 2016 the lawyers of *Kaweri Coffee Plantation Ltd.* request in a letter to the evictees' lawyers that the evictees should, again, deposit 20 Million Ugandan Shilling (ca. 5100 Euro) at the court cashier as security of costs. The evictees had to deposit this amount in the very beginning of the lawsuit by decision of the court as a security to be able to pay the court fees in case of a ruling against them. In the context of the ruling in their favor in the first instance in March 2013, both the High Court and the Court of Appeal had ordered the deposit to be returned to the evictees. The decision of the Court of Appeal from 19 December 2013 was taken with approval by the company.

December 2015

Despite sustained efforts of the evictees' lawyers the lawsuit regarding the forced eviction for the benefit of *Kaweri Coffee Plantation Ltd.* has not yet been transferred to a judge of the High Court.

With approval of the *Kaweri Coffee Plantation Ltd.* and the evictees, the Court of Appeal orders that the deposit of 20 Million Ugandan Shilling which they had deposited at the High Court at the beginning of the lawsuit is returned to the evictees.

The judge who had been entrusted with the lawsuit of Anna Nandyose Katende has been assigned to another court.

October 2015

Anna Nandyose Katende request a certified copy of the land titles of block 103 from the court, in order to clarify whether the *Kaweri Coffee Plantation Ltd.* is illegally occupying her land. The *High Court Kampala* schedules a hearing for 10 December 2015 to deal with this request.

August 2015

The Court of Appeal formalizes the decision to transfer the lawsuit back to the *High Court Nakawa* for renewed examination of the forced eviction to the benefit of *Kaweri Coffee Plantation Ltd.*

July 2015

The Court of Appeal unexpectedly and at a short notice fixes 21 July for a first hearing on the case. However, the case documents produced by judge Choudry are missing in the court file. The file contains only the judgement. The case is returned to the *High Court Nakawa* for further processing by a new judge.

June 2015

For the first time, the United Nation's Committee on Economic, Social, and Cultural Rights (CESCR) examines the compliance with economic, social and cultural human rights in Uganda. On 10 and 11 June the Ugandan Government is required to respond to the questions of the CESCR members. Amongst other recommendations, the committee recommends the Ugandan Government to take a position regarding the case of the forced eviction for the benefit of *Kaweri Coffee Plantation Ltd.* In addition, the committee requests the Ugandan Government to take immediate actions to restore the rights of the evictees.

January 2015

Anna Nadyose Katende, with support of the evictees' lawyer, states that the plantation is illegally occupying her piece of land which belongs to block 103. She asks the company to enter into discussion to solve this conflict and sets a deadline for the 28 January 2015.

November 2014

The United Nation's Committee on Economic, Social, and Cultural Rights (CESCR) enquires about the status quo of forced evictions in Uganda for a preparatory meeting for a dialogue with the Uganda government. The CESCR members ask for further information concerning the usual duration of lawsuits in Uganda.

July 2014



After judge Choudry on 7th July publicly accuses the Ugandan Justice for mafia-like tendencies in the context of the disappeared court file on 7 July, the court record reappears on 10 July at the *Juridical Service Commission*.

June 2014

The Court of Appeal rejects the request of the *Judicial Service Commission* to remove from office judge Choudry, who provided the first judgement in the lawsuit.

March 2014

The whereabouts of the court file are still unclear. Also, there is no explanation for its disappearance.

February 2014

The evictees' lawyer makes a motion to the *High Court Nakawa* for the restitution of the deposit (security of cost) to the evictees. As a response he receives the information that the court file has disappeared and therefore the court cannot deal with the motion.

August 2013

Kaweri Coffee Plantation Ltd. files an appeal against the judgement of the *High Court Nakawa*. German Development Minister Dirk Niebel sends a letter to the human rights organization FIAN, calling upon the organization to stop supporting the evictees. He refuses an invitation for an exchange on the case with FIAN.

July 2013

Neumann Kaffee Gruppe fails with a request on an interim injunction against the newspaper *Hamburger Morgenpost* and the journalist Michael Enger in the context of the publication of article about the case. On 10 April 2013 the *Hamburger Morgenpost* published the journalist's article "Ließ Hamburger Kaffee-Konzern 4000 arme Bauern vertreiben?" ("Did a Coffee Concern from Hamburg expel 4000 poor peasants?").

March 2013

In its judgement of 28 March 2013 the *High Court Nakawa* in Kampala/Uganda adjudges remedies of an equivalent to a value of 11 million Euros to the approx. 2000 plaintiffs of the 4000 evictees of the *Kaweri Coffee Plantation Ltd.* Furthermore the judgement foresees the return of the deposit of 20 Mio. Ugandan Shilling which they had deposited at the Court at the beginning of the lawsuit. In the judgement, the judge thoroughly analyzes the events that took place prior to the eviction. In the judgement he blames *Neumann Kaffee Gruppe* of having violated the values and rights of the affected people and of having lost all sense of humanity. For FIAN the judgement is however questionable in as much as it does not sentence *Kaweri Coffee Plantation Ltd.* for paying remedies, but rather the company's lawyers, who were not accused in the first place. Besides that, the judge absolves the Ugandan Government despite the fact that the evictees were able to prove that the military executed the eviction upon government request.

The lawyers of *Kaweri Coffee Plantation Ltd.* announce to file an appeal against the judgement of the High Court and request the suspension of its implementation. This appeal is heard at the Court of Appeal.

February 2013

On 13 February 2013 a further hearing takes place at the *High Court in Nakawa/Kampala*. However, only the witnesses and the lawyers of the evictees are present. *Kaweri Coffee Plantation Ltd.* and the prosecutors fail to appear.

The next hearing takes place on 26 February. This time the prosecutor is present, however *Kaweri Coffee Plantation Ltd.* is not.

December 2012



Land surveyors from Uganda Investment Authority (UIA) and from *Kaweri Coffee Plantation Ltd.* come to participate in the first meeting for the topographical survey on 5 December, but without maps. The land surveyor of Mubende District also indicates that he does not have the requested plan of the site. The surveyors from UIA and *Kaweri Coffee Plantation Ltd.* begin the survey with GPS. The evictees' land surveyor, however, is not familiar with this modern technology.

November 2012

The Uganda Investment Authority (UIA) which is leasing the plantation land to *Kaweri Coffee Plantation Ltd.* announces that they will do a renewed survey of the land. The responsible administrator accepts the suggestion of Peter Kayiira to invite all the three interest groups for the survey.

September 2012

The lawsuit is still in the hands of judge Choudry. The evictees' lawyers request a three-day hearing.

August 2012

The UN-Human Rights Committee includes the parallel report of *Global Initiative for Economic, Social and Cultural Rights* (GI ESCR) on the Kaweri case on their list of questions for the Federal Government of Germany.

May 2012

The human rights organization *Global Initiative for Economic, Social and Cultural Rights* (GI ESCR) submits a parallel report to the German state report at the Human Rights Committee about the case of eviction. GI ESCR therein comes to the conclusion that Germany is missing its extra-territorial state obligations by not effectively regulating and sanctioning *Neumann Kaffee Gruppe*.

April 2012

The land survey is been stopped in the beginning of April because the Resident District Commissioner doesn't give his permission to enter the plantation. However, this action has happened illegally.

The planned hearing is still delayed because the judge was suspended from the case without handing it over to another judge.

March 2012

Anna Nandyose Katende, who was evicted although she had a land title for a part of the neighboring land of *Kaweri Coffee Plantation Ltd.*, aims at a land survey of her plot. It should clarify if *Kaweri Coffee Plantation Ltd.* illegally took possession of the adjacent site since 2001. *Kaweri Coffee Plantation Ltd.* warns about an unauthorized entering of the plantation.

A court hearing takes place on 28th of March 2012. Instead of the initial beginning at 11am, the evictees at their arrival at the court recognize that the appointment was brought forward to 9 am without informing them. Judge Choudry postpones the trial until the 11th of April 2012.

The lawyers of *Kaweri Coffee Plantation Ltd.* announce towards Chief Registrar of the High Court that they would not attend the lawsuit held by judge Choudry because they doubt his judicial competence and because they are participating in a proceeding for his removal.

However, they are not following the demand of the Chief Registrar to personally present their doubts on the impartiality and competence of Judge Choudry, in accordance with the rules of procedure.

February 2012

The hearing is held on 29th February without the representatives of *Kaweri Coffee Plantation Ltd.* The new Judge Choudry recommends an out-of-court settlement to the prosecutor and sets the next appointment for 28th March.

January 2012

The judge dismisses the case on the ground that international pressure is too big.

November 2011

Neither the prosecutor nor the lawyers of *Kaweri Coffee Plantation Ltd.* appear at the hearing. Furthermore the prosecution has not submitted any affirmation in lieu of an oath yet.

The judge is indignant at FIAN's letter to the Principle Judge for the acceleration of the lawsuit. She decides that from now all appointments are held "ex-parte", which means, that hearings will take place even if one party in the case is absent. The next hearing is scheduled for 23rd of January 2012.

July 2011

Once more the next hearing is taking place without the prosecutor. The lawyers of the evictees submit seven of the ten planned affidavits in lieu of an oath and are given a dead-line for the remaining ones. Next hearing is supposed to be 1st of November.

June 2011

The prosecutor does not attend the hearing. The lawyers of the evictees cannot present all affirmations in lieu of an oath. The judge postpones the deadline.

The lawyers of *Kaweri Coffee Plantation Ltd.* complain that the former owner of the plantation was not included in the lawsuit, although it was their obligation to remedy the evictees.

April 2011

All participants agree on submitting affidavits in lieu of an oath to the court until the end of June to accelerate the lawsuit.

The German National Contact Point for the OECD-guidelines for multinational enterprises publishes their concluding statement regarding the grievance against the *Neumann Kaffee Gruppe*. Therein they formulate that in their opinion, *Neumann Kaffee Gruppe* could act in good faith on the assumption that the land of the plantation was free of requests of any third party. They ask the evictees and FIAN to refrain from doing public attacks against the company. FIAN reacts with a reply where the closure of the proceeding without real progress on the issue is regretted and the request of keeping silent is refused.

February 2011

The prosecution does not keep their promise to present all the alleged indemnity agreements to the evictees' lawyers.

January 2011

On 18th of January the meeting with the prosecutor for an out-of-court settlement is taking place. *Kaweri Coffee Plantation Ltd.* is not represented. The prosecutor and the evictees' lawyers agree on the implementation of the following measures until 5th February:

- The prosecution will send all supposed indemnity agreements to the evictees' lawyers.
- The lawyers will provide to the Local Council (LC1) pictures of the evictees with a certification of accuracy.

December 2010

Peter Kayiira, spokesperson of the evictees, came to Europe to speak with representatives of politics and development cooperation. In Cologne he is talking together with Gertrud Falk (FIAN Germany) during a discussion meeting on the topic "German corporations abroad: Where are human rights left?"



November 2010

The new hearing is taking place in absence of the judge and the lawyers of *Kaweri Coffee Plantation Ltd.* The new representative of the prosecution mentions ideas about an out-of-court settlement and writes therefore to both parties on 20th of November.

August 2010

The scheduled hearing is postponed due to judge's private issues.

April 2010

FIAN addresses the judge and the Ugandan embassy in Germany, demanding the adequate continuation of the lawsuit.

As a result the scheduled hearing takes place. However, neither the prosecutor nor the lawyer of *Kaweri Coffee Plantation Ltd.* appear.

December 2009

The *High Court Nakawa* cancels further hearings by providing insufficient explanations.

June 2009

The evictees and *FIAN Germany* submit to the German National Contact Point a grievance against the *Neumann Kaffee Gruppe* because of a violation of the OECD-guidelines for multinational enterprises.

The OECD-guidelines demand responsible action from multinational enterprises in the host country, especially respecting human rights. From a human rights perspective the company should have examined more in detail the consequences of their capital project before contracting with the Ugandan Government.

January 2009

For the first time *FIAN Germany's* local group in Cologne organizes workshops for children and youths on the topic of land eviction in Mubende at schools and youth centers.

December 2008

Peter Kayiira comes to Germany and meets with politicians and representatives of development aid organizations.

Following an invitation of the Federal Ministry on Food, Agriculture and Consumer Protection (BMELV), Kayiira attends the conference *Policies against Hunger* in Berlin.

Peter Kayiira meets with Herta Däubler-Gmelin (Member of the German Parliament), chairperson of the Commission of Human Rights and humanitarian aid of the Parliament. Before that FIAN had asked her for mediation.

FIAN Germany invites Peter Kayiira as a speaker for a workshop about the African system of human rights.

May 2008

FIAN carries out a street action in front of the head office of the *Neumann Kaffee Gruppe (NKG)* in Hamburg and hands over the postcards to the press officer of NKG. Prior to that NKG has declined to accept the postcards. The demonstrators claim that NKG should no longer underplay the consequences of the evictees and assume its responsibility.

February 2008



In the first decision of the whole lawsuit in terms of content, the judge rejects the proposal of *Kaweri Coffee Plantation Ltd.* to be released from the process. *Kaweri Coffee Plantation Ltd.* had claimed to be released from the lawsuit because they have not been involved in the eviction and there was no proof attesting that the five signatories of the complaint were authorized to represent the 396 families. The judge follows the counterarguments and counterproofs of the evictees' lawyer and decides that *Kaweri Coffee Plantation Ltd.* is going to remain the second accused party until the end of the process.

The evictees' lawyer proposes a five-day-hearing in the court of Mubende. This would allow the evictees to participate in the hearing at a greater number and to testify as witnesses.

The lawyer of *Kaweri Coffee Plantation Ltd.* speaks out against this proposal.

An appointment for the next hearing has not been set yet.

FIAN sends a second request to NKG proposing a meeting with them.

Peter Kayiira had received his salary for February. However 4.2 Mio Ugandan Shilling are still pending for the past months.

January 2008

On the 8th of January, FIAN visits the evictees in Kyengeza. The evictees sign 400 post cards to the NKG and additionally write another letter on their own addressed to NKG. FIAN had asked NKG to set an appointment for an interview, but FIAN has not received any response.

December 2007

It is the third month that Peter Kayiira has not been paid. His lawyer informed the responsible authorities that he will file a complaint if the wages will not be paid.

November 2007

Peter Kayiira is put under pressure again. The prosecutor had questioned the head of the school department on how she is going to get back his alleged misappropriated money.

As she aims to send him a copy of the acquittal as a response, she realizes that the whole operation had disappeared from Mr. Kayiira's record.

Luckily, Peter Kayiira can help her out with his copies of the official documents.

Furthermore, Peter Kayiira has not been paid during two months for unclear reasons.

October 2007

FIAN starts an international urgent action addressed to the Ugandan President requesting him to ensure the full cooperation of the prosecution with the responsible judge and to establish a schedule for the restitution of the lost land and a remedy for the resulting damages. The Ugandan Government does not react.

Simultaneously, FIAN starts a post card action to the NKG. Therein, FIAN asks NKG to use their influence on the Ugandan Government to reach a remedy for the evictees compensating for the damages caused by the government. FIAN also asks NKG themselves to compensate the evictees for their lost land.

September 2007

The lawsuit has been again postponed. A hearing should have been held on the 14th of September but the judge had been assigned to a new office in such a bad condition that, according to her, the performance of her work was completely hindered.



FIAN writes again a letter to the Chief Justice indicating that the lawsuit is still being delayed, demanding for adequate and fast proceedings.

June 2007

The next hearing, originally scheduled for the 5th of June, is postponed again due the absence of *Kaweri Coffee Plantation Ltd.*'s lawyers and of the prosecutor.

Finally, a hearing takes place on 27th of June. For the first time all parties are represented. However, the general prosecutor has not taken any position yet. The lawyers of *Kaweri Coffee Plantation Ltd.* argue for a closing of the proceedings because some formal requirements were not fulfilled. Amongst other issues, they alleged the plaintiffs lack legitimacy to sue in name of the community. The lawyer of the evictees reacted to these appeals.

The judge asked the litigants if they would agree on carrying out the next hearing in Mubende. This would help the evictees to be present, for it is hard for them to travel to Kampala. Besides, it would offer the possibility to the judge to better evaluate the extent of the disaster.

February 2007

The delaying tactic is going on: the third hearing is postponed. As soon as the evictees arrived at the court they were told that an internal seminar within the court was taking place. Due to the bad means of communication the evictees could not have been informed.

December 2006

After a series of delays the first and the second hearing of the lawsuit takes place. Peter Kayiira believes that this is a result of the letter FIAN sent to the Chief Justice.

The assigned judge agrees that the eviction took place. The lawyers of *Kaweri Coffee Plantation Ltd.* and NKG deny that their clients participated in the eviction and that they were not responsible for it. The judge asks if it is possible to settle out of court.

November 2006

FIAN receives an answer from Faridah Najjuma Kasasa, a member of the parliament from Mubende. She visited the evictees and is now determined to help them. FIAN answers welcoming her commitment and looking forward to work together.

October 2006

In reaction to the letter, NKG addresses the *Uganda Investment Authority*, asking if they investigated the "rumor" that the evictees have not been compensated.

FIAN writes to the Ugandan members of the parliament representing Mubende district to ask them for them to support the evictees, taking into account they are a part of that electoral district.

September 2006

FIAN writes to NKG, asking them to repair the damaged water pipeline. Furthermore FIAN writes to the Chief Justice in Uganda to request to expedite the proceeding.

August 2006

FIAN visits the evictees. It turns out that the water pipe installed by the *Kaweri Coffee Plantation Ltd.* and NKG does not work flawlessly. The water is pumped irregularly and in small amounts.

After his release out of prison Peter Kayiira is transferred to a school far away from the settlement of the evicted community. That is why he is only able to visit his home during the weekends.



June 2006

The first hearing regarding that lawsuit has again been postponed. It was scheduled for the 18th of June.

April 2006

FIAN writes to the German Department of Foreign Affairs and to members of Parliament interested in the case. The letters refer to the announcement of the Round Table. FIAN asks the Department of Foreign Affairs and the members of the Parliament to stand up for the evictees against the Ugandan government.

December 2005

The evictees are visited by a delegation of the Ugandan State House. The delegation notes that the eviction and the lack of remedy have not been accurate. Beyond the visit, nothing has happened. (Presumably the visit is connected to the election in February 2006 and was part of an election campaign.)

November 2005

FIAN receives a further letter by the Inspectorate of Government. In the letter he indicates that his hands are tight because the Mubende case is at trial.

Furthermore FIAN receives a letter from the Ugandan Embassy in Germany as a response to the letter sent in October. The letter says that at the moment Uganda is changing the policy of land management but the letter does not really refer to the Kaweri case.

FIAN complains in writing about the unjustified postponement of the lawsuit to the *Ugandan Judicial Service Commission* as well as to President Museveni.

FIAN replies to the letter by the *Inspectorate of Government* and indicates that the evictees would prefer an out-of-court-settlement instead of an instalment of the lawsuit and that the mediation by the Inspectorate could be very helpful to install a Round Table.

October 2005

The Resident District Commissioner (RDC) of Mubende announces to set up a Round Table to find a peaceful solution for this land conflict. The evictees who had always emphasized as long as there will be an acceptable compromise they do not want a confrontation with the Ugandan State, so they would really appreciate such an initiative. But there is a reason for caution. In February 2006 an election will take place in Uganda and the initiative could just be part of an election campaign.

FIAN appreciates a trusting Round Table what they stated in official letters to the RDC and President Museveni.

June 2005

After almost half a year the court meets a decision and exonerates Peter Kayiira of all charges.

FIAN meets a member of the *Ugandan Commission of Human Rights*. He shows great interest in the Kaweri case and asks for more information.

April 2005

The first hearing in the process against Peter Kayiira takes place. Most of the witnesses of the prosecution testify in his favor. Presumably some of them realize just as they were entering the courtroom that they should testify against him. The judge admonishes the prosecution not to force the people to testify in court. A member of the responsible regulatory agency testifies that he did not press



charges against Peter Kayiira and that there are no complaints against him. The hearing is postponed until the 10th of May.

March 2005

The Ugandan justice system acts again in a very obscure way. Apparently, important school records are missing and the first hearing is postponed to the 14th of April because the judge did not show up. FIAN representative Gertrud Falk visits Peter Kayiira in prison. A legal opinion compiled by Balikuddembe & Co. Advocates clearly concludes that Peter Kayiira has been arrested out of political reasons because the administrative procedures prior to an arrest have not been executed.

February 2005

FIAN is still eager to clarify the process of the arrest of Peter Kayiira. *Actionaid International* assigns an attorney to furnish an opinion about the legitimacy of Peter Kayiira's arrest.

January 2005

The 21th of January marks a new peak on the abuse of the justice system by the Ugandan Government regarding the Kaweri case. Under the accusation of misappropriation of funds in his position as headmaster the speaker of the evicted community Peter Kayiira has been arrested. According to the information FIAN is aware, these accusations are unfounded. The arrest seems to be another attempt by the Ugandan Government to silence the evicted community.

December 2004

On the occasion of the Human Rights Day, FIAN Germany's local group in Cologne performs a street theatre which illustrates the eviction of the Kaweri community. The performance takes place in front of the Cologne Cathedral and attracts many spectators out of which more than one hundred participate in the planned urgent action. The letters and photos of the event are sent to the Ugandan Government and to the evicted community.

November 2004

The participants of the urgent action that FIAN started in September received letters from the Ugandan inspectorate of Government. Within these letters the inspectorate announces to investigate this case and asks for further information. FIAN provides the inspectorate with the requested information and expects a quick response.

October 2004

At a visit in Kyengeza FIAN determined that the water pipe has in fact been installed.

September 2004

FIAN launched an urgent action addressing the Ugandan President, requesting to present a timetable for the return of the evictees to their land and to compensate for their losses. Furthermore, FIAN requested to install a minimum wage for the plantation workers based on international standards.

The *Kaweri Coffee Plantation Ltd.* is installing a water pipe from the plantation to Kyengeza, the new town of the evicted community.

July 2004

Reports by the evictees confirm that the strategy of exhaustion by the Ugandan Government has not ended yet. The first hearing in court should have taken place on the 5th of July but the case was transferred to another judge and the official hearing postponed to the 18th of January 2005. This is just the last postponement out of a number of delays and, as a matter of fact, the evictees have not been informed until they managed to travel to Kampala.



Another disappointing development is the renege on the promise by the NKG to stay in close contact with the evictees. A while ago members of the management from NKG visited the plantation without making the attempt to meet with the displaced community. Furthermore, they did not return the phone calls placed by the evictees, as they had promised.

June 2004

FIAN visits the displaced community once again and meets the evictees still living in miserable conditions. Even one year after FIAN determined that the water out of the well close to the primary school is contaminated it is still an ongoing problem. The water supply company in Ggaba/Kampala in fact determined that the water out of the well should not be drunk but no alternative has been offered. There is access to clean water close to the headquarter of *Kaweri Coffee Plantation Ltd.* but the members of the evicted community have to walk a long way to access it. The ones who cannot carry the water by themselves have to pay someone to get it or they will have to continue drinking contaminated water.

In addition, many members of the evicted community fear contamination of water by pesticides and other chemicals which are used in the plantation. Chemicals that are sprayed are Mamba and Furadan 5D (chemical term is Carbofuran). Furadan 5D is listed under group 1b (highly hazardous) on the list of pesticides the World Health Organization keeps track of.

Since the eviction many parents cannot afford to send their children to the secondary school any longer. They request an aid fund.

After the eviction many of the evictees have built their houses in more humid areas, contributing to the raising of the infection rate of malaria. The evictees request the government to provide them with mosquito nets.

May 2004

Anna Nandyose and Peter Kayiira are on a two-week-journey throughout Germany representing the evictees and to mobilize and talk to German decision makers. FIAN organized appointments with members of the Parliament, at the *Department of Foreign Affairs*, with representatives of the press and a visit at the *Neumann Kaffee Gruppe* (NKG).

After the dialogue with the two representatives of the evicted community the members of the Parliament Hans Büttner (SPD) and Hartwig Fischer (CDU) assured their support. With regard to the denial of free unionization at the plantation member of Parliament, Hans Büttner, offers to inform partners of his political network in Uganda. Member of Parliament Hartwig Fischer offered to call the office of the NKG and to officially write to the corporation and the German Ambassador in Kampala.

From his office he immediately placed a call to the office of the NKG and presumably induced the management of the NKG to receive Anna Nandyose and Peter Kayiira, although prior to that the management refused a dialogue with reference to a threat of violence by the evictees against the plantation.

The attendance of a journalist as well as the broadcast of a comment on the radio station "Deutschlandfunk" presumably encouraged the willingness to communicate by the NKG people.

Despite former refusal, the dialogue is a success. The representatives of NKG apologized to Anna Nandyose and Peter Kayiira for their accusation that the evictees threatened the plantation and he assured to address the Ugandan Government concerning the eviction. Furthermore, they assured to stay in contact with the evictees and to inform them about the results concerning the dialogue with the Ugandan Government.



Another meeting takes place with Mr. Wiethoff, representative of the East African department of the Ministry of Foreign Affairs. He assures to address the Ugandan Government if the evictees can send him a report of an Ugandan legal expert supporting their position.

During the public events Anna Nandyose and Peter Kayiira received great solidarity. A foreign scientific advisor of the Ugandan government assured to address this matter within her upcoming visit in Uganda.

August 2003

At the Mubende district in Uganda, FIAN investigates the eviction of the inhabitants of the four villages in favor of *Kaweri Coffee Plantation Ltd.* and talks to the concerned people in the recently set up village Kyengeza, to representatives of the corporation, to public authorities, scientists and non-governmental organizations. The evictees indicate that the water of the well, which has been newly set up by the *Kaweri Coffee Plantation Ltd.* close to the primary school seems to be contaminated. FIAN commissions the local water supply company in Ggaba/Kampala to analyze that water. The result shows that the level of iron in the water is a thousand times higher than recommended by the World Health Organisation – a clear reason why it should not be consumed. FIAN requests *Neumann Kaffee Gruppe* (NKG) to install an alternative for securing the water supply of the evictees.

September 2002

FIAN launches an urgent action and requests the Ugandan President to give back the two square miles of land to the evictees, to end the exploitation at the plantation and to enforce a minimum wage that is consistent with the International Labour Standards on wages. The Ugandan Government does not react.

August 2002

On 15th of August 2002 the evictees file a lawsuit.

December 2001

FIAN launches an urgent action and requests the Ugandan President to return the land to the inhabitants, to reopen the primary school and to remedy the evictees for their losses. The Ugandan Government does not react to this request.

August 2001

Between 17th and 21th of August 2001 the Ugandan Army violently expelled the inhabitants of four villages due to the fact that the government had leased that land to *Kaweri Coffee Plantation Ltd.*