

REPORT

August 2020

# LAND GRABS AT GUNPOINT

Thousands of families are being violently evicted from their farms to make way for foreign-owned plantations in Kiryandongo, Uganda



Houses in the middle of the sugarcane plantation. Photo credit: Witness Radio

*Three multinational companies – Agilis Partners, Kiryandongo Sugar Limited and Great Season SMC Limited – are involved in grabbing land, violently evicting people from their homes and causing untold humiliation and grief to thousands of farming families residing in Kiryandongo district, Uganda. The land grabs are happening on abandoned national ranches, which have long since been settled and farmed by people who came to the area fleeing war and natural calamities in neighbouring areas. The local people are being displaced without notice, alternatives or even negotiations and are now desperately trying to save their homes and lives.*



Apio and her family sit outside their home. In the background, a few hundred steps from their house begins the vast sugar-cane plantation. Photo credit: GRAIN

Sarah Apio is a resident of Kikungulu, Kitwara parish, in Uganda's Kiryandongo district. She and her husband, Olupot James, live with their nine children within an area of land known as "Ranch 28". On 1<sup>st</sup> January 2017, Kiryandongo Sugar Company Limited told the people living within Ranch 28 and three other "ranches" that it had acquired the lands and that they would have to go.

Apio's family is one of a few that still remain but their home is now completely surrounded by a sugarcane

plantation and they no longer have land to grow foods on. Apio must "trespass" through the plantation just to access water. When she does, she's at the mercy of the company's security guards who have already made several attempts to rape her daughter.

Hunger is constant in her family, and, recently, when it became unbearable, Apio said she had little choice but to take some sugarcane from the plantation for food.

"Ever since we ate the sugarcane with my children, we have so many health problems," says Apio. "One of



A young boy with the allergies and infections he developed after eating the sugarcane from Kiryandongo Sugar plantation. Photo credit : GRAIN

my children's stomach is swelling and he has constant headaches. Another child has shortness of breath and rashes all over the body."

Apio's tragic story is also that of most Kitwara parish residents, in the Kiryandongo district, whose lives, farms and homes have been destroyed to make way for three large-scale agribusiness projects supported by the government.<sup>1</sup>

### The agribusiness invasion

Kiryandongo Sugar Limited was the first to arrive in 2017, with its large 2,400 hectare sugar cane plantation project. Company registration documents demonstrate that the company is owned by members of the Rai family, who, through their Mauritius-based holding company, Rai Group, own numerous sugar companies and other forestry and agribusiness companies across Eastern and Southern Africa. Soon after, two

other companies came: Great Season SMC Limited, a Dubai-based company reportedly owned by Sudanese businessmen that is building a coffee plantation on 1,165 hectares, and Agilis Partners, a company owned by US businessmen and backed by several foreign development agencies and "social impact" investors that is establishing a large-scale grains farm on around 3,850 hectares. An estimated 35,000 people are being evicted to make way for these three plantation projects.<sup>2</sup>

"They robbed us and evicted us with guns," says 60-year-old Florence Nassaka, a resident in Canaan village who was evicted by Agilis Partners. "What kind of development did they bring? Do they give us some of that maize that you see there? Try walking into that maize farm and pick just one maize cob, see what will happen to you! It is only for the white man. The worst thing is that the authorities in Kiryandongo did not help us at all; they just ate the white man's money and moved on."

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1. The information presented in this report is based primarily on witness testimonies and other evidence collected through numerous visits to Kiryandongo and through regular communications with community leaders by Witness Radio since June 2018, as well as a series of interviews conducted by GRAIN and Witness Radio with community members and leaders in Kiryandongo in March 2020.

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2. Bill Oketch, "35,000 left homeless as private firms share Kiryandongo land," Daily Monitor, 25 February 2020: <https://farm-landgrab.org/29498>

## Box 1: Who's behind the land grabbers?

The three companies grabbing lands in Kiryandongo are Kiryandongo Sugar Limited, Great Season SMC Limited and Agilis Partners.

Kiryandongo Sugar is owned by members of the powerful Rai family, a Kenyan-based business group that own numerous plantation, food, metals and timber companies in east and southern Africa.<sup>3</sup> Over the past decade and a half, the Rai Group has become one of the continent's largest players in the production and import of sugar.<sup>4</sup> Several of its sugar companies are involved in land conflicts, including the displacement of 5,000 people by Hoima Sugar Limited in Kijayo, Uganda.<sup>5</sup> In the Yala Swamp area of Kenya, the family is in the process of establishing a sugar plantation on the disputed lands formerly occupied by the US-based company Dominion Farms.<sup>6</sup> The family's main holding company is based in the tax haven of Mauritius, while one of the family members listed as an owner of Kiryandongo Sugar owns a British Virgin Islands company that is part of the Panama Papers database.<sup>7</sup>

Very little is known about Great Season SMC Limited. Some local people in Kiryandongo say they have heard that it is owned by Sudanese businessmen, based in Dubai, as a conduit for the funds of the deposed dictator Omar al-Bashir. Company records indicate only that it is owned by one Yasir Adam Ahmedai Abdalla.

Agilis Partners is owned by twin brothers from the US, Phillip Prinz and Benjamin Prinz. In 2013 the brothers established Joseph Initiative, a maize trading company that sources from a network of outgrower farmers in Masindi District who were previously doing contract production for British American Tobacco.<sup>8</sup> The Joseph Initiative has received financial support from several sources. In 2013, it received a US\$1.5 million equity investment from the Dutch billionaire De Rijcke family, via its registered charity in the UK, Dutch Oak Tree Foundation, and DOB Equity (DOB Foundation), a private equity vehicle that manages the "charitable" investments of the De Rijcke family. In 2017, Dutch Oak Tree sold its minority shares in Joseph Initiative to Agilis Partners, but remains involved in the company through a loan that is due in 2022.<sup>9</sup>

In 2013, Joseph Initiative also received a \$500,000 loan from the United Nation's Common Fund for Commodities (CFC), via the Dutch Trust Fund arrangement set up by the Netherlands Ministry for Development Cooperation to support CFC projects with co-financing contributions.<sup>10</sup> And in 2014, the UK DFID funded Food Trade programme granted Joseph Initiative £981,311(US\$1280,59) , under a 3-year project.<sup>11</sup>

3. "The Immortals: From timber, the Rai family became billionaires," The Nairobiian, May 2016: <https://www.sde.co.ke/the-nairobiian/article/2000201533/the-immortals-from-timber-the-rai-family-became-billionaires>

4. The Rai Group's sugar holdings include Hoima Sugar Limited and Kinyara Sugar in Uganda and West Kenya Sugar Company, Kabras Sugar, and Sukari Industries in Kenya. A large plantation project is also in the works in Kenya's Yala Swamp and in Rwanda. See: "Rai family, the empire that decides how sweet your tea is," Daily Nation, 18 March 2020: <https://www.nation.co.ke/news/Rai-family—the-empire-that-decides-how-sweet-your-tea-is/1056-4623146-qhb1kn/index.html>; "Rai Group sugar project worth \$300m yet to be approved," East African, 28 January 2018: <https://www.theeast-african.co.ke/rwanda/Business/Rai-Group-sugar-project-yet-to-be-approved/1433224-4281960-gx4o79/index.html>; "Fresh dispute rocks planned Yala swamp takeover," The Nation, 28 January 2020: <https://farmlandgrab.org/29435>.

5. Albertine Watch, "The community in Kijayo evicted by Hoima Sugar Limited drinking polluted water," 22 May 2019: <https://www.albertinewatchdog.org/2019/05/22/the-community-in-kijayo-evicted-by-hoima-sugar-limited-drinking-polluted-water/>

6. "Fresh dispute rocks planned Yala swamp takeover," The Nation, 28 January 2020: <https://farmlandgrab.org/29435>

7. Guljait Kaur Rai is listed as a shareholder of BVI-based Beachcraft Properties Limited: <https://offshoreleaks.icij.org/nodes/12128862>

8. "Tobacco estates turned into cereal plantations," Uganda Monitor, 9 July 2018: <https://www.monitor.co.ug/Business/Tobacco-estates-turned-cereal-plantations/688322-4653172-view-printVersion-13kf2qsz/index.html>

9. "DOB Equity sells shares in Joseph Initiative", AVCA, 12 September 2017: <https://www.avca-africa.org/newsroom/member-news/2017/dob-equity-sells-shares-in-joseph-initiative/>

10. Annual Report Common Fund for Commodities 2018 (p.50): [https://issuu.com/symsign/docs/cfc\\_ar\\_2018](https://issuu.com/symsign/docs/cfc_ar_2018)

11. ITAD, "FoodTrade East and Southern Africa Mid-Term Evaluation, Final Report," February 2017: <http://iatidfd.gov.uk/ati/documents/45206889.pdf>

In 2014, the Prinz brothers made a move to go beyond trading and invest in farming. They registered another Ugandan company, Asili Farms Limited, as a subsidiary of Agilis Partners, and established two farms: Asili Farms Kinumi and Asili Farms Butobi. A year later they also established another Ugandan company, which seems to be linked to an expansion to a third farm, Drei Asili Ltd.<sup>12</sup> The Kiryandongo farming operation is run through another subsidiary, Agilis Ranch 20 & 21 Investment Company (Uganda) Limited.

In 2015, Asili Farms received a US\$1.2 million loan from the Common Fund for Commodities (CFC), with most of the loan (US\$1 million) provided via the OPEC Fund for International Development. The loan contract was signed in February 2017 and a first tranche of resources was disbursed in May 2017. The CFC says the loan was provided to “further expand commercial farm operations”.<sup>13</sup>

Another key backer of Agilis is the UK/Swiss hedge fund Scipion Capital. It has provided Agilis with short-term trade finance facilities and with a “term-loan” that it says allowed Agilis “to acquire 6,000 hectares of land, cultivate the land and purchase new buildings and machinery”.<sup>14</sup>

The corporate structure of Agilis Partners is complex for a company engaged merely in farming and trading grains in Uganda. According to a filing with the US SEC, one of its companies, Agilis Partners, is registered in the tax haven of the Cayman Islands.<sup>15</sup> There is also Agilis Partners Holding LLC registered in the tax haven of Delaware, US, which is the shareholder of Agilis Partners (Luxembourg). This Luxembourg company received a US\$11 million cash injection in 2016, when it took over shares in another company subsidiary, Agilis Partners Ltd, registered in the tax haven of the Seychelles.

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12. Asili Farms appears to have received backing from the Swiss impact investor Alphamundi. See the promotional video produced by Asili Farms and Alphamundi on the Asili Farms operations, “Asili Farms AlphaMinute,” December 2016: <https://www.youtube.com/watch?v=ibC9AhaFXkg>

13. Annual Report of the CFC, 2018: [https://issuu.com/symsign/docs/cfc\\_ar\\_2018](https://issuu.com/symsign/docs/cfc_ar_2018)

14. See this post by a Scipion Capital employee in 2019 on LinkedIn [https://www.linkedin.com/posts/cfstorey\\_scipion-capital-ltd-is-working-with-the-activity-6569579259382366208-w\\_R\\_](https://www.linkedin.com/posts/cfstorey_scipion-capital-ltd-is-working-with-the-activity-6569579259382366208-w_R_) as well as the Scipion Capital website: [https://www.linkedin.com/posts/scipion-capital\\_ace-press-release-ugcPost-6588440529644597248-5bld](https://www.linkedin.com/posts/scipion-capital_ace-press-release-ugcPost-6588440529644597248-5bld). Scipion describes itself as a “financier” of Agilis here: [https://www.linkedin.com/posts/scipion-capital\\_ace-press-release-ugcPost-6588440529644597248-5bld](https://www.linkedin.com/posts/scipion-capital_ace-press-release-ugcPost-6588440529644597248-5bld)

15. Agilis Partners, “Response to Business & Human Rights Resource Centre,” 18 May 2020: <https://www.business-humanrights.org/sites/default/files/documents/Response%20to%20Business%20%26%20Human%20Rights%20Resource%20Centre%20-%202018%20May%202020.pdf>

## Background to a land grab

The 2007-8 global food and financial crises triggered a rush for farmland in Africa. Since then, African governments have signed hundreds of deals with foreign companies for agribusiness projects covering over 10 million hectares of land. The impacts on local communities have been brutal. They have lost their lands, forests and water sources and have suffered violent repression, food insecurity and all kinds of social ills.<sup>16</sup>

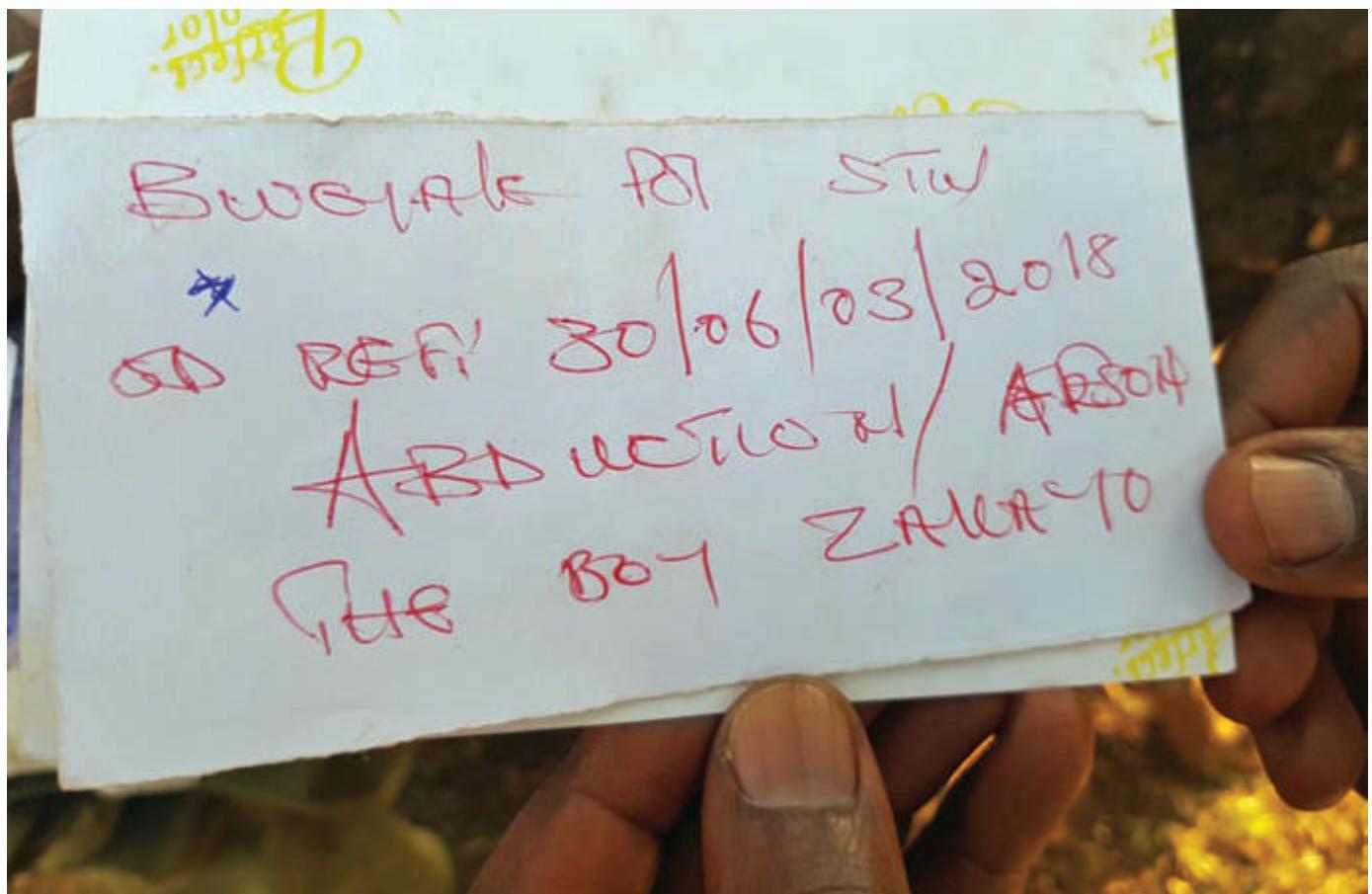
Much of the land that governments and companies have seized is occupied by communities with little legal or political capacity to resist, such as migrant communities. For example, in 2010, the Government of Tanzania offered lands to the US agribusiness company AgriSol that over 160,000 refugees from Burundi had occupied and cultivated for nearly 40 years.<sup>17</sup> For similar reasons, governments and companies have targeted lands previously allocated as concessions that were abandoned or never developed by the concession holders. Although these lands have since been reoccupied and cultivated

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16. See AFSA, “Policy Trends and Emerging Opportunities for Strengthening Community Land Rights in Africa,” November 2017: <https://afsafrica.org/land-policy-report-policy-trends-and-emerging-opportunities-for-strengthening-community-land-rights-in-africa/> and GRAIN, “The global farmland grab in 2016: how big, how bad?” June 2016: <https://grain.org/e/5492>

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17. Oakland Institute, 2012: Understanding land investment deals in Africa. Lives on hold: The impact of Agrisol’s land deal in Tanzania. Available at <https://www.oaklandinstitute.org/iowa-company-linked-refugee-abuses-tanzania>



A reference number from a report filed by one of the community members at the police station. Photo credit: GRAIN

by local communities, governments and companies have used the old concession contracts as a basis to sell the lands on to new companies. There are numerous instances where this has transpired with old oil palm plantation concessions in West and Central Africa.<sup>18</sup> In Kiryandongo District, in the west of Uganda, both of these factors are at work.

Many of the families that now live in Kiryandongo are descendants of families that came to the area in the 1930s for farming.

"I was born here on 25 February 1942 and raised here by the late mzee Kamiri Kajura. My siblings and I have been staying here since childhood," says 78-year-old Bakaikara Edward, a resident of Kakoba village, Kitwala Sub County in Kiryandongo district who is currently facing eviction by Kiryandongo Sugar Limited.<sup>19</sup> "We cultivated and lived on 400 hectares as a family, composed of my father's seven wives and 29 children. By the time he died in 1995, we had established families, commercial

farming and a strong bond to the land. Before my father died, he carved 200 hectares out of his land and transferred it to me when I married my first wife. I settled on this piece and developed it. As a farmer, I planted maize, cassava and all forms of food crops both for home and for sale."

Over the years, more people, fleeing war and natural calamities, came to settle in the area from other parts of Uganda and even neighbouring countries. There are Acholi, Masaaba, Kenyan Luos, Congolese and South Sudanese Dinkas, Kuku, Nuer, Kakwa, Madi, and Siluk.

Joseph Walekula is one of many people who came to Kiryandongo because of landslides in their home area of Mbale, in Bududa District, Uganda. He settled in the district in 2012 and was accommodated by a family that had lived on the land for more than 40 years.

"Most of us moved from Bududa because of the landslides. For some, they were relocated by the government and given land. I, on other hand, moved on my own and missed out on government land allocations in Kiryandongo," says Joseph. "I moved to Kiryandongo and hustled and worked hard to make a new home for myself. There are still many problems of land and mud slides in Bududa."

18. Alliance Against Industrial Plantations in West and Central Africa, "Communities in Africa fight back against the land grab for palm oil," September 2019: <https://grain.org/e/6324>

19. Excerpt from a sworn Court Affidavit, 2020.

## Box 2: Kiryandongo district

Kiryandongo district is located in western Uganda, approximately 225 kilometers from Uganda's capital, Kampala. It was established in July 2010 after it was demarcated off of Masindi district. The district extends across 3,624 km<sup>2</sup>, of which 1,747 km<sup>2</sup> are arable lands.<sup>20</sup> The area is generally hot, but the soils and weather remain conducive to farming and livestock.

The district is part of Bunyoro sub-region, and Runyoro is widely spoken in the area. Other languages, however, like Luganda, Swahili, Runyankore, Lugisu and English are also widely spoken. The variety of languages spoken is testimony to Kiryandongo's diverse population and the history of migration to the area.

20. Uganda Investment Authority. Kiryandongo district investment profile. Available at [https://www.ugandainvest.go.ug/wp-content/uploads/2019/06/UNDPUG1720-DistrictProfile\\_Kiryandongo.pdf](https://www.ugandainvest.go.ug/wp-content/uploads/2019/06/UNDPUG1720-DistrictProfile_Kiryandongo.pdf)

But the lands of Kiryandongo have not only been of interest to small farmers. In the late 1970s, then president Idi Amin Dada declared about 3,800 hectares in Kiryandongo to be government land and then partitioned these lands into ranches measuring several hundred hectares each. In 1975, the government then granted a lease over several of the ranch lands to a Ugandan company called Sodari Livestock Enterprises. It initiated some cattle and sheep raising, but, when war erupted in the country in 1979, the company abandoned the project and went out of business.

Many local people, some of whose families have lived in the area since the 1930s, were not even aware that a lease to their lands had been given to Sodari. Isingoma David, an 83-year old resident of Kisaranda sub-county, who lives and farms on an area of land that he inherited from his father and that is within what is now known as Ranch 21B, says he only heard about Sodari's lease through a rumour in 2013.

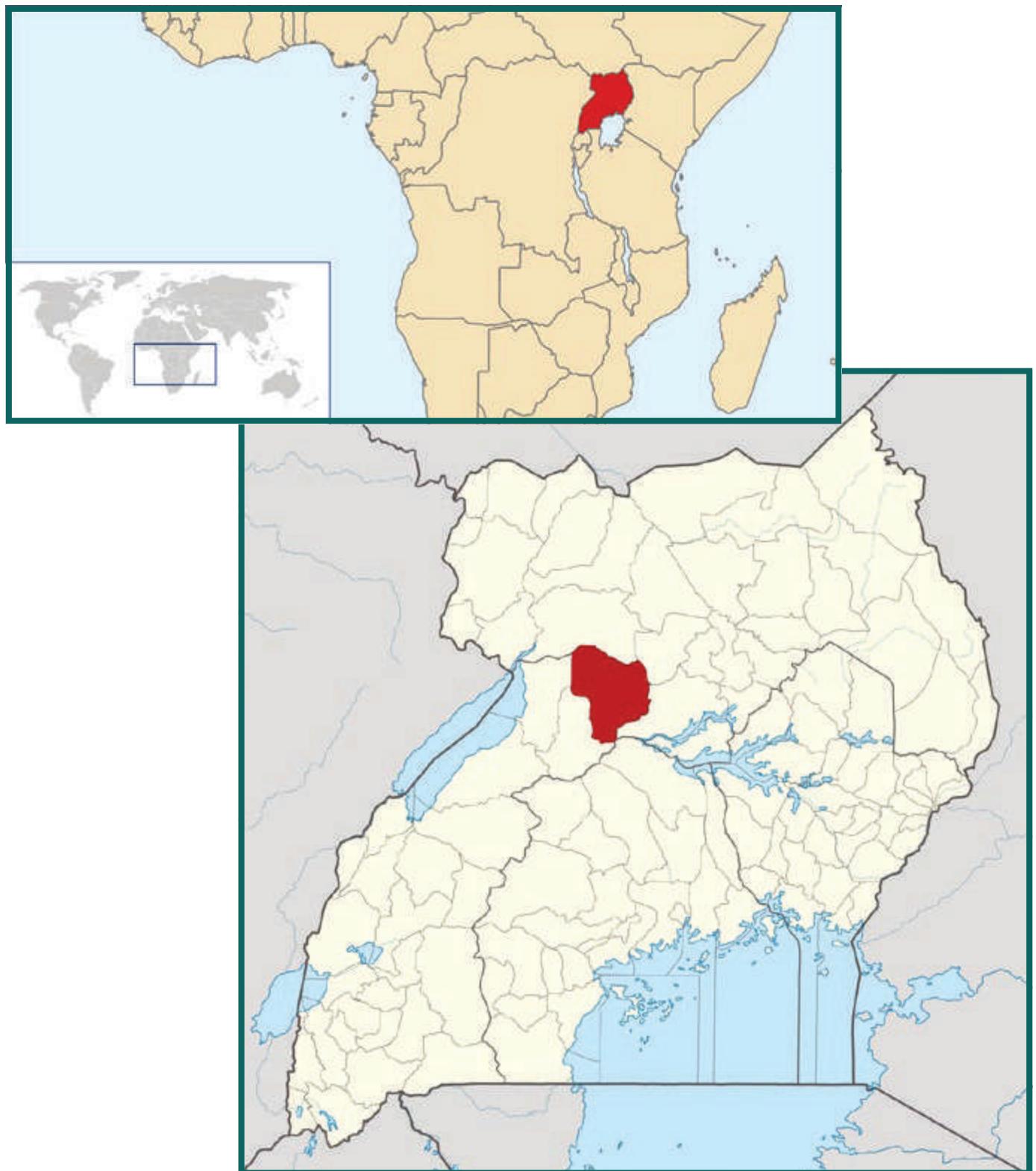
Others, who were displaced by Sodari's operations, were moved to an area along the River Nile that Sodari claimed to have set aside for them as part of its lease agreement. "The owner said he had 1,165 hectares available near to the River Nile and if we could self-organise and work with him, he would be happy for us to go and stay there," says Baryaija Benon, one of the local residents who was moved to the resettlement area.

For several years after Sodari left, the lands it occupied laid bare. Forests and bushes grew, and people eventually started moving on to the lands to clear them for agriculture. Many families were even resettled in the area by the government between 1995 - 1998, under a Ranches Restructuring Scheme, and they formed an organisation called Nyamalebe Farmers' Association - now known as Umoja Farmers' Association. Through this association they applied to formalise their stay on

the land and followed the legal government procedure.

"We started at the Local Council (LC) 1 offices and made our way through all the LCs and the Resident District Commissioner (RDC) [the president's representative at the district] and we got all the papers and they also agreed with us that we should stay on this land," says Joseph Walekula, who is the chairman of Umoja Farmers' Association. "We took the papers to the then Minister of Lands, Aida Nantaba and she also wrote to us a letter informing us that they were coming to Kiryandongo. Then, Minister Nantaba made an arrangement and brought a team from the different ministries that were concerned with our matter... They came to all the ranches and held meetings in 3 places: Kabong, Kapapula and Kimogola. With them, they had representatives from Forestry, RDCs area MPs, Local Council Five (LC5), people from environment, lands and the Attorney General's office. They came to the conclusion that the people on the land were there lawfully. They wrote the report and brought those documents back to us that allowed us to stay on the land until the government made its decision. At the government level, we don't know what happened after that."

That was in 2013. Yet, while the Umoja farmers waited for the government's response on their formal land claims, they and the neighbouring communities in Kiryandongo were unaware that other actors were conspiring to take the lands from them. Little did they know that a deal for a large part of their lands was in the midst of being signed with Kiryandongo Sugar. Or that Sodari, a company that had abandoned its livestock project nearly forty years ago, was in the process of transferring its lands to the US company Agilis Partners. Or that Great Season Limited was acquiring the resettlement lands where communities displaced by the Sodari project were now peacefully living and farming.



Map of Uganda (top) and Kiryandongo (bottom). Source: Wikipedia

## Foreign companies swoop in

The people of Kiryandongo have a long history of welcoming new settlers to the area. So, when these three foreign companies came talking about new agricultural projects that they were going to pursue on the lands, the local people were at first open-minded.

"In fact, we welcomed them, especially if they are going to bring about development," says Joseph Walekula. "They only needed to have come in properly, made the right arrangements, acquired land in an appropriate manner and acknowledged the communities that they found in the ranches, at least given us a share on



Bakaleke Joseph the Kiryandongo District Police Commander (extreme right), together with other police officers at an eviction. Photo credit: Community member archives

the land. This should have been a win-win situation but when these ones came, they wanted a win-lose situation, where they were the winners and the communities the losers."

The situation quickly soured. According to local community members, in April 2017, Agilis Partners purchased the lands they were cultivating without their knowledge. Those living on the lands say they only found out about the deal several months later when the Kiryandongo district Local Council Five Chairman (LC5) and the area Member of Parliament (MP) held a rally at Kanani and Kapapula trading centers in October 2017. That is when they announced to the communities that the lands belonged to the government, that the lands had been sold to companies for development and that the company would compensate the victims and follow all the eviction perquisites.

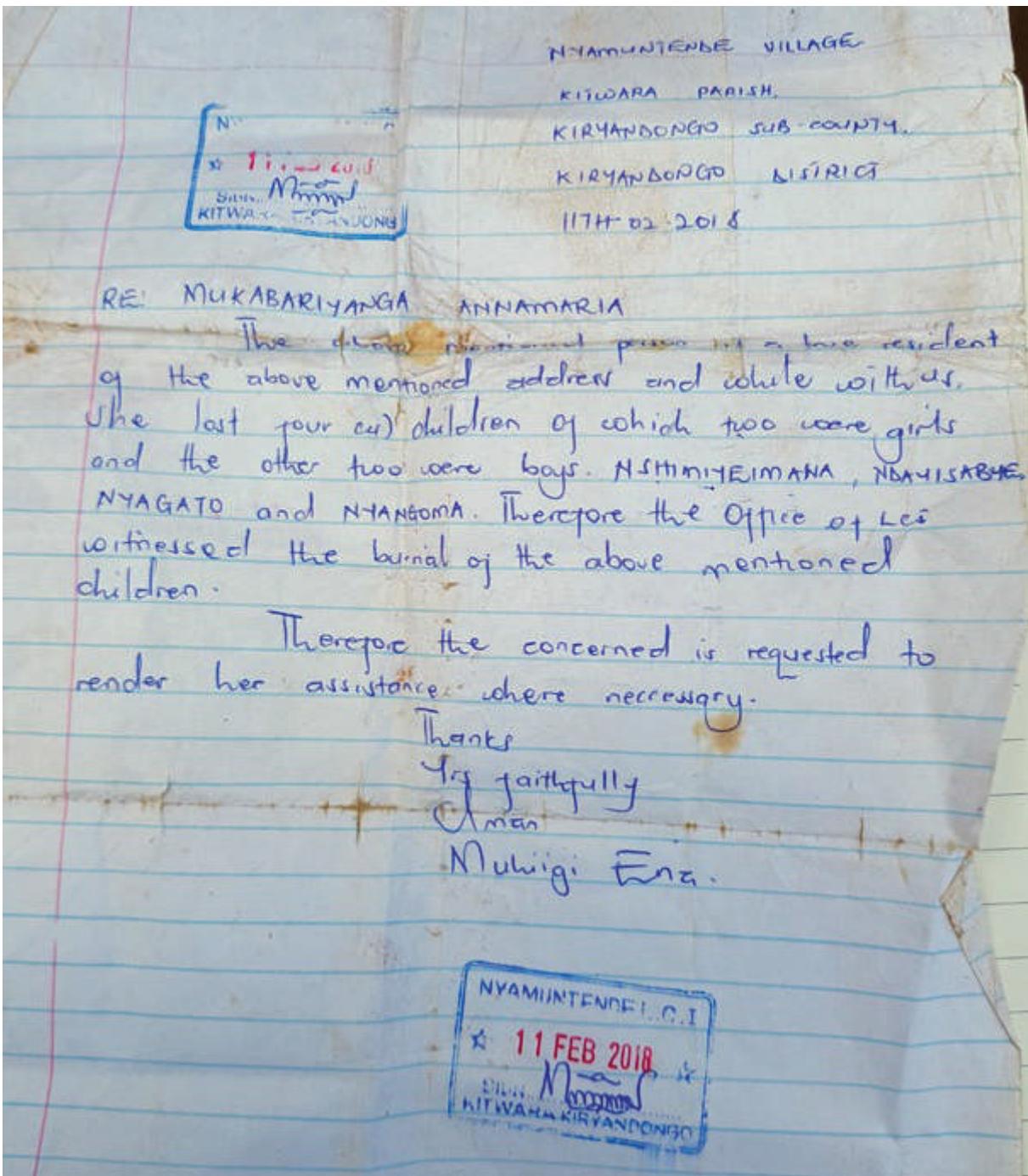
After this incident, community members decided to self-organise. They began by nominating prominent community members to lead them in finding the truth behind the land grabs.

"We immediately launched consultative meetings and the first office we went to was that of the area Member of Parliament," said one of the community

elders. "In that meeting, he told us that it was true the land had been sold with no proof (no document was shown). To that effect however, he said, the investors would compensate for properties on the land but not for the piece of land."

Two weeks later, after the meeting with the Member of Parliament, information leaked that there would be a "stakeholders' meeting" with the investor at a hotel opposite the Kiryandongo district headquarters. Three community leaders managed to sneak into the meeting and in attendance were the Kiryandongo district RDC, Kiryandongo District Police Commander (DPC), the area LC 1, LC 3, LC 5, and a white man representing the company Joseph Initiatives who introduced himself as Phillip Prinz. According to community members, this was the first time they saw someone from Joseph Initiatives, which is owned by Agilis Partners.

The community leaders present in the meeting say that Phillip Prinz presented a road map that he claimed would lead to the development of the land. He mentioned a number of plans including registration of all lawful occupants, valuation, consultative meetings, compensation and resettlement. Other pledges



Mukabariyanga Annamario's letter, it was written by her local leaders to help her obtain compensation (Letter shared by Annamario)

included training farmers in seed management and storage, the construction of hospitals and roads and a total investment of upwards of a billion shillings (US\$275,000). Prinz promised jobs for community members and even displayed samples of 5kg maize flour bags that he said his company was going to provide to the affected communities.

The three-person delegation of community leaders at the meeting demanded to know what was the plan for the compensation of affected community members

and asked a series of other pointed questions about the violent ways in which their lands were being grabbed.<sup>21</sup> Prinz is said to have responded with a promise that his company would valuate their properties on the lands and would offer adequate compensation to everyone. He also is said to have promised to pay an additional UGX 500,000 (about US\$ 131) for bush clearing.

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 21. Interview, March 2020: Extracted from an interview with Joseph Walekula.

Community leaders say these promises were never fulfilled.

Shortly after, in late November 2017, the area Member of Parliament invited 10 community leaders for a meeting at the Bweyale trading center. Once at the meeting venue, the community leaders say they received a call from community members informing them that three police patrol cars, loaded with 10 policemen in each vehicle had invaded their villages with a group of about 20 men armed with pangas (machetes) and clubs to carry out a forceful invasion of their lands.

No sooner had the community leaders received this information than they were surrounded by police, arrested and taken to the Bweyale police station where they were then transferred to Kiryandongo Central Police station, where they remained illegally detained for 10 days. They were charged with inciting violence, malicious damage to property, arson and aggravated robbery. While in detention, five more community leaders, including the women representative to the Local Council 1 (LC1) Akiteng Stella, who had protested the forceful land invasion, were also arrested and held in police cells.

Community leaders say that once this land invasion was complete, workers from Agilis Partners, accompanied by Kiryandongo police officers, went into the communities and started intimidating and forcing individual community members at gunpoint to accept payments of as low as UGX 300,000 (about US\$ 78) to leave their land.

## Violent land grabs

In early 2017, residents of Kakoba village in Kiryandongo district heard on the radio that they were soon going to be evicted from their lands.

"I heard notices over radio that the people should prepare to have their lands valued, to be compensated and to leave the eviction site," said 78-year old Bakaikara Edward, a resident of Kakoba. "The advert was run for two months...No meeting or information was given to us pertaining to alternative settlements, nor did they carry out public hearing and valuations."<sup>22</sup>

Then in March 2017 agents and workers of Kiryandongo Sugar Limited descended on the area, accompanied by the local Member of Parliament and other local government officials.

"They threatened me and my 4 children with guns and said we should leave the house. I was 8 months

pregnant and my husband was away. They pushed us out forcefully and I was caned thoroughly in the back without consideration of my pregnancy. I was thrown down by one of the evictors and continued being beaten on the ground," says 35-year-old Mukabariyanga Anamario, a resident of the area of Ranch 23. "Due to the bad injury they induced on me, I started bleeding for about 5 days but could not go to the hospital because I did not have money. I was later taken to Kiryandongo Hospital by the people of the neighbouring area where I moved to after the eviction. Unfortunately, I had a still-birth due to the severe fall that I had during the eviction. My back was also badly injured, and I still feel pain."<sup>23</sup>

Such violent repression of villagers in Kiryandongo is often done with the involvement of the Ugandan state. Witness Radio has collected evidence that soldiers from 4th Division of the Uganda People Defense Forces (UPDF), Kiryandongo police personnel and private security guards, like Saracen Uganda Limited, from outside the area are working directly with Kiryandongo Sugar, as well as Agilis Partners and Great Season, to carry out the evictions. Apart from Saracen, the companies also employ untrained and violent security guards who are armed with pangas as well as bows and arrows.

Great Season, for instance, collaborates with a local land dealer named Reuben Mwesigwa who sold them the land titles in the area. Although community leaders have seen documents from the government's local Land Protection unit in Kibuli showing that these land titles are fake, Mwesigwa has used his close relationship with the Kiryandongo police to prevent the local residents from challenging the company's occupation of their lands.

Community leaders say that the police have acted on Mwesigwa's orders to physically assault members of the community and to arbitrarily arrest and detain community land rights defenders. According to them, the area's police post at Kimogola refuses to handle any complaint from community members affected by Great Season's operations and all of their attempts to file cases have been rejected. On 22 March 2020, Sipiriano Baluma, a resident of Jerusalem village, was arrested and detained at Kimogola Police Station when he tried to lodge a complaint against Great Season regarding the destruction of his crops. He was later transferred to Kiryandongo Police Station where he was charged with criminal trespass and released on bond after spending 10 days in an illegal detention centre.

Similarly, on 25 March 2020, in Nyamuntende, company agents from Kiryandongo Sugar, accompanied by four soldiers of the Uganda People's Defence Forces

22. Interview, March 2020: Excerpt from a sworn court affidavit (2020).

23. Court Affidavit, 2020: Excerpt from a sworn court affidavit.



A community member who was beaten and hacked with a panga during the eviction. Photo credit: community member archives

(UPDF), entered the property of land rights defender Richard David Otyaluk with a tractor belonging to the company and ploughed up his maize fields. When Richard David Otyaluk tried to stop the tractor from destroying his crops, the soldiers detained and beat him. They also beat and detained land rights defender James Olupoti who tried to photograph the attack. Both were taken to a camp belonging to Kiryandongo Sugar that houses workers and UPDF soldiers. There they were tortured before being transferred to the

Kiryandongo police station. They were held there for seven days before being charged with criminal trespass and released on bond.

Such constant violence has made residents fearful of speaking out and fighting back.

"Of course, I fear for my dear life and reprisals if what I have said here reaches our evictors," says Benon Baryajja, one of the former residents of Ranch 23, where Great Season is operating. "These companies have established a surveillance network to spy on us, on everything we do.



Community members in Jerusalem village, Kiryandongo in a meeting with Human Rights Defenders where they share their struggle. In the background we see the makeshift houses that their local leader has allowed them to erect so they can have a place to stay in the short term. They are not allowed to build permanent structures like toilets or homes. Photo credit: GRAIN

They have done so through buying/compromising everyone including our fellow victims. Every time you speak out, they will look for you. If you go and complain anywhere, you will no longer be able to sleep in your home. As I speak to you now, I am not at my home. I tried to stay there but I was beaten, tortured and threatened until I left it. I lost my property to save my life."

### The suffering of the people

"Our hearts are broken. Our children are not going to school and we do not have food. We are angry, very angry and we are hungry," says Joyce Badudu, one of the women evicted from her lands by Kiryandongo Sugar.

Before the agribusiness companies came in, Badudu and the other small farmers of Kiryandongo planted beans, maize, sweet potatoes, bananas, groundnuts,

cassava and mangoes, and they kept pigs, goats and cows. Now, large chunks of land are covered with sugarcane, coffee, soya and maize which are all solely for export, while one of the companies, Agilis, produces cereal for the United Nations World Food Programme.

"I had 23 acres of land. I had a banana plantation as my biggest investment," says another villager, Agarubanda Emmanuel. "I also farmed maize and cassava and grew yams. I kept 60 free range chickens, 47 pigs, and free-range ducks. I had also made a chain link fence for my pigs and those chains are still there although the fence was destroyed."

Food was once plentiful in the area, and the people produced surpluses that were even sold in the markets of Kampala. But now hunger and malnourishment stalk the communities. Without lands to farm, the local people have had to turn to work on the plantations. Kobusingye



Part of Agilis's 10 square mile maize plantation just before harvest in January 2020. Photo credit: GRAIN

Jane, a former resident of Ranch 23, says her husband died from the shock and distress of being evicted from their home. With 12 children to raise and educate on her own, she has no choice but to work as a casual labourer on the Kiryandongo Sugar plantation where she is paid about US\$0.50 for a day's work.

"Those people working in sugarcane are really suffering. They are living like slaves. We often wonder if these companies come to impoverish Ugandans," says Joseph Walekula. "We asked one police officer at the time that we were jailed why he was torturing fellow Ugandans. He told us that they want us to suffer and live on the streets. It feels like the government and these investors are just set out to torture ordinary Ugandans."

The health of the workers and local people are also impacted by the heavy use of agrochemicals on the plantations as well as the burning of sugarcane. Local residents say that nothing is done to protect them or forewarn them when crops are being sprayed or being burned. The effects of these chemicals are visible on

the bodies and compromised health of the children and women. Residents also say that the plantations have also greatly increased the population of mosquitos in the area. Yet, the companies have not set up medical clinics to care for the workers and local people impacted by their operations. Moreover, several local schools have closed because the children can no longer access them.

#### Schools that have been destroyed so far

Kyabaga Memorial Primary School  
Bright Future Primary School  
Kololo Primary School  
Real Quality Primary School  
Nile View Primary School  
Good Hope Primary School  
God's Grace Primary School

#### Drug shops that have been destroyed

Mark Osunde Drug shop  
Akweko Mungguni  
Otyaluk drug shops



During an emotionally charged women's meeting, woman shows the compensation claim form (yellow paper) that she has kept for years with hope of compensation.  
Photo credit: GRAIN

## Pushed to the brink

Communities are doing their best to fight for their dignity and for their lives to be restored despite the threats and intimidation they face. In the case of Agilis Partners, they have tried, with the support of some national and international organisations, to pressure those foreign governments and companies that support and finance the company. In February 2020, they addressed an open letter and a petition to the ambassadors of the United Kingdom, United States and Netherlands in Uganda as well as the government of Uganda to stop the evictions and address this land grab.<sup>24</sup> Agilis did issue a public

response, but little has changed on the ground, and the various governments have remained totally silent.<sup>25</sup>

The communities are also trying to seek justice in court. With the support of a human rights defense organisation – Witness Radio – and their lawyers (M/S Kiiza & Mugisha Advocates), the communities have filed several cases in the Masindi high court to try and block the evictions. The cases are currently pending hearing dates.

Sadly, however, the evictions, arbitrary arrests and human rights violations – even during the COVID 19 pandemic and despite a ministerial directive not to

24. See farmland.org for accounts, and particularly farmlandgrab.org, Open letter to halt land evictions by agribusiness companies in Kiryandongo District, 2020, <https://www.farmlandgrab.org/post/view/29484>

25. See "Agilis Partners' Response", Business & Human Rights, 15 April 2020: <https://www.business-humanrights.org/en/agilis-partners-response>



Some of the demolished houses. Photo credit: Witness Radio

evict any land occupants – have continued.<sup>26</sup> The companies have taken advantage of the lockdown to intensify pressure on the locals to leave. There have been reports of Agilis seizing cattle from local people and of Kiryandongo Sugar blocking community access to water and ploughing up people's gardens. There are even recent cases of community members being captured and tortured by men working for the company. In one such case, men working for Saracen, a private security company that provides services for Agilis, picked up a community member at his home in the middle of the night and forcibly detained him for days in a building at the Agilis site, where he was tortured and prevented from contacting his family, his lawyer or a doctor.<sup>27</sup>

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26. Witness Radio, Multinationals use COVID-19 crisis to violently grab land of poor communities with impunity. <https://witnessradio.org/multinationals-use-covid-19-crisis-to-violently-grab-land-of-poor-communities-with-impunity/>

27. Witness Radio, "Agilis Partners/Asili Farms resort to torture to disempower and grab land from the poor," 12 May 2020: <https://witnessradio.org/agilis-partnersasili-farms-resort-to-torture-to-disempower-and-grab-land-from-the-poor/>

The lawyers have also faced their own persecution from the authorities. On 30<sup>th</sup> June, 2020, seven lawyers – Nafula Elizabeth, Kaijuka Ezron, Tuwayenga Brian, Buryelali Joan, Muhindo Morgan, Koloa Eric and Marunga Christine commissioned by Kiiza & Mugisha Advocates to collect evidence – were detained following orders from the Kiryandongo District Police Commander Bakaleke Joseph with close supervision of the Agilis Manager on the charge of carrying out a "negligent act likely to spread infection of disease".

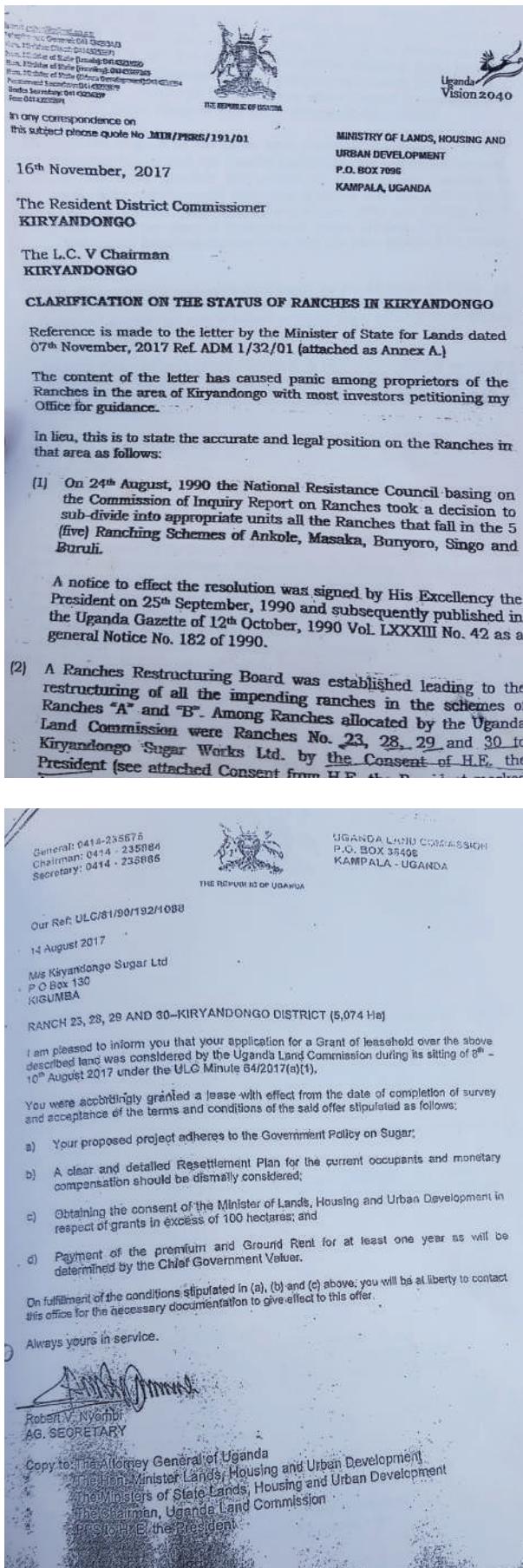
"We were born in Uganda but Uganda has changed. We don't know if our leaders love and care for the white people more than they care about their own citizens. I don't know where they rate us as Ugandans," says Florence Nassaka. "If you try and step on that land, they will arrest you because you stepped on the white man's land."

It is a sentiment echoed by fellow community leader Benon Baryaija. "This is why we do not feel like Ugandans. You cannot stay in the middle of a soybean, sugarcane or coffee plantation. We are now walking around aimlessly in a country that is supposed to be ours."

## **Recommendations**

- It is imperative that the responsible government authorities protect women, children and all vulnerable groups whose livelihoods are constantly threatened by limited land use and access.
- African governments must stop handing out farmlands to foreign companies and start prioritising their own people's access to land and local food systems.
- The evictions should be stopped and reversed and the villagers must be fully compensated for any damages they have suffered.
- There needs to be an immediate and independent investigation into the crimes of fraud, torture, sexual abuse, corruption and all other illegal activities that are alleged to have occurred in the eviction of the communities from their homes and lands in Kiryandongo District. All those responsible for these crimes, including the government authorities and company owners, must be persecuted with the full weight of the law.

# Appendix 1 - 5



relinquished with the owner as private ranch after Government's failure to fulfill its contract. I am also privy to information that Sodari has sold the whole/or part of this Ranch to Agilis Partners c/o Katende, Ssempebwa and Company Advocates, P O Box 2344, Kampala. House of Ceramics was also allocated approximately 4 square miles which is held under 3 separate Title Deeds.

- (4) In due respect to the above legal positions, the Resident District Commissioner and the District leaderships are instructed to assist in all ways possible the owners of the specified ranches to amicably negotiate and settle any disputes with the legal tenants on the subject properties in accordance with the relevant land laws. In the case of Kiryandongo Sugar Limited, they officially submitted their resettlement plan (see the plan attached as Annex C).

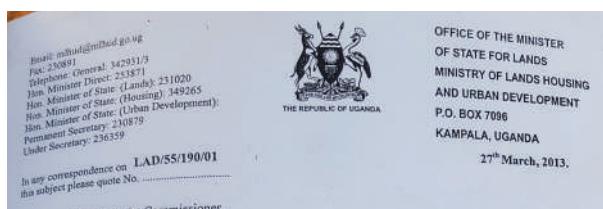
This letter rescinds communication made by the Minister of State for Lands which in essence had resulted into halting activities by the registered proprietors and is bound to cause legal suits to Government if not clarified.

By copy of this letter, you are requested to help render all the necessary assistance to the project developers in the area and to educate the legal tenants of their rights and the options provided to them under the law in this circumstance.

*B. A. M. O.*  
Amoni Betty Ongom (MP)

**MINISTER OF LANDS, HOUSING & URBAN DEVELOPMENT**

- cc: The Ministers of State, Ministry of Lands, Housing and Urban Dev.  
cc: The Woman Member of Parliament, Kiryandongo  
cc: The Member of Parliament, Kibanda North, Kiryandongo  
cc: The Permanent Secretary, Ministry of Lands, Housing & Urban Dev.  
cc: The Principal Private Secretary to H.E. the President  
cc: The Chairman, Uganda Land Commission  
cc: The District Police Commander, Kiryandongo  
cc: The District Security Officer, Kiryandongo  
cc: The L.C. III Chairman, Kiryandongo Sub-County  
cc: The L.C. III Chairman, Mutunda Sub-County  
cc: The L.C.I Chairman, Nyamunente Sub-County  
cc: The L.C.I Chairman, Kigomoro A  
cc: Kiryandongo Sugar Ltd.  
cc: Agilis Partners, c/o Katende, Ssempebwa and Co. Advocates,



- cc: Hon. Minister for Security, Office of the President.  
cc: Hon. Minister of Lands, Housing and Urban Development.  
cc: Hon. Ministers of State/Ministry of Lands, Housing and Urban Development  
cc: The Permanent Secretary, Ministry of Lands, Housing and Urban Development.  
cc: The Inspector General of Police  
cc: Director, Land Management.  
cc: Director, Land Matters, State House  
cc: District Chairperson, Kiryandongo  
cc: District Police Commander, Kiryandongo  
cc: Chairperson LC III Mutunda Sub-County  
cc: Chairperson, LC I Kimogora Village  
cc: Mr. Nyakuri Michael (Chairperson Nyamalebe Land Less Group)  
cc: Mr. Kansiime Fred (Chairperson Kimogora Squatters Group)

TEL: 25621  
FAX: 25621  
EMAIL: [sugarcane@minland.gov.ug](mailto:sugarcane@minland.gov.ug)

IN ANY CORRESPONDENCE ON THIS SUBJECT PLEASE QUOTE ENT. NO. PO/13



THE COAT OF ARMS

State House,  
P. O. Box 25497,  
Kampala,  
Uganda.

17<sup>th</sup> July, 2017

Hon. Amongi Betty Ongom  
Minister  
Ministry of Lands, Housing and  
Urban Development  
KAMPALA

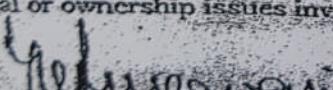
CONSENT FOR ALLOCATION OF LAND FOR SUGAR-CANE  
PRODUCTION AND FACTORY IN KIRYANDONGO DISTRICT

Reference is made to your letter of 15<sup>th</sup> May, 2017, requesting for my no objection to leasing the government land in Kiryandongo for sugar production.

Indeed, I have no objection to the development and expansion of the sugar industry in Uganda. Work with the Attorney General to facilitate the process.

I, however, want to caution you and the investor to avoid the mistakes of Busoga and follow the Sugar Policy. No household with less than 6 acres of land should be involved in sugar growing. The sugar factory should also be 50 kms from another factory and 25 kms from another estate as the Sugar policy prescribes.

I, therefore, have no objection to that cause. Go ahead and work with the Local Government in facilitating the investment if there are no legal or ownership issues involved.

  
Yoweri Museveni  
**PRESIDENT**

**Copy to:** H.E. the Vice President  
Rt Hon. Prime Minister  
Attorney General  
Minister of State for Lands, Housing and Urban Development  
Permanent Secretary, Ministry of Lands, Housing and Urban Development  
Chairman, Uganda Parliament



The Alliance for Food Sovereignty in Africa brings together small-scale food producers, pastoralists, fisher folk, indigenous peoples, farmers' networks, faith groups, consumer associations, youth associations, civil societies and activists from across the continent of Africa to create a united and louder voice for food sovereignty.

**P.O.Box 571 Kampala, Uganda**  
**Email:** afsa@afsafrica.org  
**Website:** www.afsafrica.org



GRAIN is an international non-profit organisation that works to support small farmers and social movements in their struggles for community-controlled and biodiversity-based food systems.

**Girona 25 pral., 08010 Barcelona, Spain**  
**Email:** grain@grain.org  
**Website:** www.grain.org  
**Tel:** +34 93 3011381



Witness Radio Organisation is a Uganda based not for profit organisation working to protect and promote the respect of human rights in development.

**Plot 28, Prof. Nsibambi Road, Bulange, Kampala**  
**P.O.Box 16882 Wandegeya**  
**Email:** info@witnessradio.org  
**Website:** www.witnessradio.org  
**Tel:** +256 (0) 414 697221

Thanks to the Environmental Defenders Legal Centre,  
Kiiza & Mugisha Advocates  
and the Food Rights Alliance (FRA)  
for their help with this report.