

KOT obedo ka cokere ame odonyo kede ngol awopere kede cik iye, onyo Kan ame duloro ame cik oyeye me winyo pido bedo iye me tyeko atubatuba ikin jo. Awopere kede cik ame twero mere nwongere idul 88 me cik ame mako LOBO (Land act CAP 227). Atekere omio twero me winyo kede kato ingol gi ipido me lara lobo kun itungcel dang omio gi twero me winyo kop acalo odwek jo (mediators). Cik man ka ineno aber mio Atekere twero me tic acalo **KOT**.

Bala kot komittee me Atekere ame awinyo pido me lara lobo myero nge aber yore apirigi tek amyero olub me kato kede ngol kakare dok okato kede ngol atir, me ateni abongo lengere. Yore apirigi tekki onyo ileb Muno Natural justice mito Ngol atir, me ateni abongo lengere, mito ni ngol bed abongo camucana kun oworo twero adano arorom.” Tic Ongol Kop onyo kot me neno ni yo man olubu, tye opoko yie idul aryo adongo: 1) Me neno ni ongolo kop abongo lengere onyo dworo kor dano acel ikin jo atye apido ame man mio lwak bedo kede gen kede woro ikom KOT me Atekere. 2) Me neno ni pido owinyo abongo lengere kun omio jo apido obedo kede ngec kede kare ikom pidogi, kun dang omio twero me gamo adot, kede kelo cadene gi inyim okiko.

Yo me aluba kede Tic a kot magi aryoni dok ongwengweka kit man:-

1) Jo ducu rom aroma inyim cik. (Every one is the same before the law)

Atekere myero nen ni otero jo apido ducu arorom aroma abongo paro nga agin obedo; kadi alonyo onyo acan; kadi atin onyo dano otii; icoo onyo dako, onyo dano ayaa iyi Atekere man onyo atekere apat. Cik akwako opido kede kit ame atero kede dano ducu myero bed arorom- aroma bala aporere, committee me Atekere myero bed kede wel cul arorom. Jo ducu myero lub cik arom aroma. Committee me atekere myerope tam ni tye ngat adit akato cik; kadi dano no olony, tye kede gupu adwong l paco no.

2) Pe lengere onyo miyo lwak ngoli kop ni yin ilengere oko inyim KOT (Impartiality)

Angol kop onyo amemba me kot me Atekere myero pe bed kede miti onyo wat iyi pido(adot) ame otye awinyo. Ka wonkom obedo wat ikin jo ame tye apido en myero tit kan aler bot komiti me Atekere dang te weko kom onyo winyo pido oko bot jo okene ame pe obedo wat me telo kede winyo pido. Pe tye kakare ni yin imede winyo kop man pien bino nen ba yin ilengere aco myero pe ilengere ingolo kop.

3) Miyo kit a kot awot kede nen kan aler but jo ducu (Transparency)

Ginoro keken ame atimere ipido me Atekere myero neni otimo kan aler abongo kano imungoro keken iye dok myero bed ame dang niangere bot lwak.

4) Donyo kede ngol abongo lengere ame opido yeng kede ni ngol ocung iye obedo kop me pido ateni. (Fairness)

Komiti myero ngol kop alubere i cik me lobo me tekwaro onyo me abumente. Apore, kot me atekere myero coo nying jo ot me tye ilara lobo me niang aber kede cimo nga ame tye kede twero me lobo. Kot Atekere myero winy pido kun oniang aber kit ame dano apido onwongo kede lobo myere, ngo abuk cik me Lobo a Won Nyaci (PPRR) tye akobo ikom twero me lobo kede MOKA akot okobo ni nga atye itwero ilobo alara tye iye no ikin jo apido. Book a Won Nyaci tye nwongere office a Won Nyaci kede bot LEMU ame ocato ciling 2,500 pi leb lango keken kede 5,000 pi leb lango kede leb muno.

5) **Wel jo ameyero bed I kot bala owinyo pido (Quorum)** Kadi kono bed ba committee me kot me atekere jo tye iye bala jo abongwen, winyo pido me kot mito jo abic ame iyie akinagi myero bed mon kede coo. Pire tek ni I pido moro duc me pido ni jo ame ocako obedo iye myero mede kede, pe omemba me committee atekere anyen dok dony iye.

6) **Pido ni myero kot winy aperu ongolo kop. - (Right to be heard)** Dano ame ngol me kot atekere kwako myero omiekare me miyo titi kot ngecere ame kot peru ongolo kop. Man tere ni kot myero mie ngec con ikom ninodwe me pido, kan akot abedo iye kede kare me apido oyiko pido mere onyo mea cadenere iye. Man dang mitoni kot titi dano bal ame apidi danono iye dang ote nyute gin anyutu ni bal otiye me wek en dang yik pido kede cadenere. Jo aryo aryo lung apido myero omi gi kare me penyere iyi akinagi medo kede cadene gi ento cadene myero bed acel acel iyi kot me wek peku winy caden ajo okene. **Kot dang myero neni jami adek iping otiye:**

a) **Kabedo me imung me miyo caden pe bedo kede lworu me lok. (A safe place to talk)** Cadene okene bino lworu miyo caden ateni oko ka kom ngat odoto, onyo ngat okelo adot ikome tye inyim kot Atekere. Ka otimere aman, bino mite ni onwong kabedo me imung ame oromo kwanyo dog caden man iye, ote kelo kop ame caden man ame omio imung ca ,ote yaro inyim kot Atekere kede jo apido ote laro kopere dong kan aler.

b) **Twero me juru pido anyim iyi kot imalo; (The right to appeal to a higher court) -** Dano ducu tye kede twero me nwongo ngol ame ocoo acoa piny kun jo obedo ingol dwadwalo cing gi iye eka apido acel ape oyeng kede ngol man, twero wot juru ikot imalo. Aporere ka ngatoro pe oyeng ingol a komiti a jago Atekere en twero wot juru inyim Rwot Atekere te mede kede amanono; kun cung me juru mere myero bed anino 14 peru okato dang myero cung ikom adwogi me ngol ame kot iping oco ping.

c) **Ngol (Judgement)** - Man obedo MOKA ame kot Atekere kato kede iyonge winyo pido ame nyutu ni twero me lobo tye bot apido mene inyonge winyo pido. Ngol omiyo ka pido dong otum. Komiti me kot Atekere romo donyo kede MOKA kan aler cutu-cutu onyo dang icen ento mite ni myero omii nino ame ngol abedo iye dang ote kwano ngol kan aler inyim jo opido. Jo me kot atekere ducu ame owinyo pido myero dwadwalo cingi iyi ngol man. Iyi ngol myero jami magi bed iye.

- *Ngo okelo pido:* Man myero bed kede Nying ngat okelo pido, koko mere, ngat akoko tye ikome kede kwac ibot kot.
- *Kwene alara tye iye:* Lara ango atye kede ateni ame kot oneno te moko
- *Ngol:* Ngol myero lubdog opido, ngec me twero me lobo iot opido, Cadene, kede dul atye ibuk cik, kede dang nying buk cikono. Ngol dang myero ngol ngo angat olo kop anwongo.
- *Pingo omio ngol obedo amino:* Atekere myero tit Kan aler ngo omio gi okato ingol ni ngatoro ni oloo awotere.
- Komiti memba duc owinyo kop myero dwadwalo cing gi ite ngol dang ote kwano kan aler inyim jo opido.
- *Signing documents:* Jo opido myero dang oket cingi ni oyee ngol onyo ojuru pi koporo atye ingol ame en pe yeng kede. Ngat ajuru myero omii coc ame kot ocoyo ikom ngol me wek en juru kede ikot amalu ame nino 14 (aparangwen) peru okato.

Papara man LEMU en oco me konyo atekere me Lango me winyo lara me lobo. Ka itye kede tamoro ame imito miyo bot LEMU ikom coc man onyo imito tic kede paparani go cim bot LEMU Apac inamba 0392756212 onyo cwal balo bot office a LEMU Apac ame tye:

P.O.Box 12 Apac, Church road block 5 onyo email; apac@land-in-uganda.org



Important Principles of Natural Justice that Government expects clans to apply when hearing cases.



Land and
Equity Movement
in Uganda (LEMU)

Making land work for us all

3rd December, 2014

A **court** is a meeting where legal decisions are made, or a session of an official body that has the authority to try cases, resolve disputes and make other legal decisions. S.88 of the Land Act – CAP 227 gives clans the responsibility of determining disputes over customary tenure or acting as a mediator between persons who are in dispute over any matters arising out of customary tenure. Clan committees hearing land disputes could therefore be called “courts”.

As courts, it is important that clan committees overseeing dispute proceedings should have the principles of **natural justice** at the back of their mind. Natural Justice simply refers to **the duty to act fairly**. This duty is divided into two major parts: 1) the rule against bias or favoritism, which keeps people’s trust in the system; and 2) the right to a fair hearing, where parties are given notice of the case, a fair opportunity to answer it, and an opportunity to present their own case. These two principles are further divided into the following:

Principles of Natural Justice

- 1) **Everyone is the same before the law. Clan committees** must treat each person in the same way, no matter who they are: rich or poor, young or old, man or woman, from Clan A or Clan B. Everyone should be able to access the law and the services of the clan committee equally (for example, paying the same fees). It also means that the rules apply in the same way to everyone. No person is too big to face the law, no matter how powerful or influential they are in the community.
- 2) **Impartiality.** A decision maker must not have a personal interest in the decision she or he is making and must not favor one person over another when they are making a decision. If you are personally related to or know one person in the conflict, you should tell the clan committee openly about your relationship with that person and step down. It would not be right for you to make a decision in that situation because you may be tempted to favour your relatives.
- 3) **Transparency.** What happens in the clan committee proceedings is not hidden or secret, and can be seen and understood by the general public.
- 4) **Fairness.** The decision should be made on the basis of a set of established rules that are known and accepted by the community and the State laws of Uganda. . For example, determining who has land rights by drawing their family land rights trees and using it to analyze of the two conflicting parties, who has land rights as provided for by the customary law book also called the Principles, Practices, Rights and Responsibilities written by Lango Cultural Foundation and LEMU. A copy of this book is sold at 2,500/= for Luo and 5,000/= for English and Luo from office of Lango Cultural Foundation (LCF) or LEMU offices. Call 0392756212
- 5) **Quorum:** The members of the committee must be the same five people at all times the case is being heard. The members must have female and male members.

6) **The right to be heard:** a person who may be affected by a decision made by the clan committee has a right to present their side of the story before the decision is made. This includes telling them in advance about the date and location of the clan committee court and giving them the opportunity and time to get their defense ready. It also means that anyone who is accused of doing something wrong has a right to be told what it is they are said to have done wrong and to be shown the evidence against them so that they can defend themselves against the accusation. Both sides should be given the chance to ask questions of the witnesses of the conflicting party but the witnesses should be in court, one at a time. The court must also ensure the following take place:

a. **A safe space to talk.** In some cases, a witness may be afraid to tell the truth when the other side of the conflict is also present. When this happens, it is best to have a private meeting with this witness when the other person is not hearing what is being said. In such a case, the statement of the witness must be shared with the conflicting party.

b. **The right to take the case to a higher authority.** All people have a right to receive a written and signed copy of the court meeting notes and ruling and take the case to a higher authority if they are not satisfied with the ruling from their clan committee. Appeal must be within 14 days of the ruling basing on the written notes from the clan court process.

c. **Clan court must write a Judgment:** This is a decision or sentence of a clan committee in hearing land case or the reasoning of the clan committee members which leads to their decision on which party has land rights. A judgment is given at the conclusion of a hearing where the clan committee makes its decision in the open either immediately or at a later date communicated. As a general rule, the clan committee members that heard the case should make a judgment and it should be signed by the said members of the clan committee. Judgments or decisions should contain the following:

- *Statement of the case.* This should include the complainant, the nature of their claim, the defendant and what the parties are seeking from the court.
- *Points of determinations.* Depending on what the nature of the claim is, the clan committee should identify the area of contention and determine truth underneath it all.
- *Decision.* Basing on the statements made by the parties and their witnesses (if any) the inter party questions asked in relation to the point of contention, the clan committees should decide on the party with the rights to the claim or any appropriate remedy, there under.
- *Reason for such decision.* The clan committee should clearly state what prompted them to rule in favor of one party against the other.
- *Sign judgments:* The clan committees should sign the judgment and read it out in the open. The parties should also sign if they accept the judgment or inform the court of their intention to appeal. They must appeal within 14 days and the committee must give the party a signed copy of the case proceedings and judgment.

This paper produced by LEMU to assist clans in Lango when they determine and mediate land cases. If you want to give feedback on the paper, please ring office on Tel: 0392 756 212 Or bring your comments to the office of LEMU in Apac at Plot 5 Church Road, P. O. Box 12, Apac - Uganda or you can email us at apac@land-in-uganda.org