



Iswilia kame pir gi tek kame Abumenti mito ne komitis me atekerin ngeeno ka gin kitie winyo pido me lobo.



Land and
Equity Movement
in Uganda (LEMU)

Making land work for us all

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Kot obedo ekiko arabo kakame koyiko kiye kope di jo lubo iswilia kame Abumenti mito, amoso bedo me jo kame tie kede twero me winyo pido, yiiko kop me omara me lobo kede ngolo kop di kilubo iswil. Dul me 88 me iswil me Lobo me 1998 (Land Act 1998), Esula 227, en kame mio Atekerin twer me wino kede ngolo kop me pido me lobo me Itok; amoso bedo jo kame kelo winyere idyeredyere me jo kame marao lobo kame oudo kibun jonywal (lobo me itok). Komitis me atekerin kame winyo pido, kosobolo lwongo be **kot** me arabo ekiko me winyo pido.

Bala **Kot** kame winyo pido, etie gikame pire tek pi komiti moro ni me ateker, kame winyo pido me lobo; pien miero gin kibed kede ateni ikop dedede kame kingolo. Kop ni, (Natural Justice) mito ne dano timo tic arabo ngolo kop di likame elengere arabo yero kudiling kiobwol. Kop no ni pokere iadulion arabo tyen are apir gi tek. 1) Kwanyo tenge kop me lengere tucel amoso nyuto cuny me yero jo, pien man mio jo bedo kede gen atek itic wu. 2) Pien dano tie kede twero me udo ngolo kop kopoore, ngat kame otie pido miero mi baluwa kame mio ngec me kop kame kotie pide iye, yei ne mino adwokini, kede kare me mino pido mere. Adulio are gi komedo nyaano gi Kaman:-

Iswilia kame poore aluba kame kotie winyo pido.

1. **Jo dedede rorom iye iswil. Komitis me ateker** miero ter jo rom-aroma, di likame oparo be en ebedo ngai: arabo ebaro amoso ebedo ngacan, eponga amoso adwong, icuo amoso dako, ateker A amoso ateker B. Dano dedede poore udo gikame iswil mito ne udo doko tice kame komiti me ateker poore timo ne, miero tim ne; bala anen, (epabo arabo sente kame oculo poore bed di rom) dwong mere be iswilia mako jo dedede rom-aroma. Likame tie dano kame dwong kalamo iswil, akadi ebedo ngai amoso etie kede twer mene, gin dedede kitie bedo iadul acel.
2. **Bedo li kede apokapoka.** Dano kame moko gi me atima, miero kur lengere tucel pi mito udo gimoro. Da en miero kur enyut be etie gengere tucel ikop kame en etie moko arabo ngolo. Ka in itie kede wad moro kede ngat acel ikom jo kame tie pido, in poore tucel ne kimiti abongo mungo, tetekeny in imi gin telo kop me pido no. Likame ebedo ber ne in ngolo kop ipido no, pien in isobolo bedo kede atama me ngolo kop di igango dano kame tie wad kede in.
3. **Timo tic ilero.** Gikame timere Ikot arabo ikiko me pido poore di tie kakaler arabo likame imung, doko jo dedede sobolo niang kede ngeeno.
4. **Timo ateni.** Kop kame ongolo poore timere bala kame iswil kame jo ngeo mito kede; kame jo kede Abumenti me Uganda yei kede. Bala anen, pi ngeeno ngai en kame tie won lobo, goono epone kame anywali me jo are kame tie marao lobo tie kede bino konyo pi ngeeno ngai en kame won lobo no; di eupere kede itabu me iswilia me lobo me itok kame Kumam Elders Forum kede jotel me Atekerin owandiko, kame olwongo be, Iswilia, Tice, Twero kede Epelu me atekerin i epone me gwoko lobo me itok (PPRR) kame ocatu tutumia 6,000= kame tie Kumam kenekene do me Munu kede Kumam ocatu tutumia 8,000=. Itabun gi twero udere but Pastor Ewangu Robert, esimu mere tie 0772-585005 kede i Opis me LEMU Soroti, itwero goono esimu ni 0352280028.
5. **Wel me jo kame poore winyo pido.** Ikom jo tomon kiwie acel kame timo komiti me Kot kame winyo pido, miero jo winyo pido kame jo otuno 7, da poore nakanaka kur edwog piny me jo 7; doko da imeeban miero bed mon kede cuo.

6. **Yei ne ngat kame opido tatamo kop meege.** Ngat kame otie pido kame kop sobolo loono, tie kede twero me tatamo pido mere but komiti, di pwodi likame ongolo kop loone. Mane ribaro waco ne gi ceng kame ekiko (Kot) arabo pido oyaro bedo tie kede, kabedo kame pido no bino bedo iye; pi konyo gi da yiikere kede kop me ayama kede me adwoka cenge no. Bobo dwong mere be, ngat kame otie waco be otimo gikame rac (okoso) tie kede twero pi tatamo ne nyo inonono arac kame otie waco be en etimo kede nyutone ateni me kop nono, tetekeny gi da kisobolo mino kite kame gin kingeo kede arabo ijura gi pi pyem kede arabo daagi kope kame otie pido gi iye. Poore mino jo kame tie pido pi penyonyo kame gin imito penyonyo ijurak. Do ijurak poore wok acel-acel kakame pido tie timere kiye arabo lkot. Da Kot miero nen be jamini gi timere ikakame kotie pido iye:-

a. **Udo ne dano epone me yamo di egonyere.** Ikare atot, mujura sobolo bedo arabo doko lwor yamo kop me ateni, kame dano kame en etatamo kop ikome tie kanono. Kame inenunu be kop acal amano tie neeno, eber kwanyo mujura ni, oko teere kakame en etwero yamo kiye di dano ca likame winyo. Ka mano otimere arabo oneeno, kop kame mujura mio, miero tatamo ne ngat kame tie kede kop.

b. **Twero me juro pido.** Jo dedede tie kede twero me udo kope kame omoko kame owandiko di oketo iye cing, kame Kot owoto; tetekeny en eko tero pido mere lkot me anyim, kame gin likame iyei kede kite kame imeeban me komiti me ateker ongolo kede kop arabo kes. Juro musango arabo pido miero timere di pwodi ceng 14 likame otiek, cako iceng arabo buto duwe kame owandiko kede pido arabo kame ongolo kede kes arabo Kot obedo tie kede.

c. **Kot me ateker poore wandiko kope kame gin imoko.** Man obedo kop kame imeeban me komiti me ateker omoko arabo ongolo ikom kope kame mako pido me lobo obedo no, arabo epone kame gin ineno kede ikom jo are go, ngai en kame tie kede twero arabo won lobo no. kop kame wun imokunu otuco kiajikini me ekiko. Kame ateker tuco kede gikame gin imoko idyer jo, arabo ituco esawa nono amotoko icen mere. Bala kame iswil mito kede ne imeeban obedo ipido no arabo owinyo pido no, poore woto kop kame gin ingolo di gin kiketo cing gi iye; da ngol gi miero gigi di tie iye:-

- *Itatam kame mako pido.* Man ribo kop amako ngat okelo koko mere but wu, ngat kame otie pido kede gikame gin kitie mito be tim ne gi.
- *Moko kop kame tie wok.* Man upere kede epone kame pido tie kede. Komiti me ateker miero niangi gikame tie kelo pyem di gin kiko moko ateni opwono cen ngei pido no.
- *Moko kop.* Di upere kede pido angkat acel-acel ikom jo atie pido, kede ijurak gi (ka ijurak tie) kede penyonyo obedo tie kame oudo upere kede gikame tie kelo pyem. Komiti me ateker poore woto ngol gi, niango jo ngai en kame oloo arabo gikame gin imoko be bino kelo winyere idyeredyere me jo kame tie pido.
- *Gi komio ingolunu kop amano.* Komiti me ateker poore tatamo arabo tuco kakaler gi komio gin ingolo kop amano.
- *Keto cing ikop kame ongolo.* Komiti me ateker miero keto cing gi ikop kame ongolo di kiko somo ne jo dedede. Jo kame pido poore keto cing gi kame gin kiyei kede kop kame ongolo amoso waco ne Kot be gin kimito juro pido no. Gin miero ijur pido no di ceng 14 likame okato, da komiti poore mino ngat kame tie juro pido kope kame oudo gin iwoto arabo ingolo, kame gin iketo iye cing gi.

Papula ni, LEMU en owandiko pi konyo atekerin kame tie i Lango kede Teso ikare kame gin kitie winyokede pido kede kelo winyere idyere me jo atie kede ngur me lobo. Kame in imito minotam moro ikom kope gi amotoko udo papulan gi atot, goi namba me esimu ni: 0352-280028.



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



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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 Kumam Elders’ Forum and LEMU. A copy of this book is sold at 6,000/= for Kumam and 8,000/= for English and Kumam from LEMU Soroti offices. Please contact Pastor Ewangu Robert on 0772 585 005 or Call 0352280028.
- 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 Teso when they determine and mediate land cases. If you want to give feedback on the paper, please Call office on Tel: 0352280028 Or bring your comments to the office of LEMU in Soroti at Plot 1, Etyeku Road, Soroti Municipality, off old Mbale Road Pamba. P. O. Box 113, Soroti – Uganda or you can email us at soroti@land-in-uganda.org.