Chronology of events, Kaweri Coffee Plantation
– 2000 to 2019 –

2000 Neumann Gruppe GmbH (NG) is looking for a suitable location to set up a socially and ecologically sustainable plantation for coffee of the Robusta variety. Various countries in South America, Asia and Africa are taken into consideration. Uganda was chosen for the following reasons:

- relative political stability
- favorable climatic conditions
- high quality standard of Ugandan coffee
- availability of land in form of registered private ownership
- support from the Ugandan Investment Authority (UIA) and the entire government
- the opportunity to set up a sustainable model farm in an impoverished region in Africa and making a positive contribution to developing the region this way at the same time

2000 From the outset, NG never intended to acquire land in Uganda . Instead, the company seeks to enter into a long-term lease contract with the Ugandan government. Together, suitable land is found in Mubende district. The so called “Block 99” comprises 2,512 ha land, which at that point had been privately owned for more than 35 years.

– Side note: the previous history of Block 99, 1964 to 2000 –
Block 99 had been privately owned since 1964 (Annex 1 available on request). Since 1977 the land had been owned by Emmanuel Bukko Kayiwa. During the dictatorship of Idi Amin (1971–1979), Mr Kayiwa had left the country temporarily and returned in the 1990s. In the meantime, the Ugandan military built a base for former members of the army in the northern part of the property, which was inhabited by around 2,500 people. These people farmed a large part of the northern territory of Block 99. And grew mostly maize and Tapioca. There was also a very small number of coffee plants. Some people had built clay huts in the area, others lived outside the area. When Mr Kayiwa contacted NG in July 2000 regarding the land, he had already been engaged in sales negotiations with the Ugandan army for more than two years.

Oct. – Dec. 2000 The lawyers of buyer (the Ugandan government/Ugandan Investment Authority) and seller (Mr Kayiwa) carry out due diligence audits and establish that Mr Kayiwa’s ownership of the land is beyond doubt and that the area is free from third-party claims.

Aug. – Oct. 2001 The state-approved Ugandan survey company MAP carries out a survey of the land. During the survey most of the original boundary stones are found, and there is no doubt at all that all aspects of the survey were carried our professionally and properly (Annex 3 available on request). For Block 99 the survey results are 2,510.2 ha compared to the 2,512 ha mentioned in the title.

2001 Mr Kayiwa sells Block 99 to the Ugandan government, represented by UIA. Neumann Gruppe GmbH / Kaweri Coffee Plantation Ltd. (Kaweri) will lease the land from the UIA for 99 years free from encumbrances.

– Side note: preliminary agreements regarding the purchase/sale of Block 99 and compensation payments –
From the outset Kaweri agreed with the Ugandan government that only so-called clean title land will be considered for leasing – i.e. land that is free from third-party claims. Before the Ugandan government bought the land from Mr Kayiwa, Kaweri, in a preliminary agreement, demanded for all people living in Block 99 to receive full compensation in accordance with Ugandan law (Ugandan Land Act of 1998). According to the act, the seller, Mr Kayiwa, is solely responsible for compensation payments. In addition, Kaweri demanded to see receipts of the compensation payments as a precondition. These receipts were all produced: each individual compensation is documented and signed by the recipient, the village leader, the Resident District Commissioner and the lawyers of buyer and seller. The compensation comprised either allocation of new plots of land and free transport to the new plot of land or monetary compensation. To ensure that the purchase of the new plots of land for the people and the compensation payments could be made, Kaweri transferred part of the later leasing price to a trust account in advance (Annex 4 available on request). The relevant Ugandan and German government authorities are given copies of the documents in question. Overall, compensation in the form of land was provided to 102 families. Another 64 families were given monetary compensation because they did not live in the area but did farm land there. Mr Urban Tibamanya, the seller's lawyer, was personally present when several claims were checked and during the relevant proceedings in various villages; he later testified in court that the compensation payments had taken place in accordance with the rules (Annex 14 available on request).

2001 Near the south-western border of Block 99, in an area called Kitemba and Luwunga, a conflict develops between 25 small farmers and the seller Mr Kayiwa. The small farmers falsely believe that they are in area of the neighbouring Block 103 and therefore refuse compensation payments; in reality, however, they do live in Block 99. As far as Kaweri knows there had been several, unfortunately unsuccessful, attempts at solving the conflict amicably.

Unfortunately, this development leads to these persons being forced to leave the land by the Ugandan military.

– Side note: statement by NG on these forced relocations –
NG very much regrets that these forced relocations of the 25 small farmers took place and condemns the actions of the army. At no time could NG have foreseen this tragic development, and even less have influenced it. Although NG genuinely regrets that these events unfolded it should be noted that the people in the region were very much aware that Block 99 was privately owned.

What's more, the sale of Block 99 including the corresponding and full compensation for resettlements in accordance with Ugandan law (after all, the land had been privately owned since 1964) is a transaction perfectly conformant with the law.

Oct. 2001 – May 2002

Kaweri contacts the Catholic diocese of Mityana and immediately initiates a relief programme for the forcibly displaced people thus ensuring that they are supplied with food and medical care.

2002

The non-governmental organisation FIAN (FoodFirst Information and Action Network) German Chapter, accompanied by Peter Kayiira, who describes himself as the representative of the displaced people, starts the first campaign (in and outside of Uganda) against NG and Kaweri:

a) according to the accusations 2,000 people were displaced without
b) having received any kind of compensation.
c) FIAN also accuses Kaweri of having taken possession of a further 664 ha in addition to Block 99.
d) FIAN and Mr Kayiira also claim that the farm makes it more difficult for the people in the region to support themselves.

– Side note: statement by NG on these accusations –

a) alleged dislocation of 2,000 people

The claim that 2,000 people were displaced during the sale of Block 99 is entirely without foundation and preposterous. It was quite unfortunate that 25 small farmers were displaced, this development was beyond the control of NG; nonetheless NG responded swiftly with a relief programme (see above). There were no further displacements. This is further highlighted by the fact that the people in the region very much knew about who owned Block 99. Unfortunately, Mr Kayiira subsequently incited his neighbours to refuse to relocate and to reject the compensation. He thus significantly contributed to the unfortunate development experienced by the 25 small farmers.

b) alleged failure to provide compensation payments

As already stated, all compensation payments to the people who moved away from Block 99 were carefully documented and signed by several parties. Once they had seen the relevant documents, FIAN and Mr Kayiira changed their original allegation that no compensation was paid to claiming that the agreements were concluded under duress. NG knows of no proof that this was the case and would under no circumstances imaginable have supported such a course of action at any time. The fact that the compensation in form of another plot of land did indeed take place is being confirmed by villagers who said that the new land has a smaller area than the area they cultivated in Block 99. Whatever the size of the new plots of land, this confirms that the people were given new land, which also, from a purely legal point of view, turned them into land owners rather than users. Especially a woman called Anna Nandyose repeatedly claimed (for example in a video published by FIAN) not to have received any form of compensation. Quite to the contrary, there is documentary evidence that

she received compensation payment on 27 October 2001. What's more, in April 2002 Ms Nandyose requested arbitration and in this context she later confirmed that she had not lived, as she had assumed, in the neighbouring Block 103, but erroneously in Block 99 (Annex 5 available on request).

c) alleged appropriation of 644 ha of land outside of Block 99
Kaweri operates exclusively on the 2,510.2 ha area of Block 99, which it was allocated by the UIA after the initial survey. The plantation has never claimed additional land. The 644 ha cited by FIAN and Mr Kayiira are part of the neighbouring Block 103 and are thus owned by Mr David Ssekande. Mr Ssekande publicly declared that he agrees to the boundary line between blocks 99 and 103. The correctness of the boundary line was later confirmed by measurements (see December 2012). The sheer size of 644 ha makes it further highly unlikely that such an immense stretch of land can simply be "overseen" and thus not be accounted for.

d) regarding the accusation that the people cannot subsist because of Kaweri
In the area around Kaweri there is a surplus harvest yield. Kaweri itself buys several truckloads of maize from its neighbours each year. The maize is given to farm employees free of charge to make the traditional maize porridge.

15 Aug. 2002 Mr Kayiira and an alleged 400 co-accusers instituted civil proceedings against the state of Uganda and against Kaweri. The plaintiffs thus claim alleged damages resulting from the supposed displacements during the sale of Block 99. The proceedings are also about the alleged appropriation of crops of the plaintiffs by Kaweri. The proceedings continue to this day.

– Side note: NG's response to the legal action –
At no time was Kaweri the responsible party with regard to the events in question. The sale of Block 99 took place between a Ugandan owner (Mr Kayiwa) and the Ugandan state as buyer, and the accompanying compensations were paid to Ugandan citizens. Any points of disagreement must thus be settled between these parties. Kaweri, as a foreign owned company, was not involved in these processes, which is why the associated information can be provided only by the parties directly involved. Nonetheless, through the above-mentioned preconditions and ensuring that the compensations could be paid by paying part of the lease in advance, NG showed responsibility in line with its corporate culture. Although NG believes that it is being wrongfully addressed by the plaintiffs, NG nonetheless has a strong interest in the matter being settled and supports such a settlement.

Feb 2004 FIAN continues its campaign against NG, and now, in addition to the initial accusations, also accuses Kaweri of poor working conditions on the farm, the use of violence and colluding with the government with the aim of gaining advantages in court matters as well as land grabbing. All these accusations are entirely without foundation.

May 2004	Ms Nandyose and Mr Kayiira visit NG's office in Germany. Subsequent to their description of the case, NG agrees to lobby for the Ugandan government to review the compensation procedure.
4 Jun. 2004	NG officially asks the Ugandan government to deal with the accusations levelled against Kaweri.
23 Aug. 2004	The Ugandan Minister of State Hon. S. Kutesa writes a letter to the German embassy in Kampala confirming that the accusations made against Kaweri are untenable and that Kaweri or NG can in no way be held responsible in this matter (Annex 7 available on request).
7 Feb. 2005	Representatives of NG meet the Ugandan Minister for financial planning and economic development, Hon. S. Kiwanuka, in the presence of local and international members of the press. During this meeting, the accusations are once again talked about. The minister repeats once more that his government views these events as internal Ugandan matters that a foreign company should not interfere in.
Dec. 2008 – Jun. 2009	NG initiates discussions with Prof. Herta Däubler-Gmelin in her capacity as chairperson of the Committee on Human Rights and Humanitarian Aid of the German Bundestag. NG also contacts Thilo Hoppe, the chairman of the Committee on Economic Cooperation and Development. The aim is to arrange a moderated talk with FIAN, which will in fact take place in Aug. 2009 (see there).
15 Jun. 2009	FIAN files a complaint against NG with the National Point of Contact of the OECD in the Federal Ministry of Economics (NKS) because of alleged violations of the OECD Guidelines for Multinational Companies (Annex 8 available on request). The complaint includes the following points:

- NG supposedly delays the pending court case against the Ugandan government and Kaweri (for details of this civil lawsuit see above).
- NG allegedly refused an out-of-court settlement.
- Kaweri supposedly leased land other than Block 99, which made it impossible for the displaced people to move away from the land before the displacement.
- NG supposedly refused a new survey of the land leased from the government.
- NG supposedly did not provide compensation to the displaced people. The compensations that were given were insufficient.
- The government apparently included unlawfully large areas of the neighbouring Block 103 when leasing out Block 99 to NG. People who had occupied the land in good faith, then supposedly after leaving Block 99 bought land in Block 103, from which they supposedly were displaced at a later date.
- Supposedly employees of the Kaweri farm raided the crop of displaced small famers.

– Side note: NG's response to the individual points of complaint –

a) the accusation of dilatory actions
At no point in time did NG and Kaweri dilate the lawsuit that started on 15 August 2002. On the contrary, it is in the interest of NG to finally create legal certainty for all parties. Rather, the non-appearance of the plaintiffs has led to several hearing dates getting postponed. Furthermore, in 2012 accusations by the plaintiffs against the Ugandan judiciary have led to the resignation of the presiding judge, which further delayed matters.

b) on the refusal to settle out of court
Kaweri sees no grounds for a bilateral out-of-court resolution, because at no point did Kaweri behave wrongly with regard to the lawsuit. However, Kaweri is prepared to take part in multilateral settlement discussions, i.e. with the participation of all parties to the dispute.

c) the accusation that Kaweri unlawfully occupies land in addition to Block 99
Kaweri has only leased Block 99 from the government and never claimed any other additional land. This misconception on the part of FIAN and Mr Kayiira significantly contributed to the unfortunate development of this matter.

d) the supposed refusal to allow a new survey of the Kaweri land
Kaweri is only the leaseholder of Block 99, while the Ugandan government, represented by the UIA, is the owner. Only the latter can make a decision regarding a survey. FIAN and Mr Kayiira were informed several times about this legal fact – together with the request to apply to the UIA for a new survey; this never happened at the time. The owner of the neighbouring Block 103 could also have asked to carry out a survey of his land – part of which supposedly unlawfully occupied by Kaweri. This also did not happen initially.

e) the accusation related to non-payment of or insufficient compensation
According to Ugandan land act 1998, paying compensation in the case of relocations is the responsibility of the seller and/or the buyer of the land in question, it is not the responsibility of the leaseholder. Nonetheless, NG helped ensure that the compensations were paid by paying some of the lease in advance and by demanding to see receipts for the compensation payments – such commitment went far beyond the company's legal obligations.

f) the accusation of displaced people from Block 103
Kaweri only operates in Block 99. NG knows nothing about land purchases or sales in Block 103. If land belonging to Block 99 was bought or sold by anyone, then this happened unlawfully and without being officially registered.

g) the accusation of crop looting by Kaweri employees
Kaweri explicitly allowed the small farmers to collect their remaining harvest even after their relocation. In addition to a European manager and a few Kenyan employees, at the time of the takeover of Block 99 Kaweri mostly employed people from the surrounding villages. Kaweri never received reports about any lootings.

18 Jun. 2009 During a meeting in Berlin, Michael R. Neumann made the Ugandan president Yoweri Museveni aware of this matter, who promised to look into it. At the same time he emphasised the independence of the Ugandan legal system.

17 Aug. 2009 The moderated talk with FIAN organised through Prof. Däubler-Gmelin and Mr Hoppe takes place in the Paul Löbe House in Berlin – in the presence of the Ugandan ambassador and representatives of the DEG, amongst others.

31 March 2011 The National Point of Contact of the OECD (NKS) stops the proceedings initiated on the 15 June 2009 because of the complaint by FIAN after a detailed investigation and a hearing of all parties through unilateral declaration. After numerous meetings with representatives of the German and Ugandan governments, FIAN, representatives of NG and the local people involved, the NKS concludes that the accusations levelled by FIAN against NG are unfounded. This means that NG has acted correctly and in line with OECD guidelines (Annex 9 available on request).

28 Dec. 2011 UN Special Rapporteur on the Right to Food, Olivier de Schutter, contacts the UN High Commissioner for Human Rights. He talks about the allegations against Kaweri and NG. These include alleged displacements, alleged non-payment of compensation and the resulting consequences for the people involved. Mr de Schutter asks for support in the investigation of these accusations and clarification as to their truthfulness. The current state of the investigation – or whether such an investigation has even been instigated – is not known to us.

– Side note: response by NG to the accusations UN Special Rapporteur was told about –
As explained earlier in this document, NG considers the accusations regarding the alleged displacement of small farmers and the supposed non-payment of compensation as unfounded for reasons stated.

Dec. 2012 In order to resolve the dispute about the land boundaries once and for all, the UIA as the owner of Block 99 carries out a new survey of the land with the involvement of all parties, all of which themselves consult state-approved and independent surveyors. The result of the new satellite-based survey indicates an area that is the same as the one noted in the lease contract. This clearly proves that Kaweri has not taken possession of any land that is not part of the leased land (Annex 13 available on request).

Feb 2013 Judge, against whom impeachment proceedings are underway, sets new date for Kaweri case. Attorney General and Kaweri representatives are not willing to attend the hearing.

- Side note: why does NG not attend the hearing.
On 26 March 2012 Kaweri's lawyers are informed that the pending case against Kaweri (High Court no. 179/2002, Nakawa Division) has been assigned to a new judge called Choudry Singh for reasons of staff shortage. Singh was rejected as a judge by the Uganda Law Society because the professional association considers him the wrong choice.

Singh is well-known in legal circles in Uganda: he used to work as a lawyer in London, but he was accused of gross misconduct. In October 2000 the Solicitors Disciplinary Tribunal there described Choudry Singh as having committed "a dishonest course of conduct of a serious kind" (annex 15 on request).

Following these accusations the Uganda Law Society (the association of Ugandan lawyers) drew up a petition with the aim to dismiss Justice Singh. This petition was signed by the vast majority of Ugandan lawyers. In response Yorokame Bamwine, Principal Judge of the Uganda High Court, informed the representatives of the petition in a letter dated 5 April 2012 (annex 16 on request) that Justice Singh was directed not to handle any judicial work. What's more, the chairman also said, another judge will be assigned to the proceedings as soon as the acute shortage of human resource in the High Court has been resolved.

In May, 2012, Kaweri's lawyers had been selected by and as Counsel for Uganda Law Society in Constitutional Petition No. 11 of 2012; Uganda Law Society –vs. Attorney General which application is about the long awaited tribunal for the removal of Mr. Justice Choudry Singh from the bench.On 7 February 2013 (annex 17 on request) Kaweri's lawyers receive a court summons for 13 February 2013 which contains some formally erroneous content. When the representatives and lawyers of Kaweri appear at the hearing they find that the appointment had not been noted by the court and the responsible Registrar was not present. The lawyers inform the court of the procedural errors immediately. Investigations reveal that, interestingly, the summons was issued by Justice Singh.

On 14 February 2013 the representatives receive another summons, this time for 26 February 2013, and also chaired by Justice Choudry Singh.

As a result, Kaweri decides not to attend the hearing.

28 Mar. 2013 Justice Choudry Singh again shows himself to be unimpressed by the targeted impeachment proceedings and the request of his superior judge to give up the case. Choudry speaks a verdict which can be considered abuse of law; Kaweri and NG will use all legal means to have the verdict declared invalid.

- Excursion: The bizarre decision of the judge
Kaweri's attorneys are also representing the Uganda Law Society against

Choudry in the said impeachment proceedings. In the proceedings against Kaweri, however, these attorneys as well as the Uganda Law Society are not party to the proceedings. On 28 March, Judge Choudry now ordered Kaweri and the State of Uganda to pay the legal costs of the proceedings. He further used the case for purely personal reasons to order Kaweri's attorneys and the Uganda Law Society to pay an extraordinarily high sum. But it doesn't stop here: despite - or perhaps because of - the considerable public pressure in Uganda through the press against Justice Choudry (Annex 19 available on request), a few days later he caused the affair to become still more confusing:
Against all fundamental legal principles in an extract of the verdict, Choudry has included Kaweri in the judgment against the attorneys but not the State of Uganda. In so doing, it seems not to matter to the judge that he has essentially changed his verdict without previously listening to the side of the defendants or even informing them of it. This represents a complete break with customary Ugandan and international court practice.
On the day of the proclamation of the judgement, Kaweri immediately filed an appeal.

10 Apr. 2013 — The execution of the above judgement was provisionally suspended by the *Registrar at the Court of Appeal*.

14 Aug. 2013 — In a letter to FIAN — later on made public — and an interview with Deutschlandfunk, German Federal Minister Dirk Niebel comments positively on NG's activities in Uganda. Amongst others, he writes that „…in the case of Kaweri, Neumann Gruppe cannot be reproached…". In the interview he emphasizes once again this viewpoint by expressing that there is no reason for him to believe that the investment was not made in good faith. The investigation conducted by the OECD would have confirmed this result as well. At the same time, Federal Minister Niebel advocates cessation of the unbalanced presentation of the case on part of FIAN and, from the perspective of development policy; he invites them to rethink their attitude.

Apr. 2014 — The Court of Appeal determined 30 June 2014 for a preparatory meeting in respect of the appeals procedure. However, Justice Choudry Singh still withholds the judicial act. Consequently, the progress of the proceedings will presumably be deferred.

Aug. 2014 — The judicial act has reappeared surprisingly in late July 2014. There are preliminary court hearings, in which the plaintiff's legal representative does not participate. The registrar of the Court of Appeal has been requested to prepare a „Record of Proceedings".

Jun. 2015 — In its concluding observations on the initial report of Uganda dated June 24, 2015, the United Nations' Committee on Economic, Social and Cultural Rights, states that it " … is particularly concerned about the case of Mubende District whose inhabitants were evicted from their homes in 2001 in the context of the Kaweri Coffee plantation and about the fact that so far the legal redress they could obtain did not include restitution of land rights. "

	The Committee recommends that "[Uganda should] take immediate measures to ensure that the rights of the Mubende community are restored as well as of all other forcibly evicted communities." Neither Neumann Gruppe nor Kaweri, whose legal rights would be affected by any such matters, have been approached for their position on this matter. It is not even questioned that until March 2013 the restitution of land rights had never been a matter in the court case. It appears that the Committee solely relied on information provided by self-appointed spokesmen of people allegedly evicted, and by NGO Fian. On 9 July 2015 therefore, Neumann Gruppe has send a letter of protest to the Committee's Chairman.
21. Jul. 2015	The Court of Appeal allowed the appeal, set aside the judgment of 28. Mar. 2013 by Justice Choudry Singh in its entirety and ordered a retrial at the High Court with a recommendation for expeditious disposal.
12. Apr. 2016	A pretrial session that was set for today at the High Court in Kampala, division Nakawa Circuit, does not take place, although representatives of all parties are present. The division will be dissolved shortly, therefore the case will be reallocated by the Principal Judge. It is not foreseeable as of when a new hearing will be set, so Kaweri's lawyers have asked for a speedy reallocation. Prior to that Kaweri's legal representatives had forfeited the right to demand the re-deposit of the security for court costs by the plaintiffs.
18. Aug. 2016	The majority of the plaintiffs in the court case write via Secretary of State and Parliamentarian Hon. Benny Bugembe to President Museveni and ask for his support in their request to receive compensation payments.
14. Jan. 2017	At a meeting of the plaintiffs with various government officials, including Hon. Benny Bugembe and the First Private Secretary of the President, Charles Muwonge, the plaintiffs substantiate their intention to end the process by way of settlement. Kaweri is not involved in these talks, but welcomes this decision very much. Only the former spokesman for the plaintiffs, Peter Kayiira, opposes the commencement of settlement efforts.
21. Apr. 2017	At another meeting of affected people with government officials and representatives of the NGO Action Aid, the plaintiffs and their representatives reaffirm their intention to hold settlement talks with the government. Peter Kayiira at first also submits to the pressure of his allies and agrees.
23./24. Aug. 2017	Representatives of the NGO Fian, together with Peter Kayiira, during a visit to Mubende try to dissuade villagers to support the settlement efforts.
Sept./Okt. 2017	Representatives of the Land Inquiry Commission, established by President Museveni in December 2016, visit Mubende to gain an insight into various local land rights cases. On this occasion, they visit Kaweri.

2. Nov. 2017	In a letter to Hon. Benny Bugembe, the Ugandan Minister of Agriculture supports her mediation efforts to bring about a settlement between plaintiffs and the government. At the same time, he expresses his concern that representatives of a German NGO not registered in Uganda are sabotaging these efforts (annex 20 available on request).
11. Mar. 2019	In a court hearing at the Land Division of the High Court in Kampala, only Kaweri's Managing Director and lawyer as well as Peter Kayiira as one of the plaintiffs are present. On account of the absence of the plaintiffs' lawyer and a representative of the Attorney General as well as of the Estate of the late Buko Kayiiwa the case is adjourned to 1st July 2019 for mention. The High Court gives directions for further scheduling.
1. Jul. 2019	The case is called for mention at the High Court of Kampala. The judge directs that the matter goes before a court annexed mediator (a standard procedure for all new cases which is also applied for this re-trial) with a time limit of up to 28th August 2019 by which date the mediator will file a report. The court-ordered mediation may complement ongoing settlement efforts initiated in January 2017.
30. Aug. 2019	All lawyers (Claimants` Lawyers, Kaweri's lawyers and the State Attorney) appeared before the Registrar at High Court, Land Division. An appraisal was made and a request for more time in relation to the mediation was granted. The parties will meet on September 10, 2019 and will go back to Court on 10th October, 2019 with an update.