

CASE BRIEF IN MISCELLANEOUS CAUSE NO. 024 OF 2020, HIGH COURT OF UGANDA AT MBALE.

The Applicants, Tsama William and 47 others instituted the suit against the Respondents; Attorney General, National Environmental Management Authority and Bududa Local Government Council

Brief facts

The Applicants are victims of landslides that occurred on the 3rd day of December 2019 in Bushika sub-county, Bududa district. As a result, the Applicants were displaced from their homes, lost twenty of their relatives and further, the landslides caused destruction of property and the environment. Being aggrieved by the facts as stated, the Applicants instituted this suit against the Respondents for breach of their obligations under national law to put in place an effective machinery for dealing with natural disasters such as landslides, this breach resulted into violation of the applicants' fundamental human rights.

The Applicants sought for orders amongst others, declarations that their rights to life, own property, physical and mental health, and a clean and healthy environment as enshrined under the 1995 constitution of Uganda were violated and infringed by the occurrence of the stated landslides, a declaration that Respondents are responsible for the said violations and infringement plus an order that the respondents put in place an effective machinery for dealing with landslides in Bududa district to prevent re-occurrence of the above stated tragedies.

Further and resulting from the stated violation and infringement, the Applicants prayed for compensation and general damages against the first Respondent to families of the twenty victims killed by the land slides, other violations as there-above stated and for resettlement of the victims to safer areas.

Representation

The matter was initially being handled by BNB Advocates who in the year of 2022, requested Greenwatch to take over the same. Greenwatch instructed its lawyers "Kakuru & Co. Advocates" to take over the matter and a notice of change of Advocates was filed in the same year.

Filing

The matter was filed on the 14th day of October 2020

Final submissions

Final submissions in the matter were filed on the 7th day of September 2021.

Current status

The matter is pending judgment

Action taken

On the 5th day of October 2023, Greenwatch through its lawyers wrote a letter addressed to the Deputy Registrar, High Court of Uganda at Mbale notifying the Deputy registrar of the delay in delivery of judgment in the matter and requesting that the same be delivered as soon as possible considering the nature of the claim and the fact that if the respondents are found in breach of their duties as stated in the miscellaneous cause, delay to deliver judgment implies delay by the government to take remedial action to prevent an occurrence of similar tragedies.

Unfortunately, no response has been made regarding the afore-mentioned letter addressed to the Deputy Registrar.