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PETITION FROM MR. JEAN KIBIBIRO CONCERNING RUANDA-URUNDI  
(T/PET.3/89)

Observations of the Belgian Government  
as Administering Authority

The additional observations now submitted<sup>1/</sup> refer to the petitioner's claims for compensation for the acquisition of land by the State (domanialisation).

On instructions from the Governor of Ruanda-Urundi the Resident of Ruanda has investigated Mr. KIBIBIRO's complaints regarding his title to certain lands in the Kibungu District. The results of the investigation are as follows:

A. Land lying within the boundaries of the Swahili "town" of Rwamagana

This quarter has an area of 4.15 hectares. As instructed by the Governor of Ruanda-Urundi, the Administrator of the Kibungu District held an official inquiry on 11 October 1956 for the purpose of determining which of the indigenous inhabitants had, in 1942, relinquished their title to the land on which the Swahili quarter was established.

The claims made in the course of this inquiry were as follows:

Mr. BISHYAMARWA 2 hectares, 78.07 <u>ares</u>	15,000 francs
Mr. NYIRARWESA 0 hectares, 75.48 <u>ares</u>	5,000 francs
Mr. RUVUBI 0 hectares, 57.45 <u>ares</u>	5,000 francs
Mr. KABEBA 0 hectares, 4.00 <u>ares</u>	2,000 francs

Mr. Kibibiro, however, contested the above claims, asserted that all the land was his property and requested 72,000 francs' compensation.

1/ Note by the Secretariat: See document T/OBS.3/20, section 3.

The dispute was referred to the indigenous courts:

(1) By judgement 177/57 of 15 March 1957, the court of the Chiefdom of South Buganza dismissed Mr. Kibibiro's suit against Mr. BISHYAMARWA. Mr. Kibibiro appealed against this decision. In its judgement of 13 April 1957, the court of the Kibungu District, which heard the appeal, noted Mr. Kibibiro's statement that he wished to withdraw his suit against Mr. BISHYAMARWA and bring a suit on the same grounds against the Chiefdom of South Buganza.

The case of Kibibiro v. the Chiefdom of South Buganza was scheduled to be heard on 11 March 1958.

Mr. Kibibiro, having been duly summoned to appear, failed to do so and the case was therefore removed from the list.

(2) By judgement No. 187/57 of 15 March 1957, the court of the Chiefdom of South Buganza dismissed Mr. Kibibiro's suit against Mr. Nyirarwesa. Mr. Kibibiro, the plaintiff, stated that he did not accept this judgement, but he has never lodged an appeal with the competent court.

(3) By judgement No. 175/57 of 15 March 1957, the court of the Chiefdom of South Buganza found for Mr. Kibibiro in his suit against Mr. RUVUBI. Mr. RUVUBI, the defendant, stated he did not accept this judgement, but he has never appealed against it.

(4) By judgement No. 176/57 of 15 March 1957, the Court of the Chiefdom of South Buganza dismissed Mr. Kibibiro's suit against Mr. KABEBA. Mr. Kibibiro accepted this judgement.

Judgement has, therefore, been given in all the various suits brought by Mr. Kibibiro regarding his title to the land on which the indigenous "town" of Rwamagana was built. Mr. Kibibiro has only himself to blame for the fact that his suit against the Chiefdom of South Buganza was removed from the list. In any case, there is nothing to prevent him from instituting fresh proceedings against the Chiefdom.

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B. Land lying outside the boundaries of the "town" of Rwamagana

Although Mr. Kibibiro has been advised to refer to the competent courts his disputes with the indigenous inhabitants occupying the lands he claims outside the boundaries of the Swahili quarter, he has not yet taken any action in this direction.

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In order to complete the history of the case, reference must be made to the statements of Mr. Pierlot, an Administration official, who was Administrator of the Kibungu District in 1942.

According to this official, the indigenous "town" was established for the following reasons:

The "Arabized" merchants trading in the Rwamagana market were dispersed among the local indigenous inhabitants and, owing to their different way of life, were a source of continuous friction of every kind.

With a view to removing these disturbing elements from the indigenous population and regrouping them in a "town" near the market, Chief Rwabutogo proposed that such a "town" should be set up on land which was partly uncleared and partly under cultivation. The Swahili quarter was finally established on this site. The plots which the "Arabized" inhabitants had formerly occupied were returned to the Chiefdom for redistribution in accordance with the customary procedure.

Mr. Pierlot does not think that there were any houses on the land that was selected; if there had been, the legal owners would have been compensated immediately.

He states categorically that Mr. Kibibiro never claimed any compensation from him, either while he was Administrator of the Ngozi District (before 1943) or during the subsequent periods he spent there (in 1945 and from 1947 to 1948).

Mr. Pierlot also states that he never promised Mr. Kibibiro, or any other indigenous inhabitant, any compensation whatsoever.

It is obvious that if a claim for 72,000 francs' compensation had been made in 1942, another site would have been sought for the Swahili quarter.

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On the basis of information supplied by the Resident of Ruanda, it may be stated that the question of the Rwamagana "town" has now been settled.

Mr. Kibibiro's aim in making this petition is to reopen matters on which final decisions have already been taken by the courts, which in some cases found against him, or matters on which a legal remedy is still open to him.

The petitioner's complaints regarding land, like those he made concerning cattle, therefore fall under rule 81 of the Council's rules of procedure.

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