COMPLAINT RELATING TO THE PROJECT: “IMPROVEMENT OF HEALTH SERVICES DELIVERY AT MULAGO HOSPITAL AND IN THE CITY OF KAMPALA, UGANDA”

Request Number RQ 2014/1

IRM Problem-Solving Progress Report

April 2016
Table of Contents

1. Introduction and Current Status .................................................................................. 1
2. Background, Basis of the Complaint and Related Issues ............................................. 3
3. Status of the Problem-Solving Exercise ...................................................................... 5
   3.1. Further Consultations and their Outcome ............................................................... 5
   3.2. CRMU’s Follow-up Mission to Uganda, 17-19 February, 2015 ............................. 8
       3.2.1. Status of the project ......................................................................................... 8
       3.2.2. Meetings ......................................................................................................... 8
4. Outstanding Issues for follow up .................................................................................. 11
   4.2. Actions Expected on the Part of the Complainants: ........................................... 12
   4.3. Further Progress since February 2015 and current status of the Problem-Solving initiative ......................................................... 13

Annexes

Annex 2: Notice of Registration of Request dated 07 March 2014................................. 20
1. Introduction and Current Status

Registered on 17 March 2014 by the CRMU, the complaint was submitted by a family who alleged that the Kawempe Health Center being rehabilitated and transformed into a Referral Hospital with Bank financing is a property that belonged to their father, the late Dr. Sembeguya. The prominent physician acquired the property (Plot 73) in 1948 and built his home and subsequently a private clinic on the land in 1954. He is alleged to have been abducted and killed in 1973, presumably by the Government, and the clinic was confiscated in 1974 and handed to Kampala City Council, now the Kampala Capital City Authority (KCCA). According to the Requestors, it is Dr. Sembeguy’s clinic that was turned into what is known today as the Kawempe Health Center.

With the concurrence of the complainants, the Government and the Bank, CRMU initiated a problem-solving exercise that resulted in several meetings with all the parties under the auspices of the Ministry of Health, with the following outcome:

- Verification that late Dr. Sembeguya was the owner of the initial land on which he built his clinic (Plot 73).

- Establishment of the fact that the former Executive Director of the Kampala City Council was involved in the subdivisions of Plot 73, which led to the creation of Plot 1035 and Plot 1036 in 1974, after the demise of Dr. Sembeguya.

- Observation that Plot 1036 was further subdivided on 30th May 2005 to create Plot 3883, Plot 3884, and Plot 395.

- The complainants have expressed satisfaction with the established ownership of the subdivisions of Plot 1036, i.e. Plot 3883, Plot 3884 and Plot 395. The former Executive Director of the Kampala City Council was involved in transactions linked to the transfers.

- Confirmation of the existence of transfer of ownership document to KCCA of Plot 1035 on which the hospital is being built with Bank financing. This is disputed by the Complainants who argue that the document must have been falsified because they have proof to support their ownership of this portion of the property.

The only pending issue to resolve is therefore to verify the title holder of Plot 1035. The Land Registry in the Ministry of Lands continues to claim that this plot was sold by the complainants’ mother. The complainants are still disputing this assertion.

Further actions were undertaken in an attempt to reconcile the differences over the ownership of Plot 1035 as follows:

- Complainants reviewed the title deed to plot 1035 and the transfer form as provided by Land Registry in the Ministry of Lands. They sent to CRMU a list of questions and reservations about these two documents as well as copies of wills of Dr. Sembeguya.
and his wife as supporting evidence for their claim. They also forwarded this list of questions to the project coordinator with a request for a formal response from the Government of Uganda.

- The Government was to review the documents submitted by the complainants and provide their response. The Permanent Secretary of Health was expected to prepare a brief for the Minister of Health, recommending the following:
  - Considering the nature of Dr. Sembeguya’s death, flagging the matter to the attention of the highest level of political leadership in the country for a possible political solution.
  - In the event that the complainants come up with further evidence, keep the door open for further discussions, under the leadership of the Minister of Health.
  - Look into the possibility of proving that the payment of Shs. 129,176/40 was actually paid to, and received by, Mrs. Sembeguya as consideration for the sale of plot 1035.

On 21 May 2015, the response from the Government came in the form of a letter by the Commissioner of Land Registration (copy attached as Annex 1 of this Report) claiming that from their records, there was no doubt that Mrs. Beatrice Sembeguya transferred Plot 1035 to the City Council of Kampala, therefore disagreeing with the complainants.

Since May 2015, CRMU has had several discussions and communication with the parties, which have been constrained due to the general elections in Uganda.

In view of the foregoing, the Director of CRMU considers that there is an impasse in the problem-solving exercise, considering the reservations of the Government. However, the project is moving ahead and the building under construction on disputed Plot 1035 with Bank financing is near completion. Therefore, the Director of CRMU is seeking the guidance of the CODE Committee on the way forward to unlock this stalemate
2. Background, Basis of the Complaint and Related Issues

By Notice of Registration dated 07 March 2014 (attached as Annex 2 of this Report) CRMU informed the Boards of Directors that it had registered the complaint concerning the “Improvement of Health Services Delivery at Mulago Hospital and in the City of Kampala, Uganda” Project.

The Requestors were claiming that no compensation was ever paid to the heirs of Dr. Sembeguya and that fraudulent acts were committed in an attempt to justify the forceful dispossession of their land.

In the beginning, the property was one Plot (Plot 73, Block 208) with Land Title registered in Dr. Sembeguya’s name under instrument No. 82707 (Mailo Vol 1022. Folio 25) dated 22/12/1948. The Complainants claim that Plot 73 remained as one plot up to the time Dr. Sembeguya was killed in 1973.

Thereafter, records available at the KCCA show that Plot 73 was subdivided to create plot 1035 and plot 1036 in 1974. Plot 1036 was further subdivided on 30th May 2005 to create Plot 3883, Plot 3884, and Plot 395. These subdivisions are shown in Figure 1 below. As a result of these subdivisions, the Kawempe Health Center ended up on Plot 1035. The new hospital being built with Bank financing is occupying Plot 1035 (the site of Kawempe Health Center) and the adjacent Plot 3883. A big section of the house as well as the servant quarters presumably built by Dr. Sembeguya stand on Plot 3884, with the remaining part on Plot 395.
Figure 1: Subdivisions of Plot 73
The Director of CRMU undertook a fact finding mission to Uganda from 7 to 9 May 2014, to seek clarification about the nature of the claim and also to gather relevant facts for possible follow-up actions. He presented the conclusions of the mission in his report to the Boards dated 4 June, 2014, that included the following outcomes:

- The Requestors and the Government entities involved (Ministry for Health, Kampala City Council Authority) welcomed CRMU’s involvement and suggested the issue be mediated with Kampala Capital City Authority and the Government of Uganda (Ministry of Health) through problem-solving exercise. The Requestors are seeking recognition of their right as owner of the land, and wish to be properly compensated for the loss of the use of their property.

- At the initiative of CRMU, the Parties agreed to convene a series of consultations to discuss the issue and explore possible solutions to the complaint.

3. Status of the Problem-Solving Exercise

In line with the agreed process on the way forward, including CRMU facilitating the problem-solving, the parties held three meetings on 18 July, 2014, 14 October, 2014, and on 31 October, 2014.

CRMU undertook a second mission to Uganda, from 16 to 19 February 2015, to give further impetus to the problem-solving process.

3.1. Further Consultations and their Outcome

On 18 July, 2014, a meeting was held between KCCA, the Commissioner of Land and the complainants and their legal representative. It focused on the complainant’s legal representative’s oral presentation of the history surrounding the claims against the parcels of land comprised in Plot Nos. 1035, 3883 and 3884. The complainants were invited to prepare and dispatch to all a detailed write up describing the issues raised during the presentation. They also concurred to meet again just after each of them had received this write up.

After the complainants write up was dispatched, the 14 October, 2014 meeting was convened. This session was chaired by the Minister for Health (MOH) and participants included Ms.Judith Tumusiime, Mr.Charles Ouma, Mr.Karuhanga John, Mr. Waligo Emmy, and Dr. Okello Ayen Daniel of KCCA; Dr. Hasib Kabuya Takuba, a former mayor of KCC (); and the complainants.

The Minister reiterated the desire of the Government of Uganda to find an amicable resolution to the conflict within the confines of the law and after establishing the facts surrounding ownership of the land to determine whether or not the transactions that occurred were legal.

One of the family’s claims is that the subdivision of the land (plot 73) and sale of an additional plot (plot 3883) from the family to Dr. Takuba was illegal and therefore the sale of the same plot by Dr. Takuba to KCC becomes null and void.
However, the representative of the Commissioner Land Registration in the Ministry of Lands and Housing produced records that plot 1035 occupied by Kawempe HC IV was actually not handed over by ex-president IDI Amin as alleged but was sold to KCCA by Mrs. B. Sembeguya on 30/9/1974 at UGX 129,176.40 (about US $40 today). With respect to the second plot, 3883, sold to KCC by Dr. Takuba, the transfer documents seen in the Land Registry actually indicated that the transfer forms were signed by Mrs. Sembeguya two years after she had died. This is the reason why the Minister invited Dr. Takuba to clarify this transaction.

Regarding plot 3883, Dr. Takuba assured the meeting that he bought the plot from Mr. Hudson Sembeguya and Ms. Lydia Sembeguya, the siblings of the complainants. He showed the meeting originals of the sale agreements. He said he was well known to the family and had even helped Hudson and Lydia to retrieve their land title from a mortgage. He said that Mrs. Sembeguya, their mother had given the siblings signed transfer forms before she died and that is why the transfer was effected two years after her death using the same forms. He insisted that the two siblings should have been invited to the meeting as they would confirm the transaction.

In view of these developments, it was agreed that:

- Since the lawyers of the family were seeing the documents presented by the Land Registration Office for the first time, they needed time to study them in order to have fruitful discussions on the matter. The Commissioner of Land Registration was asked to avail certified copies of the documents/titles on file to all the relevant stakeholders especially the lawyers of the family, KCCA and the Solicitor General’s (SG) representative. The lawyers of the Sembeguya family, the legal team at KCCA and the SG were invited to familiarize themselves with all details of the land transactions as recorded in the Land Registry at the Ministry of Lands and Housing. They were requested to clarify among themselves any contradictions in the transactions.

- The Complainant family to defend themselves against the claim by Dr. Takuba that they sold plot 3883 to him, the family was asked to bring their absent siblings, Mr. Hudson Sembeguya and Ms. Lydia Sembeguya, to the next meeting.

On 31 October, 2014 the third meeting was held between the Minister for Health; Mr. Charles Ouma; and Mr. Waligo Emmy representing KCCA; Yusuf Kakerewe who was representing the Registrar, Land Registration; Dr. Hasib Kabuya Takuba who sold plot 3883 to KCC/Former Mayor KCC; and the complainants.

Mr. Hudson Sembeguya and Ms. Lydia Sembeguya the siblings of the complainants, confirmed to the meeting that they sold plot 3883. When asked by the chair to confirm whether this transaction took place at all, Hudson and Lydia confirmed the sale of their respective pieces of land to Dr. Takuba which Dr. Takuba later sold to the Kampala City Council (KCC). They confirmed that they were two separate pieces, next to each other; one for Hudson and the other for Lydia. However they denied allegations that they gave Dr. Takuba transfer forms signed by their late mother to facilitate the transfer of the two titles into his names. They said their mother never signed any transfer forms in their favour before she died; acknowledging that they only
gave Dr. Takuba sales agreements and evidence of ownership through a will left by their mother. The family claimed that Dr. Takuba is the one who knows how the transfer documents were prepared. However, Dr. Takuba insisted that Hudson brought to him the transfer forms after a surveyor whom they jointly engaged to survey the two plots completed the survey process. In addition, he said that Hudson and Lydia also gave him access to his plot from Sembeguya road.

After detailed discussions the family confirmed to the meeting that while they insisted their late mother had never signed the transfer forms, they had agreed to drop their claim on Plot 3883 since it is true some family members had actually sold it to Dr. Takuba.

In a related development however, the family complained that Dr. Takuba was in custody of the family title for the residual plot (plot 395) and that this meeting should also assist them to retrieve their title from Dr. Takuba. Dr. Takuba confirmed that he and Hudson knew where the title was and that he can assist the family to get it back as soon as possible.

The representative of the Commissioner, Land Registration read from a file a chronology of the transactions on Dr. Sembeguya’s land since 1947 when it was Plot no. 73. In particular, he reported that the late Mrs. Beatrice Sembeguya filed letters of administration to manage the estate of the late Dr. F. Sembeguya on 22/2/1974. On 20/7/1974 she signed forms requesting to subdivide plot 73 into two plots 1035 and 1036. She then sold plot 1035 to KCC and retained plot 1036, and the title for plot 1035 was transferred to KCC on 30/9/1974.

However, the meeting noted some contradiction in dates as the subdivision of the plots into 1035 and 1036 was completed on 4/11/1974 and yet plot 1035 had already been issued a title on 30/9/1974. The representative of the land registrar clarified that the variation in dates may have just been a delay in entry of the dates but does not affect the validity of the title. He stated that the title for 1035 in the registry is original and authentic and has had no encumbrances since 1974.

In addition the residue title 1036 has been with the family since 1974 and was even used for other purposes including getting mortgages etc. If they doubted the transaction they would not have kept the residual title (1036) and even used it for other transactions.

The following were the conclusion of the meeting:

- The Sembeguya family confirmed that it has no further claim to Plot 3883 sold by two family members to Dr. Takuba who sold it to KCCA.
- Dr. Takuba agreed to hand over to the family the title for the residual plot 3884 on Monday 3/11/2014. It was further agreed that this will take place in the office of the Director, Legal Affairs KCCA who will be a witness to the exchange of the title.
- It was agreed that the documents available in the Land Registry for plot 1035 will be considered authentic and genuine until proved otherwise.
- The Minister assured the Sembeguya family that as soon as they get any information or evidence to the contrary, he will immediately call another meeting to discuss the issue further. He encouraged the family to bring the relevant evidence as soon as they get it so that we could conclude this matter.
3.2. CRMU’s Follow-up Mission to Uganda, 17-19 February, 2015

3.2.1. Status of the project

Construction work on the hospital at the time of this mission was at an advanced stage. All the floors had been built, from the ground floor to the helipad (11 floors) and, floors up to the 6th had been completely walled around. Work was continuing on building the enclosing walls for floors 7 to 11.

The site visit was also used as an opportunity to verify that the hospital was being built on the disputed plot 1035; plot 3883 was the site directly behind the hospital that is under construction, where the utility building is being put up; and plots 3884 and 395 represent the site of the Late Dr. Sembeguya’s old house and servants’ quarters’ buildings.

3.2.2. Meetings

Five meetings were held during the mission; an initial session with the complainants, followed by sessions with the Land Registry, Kampala Capital City Authority (KCCA), the Government of Uganda and a follow up meeting with the Complainants. Thereafter, the mission team held a wrap up meeting with the project coordinator, before briefing the UGFO Officer-In-Charge, Mr. Gebremedhin

The initial meeting with the Complainants was held at UGFO on 17 February, 2015. The following complainants and their friends attended the meeting:

- Ms. Jean Matovu (Late Dr. Sembeguya’s daughter)
- Ms. Stella Sembeguya (Late Dr. Sembeguya’s daughter)
- Mr. Abdallah Sekimwanyi (friend)
- Mr. Michael Senyonjo (friend)

Notably not present were:

- Hudson Sembeguya (Late Dr. Sembeguya’s Son) – suffered a stroke and was unwell.
- Agnes (Late Dr. Sembeguya’s eldest daughter) – had returned to Kampala, Uganda, after 42 years in Boston, USA.
- Tom Sembeguya (Late Dr. Sembeguya’s Son) – He is based in Uganda
- Lydia (recently deceased daughter of Late Dr. Sembeguya)

The complainants acknowledged that Hudson Sembeguya and Lydia Sembeguya confirmed the sale of their inherited plots to Dr. Takuba. They confirmed that they had retrieved the original title deed to plot 395 from Dr. Takuba and therefore, no longer had any issue about plot 1036 (3883, 3884, and 395).
They expected an audience with the Minister of Health to present him with:

- An affidavit to support their claim that their mother was not living in Uganda at the time that she purportedly sold plot 1035 to Kampala City Council.
- The title deed received from Dr. Takuba, and show the Minister how it proves that plot 1035 had been illegally acquired from the family, so far without any compensation.

After further discussion, the family reiterated that they did not wish to see the Health Improvement project stopped. They simply wish to be compensated for their land i.e. plot 1035.

**The Meeting with the Land Registry was held in the afternoon of 17 February, 2015 with**

the Ag. DLM/Commissioner Land Registration, Ms. Sarah Kulata Basangwa and the Project Coordinator, Dr. Mwebesa.

Ms. Basangwa confirmed being familiar with the Sembeguya family complaint over plot 1035. She stated that the former Minister of Health believed that the complaint appeared to have a valid basis and had requested land registry to determine if this was the case. If the complaint was proved to be valid, the complainants were to be asked to provide adequate evidence to support their claim. To this end, the land registry met with the complainants to go over the documents (main and sub title deeds) held in the registry. Copies were also made available to the complainants. But so far, the complainants have not provided any evidence to disprove the authenticity of the title deeds held by the land registry.

Ms. Basangwa brought out all the documents (title deeds showing the 1948 purchase of the property and all registered events that have taken place since) and went over them reiterating that the documents were original and authentic.

It was noted that, while there were several activities recorded on the title deed to plot 1036 (several mortgages and the relevant discharge), there was no activity on plot 1035, other than its controversial creation and transfer to Kampala City Council (now called “Kampala Capital City Authority”) in 1974.

**The Meeting with Kampala Capital City Authority (KCCA) took place later on 17 February, 2015, immediately after the discussions at the Land Registry. KCCA was represented by:**

- Mrs Jeniffer Musisi (Executive Director)
- Waligo Emy (Manager, Estates)
- Charles Ouma (Deputy Director, Policy & Advisory Services)
- D. Ayen Okello (Deputy Director, Curative Services)
- Dr. David Serukka (Director, Public Health)

The meeting started with a confirmation of the outstanding points from the last meeting between the Uganda government, KCCA, and the complainants. KCCA confirmed that the title deed of the residue plot (395) had been handed over to the complainants by Dr. Takuba. In
addition, they confirmed that the meeting at which the complainants were to produce further information had still not taken place.

Dr. Mwebesa confirmed that the only outstanding issue is plot 1035. Based on documents provided by the Land Registry, this plot was sold by the complainants’ mother, a fact which they (the complainants) are disputing.

KCCA went over all the facts of the case, underscoring the fact that every assistance to solve this case has been provided by the Registrar of land titles and by the Solicitor General. They stated that, so far, the complainants had not provided any evidence to support their claim. KCCA confirmed that the transfer of title to plot 1035 was signed by the mayor of Kampala at the time; promising to find out who the mayor was and whether s/he was still alive and could shed more light on the matter. KCCA provided copies of all the relevant title deeds for plots 1035 and 1036. These documents were copies of the same documents that had been provided by the Land Registry.

Again, it was noted that, while there were several activities recorded on the deed to plot 1036 (several mortgages and the relevant discharge), there was no activity on plot 1035, other than its controversial creation and transfer to KCCA in 1974. This point was emphasised to the KCCA officials and during the ensuing discussion, it was postulated that the lack of activity on plot 1035 may support KCCA’s position, as well as the transfer documents in the Land Registry, that the plot had been sold to KCCA in 1974 and was no longer the legal property of the Sembeguya family. Consequently, it was suggested that the existence of a will that specifically mentioned plot 1035 and bequeathed it to a surviving child or person, could provide evidence about whether or not this plot was regarded as family property by the complainants’ parents.

In response to the question about the possibility of payment of compensation to the complainants, KCCA would require a court order or a decision of the registrar to make such payment.

The meeting ended with KCCA indicating their willingness to provide the assistance required to settle this matter.

The meeting with the Government of Uganda on 18 February, 2015 was facilitated by Dr. Mwebesa, the project co-ordinator. The Government of Uganda was represented by Dr. Lukwago Auman (Permanent Secretary, Ministry of Health) and Lubega Farouq (Senior State Attorney)

Dr. Asuman, representing the Minister of Health who was at a Government retreat, confirmed that he had met with the complainants that morning although the meeting had not led to any agreement. He affirmed the government’s openness to discussion but insisted that any evidence provided by the complainants must not leave any doubt.

Returning to the evidence in the Land Registry, the possibility was considered of checking Mrs. Sembeguya’s bank account for any record of receipt or credit of the Shs. 129,176.40 consideration for the land, or indeed, of checking the Government’s account to confirm the payee of the said sum. However, this possibility was regarded as being unlikely given the time
frame between then and now (i.e. 40 years) and the probability that the records may no longer exist.

The gathering then debated the possibility of a political solution where the complainants’ could be compensated for the killing of their father. This option did not receive strong support because it was felt that it would encourage other families who had lost loved ones during that time, and in similar circumstances, to file a claim for compensation.

In summary, Dr. Asuman promised to take the following steps:

- Brief the Minister of Health and the Head of State. He will highlight the political implications of this complaint and the impact on AfDB’s funding if the matter could not be amicably settled in a timely manner. He would recommend meeting with the family.
- Raise the possibility of providing compensation to the family for the killing of their father, who was the first African doctor in Uganda.
- Highlight the implications of a court action by the family, particularly on AfDB’s funding of the project.
- The brief was to be prepared within one month time frame.

The permanent secretary expressed the view that a political solution may be the best option mainly because the complaint, though plausible, could still not be proved to be true.

The follow up meeting with the Complainants took place on 18 February, 2015. The Complainants confirmed that they had met with the Government and KCCA officials that morning and had handed over the following documents:

- An affidavit attesting to the fact that their mother was not living in Uganda at the time that she had purportedly sold Plot 135 to KCCA.
- A list of points questioning the authenticity of the title deed to plot 1035.

They were still awaiting a response from the Government.

To prove that their mother had tried unsuccessfully during her lifetime to reclaim plot 1035, the complainants submitted a letter signed by a John Nagenda, Senior Presidential Adviser, Media, & Public Relations. No other document was submitted.

Further discussion centred on pointing out the inconsistencies and flaws in the copy of the title deed to plot 1035 that had been obtained from both the Land Registry and KCCA. The complainants were advised to list all their challenges to this document and send them to CRMU for forwarding to Dr. Mwebesa, the project coordinator, for a formal response from the Uganda Government.

4. Outstanding Issues for follow up

The problem solving initiative has led to the following outcome:

- Verification that late Dr. Sembeguya was the owner of the land (Plot 73).
- Plot 73 was subdivided to create plot 1035 and plot 1036 in 1974.
• Plot 1036 was further subdivided on 30th May 2005 to create Plot 3883, Plot 3884, and Plot 395.

• The complainants are satisfied with the established ownership of the subdivisions of Plot 1036, i.e; Plot 3883, Plot 3884 and Plot 395.

The only pending issue to resolve is the verification of ownership of Plot 1035. The Land Registry continues to claim that this plot was sold by the complainants’ mother. The complainants were still disputing this assertion. As the way forward, further consultations were to be carried out in an attempt to reconcile the differences over the ownership of Plot 1035. Commitment was made by both parties to undertake some specific actions, after which another meeting was to be called.

4.1. Expected Actions on Part of the Government of Uganda:

In preparation for the next consultation, the Government of Uganda was to undertake several actions:

• Review the documents submitted by the complainants on 18 February, 2015.

• Respond to the complainants by 20 March, 2015 (i.e. one month)

• The Permanent Secretary of Health was to prepare a brief for the Minister of Health, recommending the following:

  - Considering the nature of Dr. Sembeguya’s death, flagging the matter to the attention of the highest level of political leadership in the country for a possible political solution.
  - In the event that the complainants come up with further evidence, keep the door open for further discussions, under the leadership of the Minister of Health.

• Look into the possibility of proving that the payment of Shs. 129,176/40 was actually paid to, and received by, Mrs. Sembeguya as consideration for the sale of plot 1035.

4.2. Actions Expected on the Part of the Complainants:

The Complainants were to take the following steps:

• Review title deed to plot 1035 and the transfer form and send to CRMU a list of questions and reservations about these two documents within two weeks i.e. by 4 March, 2015.

• Forward this list to the project coordinator with a request for a formal response from the Government of Uganda.
4.3. Further Progress since February 2015 and current status of the Problem-Solving initiative

The complainants have submitted to CRMU their reservation about the title deed to plot 1035 and the transfer form which have been forwarded to the Government of Uganda. They have also made available to CRMU copies of the wills of both Dr. Sembeguya and his wife. The wills support the sibling’s arguments that they own Plot 1035.

The Government, through the Commissioner of Land Registration claims that from their records, Mrs. Beatrice Sembeguya transferred Plot 1035 to the City Council of Kampala.

Unfortunately, CRMU has not been able to achieved further progress since February 2015, despite further follow-up communications with the parties concerned. One of the main constraining factors has been the 2015-2016 general elections period in Uganda. There is therefore a stalemate in the handling of the case.

It is important to underscore the fact that the project is moving ahead with the building under construction on the disputed Plot 1035 with Bank financing near completion.


21st May, 2015

The Permanent Secretary
Ministry of Health
P. O. Box 7272
KAMPALA

RE: LAND DISPUTE AT THE PROPOSED KAWEMPE
HOSPITAL BEING CONSTRUCTED UNDER AN
AFRICAN DEVELOPMENT BANK (ADB) LOAN

Reference is made to your letter ref. ADM 168/247/12 dated 23rd
February 2015 addressed to my Permanent Secretary and the
Solicitor General in respect of the above. The one addressed to my
Permanent Secretary has been passed onto me for necessary action.

As you are aware, officers from the Office of Titles have attended
meetings in your Ministry, in which the alleged discrepancies to the
land have been explained. A delegation from the African
Development Bank together with Dr. Mwebesa from your Ministry
had a meeting with me in which I explained everything that they
required concerning this land.

It is surprising therefore that the claims are coming back again and
again. For the nth time, I am giving an insight, but dwelling more
about the issues raised by Jean Sembeguya on 18th February 2015
as per the attachment you put on the letter.

1) KCCA supplied us with two separate and different
Land titles.

It is not correct that they are separate and different land titles. The land title which is marked ‘A’ is a photocopy of the Registry Certificate of title. The other title which is marked ‘B’ is a photocopy of the Owner’s Certificate of title.

The Registry Certificate of title is always one sheet of paper which is commonly referred to by the public as a White Page. It has a page which has ownership and page 2 which has the incumbrances. The owner’s certificate of title is different. The first page has the inscriptions Uganda – Registration of Titles Act – Certificate of Title. Page 2 has part one and part two that is parcel description and ownership. Page 3 has the incumbrances and Page 4 is the behind cover. Within the title is always inserted a deed plan.

2) Title reads KCCA as the only registered owner.

It is correct the Duplicate Certificate of title lists City Council of Kampala (and not KCCA) as the registered owner. This is normally the procedure and practice of land registration. The last entry on the registry copy, at the time of issue of the owner’s copy, is the one captured as the registered proprietor.

3) The Cadastral print has no signature on the Land register

At that point in time, Cadastral prints were not signed by the Commissioner, Surveys and Mapping. The complainant should know that titles that were issued long time ago did not have signatures.

4) Adjacent plots to 1035

The complainant says the plot adjacent to Plot 1035 is 390 and yet on the original it is 395. When I look at the deed plan which is in the title, I find these to be the adjacent plots to Plot 1035; to the east is plot 1036, to the north is plots 546 & 545.
to the south is plot 140, to the west is a road. *None of these is Plot 390 or 395!*

5) **The discrepancy in the date of registration. 30th September 1974 against 4th November 1974.**

We have repeatedly explained that the Office of Titles received a transfer for this land into the names of City Council of Kampala and the transfer was received on 30th September 1974 and given a number KLA75061. It was first entered on the whole Plot 73. This can be evidenced from the entry marked on my attachment ‘C’. It would appear that at that point in time it was realised that City Council of Kampala was not supposed to take the whole of Plot 73 and it was removed from the title with the words “entered in error” and then Beatrice J. Sembeguya was re-entered.

The survey documents were then presented which was the Mutation Form. This Mutation Form was registered as instrument KLA75519 on 4/11/1974. The Mutation Form was used to make a separate title for Plot 1035 and also to reduce the original area of Plot 73 from 0.77 hectare to 0.37 hectare. See highlight marked yellow on annexture marked ‘D’. After creating this separate title, the transfer which had originally been lodged was then entered for only 1 acre for Plot 1035.

These were just errors on both Beatrice J. Sembeguya and City Council of Kampala for presenting a title and transfer alone without a Mutation Form but it was realised before completion of registration and it was corrected. It is not correct to say that since the transfer was earlier in time therefore Beatrice J. Sembeguya bought from City Council of Kamapala. There was no sale! The only sale was from Beatrice J. Sembeguya to City Council of Kampala.

6) **Instrument of survey**

Of course the instrument of survey is meant to create a separate title. It surveyed Plot 73 and caused the creation of Plots 1035 and 1036.

*Vision: “Sustainable Land Use, Land Tenure Security, Affordable, Decent Housing and Organized Urban Development.”*
7) The Area Schedule Form

The Area Schedule Form is just an extract of the Property Register and it usually has columns to show the property i.e. plot, the acreage and the owner at the time of survey.

It can be extracted anytime. Even for a survey which was done in 1935, an Area Schedule Form can be extracted today. The person who is the owner of a parcel at the time of survey is the one captured in the Property Register and that information never changes until a title goes back to the Drawing Office showing the change of ownership. The person who was captured at the time of survey does not necessary be the owner 10 – 50 years later. The Property Register is different from the Titles Register.

At the time of subdividing Plot 73, it was in the names of Beatrice J. Sembeguya and this is the person who was captured in the Property Register.

8) Transfer Form

It is correct to say that there is no official transfer. The original document of transfer from Beatrice J. Sembeguya to City Council of Kampala is available in the Office of Titles. I am informed that the complainants had a look at it when my officers came to the Ministry of Health for a meeting.

9) The mother title

I have explained the origin of Plot 1035 and that it originated from Plot 73 whose current plot, after numerous subdivisions, is now 3884. The complainants should clearly see that the instrument that created Plot 1035 is endorsed on their mother title Plot 3884. The Mutation Form is signed by Beatrice J. Sembeguya and George Fenekansi Sembeguya.

10) Survey approved when there was a caveat by the
The complainant should know that it is permissible in law to bring several documents for transaction but these would be ranked in priority as which should be registered first. There is no reason why a survey cannot take place when there is evidence to show that a mortgage has been satisfied or if the survey is with the consent of the caveator. The release of mortgage was presented for registration on 30/9/1974 together with the transfer to City Council of Kampala.

The Office of Titles still reiterates that the Duplicate Certificate of title for Plot 73 was presented to the Office of Titles was subdivided and the transfer for one of the subdivided titles was made and City Council of Kampala and Beatrice J. Sembeguya took their titles.

Subsequent to that, Beatrice J. Sembeguya continued to transact on the remaining part of the land that is Plot 1036 by securing a mortgage of shillings seven million one hundred and eighty two thousand (Shs.7,182,000/=) from Uganda Commercial Bank, which mortgage was acquiesced to not only by Beatrice J. Sembeguya but also Samuel Ddamba and Lydia Ddamba who were partners in M/s Kayito Caterers.

Beatrice J. Sembeguya later further subdivided Plot 1036 and created Plots 3883 and 3884. Thereafter, she sold Plot 3883 to Dr. Hasib Kabuye Takuba in 2007.

The signature of Beatrice Sembeguya is consistent on all the transactions authored by her, from the application to be registered as an administrator, to survey, transfer, mortgage, and application for special certificate of title. From our records, there is no doubt that Beatrice Sembeguya transferred plot 1035 to the City Council of Kampala. Until her demise, the office of titles never received any adverse claim or complaint.

It is unfortunate that Jean Sembeguya Matovu is falsely tarnishing the image of Government that there was “a forceful takeover by Idi Amin and a gifting to the City Council Of Kampala”. The documentary evidence in the office of titles disprove these wild
allegations.

There is no problem with the title of Kampala City Council.

Sarah Kulata Basangwa
COMMISSIONER LAND REGISTRATION

C.c. Minister of Lands, Housing and Urban Development
C.c. Permanent Secretary, Ministry of Lands, Housing and Urban Development
C.c. Solicitor General, Ministry of Justice and Constitutional Affairs
C.c. Executive Director, Kampala Capital City Authority
C.c. Ms Jean Matovu
P. O. Box 1338,
Kampala
Email: jmatovu2003@yahoo.com

Vision: "Sustainable Land Use, Land Tenure Security, Affordable, Decent Housing and Organized Urban Development".
Annex 2: Notice of Registration of Request dated 07 March 2014

Date: 7 March 2014

Notice of Registration

Request No.: RQ2014/1

Country: Uganda

Project: Improvement of Health Services Delivery at Mulago
Hospital and in the City of Kampala, Uganda

1. On 14 February 2014, the Compliance Review and Mediation Unit (CRMU) received a request relating to the above mentioned project.\(^1\) At issue is a dispute of ownership over a plot of land, in Uganda, that is currently being used to build a hospital financed by the Bank. The piece of land is alleged to have been forcibly taken over by a previous Government of Uganda without any compensation being given to the family who are now claiming to be the rightful owner of the confiscated land. The Request was submitted by three individuals. On 17 February, 2014, the Requestors provided CRMU with an addendum which includes additional background information and the chronology of ownership of the disputed plot of land. The Requestors asked for CRMU’s investigation of their claim, and also to suspend the Bank financing until the disputed matter of ownership of the plot of land has been resolved.

2. Management confirmed that they have been informed about the Request and the issues raised in it.

3. On the basis of my preliminary review, the Request fulfills the requirements for registration under the IRM Rules and Procedures and in deference to the demand of the complainants, I have decided to register it.

4. Pursuant to paragraph 19, 20 and 21 of the IRM Rules, the Request was registered in the IRM Register of Requests, on **7 March, 2014**, under **No. RQ2014/1**\(^2\). On the same day, the Notice of Registration of the Request was duly sent to the Requestors, the Boards of Directors, and the President of the Bank. The Register of Requests is accessible on the Bank website: www.afdb.org/irm.

---

\(^1\) However, the request was dated 24 February, 2014

\(^2\) Some delays were caused by communication issues and translation of the documents
5. The Boards of Directors of the African Development Bank Group (AfDB) approved on 06/07/2011 a loan of UA 56 million to the Government of Uganda to finance the Improvement of Health Services Delivery at Mulago Hospital and in the City of Kampala. The Project Financing is through an African Development Fund (ADF) loan (UA 46 million) and a Nigeria Trust Fund (NTF) loan (UA 10 million).³

6. The principal objective of this project is to improve access to quality and affordable health care services for the population of the Kampala Metropolitan Area. The project will contribute to supporting the Health Sector Strategic and Investment Plan (HSSIP) thus contributing to reduction of morbidity and mortality from the major causes of the disease burden in the country. It is expected to benefit the entire national population which is estimated at 31.8 million since Mulago Hospital is the main National Referral and Teaching Hospital. Immediate project beneficiaries are estimated at three (3) million people (9.4% of the national population), the majority being women and children under the age of 15 years.⁴

7. The project duration is fifty four (54) months and is centered on three broad strategic outcomes namely: Capacity Development and System Strengthening; Revitalized Referral and Counter-referral System; and Expanded & Improved Health Services in Kampala City. The Capacity Development & Systems Strengthening component will focus on improving management and administration of health services in Mulago Hospital, the Ministry of Health and Kampala Capital City Authority (KCCA) including: provision of ICT for human resource management and financial management; supporting training of staff in leadership and management; and clinical excellence and ethics and customer care. Support will also be provided for medical education and research capacity of Mulago Hospital and Makerere University College of health sciences; and for the development of hospital governance frameworks and human resources for health performance tools. The second component focusing on the Revitalization of a Referral and Counter-referral Systems will enable the development of a National Referral Policy and System. The revised referral and ambulance system in the greater Kampala area will include the establishment of public-private partnership for management of the ambulance system, supply of ten (10) ambulances, training of Para-Medical staff, establishment of a call centre for the ambulance operations, and community sensitization on the referral and counter-referral system. The last component, Expanding and Improving Specialized Health Services in Kampala City will focus on the development of a Master Plan for Mulago Hospital to rationalize service delivery, and improved efficiency and effectiveness; extensive rehabilitation and modernization of Lower Mulago Hospital Complex; and construction of two new general referral hospitals in Kawempe and Makindye (Kiruddu). The two general referral hospitals will have adequate provision for 24-hour emergency/trauma services and staff accommodation for critical staff managing emergencies and maternity services. The constructed and rehabilitated facilities will be provided with medical equipment, furniture, ICT network, equipment and software for patients, and administrative and financial management systems.⁵

8. The project is classified as Category 2 according to the Bank’s Environmental and Social Assessment Procedures.

9. The request relates to the last component which involves the construction works to develop Kawempe and Kiruddu Health Centers located in Kampala City into referral hospitals.

---
³ AfDB Project Appraisal Report (PAR), Paragraph 1.
⁴ AfDB Project Appraisal Report (PAR), Paragraph 2.5.1.
⁵ PAR, Paragraph 2.1.
The complainants argue that the Kawempe project site was occupied by a fully functioning private hospital which was forcibly confiscated from the complainants’ father, now deceased.

10. The request raises several issues which merit investigation by the IRM. The first is the question of whether or not the Government (borrower) has met the conditions precedent under the loan agreement for disbursement. The Project Appraisal Report (PAR) makes it clear at Paragraph 5.2.3.v (in italics) that “the Government has to have a valid title to the land, for the project to go forward at Kawempe”. The borrower was supposed to provide such evidence to the Bank by 31 October 2012. Also connected to the investigation of this issue is whether a fraud had been perpetrated (e.g. false transfers of ownership) in order to provide such evidence of the title to the land.

11. With regard to resettlement, the PAR states that “the Environment and Social Impact Assessment (ESIA) has determined that there are no resettlement and land acquisition issues associated with the project”. But it is unclear from the complaint whether or not any one was resettled during the course of the current project. It would therefore be of interest to verify whether the construction works involved any resettlement activities.

12. Under the major environmental and social impacts highlighted under the Environmental and Social Management Plan (ESMP), the land on which the rehabilitation/construction activities will take place lies within the existing land allocated to the Mulago National Referral Hospital and Kiruddu and Kawempe Health Centres. The natural environment around the sites has already been considerably altered by human settlement and other anthropogenic activities. It is unclear whether any environmentally or culturally sensitive areas on or in the immediate vicinity of the project sites were affected.

13. In addition, the ESMP further states that “regarding public consultations and disclosure requirements of the Bank, consultations were undertaken with key informants, specifically Government and local institutions, as well as with members of the general public and neighboring communities during the preparation of the Environmental Impact Statements for Lower Mulago, Kiruddu and Kawempe Hospitals.” The ESMP states further: “In accordance with the National Environment Act of 1994, and the Environmental Impact Assessment Regulations of 1998, separate Environmental Impact Statements for the three hospitals have been submitted to the National Environment Management Authority for review and approval.” These documents were deemed to be public documents. The request raises here the question of whether or not the public consultations process was extensive and adequate. Therefore, there is a need to find out why the requestors’ concern did not surface during these public consultations and whether these were done in full compliance with Bank’s applicable policies and procedures.

14. In accordance with paragraph 31 of the IRM Rules, the Bank’s Management must provide CRMU with written evidence that the Bank has, or intends to comply with the Bank’s relevant policies and procedures for this project within twenty one (21) working days, which shall be by no later than 5 April, 2014.

---

7 PAR, Paragraph 5.2.3 (v).
8 AfDB Project Appraisal Report (PAR), Paragraph 3.2.8
9 AfDB Project Environmental and Social Management Plan Summary (ESMP), P.2.
10 ESMP, P.2.
11 ESMP, P.5.
12 ESMP, P.5.
15. For any future correspondence about this complaint, the Requestors, the Bank’s Management and any other interested parties shall refer to the request number **RQ2014/1** posted on the IRM Register of Requests.

The Requestors have been notified that all communications in connection with the Request will be sent to the address stated in the Request until another address is indicated to the CRMU.

On the basis of the explanation above and the provision of Paragraph 20 of the IRM Rules and Procedures, the request is registered for problem-solving and/or compliance review.

Sekou Toure
Director
Compliance Review and Mediation Unit

Sent to:
(1) The Principal Requestor
(2) The President, African Development Bank Group
(3) The Boards of Directors, African Development Bank Group
REQUEST

Requestors
Kampala – Uganda
Date: February 24 2014

Addressed to

1. To The Resident Representative - Uganda Country Office: Mr Coulibaly Medjomo.
   m.c.coulibaly@afdb.org

2. The Director – Complaints Unit: Mr Toure Sekou
   s.toure@afdb.org

3. CMRU complaints
   complaints@afdb.org

4. Task Manager - Ms Caroline Jehu Appiah
   c.jehu-appiah@afdb.org

RE: COMPLAINT ABOUT AFRICAN DEVELOPMENT BANK FUNDING A PROJECT AT PLOT 73, BLOCK 208, KAWEMPE, KYADONDO FOR A NEW HOSPITAL WHICH IS BEING BUILT ON LAND GRABBED FROM A FAMILY THAT HAS TITLE TO THE LAND

Your Ref P-UG-IBO-006

The African Development Bank is (AFDB) funding a worthy cause in Uganda to build a hospital that seeks to improve the health and welfare of the many. This project is on a piece of land which was a fully functioning private hospital which was forcibly taken over by Idi Amin in 1974, and 'gifted' to Kampala City Council (KCC), as it was then. This is a well-known fact to most Ugandans who were around then because the late Dr Sembeguya was the first African to build and operate a private hospital in Uganda.

KCC has illegally occupied and used this hospital for the last 40 years without reference or any payment to the family of the late Dr Sembeguya. We have since learnt that fraudulent officials in KCC took advantage of the death of the late Mrs Sembeguya to crudely create fake land titles first in her name and then make transfers in other names long after her death and then sell the fake titles to KCC just before the signing of the contract with AFDB.

Kampala City Council Authority (KCCA) the successor to KCC has recently demolished the old hospital buildings and have now started to build a new hospital on this land funded by AfDB, claiming that KCCA own the land, something that needs to be stopped immediately until the question of ownership has been resolved. It transpires that the family of the late Dr Sembeguya, who was murdered by Idi Amin soldiers in 1973, has documentation to prove ownership of title.
We are aware of the Integrity and Anti-corruption policy of the African Development Bank (AfDB) and that “the AfDB views corruption, fraud, and other sanctionable practices as highly inimical to the achievement of its mandate”.

It is my plea that you urgently investigate this gross and apparent fraud and suspend funding until the matter of ownership is resolved because if the judicial review were, as it will, confirm that the contested land belongs to the Estate of the late Dr Sembeguya, KCC would have built on our land.

We could seek a permanent injunction unless we are paid all due arrears of 41 years since KCC took over the old hospital, are recompensed for the demolished buildings, which belonged to the late Dr Sembeguya, plus the cost of the land.

Yours sincerely

The Requestors.

RE: Complaint About African Development Bank Funding A New Hospital Being Built on Land Robbed From a family in Uganda.state.
Addendum Submitted by The requestor

K CC AUTHORITY VS  KAWEMPE LAND CLAIMED BY ESTATE OF LATE DR SEMBEGUYA

Background

1. The late Dr F.G Sembeguya bought this land in 1948. The land was Block 208, plot 73 and comprised of nearly 2 acres. This land title was created on December 1948 under Instrument No 82707, Mailo Vol 1022, folio 25. Dr Sembeguya built his home and subsequently built a hospital on it in 1954.

2. Dr Sembeguya was abducted from his hospital (the murderer’s posing as patients) and murdered by Amin’s men in February 1973. Soon after his murder, Amin’s men informed his wife, Mrs Sembeguya, that they wanted the hospital to be used as an army hospital. She resisted but by Feb 1974, the hospital was taken and occupied by KCC. This was common practice by Idi Amin after he took over all the Asian’ property. Around the same time, Mr Bataringaya a prominent politician had been killed by Amin and his wife Mrs Bataringaya was also killed for refusing to hand over the property which Amin wanted. So when Mrs Sembeguya was threatened by men from the State Research Bureau to hand over the hospital, she did.

3. KCC has illegally occupied this hospital for the last 40 years, despite repeated attempts to get it back by the late Mrs Sembeguya.

Legal Chronology Of The land at Kawempe

The land on which the hospital and house is situated was bought as Block 208 plot 73 in 1948 and registered in the names of Dr F.G Sembeguya. It remained as one plot up to the time he was killed in 1973.

1. On 30/9/1974 somebody unknown subdivided Block 208 plot 73 into plots 1035 and 1036. Plot 1035 was created under Instrument NO 75061 – dated 30/9/1974 in the names of F.G Sembeguya Plot 1036 was created under instrument no 75060 - dated 30/9/1974- in the names of Mrs B. J Sembeguya Both plots have never had titles issued for them until fraudulent ones made in 2005 and sold to KCCA. Plot 1035 comprised the hospital and its buildings, while plot 1036 comprised of the garden and house.
KCCA now has fake titles of both plots which comprise of the Sembeguya land at Kawempe.

What happened to plot 1035?

4. We have seen a copy of a title for plot 1035 registered in the names of KCC. The instrument no is 75061 – dated 1974

N.B
a) We have never seen any transfer forms from F.G Sembeguya to KCC
b) At the time of the land transferring to KCC- Block 208 Plot 73 is registered to Paulo Mukuye.
   (NOT Sembeguya ?!)
c) There are no copies showing who did these mutations.
d) Despite KCC claiming to have title for plot 1035, in 1974, Mrs Sembeguya never got the title for plot 1036 which comprised of her house
e) There are no transfer forms to back up this sale.

What happened to plot 1036?

Plot 3883
a) Plot 1036 was subdivided into plots 3883 and 3884.

b) Plot 3883 was created out of block 1036 – using Instrument NO 341450 dated 30/05/2005.
   In the names of Mrs B.J Sembeguya.

c) On 30/05/2007, Mrs B.J Sembeguya transferred this land to Dr Hasib Takuba.

PLEASE NOTE THAT Mrs B.J Sembeguya died on 01/05/2005
Plot 3883 was sold by Dr Hasib Takuba to KCC on 14/07/2009

We have seen a copy of block 3883 registered to KCC arising out of a fraudulent transfer made by Mrs Sembeguya after her death!

Plot 3884
a) Plot 3884 (out of plot 1036) was created using Instrument NO 70560 (Last used in 1974 to create the original sub-division of plots 1035 and 1036!)

b) This plot created at the same time with plot 3883 which has an Instrument no 341450.

c) We have seen a copy of a title for block 208 plot 73 in the names of Paulo Mukuye.
   This from a search done 28/11/2013

d) We suspect that the Mukuye title is the root folder used for fraudulently creating plots 1035 in the names of KCC.
e) The existence of Paulo Mukuye as owning plot 73 implies that this land was never owned by Dr Sembeguya at all despite the searches all these years showing that it is owned by the Sembeguya’s

f) The title KCC has for plot 1035 must have been created after the death of Mrs Sembeguya and certainly after 7th May 2010. We still can’t prove this as KCCA have failed to produce it.

g) A Search on 7 May 2010 states that plot 1035 is owned by G.E Sembeguya and plot 1306 by Mrs B.J Sembeguya
But a search by 16/07/2010 showed KCC owning Plot 3883, sold to them by Dr Takuba
And plot 1035 sold to them maybe by Paulo Mukuye.

h) The reason why they went back to such an old Instrument No is because they had now put a Paulo Mukuye as the owner of Block 208 plot 73 registered to Dr Sembeguya in 1948

i) KCC after illegally occupying our land and hospital for 40 years, finally bought it from Dr Takuba and Paulo Mukuye and demolished the old hospital buildings. KCCA is now planning to build a new hospital on the site of the old hospital, plus land on which the residential house resides.

CONCLUSION

1. Amin forcefully occupied the hospital of Dr F.G Sembeguya, and ‘gifted’ it to KCC in 1974, after he was murdered in 1973. KCCA are now harassing the Sembeguya family by beating up and arresting anybody protesting, as they illegally build on this land.

2. For the last 38 years the land was still registered in the names of Sembeguya. The family made frequent searches at KCC and the land office and have copies which show that the land was still in the Sembeguya’s name until 2009.

3. Mrs Sembeguya (the widow) made repeated requests to KCC over the years to return her hospital which were ignored.

4. The main part of the hospital (plot 1035) Is purported to have been sold to KCC in 1974, but until 2010 searches at KCC were still showing that this land to belong to Sembeguya.

5. It is surprising that if KCC bought land in 1974 and got a title, that Mrs Sembeguya would not have made a title for the rest of the land which she did not sell to KCC. (plot 1036)

6. This we believe is because since the land was still in her name, Mrs Sembeguya never made the mutations which have resulted in the fraudulent sale of this land to KCC after her death.
7. It is also surprising that a ‘Paulo Mukuye’ appears as the owner of the original land title Block 208 plot 73 on a search by **28 November 2013** – just before the KCC signed the contract to build the new hospital. Note:

8. KCCA CANNOT SHOW WHO SOLD THEM **plot 1035 and when**

9. The transfer made by Mrs Sembeguya to Takuba is fraudulent because she was already dead.

10. The title which KCC has for plot 3883 sold by Takuba is therefore fraudulent.

11. The fact that after the brutal murder of Dr. Sembeguya his hospital was forcefully occupied by Amin, is well known by a lot of people who were around then. The hospital was a profitable going concern with operating theatres which KCC just started occupying and using.

The fake mutations which have subsequently been made have resulted in KCC buying these fake titles and demolishing the Sembeguya buildings which they have illegally occupied for 40 years.

The fact that after the brutal murder of Dr. Sembeguya his hospital was forcefully occupied by Amin, is well known by a lot of people who were around then. The hospital was a profitable going concern with operating theatres which KCC just started occupying and using.

**CURRENT SITUATION**

1. The Sembeguya family approached Katende, Ssempebwa and Co to try and repossess their land and property which has been forcibly occupied by KCC for the last 40 years.

2. KCCA has shown us one fake title for plot 3883 but have failed to produce the second title, claiming that they cannot find it.

3. KCCA are continuing with building on this land- despite being aware that they hold fake titles.

4. We ask that the AfDB intervenes and investigate this massive fraud