

REQUEST

Requestors
Kampala – Uganda
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Addressed to

1. To The Resident Representative - Uganda Country Office: Mr Coulibaly Medjomo.
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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

KCC 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 owing 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