

# Ugandans to the rescue



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If you have money the Uganda Police is there for you. Land Disputes, Family disputes, call on kaihura police force

Posted by Musa

Highly influential persons are said to be using the police to possess land belonging to the Esmail Family, now living in Canada. John Njoroge digs into the saga that has seen sides trade accusations. The Family was part of the Asian community that was expelled by former president Idi Amin in 1972. Their properties were taken over and managed by the Departed Asians Property Custodian Board (DAPCB) pending their return.

The plots totalling approximately three acres are located on Mbuya hill, a Kampala suburb. On February 22, Mr Charles Odere, a lawyer representing the Esmail Family, petitioned President Museveni over attempts by “State House Operatives” to frustrate, harass and interfere with the Family’s redevelopment quest. The Family also raised a similar complaint with Uganda’s ambassador to Canada, the World Bank, the Canadian High Commission in Kenya and the Canadian Ministry of Economic Development and Trade.

In his letter, Mr Odere named seven people he said were interfering with his client’s rights by “initiating bogus and baseless investigations”. This newspaper cannot name the persons at the moment for legal reasons but two of the individuals are directly connected to the First Family. Following Mr Odere’s petition, Maj. Leonard Chemonges, the Senior Presidential Adviser for Political Affairs, wrote to police chief Kale Kayihura asking him to manage the matter in respect to government’s commitment to return Asian properties. “The Esmail Family repossessed their property from DAPCB in 1997 and they have

HELP IS ON THE WAY

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4/13/2011

been in the process of re-developing it,” he wrote. “There is no justification for this continued harassment. Any individual or state institution aggrieved by the decision to return Asian properties should go to court but not use extra-judicial measures,” Maj. Chemonges said in a February 25 letter, but the deadlock still continues.

Commenting on the matter, Maj. Gen. Kayihura said the police was innocent of the accusations labelled against it by Mr Odere. “Police has merely been providing security and not influencing the matter. Odere’s accusations are baseless,” he said. He added: “I received a delegation of persons who said they were members of the Esmail Family. I forwarded their issues for further investigations.” He said he has ordered the police to withdraw from the property as investigations continue.

## Money exchanged hands

Information also indicates that money has exchanged hands in a bid to frustrate efforts by the Family. One of the three “interested parties” is said to be under pressure to refund the money or deliver as promised. One of the accused is Mr Joseph Konyen, who, according to obtained documents, is a former tenant of House No. 3, Plot 135-141, Ismail Road—one of the seven houses in the property—but is allegedly working on behalf of the “powerful people”.

The documents also indicate that Mr Konyen received Shs4.5 million last year to voluntarily vacate the property. “I have never received any money from Odere,” Mr Konyen told this newspaper on Friday. “It is the government and the custodian board that made the complaint. I am just a concerned tenant. Police is investigating the matter.”

According to an August 13, 2010, investigation report by Assistant Inspector General of Police, Mr Charles Kataratambi, there was no legal connection between the former owners and their purported agents, thus their repossession certificate was either mistaken or fraudulently issued. Mr Kataratambi recommended the property remain under the responsible authorities. But Gen. Kayihura yesterday seemed to blame Mr Odere for the confusion. “Odere should be in a position to tell us who is a bona fide tenant and who is not, and who has been paying him rent,” Gen. Kayihura said.

Also implicated is Mr Bernard Tumwesigire, an employee of the DAPCB who initiated the investigations. Daily Monitor could not get in touch with Mr Tumwesigire, who has since been charged in court and remanded on a different matter. In 2002, it was alleged that the Family did not exist and Mr Odere was trying to get the property for himself. But after clarification of the actual status of the property, Ms Ruth Namirembe Olijo, then DAPCB task force head, wrote to Mr Odere acknowledging that the ownership status of the property would be respected.

“Cancellation of their repossession certificate will therefore not arise,” Ms Olijo wrote in her June 20, 2002, letter. In January 2002, several UPDF officers who had been occupying the Mbuya plots voluntarily vacated the land to pave way for the would-be developer.

## *Ugandans to the rescue*



4/13/2011

Ms Naome Kibaaju, the Defence Permanent Secretary then, wrote to the custodian board, communicating the Defence Ministry's decision to comply with government directives to vacate the said properties to pave way for the rightful owners to develop it. "The ministry has now decided to move all its officers from Expropriated properties and hand over the same properties to your board, which should in turn assist this ministry by passing them to the rightful claimants," Ms Kibaaju wrote on January 11, 2002.

So, if the Esmail Family repossessed their properties in 1997, the UPDF relocated several of its senior officers from the Mbuya property in January 2002, and the custodian board assured the Family that their property was safe, why is there resistance? "We are trying to establish the people I met last year if they are members of the Esmail Family," Gen. Kayihura said, adding that the matter is before Uganda's embassy in Canada.