

Bamugemereire says govt geologist criminally liable

By Andante Okanya
and Edward Anyoli

Land commission of inquiry chairperson Justice Catherine Bamugemereire, has said the government geologist who justified sh132b Isimba power dam rock compensation, is criminally liable.

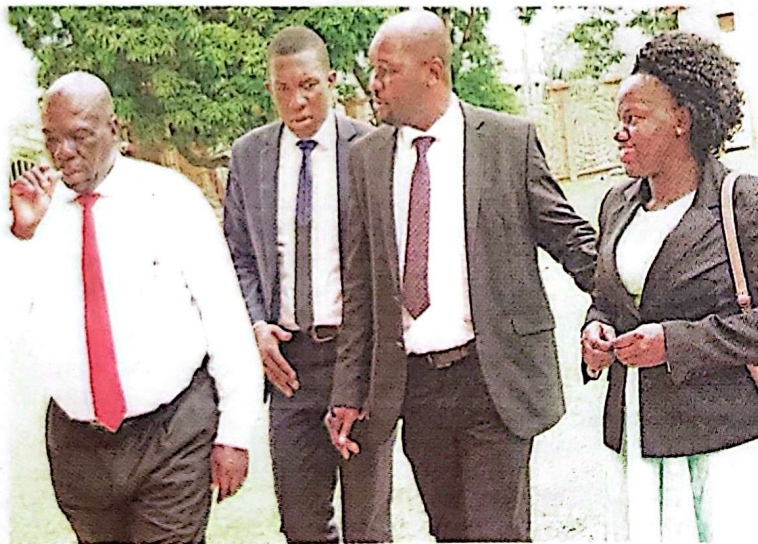
A tough-talking Bamugemereire, made the remarks on Tuesday when the acting director of the Directorate of Geological Survey and Mines, Zachary Baguma, testified at the inquiry public hearing.

She said one of the terms of reference of the commission was to make recommendations pertaining to civil, administrative and criminal sanctions against persons found culpable for wrongdoing.

Baguma was the lead author of two unauthorised 2014 rock valuation reports.

The geologist assessed the claims of the former MP of Ntenjeru County South, Tom Kazibwe and Entebbe town clerk Charles Magumba which gave a sh132b worth for rock and sand.

"You people are going to answer criminally for attempting to cause financial loss to the Government. You are in a ring, a racket. There



Baguma (in red tie) listens to Ojok (second-right), while Nyaketcho and a lawyer look on at the Archives and Records Centre in Nakasero yesterday. Photo by Kennedy Oryema

is no country in the world where a geologist would be allowed to do this," Bamugemereire said.

Proceedings are being conducted at the Archives and Records Centre on Lourdel Road in Nakasero.

In 2014, the Government compensated Kazibwe and Magumba for their combined land of 74 acres in

Kayunga district which they had sold to the Government in 2012.

However, the duo later sued the Government, purporting they were deprived of future earnings from the gravel in the rock on that land.

They are part of claimants demanding a total of sh600b for rock used as part of raw material for both Isimba and

Karuma hydropower projects.

Baguma who was flanked by his lawyer, Geoffrey Ojok and senior geochemist Catherine Nyaketcho, however, defended the reports as truthful.

He said a senior government valuer, Moses Magala, sent an official request to assess and assist the Office of the Chief Government Valuer to compute the rock's worth, which was categorised as building materials.

Asked by lead counsel Ebert Byenkya on the methodology used to ascertain the length, width and depth of the building materials, including sand, Baguma responded that his team used scientific methods.

"We used mapping, assessed and produced a geological map. We also excavated two metres deep," Baguma said.

Deceptive

Byenkya rubbished the reports, as being based on guesswork.

He said Baguma had failed to explain how he concluded that the land had 12 million tonnes of gravel and 231,890 tonnes of sand on it.

"You were working on assumptions. Nothing scientific about your method. You were making estimations but

The commissioners are Frederick Ruhindi, Mary Oduka Ochan, Robert Ssebunnya, Joyce Habaasa, Dr Rose Nakayi and George Bagonza. Ebert Byenkya is lead counsel while John Bosco Suuza is deputy lead counsel. Andrew Odiit is assistant lead counsel. Dr Douglas Singiza is the secretary to the commission, while Daniel Rutiba is deputy secretary.

COMMISSION TEAM

come out as though you were saying the truth and you used the word possible, which means you were not precise," Byenkya stated.

The lead counsel noted that Baguma's report was deceptive, as it created an impression that project-affected persons can claim unexploited minerals beneath their land.

Byenkya stressed that Article 244 of the Constitution, vests the Government with management of geologically produced substances underneath the ground, like minerals.

Deputy lead counsel John Bosco Suuza rebuked Baguma for what he called betraying the trust of the Government when he admitted he did not brief his overall supervisor, the permanent secretary.

Baguma was also ridiculed for deliberately declining to consult the Government-appointed private valuers Kaggwa and Partners, who advised the Government to compensate the PAPS with sh34.5b.