

Scandalous. Mr Ntaganda allegedly connived with some government officials to obtain a lease for the two hectares without consent of the school management.

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KAMPALA. Businessman Ephraim Ntaganda has been accused of fraudulently acquiring and leasing Nakasero Primary School playground in the upscale area of the capital Kampala.

Mr Ntaganda, through his Prestigious Apartments Ltd, allegedly connived with some government officials in the Education ministry, Uganda Land Commission (ULC) and Kampala Capital City Authority, to obtain a lease for the two hectares without consent of the school management.

Documents presented to the Justice Catherine Bamugemereire-led Commission of Inquiry into land matters in the country indicate that ULC parceled out the land on Plot 34A and created plots 34A1 and 5C on Kyadondo and Mackinnon roads, respectively.

The documents further show how the process was fast-tracked to expedite Ntaganda's acquisition of the land.

How it started

Mr Joel Bakawa Ssekabembe, the chairperson of the school management committee, presented documents to the Commission, which indicated that Prestigious Apartments Ltd. was registered on August 5, 2010 but within 14 days, the company bid for the land, had its application vetted and approved and the transfer of ownership completed.

After the registration on August 5, 2010, Ntaganda's company applied for the disputed land on August 16, 2010 and was given a no-objection by ministry of Education in a letter dated August 19, 2010.

The company then expressed interest in renovating the school on April 19, 2011.

"In my comments in management committee meeting, I asked; what is the profile of a company moving into business at that speed? Would it be wise, even if it became necessary for the school management committee, to surrender its interest to such a company? What was their motive? We wondered," Ssekabembe told the Commission.

He added: "... in early 2011, the school received an application letter from Prestigious Apartments Ltd

How Ntaganda took Nakasero school land



Contentious. A section of Nakasero Primary land allegedly grabbed by Kampala businessman Ephraim Ntaganda. PHOTO BY STEPHEN WANGERA

AUDITOR GENERAL FINDINGS

Recommendations: According to Mr Joel Bakawa Ssekabembe, the chairperson of the school management committee, the Auditor General's report recommended revocation of Uganda Land Commission (ULC)'s allocation of the land to Prestigious Apartments Ltd since it was marred by irregularities and Ministry of Lands to cancel the land titles for plots 34 A and 5C on Kyaddondo and Macknnon Roads, which now belong to Prestigious Apartments Ltd and Emirates Developers Ltd, respectively.

The AG ruled that the mortgaging of Plot 34 A on Kyaddondo Road to

obtain a bank loan before fulfillment of the lease terms on the initial period and without prior consent by ULC, was irregular.

"Bank of Uganda, police and Financial Intelligence Authority are advised to follow up this matter. Mr John Agaba and Ms Night Alice should be held responsible for their actions and or omissions in regard to the issuance of no-objection...." reads the report.

No action was ever taken against the duo as recommended by the AG.

The AG further recommended that then ULC chairperson, Mr J. A. C Mayanja (now deceased) and secretary Mr S.K. Mubala, be held responsible for not following proper

procedure in the land allocation process.

However, ULC ignored the AG's recommendation and went ahead to grant the 49-year lease to Mr Ntaganda and Mr Kanabi's Prestigious Apartments Ltd and Emirates Developers Ltd.

Earlier accusations: Mr Ntaganda has been interrogated by the commission over alleged fraudulent acquisition of Kajjansi Central Forest Reserve land in Wakiso District and degrading it.

By press time, Mr Ntaganda was yet to appear before the commission to defend himself against the accusations.

stating that they wanted to develop the land adjacent to the school."

Mr Ssekabembe said the letter indicated Prestigious Apartments Ltd had acquired a leasehold title for the land near the school through ULC, but in a bid to have good neighbour relations, the company had agreed

to do "something" for the children of Nakasero Primary School. He further stated that the company also agreed to replace the asbestos roofing on the school buildings with iron sheets, among other developments.

Identifying Mr Ntaganda as having signed letters as one of the directors

of Prestigious Apartments Ltd, Mr Ssekabembe testified that during a meeting, the school management committee, wondered why the company was interested in developing land at Nakasero Primary School.

"I later realised that Plot 34 is the land where our playground is located,"

Mr Ssekabembe testified.

He said after the meeting, they resolved to take the matter to Kampala City Council (KCC), now RCCA or acquire a bank loan.

He told the commission that the management committee had little information about the transaction and questioned the authenticity of the documents presented by Prestigious Apartments Ltd and why KCC and the Education ministry did not consult the school before giving a no-objection to the offer of the land to Mr Ntaganda.

According to Mr Ssekabembe, the then commissioner for secondary education, Mr John Agaba, signed a no-objection on behalf former Permanent Secretary, Mr FX Lubanga, while Ms Night Alice, the city education officer in charge of Central Division, signed on behalf of the city council.

Mr David Sengendo, a former head teacher of Nakasero Primary School for 11 years, testified that in 2011, he received a letter from Prestigious Apartments Ltd expressing interest in helping the school improve its infrastructure.

"After sometime, Mr Ntaganda and Bob Kanabi visited me, expressing their interest to help the school improve its image. I asked them to put their detailed proposal in writing because the school is managed by a school management committee, where I report. They gave me a copy proposing to re-roof Nakasero Primary School," he said.

Mr Sengendo is currently the head teacher of Buganda Road Primary School.

School rejects offer

He said Nakasero Primary School management committee met in May 2011 and unanimously rejected the procedure which had been followed to lease out the school land to Prestigious Apartments Ltd, but it was given away nevertheless.

Evidence before the commission indicates that in October 2010, four months after the acquisition of the lease, Mr Ntaganda and Mr Kanabi sold their stake in the company to Muhamood and Shaidah Buharian.

This, coupled with the fast-tracking of the application for the land after the registration, suggests the company was formed mainly to acquire Nakasero Primary School land.

Evidence before the commission shows Prestigious Apartments Ltd have since leased part of the land to Emirates Developers Ltd at \$400,000 (about Shs1.5 billion) and mortgaged another part to the now liquidated Crane Bank at \$2m (about Shs7b).