



News Release

December 8, 2024

Misleading publication by the New Vision regarding ownership of land by foreigners in Uganda

The attention of the Judiciary has been drawn to a misleading publication by the New Vision, in its Weekend Vision newspaper as regards the ownership of land by foreigners, with specific emphasis, to Freehold Tenure.

We clarify as follows;

In the matter, the plaintiffs, Zalwango Margret Nalongo, Lumasi John Kazibwe, Kimera Eddy, the Administrators of the estate of the late Festo Banja, suing through their Attorney Kiconco Medard sued Ladha Kassam & Company Limited, Ebrahim Kassam And Sons Properties Ltd, Nuhu Wadembere, Commissioner Land Registration, Mugumya Moses, Blue City Investments Ltd, Melvin Karuhanga, Ferdinand Musimenta, and the Attorney General.

In the suit, the plaintiffs sought declaratory orders that the land comprised in Plot 3 Block 408 land at Sisa belonged to the estate of the late Festo Banja, that plots represented by the defendants as No.206-210, Block 408 FRV 3 Folio 15 were created fraudulently and or that the same were fake and non-existent, an order for cancellation of the said titles or any subsequent titles there out, restoration of the same to Mailo tenure, an order of eviction and award of damages among other remedies.

In its finding, the Court dismissed the plaintiffs' claim to the land initially registered under Mailo tenure but lawfully converted to Freehold under colonial laws following the 1900 Uganda Agreement and subsequent legal frameworks Festo Banja having transferred the same to the Governor of the Protectorate for valuable consideration on the 06th September 1915 under Instrument of transfer No. 302 of 22nd November 1915. The land therefore was not part of the estate of Festo Banja.

Court also found that the plaintiffs, administrators of the estate of the late Festo Banja, had fraudulently reconstructed/superimposed back a Mailo title over the said land that had already been transferred from mailo tenure, under the Crown Grant No. 11856 dated 25th March 1926 registered under Freehold for the defendants, relying on closed historical records without proper authorization.

Court then found the defendants, who acquired titles through legitimate transfers from the original Freehold owner, to be bonafide purchasers for value. It was the further finding of court that the plaintiffs' alleged title was illegally reconstructed, and yet the Succession Register and their Letters of Administration clearly omitted the disputed land from the estate records.

The suit was dismissed with costs, with further orders that the Donee of the powers of attorney of the plaintiffs was to be held personally liable for costs if the plaintiffs' whereabouts remained undisclosed, and that criminal investigations were to be commenced into the plaintiffs and their attorneys' fraudulent actions and possession of the Registrar of Titles' original Certificate.

Nowhere in the Judgment did the learned Principal Judge, the trial Judge in the matter hold that a Foreigner can hold Freehold Tenure in Uganda.

We therefore demand that the New Vision retracts the falsehood, as it undermines the principles addressed by the trial Judge while resolving the issues raised, through the same means they published it.

Further to the above, the general public is implored to ignore the said publication for the reasons herein stated.

ENQUIRIES

Ereemye James J.M, Public Relations Officer
E: jereemye@judiciary.go.ug

| **Sheila Wamboga**, Principal Communications Officer,
E: swamboga@judiciary.go.ug