

# The Land & Property Procurement Contractor Secret Services Uganda Ltd.



- 1. Properties sold without the Minister's approval.**
- 2. Expropriated Properties to be sold.**
- 3. Departed Asians Properties.**
- 4. Properties Pending Valuation.**
- 5. Management of Property**
- 6. Management and Disposal of Properties.**
- 7. The Expropriated Properties (Sale and Disposal) (Replacement) Order.**
- 8. Certificate Authorizing Repossession.**

**9. Application to Repossess Property or Business.  
(Under section 4 of the Expropriated Properties Act.)**

**10. The Expropriated Properties (Repossession and Disposal) (No.1) Regulations. (Under section 16 of the Act).**

**11. Certificate Validating Transfer of Property /Business Under a Joint Venture Agreement. (Under section 5(3) of the Expropriated Properties Act.)**

**12. Certificate of Purchase or Receipt of a Property / Business. (Under section 9 of the Expropriated Properties Act.)**

**13. The Uganda Gazette**

**14. List of Property Repossession Claims.**

**15. Liquidators**

**16. Powers of Anthony**

To recover expropriated properties in Uganda, former owners must apply under the

**[Expropriated Properties Act 1982](#)**, involving applying to the Minister of Finance (via the Departed Asians Property Custodian Board - DAPCB) for repossession, demonstrating intent to return and manage the property, and resolving legal issues with current occupants, with a process that can involve court action and compensation considerations for third parties.

The process is complex, often delayed by disputes, institutional issues, and legal challenges, but the core mechanism is through the legally defined procedures for repossession or compensation.

### **Key Steps & Considerations:**

1. **Understand the Law:** The **Expropriated Properties Act (Cap 87)** governs the return or disposal of properties expropriated by the military regime in the 1970s.
2. **Apply for Repossession:** Former owners (non-citizens at the time of expropriation) must submit an application to the Minister of Finance.
3. **Meet Conditions:** The Minister must be satisfied you will physically return to Uganda and effectively manage the property.
4. **Departed Asians Property Custodian Board (DAPCB):** This body manages properties and processes repossession applications, but faces ongoing legal and administrative challenges.
5. **Dealings with Current Occupants:** If the property is occupied, the Act outlines procedures for transferring title, potentially requiring compensation to current tenants for improvements or purchase price.
6. **Legal Challenges:** Many cases involve ongoing court battles over ownership, fraud, or mismanagement, sometimes halting government plans like dissolving the DAPCB.
7. **Failure to Claim/Return:** If you don't apply, or fail to return within a set timeframe (e.g., 120 days after authorization), the property can be retained by the government or sold.

7.

### **Key Authorities & Bodies:**

- **Minister of Finance:** Has the power to transfer properties.
- **Departed Asians Property Custodian Board (DAPCB):** Manages expropriated assets.
- **Courts of Uganda:** Handle disputes and appeals related to repossession.

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### **Challenges:**

- **Institutional Weaknesses:** The Custodian Board has faced operational issues, leading to delays and injustices.
- **Competing Claims:** Issues arise with current occupants, tenants, and fraudulent claims.
- **Historical Injustice:** The process aims to correct past wrongs but creates new challenges for current occupants.

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For detailed legal guidance, consult with a Ugandan lawyer specializing in property law, especially those familiar with the Expropriated Properties Act and related court cases.

## **5th August 1972 - Idi Amin Announces Expulsion Of Ugandan Asians.**



## Ugandan Asians fear second expulsion as MPs dig into assets mess.



Ugandan Asians arrive in the UK after being expelled by Idi Amin in 1972. More than 50,000 Asians were expelled at the time, part of their 'crime' being monopolising trade at the expense of native Ugandans. PHOTO BY AGENCIES.



The Land Secret Services Uganda Ltd is a non-profit civil rights organization that was established on 7 -7 2016. The organization was created to call up the Departed Asians to participate in public debate and actions outside of the sphere of party politics. The Land Secret Services Uganda Ltd is not an ordinary organization, but a tool for us and our descendants to create a better future by executing The Land Secret Services Uganda Ltd.'s three-pronged success recipe for hope.



## What's the context?

Fraud and corruption have plagued efforts to return thousands of expropriated assets to their owners, with many still empty-handed

- Idi Amin expelled 55,000 Ugandan Asians in 1972
- Thousands of abandoned properties seized by the state
- Fifty years on, graft seen plaguing reclamation bids

KAMPALA, Dec 2 (Thomson Reuters Foundation) - Amin Visram remembers the joy of his childhood in Uganda: games of marbles, badminton, the laughter of his friends.

And he remembers seeing his breath condensing in the cold air when he and his family landed in Canada as refugees after being thrown out of the country they called home.



That was in 1972, when Uganda's former dictator Idi Amin expelled 55,000 South Asian residents from the East African country. Almost all of them scrambled to flee the country, with only a few hundred well-connected Asians staying on.

The 9,000 or so properties they left behind, which were expropriated by the state, were some of the most valuable real estate in the country – and are still being fought over, 50 years on.



Lawyers, officials and Ugandan Asians described a tangle of forged documents, corruption and endless court cases. There are even conflicting accounts of exactly how many unclaimed properties remain.

Visram, who was 13 at the time of the expulsion, is still chasing money he was promised for his family's three houses, including his childhood home.

He said that in the 1990s his family gave power of attorney to a businessman in Uganda to recover and manage the properties.

The family received \$5,000 for one house, which they consider inadequate, and nothing at all for the other two, and the businessman was accused of large-scale fraud by a parliamentary inquiry published last year.

## Asians In Uganda

View of both Asian and African citizens waiting in a queue at a bus stop outside a shopping centre in Kampala, Uganda in 1972. In August 1972 President Idi Amin would order the

expulsion of Uganda's Asian population from the country. (Photo by Rolls Press/Popperfoto via Getty Images/Getty Images)



"Between Canada, the United States and (the) UK, I would say there are hundreds of families in this situation," said Visram, who now runs a hotel group in Canada. "Somebody has unjustly gotten rich off the back of these refugees."

The property saga highlights endemic corruption in Uganda, which was ranked 144 out of 180 countries in [Transparency International's](#) 2021 Corruption Perceptions Index.



## Valuable assets

Amin was ousted in 1979. The abandoned Asian properties – some taken over by soldiers, others occupied by tenants who paid rent to the state – were a crumbling reminder of his rule, lying at the historic heart of Uganda's cities.

In 1983, a new government enacted a law allowing former owners to reclaim their properties, handing stewardship of the process to the Departed Asians Property Custodian Board, a government agency.

But restitution only really got going in the 1990s, when the World Bank made it a condition of lending and President Yoweri Museveni - who remains in power - began courting Asian investment. The properties were worth an estimated \$1 billion at the time.

In 1991, the World Bank wrote that the expropriated buildings "represent a substantial component of Uganda's capital stock (including) shops, warehouses, motor garages, office and apartment complexes, residences, manufacturing and over 400 agro-processing plants, agricultural estates and other farms".



Yet in the rush to return the properties, some "crooks" crept in, said Dan Wandera Ogalo, a lawyer who has represented the Custodian Board in court.

An Asian woman prays inside an Indian temple in Jinga District Uganda, October 1, 2022.  
Thomson Reuters Foundation/Isaac Kasamani

## **Property empires**

Many of the Asians expelled in 1972 never returned to Uganda after Amin's ouster, granting power of attorney to others to reclaim properties on their behalf.

Some of them used those powers to build property empires while remitting only a fraction of the income to the original owners, according to four prominent Ugandan Asians.

Much of that depended on "rampant corruption" at the Custodian Board during the 1980s and 1990s, said Mahmood Mamdani, a Ugandan Asian academic at Columbia University.

He added that "Custodian Board officials and several unscrupulous Asian lawyers" turned the repossession process "into an opportunity to make a huge amount of money".

The unruly scramble for the properties drew in opportunists from across the Ugandan elite, said Ibrahim Kasozi, an opposition politician who led the parliamentary inquiry.

He said a "mafia" of lawyers, judges, officials, business people and government ministers had conspired to grab properties and obstruct justice.

"The government is not committed to give (back) those (properties) because individuals within the system, they are benefitting."

The parliamentary report found "massive deliberate errors committed by impostors and fraudsters, with the aid of office bearers in the (Custodian Board)".

The board's current executive secretary, George William Bizibu, told Context he would not comment on the report "because that's at the level of parliament".

Among those named in the parliamentary report is an Asian businessman called Mohamed Allibhai – the same man that the Visram family gave power of attorney over their home.

The report said Allibhai had fraudulently repossessed nearly 1,000 expropriated properties "and went on to manage or even own the properties ... to the detriment of the real owners".

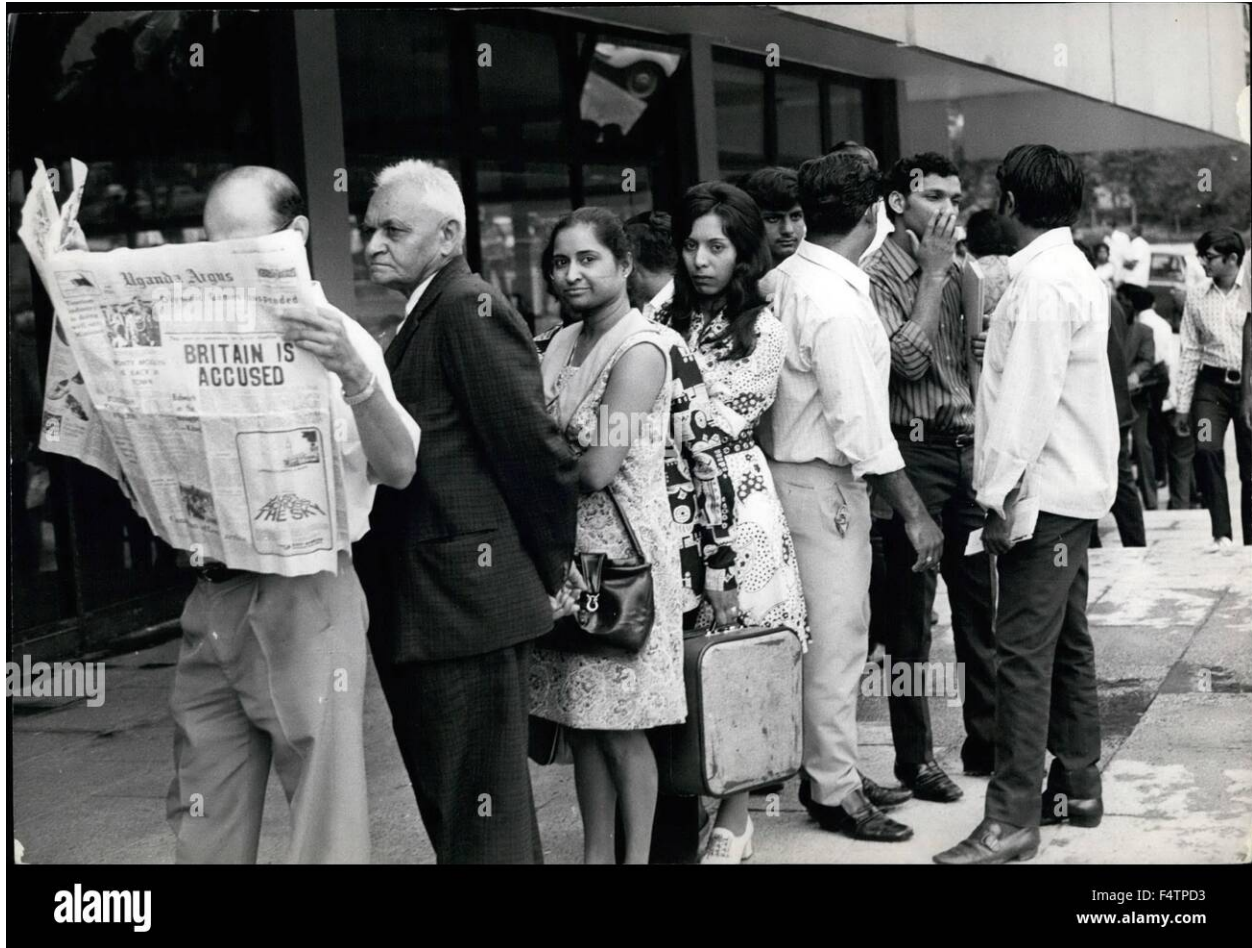
Allibhai did not respond to a request for comment, but his lawyer Eddy Okumu said some people were trying to reopen decades-old cases for selfish ends.

"The genesis of those allegations of fraud is to find a way of grabbing these properties and sell them," he said.

In July, a judge ruled that the parliamentary committee had "exceeded its mandate" and acted "illegally" by investigating cases that had already been settled in court.

## **Forged documents**

Dog-eared files are stacked on cabinets and piled on the floor at the Custodian Board offices in Kampala, the Ugandan capital.



"This is just a drop in the sea," said Bizibu, the board's head since 2017.

He said 4,063 properties have been reclaimed and another 1,500 sold by the government. More than 2,000 properties remain unclaimed.

"Everyone has a right to come and claim his or her property, even today," he said. "Currently I have around 10 claims which we're working on."

But 50 years after the expulsion, verifying claims is no easy task. The biggest challenges, he said, are "impersonators", "forgeries", and "loose ends" in the archives.

"If I meet a hundred (people) there could be only 10 who are genuine," he said, as a queue formed outside his door.

Nobody can agree on how many properties have yet to be reclaimed.

Context spoke to lawyers, former officials and Asian community leaders who challenge Bizibu's figures, with estimates ranging from just 200 unclaimed properties to as many as 4,000.

A statue of Mahatma Ghandi, an Indian anti-colonial nationalist, stands outside an Indian Temple in Jinja District, Uganda, October 1, 2022. Thomson Reuters Foundation/Isaac Kasamani

Benard Shaw Tumwesigire, an army officer who was appointed executive secretary of the Custodian Board in 2009, said he had processed data on about half of the unclaimed properties before he was "arbitrarily" forced out in 2017.

"Those who did not wish me to finish capturing the data decided to lock me outside the office," he said.

His replacement, Bizibu, is a former ruling party activist who had close ties to the finance minister at the time of his appointment.

Bizibu was arrested by the president's Anti-Corruption Unit earlier this year over suspected fraud at the entity.

A unit spokesperson said had not been charged in the ongoing investigation, and Bizibu denied wrongdoing, saying his arrest was not related to Custodian Board matters.

## **Pandora's box**

Museveni, who has said the battle against graft was one of his main priorities for his current term as president, has [expressed exasperation](#) with the property saga.

Last December, his influential brother Salim Saleh - who has extensive business interests of his own - launched an initiative called Operation Harmony with the stated aim of resolving the issue.

Ogenga Otunnu, a historian at Chicago-based DePaul University and the chairman of Operation Harmony, said that it is seeking a "harmonious settlement of this issue".

A resolution cannot come soon enough, said Mumtaz Kassam, a Ugandan Asian lawyer and diplomat who was heavily involved in expropriated property cases.

"Please let's wind up the Custodian Board once and for all so that we can all move on to develop the country," she said.

That idea has been under discussion since the 1990s, according to board minutes reviewed by Context.

But Tumwesigire, the former executive secretary, said some of those pushing for the Custodian Board's closure are trying to keep a lid on a "Pandora's box" of corruption.

More than 7,000 miles (11,300 km) away, in Canada, Visram is exasperated by the failure of the Ugandan government to right a historic wrong.

"It's just a frustrating process for 50 years: it's almost like you want to put your hands up in the air and say to hell with it," he said. "And I think that's what the government wanted us to do."

(Reporting by Liam Taylor; Editing by Helen Popper)

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