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AMNESTY INTERNATIONAL

**REPORT**  
**OF THE COMMISSION**  
**INTO THE DEATHS OF**  
**IN UGANDA SINCE 1974**

*from 1st July, 1974 to 2nd January, 1978*

**HOLD AT**  
**THE CONFERENCE HALL, PARLIAMENT**  
**LIRA, KITGUM, GULU, KASARARA**

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196	Charles Nikola Elem Abanya,	1961
197	George Wilson Obotol,	1967, 1987
198	Placid Weli Iga,	1979
197	George Wilson Obotol (Recalled)	1987
198	Irene Otim,	1989
200	Popiya Otim,	1998
201	Mary Aluna Olong,	2010

202	Mary Ekit,	2019
203	Benjamin Ekanu Opio,	2027
204	Margaret A. Odong,	2040
205	Clement Ojok Eliak,	2053
206	Faibi Alobo,	2057
207	Nuwa Okeng,	2064
208	Yokana Otim,	2077
209	Eriya Olet,	2089
210	Constant Neko Agulo Apunyu,	2096
211	Amos Atulo,	2115

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212	Venturina Owiny,	2119
213	Erieza Okello Adupa,	2126
214	Alexandro Omach,	2146
215	Agulani Ayer,	2149
216	Florence Apio,	2162
217	Vefonica Awiyo,	2171
218	Joyce Apeja,	2177
219	Margaret Acilo,	2183
220	Alice Auma,	2198
221	Francis Xzavier Ocen,	2203
222	Albino Ayo Okoko,	2215
223	Wilberto Opito,	2225
224	Rose Auma,	2230
225	Lubana Opio Odong,	2237
226	Ketty Akello Ogwai,	2240
227	Juliet Aroma Otim,	2258
228	Eseri Akulu,	2265
229	Nora Auma,	2273
230	Janet Akello,	2281
231	John Angel,	2286

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232	Margeret Adero,	2290
191	Wilson Odongo Cankwo (Recalled)	2298
223	Nora Opetto,	2302
234	Tandeo Ejanu,	2310
235	Dorina Apio,	2313
236	John Obila Okello,	2323
237	Captain Mark Chandia,	2342, 2374
238	Erina Aguti,	2364
237	Captain Mark Chandia (Recalled)	2374
239	Festo Echom,	2387
240	Nikola Abua,	2390
241	Alice Akello,	2393
242	Alfunsio Okor,	2398
243	Merizadeki Owinya,	2402

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244	David Cheptœek Psomegen,	2408
245	No 3266 Pc John Akampurira.	2424
246	John Baptist Kapere ,	2428
247	Constant Okumu Okello,	2432
248	Dr. Luke Kalibala Semanda,	2438
249	No 6567 D/Sgt. Samson Edwany,	2451
250	Mwambani Yusuf,	2469
251	No UA 17098 Pte Badru Ssemakula,	2482
252	George William Luzima Mukasa,	2493
253	DSP Paul Ewocu,	2537
254	No 1647 D/stn. Sgt. Asaf Bahemuka,	2560, 2953
255	William Giruni Wanandeya,	2566
256	Misaki Kigala,	2577
257	Eria Waisi,	2584
258	Erukana Butabale Kuloba,	2593
259	Anjelus Oling,	2598

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260	No 5028 Pc Franco Nakani Busiko,	2616
261	No 1385 P.Driver Sgt. Levi Agal,	2620
262	Wakabi Sala,	2632
263	Akisoferi Kalumya,	2639

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264	Erina Ajok,	2647
265	Joyce Ejang,	2660
266	Joyce Alum,	2666
267	Gerard Ayo,	2674
268	Levi Ochieng,	2678
269	Nikolas Ogwai,	2682
270	Alice Ejang,	2689
271	Sabina Epila,	2695
272	Jedina Anyinge,	2701
273	Helen OAgwang,	2710
274	Alice Adero - Mrs. Awal,	2715
275	Gaburiela Nyakalati,	2737
276	Alex Okello,	2747
277	Ponsy Akulu,	2758
278	Barnabas Achom,	2773
279	Erifazi Ogwang,	2777
280	Marachelo Dila,	2780
281	David Aryeno,	2786
282	Louise Akello,	2794
283	Mary Atim,	2807
284	Joyce Alinga,	2813
285	Clementina Agulo,	2820
286	Alice Adoyi,	2830
287	Florence Atim,	2837
288	Rose Atyang,	2849

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289	Mary Achieng,	2857
290	Francis Olwit,	2864
291	Constantino Okwang,	2878
292	Geoffrey Jones Otim,	2884
293	Betty Margaret Ajal,	2896
294	Joyce Ejang,	2901
295	John Ochepa Alaga,	2905
296	Lucy Apidi,	2911
297	Erinayo Okulo,	2916
237	Captain Mark Chandia (Recalled),	2920
298	Amos Okello,	2923
299	James Ebuga Awanyi,	2926
300	Josephati Auma,	2932
301	Michael Obote,	2938
302	Charles Okello,	2943
303	No 7584 Pc. Robert Ajena,	2947

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254	No. 1647 D/Stn. Sgt. Asaf Bahemuka (Recalled)	2953
304	Magino Kibomboizi,	2953
305	Bonefansio Isiko,	2962
306	Rose Mutonyi,	2975
307	SP. Constant Ojulong,	2996

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308	Jekeri Lauro Odong Arop-Olit,	3011
309	Robert Achot,	3023
310	Vallente Otto,	3043
311	Frances Aroma Acero,	3074
312	Margaret Acan Opidi,	3095
313	Anyesi Acha,	3109

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314	Kadala D/o Haji Muhamed,	3116
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316	Donosiano Okoth,	3149
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317	Simon Hoshoshoe,	3162
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318	Andrea Oyet,	3203
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319	Filda Atto,	3208
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320	Antonio Opoya,	3218
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321	Regina Atto,	3233
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322	Yosamu Odwang,	3244
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323	Valentino Ocen,	3247
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324	Yokonani Gero,	3259
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325	Lubo Okoth,	3267
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326	Samali Lakor,	3273
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327	Nakalia Akello,	3278
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328	Donosiano Olara,	3285
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329	Alex Oboya,	3293
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330	William Aboda Lulom,	3299
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331	Captain Henry Agech,	3311
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332	Carolina Lokwa,	3346
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333	Victorina Lorogoa,	3367
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334	Yonimo Apecho,	3373
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335	Ajolina Adonga,	3392
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336	Charles Acan,	3402
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337	Betty Adongo,	3412
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338	Resines Achana,	3423
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339	Isaka Okumu,	3433
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340	Lucia Aero,	3457
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341	Christine Anywar,	3466
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342	Grace Atto Amone,	3492
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343	Jerom Oluka Okipi,	3503
344	Zefaniah Anyo,	3551
345	Celestino Onyole,	3556
346	Joyce Okumu,	3560
347	Dorothy Lanana,	3569
348	Christine Grace Oketta,	3581
349	Tom Agena,	3590
350	Rose Akoko,	3593
351	Joyce Okidi,	3599
352	Julia Abwono Odong,	3608
353	Ventorina Lamono,	3618
354	Margaret Latigi Oketta,	3626
355	John Owiny,	3636
356	Yunia Atto,	3645
357	Rose Akulu,	3653
358	Santa Ajulu,	3660
359	Lucy Oryem,	3673
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360	Lt. Col. John Darlington Onah,	3692
361	Juma Sudi Balimutajjo,	3714
362	ASP George Byabasajja,	3718
307	SP Constant Ojulong (Recalled)	3732
363	Mrs Aida Nzaki,	3734
364	Abdalla Ititia,	3740
365	Wilson Maberu	3746
366	FR. Boniface Ochaki,	3762
367	Erimos Mayanja Baryaruha,	3766
368	Expedit Kalinda Ssekawooya,	3769
369	ASP Caesar Obonyo,	3773
370	No 3423 D/Cpl. Mulekwa,	3778

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371	D/AIP Constantino Okot,	3782
372	Miss Judy Atim,	3795
373	Jovita Kedy Oweka (D/AIP),	3820
374	Mohamed Wamala,	3823
375	Tom Kigongo,	3837
376	Abyasali Edmond Opio,	3847
307	SP Constant Ojulong (Recalled),	3852
377	Lt. Col. Emilio Mondo,	3861
378	Charles Musisi,	3885
379	Adonia Ochieng,	3892
380	Joseph Albino Adriane Etima,	3903
381	Erisa Salire,	3914
382	John Mugubere,	3919
383	Nasan James Nabetta,	3926
384	D/IP Amos Kibalizira,	3929
385	Justin George Onen,	3945
386	Catherine Akoko,	3948
387	Grace Aida Ocan,	3958
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388	Janet Lwakishu,	3969
389	Juliet Kyabeshunga,	3994
390	Ruth Bangobulungi,	4015
391	Fidelasi Kyalugamunda,	4024
392	Esta Nabbose,	4030
393	Lawrensio Nzalo,	4037
394	Violet Kabangoli,	4050
395	Mary Rubashoka,	4059
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396	Zelda Kabateraine,	4079
397	Zelda Kibenereye,	4094
398	Amosi Kututu,	4112



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399	STF. SGT. Musa Asiyu,	4127
400	UA 2920 Cpl. Venekanti Kakaire,	4136
401	Major Yusuf Adek,	4148
402	RSM Mauresio Ojelo,	4159
403	Degerasi Ntundubyere,	4164
404	Thompson Rugutu,	4178
405	John Wilson Nyakibimbiri,	4186
406	Deziderata Tebakaraho,	4206
407	Sicolactica Kyaruhunda,	4217
408	Sulaimani Byekwaso,	4237
409	Sarapio Kazororera,	4249
410	Patrick Tiromwe,	4860
411	Fidel Rusingasi,	4265

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412	Wilson Wamukole,	4272
413	Daudi Rwomutoke,	4282
414	Amosi Kapteny,	4292
415	Yowana Kamihanda,	4301
416	Evasta Ndagano,	4313
417	Augustino Odomel,	4328
418	Faisi Kabarozi,	4369
419	Anderea Kambele,	4378
420	Yosefu Kisebo,	4387
421	Yosia Kato,	4401
422	Lt. Pangarasio Aliko UO. 617,	4414
423	W O I Nicholas Etiang UA. 1350	4429
424	UA 7911 WO II Jackson Smart,	4439
425	Vera Kabayaga,	4463
426	Clement Kachopé,	4471
417	Augustino Odomel (Recalled)	4500
427	Abdu Kagoro,	4505

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30	Mrs Rosemary Banura (Recalled)	4526
428	Emanuel Kisaijja,	4536
429	Maria Bakayeima,	4545
430	Fenekansi Tindyeita,	4560
431	John Natifu,	4567
	<u>K A M P A L A</u>	
432	Dr. Lekoboamu Ddamulira Kafeero,	4573
433	Dr. Wilson Kisambira Kisuubi,	4576
434	SP. George William Ochepa,	4578
435	Captain Hussein Addas,	4609
436	SP Timothy Odyek,	4612
437	Lt. Col. Obitre Gama,	4634
438	Bewon Jackson Twodo,	4657
439	STF. SGT. Mohamed Ojale UA.13915,	4676
440	Lt. Yusuf Omara UO 409	4695
441	IP Valerian Oboth Othieno,	4700
442	James Waisi Kibwika,	4705
443	Nasan Rubanga,	4723
444	Augustino Mukwabe Mugode,	4728
445	D/AIP Dominic Semiti,	4741
441	IP Valerian Oboth Othieno (Recalled)	4771
442	Lydia Acha Olit,	4775
447	Lt. Col. Elly Assen,	4796
448	Christopher Balikumbuga HD/C/Major	4818
449	Mada Nakanwagi,	4842
450	Major Juma Ayiga,	4851
451	Joyce Nassiwa,	4858
452	Hajat Jowelia Nabawesi,	4886
453	Pankarasio Bamwebehire,	4907
454	No. 2002 D/C Crescent Runaheru,	4914
455	DSP Benjamin Alfred Kidega,	4924

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456	George William Lutaya,	4938
457	DSP Frank Xzavier Kabwisho,	4975
4	Egulasi Nyamwesi, (Recalled)	4981
458	Catalina Mulokole Muzuma,	4991
451	Joyce Nassiwa (Recalled),	4996
459	Musra Amin,	5012
560	Juliana Lamoro,	5022
506	SP Kosia Ochom, (Recalled)	5027
461	Cpl. Joseph Omala,	5044
462	Christopher Muwonge,	5051
463	Edward Juuko,	5070
464	Mrs Judith Okot,	5082
465	Kalifani Farjalla,	5118
566	Jerida Adongo,	5142
467	Nekoniya Obote,	5152

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468	No. 982 D/P John Christopher Kanabi,	5182
469	No 1727 D/Stn. Sgt. Apolinari Musoke,	5194
470	No 3294 Stn. Sgt. Benedicto Balimuzana	5204
471	No 3994 P.C. William Ojen,	5215
472	Irene Abbe,	5228
473	Yoweri Lawot,	5259
474	Joseph Ayema D/IP,	5274
475	Benjamin Cbo,	5286
476	D/IP Gabriel Luka Okilla,	5296
477	Lt. Joseph Mweya,	5304
478	No 2951 Cpl/Warder Michael Ekwang,	5318
479	Seth Oba,	5343
480	No UR. 0309 Sgt. Alex Alai,	5355
481	Lt. Col. Francis William Itabuka,	5366
482	No. 1425 D/Cpl. Celestino Barre,	5394

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476	D/AIP Gabriel Luka Okilla (Recalled)	5408
483	Dorothy Kayiba Nyakato,	5409
484	DSP Edmond Nakimusana,	5421
485	IP George William Obita,	5451
486	Col. Joseph Ozo,	5468
487	UO 111 Captain Michael Kakora Qsere,	5508
488	UA 12648 Ahamad Ali Wila,	5512
489	UA 8179 Abdu Ismail,	5578
480	UR 0309 Sgt. Alex Alai (Recalled),	5618
490	Brig. Warris Ali Fadhul,	5619
491	UA 12686 Cpl. Onziga Sagi,	5659, 5750
492	Silvani Goi Wani,	5694
493	UA 15432 L/Cpl. Abdunuru Paskali Bondo,	5705
494	Fenekansi Katebarihe,	5751
495	S Prisons Boniface Thomas Olupot,	5781
496	Bulaimu Mubiasalwa,	5793
497	John Walusansa,	5809
98	Vincent Godfrey Odwe (Recalled)	5857
134	Sebi Salim (Recalled),	5869
498	Alozio Ntunguwa,	5887
409	Sarapio Kazororera (Recalled),	5904
499	Letto Mukwasi-Bwoha,	5913
500	IP William Baraza,	5950
501	Haji Abbas Kayemba,	5952
502	Haji Abdu Nuru Mulele,	5997
503	Nuru Mubiru alias Mulefu,	6005
504	Maj. General Francis Nyangweso,	6012
505	IP John Bulasius Aoloi,	6019
506	No. 1870 Stn. Sgt. Fred Kisubika,	6027
507	UA 7643 Cpl. Sulaimani Walujo Gali,	6037
360	Lt. Col. John Onah (Recalled),	6059

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508	Ali Towili,	6068
509	ASP Christopher Bakenga,	6122
510	Lt. James Byansi Obo,	6130
511	Emanuel Kasajja,	6164
512	D/IP Michael Koma,	6168
513	D/IP Aloysius Olupot,	6182
514	D/AIP Francis Xavier Kawuki,	6203
424	UA 7911 WO II Jackson Smart (Recalled)	6214

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515	Flaviano Enugu (Retired D/IP),	6218
516	No UO 61 Col. John Mwaka,	6239
517	Christopher Kabongo Basajjasubi,	6257
518	Clement Kintu,	6260
507	SP. Constant Ojulong (Recalled)	6266
519	George William Sentamu (Comm.of Prison)	6293
520	Gabriel Odria (Comm.of Police)	6309
521	Solomon Amony,	6333
522	UA 10736 S/Sgt. Moses Malle,	6340
523	Justin Gimeyi D/..SP,	6358
524	SSP John Alfred Wabwire,	6412
525	Philip Joseph Alidria Obeti,	6443
379	Adonia Ochieng (Recalled),	6487
524	SSP John Alfred Wabwire (Recalled)	6491
508	Ali Towili (Recalled)	6499
94	Lt. Kassim Ramadhan Mursale alias Lt. No Parking - (Recalled)	6515
526	Alahi Mukili,	6521
513	D/IP Aloysius Olupot (Recalled)	6530
527	No 1812 Sgt. Driver Byaruhanga,	6536
528	Lt. Col. Albert Drajua,	6555
529	Dr. Lamaka Mutesasira,	6573

19. Jinja Police Station Case File No. 2673/73.
20. Piece of paper on which UVD 219 and UYU 723 are recorded.
21. Photograph showing two human figures.
22. Photograph of a man wearing glasses with red writings.
23. Reprint of exhibit No. 22 with writings crossed out.
24. Small piece of paper dated 8th July, 1972 on both sides.
25. List of articles found in car No. UVJ 244.
26. Esso Service Card bearing registration No. UUB 554.
27. Police Form 28 showing particulars of vehicle No. 863.
28. Police Form 28 dated 13/3/74 showing particulars of vehicle No. UUB 554.
29. Registration Card No. 076707 for car No. UUZ 563.
30. Station Diary No. 3/73 of C.P.S. Kampala, entry No. 130 re: Dr. Kizito.
31. Letter dated 4th January, 1973, 1973 by S. Okot to O/C Central Registry of Motor Vehicles - re: Fiat No. UVE 931.
32. Receipt No. 405 Mrs. M. Katende & Sons (Nytil Jinja Shop).
33. Two number plates UUV 017 - yellow and white.
34. Copy of a letter by B.K. Fayalla of PSU to Chairman, Government Agent Uganda, Sugar Factory - dated 17th July, 1973.
35. Photo copy of minute No. 8 in station diary of Amolatar Police Post.
36. Photo copy of minute No. 12 in station diary of Amolatar Police Post.
37. Photo copy of minute No. 14 in station diary of Amolatar Police Post.
38. Voucher Book for Uganda Spinning Mill Ltd., Lira.
39. Piece of paper dated 23rd September, 1972 re: UYO 606.
40. Piece of paper dated 23/9/72 on which are recorded No. UYO 606.
41. Letter from Lt. Taban Lemaku, Military Police Mbale - dated 16th October, 1972.

42. Letter by Cankwo, witness No. 191, dated 4th August, 1971 to Ministry of Internal Affairs.
43. Copy of a letter by Lt. Col. Obitre Gama to Hon. Gboth Ofumbi, dated 20th August, 1971.
44. Letter by Hon. Gboth Ofumbi to Lt. Col. Obitre Gama, dated 9th September, 1971.
45. Letter by W.O. Cankwo to Ministry of Internal Affairs, dated 25th November, 1971.
46. Letter by Musoke-Mutayanjulwa dated 9th December 1971 to Cankwo, witness No. 191.
47. Draft letter by Omule to Emona undated.
48. Minutes 4 and 5 Daily Occurrence Book of Lira Military Police dated 24/9/72.
49. Minute 6 dated 24/9/72 from Daily Occurrence Book of Lira Military Police.
50. Minutes 4 and 5 dated 23/9/72 from DOB of Lira Military Police.
51. Minutes 6 and 7 dated 23/9/72 from DOB of Lira Military Police.
52. Minutes 6 dated 27/9/72 from DOB Lira Military Police.
53. Minutes 7 dated 5/2/73 from DOB of Lira Military Police.
54. Report about kidnapping and death of Lt. Col. Ondoga dated 19th March, 1974 signed by head of C.I.D., G.W.L. Mukasa and Ag. Head Special Branch, Psomgen.
55. Entry No. 388 of the CPS Yard Record for Green Fiat UUP 949.
56. Medical Certificate of Cause of death of Mr. Waise dated 27/1/73.
57. Letter from District Police Headquarters Mbale, dated 19/5/73.
58. Piece of paper dated 19/10/72 showing names of persons and particulars of vehicle that took D. Waise.
59. Piece of paper on which Nos.UU1, 122 and UUW 200 are recorded.
60. Lira Police Station S.D. entry No. 108 dated 23/4/71.
61. Lira Police Station S.D. entry on 112 dated 23rd April, 1971.

62. Lira Police Station Lock-up Register Serial No. 768 of 23/4/71.
63. Lira Police Station Lock-up Register Serial No. 794/71 of 23/4/71.
64. Receipts dated 5/12/72 for vehicle No. UVE 902.
65. Minute No. 79 of S.D. Lugazi Police Station, dated 19/10/72.
66. Minute No. 122 of S.D. Lugazi Police Station, dated 19/10/72.
67. Letter dated 12th May, 1971 from Bishop of Madi and West Nile to all Churches of Uganda Chaplains, Uganda Armed Forces.
68. Copy of agreement made between Valente Otto and S.G.P. Amone Watmon dated 11th September, 1972.
69. Letter to Mrs. Margaret Okidi Poromoi from Mr. T.T. Orot dated 18th December, 1972.
70. Letter to the Commanding Officer Military Police Makindye from H. Ochom A.S.P., dated 27th September 1972.
71. Letter to H.E. The President of Uganda from Simon Moshoeshoe dated 30th July, 1974.
72. Letter dated 25th July, 1974 to Moshoeshoe by Governor of Nile Province.
73. Letter to Provincial Governor Nile Province by Simon Moshoeshoe, dated 29th August.
74. Letter dated 20th September, 1972, from Mono to Y. Apacho.
75. Copy of letter to His Excellency The President of Uganda from I. Okumu dated 31 January, 1972.
76. Letter from L.B. Obia to Regina Ayan dated 20/9/72.
77. Letter to Hon. A.C.K. Oboth Ofumbi, Minister of Defence from Ag. Chief Justice B.K.M. Kiwanuka.
78. Letter from Minister of Internal Affairs to Mrs. C. Anywar, dated 23rd September, 1971.
79. Letter by Mrs. Christina Anywar to Minister of Internal Affairs dated 20th October, 1971.
80. Letter to O/C Remand Prison by Major Ozi.
81. Letter by Mrs. Christina Anywar to the Chief of Staff, General Headquarters.
82. Letter from Bishop Cipriano Kihangire to Chief of Staff General Headquarters.
83. Gulu Police C.R.B. No. 800.72.



84. Police C.R.B. No. 497 of 1974 of Gulu Police Station.
85. Copy of letter from Mathew Kardole to Dr. A.M. Obote dated 29th August, 1972.
86. (a) Entry No. 23 of 3/6/73 from S.D. of C.P.S. Jinja.  
(b) Entry No. 24 of 3/6/73 from S.D. of C.P.S. Jinja.
87. Letter from Major Elly Assen, Officer Commanding Bombo Training Wing to O/C Uganda Police Lugazi dated 20/10/72.
88. Letter from Mr. G. W. Kayemba headed vehicle No. UYY 425, Peugeot 204 undated to Capt. K. Magasi.
89. Letter from Major General F. J. Nyangweso, D.S.O. Minister of Defence, to the Licensing Officer, Kampala, dated 22/10/73.
90. Entry No. 76 station diary of Lugazi Police Station dated 22nd September, 1972.
91. Entry No. 82 of Lugazi Police Station Diary dated 22/9/72.
92. Entry 85 of Lugazi Police Station Dary dated 22nd September, 1972.
93. Entry No.80 of Lugazi Pol. Stn. Diary dated 22/9/72.
94. Buloba Language Unit Group Employees' Record Card of Mbona Buchanja Alifunsi.
95. (a) Buloba Language Unit Group Employees' Record Card of Fravia Ssambiri.
95. Entry 39 of the S.D. Fort Portal Police Station dated 27th September, 1972.
96. Entry 40 of the S.D. Fort Portal Police Station dated 27/9/72.
97. Entry 44 of the S.D. Fort Portal Police Station dated 27/9/72.
98. Entry 45 of the S.D. Fort Portal Police Station dated 27/9/72.
99. Entry 46 of the S.D. Fort Portal Police Station dated 27/9/72.
100. Entry 34 of the S.D. Fort Portal Police Station dated 28/9/72.
101. Copy of Minute of the Special (Emergency) Meeting of all the heads of Government Departments held in the District Commissioner's Office on the 19th September, 1972.
102. Letter by A. Odemel S.P. to the Regional Police Commander, Western Region - dated 25th September, 1972.

103. Report by District Police Commander A. Odomel S.P. to the Regional Police Commander Western Region dated 29/9/72.
104. Lira Police Station - Inquiry File No. 12/73.
105. Entry Nos. 2499, 2500, 2501, 2502, 2503/71 of the Lock-up Register of Iganga Police Station, dated 29th December, 1971.
106. Entry Nos. 2503, 2502, 2504/71, 28/72 of the Lock-up Register of Iganga Police Station, dated 11th January, 1972.
107. Entry No. 2503/71, 2501/71 of the Lock-up Register of Iganga Police Station, dated 11th January, 1972.
108. Letter to C.C. Police Iganga from Musale's Office Nakalama sub-county, dated 29th December, 1971.
109. Letter to O/C Police Iganga from Gombolola Chief Musale, Nakalama, Y.W. Kibwika dated 4th January, 1972.
110. Entry No. 62 of S.D. Iganga Police Station dated 4th January, 1972.
111. Entry No. 29 of S.D. Iganga Police Station dated 7th November, 1972.
112. Entry No. 28/72 of Lock-up Register of Iganga Police Station.
113. Mbarara 4th Battalion Part 1 Orders of 23/2/72 T.P.T. 225.
114. Photocopy of letter dated 14/7/72 from Bishop Wani to Miss Lydia Acha-Olit.
115. Letter from Kayemba to G.W. Lutaya dated 2nd May, 1973.
116. Letter from George Kayemba to George William Lutaya dated 14th May, 1973.
117. Entry No. 66 and 67 of Mbale Police Station Diary dated 17/8/73.
118. Entry No. 1877/73 of Lock-up Register of Mbale Police Station dated 17th August, 1973.
119. General Inquiry File of Kapchora Police Station C.R.B. 382/73 minute No. 12 dated 17/8/73.
120. Entry No. 29 of Noyo Police Station Diary dated 5th October, 1972.
121. C.R.B. No. 2312/73 of Mbarara Police Station.
122. Statement of Abdu Ismail No. UA. 8179.
123. Letter addressed to Secretary of the Commission from M. Mrs. Specialist R. commissaire R. agent.

124. Luzira Upper Prison - List of Army and Police Personnel detainees.
125. Luzira Upper Prison - List of General Service Personnel detainees.
126. Entry No. 19 of Bushenyi Police Station Dairy dated 18th October, 1972.
127. Entry No. 12 of Bushenyi Police Station Dairy dated 19th October, 1972.
128. Entry No. 4 and 6 of Kasese Police Station Diary dated 10th November, 1972.
129. Entry No. 57 Kasese Police Station Diary dated 12th November, 1972.
130. Photocopy of Order from Chief Mechanical Engineer, Ministry of Works and Communication dated 7/1/74 - re: vehicle No UQZ 441.
131. Photocopy of Order from Chief Mechanical Engineer, Ministry of Works and Communication dated 7/1/74 - re: vehicle No. 12 UA. 98.
132. Photocopy of letter by Emmanuel Kasujja, Assistant Workshop Manager regarding M/Benz car L. 1133 registration No. UQZ 447, dated 29/11/74.
133. List of No. Plates reported stolen, dated 12/2/72.
134. Entry No. 11 of Naguru Police Station Diary (PSU) dated 2/10/72.
135. Entry No. 159/72 of Tororo Police Station Diary dated 6/3/72.
136. List of soldiers reported missing from the Uganda Army, dated 9/12/74.
137. Photocopy of letters:
  1. dated 28/9/72 re: arrest of prison officers;
  2. dated 27/9/72 re: roundingup of prison officers;
  3. dated 18/10/72 re: arrest and withdrawal of some prison officers;
  4. dated 14/10/72 re: Intelligence Report;
  5. dated 1/11/72 re: payment of salaries to persons reported to have been arrested and those who have run away.
138. List of Junior Staff recorded as deserters from Prisons Service since 1972.

139. List of 77 Police Officers who have disappeared since the birth of the 2nd Republic of Uganda.
140. (1) Agreement between Obeti and Ongura, dated 20/9/72.  
(2) Three forms for application to transfer ownership of a vehicle signed by Ongura.  
(3) Affidavit by Obeti dated 8th March, 1974.  
(4) Form for application to transfer ownership of vehicle No. UUQ 440, dated 12th March, 1974.
141. Police Force Orders Part 11 by Commissioner of Police, dated 15th October, 1972.
142. Letter to the Minister of Defence Internal Affairs 331. Commandant of P.S.U. dated 30th August, 1972.
143. Statement by John Francis Ouma D/IP, dated 28th August, 1972, written on Uganda Military Police Statement Form.
144. Statement by Phillip Walenda D/AIP not dated, made on Uganda Military Police Form.
145. Jinja Mortuary S.No.135 of 8/3/74 - Lt.Col. Ondoga.
146. Post-mortem report of Lt. Col. Ondoga dated 8th March, 1974.
147. Original of Exhibit No. 88 - headed vehicle No. UYY 425 Peugeot 204 signed by Kayemba Mangasi Mawase Wani Biino.
148. Jinja Central Police Station File C.I.D. 50/21/15/8/73.
149. W.T. from Headquarters to Police Kira Road Station to Regional Police Headquarters Kampala, dated 18/9/72.
150. W.T. from Headquarters to Police Kira Road Station in reply to Exhibit No. 149 dated 19th September, 1972.
151. List of Motor Vehicles and their particulars in which missing persons are said to have been taken.
152. List of Motor Vehicles and their particulars belonging to missing persons.
153. T.R. 11 Form 3, Application to transfer ownership of motor vehicle No. UYY 425, dated 23/10/73.
154. T.R. 11 Form 3 Application to transfer ownership of vehicle No. UYY.425, dated 6th October, 1971.
155. Transfer Form in respect of motor vehicle No. UUN 591, dated 4th March, 1971.
156. Police Form 28 - particulars of motor vehicle UYL 590 - the Commissioner of Police V/W Micro Bus.

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157. Police Form 28 - particulars of motor vehicle UUY 126, owner Sedulaki Galiwango, make V/W.
158. Police Form 28 - particulars of motor vehicle UVI 850, make Fort Cortina.
159. Police Form 28 - particulars of motor vehicle UVG. 106, owner Fedrick Musoke and U.E.B., make Datsun 1200.
160. Police Form 28 - particulars of motor vehicle UUH. 106, owner Ministry of Regional Administration and M. Ignatious Evelyn Latigo, make - Mazda 1500.
161. Police Form 28 - particulars of motor vehicle UUK. 481, owner Zefania Kiiza - make Peugeot.
162. Police Form 28 - particulars of motor vehicle UUM 875 - owner brothers of Christian Instruction - make Peugeot 504.
163. Letter dated 2nd September, 1970, headed P.A.Y.E. Stationery signed by Kayemba.
164. Letter head P.A.Y.E. Stationery signed by Kayemba, dated 16th January, 1973.
165. Letter headed - Claims for Personal Allowance 1970, Forms initiated by Kayemba, dated 9th June, 1970.
166. Letter headed P.A.Y.E. Stationery signed by Kayemba dated 25th May, 1970.
167. Uganda Police message to Regional Police Commanders - headed Dismissals and Retirement, dated 5th October, 1972, 1238 hours.
168. Uganda Argus - Article entitled Uganda Warns Ruanda Kigali could be destroyed in less than a minute, dated 17th August, 1972.
169. Voice of Uganda Article "Subverts to be dismissed from Service".
170. Entry No. 60 of S.D. C.P.S. Kampala dated 5th October, 1972.
171. Entry No. 5109 of Lock-up Register of C.P.S. Kampala, dated 5/10/72.
172. Entry No. 2 of S.D. of C.P.S. Kampala dated 2nd October, 1972.
173. Entry Nos. 5064, to 5068 of Lock-up register of C.P.S. Kampala dated 2nd October, 1972.
174. Entry No. 5065 and 5066, 5067 of Lock-up Register of C.P.S. Kampala dated 2nd October, 1972.
175. Entry No. 5066 of Lock-up Register of C.P.S. Kampala dated 3rd October 1972.
176. Entry No. 5066 of C.P.S. Lock-up Reg. 3/10/72.
177. Affidavit of P. Muwanga, dated 22nd August, 1974.
178. Affidavit of W. Kibedi, dated 4th October, 1974.
179. Memorandum of Mrs. Ladhani.

R E P O R T  
of  
THE COMMISSION OF INQUIRY INTO THE DISAPPEARANCE  
OF PEOPLE IN UGANDA SINCE THE 25TH JANUARY, 1971.

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To: His Excellency General Al-Baji  
Idi Amin Dada, V.L.; D.S.O.; M.C.;  
President and Commander-in-Chief of  
the Uganda Armed Forces.

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Your Excellency,

By Legal Notice No. 2 (Appendix No. 8) issued on the 30th day of June, 1974 pursuant to the provisions of the Commissions of Inquiry Act (Cap. 56) Your Excellency appointed this Commission of Inquiry under the Chairmanship of Mr. Justice Mohammed Saied; the other Commissioners being S.P. Kyefulunya, A. Esau - both Superintendents of Police - and Captain Haruna of the Uganda Armed Forces, to inquire into all aspects of the disappearance of persons in Uganda since the Military take-over on 25th January, 1971.

2. The terms of our reference were set out in the Legal Notice. In particular, but without limiting the generality of the foregoing, we were commissioned -

- (a) to inquire into and establish the identity of the persons who are alleged missing;
- (b) to establish whether such persons are dead or alive;
- (c) for those persons believed to be living outside Uganda the reasons and circumstances that led to

their quitting Uganda as far as such reasons and circumstances can be ascertained;

- (d) for those proved dead, how, when, where and in what circumstances they met their deaths;
- (e) whether there are any individuals or organisations of persons whether within or outside Uganda who are criminally responsible for the disappearances or deaths of the missing persons and what should be done to the persons criminally responsible for such disappearances or deaths;
- (f) what should be done to the affairs and families of the missing persons bearing in mind the provisions of Decree No. 20 of 1973;
- (g) what should the Government do to put an end to the criminal disappearances of people in Uganda.

3. The procedure prescribed was set out in (a) to (e);

- "(a) that any persons desiring to give evidence before the Commissioners shall do so in person; but the Commissioners may in their absolute discretion receive in evidence any written memoranda from a person who is unable to give evidence in person if the Commissioners are of the opinion that such evidence will be valuable to their enquiry;
- (b) that hearsay evidence which adversely affects the reputation of any person or tends to reflect in any way upon the character or conduct of any

- (c) that the expression of opinion touching upon the character, conduct or motives of any person shall not be received in evidence;
- (d) that any witness who gives evidence before the Commissioners may, if he so desires and requests, give evidence in camera and his name shall be kept secret. Such witness shall not be subjected to cross-examination by the person adversely affected by the evidence given by such witness, so however, that the person adversely affected by such witness' evidence shall be given the opportunity to reply to the allegations made against him without being supplied the name of the witness;
- (e) that subject to the immediately preceding provisions any person who, in the opinion of the Commissioners, is adversely affected by evidence given before the Commissioners shall be given an opportunity to cross-examine the person giving the evidence, except in so far as the Commissioners consider it essential for ascertaining the truth of the matter into which the Commissioners are commissioned to inquire, not to depart from such instructions."

*in camera test - ok*

*right to reply to accusations*

*Cross-examination by accused*

*Did this take place?*

4. He may direct to hold the inquiry at such times and at such place as he may, from time to time, determine and at our direction is public or in private, or partly in public and partly in private provided where the public interest so required he may also direct that certain evidence be given in public in the presence of the Press, Radio and Uganda Television."



5. We were directed that any matter touching the security of the State shall be excluded from evidence.
6. We were directed to give due consideration to the logical and natural events of the Military take-over as well as the events pertaining and ancillary to the defence of Uganda when the nation was invaded on the 17th day of September, 1972.
7. We were directed that the inquiry shall not extend to any person expelled from Uganda under any authority conferred by law or who has suffered a sentence of death imposed on him under ~~the~~ process of law. Nor shall the inquiry extend to persons of Asian origin or extraction who though claiming to be citizens of Uganda either remained outside Uganda or at any time ran away from Uganda for any reason whatever.
8. We were directed to start on 1st July, 1974 and execute this inquiry with all due diligence and convenient speed to make our report to Your Excellency without undue delay (not later than 30th September, 1974). This time limit was, however, subsequently waived.
9. Your Excellency required all persons whom it may concern to take due notice and to give their obedience and utmost assistance to the witnesses and to Commissioners accordingly.
10. On the same day, that is 30th June, 1974, Your Excellency's Office issued a statement headed 'DISAPPEARANCES' - Appendix No.9. According to it we were given full authority "to leave no stone unturned to obtain all evidence regarding the disappearance of persons in Uganda." After setting out the reasons which led to the setting up of this Inquiry the statement continued, "because of all this and more His

Arrens

1 July '74  
Deadline originally  
30 Sept '74  
(3 weeks)

Excellency has decided that in the interests of justice, fairness, security and social tranquility the Commission of Inquiry be set up to go into the reasons of the disappearances, to uncover the culprits and to advise on the best way of stopping this scourge." Your Excellency appealed to all the prospective witnesses to tell the truth only and guaranteed the protection from molestation, personal safety for every Commissioner, staff and witnesses.

11. Mr. C.C.K. Hozireho, a Kampala Advocate, was assigned to the Inquiry as Secretary and Mr. J.N. Mulunga was appointed Counsel to the Commission. The latter was assisted by a team of investigators to carry out the various jobs of investigations, collecting evidence and recording statements.

12. Your Commissioners were sworn in on 1st July, 1974 by Honourable the Minister of Justice, Mr. G.S. Lule. In his opening speech he said, inter alia, that this Inquiry "meant so much to Ugandans as a people, Uganda as a Nation, to her aspirations, her institutions and her image." He repeated Your Excellency's assurance that we shall receive all the assistance that we may require.

13. In his reply, the Chairman said that the importance of the setting up of the Inquiry could not be over emphasized and continued "...we hope that by the end of the day when we shall have put down our pen, having written the last word, we shall be able to say to ourselves: we have done our duty, we have satisfied our conscience, and we hope that we shall be reflecting also the satisfaction of the citizens of this country and the spirit with which this Commission has been established."

14. We started our sittings on 15th July, 1974 in Kampala.

We also visited some up-country stations and the arrangement was for the prospective witnesses to register themselves with their respective District Commissioners, so as to enable us to consider and decide the area of concentration of witnesses and fix our itinerary accordingly. We started with LIRA on 30th September, 1974 and heard 92 witnesses. We should like to point out that far fewer than this number had initially expressed their desire to give evidence, but after the first day in Lira the number started swelling and it became obvious that, if we were to stick to our itinerary and the arrangements as aforesaid, we would not be able to finish all those witnesses; with the result that some witnesses were not taken and these appear in Appendix No.1. Appendix No.2 gives details of witnesses who had made statements in Lira but failed to turn up to give evidence.

At KITCUM we heard 23 witnesses, and those who had not registered with the D.C. but came up are listed in Appendix No. 3.

At GULU we heard evidence from 29 witnesses and 5, whose testimony could not be taken, are listed in Appendix No.4.

We next sat in MBARARA and received evidence from 24 witnesses, and in FORT PORTAL, which was the last up-country town visited, 20 witnesses were heard. The remainder of the 545 witnesses that we heard gave evidence in KAMPALA.

15. Although the Government Statement of 9th January, 1973 (Appendix 5) lists 85 subjects as having disappeared from the country, the witnesses before us mentioned something like 308 people as having disappeared.

Others/..... 7/.

Others were mentioned in passing by some witnesses on whom no direct evidence was available. We should take this opportunity of emphasizing the obvious fact that this number of people alleged to be missing or disappeared is by no means the final number of such people. The exact number of such people may perhaps never be established; for example, of Appendix No.5 only 20 subjects were mentioned by witnesses before us. From the subjects mentioned in the International Commission of Jurists' Report (Appendix 7) only 25 were referred to by witnesses before us. It seems quite plain that the task of enumerating the persons who have disappeared is not only formidable but is well nigh impossible for various reasons, the most obvious of which perhaps is that relatives of such people may not have liked to revive the agonizing and excruciating moments of what befell their kith and kin after the dust of so many years had almost, one would hope, buried those bitter memories in the region of oblivion. Some perhaps might have considered such an exercise as forlorn from the very beginning and this pessimistic attitude, quite obviously completely unaffected by the reasons which led to the setting up of this Commission, might well have kept them away from coming forward. Others were perhaps over-whelmed by fear of personal safety and possible retaliation if they gave evidence, notwithstanding the comprehensive and clear Government assurance and guarantee concerning the safety of the prospective witnesses.

16. For our part, not only did we invite witnesses to come forward voluntarily through notices in all languages in the local press, radio and T.V., the Government also had done all it could to assure and guarantee such witnesses against

17. personal/.....8/.

personal molestation of any kind. The result, as we were to find for ourselves in the initial stages of the sitting, was not very optimistic and, as our counsel said in his closing address, it was not till Your Excellency had arranged with the Director of the CID to hand-over 90 odd police files of previous investigations already conducted by the Department that the Inquiry gained momentum by summoning witnesses and following-up whatever clues that were forthcoming. And of the many memoranda that were received from members of the public, the authors were called to come to give evidence in person; some declined to come, a few testified.

*Writings  
Your Excellency*

It was through these efforts that we were able to take evidence from the 545 witnesses.

17. With these few opening comments, we will now endeavour to summarize the mass of evidence which was put before us. What follows now is a resume of evidence in respect of each subject in the order in which he appeared during the hearings. We think that this system is perhaps the most convenient in view of the fact that witnesses were called at random depending upon their availability, with the result that witnesses concerning one particular subject are scattered throughout the record of the transcript. What we propose to do is to list the various witnesses in respect of each subject under the same heading, which will simplify the task of referring to the record of the proceedings.

*Subject =  
disappeared*

*Structure  
of  
report*

At the end of the summary of evidence on each subject, we shall give our findings supported by our reasons in respect of our terms of reference (a)-(d). We shall thereafter tackle the remaining terms of reference (e)-(g).

18. Subject/...../9,

18. Subject No.1 - YOZEFU MAGEMBE.

(Witnesses: 1 MARIKO LUTAKANGWA - Part 1,p.9-31  
2 MARIA NASEJJE - Part 1,p.32-40  
13 DET.AIP.ALFRED BWASISI - Part 1,p.185-192)

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He was a native of Kasasa village, Gombolola Kasali, Kyotera, and was aged about 25. He was married but had separated from his wife, and had one child aged 4-5 years. He was a muluka chief until 1972 when he resigned and was thereafter a farmer.

According to the evidence of his father (W.1) and his mother (W.2), the subject left the village in 1972 for about 6 months and to his mother, who seems to have asked him on his return where he had been, he is alleged to have said that he had gone to a place called KARAGWE to look for a job. This was before the Invasion of the country in September, 1972, by which time he was still out of the village. It seems that he had been reported at the Gombolola Headquarters for mis-appropriation of Government funds, that is, tax money for the period April to June and Detective Assistant Inspector Bwasisi (W.13), who was then the Officer-in-Charge of CID, Kalisizo Police Station, had started looking for him. He went to his home a number of times and, failing to find him, published his name in the Police Gazette as a wanted person. This police officer said that after the Invasion, towards the beginning of 1973, he received information from the Lieutenant, who was then in-Charge of the SANJE Military Camp, that the subject had returned with some guerillas and was hiding home. The Lieutenant instructed Bwasisi to get the subject and his father for questioning and, on 6th February, 1973, Bwasisi led a section of soldiers to the home of the subject's father at around 10 . m.

The/.....10/.

The evidence of the first witness is that Bwasisi produced his identity card but this was denied by the police officer who said that there was no need for him to do this as witness No.1. already knew him. This discrepancy is of no importance as the fact remains that Bwasisi admitted taking both father and son for questioning in accordance with his instructions. The old man was informed of the allegation that he was harbouring guerillas, and the houses were searched but nothing was found. The policeman then arrested both of them and took them to SANJE Army Camp, where Bwasisi handed them over to the Lieutenant. According to the father, both of them were tied to separate trees and in the morning W.1. was taken back to his home by some policemen. The houses were searched again and the subject's home was dug up, again to no avail. The old man was returned to the Camp where he found his son still tied to the tree. At about 6 p.m. the father was taken to Kalisizo Police Station together with some other tax defaulters. The old man said that on 8th February, 1973 he was released to go home. Two days later, two army soldiers went to him and handed him his tax tickets and those of his son - Ex.1. When he asked them about his son the soldiers told him curtly "don't ask us." The subject has not been seen since.

Bwasisi closed the police file 'pending arrest of the wanted person'. He said that he had told the Lieutenant about the charge pending against the subject and asked him to tell him should Magembe be released. Bwasisi said that he did not see the subject again, nor did he inquire about him. The Lieutenant did not tell him if Magembe had been released by him.

The old man denied suggestions of being sympathetic towards the invading guerillas and maintained that he had been involved in the search of guerillas in the bush.

His/.....,11/.

His wife categorically denied that her son was a guerilla but added that "as it is the tradition of the country as he was away for some time they might have suspected him."

On the evidence before us, we are satisfied beyond doubt that Yosefu Mngembe son of Marko Lutakanwa, a resident of Kasasa village, Gombolola Kasali, Kyotera was taken into the custody of the Lieutenant in charge of SANJE Army Camp on 6th February, 1973. We have not been able to establish the identity of the Lieutenant. The reason for the subject's arrest, so far as is disclosed by the evidence and looks probable, is that he was suspected of being a guerilla working against the interests of the country as a whole. As there was no evidence adduced before us that he was ever released from the Camp and he has been missing since 7th February, 1973 the probability clearly is that he disappeared while in Army custody at SANJE Camp. The probability further is that he was unlawfully disposed of by the soldiers of SANJE Army Camp.

19. Subject No. 2 - GERESOMU WEDAKURE.

- (Witnesses: No. 3 Norah Wedakure - Part 1, p. 41 - 62  
No. 50 Daudi Were - Part 1, p. 533 - 542  
No. 53 Saidi Omari - Part 1, p. 547 - 559  
No. 63 Paulo Ouma Wasigaye  
- Part 1, p. 682 - 692  
No. 178 Lt. Jacob George Muavu  
- Part 1, p. 1754 - 1772).

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The subject was a shopkeeper in the border township of Busia. At the relevant time in 1973 there was an Army unit at the Kenya/Uganda Border, the Officer-in-Charge of which was Lt. Jacob George Muavu (No. 178).



The Unit was housed in tents near the Busia Police Post and its duty was to check the people crossing the border in either direction.

According to evidence the subject was the sole agent for beer - Bell, Pilsner and White Cup. Living in the township was a halfcaste by the name of Said Omari (W.53). He was then a taxi driver but later came to own the Rahman Hotel in Busia. He was quite wellknown to Mrs. Norah Wedakure (W.3) and her houseboy, Paulo Ouma Wasigayi (W.67) who had previously worked for Saidi as his broker for 2 months in 1970.

The other character in this episode is an old man called Daudi Were (W.50), aged 68 and also a shopkeeper of the same township; his shop being about 600 yards from the subject's shop on the road going to Majanji.

On 4th January, 1973 at about 7 p.m., when it was getting dark, and the subject had gone to Daudi Were's shop, three men knocked at the gate of Wedakure's house. His wife said that two were in Army uniform and the third was in civilian dress, whom she recognised as Saidi. The house-boy recognised one of the soldiers as Lt. Muavu. One of the soldiers asked the lady for her husband as they were looking for beer. She told them that he had gone to Daudi Were's home. The houseboy denied that Mrs. Wedakure, who is his aunt, ever said where her husband had gone. We think that this little discrepancy is more apparent than real because earlier the houseboy had said that as soon as his aunt got to the gate he went back into the house.

However, these people then went to the shop of Daudi Were, and both these witnesses saw Gerasomu Wedakure being taken away in a Landrover which was green in colour.

Mrs. Wedakure/.....13/

Mrs. Wedakure said that she saw her husband walking to the vehicle and everything looked peaceful. The houseboy, however, said that Wedakure was being pushed by Saidi and Lt. Muavu. The vehicle drove away in the direction of Majanji and the subject has not been seen or heard of since.

The other three witnesses, that is, Daudi Were, Saidi Omari and Lt. Muavu denied all this evidence. Daudi Were said that he had no dealings with Wedakure and did not know of his disappearance. He said that he normally closed his shop at 4 p.m. and went to his home in the village. He said that he does not even listen to the radio and had not heard of any people disappearing anywhere in Uganda. Although both he and Saidi Omari had come to Kampala to give evidence in the same bus, neither knew of the presence of the other till they reached Kampala and had not discussed their evidence. Saidi Omari said that on 4th January, 1973 he was in Jinja in the course of his work and had stayed up to the following day. He further denied being friendly with any Army people in Busia. Lt. Muavu maintained throughout that his duties were merely to check on people crossing the border and any suspicious characters were handed over to the Custom Officers. He denied arresting anyone and said that he did not have any cells at his camp.

In this case, there is the evidence of Mrs. Wedakure and her houseboy Paulo Ouma Wasigayi, who saw the subject being taken away from Daudi Were's shop in a green Landrover by Saidi Omari and Lt. Jacob George Muavu. The other three named persons denied any connection with the disappearance of the subject. It seems to us that the main issue is one of credibility. Mrs. Wedakure knew Saidi Omari and also her neighbour Daudi Were.

The houseboy/.....14/.

The houseboy knew the Lieutenant who, on his own admission, had been stationed at Busia border within the Township for the previous eight months. This incident occurred at 7.p.m. when it was getting dark but at the same time there were some street lights in the vicinity. Both of them saw the three men at the gate from very close and the question we have asked ourselves is why they should mention Saidi Omari and Lt. Muavu as two of them if they were not there as they maintained. We have considered the evidence very carefully. We find as a fact that Mrs. Wedakure and her houseboy, notwithstanding that the boy is related to her, had no possible reason either against Saidi Omari or Lt. Muavu to fabricate evidence against them merely to implicate them. The old man Daudi Were was in no way implicated in this disappearance, except for the obvious coincidence of Wedakure being at his shop when he was picked up. We regret to say that the old man appeared to us a very unsatisfactory witness. This we say for the simple reason that at a time when almost everyone in the country knew about such disappearances of people from all over the country Daudi Were wanted it to be believed that he did not know any such thing. We do not believe him. We do not further believe that, having travelled all the way from Busia in the same bus with Saidi Omari, neither was aware of the presence of the other or that they did not discuss their testimony which they were going to give before us. We find that the attitude of Daudi Were indicated that he did not wish to be associated with this matter in any manner. We realise that Saidi Omari raised an alibi for 4th January, 1973. But if the evidence of the two eye witnesses, both of whom knew him very well before that day, is to be believed then it would follow that Omari's alibi was merely an attempt to rid himself of any connection with this matter. As we have already said, we can think of no possible reason for those two eye witnesses to fabricate evidence

and/.....15/.

and, keeping in mind the circumstances in which they saw those three men and the distance at which they saw them, we are satisfied in our minds that the alibi of Saidi Omari and the mere denials of Lt. Muava have not in any way raised any doubts regarding the testimony of the two eye witnesses. Lt. Muavu was well known to the houseboy. He was the officer-in-charge of the Army unit at the border and the houseboy had not only seen him near his tent but had heard people referring to him by name. In such a small township as Busia, a man of his status becomes quite wellknown to the residents, though he may not know them himself. We are therefore in no hesitation in finding that the subject was picked from Daudi Were's shop by Saidi Omari and Lt. Muavu and driven away towards Majanji where, according to the latter, there was then another Military Camp.

We find also that the subject has been missing since then and accepting the evidence of Mrs. Wedakure, we are satisfied that he did not run away from the country. In the circumstances, we are of the opinion that the probability clearly is that the subject was unlawfully disposed of by his captors after leaving Busia in the Landrover.

20. Subject No. 3 - ASADI MUWENDA.

(Witnesses: No.4 Egulasi Nyamwese - Part 1,p. 64 - 77.  
No.71 Daniel Maidu - Part 1,p.716 - 729.

Asadi Muwenda was a resident of Namaganga village, Busebo, Butembe County of South Busora District. He was married to Egulasi Nyamwese (No.4) and had four children. According to the Mutongole Chief, Daniel Maidu (No.71) he was a barber.

His/.....16/.

His village was twice attacked by robbers. The first robbery was on 28th August, 1973 when four people, travelling in a car without registration number plates, attacked four houses, and raped a pregnant woman. According to the chief, there were allegations against the subject of associating too much with "bad elements." The day following this robbery, the chief arrested some people who came in a car asking about the subject for a haircut; he said he arrested them as they were 'kordos."

The second attack on the village came on 4th September, 1973 during the night, when two villagers died in the attack, a third died in the hospital and three others recovered. No villager was suspected of being involved in this incident but the chief commented that the subject did not answer the drum alarm which he raised, although Muwenda lived near the scene of the robbery. Police arrived at about 7.30 a.m and at about noon four people wearing "flowery shirts" arrived in a Citroen car, - NYK 600. All four had some tribal scars on their faces, that is, three lines. They viewed the two bodies, one of which had been slaughtered and the other's stomach slit open. They spoke to the policemen and took some notes. They asked the chief to direct them to the subject's home. He got in the car and the chief said that those four people looked very furious. He said that they spoke in a language which he did not understand and, because of this language barrier, he did not try to ask them why they wanted Muwenda. Another reason for not doing so was fright as one of them had a pistol. Under cross-examination he said that in his statement which he made to the police on 5th September, 1973 he had mentioned seeing a big gun in the car and each occupant with a pistol.

At/.....18/.

At about the same time Asadi Mwendu, who was at his home, received information from a neighbour that some people in a car had been asking for his home. His wife said that he became frightened on hearing this as there was no reason why people should look for him in this manner. He told his wife that he would go and report this to the Gombolola Chief and he left home on his bicycle.

On the way he was stopped by the people in the Citroen car after being identified as Mwendu by the Mutongole chief. Those people asked the chief to get down and Mwendu to get into the car, and they drove away with him, never to be seen again.

According to (W.4), the Mutongole chief then delivered the bicycle to her and told her that the vehicle which had been looking for her husband had taken him away. She went to look for him at the Gombolola Headquarters. Not finding him there she reported the incident at Kakira Police Station some two days later. She also reported at the Central Police Station, Jinja. No statement was recorded from her but police promised to come for investigations. She said she is still waiting for the police !

The chief also reported to his Gombolola Chief, and both went to Kakira Police Station where a Statement was recorded from the Mutongole chief. They were also told by the O.C. that those people in the Citroen car had 'identified' themselves at the police station.

Witness No.4 said that three other villagers seemed to have a grudge against her husband. She named those three as - Asumani Mugoya, her brother Namada Talita and Manuelli Masinga. She alleged that all these three complained to her that her husband was in love with their wives and on 18th August, 1973, they had threatened her

with/.....19/.

with retaliation unless they moved out of the village by the end of the month. She said that when she reported this to her husband he simply laughed. The chief said that he had received only one report about the subject's love affairs from a man called Mesulamu Bazirato who is now dead.

According to Ex.152, a list of vehicles showing particulars of their registration and ownership, vehicle UYK 600 is a Citroen and is registered in the name of "N.I.C.(U) Ltd., Box 7111, Kampala."

On this evidence, there cannot be any doubt that this man was arrested by those four people in the Citroen car. Their identity however remains undisclosed and it would seem to us that the police to whom they had allegedly reported at Kakira, did not do anything to follow up this kidnapping. We are satisfied that the reason for his arrest was not his lust for other villagers' wives, but was the suspicion that he was associating with bad elements. That he is missing since 4th September, 1973 is beyond doubt, and we think that the probability is that he was unlawfully disposed of by the unidentified kidnapers who were obviously travelling in a car registered in the name of National Insurance Corporation.

21. Subject No. 4 - COSPETERI FEDERIKO KAVUYO NTALO.

(Witnesses: 5 Season Mbagabire - Part 1, p. 77 - 88.  
6 Kawuyo Waidoda - Part 1, p. 81 - 91.  
73 James Hiddi - Part 1, p. 735 - 741.  
92 Inspector V.G. Odwe  
- Part 1, p. 961 - 969.  
105 Inspector E. Odeke - Part 1, p. 1037 - 1042  
106 Supt. Kosi Ochem - Part 1, p. 1042 - 1052  
96 Colonel Joseph Ogo Part 6, p. 5468 - 5507  
522 UA.10736 Staff/Sgt. Moses Malle  
- Part 7, p. 6340 - 6357.

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Ntalo/....20/.

Ntalo was a young man aged about 20. He had done his H.S.C. and was studying Mathematics at Patrice Lumumba University, Moscow, but his course was interrupted after two years and he was recalled for reasons which were not apparent to us.

On his return in March, 1972, he approached the Education Department for a job, and was asked to re-apply in January, 1973. When he went back to the Department, he was arrested on allegations of corruption and was charged in Buganda Road Court. He was released on bail and was due to appear in court on 20th August, 1973. In the meantime in May, 1973 he was appointed a temporary teacher and posted to Sebei Colloge, Tegeres. He reported to the Headmaster, James Hudidi (W.73) on 11th May, 1973.

On 13th August, 1973, the Headmaster received a letter dated 1st August from the Ministry of Education, directing him to terminate Ntalo's services because of the letter which Ntalo had written. He called Ntalo, who admitted writing a certain letter. His services were terminated and was given till the following day to leave.

The next day, that is, 14th August, the officer-in-charge of Kapchorwa Police Post, Inspector Odeke, (W.105) also received a letter from the Chief Education Officer, Kampala together with a handwritten letter allegedly of Ntalo, which was said to be defamatory of the Second Republic of Uganda. Together with the District Commissioner, Sebei, and a Constable, the Inspector went to the school and interviewed Ntalo about the letter. Ntalo admitted writing it and identified the signature on it as his.

Ntalo offered no explanation for writing such a letter. The Headmaster, who read the letter, said that "in tone" it

W.S./.....21/.



was defamatory and very critical of the Government. He said that some sections of the letter were critical of the Government generally and in others Ntalo had lamented his own problems. To the Headmaster, Ntalo appeared frustrated. He was taken away to the Police post for further interrogation. The Inspector said that from his observations during the interview, Ntalo looked mentally confused and he noted this observation on the file. W. 73 then informed Ntalo's father of his arrest - Ex. 2.

On 15th August, Inspector Odeke passed the brief of this case to the O.C. Special Branch, Detective Insp. Odwe (W. 98). Odwe interviewed Ntalo and also searched his room at the school. He took possession of three photographs which were pasted on the wall - Ex. 21,22,23 -, his passport which had a chit in it - and his University Certificate. At the back of Ex. 21 is written:

"Through our vein we come to freedom  
- 1970 - what will happen in this very  
hot 2nd Republic of Uganda."

At the back of Ex. 22 is written:

"The time will come when Fred will be  
as he stands in the photo. In this  
end of end of tears no more lament -  
1970 in U.S.S.R. You have only to  
take in what you please and leave out  
what you please; to select your own  
conditions of time and place, to multi-  
ply and divide at discretion and you  
can pay the national debt in half an  
hour. Calculation is nothing but  
cookery."

At the back of Ex. 23, some writing has been crossed out,  
but (W. 98) was able to read a few words, that is:

"That is the future of Uganda. Let this  
2nd Republic deal with innocent people but  
in the end they will regret why they

were dealing with us. Let us be remembering the facilities the first Republic did for us."

On one side of Ex. 24 is written:

"The son of man faces his destiny as it was written, let Ntalo face his death penalty because of being suspected supporting a Military Government, good-bye my parents, brothers and relatives but I busy collecting money to leave to you in memory."

On the other side of Ex.24 appears the date - 8/7/73 and the following:

'Oh God will give me a good rest after my death, what I can tell my parents is that I am very busy working very hard to collect enough money to pay back to you because I have used a lot of money since I came back. Anyway, since I have failed to get a chance of completing my course in my University, I might commit suicide. Let me face my destiny with crocodile tears."

These writings and his observations of the subject made Odwe tell Odeke that "the man was developing a mental case" - p.965. He informed his Headquarters about this matter and on 16th August, Odeke escorted Ntalo to the District Police Commander, Ochom (W.106) in Mbale, to whom he handed him over together with his file, Kapchorwa CRR 382/73 - Ex.119. He suggested that the subject be charged with the offence of "defaming" the Government, pointing out also that Ntalo be examined by a doctor with regard to his mental condition. After his interview with Ntalo, Ochom too formed the same opinion of him, that he was mentally abnormal - p.1043. He said that he looked very dull, demoralized and weak. He said that he found the case "complicated" and "peculiar." He immediately wrote a minute in the file addressed to the Regional Police Commander, Mr. Lwanga, suggesting that Ntalo be handed over to the Military Police Intelligence, at the same time pointing out that he appeared mentally disturbed. Explaining this action, he said that as the matter was very important, in that it directly concerned the security

of the country and had to be dealt with immediately, he had not adopted the usual procedure of passing the file either to the CID or the DPP for advice. He said that he had suggested sending the file to the Military Police Intelligence not for advice, but for interrogation because "they are very good at interrogation." According to him this was in the true spirit of cooperation with the Military Police Intelligence. He admitted that he could have referred the man to a psychiatrist but did not as he thought that the case was so important that the Military Police ought to know about it. He seemed to take solace from the fact that Mr. Lwanga also agreed with his suggestion as is evidenced by Mbale Police Station Diary, entries No.66 and 67 of 17th August, 1973 - Ex.117 - and the lock-up register entry No. 1877/73 of the same date Ex.118.

According to Minute No.12 of the same date made by Mr. Lwanga, Ntalo was handed over to the Brigade Commander Col. Ozo (W.486). Col. Ozo admitted that Ntalo was brought to him by Mr. Lwanga and Staff Sgt. Male (W.522) of the Special Investigation Branch (S.I.B.) for writing a bad letter against the Government. He explained that the SIB dealt with "outside people" and he asked his Staff/Sgt. to take the man and investigate his case fully and report to him. He said that Male never reported back to him in this case.

Staff/Sgt Male denied that he and Lwanga took this man to the Colonel. He said that he had been busy with his usual duty that day on operation concerning possession of firearms by the people in the District and on his return late in the evening he found Ntalo in custody. He said that the practice was to keep civilians only for six hours and hand them over

to the police for further action. In the case of Ntalo because he was taken there late he spent the night in Military custody. He did not try to interview him, nor find out the reason for his custody till the following morning when he was told that he had written bad letters about the Government. Male reported this matter to his officer-in-charge, Lt. Tito who is now said to be mentally sick in Mbuja hospital. Tito contacted Mawala, the then Commanding Officer of the Military Police, Makiodye, on whose instructions Ntalo was handed to Cpl. Charles of the State Research Unit to be taken to Kampala.

Male explained that in such cases, where a civilian writes a bad letter against the Government, it remains a matter for the civilian police to deal with although "we can collaborate with them." He admitted that he had made a 'mistake' in not ordering Ntalo to be sent back to the police. Male said that their Daily Occurrence Book - the DOB - contained a record of all civilians brought in and handed out. Such entries are made by the duty NCO and he said that he still had the DOB for August, 1973, which he promised to bring.

When he came back the following day, Male said that he had forgotten to say that all their DOBs are forwarded to the Military Headquarters at Makiodye at the end of every year. He said that in November 1974, he had been told by a Sgt. Major Sobi of Makiodye that all the previous DOBs were destroyed during the trouble of March 1974. He said that he was reminded of this "by God" when he was going to Makiodye to get the DOB for 1974. So, that DOB was not produced.

It may be pertinent at this stage to mention in passing that similar records of Makiodye Military Police, which we had

asked for, were not made available for the same reason. We shall deal with that evidence at the appropriate time later in this Report; suffice it to say for the time being that there were a number of rather interesting discrepancies and contradictions about exactly how these records were allegedly destroyed.

Reverting to Ntalo, he was last seen in custody at Bumaceni Army Barracks and, according to Male, was handed over to Cpl. Charles of the State Research Unit to be escorted to Kampala. Nobody has ever seen or heard of him since.

This was quite obviously a very pathetic case. It was the case of a young man whose University education had been interrupted and who, to his Headmaster, appeared frustrated. Not only is that frustration reflected in the writings at the back of the photographs, but they also serve as an pointer into his mental condition. We share the same conclusion at which the three Senior Police Officers concerned with investigating this case reached, that is, that the man was mentally deranged. It is, therefore, disheartening to see that a mentally abnormal person was handed over by the police to the Military Police, and our comment on this, which we make with a heavy heart, is that the police acted in this manner to wash their hands off him simply because the Military Police were considered to be experts at interrogation, forgetting that they were dealing with a mentally deranged person who was in dire need of psychiatric treatment rather than interrogation.

We were unable to trace this man up to the Military Police/SIB at Mbale. Although Staff Sgt. Male was unable to produce the DOB for the relevant period, and we might say now that we did not believe his reason for not producing it because we had the opportunity of seeing other DOBs for previous

years/.....26/.

years at least in Lira, we are satisfied that he was despatched to Kampala under escort on the instructions of the then Commanding Officer of the Military Police, Makindye. He would, therefore, have been expected to be in Makindye, but as he has been missing since then the probability clearly is that he disappeared when he was in Military custody at Makindye where he must have been unlawfully disposed of.

22. Subject No.5 - INSPECTOR JOHN FRANCIS OUMO.

No.297 - ASP WALENDU.

- Witnesses: 8 - Yesse Aligata - Part 1, p.106 -123.  
36 - James Jamu - Part 1, p.411 -422.  
69 - Margaret Akurut Oumo  
- Part 1, p.701 - 710.  
484 - Deputy Supt. Edmond Makumusana  
- Part 6, p.5421 - 5450.  
508 - Ali Toweli - Part 6, p.6068 - 6122  
Part 7, p.6499 - 6515  
513 - Det/Insp. Aloysius Olupet  
- Part 6, p.6182 - 6203  
524 - SSP. John Alfred Wabwire  
- Part 7, p.6412 - 6443  
530 - Deputy S.P. Boniface E. Okoth  
- Part 7, p.6572 - 6582  
543 - Stanley Ebot Etoori  
- Part 7, p.6878 - 6887.

Oumo was an Inspector of Police, and was attached to Katwe Police Station, near Kampala. He used to live in Kanjokya Street. He was married to two wives, one of whom is Margaret Akurut (No.69), a nurse working at St. Mary's Hospital; and he had twelve children.

Stationed/.....27/.

Stationed with him at the same Police Station was Assistant Superintendent of Police Walendu who was in the process of taking over the CID section from subject No.5.

The first witness was Oumo's brother, Yesse Aligata (W.8) who said that Oumo was arrested on 31st July, 1972. He proceeded to give details of the visits made by him and Margaret to Maki-dye Military Police where Oumo was detained and of his last conversation with him. According to Margaret, however, Yesse Aligata is mentally deranged. She said that, during his spells of madness, he talks a lot and wanders about, gets lost and does not know where he is and she has heard him talk of fictitious things. Like her, the other brother James Jamu (W.36) also said that Aligata was not in Kampala when Oumo was arrested.

Both Margaret and Jamu said that Oumo left the house on 29th August, 1972, at 7.am., to go to his office. Margaret said that he told her that he would check on his car, a Smica No. UUC 528, which was in the garage, on his way to his office. He was to go to Kitgum on transfer on 1st September and, according to his Officer-in-Charge, Deputy Superintendent, Edmond Nakumusana (W.484), was then in the process of handing over to his successor, ASP Walendu.

James Jamu was to meet Oumo in his office that morning at about 11 to collect a few things to take to their village home.

According to the evidence, Oumo reported for duty at the police station that morning, and then left for the city to get some spare parts for his car.

Nakumusana said that when he went to the bank that morning at about 8.30 a.m. to collect salaries for his

policemen he saw Oumo's car parked by the roadside in Entebbe Road. On his way back from the bank at about 10 a.m. he saw the car in the same place with some 8 people standing near it. He did not stop to investigate as he had about Shs. 40,000/- in cash with him.

Nakumusana recollected a visit by two Army Captains later the same day. They complained about a murder case which had not been attended to by the Police for long. He said that ASP Walendu had sent Assistant Superintendent Ower to investigate that complaint. Nakumusana was emphatic that from midday onward nobody called in at the Police Station, nor did he leave the station and that nobody was arrested.

The evidence of the arrest of Oumo and Walendu was given by the Head of the Public Safety Unit - (PSU) - SSP Ali Toweli (W.508) and SSP John Alfred Wabwire (W.524). Both of them mention the relative date as 30th August, 1972. That morning Ali Toweli had received instructions to investigate some complaints from the residents of Katwe about a body which was lying by the roadside. He asked for a police patrol car to meet him at the scene, which was near the railway foot bridge in Entebbe Road, beyond the Clock Tower. Ali Toweli saw a body lying not very far from the road and also Oumo's car. Soon SSP Wabwire, who was then the Ag. Regional Police Commander, Kampala area, arrived in the patrol car. They did not find any policeman at the scene and, leaving their men there, both of them proceeded to Katwe Police Station. Nakumusana is alleged to have told them that he had instructed his staff early that morning to remove the body. ASP Walendu told them that he had sent some Policemen, including Oumo, to the scene and he was surprised to learn that the body had not been removed. Both Nakumusana and Walendu were asked to accompany them to the scene.

...../.29.



Back at the scene, Oumo came in a car, probably a taxi. Toweli said that Oumo was seen coming out of some trees from Kisenyi direction with a woman. According to SSP Wabwire, Oumo told Toweli that his car had broken down the previous night and he had gone to fetch a mechanic to take it away. Oumo further said that he was then in the process of moving to Kitgum on transfer. This explanation, which sounded reasonable to Wabwire, did not satisfy Toweli who retorted that Oumo was nevertheless responsible for whatever happened in his area. Toweli said that Oumo's replies to his Officer-in-Charge indicated disrespect for his superior officers. He said that Oumo alleged that the present Government had no brains and Walendu started laughing at this remark. Toweli thought this was very bad. Toweli had some Military Police Officers with him; one a Lieutenant and another a Staff/Sgt. They advised Toweli, "Let us not waste time. Let us take them to Makindye." Toweli said that at that time, even a private had more power than the Commissioner of Police. He knew "what sort of people they were" and thought that if he said anything in favour of the two Policemen he might be taken as "favouring" them. Wabwire did not make any such reference but stated that Toweli arrested both officers on the spot for "gross negligence of duty", and they were taken to Makindye Military Prison in the patrol car. Both of them denied the suggestion that the two prisoners were carried in the boot of the car. Toweli said that at the Military Police Prison he interviewed both Officers and asked them what was "in their minds" and found that "they were not interested in their work." He alleged also that Oumo had told him that he, Toweli, had no brains and that the rank which he was then holding was achieved through bribery. He then sent a report to his superior

officers recommending their dismissal from the Force:

Talking of the arrest he said:

"They were not charged for neglect of duty but for political activity. During my interrogation, their replies were subversive to the country - that is why I arrested them because such officers were misbehaving in the public - one of the replies was that the present government is of fools, it has no brains - Oumo said this and his friend Walendu was laughing - this was at the scene when Oumo was with the woman and I thought this was very bad; and other replies were at Makindye - what made me recommend their dismissal was the reply that I have no brains and the rank I was holding was through bribery - Oumo said this at Makindye." (p.6503-4).

Wabwire explained that under normal circumstances, police officers are not arrested for gross negligence of duty but only disciplinary proceedings are taken. He said that, as Toweli was his superior officer and in command, he did not raise any objection and he was satisfied that Toweli would report them to the Commissioner of Police.

When Jamu was on his way to Katwe Police Station to keep his appointment with Oumo he came across his brother's car in Entebbe Road surrounded by a crowd of people. On learning that the owner had been arrested and taken away in the boot of a car he proceeded to the Police Station where, surprisingly, Nakumusana is alleged to have denied any knowledge about Oumo's arrest. Jamu then informed Margaret who saw Nakumusana and again he repeated the same denial. She went to Central Police Station where she saw her husband's car, but nobody seemed to know about Oumo's whereabouts.

On 30th August, Ali Toweli wrote to the Minister of Defence and Internal Affairs about these arrests and his recommendations - Ex.142.

On 4th September, 1972, Dt/Insp. Olupot (W.513) visited

the two prisoners at Makindye for their statements. He recorded Oumo's statement - Ex.143 - and ASP Walendu wrote out his own statement - Ex.144.

Soon after this incident came the Invasion of the country by Tanzania and Toweli went on operational duties in Bombo and Bugerere. In the meantime, letters of dismissal for both officers dated 10th October, 1972, were issued and included in the Force Order Part II dated 15th October, 1972 - Ex.141, the dismissals being retrospective from 15th September, 1972. Subsequently when Toweli came back to Kampala he went to Makindye to check on the two police officers and was told by the Staff Officer that they were amongst other prisoners who had been transferred to Mutukula.

Capt. Bogere (W.169), who is the present adjutant, denied being the Staff Officer at the material time. He denied having seen Mr. Toweli. He said that after returning from Ghana in April, 1972, he was posted to the General Headquarters, Bulange as Staff Officer A and it was not until April, 1973 that he was transferred to Makindye. We must also add that according to the present Commanding Officer, Lt. Col. Albert Drajua (W.528), Capt. Bogere was the adjutant of Makindye in August, Sept., and October, 1972. On this discrepancy, we are inclined to accept the testimony of Capt. Bogere himself as the Lt. Col. was then not the officer commanding Makindye; and we find that he may be mistaken with regard to the dates.

Mrs. Oumo continued with the inquiries about her husband without any success and on 7th October, 1972, she was provided with transport by the police to move to her husband's home in Malera, Teso District.

On 19th February, 1973, Oumo's father wrote to the Police

claiming his son's car. Wabwire instructed the Deputy Superintendent of Police/Administration, Okoth Ogola (W.30) to look for it. This witness found the car number from Oumo's file and cross checked the number, UQH 528, with the Advance Section. He looked for this car at Naguru Airstrip and, not surprisingly, did not find it. He seems to have forgotten that under the Traffic and Road Safety Act, 1971 the registration numbers of vehicles were changed, and no attempt whatever was made to trace the new number of Oumo's car. Margaret said that she has since seen her husband's car being driven about and its colour had been changed.

Oumo's family has not been able to get his money in the bank and the Insurance Company had asked them to wait for about three years. No application was made to court for an order to administer his estate through ignorance.

On this evidence there cannot be any doubt at all that Inspector Oumo and ASP Galendu were taken by SSP Ali Toweli to the Military Police, Makindye allegedly on the advice of the Army officers accompanying him for further interrogation. We do not know if the letters of dismissal were ever served on them. Mr. Toweli's evidence of being informed by the staff officer that both these policemen had been transferred to Mutukula stands by itself. We are unable to say if it was true, but the fact remains that both are missing. We find it impossible to believe that either of them could have escaped from custody from Makindye and run out of the country. It is obvious that they disappeared from Makindye where they were under custody and the probability clearly is that both of them were unlawfully disposed of during their detention.

23. Subject No.6 - LT. COL. VALERIE ALBERT OCHIMA.

Ref. no/.....33/.

Witnesses: 9 Andrew Albert Angura - Part 1, p.123 - 139.  
51 Sekabiito Wasajja - Part 1, p.542 - 546.  
52 George Wilson Lwanga - Part 1, p.546 - 547.  
479 Seth Obu - Part 6, p.5343-5355.  
525 Philip Joseph Alidria Obeti  
- Part 7, p.6443-6487.

There is no direct evidence about the disappearance of Lt. Col. Ochima. His brother Andrew Albert Angura (W.9) said that the Lt. Col. was detained for seven months in 1971 at Makindye Military Police. We were not told the reason for this detention. He was released by Your Excellency and two weeks later, sent overseas on a conference of some sort.

He returned in February, 1972, and his brother said that perhaps he was retired as he did not go back to the Army. In June, 1972 he was ordered to vacate the Government house and he moved to some rented premises in Mulago.

On 20th September, 1972 the Lt. Col. left his house at 1 p.m. in his Mercedes car - UUC 440 - to take his brother-in-law, one called Albert Cengthe, an immigration officer, to his place of work, and did not return.

W.9 started looking for him the following day. He checked with all his friends and also at Makindye. There was no sign of him any where. On his way back from Makindye he found Ochima's car parked near FISHCO SHOP in Dewinton Road. The shopkeeper told him that Ochima was talking to two Asians inside his shop when three men came in two cars. He said that Ochima was beaten up and put in the boot of one of the cars; the two Asians also were arrested and taken away. The shopkeeper handed the car keys to W.9, who took the car to their home in Arua.

In October, 1973 the man in civilian dress called at their home in Arua and demanded that the car be handed over.

They said that Marela had sent them for it. One of them had a pistol. When W.9 refused he was threatened with the words, "If you want to stay alive and look after your brother's children, hand it over." Ochima was not married, but had a girl friend. His brother said that he had five children. On hearing the threat he handed over the car to those men.

W.9 next saw the car in the garage of what used to be D.T. Dobie Ltd., in April, 1974. On looking at the job card he found two names mentioned - OBA (W.479) and OBETI (W.525). He reported to the Police.

The receptionist of D.T. Dobie, Sekabiito Wasajja (W.51) confirmed that on 4th January, 1974, the car was brought in for repairs by Mr. Obeti of Arua, and he had made out the job card - Ex.12. Obeti had asked that his brother Oba be contacted when the car was ready, and their telephones are also mentioned on the card. Obeti also signed another form headed 'Conditions of Acceptance of Work' - Ex.13

The Police told the receptionist that the car was not to be handed over to anybody without their approval, and a note to this effect was kept on one of the cards.

Oba, who is a Security Officer W.O.2 working with the State Research Unit, was informed by the garage when the repairs were completed, but when he went there to check after about a month, he was told about the order of the Police. He saw the Police and explained about the ownership of the car. A Corporal made a search at the Central Registry of Motor Vehicles and found that it had been transferred in the name of P. Obeti. Oba tried to contact his brother in Arua, but was told that he had been imprisoned for some offence.

Subsequently, the Police wrote to the garage to release the car to Philip Joseph Alidria - and enclosed a photocopy of the records of the Central Registry - Ex.14 and 14A.

Obeti (W.525) was called to explain how he came to own Ochima's car. He was the branch manager of Uganda Cooperative Bank, Arua. He explained that he had bought the car from Angura for Shs.45,000/- in or about September,1973 with the assistance of a half-caste mechanic called Mark. An agreement for the sale of the car - Ex.140(1) - was drawn up. It is dated 20th September,1973. The Registration Card was in the name of Ochima and Angura had Treasury Form 3 signed by Ochima transferring ownership of the car into Angura's name and Angura signed another form for the transfer in his name. He said that he kept those forms (Ex.140(2)) for the transfer to be effected in Kampala in the presence of Angura but it was delayed as Angura was not available. On 4th January,1974 he sent the car to D.T.Dobie, Kampala for major repairs and later when he went to check on the car he met Angura at the garage. He wanted him for the transfer because Angura still had with him the form of transfer signed by his brother. They agreed to meet the following day but again Angura did not turn up. Subsequently, on 3rd February,1974 Obeti was arrested for the theft of the bank's money and on 11th February, sentenced to a term of imprisonment. He explained that before he was taken back to Arua he made inquiries at the Central Registry of Motor Vehicles regarding the transfer of the vehicle into his name and, acting on the advice he was given, he asked his wife to instruct an advocate in Kampala to draft an affidavit. Later she brought an affidavit - Ex.140(3) - to him in the prison which he signed and submitted together with the application of transfer - Ex.140(4). He denied the allegations of Angura that the car was taken from him at gun point.

The evidence about Lt. Col. Ochima's disappearance is hearsay given by his brother Angura. He spoke of what he was told by the shopkeeper, near FISHCO.

If that evidence is true, then it would seem that he was arrested by three unknown people and taken to an unknown destination. What we can definitely say is that he disappeared on 28th December, 1972, and Angura took his car to their home in Arua.

Regarding the car, which was subsequently registered in the name of Obedi on the strength of his affidavit about which we noticed certain irregularities and which we have decided to bring to the attention of the Law Council for appropriate action to discipline the lawyer concerned, we find that Obedi is in no way concerned with the disappearance of the Lt. Col. It may well be that Angura sold the car to Obedi in order to get the money and subsequently denied when he felt that he might be called upon to explain how the car got to the garage. We are satisfied that Ochima is missing and the probability is that he has been unlawfully disposed of by those unknown people who kidnapped him.

24. Subject No.7 - D.S.P. NELSON OCHANIT.

Witnesses: 10 Mrs. Faibi Akwi - Part 1, p.139 - 149  
362 ASP George Ryabasajja  
- Part 4, p.3718 - 3732.

He was a Deputy Superintendent of Police and was stationed at Jinja. He had served for 19 years. He was married to Faibi (W.10) and they have six children. She last saw him in May, 1973, at their village home in Bako, Orungo sub-county, Toro District when he took her some money. He left for Jinja after two days.

On Sunday, 3rd June, 1973 she travelled to Jinja to join her husband. The children told her that their father went on duty at about 10 a.m. that morning, leaving his car at home. He did not return that night. The following day was a holiday and on Tuesday she reported his disappearance at the Central



Police Station, Jinja. She was told by a constable that her husband had been taken to Kampala.

Assistant Superintendent of Police George Byabasaja (W.362) produced the Station Diary of the Central Police Station, Jinja. Entry No. 23/3/6/73 (Ex.86a) indicates that Ochanit was taken to Kampala by No. 6111 Cpl. Said in Motor vehicle No.UUQ 690 and entry No. 24 of the same date (Ex.86b) is in respect of pistol No. B.19325 which was handed in by Ochanit.

She then went to Kampala Police Headquarters and saw Senior Superintendent of Police, Obate. He denied any knowledge about her husband's whereabouts and his efforts to trace him at Makindye were without success. She said that she started looking for him because the constable whom she saw at Jinja Police Station had told her that someone had made some false allegations against him.

She said that she had no difficulty in keeping her husband's property. She did not know if he had a bank account but knew that he was insured. No application has been made for a court order to administer his Estate. She said that the Police Headquarters paid her only Shs. 600/- for taking her children home.

From the Station Diary of Central Police Station, Jinja - Ex.86a - we find that this Police Officer was taken by No.6111 Cpl. Said in Motor Vehicle No.UUQ 690 to Kampala on 3rd June, 1973. It seems that our Counsel was unable to trace this Corporal or where he came from. We are satisfied that Ochanit has been missing since then, and the probability is that he was unlawfully disposed of by the Corporal who arrested him from Jinja Police Station.

25. Subject No. 6 - JOSEPH OUMA..

Witnesses: 11 Gertrude Onyac - Part 1, p. 150 - 170  
12 James Odwori, alias Jacob  
- Part 1, p. 171 - 184  
92 Det. A.I.P. Samuel Leto  
- Part 1, p. 899 - 910  
169 Capt. James Bogere  
- Part 1, p. 1631 - 1652.

Joseph Ouma was a young man aged about 24, and was working as a Clerk with the Produce Marketing Board. He used to live with his mother Gertrude Onyac (W.11) and a younger brother Odwori (W.12) in Biina village, Luzira.

According to the evidence it appears that on 10th December, 1973, some civilians fought with a soldier at a beer party at about 8 p.m. over a girl, a daughter of a woman called Malongo. Amongst the civilians were Ouma, Mayanja, Mugalu and George. The soldier was subsequently identified as Sgt. Abdu, Sulaimani Semakula of the Military Police.

Ouma had his supper with his mother that evening and went to sleep in his house, about 50 feet away.

At about 10 p.m. Gertrude Onyac woke up on hearing her son's shouts and bangs at his door. She woke up her other son, and followed him outside.

It was a moonlight night. Odwori saw his brother being beaten in front of the house by two men - Sgt. Semakula, who had a pistol, and Vincent Lubera. He hid himself in the banana plantation where he saw the other three boys hiding also.

Ouma was bound up, hands and feet, and dragged into a Honda van NYO 569. They drove away in it. According to Ex.152

this vehicle was, at the material time, registered in the Sergeant's name.

Will reported the incident the following morning at Naguru Police Station. Her son was not there.

She then went to Jinja Road Police Station. Her son was not there either, but she was told that some Army men had been there with him. This seems to tally with the evidence of Det. Assistant Inspector, Samuel Lebo (1.92), who had been assigned the investigations of this case, that Sgt. Semakula called at the Police Station during the week and promised to call again for his statement, but never did.

Will then went to Makindye Military Police looking for her son. She said that a soldier at the gate told her that her son had been brought in for assaulting a soldier.

On 19th December, 1973, Lebo arrested the other three men involved in the fight. He contacted Makindye about Ouma and was told that he was being detained there for assaulting Sgt. Abdu. The Officer in Charge Jinja Road Police Station later decided that, like Ouma, the other three should also be taken to Makindye for further investigations by the Military Police. Lebo handed them in on 20th December, 1973. During his testimony Lebo said that on enquiring about Ouma when he took the other three to Makindye, he was told that he had escaped from custody. His attention was drawn to his minute of the same date on the Police file, CFB.2673/73 - Ex.19.-

"To D.A.S. - Jinja Road. As instructed I took the three accused to Makindye where after discussing with the Officer there, I handed him the accused and the statement. Later the relatives of the three accused came to say that the three accused were released by the Military Police after we had left. The first accused Ouma was arrested earlier by the Military Police on the day of the incident, it was not possible to see him. Case papers are here with for your information."

Lebo was unable to explain why he had not included in the minute what he had been told about Ouma's alleged escape.

Nevertheless, the story about the escape looks extremely unconvincing against the evidence of Odwori who was emphatic that he had been able to see his brother at Makindye on 29th December, 1973. He said that Ouma's face was swollen. We find no reason for him to tell lies on this matter. Furthermore, their mother, who said that she was visiting Makindye almost daily, was all the time being told that her son was there. This continued till about April, 1974, when a soldier told her that her son had been transferred to Jinja Road Police Station after being kept at Makindye for 15 days only! It was then that she was given Sgt. Abdu's full names and his force No. UA 12116 and was told to go back to the Police Station where the Sgt. would be called to answer a charge of assault. The O.C. Police Station, denied that Ouma was in his custody and he despatched two Policemen to Makindye to check on this information. They returned and are alleged by W.11 to have told the O.C. that Ouma was still in custody at Makindye. The O.C. then sent her to the Adjutant with a letter asking that the Sgt. be sent to the Police Station. She said:

"Abdu was wanted to come to Jinja Road and tell the O.C. where that boy was taken."

To her the Adjutant said:

"...that they do not usually detain people who have fought there and so my son had been transferred to the Police at Jinja Road."

The Sgt. never returned to the Police Station as promised.

There has been no further news of Joseph Ouma either. The last witness was the Adjutant of Makindye, Capt. James Bogere, W.169. As stated earlier he said that all the DOBs were destroyed during the disturbances of April, 1974. Regarding Ouma, he said that he was one of those taken to Jinja Road Police Station. He said that Sgt. Sulaiman Able was then (that is, 24th September, 1974

when Capt. Bogere gave evidence) in detention at Makindye, and undertook to produce him.

Later, when Captain Bogere was recalled on 17th December, 1974, he informed us that Sgt. Semakula had been detained at Makindye, pending his appearance before the Chief of Staff. During his detention, the Sgt. is alleged to have attempted to commit suicide by taking some poison, and was taken to Mulago Hospital. After his discharge, the Sgt. was returned to the cell in Makindye, from where he is alleged to have escaped. The Captain said that they were still looking for him.

We have no hesitation in reaching the conclusion that Joseph Ouma was in fact arrested by WA 12116, Sgt. Abdu Sulaimani Semakula of the Military Police, Makindye on 10th December, 1973, after a fight over a girl, and was detained at Makindye Military Police Prison, from where he disappeared.

We find it untrue that he was ever transferred back to Jinja Road Police Station as his mother was informed at Makindye. We are not prepared to accept the evidence of Det/ Assistant Inspector of Police Samuel Lebo that he was told by the Military Police, Makindye that the subject had escaped from custody. We have reached this conclusion after perusing his own minute which he made on the file - Ex.19 - where he said that it had not been possible for him to see the subject. If he had, in fact, been given this information, we find that it would have been quite simple and straight forward for him to have said so in this minute to his superior officer. Furthermore, as we have already stated, Odweri saw him at Makindye, as late as 29th December, 1973. From the evidence of Captain Bogere it seems that the Sgt. who had been returned to his cell at Makindye after his abortive attempted suicide later escaped from custody and has not been re-arrested.

Captain Bogere had no knowledge about the detention of the subject at the prison, but we are satisfied that Joseph Ouma was not only detained there from 10th December, 1973, but also disappeared from there. The probability thus is that he was unlawfully disposed of while in custody of the Military Police at Makindye.

26. Subject No. 9 - LT. CHARLES SIKENY MWAKA.

Witnesses: 14 Faici Auma - Part 1, p. 192 - 201.

54 Lt.Col. Juma Doka  
- Part 1, p. 559 - 565.

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He was attached to the Air and Sea Borne Battalion, Tororo. He used to stay at the Officers' Mess, but spent weekends with his wife, Faici Auma (W.14) in Mbale.

His wife last saw him on Monday, 17th January, 1972, when he left their home in Mbale after spending the weekend with her to go back to Tororo. He later rang her from Tororo to say that he had arrived and the last time he rang was on Wednesday, the 19th January, when he told her that he had been assigned night duty and was preparing for the 25th January celebrations and parade. She rang up the Barracks again later that evening and was told that her husband had been picked up by the duty truck and taken to the barracks.

On Thursday she rang up again and was told that her husband was on duty in the barracks. On Friday morning two cars - a V.W. and a Toyota Land Cruiser - went to her home. There were some people in civilian clothes in the V.W. and some privates wearing the Air and Seaborne Battalion uniform in the Toyota. One of those in the V.W. claiming to be an Intelligence Officer, told her about her husband who, according to him, had

been missing since Wednesday Night. This worried her and she contacted the Brigade Commander, Lt. Col. Ndahendekire who provided her with a Landrover to go to see Lt. Col. Toloko, the Officer Commanding Tororo Battalion. Toloko told her that he had been away to Jinja and during his absence Major (now Lt. Col.) Doka (4.54), who was acting in his place, had briefed him about the disappearance of her husband. She did not try to see Major Doka but the Major refuted the evidence that he was acting in place of Toloko at the material time. Doka said that he had gone home on pass leave and on his return the Commanding Officer Tororo had told him that three Officers, that is, Lt. Enoke, Lt. Odongo and Lt. Mwaka, had escaped to Nairobi by the night bus.

On 6th February, a truck full of soldiers and the Quartermaster Lt. Odongo went to her home and asked her to vacate the house. She tried to resist but the soldiers threw her out, took away the Government property and some of her own, and locked up the house. She waited outside the house from 9 a.m. till 6 p.m. when another truck came and transported her with the remaining property to her husband's home.

She said that she went to Toloko twice for assistance and her husband's salary but was told that where a soldier disappears his salary is stopped.

She is aged 21 and has a daughter. She said that her husband had some money in the bank which she had not been able to make use of. She finished by saying "I pray that the Commission does something for me so that I bring up that daughter of mine."

If the evidence of Mrs. Mwaka is believed, and we see no reason for doubting her in any way, it would appear that her husband was on duty in the barracks till Thursday, the 20th January. This would certainly cast doubts over what she was

told by the Intelligence Officer who saw her on Friday morning that her husband had been missing since Wednesday night.

Whereas the subject appears in the list (Ex.13) of army personnel who are alleged to have disappeared there is no mention of the other two lieutenants - Odongo and Enoka - who were alleged to have fled to Kenya by the night bus. Furthermore, there is no other evidence to substantiate this assertion. We are of the opinion that had the subject really fled to an adjoining country he would certainly have got in touch with his family. We are of the opinion that there is virtually no evidence to prove that the subject fled out of the country and, for the reasons stated above, we find that he must have disappeared while he was on duty in the barracks of the Air and Seaborne Battalion, Tororo. We also find that the probability is that he was unlawfully disposed of within the barracks by other soldiers. There was evidence that some soldiers who had been detained at various units, were transferred to Luzira Upper Prison and they appear in the list, Ex.124. The subject does not appear in that list and, having found that he did not flee the country, the absence of his name from Ex.124 would seem to support our finding that he must have been unlawfully disposed of within the barracks.

27. Subject No. 10 - KAGGWA.

Witness: 15 Prisca Mukiibi - Part 1, p.201 - 205

There/.....45/.



There is no direct evidence on this man. According to Ericza Mukiibi (7.15) he was the treasurer of Wabitongo Growers Society and used to live in Gombolola Musale. He said that he was told by Mrs. Kagwa that her husband had disappeared sometime in 1972.

The witness said that he too had been threatened by the Muluka chief after he had reported the local chiefs to the Ministry of Internal Affairs that the chiefs were selling compensation forms to people who did not have land affected by the construction of the road, entitling them to compensation by the Government. He said that such persons were ambushed and never seen again. He went on to say that following Mrs. Kagwa's report some people were arrested by Kayunga Police and immediately killed.

We are not able to place any credibility or reliance on this evidence. No relative of Kagwa has come forward to say that he has in fact disappeared or that the local chiefs of the area were in any way concerned with his disappearance. We are not in a position to say whether he has in fact disappeared or disposed of in any other manner.

The evidence on this subject besides being hearsay is so sketchy that it is virtually impossible for us to make any findings of any sort.

28. Subject No. 11 - STEPHEN LUBICA.

Witnesses: 16 Sarah Manyondo - Part 1, p.206 - 213.

17 Joseph Seguya - Part 1, p.213 - 216.

Ref. .... 46/.

He was aged 33, and was the Manager of Nile Hotel, Kampala. He used to live near the hotel with his fiancée, Sarah Nanyondo (W.16).

On 28th November, 1973 he took his fiancée in his car, UUC 480, to her college. He was alone in the car and has not been seen since then.

Miss Nanyondo was expecting him to collect her at lunch but he did not turn up. She rang up the home and the house-boy checked at the hotel but failed to find him. She returned home thinking that he had gone for a meeting at the Headquarters. She waited for him till about 4 p.m. Then she started ringing friends asking about him. She also rang up the General Manager of Uganda Hotels who told her that Lubega had not attended the meeting and that he would try to investigate. She informed his father Joseph Seguya (W.17) in Jinja and he came to Kampala at about 9 p.m. His enquiries were also fruitless and the following morning the matter was reported at Central Police Station, Kampala. She did not think that he had gone outside the country as she would have expected him to contact her, which he had not done.

His father tried to see the Permanent Secretary in the President's Office but was asked to go to the Ministry of Internal Affairs. There, he was told that a report had already been received and was being investigated by the CID.

His car has not been seen since. According to Ex.5 the records of the Central Registry show that the vehicle is still registered in the subject's name. Its road license expired on 18th January, 1974 and has not been renewed since. He had two children aged eight and three, from another woman and they are now being looked after by his father.

The evidence is very sketchy. We find that he was last seen on 28th November, 1973, driving his car UUC 480 after dropping his fiancée at the College. There is no evidence as to what happened to him on his way to the Nile Hotel where he was the Manager. We can only find that he has been missing since then. Had he left the country we find it reasonable, as his fiancée said, for him to have at least contacted her or his father. The probability is that he was unlawfully disposed of by his unknown kidnappers who might have been kondoos wanting to steal his car which also has disappeared.

29. Subject No. 12 - DAHIL HASSAN.

Witness: 18 Aisha Ali - Part 1, p.218 - 230.

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He was a Somali butcher aged 36 and used to live in Entebbe. He had been in Uganda for about 19 years. He was married to Aisha Ali (W.18), aged 28, and they have four children, between the ages of 11 and 3½.

On 11th October, 1971 he went to Kenya to fetch cattle and told his wife that he would return on 13th October, in time to go with the delegation of about 23 Somalis to Kampala on the 15th. He returned home on 14th October and said that he had been delayed on the way due to car trouble. On 15th he went to Kampala to check on the delegation. He returned at about 1 p.m. and told his wife that he had been replaced in the delegation by another person as he had delayed.

At about 7.30 p.m., three men came to their home and wanted to see the subject. They came in a black Mercedes

Benz car bearing the registration letters 'UG'. They told her that they were from the President's Office and wanted to know why her husband had not accompanied the delegation. Her husband explained the car trouble resulting in his missing the delegation. He was told that he was wanted in the Parliamentary Buildings at 5 p.m. "that perhaps he might go to Mogadishu by the evening aircraft." He started collecting his suitcase but was asked by the three men to leave it behind. She said that she asked her husband why he was going away with them, and he replied that he knew those three very well as people from Entebbe Lodge and there was nothing to worry. The vehicle then drove away with the subject towards Kampala, and he has not been seen since.

When the delegation returned from Mogadishu after ten days she saw the delegates at Hotel Equatoria. They denied seeing her husband and promised to see Your Excellency about him. She has not heard anything more about her husband.

She said that her husband used to run the butchery on an over-draft from the bank. It is not in business now. Her husband had a lorry and a house where she is now living. The lorry had an accident after her husband's disappearance. She is now being assisted financially by her husband's relatives.

She said that she still occasionally sees those three men in Entebbe, particularly one who drives past her home in a different car.

We find that the subject was collected by three men from his home on 15th October, 1971. They were driving a Benz car, bearing registration letters 'UG' and they took him on the pretext that he was wanted at the Parliamentary Buildings at 5 p.m. He was collecting the evening plane to

join the Somali Delegation to Mogadishu. We are satisfied from the testimony of his wife who saw the delegates after their return that he did not join them in Mogadishu. Had he caught the night plane to join the delegation one would have expected the other delegates to have seen and met him in Mogadishu. He did not reach Mogadishu, nor did he ever return home after being taken away in the Benz. The registration letters 'UG' are invariably given to official vehicles, and this would suggest that those three men using such a vehicle were Government employees. As the subject has been missing since then the probability clearly is that he has been unlawfully disposed of by those three men. We would recommend that this case be further investigated by the C.I.D. particularly as Mrs. Hassan claims still to see one of those three men in Entebbe township.

3C. Subject No.13 - ASSISTANT INSPECTOR JACKSON  
BERNARD OKELLO.

Witnesses: 20 John Ochola - Part 1, p. 241 - 259  
61 Charles Ongima- Part 1, p. 621 - 640  
221 Francis Xzavier Ocen  
- Part 3, p. 2203 - 2215  
235 Dorina Apio Okello  
- Part 3, p. 2313 - 2323.

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He was an Assistant Inspector of Police, stationed at Soroti Police Station.

He was taken away from an open air drinking place in Pamba Road, Soroti by some men who came in a car. There is utter confusion in the evidence about the incident. His

brother/ . . . 50/

brother John Ochola (W.20), while mentioning the drinking place in Pamba Road, said that his brother was taken on 20th October, 1973 by three men who came in a green Volkswagen car. He said that one of them was in Army uniform and had a gun. The other eye witnesses, a teacher of Teso College, Aloet, Charles Ongima (W.61), was given a lift by the subject to the drinking place in his car. They were drinking together in a large group. He said that four men came in a dark grey Peugeot 504 car. None of them was in any particular uniform and one was armed. They beckoned the subject and after talking for about 5 minutes, Okello handed him his car keys and went away with those men. Ongima said that this incident occurred two days after the Invasion of the country. This would make it the 19th September, 1972 and this is the date which was mentioned by Dorina Apio (W.235) who, claiming to be the subject's wife, said that her husband was taken away from their home in the Police barracks by five men who came in a blue Volkswagen car. She said that two were in Army uniform and one in police uniform. Her husband told her that he was going to Kampala and would come back.

Whereas Ochola said that he spoke to Ongima after his brother was taken away, Ongima denied this completely. Ochola alleged that Ongima told him that his brother had been taken away to see Your Excellency in Kampala. He said that he saw two other civilians in the car; both by the name of Odongo - one working for the Agricultura Office in Soroti and the other an Assistant Inspector of Police of Soroti Police Station. We have not heard any evidence about these two Odongos. Ongima denied the evidence of Ochola in so far as it concerned him. He said that at about 7 p.m. he asked

another/.....51/.

another person to drive the car to Okello's home, and after about a week it was taken to the Police Station. He saw the same Peugeot car being driven towards Mbale, about three days after this incident.

Both Ochola and Ongima reported the matter at Soroti Police Station, as did Dorina Apio said that the O.C. Police Rwakatale, denied any knowledge about the matter. Two days later, however, Rwakatale informed Apio that he had received a message from Kampala that she should vacate the quarters. She packed up, was provided with a lorry and taken to her home in Lango.

Apio said that she has four children and the second wife two children. She is looking after these six children. Okello had an account with the Uganda Commercial Bank, and she has applied to Court for an order to manage his estate.

In view of the two different versions we have had some difficulty in reconciling the evidence. It seems clear to us that there was such an Assistant Inspector of Police as Jackson Bernard Okello attached to Soroti Police Station. No other woman has come forward claiming to be the wife of this Policeman except Dorina Apio. We are unaware of the existence of any other Policeman, an Assistant Inspector of Police of the same name being attached to Soroti Police Station at the relevant time. We are inclined to believe the evidence of Ongima that the incident took place at the open air drinking place in Pamba Road. That account is corroborated to a large extent by the evidence of the subject's brother, Ochola. We are therefore satisfied that Jackson Bernard Okello, an Assistant Inspector of Police of Soroti Police Station, was taken away by four men in a dark grey Peugeot 504 saloon car

on/ . . . 5/7

on 19th September, 1972, i.e., two days after the Invasion.

There was no evidence of where he was taken, or about the identity of those four men. But evidence was adduced by Francis Xavier Ocen (W.221), the Town Clerk of Soroti, of his own arrest by four armed men who burst into his office on 26th September, 1972. He said that he was taken in a Peugeot 505 car, which was bluish or greenish, and driven by one called Mahmood to the Military Police, Mbale. He was not told the reason for his arrest but, on the way, the men kept shouting at him, "Unless you tell the truth, you will see." He was released after 21 days on 16th October, 1972 and the C.O. Military Police gave him a letter - Ex.41. During his detention he was kept in one cell, which had, on an average, 25 inmates, some on charges of theft and some for being "found at the border." On his release he found his wife mentally disturbed.

Staff Sgt. Male (W.522), the incharge of the Intelligence Section of the Military Police, Mbale, did say that their area of operation extended up to Teso District, but he denied knowledge about any arrests from Soroti during September, 1972. He denied knowing Mahmood. He said that he would be surprised if a man was detained at the Military Police for 21 days. Regarding Ex.41, he said that such certificates were issued to people detained by them and released after 24 hours. It will be recalled that Male had earlier said in his evidence concerning the subject Kawura Male (Subject 4) that in practice they detained civilians for only six hours and then handed them over to the civilian police for further action. Ocen could have had no reason to tell lies. He was detained for 21 days without knowing the reason for his detention.

Consolidating/.....53.



Considering Male's evidence that their area of operation covered Soroti also, and also the fact that a similar vehicle was mentioned in both instances, it may well be that Ocello too was arrested by people who came from the Military Police, Mbale. That the Police authorities knew about his arrest is made evident by the fact that official transport was provided for his wife to be transported to her home in Lango, something which seems to have been the order of the day whenever civil servants disappeared.

In recapitulate, we find that the subject was taken away by four men in a dark blue Peugeot 504 on 19th September, 1972, from the open air drinking place in Pamba Road. We find that the evidence raises a strong suspicion that the men who took him were from the Military Police, Mbale and the probability is that he was taken there. This could have been cleared with the help of the DOB which, unfortunately, was not produced. We find that he has been missing since the date of the arrest and the probability clearly is that he was unlawfully disposed of by his captors who would appear to be men of the Military Police, Mbale.

31. Subject No.14 - ODONGO.

32. Subject No.15 - ODONGO.

These two subjects were mentioned by witness No.20 John Ochele while giving evidence on subject No.13. The first Ochele used to work for the Agricultural Department in Soroti, and the second was Assistant Inspector of Police, Soroti Police Station. Ochele said that when he went to the Police Station to report about his brother (subject

No.13) he found the wives of these two Odongos also at the Police Station reporting about their husbands. We did not hear any other evidence about these two men.

In view of the fact that there was no evidence about these two men except that one of the witnesses saw them in the same vehicle which took Assistant Inspector Okello (Subject 13) we are unable to make any findings in their respect. They could have been released as indeed was the Town Clerk of Soroti but we cannot know definitely one way or the other.

33. Subject No. 16 - EVEREST MULEKEZI.

34. Subject No. 17 - ONESIMUS NSHEKANABO.

Witnesses: 21 Miss Faustina Rukimirana - Part 1, p. 259 - 262  
22 Mrs. Joy Nshekanabo - Part 1, p. 262 - 275  
55 Captain Wilson Owiny - Part 1, p. 265 - 572  
(recalled) " 7, p. 6190 - 6719  
68 Joseph Adrole - Part 1, p. 692 - 700  
248 Dr. Luke Kalibala Semanda - Part 3, p. 2438 - 2450  
515 Flaviano Emegu - Part 7, p. 6218 - 6238  
523 Det. ASP. Justin Gimayi - Part 7, p. 6358 - 6391  
307 SP. Constant Ojulong - Part 7, p. 6266 - 6293  
(recalled)

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Subject No. 16 - Everest Mulekezi - was the District Commissioner Bukedi. He had been D.C. for about a year before he was arrested. He was a bachelor.

Subject No. 17 - Onesimus Nshekanabo - was the Manager of the Rock Hotel, Tororo. He had been there for about three months only. He was married to Joy Nshekanabo (W.22), and they have three young children, aged seven, five and two-four.

On 23rd February, 1972, the District Commissioner had arranged a party for a circuit Judge. Attending the party was also the District Police Commander, SP Constant Ojulong (W.507). The party finished at about 9.30 p.m. Then the D.C. invited his guests for more drinks in the hotel bar.

In the bar they were joined by the Commanding Officer of the Air and Seaborne Battalion, Lt. Col. Toloko, who had just returned from Kampala.

Joseph Adrole (W.68), who was then working for the Uganda Cement Industries Ltd., Tororo, also arrived at about 9.30 p.m. He found the Lt. Col. sitting at the bar counter with Mulekezi, Ojok and the Town Clerk, Royondo. He greeted them, ordered drinks and sat on a separate table.

Ojulong left at about 10.45 p.m.

Later Mulekezi got the bills, which he wanted to sign. The hotel manager, Mshokanabo, pointed out that this was unacceptable, and went to his office to get a circular in support of his objection.

At about this time, a waiter took a bill to Adrole. He found some mistakes in it, and asked the Manager for assistance. As they were discussing the bill, Lt. Col. Toloko went to them, grabbed and tore up the bill, saying that the hotel people were 'cheating'.

Toloko then summoned the Manager to the counter and spoke to both the D.C. and the Manager for about fifteen minutes. He then ordered three men in plain clothes, who had been playing billiards, to arrest them. One of them was Lt. (now Captain) Owiny (W.55) - Owiny was, according to Adrole, at first reluctant but the Lt. Col. shouted at him that his orders must be carried out. He shouted, "Take

them to "Jail No.1".

Mrs. Nshokumbo saw both of them driven away by Capt. Owiya in his Fiat 125, No.OUR 338. He returned a little later without them. Neither has been seen since.

Mulkeni's younger brother Tom waited for him that night and in the morning enquired at his office. On learning of the arrest the previous night he reported to the Police. He also informed his sister Faustina Rukimirana (W.21) a State Attorney with the Ministry of Justice, Kampala.

On 24th February, 1972 W.21 informed the Minister of Public Service Mrs. Justus Byagagaire. He denied any knowledge and promised to enquire. On the next day, the Minister told her that a team of investigators had been sent to Tororo and that she should wait for further information. She is still waiting!

Ojulong opened a file on these two subjects, and also briefed all his staff as this was a 'special' case. According to the C.C. CID, Bukedi, Det. ASP Gimayi (W.523), he had already opened a file on this case. Ojulong said that when he went to the Rock Hotel the following morning he found Toloko there and asked him about the report that had been made at the Police Station. He said that Toloko denied having ordered both men to be taken away. He said that he was inclined not to believe Toloko. It seems to us that no proper inquiries were made by the Police. According to Ojulong statements were recorded from some people but others did not come forward. Gimayi said that he used to go to the hotel for statements, but he found that most of the workers had disappeared during that week. He used to go to his home in Bulalaba every weekend and saw one of the hotel

work. A man called Gidudu, in his area. He said that he did not try to take a statement from him. Likewise no statement was ever recorded from Adrole. Ojulong said that as he had not received any directive from Police Headquarters for Toloko to be interviewed by the Police, he had not tried to interview the Lt. Col. He summed up the atmosphere when he said that as Lt. Col. Toloko was suspected he tried not to get too much involved in this matter as "he was around" and people from the hotel were afraid to come forward. Gimeyi said that the situation at that time, in so far as the Army was concerned, was that every one was in fear.

Some two weeks later two bodies were recovered from Malaba River by Det. Inspector Flaviano Emegu (W.515). Both bodies were decomposed and nobody in the vicinity could identify them. He removed both bodies to Tororo Mortuary. According to the Tororo Police CRB Register Serial No. 159/72 (Ex.135) the initial classification with regard to the two bodies was shown as "murder". The District Police Commander and Gimeyi went to the mortuary with some people from the D.C.'s Office and the Rock Hotel for purposes of identifying the bodies. The post mortem was done by Dr. Luke Kalibala Semanda (W.248). The evidence is that neither body could be identified but two parties claimed one of the bodies. Mrs. Eshakanabo claimed the slender body as that of her husband, basing her identification on a fractured wrist. Dr. Semanda said that there was no recent fracture of the wrist. The second group consisted of three men who identified the same body as that of their brother working in the Building Section of the Tororo Battalion and they based their identification on a missing toe. The District Police Commander then released the body to those

three men and the second body was buried at the cemetery as that of an unknown person.

Capt. Oving (9.55) first gave evidence on 26th August, 1974. His attitude was not only evasive but most contemptuous and stubborn. He did not seem to remember anything and he could not remember being asked by Lt. Col. Toloko to take the two men to the barracks. He was recalled on 18th December, 1974, after on his application he was allowed to go through the transcript of his previous evidence. Now he seemed to remember everything and admitted that he was ordered by the Commanding Officer to take the two men to the Quarterguard and remembered also handing them over to the officer on duty, to whom he said "the Commanding Officer has sent these men for questioning." He said that he was merely used as a driver. He remembered meeting Toloko the following day and was told that the two men were being sent to Kampala. His attitude about this matter was; "The Commanding Officer was handling the matter and said he knew their problem, therefore, I was unconcerned." He admitted meeting Mrs. Nshakanabo and telling her about what the Lt. Col. had said about sending those men to Kampala. He denied telling her, as she maintained, that subsequently he had seen both of them at Makindye. Mrs. Nshakanabo said that on the following Thursday she herself went and saw the Commanding Officer of Makindye about her husband and the District Commissioner. He denied that they were in his custody and took her around all the cells for her to see.

Mulekezi's car was said to have been brought to the Ministry of Works, Kampala and his sister was given a lorry to collect his property from Tororo.

Mrs. Mshakenabo said that both the Bank and the Insurance Company demanded a death certificate before finalising the matters concerning the Bank Account and the two Insurance policies of her husband.

We are satisfied on the evidence that on 23rd February, 1972, both of them were arrested from the Rock Hotel, Tororo, on the orders of the Commanding Officer, Air and Seaborne Battalion, Tororo, Lt. Col. Toloko and taken to the Quarter-guard at the Barracks by Captain Owiny.

Connected with this case, is the recovery of the two bodies from Malaba River some two weeks later by the Police. We would like to comment that the entire handling of the investigations into the disappearance of these two men by Tororo Police was over-shadowed by fear of Lt. Col. Toloko who was the main suspect. Even Dr. Semandr, who had performed the post-mortem on the two bodies, reflected a large degree of fear when he gave evidence before us. The incident at the mortuary regarding the identification of the bodies provides ample proof of the same fear. We consider that incident not only as pathetic but quite inhuman. Here was a woman who was claiming one of the bodies as that of her husband and relied on the fracture on the wrist which the doctor in fact found, although he said it was not a recent fracture. As against her, were the people from the barracks claiming the same body as that of their relative who had gone fishing at Malaba River. We should like to emphasize that the alleged disappearance of the alleged angler was never reported to the Police; the man was not named either. In view of the over-all fear, which seems to have affected everyone concerned, we are of the opinion that the presence of these men from the barracks within the

mortuary when Mrs. Nshakanabo was claiming the body was pre-arranged to avoid the contingency of either body being claimed or identified by any other person. That dispute over the body could have been settled by the coroner of the area but, as we have already said over and over again, the Police Officers through fright decided to deprive a woman of the body of her husband, thus adding savage humiliation to her already great grief. There was no evidence that any other person were missing except the District Commissioner and the Hotel Manager; these were the only two people reported missing.

Only two bodies were found in the river and, although they were decomposing and otherwise difficult to identify, we have no doubt in our minds that the circumstantial evidence with which we have dealt was so overwhelming that it irresistibly pointed to these two bodies being of no other persons but those of the late District Commissioner, Bukedi, Mulekezi and the late Manager of the Rock Hotel, Tororo, Nshakanabo. We are satisfied that there is no other reasonable hypothesis from which any reasonable person could view the finding of these bodies in the river.

These two subjects were in custody in the Army barracks, Tororo and within a short space of time their bodies were found in the river. There was no evidence that they might have escaped from custody or had been set free by the Commanding Officer. We have been told that Toloko was subsequently transferred to Kamuku and has not been seen since. We find that the time the bodies were found being so proximate to their arrest leads to only one conclusion and that is the one at which we arrive, that both of them were killed in cold blood during their custody at the Air and Seaborne Battalion, Tororo.



35. Subject No. 18 - HENRY SSEKWE.

Witnesses: 23 Mrs. Deodata Ndawula Lubowa - Part 1, p. 276 - 282.  
24 Mrs. Frances Ssekwe - Part 1, p. 283 - 292.  
56 Tom Benedict Kato - Part 1, p. 573 - 589.  
59 Charles Damulira - Part 1, p. 602 - 612.  
75 No.231 Cpl. Francis Ngaruye - Part 1, p. 756 - 765.  
362 ASP George Byabasajja - Part 4, p. 3718 - 3732.

Henry Ssekwe was a prosperous farmer of Bunga, Kalisizo. He was aged about 39, was married to Frances Nante (W.24) and they have twelve children, between the ages of nineteen and seven months.

In March, 1973, ASP George Byabasajja (W.362) was the officer-in-Charge of Kalisizo Police Station. During that month there were a number of Army soldiers conducting an exercise of the selection of local chiefs. The nearest Army camp to Kalisizo was at SANJE, about 30 miles away.

On 8th March, 1973, two men went to Byabasajja's home at about 6 a.m. They introduced themselves as Intelligence Officers on operation. He did not ask them for their identity cards or names. This was based on his previous experience of soldiers who, on being asked for their particulars invariably retorted, "What do you want my name for?" He narrated his own example when he was picked up in Masaka on 20th February, 1971, on the pretext that he was lazy and not sending his men in the field. He said that he was made to roll on the ground. He was then beaten and released after several hours. He also mentioned the case of Inspector Hamukubaho of Mutukula who was taken with SSP (Prisons) Owiny to Masaka Barracks for not bringing information from Tanzania. Both were made to roll on the ground and sleep.

Byabasajja/.....62 /.

Byabasajja believed that they were security officers; there were then many soldiers in the area and he had previously seen those two with other soldiers.

These Intelligence Officers wanted Ssekwe of Lusaka Lwamese village. He instructed Cpl. Ngaruye (W.75) to get the man with the assistance of the Gombolola chief, Kato (#.56).

Kato led the party in a Police Landrover to Ssekwe's home, just as Nante was about to prepare tea for breakfast. Ngaruye said that he informed Ssekwe that he was wanted for interrogation by some Military personnel. Nante said that one of them was armed with a gun, but this was denied by Ngaruye. Nante does not understand Swahili, in which the Policeman was talking. She said that before her husband was taken away, he asked her to fetch his coat which had his tax tickets in it. When she came back with the jacket she found them gone.

Ngaruye took Ssekwe to Kulisizo Police Station and handed him over to the O.C. Byabasajja in the presence of some Military personnel. Some ten minutes later he left Police Station on other investigations and did not know what happened to Ssekwe.

Byabasajja's evidence was to the contrary. He said that Ngaruye reported to him at his home a little later that he had got the man Ssekwe and the Intelligence Officers had taken him away. He denied seeing Ssekwe at all. The Chief, Kato, said that on their way back to the Police Station he was first dropped at his Office, which is near the Police Station, and the prisoner taken on to the Police Station.

Nante informed her sister-in-law, Mrs. Deodata Ndawula Lubowa (V.23).

The subject's brother Charles Damulira (W.59) also got information about his arrest, and there followed a frantic search by these relatives for him. They saw the Chief, Kato. To Mrs. Lubowa, at first he denied any knowledge but when pressed, divulged that Ssekwe had been taken to Kalisizo Police Station and later moved to Makindye. Mrs. Lubowa failed to find him at Makindye. They tried SANJE Army Camp, where a soldier told Damulira "Kwisha rudisha." And then he was chased out of the Camp by some soldiers who wanted to assault him with sticks. At the Saza Headquarters, a Clerk told Damulira "I do not think that you will see your brother today."

Kato was being pestered about Ssekwe by his relatives. Yet he did nothing. He said that although his office is next door to the Police Station, he did not think of accompanying any of the relatives there as none of them ever went back to tell him of their failure to find him at the Police Station. At the Police Station counter, of course, no body seemed to know about Ssekwe as no entry was made in the Station Diary about his arrest.

We are satisfied beyond any shadow of doubt that Henry Ssekwe of Sungu village, Kalisizo, was arrested by Cpl. Ngaruye of Kalisizo Police Station and handed to the O.C. Byabasajja who acted in accordance with instructions of the two Intelligence Officers whom he had seen before with other soldiers in the area. We do not know who those Officers were or where they took the man or what they did with him. We are, however, satisfied on the evidence of Ngaruye, that at the time of handing the man to Byabasajja some Army soldiers were in the Office and others waiting outside in an Army Landrover.

We have no hesitation in finding as a fact that Ssekwe was taken away from Kalisizo Police Station by those Army soldiers, never to be seen again. There was no evidence of his release subsequently and, as he has been missing since his arrest on 8th March, 1973, we find that the probability is that he was unlawfully disposed of while in Military custody.

36. Subject No. 19 - VINCENT MULONDO.

37. Subject No. 20 - MICHAEL LABWOTA.

Witnesses: 25 Mrs. Daisy Mulondo - Part 1, p. 292 - 306.  
82 Wycliffe Robert Kinyike  
- Part 1, p. 801 - 810.  
86 No. 7417 Cpl. Edward Sunday Ocheng  
- Part 1, p. 853 - 870.  
89 No. 7273 Det. Cpl. Patrick Mutebi  
- Part 1, p. 871 - 883.  
93 ASP Abdu Bin Sebi - Part 1, p. 910 - 926.  
94 Lt. Kassim Ramadhan Mursale alis Lt.  
"No Parking." - Part 1, p. 928 - 941.  
169 Captain James Bogere - Part 1, p. 1631 - 1652.  
417 Supt. Augustino Odemel  
- Part 5, p. 4328 - 4369  
4500 - 4504.  
508 SSP Ali Toweli - Part 6, p. 6068 - 6122.  
6499 - 6515.

Both subjects were in the Prison Service; Mulondo was a Superintendent and had been in service since April, 1968. At the material time he was the Officer-in-Charge of Katojo Prison, Fort Portal where Michael Labwota was his Principal Officer. The latter had been stationed at Katojo for about four years. Both were married and had families. Mrs. Daisy Mulondo (W. 25) is aged 25 years and is a nurse. She said that she had three children/.....65/.

children and her husband had three others from another woman, the children being between the ages of eight and one.

According to the Regional Commander of Prisons, Western Region - Cycliff Robert Kanyike (W.82), on 26th September, 1972, he permitted Mulondo to go to Ruimi Prison on official duty.

On 27th September, 1972, Mulondo told his wife that he was going to Margarita Hotel, Kampala to enquire if the hotel would buy chicken from the Prisons. He promised to return by 3 p.m.

A long way from Fort Portal, in Kampala, unknown to him, fate was charting out differently for Mulondo and his Principal Officer. For on the same morning that Mulondo went to Ruimi Prison, Lt. Kasim Kamathan Mursale, alias Lt. "No Parking" (W.94) went to Makindye Military Police to enquire about his car which had been detained there. Having finished his business, he was walking towards his car when the Commanding Officer, Major (later promoted Brigadier) Hussein Marela called him into his Office, and asked him to deliver an envelope addressed to the O.C. Police, Fort Portal to any Officer of the Public Safety Unit, Naguru who was to arrange for an escort to take the letter to its destination. The Lieutenant said that he was not told about the contents of the letter.

"No Parking" did as he was told. At the 100 he saw the Deputy Head of that Unit, ASP abdu Bin Sobi (W.93). Stopping her briefly, we should like to mention a contradiction in the evidence of these two witnesses. ASP Sobi said that not only did he know Lt. No Parking very well but also the latter used to approach him for assistance in getting escorts from his Unit. It is pertinent to mention also that, according to No.7417 Cpl.

Edward Sunday Ocheng (W.88) of the same Unit, the Lieutenant was "partly" attached to their Unit. It was surprising, therefore, to hear the Lieutenant flatly deny either knowing ASP Sebi before or having had any dealings with him previously. However, the Lieutenant asked ASP Sebi to detail two of his men to take the letter to Fort Portal, and told him also that it came from the Commanding Officer, Makindye. Abdu Sebi's version was -

"Lt. No Parking came with the letter for the O.C. Fort Portal and that letter was to be taken to the officer-in-charge in order that they bring some people under escort. I do not know which people." ASP Sebi called in two Policemen - No.7417 Detective Constable (now Cpl) Ocheng (W.88) and No. 7273 Cpl. Patrick Mutebi (W.89). According to Mutebi (W.89) it was the Lieutenant who handed them the letter in the presence of ASP Sebi. The instructions, according to Ocheng, were to fetch the Superintendent of Prisons, Katojo, Mr. Mulondo and his Principal Officer, Michael Labwota. According to Mutebi the instructions mentioned only Mulondo, but Labwota was mentioned subsequently by SP Odemel (W.417) after the letter was delivered to him.

Lt. No Parking insisted, however, that he could not possibly have mentioned any names of persons to be brought from Fort Portal as he did not know, nor was he told of, the contents of the letter.

W.88 and W.89 went to Fort Portal the same day in a Landrover and arrived there at about 4 p.m. According to entry No.39 in the Station Diary of Fort Portal Police Station - Ex.95 - they reported at the Police at 3.15 p.m. They delivered the letter to SP Odemel and one of them told him that they were on special duty to collect Mulondo. The letter was

not produced in evidence as Odemel failed to trace it in his records and thought that it might have been mis-filed. He did, however, remember that it was signed by the Head of the Military Police, Makindye who had asked for his assistance. He remembered also that the letter mentioned Mulondo who was said to be wanted in Kampala for interrogation; he did not seem to remember if Labwota was mentioned in the letter. As stated earlier Cpl. Mutabi said that SP Odemel told them that they were to take the two Prison Officers, that is, Mulondo and Labwota. W.417 provided them with a Peugeot 404 and a driver to take them to the Prison. At the prison they found only Labwota and were told that Mulondo had gone to Ruimi Prison, 37 miles away. They handed Labwota in at Fort Portal Police Station as is confirmed by Entry No.40 (Ex.96) of the Station Diary. They left for Ruimi and near it, met Mulondo in his VW car. He was stopped and arrested. They took him back to Fort Portal Police Station in their car, leaving the Volkswagen in the compound of Ruimi Prison. Mulondo was put in the cells at the Police Station for the night and Entry No. 44 (Ex.97) was made in the Station Diary in this respect. The next two entries in the Station Diary are in respect of the firearms and ammunition which the PSP men handed in at the Police Station for the night - Ex.98 and Ex. 99.

Mrs. Mulondo waited for her husband's return. At about 7 p.m. she was told by a Prison Warder, who was staying in their servant's quarters, of the arrest of Mulondo and Labwota.

On the following morning at about 7.30 a.m. SP Odemel informed Mr. Kanyike of the arrest of the two officers. He went to the Police Station and found both of them locked up in the cells. Mulondo's car was also seen outside the Police Station.

Mrs. Mulondo said that when she called at the Police Station she was refused permission to see her husband.

Mulondo was then taken to Katojo Prison where, in the presence of his superior officer, Odemel and two representatives from the 2nd Paratrooper Battalion, Fort Portal, he handed over charge of the Prison. Odemel said that the two prisoners were then taken back to the Police Station in the boot of the Peugeot 404 car. Odemel said that on their return to the Police Station, he found Ali Toweli talking to the Superintendent of Police, Oryekot. Toweli then ordered the two prisoners to be taken to Kampala immediately and, in his presence, both of them were forced into the boot of the Peugeot car. Odemel appeared before us again the following day to make some 'corrections' in his evidence. This referred particularly to the presence of Ali Toweli on the 28th September, 1972, at Fort Portal Police Station. He said that he confused Toweli's earlier visit to Fort Portal which was three to four days after the Invasion of the country. He had also cross-checked with Superintendent Oryekot and he was definite that Ali Toweli was not present at the Police Station when Mulondo and Labwota was driven to Kampala on 28th September, 1972. He spoke of something more which the PSU men did at the Police Station after returning there with the two prisoners. He said that all the prisoners were lined up with Mulondo and Labwota in front of the Police Station, the purpose being to find out if there were any relations amongst those prisoners. They were made to lie down on their chest. All of them were cased by the PSU men in full view of the Staff of the Police Station. They were then returned to the cells and Mulondo and Labwota, who were exhausted and their bodies swollen, were then locked in the boot of the Peugeot car to be taken to Kampala.



According to Entry No. 54 of 28th September, 1972, (Ex. 100) they left Fort Portal with the two prisoners at 2.10 p.m.

Odemel said that all these actions of the PSU men were completely improper but he was unable to intervene. Although he felt very bad he did not protest as he "had no voice." He said that fear over-shadowed everything and the situation of the day was not very good as even an ordinary constable had powers to arrest a high ranking Superintendent and put him in the boot.

Ocheng and Mutabi drove straight to Military Police, Makindye where the two prisoners were handed in. Ocheng made a short statement of how and why the men were taken there. One of the army men in the guard-room telephoned Lt. No Parking about the two prisoners. This was denied by the Lieutenant, who maintained that he did not have a telephone in his home. The particulars of the two prisoners were entered in the diary and the two PSU men then returned to their Unit and reported to ASP Sobi that they had accomplished their mission. Ocheng said that he met Lt. No Parking a few days later and the Lieutenant asked him how they had travelled. He told him that it was a safe journey. This meeting also was denied by the Lieutenant.

Talking about these two men, the head of the PSU, Ali Toweli (1505) denied any knowledge about their arrest. He said that Mar-14 should have made his request for the escort through him and that his Deputy could not act without first informing him. Because he did not know about this matter, he was unable to say anything about it.

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The Adjutant of Military Police Makindye, Capt. James Bogere (W.169) said that he had been unable to find a copy of the letter alleged to have been written by Marola in his records. He went on to say also that all the records of his Unit, that is, the DOBs for the years 1971 to 1973 were destroyed during the confusion of March, 1974 when a shell from an APC damaged a water tank and the water flooded into the unipot hut where all these records were being stored and thus the books were spoilt. He said that the Commanding Officer subsequently ordered for their destruction and they were burnt.

Kanyike rang up his Prisons Headquarters and informed the Commissioner about the arrest of these two prison officers. The Headquarters were unable to trace both of them and subsequently he arranged for the families of both to be transported to their homes. He said that Mulondo was a first class officer and did not know of any problem for which he would have been arrested. Regarding Labwota he said that about a month before this incident he had had a fight with a soldier but it was not serious and the matter was settled then and there.

Mrs. Mulondo was able to see her husband just as they were leaving the prison. He told her that he was being taken to Kampala. She came to Kampala and made enquiries about him, at the PSU Naguru, Makindye and Luzira but without any success. She also went to the Prisons Headquarters but nobody knew about his whereabouts. She said that his salary was discontinued from November, 1972. He had money in the Bank. She collected his car and has applied to Court for an order to administer his estate.

This was perhaps the clearest case. There is clear evidence that on 27th September, 1972 both subjects were

arrested by two men from the Public Safety Unit and handed in at Military Police Makindye on the following day, having been brought all the way from Fort Portal possibly in the boot of a Peugeot 404 car. Notwithstanding the various discrepancies in the evidence regarding the role of Lt. No Parking we are satisfied that he was closely associated with the PSU. The evidence of the two PSU Corporals indicates that he knew about the mission on which they were sent to Fort Portal. Basing ourselves on the evidence of SP Odomel, which corroborates 'No Parking', and ASP Sebi, we are satisfied beyond doubt that the order of the arrest of these two men was in fact given by the then Commanding Officer of Makindye, Major Marela. We are satisfied that they have been missing since then. There is no evidence of their subsequent release from Makindye or what was done with them. As such they must have disappeared from Makindye and we find that the probability clearly is that both were unlawfully disposed of during their detention at the Military Police, Makindye.

38. Subject No. 21 - SAMUEL KASADA.

Witnesses: 26 Mrs. Robina Kasada - Part 1, p. 706 - 315  
44 John Kigenyi - Part 1, p. 489 - 4196  
45 Mrs Kuluda Ssepuya - Part 1, p. 497 - 501  
46 Lawrence Tom Mulumba Kampama  
- Part 1, p. 501 - 508  
3266 P.C. John Akampurira - Part 3, p. 2424 - 2428  
5028 P.C. Franco Nakani Busiko  
- Part 3, p. 2616 - 2620  
1385 Driver Sgt. Levi Agal  
- Part 3, p. 2620 - 2631.

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He was a Civil Engineer and was employed by Makerere

University as the Deputy Estates Officer. He had a Fiat 124 car, No. UUP 949. He was married to Robina Kasada (W.26), who was then a nursing sister working at Mulago Hospital. They have four children, between the ages of 8 and 3½.

On 30th January, 1973, he dropped his wife at the Mulago Hospital at about 7.45 a.m. That was the last that Mrs. Kasada saw him. He was supposed to have picked her from the hospital for lunch but did not come back.

He was seen in his Office in the morning. At about 10.30 a.m. John Kigonyi (W.44), who was then a porter in the Estates Office (and is now the housing overseer), was called into his Office for some duty. At about the same time a man in civilian clothes went into the office of Mrs. Kuluda Ssepuya (W.45) who was in the Secretary's Office, which is separated from Kasada's Office by another room, and asked for Kasada's Office. She told him where to go. W.44 heard a knock at Kasada's door and a man came in. Kasada was then on the phone. The man asked him if he was Kasada and, on getting a reply in the affirmative, he went out and soon returned with two others.

According to the statement which this witness made to the Police soon after this incident, Kasada stood up on seeing the 3rd man. To the witness, he looked surprised and worried on seeing that person. However, they caught hold of Kasada and started dragging him outside. He went into the Secretary's Office and tried to hand Mrs. Ssepuya a chit of paper bearing his wife's phone number. He asked her to phone his wife and tell her that he was being taken away by some people. As he was talking to her one of the three men came in and slapped her and snatched the paper away. The Secretary got scared and ran into the Office of the Estate Officer, where she hid herself.

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As they came out of the Office, a builder employed in the same Department, Lawrence Tom Mulumba Kampama (W.46), saw him being taken to a dark blue Peugeot 504, UUQ 553. He heard one of them ordering the boot of the car to be opened but the other man, who was in a Kaunda suit, asked Kasada to sit in the back seat with four others who were already there. Then he was asked for his car keys and the man in the Kaunda suit went away in the Fiat, following the Peugeot and another Volkswagen.

At about 12.30 p.m. the Security Officer of the University narrated this incident to Mrs. Kasada at the hospital, but mentioned the car in which her husband was taken as a green Peugeot 504. She managed to get transport to go home and there found her two young children aged three and two and a crowd of people outside. Her houseboy had run away, but the housegirl came about half an hour later and said that the subject had been taken home in a Peugeot car together with their Fiat and a Volkswagen. The housegirl told her further that two men in Army uniform with guns stood guard on the front and rear doors, and the house was thoroughly searched. They were telling the subject that they were looking for guns which he had in the house. When he denied this he was told that he was deceiving them. Mrs. Kasada found her house in disorder and the mattresses torn. The house-girl told her also that the man had beaten the two infants as they kept following their father. She found that her Shs.800/-, another Shs. 350/- belonging to her niece, and Times Magazines had been taken away.

The matter was reported by the University authorities at Wandegeya Police Station and in the second week

of February, the Police recorded statements from Mrs. Kasada and the housegirl. Mrs. Kasada said that the housegirl later got frightened and ran away.

Kasada's Fiat - UPP 949 - was next involved in a traffic accident with another vehicle No. UUP 762 on 15th April, 1973, in Mutebi Road. P.C. Busiko (W.260) visited the scene subsequent to a report made to him of the accident by L/Cpl. Lubowa, who was the driver of the other car. The Police Constable did not find the driver of the Fiat at the scene, but the other soldier, who knew the driver, named him as Sgt. Ngobi of Makindye. The Constable then had both cars towed to Central Police Station Yard and opened a Police file No. TOR 1088/73 which he passed on to the O.C. Traffic for investigations. The arrival of the Fiat at the Police Station was entered in the Vehicle Register, Entry No. 388 of 17th April, 1973 - Ex.55.

On 28th August, 1973, Mrs. Kasada was involved in an accident and, when she went to the Central Police Station the following day to make a statement, she saw a car similar to her husband's Fiat in the Yard. Its front portion was extremely damaged. She enquired about it and one of the Policemen shouted at her saying, "You woman, you have nothing to do with that car, that is the car with a special case," (p.311). She said that she lost interest in following up the car after this remark.

A few months later, driver Sgt. Agal (W.261) heard an announcement on the Radio about an auction of various things including cars. On 16th November, 1973, he bought Kasada's Fiat from the auction and on the same day collected it from the Central Police Station Yard from P.C. Akampurira (W.245)

after signing for it in the vehicles book - Ex.55 - opposite entry No. 388. Sometime in June, 1974 he was issued with a duplicate registration card on the strength of the receipt of the auctioneer, and also got new number plates for it issued to him to replace the previous ones which had been damaged in the accident. The Fiat's new number was UVO 532.

Mrs. Kasada said that she had not been able to get her husband's money from his bank and has not applied to Court for an order to manage his estate.

There can be no doubt at all that on 30th January, 1973, the subject was taken away from his Office by three unknown men in a dark blue Peugeot 504, Registration No. UUQ.553, together with his Fiat Car. According to Ex.152, which is a list of certain vehicles with their particulars of registration, the number UUQ 553 belongs to a Toyota Corolla registered in the name of Messrs. Cabis Restaurant, P.O. Box 1949, Kampala. As the vehicle in which the subject was taken was identified as a Peugeot 504, it is clear that it was displaying false number plates. It seems that our Counsel was unable to locate Sgt. Ngobi of Makindye who was alleged to have been driving the Fiat at the time of the accident on 15th April, 1973. Although this allegation did raise suspicion against this Sgt. to have been involved in the kidnapping, we are quite unable to make any such finding due to lack of proper evidence and also because substantial time had elapsed since the theft of the car. The only finding which we can make is that the subject was taken away by three unknown men and has been missing since the date of his kidnapping, and the probability clearly is that he was unlawfully disposed of by his unknown kidnapers.

39. Subject No. 22 - JUVENIAH BITAREHO.

- Witnesses: 27 Petronia Lutungwa - Part 1, p. 315 - 322.  
28 Yowana Lusasamo - Part 1, p. 324 - 334.  
134 Sebi Salim - Part 1, p. 1284 - 1292.  
482 No. 1425 Det/Cpl. Selestiono Bale  
- Part 6, p. 5394 - 5407.  
514 AIP Francis Kauki - Part 6, p. 6203 - 6214.

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The subject was a cattle trader of Kabingo village, Gomb. Kahezi, Kashara. He was married to Petronia Lutungwa (W. 27), and they have nine children aged between twenty-four and three.

It seems that sometime before this incident, Bitareho had paid about Shs. 9,000/- which a man called Alfred Rutega had incurred by way of garage charges for repairing his car, on the understanding Rutega would take his car from the subject when he had the money. In the meantime Bitareho was to use the car. According to Ex.8, this number plate belongs to a Peugeot 403 pick-up registered in the name of Abdu Bindua of Box 35, Arua. The same information is repeated in Ex.152. It is not without interest to note that the same number plate later appeared on a Ford Escort which took away subject No. 269 on 20th October, 1970.

According to the evidence, sometime later, Rutega offered to pay off his indebtedness by instalments and get his car released by Bitareho. This proposal was turned down by the subject who insisted on full settlement, and was followed by Court litigation in Mbarara. Judgment in that case was still pending.

According to Yowana Lusasamo (W. 28), who is the subject's brother-in-law, Rutega had given his daughter in marriage to Sebi Salim (W. 134).

On 26th September, 1972, the subject and W. 28, returned

from/...../77.



from Nyabushozi. On the following morning three men, one of whom was Sebi and was identified by W.28, came in a Peugeot car. W.28 asked some children to jot down the vehicle number which they did (Ex.3 and 3(a)), Vehicle No. UOH 528. All three were dressed in Army uniform and they told Bitareho that they were taking him to Kampala "about the case of a car". W.28 said that before leaving with Bitareho, those people removed the self starter from Rutege's car which was in the compound.

Bitareho has not been heard of since and W.28 said that he reported his disappearance at Mbarara Police Station after waiting for his return for about six months.

According to Cpl. Bale (W.482), Sebi Salim is a well known person in Mbarara and he is said to be related to Your Excellency. AIP Kauki (W.514) said that during the Invasion of September, 1972, which was a few days before this incident, Sebi Salim had assisted the soldiers considerably by providing them with transport in his Peugeot 404 Estate car.

Lusanso (W.28) knew Sebi Salim from the days when the latter was a bus driver with the Uganda Transport Company. Subsequently, he acquired a business in Mbarara Town. Sebi Salim denied the allegation of having Rutege's daughter as his wife. He said that he did not even know the man. He denied any involvement in the disappearance of the subject. He admitted that from 1951-1966 he was a bus driver working for U.T.C., and said that the witnesses mentioning him were perhaps confused. He explained someone had falsely reported him for harbouring guerillas, with the consequence that he was arrested and charged in Court. He said that, because the complainant did not turn up in court, he was subsequently

He mentioned Kauki of Mbarara Police Station, as someone who knew about the case.

Two Police Officers, that is W.482 and 7.514, gave evidence about the case in which Sebi Salim was involved. According to them that was an assault case and there also was an allegation by the complainant Zubairi Sumbusa that Sebi Salim had personated as an Army Officer during the fight. Cpl. Bale said that after receiving a telephone call from the Officer in Charge of the Military Police, Mbarara, he had collected Sebi Salim from the barracks on 5th November, 1973. The Police file CRB.2312/73 - Ex.121 - indicates that, while the case was pending in court, the Commanding Officer of Mbarara Battalion, Col. Gowon, went to the Police Station and ordered Kauki to withdraw the case from the court. He ordered also that the man dealing with it, who was Cpl. Bale, was to be transferred elsewhere within three months. Kauki said that eventually the case was withdrawn and his reason for doing so was that the Police had failed to get additional evidence; the evidence on the file, that is, the complainant's statement and the medical form, being insufficient. Cpl. Bale, however, maintained that there was sufficient evidence upon which to proceed with the case.

It does seem to us that Sebi Salim is a very well-known figure in Mbarara area. On his own admission he was a bus driver for about fifteen years and it is reasonable to say that Lusame who, like the subject, is a cattle trader visiting various markets and having to travel by bus, knew him quite well. We are satisfied, therefore, that there was ample opportunity at the time of the incident during which any person knowing any of the three men before could have easily identified him.

Having/ . . . 79/.

Having said this much about the evidence of Lusansamo, we now turn to the denials of Sebi Salim. It is quite clear that he had spoken a deliberate lie with regard to his having been charged in Court for harbouring guerillas. The evidence is quite contrary to this, as indeed is the reason why he was subsequently released by the court. Unlike the witness Lusansamo, Sebi Salim had reason to make these denials in order to extricate himself of any involvement in this disappearance. There is sufficient evidence also to show clearly his connections with the Army and his influence with the Commanding Officer. We find him not only an unsatisfactory witness but also untruthful.

We are satisfied that Lusansamo could not have been mistaken in his identification of Sebi Salim as one of the three men who took away the subject from his home. In view of our findings on the issue of credibility, and having accepted Lusansamo's evidence, it must follow that the evidence that Rutega had given his daughter in marriage to Sebi Salim must also be accepted as true. This could provide the link which completes the chain of events clearly implicating Sebi Salim to whom, it is obvious to us, Rutega must have turned for assistance with regard to his car. For these reasons, we find that the facts as found by us irresistibly point to the motive for the disappearance of the subject as being Rutega's dispute with Bitarcho over the car. We would add that, although the car itself was not removed, it could have been taken away at any subsequent time and the only reason we can think of for not taking it away subsequently, is that they might have got cold feet.

We have no evidence as to where Bitarcho was taken or what became of him. That he is missing since 27th September, 1972,

there is no doubt. The circumstances of this case point to the probability that he might have been disposed of illegally by those three people including Sebi Salim.

40. Subject No. 23 - HASSAN KABOGOZZA.

Witnesses: 29 Aziza Nanyonga - Part 1, p. 335 - 349  
47 John Ojwang - Part 1, p. 508 - 518  
48 Peter Bitende - Part 1, p. 520 - 525.

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The subject was aged 29 years. He was previously married but had separated from his wife after the death of his child. His father is Ausi Kalega who lives in Mawokota, having separated from the subject's mother, Aziza Nanyonga (W.29). She lives in Makerere Kivulu where she manages a bar of local drinks.

According to John Ojwang (W.47), a juke box mechanic of the same village, and the Muluka chief, Peter Bitende (W.48), the subject had been imprisoned for robbery for twenty years. They said that they were told by Aziza, but she did not make any such reference in her evidence. There was evidence also from both these witnesses that the subject was mentally disturbed and, according to the muluka chief, it was on Aziza's complaint to the Police that Hassan Kabogozza was taken away to Butabika for sometime.

W. 47 was Aziza's regular customer. The muluka chief said that their relationship was that of mother and son. In 1968, Ojwang got her a juke box from his Asian master and continued to service it. He married one of the bar maids and later stopped her from working at Aziza's bar.

About May, 1971, on a Saturday, Hassan Kabogozza went to his

mother looking for a job. John Ojwang helped him to get a job in a garage and his mother provided him with money to buy some spanners. This was denied by John Ojwang who said that, although he was introduced to Hassan Kabogozza by his mother in 1971, he did not know that the subject was looking for a job, nor was he asked to find him one.

Aziza said that after the declaration of the expulsion of the Asians, Hassan said to her that he was going back to the village as he was unemployed. But John Ojwang, who was sitting with Hassan at her bar, offered to find him another job. She said that after about an hour, that is, at about 7 p.m. she found Hassan and John Ojwang gone. She never saw Hassan again. She inquired at Ojwang's home, where his wife told her in a 'furious manner' that she did not know anything about them. At about 9.30 p.m. she met John Ojwang in another bar and he is alleged to have told her that Hassan had found another job. He promised to tell her where Hassan was the following day. She was not satisfied with this answer. Next morning Ojwang came very early and, on being asked about Hassan, said that he had slept with him at his house. She asked him to fetch him but Ojwang did not return. Later she went to Ojwang's home and, when she asked him about Hassan, he told her not to bother him. At about 12.30 p.m., Ojwang went to the bar and again she asked him about Hassan. At his request she bought him four bottles of beer but again John Ojwang told her not to bother him. She started fighting him but the bar owner advised her to report to the Chief. This, she did, and the muluka chief (W.48) sent her to Wandegeya Police Station. On her report and after a couple of days Ojwang was arrested but later released. She kept on pestering the police for action. Meantime the C.C. Wandegeya Police Station was replaced by a new Officer and towards the end of the month she saw the new Officer who asked for the file, which could

not be traced. She then sought assistance from the Army and some soldiers arrested Ojwang and took him to Malire. Ojwang admitted both these arrests, that is, by the Police and the soldiers from Malire. Upon his arrest by the soldiers it seems that Ojwang's wife reported at Makindye Military Police. Military Police came to her house just as Aziza was being dropped by the soldiers of Malire and she was taken to Ojwang's home where they found that he too had been released. According to Ojwang he was released from Malire at about 8 p.m. They were then taken to Wandegeya and a senior Army Officer ordered the Police to deal with the matter, which they promised to do the following day. Aziza said that on the way back in the Army vehicle, she started quarrelling with Ojwang and his wife is alleged to have told her, "you woman, you are rushing, if you rush like that, you are not going to get your son". Aziza said that she went to Wandegeya Police Station a number of times but no action was taken, and she got tired.

The other man who claims to have seen Ojwang with the subject was the muluka chief, Bitende. He said that this was sometime in 1971 when he met Hassan Kabogozza who was holding a shirt and a trousers. Hassan told him that he had quarrelled with his mother, for refusing to pay him Shs.40/- in respect of a set of chairs which he had sold her. Ojwang also showed him a transport warrant issued by the Police to take him to his home in the village and the chief said that this warrant was issued after Ojwang's release subsequent to his mother's report regarding his mental condition. Hassan told the chief that he was afraid of being re-arrested by the Police for being a vagabond. According to the chief, Ojwang then arrived and, on being told of the problem, offered to go with the subject and persuade his mother to give him the money. Both of them

then went away together. The chief went on to say that sometime later, Hassan's mother reported to him that Hassan had not reached his father's home and expressed her suspicion that Ojwang might have killed him. She told the chief that she had given money to Hassan in the presence of Ojwang and that both had gone away together.

Ojwang denied these allegations of being responsible for the disappearance of Hassan Kabogozza. He said that the old lady was trying to implicate him perhaps for two reasons: (1) because he had stopped his wife working at her bar and (2) he had taken away the juke box from her bar, after Aziza started going round alleging that he was responsible for Hassan's disappearance. Ojwang denied meeting the subject with the chief as alleged.

The subject's father did not give evidence but, in view of the desperate attempts made by Aziza to trace Hassan, it seems obvious that the subject did disappear. Whereas she said that the disappearance occurred after the declaration of the expulsion of Asians, the evidence of the chief of his last seeing Hassan Kabogozza with John Ojwang seems to suggest that this was in 1971. We get the same impression from the evidence of John Ojwang. It may well be that W.47 and 48 may have been confused about the year, for the declaration of the expulsion of Asians came in August, 1972. Proceeding on the basis that the subject disappeared after August, 1972, the question which arises is whether Ojwang was in fact responsible for his disappearance. On this matter, besides the denials of Ojwang, there are some contradictions in the evidence of Aziza and the muluka chief. It will be recalled that Aziza alleged that she saw the chief after Ojwang had left with Hassan from the bar to find him another job. The chief's evidence is quite to the contrary and, according to him,

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she reported to him not that Hassan had not returned after going with Ojwang to look for a job, but that he had not reached his father's home after she had given him money. This contradiction is vital and it may well be that the chief had a different occasion in mind. At the same time Aziza made no reference of giving Hassan Shs.40/-. We are also mindful of the evidence concerning the mental condition of the subject and, in view of the unsatisfactory evidence, we are inclined to believe that the old lady perhaps suspected Ojwang due to the reasons which he gave. On the other hand, there is the clear possibility that the subject, having quarrelled with his mother over money, walked out of her home and made use of the transport warrant which he already had. Even if Aziza's evidence be accepted, it raises only slight doubts against Ojwang, upon which we are unable to rely.

We find that the subject has been missing since after August, 1972 in circumstances which are not known. As he did not reach his village home and has not been seen since, the probability is that he was unlawfully disposed of by unknown people on the way to the village.

41. Subject No. 24 - MATAYO KANDOLE.

42. Subject No. 25 - GREGGOEY KATEERA.

Witnesses: 30 Mrs. Rose Mary Banura - Part(1, p. 349 - 360  
(5, p. 4526 -4536.

32 Tereza Basuliza - Part 1, p. 375 - 380.

81 Rose Mary Byaruhanga Kabahuma  
- Part 1, p. 794 - 800.

259 Angelus Oling - Part 3, p. 2598 -2616.

360 Lt. Col. John Dalington Ona  
- Part(4, p. 3692 -3713.  
(6, p. 6059 -6068.

- 361 Juma Suli Balimutajo - Part 4, p. 3714 - 3718
- 422 Lt. Pangurasio Aliko - Part 5, p. 4414 - 4429
- 423 UA 1350 No 1 Nickolus Etiang  
- Part 5, p. 4429 - 4439
- 429 UA 7911 No 2 Jackson Smart  
- Part 5, p. 4439 - 4462  
(6, p. 6214 - 6217)
- 426 Clement Kachope - Part 5, p. 4471 - 4500

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The subjects are clan brothers.

Matayo Kundole was the Assistant Administrative Secretary, Toro District Administration. He was aged about 53 and was married to W.30 from whom he has three children; he also has thirteen other children from other women and the children are all between the ages of 21 - 2. W. 30 lives with her three children and six others, while the remaining are with their respective mothers.

Greggory Kateera was the Chief Accountant in the same District Administration. He was aged about 47 and was married to W. 32 from whom he has four children; and he has twelve others, including W. 31, from other women, all between the ages of 24 - 3.

At the material time in September, 1972, Lt. Col. Ona (W.360), presently the Provincial Governor, Mbale, was the Commanding Officer of the 2nd Paratrooper Battalion, Fort Portal, and Angelus Oling (W.250) was the Lt. D.C. The Lieutenant Colonel said that on 12th September, 1972, one of his Intelligence Officers, Etiang (W.423), who was then SSG, intercepted a copy of a typed letter purported to have been written by Kundole to the former President in Dar es Salaam. This letter is marked TOP SECRET and reads

"On Leave,  
29th August, 1972.

Your Excellency,

Thank you for your letter of 25.8.72 of which the contents therein have been welcomed. Mr. Lucas arrived safely here.

After I had read it thoroughly well, I went to Mr. Gregory Katera who also appreciated the ideas and suggestions.

Your Excellency, you may remember in my letter of 20.8.72 I introduced to you Mr. G. Katera the Chief Accountant in my Administration as my stronger supporter and legal adviser, now this is what we have discussed and agreed upon according to your idea.

- (a) I am still acting Administrative Secretary and not yet confirmed in my post by Amin's foolish and stupid Government; but as long as I remain head of the administration, I will see to it that I communicate to you all information required through Mr. Lucas in the normal procedure. I have agreed with Mr. Katera that when all our plans succeed, as a free gift you are given Mr. Katera's daughter to marry whom I gave a senior post in my administration as Internal Auditor.
- (b) I took up Mr. Lucas around Fort Portal and saw the site of the Army Barracks headquarters and surrounding areas, and showed him the sites of attack. The next day I drove him to the boundary at Bwera Kpondwe in Bukonjo, and the following day drove to Bwamba at the boundary where we discussed matters which Mr. Lucas will tell you.
- (c) I agree with you as the assassination should not take place in Kampala but outside for the reasons you gave us, and therefore have decided that when the foolish and stupid self-styled President Gen. Amin comes to Fort Portal he (Gen. Amin) be assassinated on the site we have chosen and showed to Mr. Lucas.

I'll see to it that the meeting be held on that particular place, of course I'll have to see the D.C. to agree with me on this, but obviously not knowing my aim.

- (d) As suggested, you should send over Mr. Sheltorz an expert to come and survey the assassin site and place, the sooner Mr. Sheltorz comes the better and of course before I resume duty after leave; all details that we have worked out will be explained to you by Mr. Lucas.
- (e) When I attended the meeting recently held in International Conference in Kampala as you may be aware of it, I managed to see Mr. L. Karims and briefed him on your ideas, he also appreciated the ideas and promised to come to Fort Portal on 10.9.72 for further meetings, in brief he supported our plans to assassinate the so-called President as the only solution to our problem. Also Mr. Karims gave me details of all army units in and around Kampala and their strength of which I have given to Mr. Lucas to hand over to you for study.

Your Excellency, as my bosom friend, I am quite sure as our plans will succeed and one day we shall rejoice with you when you are back in your home country. As you are aware, your country Uganda has been divided into pieces by the stupid Gen. Amin thereby bringing confusion in the people of Uganda; there is no any other solution other than assassinating the General which aim we are all after. Mr. Lucas will explain to you all the details.

Long live UPC, Long Live our beloved President  
Dr. A.M. Obote.

I remain to be,

Your Excellency,

Your Most Obedient Servant,

Lt. Matthew K. Kandole."

The Lt. Colonel said that he did not know how Etiang interpreted it. This, however, was denied by Etiang who was emphatic that he never intercepted any such letter, nor did he hand it over to his Commander. Lt. Mlike (4.422), who was the Officer in Charge of the Intelligence section, said that normally no officer of his section intercepts a subversive

letter, it is first taken to him and he in turn hands it over to the Commanding Officer.

However, the Lieutenant Colonel did not take any immediate action on this letter which was considered highly subversive. He did not ask his security officers to trace the writer. He explained that numerous letters written in and out of Uganda were being received and he "wanted to have time to find out who the writers of those letters were." Also he said that he had many other things to do.

Then came the Invasion which, as we know, started on 17th September, 1972.

According to the evidence, both subjects were arrested on 18th September, 1972. Kandole was seen in his Office that morning at about 8.30 a.m. by the Internal Auditor, Clement Kachope (W.426). At about 10 a.m. he learnt that he had been taken away and the people, who had gathered, told him that Kandole was taken away by men of the Uganda Army Intelligence Section. W. 30 said that at about 12.30 p.m. three men in a white Volkswagen took her husband, Kandole, to their home. Kandole's car was being driven by another man. Kandole asked her to open the cupboard and bring out his gun, ammunition and two elephant tusks which he had brought after hunting on 16th September. His gun and ammunition were both properly licensed. The three men searched the house and then went away with those things and Kandole. W. 30 said that she knew one of those three men as Sgt. Jackson (W.424). She said that he and his companions were wearing white shirts, blue trousers and blue sweaters. When we were sitting in Fort Portal Mrs. Kandole was recalled on 9th November, 1974 and she identified W02 Jackson Smart (W.424)

When examined by Jackson, she said that his companions were calling him by that name and she denied the suggestion that she was either mistaken or was lying. She said that Jackson opened a box and asked, "Are these all your suits. Why are they packed and where are you going?" One of the others asked, "Mr. Kandole, do you have a typewriter?"

Kachope reported the arrest of Kandole to the D.C. (W.259) who told him that he had already contacted the Commanding Officer and had been told of the Lieutenant Colonel's decision to convene a meeting the following day "for he did not know why he had been arrested."

On the same day, Kachera returned to his Office after lunch with his daughter, Rose Mary Kabakuma (W.81) who was also working for the District Administration as a correspondence clerk in his Toyota car, UVB 566. He was attending a meeting of the Finance Committee. His daughter saw four Army men in uniform, coming out of a Volkswagen. These soldiers took her father from the meeting and he was never seen again. Kachope reported this arrest also to the D.C. and W.81 reported to her step mother (W.32) at about 5 p.m.

The D.C. said that he gave a note to the O.C. Police and the Commanding Officer to investigate the disappearance of those two men. He said that he did not receive any report from either till he left Fort Portal in December, 1972.

The Emergency Meeting of the District Team which had been convened by the Commanding Officer took place in the D.C.'s office on 19th September. Ex.85 was read out by W. 361. The Commanding officer told the meeting that they should not involve themselves in such activities and added (p.3694):

"I told them that I don't know the writer of the letter but I would find out the writer; then I told them not to involve themselves in the same activity."

According to Kachope, at the end of the meeting, the Commanding Officer said that he was going to send the arrested people to Kampala, adding that Kandole had been involved in subversive activities. Whereas the D.C. said that no minutes were kept of the Emergency Meeting, Kachope said that minutes were recorded by the ADC, Tindimuzar, and he produced a copy of those minutes, Ex.101. After listing the names of forty odd people who attended, the minutes read:

"Communication from the Chair:

The Chairman, Major Onah, declared that he had seen it fit to brief the members on the situation that had developed since Sunday the 17th of September, 1972. He said that Uganda was at war and fighting Tanzanian Forces and armed guerrillas who had attacked Uganda. He revealed that Uganda's Armed Forces are indeed capable of handling the situation effectively and at the occasion they were already proving their worth. He went on to say that war is not fought with guns but words and good intentions of the dedicated citizens.

He noted with great concern that some people in responsible jobs are implicated in the subversive activities. He stressed that these too are enemies and when discovered they must be dealt with accordingly. The Chairman informed the members that if anybody wanted to be an enemy, let him go and join the enemy and 'we' are ready to meet him in the battlefield.

He argued on that he was in possession of reliable evidence that some of the members were involved. He revealed that Mr. Kandole, the Acting Administrative Secretary Toro District Administration had written a letter to the deposed President in Dar-es-Salaam. The Chairman produced the letter there and then, handed it over to the District Education Officer to read aloud. The contents of the letter were fully digested and briefly outlined a plan to assassinate His Excellency the President of Uganda and was written

when Mr. Kandole was on leave and signed by him.

The letter was then passed to everyone in the room to verify and satisfy himself with regard to the signature of Mr. Kandole.

The signature thereon convincingly resembled the one of Mr. Kandole.

The Chairman then went on to explain that he had reasons to believe the letter was written by Mr. Kandole.

1. The signature does not at all differ from that of the Acting Administrative Secretary.
2. Mr. Katera's daughter referred to in the letter is indeed working with the Toro District Administration.
3. The letter was written when Mr. M. Kandole was on leave.
4. Mr. M. Kandole went to Kampala for the Conference.

The Chairman then invited the members to express themselves on the issue.

The District Commissioner, Mr. K. Oling, said that his major role is to coordinate all the activities of Government Departments. He stated that the role of any civil servant is to serve the government in power and the interests of the people at large with sincerity, honesty and diligence. He further commented that if somebody forged a signature of a fellow citizen and endangered his life, then God will certainly defend 'him' one day at the hour of judgement.

The Chairman commented that he has stayed obscurely in Fort Portal but he is hard at his work and his actions are indeed given a very careful thought before execution is undertaken. The Commanding Officer said that when he acts, it means he is convinced beyond reasonable doubt. He however, did not see why a man holding a Senior Post in the Government should serve the interest of a foreign government. It is indeed ridiculous and completely futile to think that Dr. M. Obote will come again to rule in Uganda. Yet he informed the members that anybody who feeds the enemy with information is the worst enemy.

Members expressed a vote of thanks to the Commanding Officer and commented that if such a letter came from a head of a department then it is regrettable.

The Commanding Officer told the members to inform those under them never to think of indulging in such a useless venture and if they detect



people indulging in subversive activities to inform immediately. He stated that he was going to send those arrested to Kampala. He did not see what else could be done.

There being no other business, the meeting adjourned.

(J.K.TINDUMUZIRA)  
SECRETARY

Distribution:

To All Heads of Departments  
The Commanding Officer  
The Permanent Secretary."

The Lt. Col. commented that these minutes were not correctly recorded. He took exception to the last paragraph and particularly to the sentence, "He stated that he was going to send those arrested to Kampala. He did not see what else could be done." He maintained that he did not know of the arrest of the two subjects when the meeting was held and his remark came after a general warning to the people against indulging in subversive activities and he said that his comment referred to people who would be arrested in future. The Commanding Officer said that it was after this meeting that he instructed his security officers to trace the two men. He said (p.3700):

"During that year there were lots of letters written in and out of Uganda; so I wanted to have time to find out who the writers of those letters were. But then I was forced to convene that meeting because having linked the contents with the Invasion which took place in Mbarara I could not on receipt of the letter take action to trace those people as I said earlier on that I had other things to do other than this. I was forced to convene a meeting and to send my men out to look for these people. Then they came back and told me that those people are not seen. I thought probably as the letter talked about the Invasion and they were aware of the date of the Invasion, they might have run away."

He/.....93/.

He denied suggestions that intelligence officers like Jackson could arrest people without his knowledge or that he could be kept ignorant if they intended to do such prisoners physical harm. He said that his instructions were - (p.3703):

"I gave instructions to the officer-in-charge of the Intelligence section that these men must be looked for and if they are found they should be brought to me and it would be of great value to them to give them ample time to tell us why they took trouble to write to ex-President Obote. It might have been a bigger plan. So I wanted them to come out with the whole idea so that the whole country could be informed."

Jackson denied the entire evidence of being involved in the arrest of these two men. He did say that he was very widely known in the town, so well that even small children knew him. He also said that he was very fond of bars, so much that he could not sleep without visiting all the bars - (p.4450). He maintained that at the time of the Invasion he was on duty along the border at Mutukula, Kikagati and Minziro. Although the Lieutenant Colonel said that the soldiers always went out in pairs, Jackson insisted throughout that he was alone at the border. He said that no records of his movements or the particulars of the Army vehicle he was using were kept. He maintained that he kept in touch throughout with Lt. Col. Onah, a fact which was denied by the Lieutenant Colonel.

On 30th October, 1972, W.30 and W.32 saw the Commanding Officer. According to both of them he told them - (p.377):

"The Commanding Officer informed us that he had sent these people to Kampala and told us to go back that the D.C. would later inform us anything connected with them."

This also was denied by Lt. Col. Onah

Two days after the Emergency Meeting, two Army soldiers delivered the cars of both subjects to Kachope as they were still on hire purchase. Kachope signed for the vehicles in their note book and he was told by those two soldiers that "the owners had been taken to Kampala."

There can be no doubt that the letter, purported to have been written by Kandole (Ex. 85), was indeed subversive and was talking about an attack on Uganda and the assassination plans of Your Excellency. The Commanding Officer said that this letter was intercepted on 12th September, 1972. Although there is that contradiction as to who intercepted it or how, the fact remains that this letter was in the hands of the Lieutenant Colonel on 12th September, 1972. It is, therefore, surprising that no action should have been taken to try to trace the writer immediately and we think that there should have been no difficulty in tracing him as the letter makes it clear who he was and where he worked. Nevertheless, when the news of the Invasion broke, the Lieutenant Colonel, quite rightly we think, linked this letter with the Invasion. Any reasonable person would have, if this had not already been done, at once tried to get the people mentioned in the letter. We have evidence that both subjects were in fact arrested on the day after Invasion, that is, the 18th September, 1972. Mrs. Kandole had no difficulty in identifying one of the three who accompanied her husband as Jackson Smart. We have considered her identification in the light of Jackson's evidence that on that day he was supposed to have been patrolling the border at Mutukula, Kikagati and Minziro. We do not believe him.

We find it incredible that no record of his movements and the vehicle he was using would have been kept at the barracks. We find it odd for a Colonel to say that such soldiers went out in pairs, whereas Jackson insisted that he went out all alone on such important duties. Jackson maintained that he kept in radio touch with Lt. Col. Ong throughout on his patrol at the border but the Colonel denied this. We find that these contradictions and discrepancies are important and disclose Jackson Smart as thoroughly unreliable. We, therefore, find that WO2 Jackson Smart was in fact not only in Fort Portal on 18th September, 1972 but was one of the three who arrested Kandole.

Regarding Kateera, there is evidence that he too was arrested on the same day in the afternoon and it seems to us that the probability clearly is that the same people who arrested Kandole arrested him also.

There is the evidence of Mr. Kachope who said that after the Emergency Meeting the Commanding Officer had said: "He was going to send the arrested people to Kampala." -(p.4478) It is clear from the minutes as recorded that the Commanding Officer knew who the writer of the letter was and also knew about Kateera and his daughter. The last paragraph of the minutes opens with the general warning that people should not indulge in such a useless venture, followed by the appeal to those who attended the meeting that he should be informed immediately if they detected people indulging in subversive activities. Then came the news that "he was going to send those arrested to Kampala." It would have been helpful to have Tintimuzaru before us to explain this minute but it seems to accord with what Kachope heard and furthermore, in view of the evidence of the arrest of the two subjects as

stated above, it seems obvious to us that the reference here to 'those arrested' must clearly mean Kandole and Kateera who had already been arrested. In our opinion the finding is further supported by the minutes, which incidentally we accept as correctly recorded where the Colonel is recorded as announcing that he acted only when he was "convinced beyond reasonable doubt."

Accordingly, we find that these two men were arrested for their subversive activities by WO2 Jackson Smart and his accomplices and were obviously sent to the Army Intelligence in Kampala to be dealt with. They have been missing since their arrest on 18th September, 1972 and the probability clearly is that they must have been unlawfully disposed of by the Army Intelligence officers either on their way to Kampala or subsequently during their continued Military detention.

43. Subject No. 26 - OMARI ABDULLAI.

Witnesses: 31 Sarah Abdullai - Part 1, p. 360 - 375

93 ASP Abdu Bin Sebi  
- Part 1, p. 910 - 926

97 ASP Cosma Obura- Part 1, p. 956 - 960

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Omari Abdullai was a young Somali, aged about 18. He was a private student being tutored at home. He used to live with his sister, Sarah Abdullai (W.31) in Siad Barre Avenue, Kampala.

On 23rd August, 1973 Sarah went to the International Conference Centre at 4 p.m. to meet the visiting Somali Vice-President. She left at 5 p.m. and met her brother at the door. He too followed her home and then went away to see a friend nearby. He returned to the house.

W. 31 reported his disappearance the following morning at the Central Police Station and Jinja Road Police Station. She went also to Makindye but was told that her brother had not been arrested. She said that she was asked if he had been going about with a woman. Some three days later, two other Somalis, Abdalla Ali Abubaker and Mohamed Hassan, who have since changed their residence, allegedly reported to her that a Kikuyu shopkeeper in Pabaga Road had seen the subject being taken away by the Commandant of the Military Police, Makindye, Major Marella, in the boot of a blue Mercedes car from the house of a woman called Aisha.

W. 31 saw Mr. Ismail Sebi of Your Excellency's office. He called in ASP Abdu bin Sebi (W.93) of the Public Safety Unit and asked him to investigate the disappearance of Omari Abdullahi. She was taken to Nairobi where she met the Head of the PSU, Ali Toweli (W.508). During investigations by ASP Obura (W.97) the other two Somali boys and the Kikuyu shopkeeper, by the name of Peter, were called in for interview. Peter is alleged to have flatly denied witnessing Omari's arrest. Ali Toweli arranged an identification by confrontation, at which he had with him Major Marella and two others. Neither the two Somalis nor the Kikuyu was able to identify Marella. This, in the words of ASP Obura, was the end of the inquiry.

Sarah said that she went to Makindye a second time after seeing Ismail Sebi, upon hearing rumours concerning her brother. She was then told never to go there to inquire about him.

From the evidence of W.31, there is no doubt that Omari Abdullahi disappeared on the night of 23rd August, 1973, and has been since that time.

The rest of the evidence is all hearsay. The most important witnesses of course would have been the Kikuyu shopkeeper, Peter, and the woman Nisha; but neither was traced. As it is, there is the evidence of ASP Obusa regarding the identification by confrontation at which Peter is alleged to have been unable possibly through fear, to identify Major Marella who he reportedly saw taking Omari away in the boot of his car from Nisha's home. The girl Nisha may have been the cause of all this trouble, but as none of them, including Marella, was available, to say that Omari disappeared because of her or that Major Marella was responsible, will only be a matter of conjecture. In the circumstances, we are unable to say how Omari disappeared. We do not see any possibility of his having left the country without informing his family and, in view of the time that has elapsed since his disappearance without trace, all we can say is to express our fears that he may have been unlawfully killed by whosoever was responsible for his kidnapping.

44. Subject No. 27 - STEPHEN OBBO.

Witnesses: 33 Cornelius Okoth - Part 1, p. 381 - 388  
62 M. Usura Kakoma - Part 1, p. 640 - 653  
77 Alex Sigari Wandera - Part 1, p. 769 - 776.

Stephen Obbo was aged about 28 years. He was a bachelor and was a personnel officer at Kampala International Hotel, where he had worked for about 1½ months. He had started building a house in Nagongera and on 4th October, 1972 his elder brother, Cornelius Okot (W 33), came to the hotel to get some money from him for buying corrugated iron sheets.

He was told by the front manager that his brother had been taken away by two Army Officers from Halire.

The General Manager of the hotel, Misusora Kakooza (W.62) mentions the material date as 5th October, 1972. There was a funeral of a member of staff that afternoon. He said that during the morning Stephen Obbo went to his office and handed him the contributions of the staff for the funeral. The manager said that Obbo told him that he was going away with some gentlemen, without saying who they were. That was the last that the subject was seen.

Another man to see the subject that morning in his office was the hotel security officer, Wandera (W.77). He had to go into room No. 270 to investigate a complaint made by a guest about the theft of his money. When he returned after about 10/15 minutes he found some people gathered outside his office. He was told that the subject had been taken away by Army people. He said that he gathered from the talk that Obbo had not been arrested but went away talking with those people.

When the manager returned from the funeral in the evening, he also heard the same rumour that the subject went away with some Army personnel from Halire.

There was evidence that before his disappearance, Obbo had suspended two female workers at the hotel, Margaret Kobusinga, who was then a housekeeper and was later promoted telephone operator, and Jane who was a floor house-keeper. Although the manager was non-committal regarding their suspension, the security officer was certain that not only were these two girls and another who had since died suspended but that the two girls subsequently returned only before he disappeared. W. 77 said that he used to see the subject in uniform collecting



Margaret Kobusinge from the hotel but did not know if he was her husband.

Later, after about three or four days had passed and the subject not turned up, the manager realised that he was missing and reported to his Headquarters. Subsequently, Okoth saw the manager and collected his brother's property from his room and also from his house in Makindye. He said that his brother had a bank account which has not been operated.

From the evidence of the manager, it seems fairly obvious that when the subject went to him to handover the staff contributions for the funeral, he knew the people with whom he was going out. The identity of those people was not mentioned by the subject and the evidence that was adduced before us on this point is hearsay. No eye witness, who might have seen him leave the hotel in company of other people, was available and we are reluctant to rely on the hearsay evidence to find that his companions were Army Officers. If the evidence of the security officer is accepted, then it would follow that the suspension of two girls by Obbo had nothing to do with his disappearance as both of them seem to have been reinstated in their respective jobs before Obbo disappeared. We are, however, satisfied that he has been missing since 5th October, 1972 after leaving the hotel in the company of some unknown men. As no trace has been found of him, nor had he been heard of, we find that the probability is that he was unlawfully disposed of by the unknown people with whom he left the hotel.

45. Subject No. 28 - DANIEL AJAMBO WANDERA.
46. Subject No. 143 - WAKUMA MAENA.
47. Subject No. 144 - OYAM.

Witnesses: 34 Dinah Faibi Ojambu - Part 1, p. 390 - 401.

76 Munyango Charles - Part 1, p. 765 - 768.

255 William G. Wanendeya  
- Part 3, p.2566 -2576.

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The subject No. 28 was the personnel manager of Coffee Marketing Board and used to work at the Headquarters in Amber House. He was married to Dinah Faibi (W.34) who was then working as a nurse at Mulago Hospital. They used to live in Kololo and have ten children, eight from his former wife and two from W. 34.

On 13th November, 1972, he dropped his wife at Mulago Hospital at about 7.50 a.m. in his Renault car, No. UUN 591.

At about noon Munyango Charles (W.76) who is a Telex Operator working for the Board, saw the subject in his office and was given a letter of increment of his salary.

Wandera was supposed to have picked his wife from the hospital for lunch, but did not turn up. She tried to ring him in his office but received no reply. Wandera did not go home that evening, and has been missing since then.

Later W.76 learnt from a cleaner called Mutaki, who is said to have died in May, 1974, that Wandera had been taken away by three men in his own car during the lunch hour. He informed W. 34.

W. 34 reported her husband's disappearance at the Central Police Station, Kampala, after about eight days and also went to Amber House to make inquiries. She alleged

that she was told by Wanendeya (W.255), the Board's accountant, that when they came out of a meeting with the Chairman of the Board and were proceeding to the car park in the basement, he had seen a man called Mustapha Omar talking to Wandera and then both going back up-stairs.

Wanendeya denied these allegations and maintained that he had not witnessed the incident. He admitted seeing Mrs. Wandera a few days later. He advanced as a possible reason for his name to be mentioned by her some differences of opinion between the subject and himself at work, some litigation between the two and an assault upon him by Wandera. Wanendeya said that two others of the staff - Wakuma Maena and, a coffee grader and Oyam, a statistician (subjects No. 143 and 144) had also disappeared. We did not hear any direct evidence of them. Wanendeya, however, said that the Coffee Marketing Board was, during his days, a 'highly political' place, with a lot of 'fitina.'

We are satisfied that the subject was taken away from the premises of the Coffee Marketing Board on 13th November, 1972 during the lunch hour by three unknown men in his car. Mrs. Wandera next saw the car on 25th July, 1974, still bearing the same number plates but the colour had been changed from blue to white, in Naguru Estate. According to Ex.151, which is a list of vehicles with their particulars of registration, Wandera's Renault UUN 591 is now registered in the name of Ebrahim Jumah of P.O. Box 2654, Kampala, the transfer being registered on 4th March, 1974 in the 'ordinary' manner.

The evidence is very sketchy which makes it difficult for us to make any clear findings. As he has not been seen or heard of since 13th November, 1972, and is alleged to have been taken by three unknown men the probability is that he was disposed of illegally by those men.

In view of the evidence about the change of ownership of his car, we would recommend further investigations into how this transfer came to be registered two years after the disappearance of the subject.

48. Subject No. 29 - UO/449 Lt. SOUL LAWENDE.

See 2nd Paratrooper Battalion, Fort Portal - P691.

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49. Subject No. 30 - CHRISTOPHER SEWANDIGI.

Witnesses: 37 Henry Sozi - Part 1, p. 424 - 431  
432 Dr. L.D. Kafero  
- Part 5, p. 4574 - 4576.

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The subject was aged 60 and was a butcher in Bukoto market. He used to live in Kisasi village, Gombolola Kasangati. He had one wife and nineteen children, the eldest being Henry Sozi (W.37), aged 27, and the youngest 3½.

On 29th May, 1971 when Sozi was in the kitchen of their house, he saw an Army Jeep No. 66 BT 11 arriving with his father. There were four soldiers in camouflage uniform, and another civilian, besides his father, in the vehicle. He watched from a distance of about 20 feet. His father got out of the jeep; he was neither handcuffed nor bound. Two soldiers with pistols also got down with his father. He heard his father tell the soldiers that they could search his house as he was not a thief. The witness heard one of the soldiers order his father to hand over his property to his wife, whereupon the subject gave some money and some invoices to his wife. He was then put in the jeep and driven away, not to be seen alive again. Sozi said that he went to Kira Road Police Station to report this incident, but was told that this was a matter not for the police but for the Army.

The following day, a police driver from Mpigi informed Sozi that his father's body had been found in Nabingo forest and taken to the City Mortuary, Kampala.

He went to the mortuary and saw the body which bore some bullet wounds. He was given some papers indicating the cause of death as having been shot.

According to Dr. Kafero (W.432), who conducted the post mortem on 31st May, 1971, the body had two gun shot wounds on the left wrist, one of which had penetrated the abdomen, shot upwards into the chest, and passed through the lung and heart; the other had smashed the pelvis. He found another gun shot wound on the right forearm. He said that the cause of death was the gun shot wound through the heart.

Sozi said that his father was not in good terms with a neighbour called Samuel Mayanja. He recalled one instance in 1969 when he met Mayanja in Bukoto and Mayanja is alleged to have said "those who will kill your father you will see them."

It is obvious that Christopher Sowandigi was taken away by some people wearing Army Camouflage uniforms in an Army jeep, 66 BT 11 on 29th May, 1971. None of the soldiers was identified and, although we did not hear evidence about the particulars of the vehicle involved, it seems plain that it was an Army vehicle. We refuse to believe that it could have been either hijacked by civilian people or that the number it was displaying was false. This is yet another case where the police refused to do their duty, possibly out of fear, just because soldiers were involved. Taken to its natural and logical conclusion, we find that these unknown soldiers in the jeep, 66 BT 11, are the people who took the subject to Nabingo forest and there shot him dead.

90. Exhibit No. 51 - PAULSON KANYOGOTE.

Witness: 38 Aggrey Wabukye - Part 1, p. 432 - 444  
39 Aberi Ntabano - Part 1, p. 447 - 456  
40 Jack Kanwache - Part 1, p. 456 - 463  
41 Yozefu Kazorera - Part 5, p. 4249 - 4260  
42 Patrick Tironwa - Part 5, p. 4260 - 4265  
43 Yozefu Kazorera - Part 5, p. 5887 - 5904

Paulson Kanyogote was a young shopkeeper, aged 28, in Butungura village, Kachemba. He was married, and has two children, aged six and two.

According to the evidence of his father, Aberi Ntabano (W.39), four men, who he named as MURUMBA, KAKOMBI, KAZORERERA and WOBUSINGE, robbed his son in his shop on 2nd October, 1972 of Shs. 400/00. The robbery was reported to the Police and, later on 9th January, 1973, to the Military Police, Mbarara.

On 5th February, 1973, Kanyogote went to the Uganda Commercial Bank, Mbarara to change old currency for the new. He took Shs. 7,000/00 in a bag to exchange: Shs. 4,000/00 of his father and the balance of the Church. He was with Jack Kanwache (W.40). He took with him also some furniture belonging to his cousin, Aggrey Wabukye (W.38) who was to catch the night express bus to Kampala. The two cousins had agreed to meet at the bus park, where Kanyogote was to give W.38 some new currency to facilitate his journey.

Kanyogote and Jack Kanwache stood in the queue at the bank, waiting for their turn. According to Jack Kanwache, four men of his village, Yozefu Kazorera (W.40), Yozefu Kakombi, Richard Wobusinge and Yozefu Kazorera (W.40) also went to

On seeing Kanyogote in the queue, they left immediately. They returned soon after with two soldiers, and identified the subject. Kanyogote was manhandled and pushed outside. They took him towards the bus park. Jack Kangwache followed them. Kazororera turned round and pointed a finger at him in a threatening manner. He stopped following them, but saw Kanyogote being taken into the Social Centre. He then went to the bus park enquiring if Kanyogote had been released. He saw W. 38 at the bus park. At about this time, both these witnesses saw Kanyogote being driven towards the bus park in a vehicle. One said it was a Subaru car, the other mentioned a Landrover. Neither noted its registration number. There were two men in plain clothes in the vehicle with the subject who appeared to have been assaulted badly and his face was covered in blood. One of them in the vehicle called Aggrey. He was able to speak to his cousin who told him of his arrest by two soldiers after being identified by the same four people as mentioned by W. 40. The conversation was cut short by his escorts who took down Aggrey's names and where he was going. They had a list of other names and they asked the witness if he knew two other men. After asking him if Kanyogote had any of his property, they drove away towards the post office. He has not been seen since.

Jack Kangwache then rushed home and reported to W. 39. He reported to the Gombolola chief, who asked him to look for him first. Recalling the previous case of robbery, W.39 reported this matter to the Military Police on 8th February, 1973. His son was not there, but he was given the DOB reference number of the previous report i.e., No. 4 of 9th January, 1973, which he took down in his notebook - Ex.4 -

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and was sent to the D.C., Kabale. The D.C. did not know about his son's whereabouts.

W. 39 said that he thought the reason for his son's arrest and disappearance was the report he had made against those people to the Military Police concerning the robbery. According to him, Murungi, who was allegedly engaged in the robbery, is not related to the others but they are all friends. Ntungwa, who was not involved in that robbery, is said to be related to Kakombe and Wolusinge.

Kazorerera (W.499) denied these allegations. He maintained that he went to the bank for exchanging his currency a day earlier, i.e., on 4th February, 1973. He exchanged Shs. 360/- as was evidenced by the bank's date stamp on the back of his graduated tax tickets for 1969, 1972 and 1973. He denied a suggestion that he had failed to produce his tickets for 1970 and 1971 as they perhaps bore the date of the day of the occurrence. He said the tickets for those years had been washed in his shirt.

Likewise, Ntungwa (W.498) denied these allegations against him. He had been in the Army from 27th February, 1971 till 7th June, 1972 when he was dismissed. He has been at home since his discharge except on 2nd April, 1973, when he went to his former battalion in Nbarara to get his discharge certificate. He admitted that he knows some soldiers but denied that he was in any way involved in the kidnapping of the subject.

We find it incredible that neither the Uganda Police, nor the Military Police should take any action subsequent to the report about the alleged robbery when all along not only the suspects were known but were in the village. W. 40 said that even after the kidnapping, he used to see those four in the village but was unable to approach them.



There is positive evidence of the tax tickets to show that at least Kazererera had been to the bank on the previous day. We are not saying that he could not have gone back to the bank again the following day, and the ultimate question is whether W. 38 and W. 39 were able to make a correct identification. Had the details of the previous report been available, that would have helped at least on the issue of consistency. We do not know if any names were mentioned in that report. It may well be that these two witnesses who, albeit the fact that they knew those four alleged robbers before, had not been able to identify them clearly and an attempt has been made to connect the occurrence of the robbery with his kidnapping. There would have been no difficulty in linking these two incidents only if the same persons or some of them had been positively identified at the time of the robbery and mentioned to the authorities at the time as such.

We find that there is real doubt that the subject was identified to the two unknown persons by any of those four alleged robbers. The possibility of the motive being merely to grab the substantial amount of money which he had cannot be overlooked.

We find therefore that the subject was kidnapped from the Uganda Commercial Bank, Kabale on 5th February, 1973, by persons unknown, and has been missing since. We are unable to say definitely that they were soldiers. The probability is that he was disposed of unlawfully by his kidnapers for the sake of money.

51. Subject No. 32 - CAXTON NJUKI.

Witness: 41 Mrs. Grace Wanyama Njuki - Part 1, p.464-469.

The subject was aged about 52 and was a storekeeper at Mukono in the East Hengo District Administration. He was married to Grace Janyani (A.41) and they have five children between the ages of twenty-three and fourteen.

Mrs. Njuki used to work for the U.S.A.I.D.

On 22nd January, 1973 some people in different cars were seen making enquiries about the subject at their place of residence, Makarera East and, according to W. 41, they came to the area about thrice. On Wednesday, 24th January, 1973, after discussing this matter and, in view of the fact that people were disappearing at that time, they decided that the subject should report at the Central Police Station. She said, "We thought that we could get help from the police whereby my husband could have been more protected" - (p.466). Mrs. Njuki then left her husband at home and drove to her office. She came home to enquire if her husband had returned but was told by the shamba boy that he was not at home. After finishing her office, she went to the Central Police Station. Her husband was not there. She enquired from a police man and described her husband to him. The police man said that the man of the description had been taken away by a Captain. She asked him who the Captain was and where he took her husband. The constable is said to have become evasive. She looked for her husband at Malira, Mucuru, Makindye and all the police stations in Kampala but without success.

We do not have much evidence in this case. From the evidence of the subject's wife, it seems that some unknown people were making enquiries about him and it was for this reason that he went to report at the CPS to seek police protection. It is almost impossible for us to say whether he did in fact reach the U.P.S., or whether the people who

were looking for him met him on the way and kidnapped him. The evidence about what the constable allegedly told the witness cannot be said to be reliable for the simple reason that he could have been mistaken about the identity of the person who was said to have been taken away by a captain. The constable was not shown the subject's photograph. We are satisfied that the subject disappeared on 24th January, 1973 and, in the circumstances of this case, we think it probable that he might have been kidnapped and disposed of unlawfully by the unknown people who had been looking for him.

5E. Subject No. 33 - SILEVESTA KALYEGIRA RUHUME.

Witnesses: 43 Charles Ruhume Nyamwesera - Part 1, p. 483 - 489  
78 Efulaimu Kandole - Part 1, p. 777 - 782  
79 Augustin Nhaboine - Part 1, p. 782 - 787  
80 Iaphail Nyakojo - Part 1, p. 788 - 793.

The subject was the Saza (county) chief of Rukoki in Busongora from 1968 until his kidnapping on 2nd November, 1972.

On that evening W. 78 was on night duty at the Saza Headquarters. He saw the county chief return home in his car at 11 p.m. He then saw a Landrover entering the compound at speed. He went to see who it was. Someone challenged him and the askari told him that he was on duty. He was then told "What are you looking for, go away." W. 78 insisted on taking a closer look and then saw a rifle pointed at him. He was sure that it was a rifle as he heard it being bolted. He got scared and went back for assistance. When he came back with another askari, he found the Landrover going away at a distance of about 20 yards. He was told by the houseboy,

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who has since gone to his home in Bunyangabo, that the Saza Chief had been taken away by those three unknown men in the Landrover.

The askari reported this matter to the Gombolola chief, Ndatwine (W.79) who, after seeing the houseboy, reported at Kasese police station, about 3 km away. Later he reported to the D.C., Toro.

On 3rd November, Nyakojo (W.80), a Park Ranger of Nweya Lodge in Rwenzori National Park was on patrol duty on Ishasha side, about 45 miles from Rubeki Saza Headquarters. He came across the remains of a human body about 50 yards from the road. He saw two legs lying separately and the rest of the body was missing. One leg was in a torn black trouser and the other had been eaten by animals. He reported to the police, Kasese and also to the Muluka chief of Kazinga area. On 5th November, he escorted the Gombolola chief (W.79) and the O.C. police, Kasese, to the scene where he had seen the two legs. Nothing was found at the scene.

The subject's car, which was on hire purchase, was later collected by the Toro Administration.

It is obvious that the Saza Chief of Busongora, Selevesta Kalyepira Ruhume, was kidnapped by three armed men in the Landrover. The reason for the kidnapping is not known. The vehicle was not identified, nor were any of the three gangsters. We have no reason or evidence to think that the two legs found in the Game Park on 3rd November, 1972 were of the missing subject. There is the evidence of the Game Ranger that it was not unusual for people walking in the park to be killed by wild animals. In the absence of positive evidence of identification these two legs could have belonged to any other

unfortunate person, who might have been killed by the wild animals. In view of the nature of this kidnapping and the fact that the subject has disappeared without any trace since November, 1972, we find that the probability is that he was unlawfully disposed of by his unknown kidnapers.

53. Subject No. 34 - BENEDICTO KIWANUKA.

Witnesses: 58 No.1961 Det. Constable Benedicto Mugalya  
- Part 1, p. 597 - 602.  
63 AJP Joyce Drania Mawa- Part 1, p. 653 - 656.  
72 IP Alfred Iswat - Part 1, p. 729 - 734.  
99 H./7139 Staff Sgt Stephen Kintu  
- Part 1, p. 970 - 993.  
246 John B. Kapere - Part 3, p.2428 - 2431.  
533 Lt. Col. Samuel Hannington Nzimuli  
- Part(7, p:6600 - 6601.  
( 6644 - 6648.

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The subject was the Chief Justice of Uganda.

He was arrested on 21st September, 1972 from his Chambers in the High Court premises, at about 8.25 a.m. After dropping him in Court his driver (No.246) went to the rear of the building and started washing the car.

The subject's orderly (W.58) was sitting on a bench opposite the door of the Chambers of the Chief Justice. Five minutes after the arrival of the Chief Justice, three men in civilian clothes, and apparently unarmed, approached W.58 and asked for the Chambers of the Chief Justice.

The constable asked them what they wanted. They told him that they were on 'official' duty. He started walking towards the Chief Justice's secretary's office but those people called him back. The constable then knocked at the door of the Chambers and opened the door. He found Mr. Justice Kiwanuka inside and the three men entered the Chambers.

The Chief Justice greeted those men. The constable was surprised to see the three men suddenly draw out pistols and they said that they were 'security officers' and were taking the Chief Justice to their office. The Chief Justice asked why he was being taken and one of them, who looked like their leader, took out handcuffs. The constable then dashed outside to fetch the Chief Registrar who arrived within seconds. Both of them went into the Chambers and heard the man with the handcuffs asking the Chief Justice to put out his hands, which the Chief Justice refused to do and asked to be taken without being handcuffed. He was then forcibly handcuffed. They asked who was in charge and, when the constable pointed at the Chief Registrar, he was told in Swahili to lock-up the office.

They took the Chief Justice to the porch, pushing him in front of them, and some of the High Court staff followed them. His driver (No. 246) also watched him being taken. The Chief Justice was asked to get inside the car but he wanted his body-guard to go with him. One of those people slapped him and he was bundled into the car. The constable (No. 58) said that he saw three machine guns in the car. The car was a light blue Peugeot 504 colour No. 1111 171, and it drove towards the Kampala International hotel.

The Chief Justice then rang up various people, including the 999, the Minister of Justice and also the State House

+/ /114.

at Entebbe. Neither the constable nor the Chief Justice's driver was able to recognise any of those three men.

Inspector Iswat (4.72) was instructed by the Ag. Head of the Special Branch, Mr. Ofungi, to see the Chief Registrar in a bid to find out what happened to the Chief Justice. The Chief Registrar gave him the number of the car in which the Chief Justice was taken, UUU 171. The Inspector said that he visited the Central Registry of Motor Vehicles to find out the particulars of ownership of the vehicle involved in this kidnapping. He said - (p.732):

"This vehicle was registered in the name of Uganda Government - Uganda Armed Forces, the stamp which was on the form for transfer of ownership was stamped by the Transport Officer, Military Police."

He said that the vehicle indicated in the records was a Volkswagen, and not a Peugeot.

On 20th October, 1972, S/P Mawa (W. 63) was allocated the file, GEF 200/72, for further investigation. On 24th October, 1972 she sent two constables to the Central Registry of Motor Vehicles to get the particulars of No. UUU 171. They came back to say that the file had been misplaced. She sent them back on 26th October, 30th October and 6th November, 1972 and got the same report. Ex.15 is the form which she sent to the Registry and endorsed on it is the note that the file had been misplaced. She made another attempt on 11th November, 1972 when the particulars of the vehicle were given to her indicating that it is a Volkswagen saloon, belonging to the Uganda Armed Forces, Box 7069, Kampala

According/...../115.

According to Mr. Kyejusa (W. 42), who produced a list of vehicles showing details of ownership - Ex. 152 - the motor vehicle, UUU 171, was previously registered as USH 351 and on 24th March, 1971 was given a new number, that is, UUU 171. This is a Volkswagen and, according to the TR2 Form, the details of ownership indicated thereon are as follows - (p. 6768):

"Uganda Armed Forces of West Mengo District  
Kyadondo County, Box 7069, Kampala. It is  
a Volkswagen 1200 saloon grey in colour."

Mr. Kyejusa also spoke of some 'confusion' in the Registry where it sometimes happened that two different vehicles were registered on the same number; he said - (p. 6780):

"Sometime you could find the number finished but they ask you to pay the money and the number is just allocated to you but you do not collect the number and you are asked to come later to collect the number.. When you come later on you find the number had already been given to somebody else whereas the form which you completed and left there reads that it is you who got that number."

He admitted that there have been cases where numbers of other vehicles have been used on different cars in the commission of certain crimes and he also spoke of the possibility of registration numbers being forged.

The Quarter Master General of the Uganda Army (W. 533) stated that he had no record at all of UUU 171. He said (p.6644):

"I have tried to search for that record but unfortunately it does not exist with the Uganda Armed Forces."

When he was reminded of the Government Statement (Appendix 5) he stated that this number does not appear on his list of "Strategic equipment." He added - (p.6646):



"Well I am a Quarter Master General of the Armed Forces, I have nothing to do with the Uganda Government; I think those who made that statement are above me but what I say is what I have got on the papers which, if you want, the Security Council can provide."

Explaining the system of registration of the Army vehicles he said - (p. 6648):

"We have a Central Registration for the four figure and the two letter vehicles, that is, Military Vehicles with Army numbers, those vehicles the register is kept at the depot at Mugerama. The registry of every vehicle of that kind is there, but these civilian vehicles are registered every where in the towns wherever they are bought."

He said that his department issues a local purchase order for buying vehicles with civilian number plates and subsequently the particulars of registration are fed to his department from the various units which might have bought such vehicles.

The Government Statement dated 9th January, 1973 Appendix 5) gives the following account of the disappearance of the Chief Justice:

"(8) BENEDICTO KIWANUKA, Former Prime Minister in the Democratic Party Government and Obote detainee at Luzira. Released by the Government and made Chief Justice. Was arrested by three unknown persons on twenty first September nineteen seventy two at about eight thirty a.m. from the High Court. These three unknown persons were travelling in a saloon car Peugeot Five Zero Four light blue, bearing registration number UUU.171, came to the High Court Chambers where Ben Kiwanuka was working, identified themselves as security officers and said that Ben Kiwanuka was required at their office. They were armed with pistol. They handcuffed the Chief Justice and took him with them in their car driving at a very high speed in the direction of the Kampala International Hotel. The men were all dressed in plain clothes... and when they took him away most people working in the High Court were looking.

When/...../117.

When some of these bystanders tried to follow, they were threatened to be shot. On investigation, the government discovered that the people who posed as being security men were not in fact members of the Security Forces and the car which they were using belongs to a Volkswagen saloon car of the Uganda Armed Forces, Box Seven Zero Six Nine Kampala. It is therefore clear that the planner of this plot wanted to confuse the country that the people who arrested Ben Kiwanuka were members of the Security Forces, using an official vehicle. The Government investigated this matter thoroughly but so far no evidence has come to light as to who arrested the Chief Justice and where he is. In this connection, the Spokesman wishes to draw the attention of the country to a press statement appearing in a foreign paper, Sunday Post of thirty first December, nineteen seventy-two where it was alleged that the Chief Justice was tied up in a jeep which was then set ablaze by members of Security Forces on Kampala/Entebbe road. The country will realise that the Kampala/Entebbe road is an international route where people always pass up and down, day and night but no one has ever seen the alleged car burning on the road at any time since Kiwanuka disappeared. This is another clear example of the enemies of this country trying to cause confusion in the country."

On Thursday, 5th September, 1974 the following news item appeared in the Voice of Uganda:

"Benedicto Kiwanuka, Uganda Armed Forces soldier from Busoga will to-day at 9 a.m. give evidence in connection with the former Chief Justice, Benedicto Kiwanuka before the commission of inquiry set up to probe the disappearance at the National Assembly in Kampala. The soldier was sent by the former Minister of Foreign Affairs, Mr. Kibedi to kill the Chief Justice. The soldier is Kibedi's tribesman."

The soldier referred to is No. 11/7139 Staff Sgt. Stephen Kintu (S. 99). He said that he knew Kibedi whose birth place is near his home, their homes being about two and a

Half/...../118.

half miles apart. He said that they have known each other since childhood. He first met Mr. Kibedi in April, 1972 when he was on leave and was waiting for a bus at a bus park in Jinja. He next met him in June, 1972 near the Norman Cinema and he took him home in Kololo where he told him - (p.973):

"He told me that I want to assign to you a duty to kill for me Ben Kiwanuka until I told him that let me first go back and think about this. He put me in the car and took me back to Malire up to the gate."

Explaining the reason for this assignment, the former Minister allegedly told him - (p.973):

"He said the reason why he wanted to kill Kiwanuka was that after the Military Government had handed over power to civilians, it was going to be Ben Kiwanuka who was to takeover because he had got popularity from D.P. people and for that reason Kibedi started working against Kiwanuka."

And a little later he said - (p. 973/4):

"The General told Ben Kiwanuka and Wanume Kibedi that when the time comes for the Military Government to hand over power to the civilians, Kiwanuka would be President. Then Wanume Kibedi was very much annoyed having known that Kiwanuka had got support of so many people, and this annoyed Kibedi because Kiwanuka had come into his way of ruling this country."

The witness thought it over for about four days and, when he got a telephone call from Wanume Kibedi, he decided to go to tell him what he had decided. He said that he had waited till he got the telephone because what Kibedi had told him was "nonsense." At Kibedi's house, he was taken into a 'special room' and in his own words - (p.978):

"While in that special room, he said to me that you told me that you had gone to think about it and now what have (you) thought about it?"

I/...../119.

I told him that Sir, I have failed. When I told him that, he asked me why I had failed and I told him that I feared. I told him that I cannot manage that work, and he told me that I am going to give you shillings fifty thousand as a reward if you can kill Benedicto Kiwanuka. I told him that time has come and I cannot perform that duty."

This soldier continued to speak about his refusal. He said - (p. 978):

"I told him that the duty he had assigned me I will not manage it. And he told me that as you are my fellow Musoma, I do not want you to leak out this information to anybody. He told me that if you have failed, I will work with the guerillas and perform this duty for me. He told me that as I have failed, he was going to work with guerillas who were going to do this duty for him. That time I got up and went back to the barracks."

He was asked why he had kept quiet for so long. He admitted that he heard about Kiwanuka's kidnapping when he was at Mutukula and he heard on the radio about the Government's attempts to trace him. This reminded him of his conversation with Kibedi and he linked the disappearance with what Kibedi had said. The transcript reads - (p.980):

Mulenga - Did you have a slight suspicion?

Kintu - I believed it.

Mulenga - And you still believe that Kibedi was responsible?

Kintu - I confirm before God."

He said that he had not spoken about this matter to anyone because Kibedi was still around and he thought that he might try to kill him. It was for the same reason that he did not even tell his Commanding Officer, he did not trust. He said that Kibedi had picked on him because they were of the same tribe and said - (p.986):

"There might be other Basoga but they may not be coming in the same area as Kibedi and

also/...../120.

also they may not be able to keep the secret."

He was pressed further about his reticence and why he could not have mentioned the matter to anybody at the General Headquarters.

He said - (p. 989):

"I could not have told anybody else because this was my secret and I did not want to tell anybody as Kibedi had told me that I should not tell anybody."

He agreed that he was prepared to run the risk of Kiwanuka's disappearance by keeping his secret. He realised that it was his duty to tell the Military Police but he was afraid of Kibedi and added that, as he was then a Private, he could not even step into Your Excellency's Office. Asked why he did not disclose it after Kibedi had fled the country, he said that he did not know who Kibedi had left behind to do him harm. The record of the transcript then reads - (p.990):

Chairman - Do you know now that there is no body else left who can do harm to you?

Kintu - From the power of the Almighty God I don't know whether there is anybody who can do any harm to me.

Chairman - Exactly, that power of the Almighty God was there even before.

Kintu - Yes, the power of the Almighty God was still existing by then but I was fearing very much."

He said that before he heard of Kiwanuka's disappearance, he made a statement about this matter to Lt. Obyeri who was the Intelligence Officer and is presently on a course in Russia. He said that the fear set in after his statement to the Lieutenant and it continued till 3rd September, 1974 when he heard the announcement about the setting up of this Inquiry and he contacted his Commanding Officer, Lt.Col. Sule, who then arranged for him to come to give evidence.

Under the heading "SHOCK STORY OF MR. KIBEDI" in the voice of Uganda of Friday, 6th September, 1974 appeared the full statement (not the evidence he gave before the enquiry) which he made to the investigating team before he gave his testimony.

On Saturday 7th September, 1974 there appeared in the 'Voice of Uganda' the following:

"SPOKESMAN COMMENTS ON STORY OF KIBEDI.

"After the evidence of an army soldier, Stephen Kintu at the commission of inquiry probing the disappearances of people a government spokesman yesterday issued the following statement.

"The revelation in Thursday's sitting of the commission of inquiry into the disappearance of people was the talk of the day throughout the country. Staff-Sgt. Stephen Kintu of Malire (Bombo) Battalion told the commission of how Wanume Kibedi tried to persuade him to kill the late Chief Justice of Uganda, Mr. Benedicto Kiwanuka.

"The disappearance of Mr. Kiwanuka, was a matter which has caused great concern to every Ugandan, let alone those who were personally known to him. The Government has since taken all measures in its powers to leave no stone unturned to find out the culprits. Police inquiries were exhausted in the disappearance of the former Chief Justice and other prominent Ugandans, hence the appointment of the commission two months ago.

"Since it began its sitting no evidence had been so shocking as the sergeant's evidence. The truth is gradually coming out as to how people had been disappearing. The circumstances leading to Wanume Kibedi's running away from the country leaves one in doubt as to whether it was not his evil deeds in Uganda that were haunting him.

"Ugandans were indeed shocked and had sympathy with Wanume Kibedi when they heard of his illness while on official duty in Nairobi. We were, however, equally shocked to hear of his later dealings with imperialists. As if that was not enough, Wanume Kibedi started mounting a propagandic campaign against his own mother country. Were it out of sheer necessity, surely he should not have stooped so low.

"People/...../122.

"People like Wanume Kibedi who decide to run away from their own country, do so out of fear, in case their criminal acts come to light. One wonders why somebody should decide to go into exile if his record is clear.

It becomes worse if such criminals go to the extent of mounting malicious propaganda against their countries of origin. Wanume Kibedi has tried to cover up his criminal acts in Uganda. We have yet to see how far he succeeds in his criminal mission.

"One interesting fact known to many Ugandans is that many of the so called Ugandan exiles are greedy politicians and tycoons of the former regime, who are waiting for an opportune moment to enrich themselves still further.

"Ugandans will not accept any more to be confused by such people with selfish intentions. Wanume Kibedi has gone too far. We know what he is trying to cover up. He will never get away with it."

In a subsequent article attributed to a spokesman of the Ministry of Information and Broadcasting which appeared in the 'Voice of Uganda' of 3rd January, 1975, commenting on an article in the 'Drum' Magazine of January, 1975, appears the following:

"Mr. Benedicto Kiwanuka, the spokesman said, was killed by Kibedi as shown by the evidence given by a soldier before the Commission of Enquiry which revealed the truth."

The Adjutant of the Military Police, Makindye, Capt. James Bogere (W.169) stated categorically that Benedicto Kiwanuka was not taken to Makindye after being arrested from the High Court. He was reminded about an earlier article in the 'Drum' Magazine on this subject and he said - (p.1639):

"That was just propaganda, they just wanted to make money on that for the Drum Magazine because how he left Makindye to take those photographs as I remember that article in the Drum..... it is very wrong indeed because no one is even given a safari hat to sleep as I saw a European child sleeping on safari bed, we have no one at all."

asked about the so called 'swinging hammer', he said that he had never seen such a thing in his life. His final comment on that article was that there was no truth in it at all.

Mr. Joseph Kiwuka submitted an affidavit dated 4th October 1974 (Ex.175) through the post. This document may be split up into four parts - (i) the affidavit, (ii) his open letter marked 'A' to Your Excellency dated 21st June, 1974, (iii) his statement marked 'B' in answer to Kintu's allegations; (iv) an addendum to document 'A' in the form of a questionnaire. The document 'A' covers a fairly wide area and as it is part of the proceedings, we need not refer to it in full. We shall, however, so far as it relates to the former Chief Justice, mention the relevant portions. Benedicto Kiwanuka is dealt with in paragraph 5 of document 'A' and reads:

"I cannot even start listing the names of those Ugandans whose liquidation you have specifically demanded. Perhaps the best-known name is that of BENEDICTO KIWANUKA, who was Uganda's Chief Justice at the time of his arrest and subsequent murder, and whose liquidation you ordered because you were afraid of his political power in the country. If you look at the Uganda Argus of 21 August 1972 you will see that you spoke the following words at a rally at Rukungiri in Kigezi:

'A few Uganda Africans, including some high officials in Masaka District, are in the pockets of the outgoing Asians and the imperialists and are opposed to the move to expel them. One such official holds a very high position in the Government and is known to be the prime mover of this small pocket of opposition. He is attempting to use the issue to divide the people of this country on a religious basis with the hope that he will achieve his selfish ends. The person concerned is known to the Government and in fact the Government has already lost confidence in him as a result of his dirty activities.'

"The /..... /1974.



"The person you were referring to here was Benedicto Kiwanuka then Chief Justice; and "Government" meant "Uganda" and nobody else. A few weeks after you spoke these words Kiwanuka was arrested at the High Court by Military personnel in civilian clothing. That was on 21 September, 1972.

"I spent the morning of that day at State House, Entebbe where you were seeing a visiting African Minister of Foreign Affairs. After the interview with the visitor I stayed with you for a few minutes for instructions on routine official business. As I rose to go, you said to me:

'The boys have got Kiwanuka. They had to pick him up at the High Court because he knew he was being followed and he was very careful about his movements.'

"I was shocked by this and I said to you:

'Oh ! My God! This is terrible! He is the Chief Justice. Whatever he has done his arrest will be disastrous for the country in terms of the rule of law and for the international image.'

"I left with the assumption that you had ordered Kiwanuka's arrest on some criminal charge, for which he would soon be tried.

"Although later in my then-capacity as Acting Minister of Justice I met the High Court Judges (at their request) and explained Kiwanuka's disappearance on the basis of the official statement which you had issued on the matter denying the arrest, I had no faith whatsoever in that statement. Kiwanuka, after all, had been arrested in the full view of the High Court staff.

"In the days that followed I brought and read to you several petitions, which a number of Ugandans had addressed to you, appealing for Kiwanuka's release. You totally ignored the petitions and you refused to reply to them. You were even angry that I had brought the petitions to you.

"As I had on many occasions urged you to release detained prisoners I appealed to you several times to release the Chief Justice, to no effect. Later I came to believe the stories then going around Kampala that Kiwanuka had been murdered at Makindye."

In the afternoon reference is again made to Kibedi's meeting with the Judges of the High Court. The question he

was asked was:

"Q: When you met the judges why did you not tell them what Amin had said to you about the arrest of the Chief Justice?"

W.K: I was still Amin's minister, and as long as I remained in that position I was tied to the official statement he had issued in the matter notwithstanding that it was to my knowledge false. I was placed in a most unenviable position, and I wished again and again that I was not a member of Amin's Government. The month of September, 1972 in which the Justice was abducted, also saw the public abduction and subsequent liquidation of many other innocent Ugandans. From time to time the unsavoury aspects of Amin's rule had filled me with anguish and much heartsearching. After the tragic events of that September, I firmly made up my mind to quit Amin's government. Thereafter the only question was not whether to quit but when to quit the Amin set up."

Document 'B' is Mr. Kibedi's answer to Kintu's evidence, which he termed as "a story that contained not one single grain of truth."

Objection was taken by counsel appearing for the Government of Uganda to the admission of this affidavit. Mr. Emesu referred to section 10(1) of the Commissions of Inquiry Act (Cap. 56) and submitted that there was nothing either in the affidavit or otherwise to show why Mr. Kibedi was unable to come to give evidence, and no special circumstance was disclosed to enable us to dispense with the requirements of his personal attendance. There were other objections also with which our counsel dealt at length. We admitted the affidavit and promised to give our reasons later. It would be naive to suggest that Kibedi could have come to give evidence in person. Furthermore we were given

powers/...../ 126.

powers to depart from other instructions set out in the Legal Notice when we considered it essential to ascertain the truth of the matter in which we are commissioned to enquire. This meant that we had the sole discretion, and a very wide discretion, in departing from the instructions wherever we thought, in our absolute discretion, to do so would help ascertain the truth. Apart from this, we had power to receive the affidavit under section 10 of the parent Act. We should also like to say that this is not the first time that an affidavit has been admitted in an enquiry under the Commissions of Inquiry Act and an affidavit was in fact admitted for similar reasons in the Inquiry Into The Missing Americans.

Before we come to grips with the main issue involved, we should like to express our displeasure at the manner in which the paper, 'Voice of Canada', covered the evidence of Sgt. Kintu. It may be pertinent to say that the only coverage the sittings of this Inquiry ever received from this or any other paper was in fact of the Sergeant's evidence! While it is true to say that the press in any country is entitled to report court cases and proceedings of other judicial nature to keep the public fully informed about what is happening, this freedom of reporting is subject to certain well known restrictions for so long as the matter remains sub-judice. These restrictions apply to all papers and we see no reason for excepting government controlled papers. This Commission was charged with the duty of finding out the truth; nobody else was delegated this duty and we certainly do not know of any person, either in government or outside, who had been authorised by the appointing authority to say which witness before us was

telling/...../127.

telling the truth and which not. If somebody tried to comment upon the veracity of any particular witness that, in our view, was usurping the functions of this Commission in contravention of the declared aims and the terms of reference given to us by Your Excellency. Such conduct is no doubt a most serious infringement of the total independence of this Commission and amounts to clear contempt. We should like to make it known that we are not bound by the opinions expressed in the extracts from the 'Voice of Uganda'. We should add that we shall make our own findings about the veracity of witnesses, about who is telling the truth and who is not, and generally upon our terms of reference in complete disregard of any such comments as were made in that paper during the sittings of this Commission. We decided not to make an issue out of it at the time to avoid the unpleasantness and similar other consequences which might have flowed as a result.

No one has ever doubted that the former Chief Justice of Uganda Mr. Benedicto Kiwanuka, was kidnapped from his Chambers on 21st September, 1972. The Government Statement issued soon afterwards incorporates the evidence of the few witnesses who saw him being kidnapped and taken away from the High Court premises by three men claiming to be security officers in the Peugeot 504 car bearing the number plates HHH 171. It was admitted, as is apparent from the Statement, that this number plate belonged to a Volkswagen which, according to the records of the Central Registry of Motor Vehicles, is registered in the name of the Uganda Forces. This meant that the number plates which the Peugeot vehicle was displaying were admittedly of a

Volkswagen/...../128.

Volkswagen belonging to the Armed Forces. As already stated, this is consistent with the records held by the Central Registry of Motor Vehicles. But the Quarter Master General was certain that no such Volkswagen bearing those numbers appears on his records. This is not only confusing but we find this denial surprising. If what the Quarter Master General now said is true, it must also have been true at the time the Government made that statement. We refuse to believe that such an important statement which concerned the top-most personality in the highest court of the Country would have been issued without checking and cross-checking to make absolutely certain the information which was put in it, and we further refuse to believe that the records maintained by the Quarter Master General of the Army vehicles were not checked. We should also like to refer to the evidence about the 'confusion' at the Registry with regard to the issuance of new numbers when one set of numbers was said to have been issued to two different motor vehicles. Such a general confusion may well have occurred but there is no evidence that similar confusion occurred with regard to this particular number, UUU 171. The Government Statement, which was issued after intensive investigation, certainly does not rely on any such confusion. We are, therefore, not persuaded by the denial of the Quarter Master General who, incidentally, did not produce his records of the vehicles with civilian number plates, and basing ourselves upon the records held by the Central Registry of Motor Vehicles and the Government Statement, we find that there was in fact such a Volkswagen UUU 171 belonging to and registered in the name of the Uganda Armed Forces.

The/....., 129..

The denial of the Quarter Master General after so long raises one or two questions. The first one to which we address our minds is, why should it have taken so long for him to come out with this denial? He must have been aware all along about the stand taken by the Government; he must have known what the Government had said in its Statement. He could have approached the proper authorities with his information and his records and corrected the information given out in the Statement. No attempt seems to have been made in this direction and the obvious answer must be in support of our finding made just now, that such a vehicle with such numbers did exist, and a denial could not possibly have been made. The other question which we think arises is the intention with which this denial was made before us. We think that the answer to this question is clearly obvious. We think that this was in an attempt to exonerate the authorities concerned from explaining how these number plates of an Army vehicle found their way to a totally different vehicle, and to explain who authorised their use in this fashion, and to explain the identity of the person using the Peugeot 504 vehicle, and to explain the purpose for approving such a switch-over of the number plates. In the circumstances, we accept, as has been accepted all along, that this number plate, UUU 171, belonged to an Army Volkswagen and was used on the Peugeot in which the former still today has been taken away. Taking this further to its natural, logical and judicial conclusion, we say that the belated denial about the ownership of the Volkswagen and the question which such denial involves would indicate that the switch-over of the number plate must have been with the knowledge and approval of the authority having control over the Volkswagen.

Ever since the kidnapping of the former Chief Justice, it has consistently been said that he had disappeared. Everywhere reference was made to his disappearance and nothing else. The Government Statement included this sentence:

"The Government investigated this matter thoroughly but so far no evidence has come to light as to who arrested the Chief Justice and where he is."

The Statement then went on to refute certain foreign press statements regarding the former Chief Justice having been burnt in a jeep on Kampala/Entebbe road. It is, therefore, astounding to read in the comment made by a Government spokesman in the 'Voice of Uganda' of 7th September, 1974 where reference is made about Sgt Kintu's evidence before us "of how Youssef Kibedi tried to persuade him to kill the late Chief Justice of Uganda, Mr. Benedicto Kiwanuka" (emphasis added). The use of the word "late" does not seem to be accidental, nor can it be said that it was meant to be synonymous with the word 'former'. As everyone knows the word 'late' in reference to a person means someone no longer alive. The spokesman did not come forward to testify before us on the source of his information for the choice of the adverb.

Turning now to the evidence of the sergeant, here also there are some pertinent questions to be answered. On his own admission, he has been in Uganda all along and he heard about the former Chief Justice's kidnapping when he was at Mutukula. He admitted also knowing about the Government's endeavours to trace him. This shows that he must have known about the statement which was put out by the Government regarding his disappearance. He kept quiet. His explanation

was/..... /131.

was that he was keeping 'his own secret'. He was a surprise witness and, at the same time, a special witness whose appearance was announced in the news media before hand and the statement he made to the investigating team reproduced in extenso in the paper. We have considered his reasons for keeping quiet over the last few years very seriously. As a good citizen, he could have done a number of things to inform the authorities about the alleged diabolical plans of the former Foreign Minister. He could have mentioned it to his Commanding Officer, but he did not trust him! He seemed to have had ample time at his hands and was even going to the pictures. He could have walked into any police station. As a soldier he knew of the Military Police; he could have gone there. He must have known of the State Research Centre to which he could have turned for assistance. He must have known where to find the former Chief Justice and he could have walked freely and easily into his Chambers at the High Court premises. He must have known about Your Excellency's repeated calls to the people of this country to contact you at any time on an untold telephone exchange number. If ever there was profound need to contact Your Excellency on a matter which was vitally important to the well-being and the image of the country as a whole, this surely must have topped the list of priorities. And this sergeant, who was then a private, could have contacted Your Excellency either on the phone or by going to your office. He did not choose to do any of these things. There is another form of communication which he could have employed quite safely, that is, the post office, either by writing a letter or sending a telegram. The explanation of his inaction was that he was afraid of Kileli. He went on to say that he was so afraid that he

even/...../132.



own risk of the disappearance of Mr. Justice Benedicto Kibedi rather than give up the secret. Considering the nature of the assignment which Kibedi had entrusted him with, its importance to the Nation, its ultimate effect not only within the country but outside, any reasonable person would have taken immediate steps to appraise the Government of the alleged plan. We have no doubt that just as the witness was 'sprung' so was his testimony which, notwithstanding the fact that in certain quarters it was accepted as the truth, we as reasonable persons with open minds, reject it completely as untrue and not worthy of any credit.

With regard to Mr. Kibedi's 'Open Letter' which he has embodied in his affidavit, let us say at once that we do not propose to try to give him a reply; that is not our function. Because it is part of his affidavit and deals with certain matters which fall within our terms of reference we are duty bound to consider its contents only in so far as they are relevant to this Inquiry.

We have had occasion to refer to the Inquiry Into The Missions in the Americas where Jones, J., the sole Commissioner, submitted an affidavit and after scrutinising it accepted it as true. In paragraph 104 (p.23) of his Report, he says:

"When the affidavit is examined and tested, there is such a great body of corroborative material available that the only possible conclusion one can draw from it is that it is a true account of what happened, and I accept it as such."

It is respectfully urged that an affidavit submitted in such circumstances ought to be subjected to close scrutiny and only if sufficiently corroborated in material aspects

should it be accepted and relied upon as true. The world is only too familiar with the fashion of exiles who will go to any length to discredit and pour ridicule on their home governments, and whereas such bilious outbursts and invective may find sympathetic ears in foreign countries whose own news media may either be not so efficient in getting the true account or may, as so often happens, be so inefficient that it gives a totally distorted picture of what happened, we refuse to accept them as the Gospel truth just because an exile, who happens to be Mr. Kibedi, says so. As we have said we shall accept his statement as embodied in his affidavit only to the extent that it finds corroboration elsewhere from the evidence which we heard.

We are unable to accept that the person spoken about in the 'Uganda Herald' of 21st August, 1972 was in fact the former Chief Justice. Surely, he could not have been the only high ranking civil servant who hailed from Masaka District. The arrest of Kiwanuka came almost a month after the speech at Kukiingiri. Mere surmise cannot replace proof and speculation has never been accepted anywhere as a substitute for corroboration. We think that it would be stretching imagination too far to identify the person referred to in the press report as Kiwanuka.

The 'Open Letter' raises many questions, some of which are strictly not within the ambit of our Inquiry. For the sake of convenience we have decided to split it into two parts. The first part is where he talks about the dismissal of Mr. Justice Kiwanuka and also some others; the second is where he makes general observations

and draws his inferences from the cumulative numbers of those who disappeared. We propose to deal now with the first part and defer discussion of the second till later and to consider it in the light of the entire evidence that was adduced before us.

Of those listed by Mr. Kileedi, besides Mr. Justice Kiranuka, we heard evidence on Lt. Col. Ochima (subject No.6, p. 32) Kosonduha (subject No.21 p71) James Bwori (subject No. 37, p. 148) L.L. Kisadja (subject No. 32, p. 238) and Haji Balunywa (Subject No.83, p. 240). He cannot obviously comment on the others who are mentioned in his statement on whom we did not hear any evidence. It would have been useful, indeed beneficial, had Mr. Kileedi given details of the manner in which each of those people is alleged to have been abducted and to state also whether his source of information (who would have been potential witnesses) had been able to identify any of the kidnapers or the vehicles used in the commission of these crimes, for a comparison with what we heard would have brought out the areas of agreement and disagreement quite prominently. Because he did not do this, the only area of agreement which we see for the time being is that the people he has listed, some of whom were mentioned in evidence before us also, have disappeared and we are looking into such disappearances. This in itself is not corroboration. We are, however, prepared to accept as a general proposition that wherever there is any evidence before us which goes to support his version of what happened, that much may be accepted as corroboration.

But do not think that much reliance can be placed upon

what/...../135.

what the international news media might have said. It is known to have put out untrue stories and statements not only about this country but also other countries. We should like to emphasize also that we are bound by the evidence which we heard and cannot go outside the four corners of the record of the proceedings. We cannot make findings about persons who have not been mentioned before us and surely we cannot be expected to make any findings based on information or evidence which may be in possession of either Mr. Kibedi or the international news media but which we did not have or did not come out during our sittings. As we have already stated the corroboration that we are seeking is not for the fact that people disappeared but in support of the circumstances in which they disappeared and the perpetrators of those disappearances. In so far as Mr. Kibedi's 'open letter' is concerned, he has referred to certain meetings with the Head of State at which the cases of Mr. Justice Kiwanuka and other people were mentioned. We did not hear any evidence about any such interviews and we do not even know if they ever took place or what was said. What we gather from his statement is that in respect of Mr. Kiwanuka he preferred to toe the official line and repeat the official statement in which he had 'no faith whatsoever' to the judges of the High Court. He explained his action in the questionnaire, adding that he was placed in a most 'unenviable position'. Just as he was obviously so worried, there were many others in the country and we should venture to suggest that after Mr. Kiwanuka's family and his close friends his colleagues in the High Court must surely come next. All of them desperately wanted to know the truth. It is possible that Mr. Kibedi was in an uncomfortable position in that he had to try to say anything contrary

to the official statement the consequences might have been unpleasant for him. Many others before him had been in a similar situation not only in this country but in other countries also and those with the courage of their convictions did find ways and means of telling the world at large the truth as they knew it, without having to wait for months. In discussing the matter with the judges of the High Court, he must have realised that he was dealing with a body of men of highest scruples and sterling qualities. He ends the sub-paragraph in which he mentions his meeting with the judges of the High Court in a manner which we find rather curious. After saying that he relied on the official statement in which he had no faith whatsoever he said:

"Kiwanuka after all had been arrested in the full view of the High Court staff."

If he was advancing this as his reason for propagating something which he knew to be a lie, then we are indeed shocked that a man of the calibre of Mr. Kibedi should be so illogical and inconsistent. The members of the staff who had the misfortune of seeing the Chief Justice arrested in such an ignominious manner had not seen those gangsters before nor have they seen them since. The mere witnessing of the incident by the High Court staff who could not identify anybody cannot be prayed in aid to justify something in which Mr. Kibedi himself had no faith whatsoever and yet offered it as the truth. This does not offer any corroboration. We should add that his statement indicates that he was told of the kidnapping of the Chief Justice immediately after it had been accomplished. In his capacity as a Minister and wielding a lot of influence,

we/..... /13%..

we should have thought that, committed as he was and still seems to be to the rule of law, he would have followed up the kidnappers and tried to gather as much information as possible so that when time came for him to open his mouth he would have come out with all the details of the episode. Yet, we see nothing of the kind in his statement which does not offer any new evidence. Instead he seems to have behaved in a manner no different from many others in believing the 'historical' stories around Kampala at that time which were nothing but rumours, and in believing those rumours and mentioning them now he has exposed himself as a rumour monger.

It seems to us that with regard to Mr. Justice Kiwanuka and the other people, there is nothing in the evidence before us which can be taken as corroboration to his alleged interviews with the Head of State and the remark which Your Excellency is alleged to have made regarding the arrest of the former Chief Justice.

When all is said and done one is able to make a comparison between the sergeant on the one hand and Mr. Kibedi on the other. The sergeant kept quiet for at least a couple of years, so did Mr. Kibedi although for a much shorter period. The sergeant is a member of the Armed Forces and Mr. Kibedi was the Minister in the same Military Government. The sergeant, who cannot possibly be compared intellectually and educationally with Mr. Kibedi, told an incredible and unconvincing story while Mr. Kibedi came out with allegations against the Head of State for which we have been unable to find any corroboration. The sergeant did not trust his Commanding Officer and Mr. Kibedi did not trust the Mr. Minister of Justice, Hon. Justice of the High Court.

For these reasons we have no hesitation in rejecting his statement in so far as it refers to the identity of the perpetrators of the kidnapping of the former Chief Justice and others mentioned by him. We do, however, agree with him when he says in his answer to sergeant Kintu's evidence that it is all untrue. Our assessment of both of them is that neither is better than the other.

In the circumstances what is left is the Peugeot 504 in which Mr. Justice Benedicto Kiwanuka was taken, and which at the time was displaying the number plates of the Volkswagen belonging to the Uganda Armed Forces. In view of our comments and findings on this particular issue we say again that the former Chief Justice of Uganda was kidnapped by people who must have been known to the authorities having the custody of the Volkswagen and who must also have known the nature of their mission. As Mr. Justice Kiwanuka has been missing since 21st September, 1972 without any further clues and in view of the nature of his kidnapping, we find that there is a strong probability that he was murdered by those who kidnapped him.

54. Subject No. 35 - WILLIAM WILBERFORCE KALEMA.

- Witnesses: 57 William M.M. Amooti - Part 1, p. 589 - 597.  
69 James Mulwana - Part 1, p. 612 - 620.  
64 No. 858 Cpl.L.Okot - Part 1, (p. 657 - 666.  
( 997 - 998.  
65 Augustine Amuya - Part 1, p. 667 - 674.  
66 Supt. George Babumba- Part 1, p. 675 - 681.  
83 Ex. Insp. B.Mugema - Part 1, p. 811 - 819.  
85 Insp. B.M. Ojok - Part 1, p. 823 - 834.  
160 H...6405 James Ondiba  
- Part 1, p. 994 - 996.  
138 No. 966 P.C. S. Kyakonye  
- Part 1, p. 1331 - 1332.

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The subject was a former Minister in the previous regime.

He was last seen by James Mulwana (U.60), who hails from the same village, on 20th January, 1972 between 6 - 7 p.m. in Gaba Road as he was driving to his home. Near the Uganda Commercial Bank's housing estate, he saw the subject's BMW car, No. UUM 579, parked by the road side facing Gaba direction. Parallel to it, across the road, was another car facing the opposite direction, that is, Kampala side. As the witness went past these vehicles, he saw Mr. Kalema in the front seat, on the passenger's side, of the other car. Looking through his driving mirror, he saw a man exit from the subject's car, and then both vehicles drove away towards Kampala.

The following morning, on learning of Mr. Kalema's disappearance from his wife, he made his statement to the police.

On 21st January, 1972, Ex. Inspector Mugema (U.83) was instructed to investigate the disappearance. He recorded statements from the witnesses in Kampala.



The scene then shifts to Bunnana, which is a custom's post on the Uganda/Zaire Border, about 7 miles from Kisero. At the material time, the post was under William M.N. Amooti (V.57). On the night of 24th/25th January, 1972 the preventive custom's officer, Amuya (V.65) was on night duty in the office. At about 2 a.m. he saw two vehicles driving into the post at high speed without their headlights. Two men came out of the cars and said that they were going to Zaire to see friends. Finding this all as he had never before experienced such an incident, he called his corporal who gave the alarm by blowing his whistle. The two men ran across the border, leaving the two cars behind. Amooti also woke up and the whole staff waited in the office till morning.

One of the cars was a Fiat No. BUWZ 622, and the other a BMW No. BUW 866, the former according to Ex. 152 belongs to Mr. Peter R. Okello of P.O. Box 3549, Kampala and for the latter there is no record at the Central Registry.

The matter was reported at Kisero Police Post, and Inspector Ojek (V.25) managed, with the help of a mechanic, to move both vehicles to his police post. Suspecting that they were stolen, he sent a message to all police stations, including the Central Identification Bureau, for information. The District Police Commander, Superintendent Balunda (S.66) who was stationed at Kasese, saw this message on 25th January.

On 25th January, the investigating officer, on receiving the message certifying the make of both cars, obtained the particulars of Mr. Kalembe's BMW from the Central Registry of Motor Vehicles. - Ex. 17. The vehicle was registered as the property of Kalembe & Co. Company, of which the subject was a director - see Ex. 11. He then left for Kisero to check on

the BMW car, stopping on the way at Kabale to report to the District Commander. He reached Kisoro on 28th January, 1972, and inspected both vehicles. The wind-screen of the BMW was broken and he found that its engine and chassis number - both 1330131 - corresponded with that of the subject's car BMW 579, motor no. ex.12. Inside its bonnet he found some service cards, one of which was written with the car's registration number as BMW 579. He inspected the front of the BMW and there found a number plate - HE 017 - ex.33. After taking some photographs of the finger prints from the cars and recording the facts from the customer's officials, the police party set out for Kampala. Some five or six miles out of Kisoro they met some soldiers, travelling in a Peugeot 504 car, No. BYL 015. According to ex.192, there is no record of the issue of such a register to any vehicle on the Central Registry of motor vehicles. The police vehicle was stopped by the soldiers who told them that they were going to Kisoro to collect their cars which their recruit drivers had left there. After appraising their District Commander of their findings, the police party returned to Kampala where Mucama handed over all the documents and files to the Deputy Commissioner of Police, Mr. Streri; and the number plates - Ex.33 - to I.C. Kyakonye (1155), the in-charge of the exhibit store.

The soldiers arrived at Kisoro police post and asked Corporal Ojek (164) to release both cars. He referred them to the D.C. to whom they said that they were from the Army Headquarters, and had been sent to fetch the two cars which had been used by their Intelligence Section on 24th January, 1972, as patrol vehicles in Kisoro. They produced to him the written report of their patrol and some mileage log forms headed 'We are Army', which was similar to the form which Ojek had

found in the glove box of the BMW. He asked one of the soldiers, who appeared to be the leader and gave his name as Nikola Rusu, to make a statement - Ex.16 - and sign for the two cars. Both vehicles were then released to them.

The two cars together with the Peugeot then made for Bungenya Custom's Post arriving there between 6 - 8 p.m. They demanded to be allowed to enter Zaire. W. 57 refused as their documents were not in order, but all five men drew out pistols and threatened to shoot them. The customs officers got frightened and gave their assent. Two of the five, who were in uniform changed into plain clothes and four of them drove away in the Fiat and the BMW across the border into Zaire, leaving the Peugeot and one man at the Post. Late in the evening, two of the four returned from Zaire on foot, got into the Peugeot and drove away.

The following day, 29th January, two soldiers in uniform and one in plain clothes, saw the District Commander in his office at Katalo. They told him that they had been sent for those two cars to take them back to the State House, adding that the cars had been driven away towards Kampala. They also enquired about the police men who had removed some documents from the vehicles and said that, as they were also going to Kampala, they would be able to locate them. They drove away in the same Peugeot 504, HYL 019.

In the statement purported to have been made by Rusu - Ex.16 - appears his Force number as UN 6405. The soldier of this number is James Odiba (No. 100) who, on being shown the statement, denied that the signature appearing on it was his. He further denied being in Kisero on the material date.

It is further noted that Mr. Kulema disappeared on 20th

January, 1971 and had been missing since then. We are equally satisfied that the BMW, FOM 579, was seen in Gabu road at the place from where he was kidnaped. There can be no doubt that the BMW, FOM 566, which was abandoned at the Custom's post, Bunagana, on the 27th January, was in fact Mr. Kalema's BMW bearing the number plates in clear from the evidence of Inspector Kibona who found the engine and chassis number of the vehicle to be the same. The identity of the two men who ran across the border into Zaire is not known. But from the subsequent events, it seems quite clear that people posing as Army soldiers were responsible not only for driving the BMW on false number plates to Bunagana in the first place, but also for re-taking its possession from Kisoro Police post and driving it and the Fiat across the border into Zaire. We refuse to believe that a man of the calibre of Mr. Kalema, who had been a former Minister, would have staged a fake kidnapping of such a standard which involved obtaining not only two sets of false number plates but also the Army mileage log forms, Army uniforms and pistols. We are of the opinion that this was a well-planned and excellently executed kidnapping, the purpose of which, besides the elimination of Mr. Kalema, obviously was to smuggle the two cars into Zaire. It is also manifest that such an operation could not have succeeded the way it did without the active cooperation of the customs officers across Bunagana on their side. The identity of the people who later on managed to collect the cars from Kisoro is also unknown. At least two of them were seen in Army uniform.

The evil now taken as a whole indicates that prima facie some soldiers were involved in the kidnapping of Mr. Kalema and the subsequent incriminating events at the border post.

We find it hard to believe that robbers or smugglers in this country have attained such sophistication and have such means at their disposal as were employed in this case that they would execute such a mission so successfully. We would stress the fact that after the police party, which inspected the cars at Kisoro and carried out certain investigations as aforesaid, had reported to the Deputy Commissioner of Police, Mr. Adroni, nothing further seems to have been done by the Police. In other words, just as the case was dramatic, so also was surprisingly the premature end of the police investigations. This naturally raises the question why. This was a case where the police had in fact been quick to follow up clues and the abrupt end to their investigations must mean that they were on to somebody whose identity was known and it was considered 'prudent' to call halt to any further investigations. This conclusion would lend considerable support to our initial prima facie finding of the involvement of Army soldiers in the kidnapping of Mr. Kalema and of the subsequent smuggling out the two cars, including his car, across the border to remove all incriminating evidence. Having said this much, we are further of the opinion that those soldiers who kidnapped Mr. Kalema must have unlawfully disposed of him on their way to Bunagana.

55. Subject No. 36 - GEORGE KAMBA.

- Witnesses: 70 Grace Mutanda - Part 1, p. 710 - 715.  
74 John Mukalazi - Part 1, p. 741 - 755.  
84 Alfonsi Cringo - Part 1, p. 820 - 822.  
86 No. 4994 Det/Cpl. H. Okanga  
- Part 1, p. 834 - 837.  
87 Kintu Musoke - Part 1, p. 837 - 852.  
90 John A. Serwanja  
- Part 1, p. 883 - 890.  
91 Ken Owori - Part 1, p. 890 - 898.  
111 Det/Supt. F. Orogom  
- Part 1, p. 1077 - 1087.  
112 ASP Cusa - Part 1, p. 1082 - 1083.  
122 Lt. Joseph Kwoya  
- Part 6, p. 5304 - 5318.

The subject was formerly the Uganda High Commissioner in India, and at the time of his kidnapping on 27th June, 1972, was a director of the East African Posts and Telecommunications Corporation.

On 27th June, 1972, Mr. Kamba and his secretary hired a self-drive car, Peugeot 504, BVJ 241, from the Popular Tours Agency

and Transport Company Ltd., otherwise known as the Uganda Peoples Transport, from its transport manager, Grace Mutanda (W.70). The mileage for the time of renting the car was 50466 km.

Mr. Kamba attended a party at the Kampala International Hotel the evening prior, given by the Director of the East African Bar Association. Attending the party were also John Mukalasi (C.74), Kintu Musoke (C.87) and Mr. Kamba's cousin Mr. Proya (C.422). Mr. Kamba told Mukalasi that he would be leaving the party early but could not till the Minister of Communications, Mr. Othman Guma, left. Eventually, when the Minister left, Mukalasi went outside the hotel and found Mr. Kamba sitting in a green Peugeot 504 and was asked to inform Mr. Sebuyira that Mr. Kamba was not attending the dance. When Mukalasi returned after looking for Mr. Sebuyira he found that Mr. Kamba had gone. He, like Kintu Musoke, went into the main bar on the ground floor. A few minutes later, the receptionist, Ben Oweri (C.91) saw Mr. Kamba running into the main lobby. He was being chased by five people who were trying to catch him. Oweri said that as they entered the lobby one of the five threw an object like a pistol at Mr. Kamba; it hit the counter and fell down and the man picked it up again. The other four men also were holding similar objects.

Mr. Kamba ran into the main bar, shouting "they want to kill me, help me." These people caught hold of Mr. Kamba at the bar counter and this was followed by a 'tug of war', during which a European called Mr. West tried to rescue Mr. Kamba. Witnesses heard the fight between Kamba and his captors and he took him to the Military Police, Makindye. Mr. Kamba asked them to handle the matter peacefully and for the police. Kintu Musoke asked them to catch the men and bring them to the police, but they turned down all these requests and said that they knew what they were doing.

They dragged Kamba outside and a man, better dressed than the other five, directed them to a car saying "we shall take him in this car." The car then left and Kintu Musoke rang Mr. Obitro Goma to inform him of the incident. On his advice he also informed the then President of that time Mr. Oboth Ofundi who asked him to report to the police. Mr. Kamba's cousin did not witness the incident but on learning of it he checked at the Central Police Station, which is the nearest to the hotel, to see if Kamba had been taken there. He was told about the report which had been made but that Kamba had not been taken there. He returned to the hotel and, on making enquiries, learnt about the details of the kidnapping which he found hard to believe. He said that he was told by a Securicer man that his cousin was said to have been taken to the police station and it was after two days, when all his enquiries to find him had failed, that he realised that his cousin had in fact been kidnapped. He reported to the Chief Intelligence Officer, Ozi, who said that investigations would be mounted. His cousin has not been seen since.

On 30th June, 1972, the Assistant Manager of the Crested Crane Hotel, Alfuesi Oringo (#.84) found the Peugeot 504 which Mr. Kamba had hired parked in front of the hotel, obstructing other cars. Nobody seemed to know about the car or its owner and, on being satisfied that it had been abandoned, he reported to the police. On the following day Corporal Okanga (#.86) visited the hotel and inspected the vehicle. It appeared that it had been involved in an accident as there was a slight dent on the front fender. The vehicle was taken to Jinja Police Station where on 3rd July, 1972, SP Ouma (#.112) made an inventory of the articles found in the car - Ex.25. On 5th July, Detective Sergeant Orom, acting on instructions

from the head of the G19, went to Djaja and took over the exhibits. Subsequently the Banda Peoples Transport Company was asked to collect an air vehicle and, on 6th July, 1972 when the vehicle was collected, the odometer was reading 51340.

There are a few discrepancies in the evidence, which refer particularly to what was said by the people pursuing Kamba and the direction in which the vehicle left after taking Kamba from the hotel. We are satisfied that the situation within the bar would have been very confused. One witness spoke at a time of year over Mr. Kamba and it seems clear to us that the customers tried to argue with the kidnapers to settle the matter in a more peaceful manner. We do not know what action, if at all, the police took upon receiving the report. The hotel receptionist saw those five people holding objects resembling pistols and we feel that this may be one of the reasons why the customers in the bar did not try to prevent this kidnapping even if for the 'time of war'. The identity of the kidnapers is unknown, so are the particulars of the vehicle used in carrying the subject away. The Peugeot was found three days later outside the Crested Crane Hotel in Djaja. It is a mystery how this vehicle got there except for the fact that one of the kidnapers perhaps drove it to the hotel in Djaja after getting it out from the victim.

We are satisfied that Mr. George Kamba was kidnapped from the Crested Crane Hotel by five unknown people. It is to be noted, as one of the witnesses did, that they were 'kissed', for if they had known they would not have allowed him to go and, indeed, outside the hotel in Djaja 50 miles away. It is noted that Mr. Kamba was kidnapped for other reasons which have not been set in evidence and, as he has not been seen since, it is difficult to give a full picture of the



Kilneng, the possibility is that he was killed by his kidnappers, possibly on the way to Jinja.

56. Subject No. 37 - JAMES BWOZI.

- Witness: Mr. Hon. Mary Jiva Bwozi - Part 1, p. 941 - 949
- Mr. Hon. Harriet Bwozi - Part 1, p. 949 -
- Mr. Hon. Harriet Bwozi - Part 7, p. 6900 - 6906.

Jinja was found to work for Uganda Television. He was first the Chief Editor of Uganda Television and was subsequently made a Director. He was married to Mary Jiva Bwozi (1955) and has four children between the ages of 11 and 15.

Some days after he disappeared on 15th October, 1972, they heard news on the radio accusing the subject of collaboration with the former President Obote, leaking information and generally assisting the Barotsi. Mr. 95 said that the same news was reported later in the evening by her husband who surprised her by telling her that he would try to see Your Excellency and be questioned about these allegations.

Quoted in the newspaper, 'Uganda Herald' of 17th August, 1972 - Ex. 105 under the title "UG. P.D. 'KING RWANDA'", at p. 6, in Your Excellency's interview with Mr. Kironza, the Rwanda Ambassador, and the following comment is attributed to Your Excellency:

"We should not think there are many other people including the staff of Uganda Television in the Ministry of Information and Broadcasting who are closely associated and possibly working before they are caught and are thinking in terms of assisting the Barotsi. There are the people who keep in contact with the Barotsi and are now trying to escape. We are sure that they know where they are going to go."

Mrs. Ewori said that her husband managed to see the Minister of Information, who then was Mr. Naburi, but did not know what had transpired between them.

On 18th October, 1972, Ewori took two of his children, Harriet (G.96) and Taka, in his car, a Volvo No. UYU 723, to Ken Khan Primary School at 8 a.m from their home in Mbuva. He had arranged to collect his wife to take her shopping after dropping the children to school.

Harriet is aged about 11 and after a voir dire we allowed her to give evidence on oath. She said that on their way to school, a white Peugeot 504 followed them and, as her father stopped at the school, the other car stopped in front of them. She saw three men in civilian clothes in the Peugeot. One of the men asked Ewori for his car keys and asked him to get into their car. She said that her father did not resist but did as he was told. Her younger brother Taka picked courage to ask these men where they were taking his father, but he was pushed away and he fell down. Her father was driven away in the Peugeot towards Old Kampala side. One of the kidnapers drove away in their Volvo following the other car. According to Harriet, another girl took down the Peugeot's number which she later showed to her mother and copied it down in a notebook - Ex. 2C - the number was HVD 219, which is not included in Ex. 151 and as such the ownership of this vehicle is not known.

Meantime Mrs. Ewori waited for her husband to take her shopping. He did not return and she resorted to her father-in-law. She also went to the school to see if her children were there and, failing to find them she saw her brother in Katwa. The children subsequently returned home on foot and they narrated the incident.

Neither Bwogi nor their Volvo car has been seen since then.

Bwogi had Government service of about 12 years. He had a house in which his family is living and some land. He was insured with Crusader Insurance Company, who advised her to wait for seven years before they could consider her claim. She has been able to use the bank account but has not applied to court for an order to manage his estate.

We are satisfied that James Bwogi was kidnapped by three unknown men travelling in a white Peugeot 504 car, UVD 219, when he was dropping his children at the Aga Khan Primary School on 10th October, 1972. The identity of the three kidnapers is not known. Because the radio and press announcement that the subject was suspect was closely followed by his kidnapping, we are constrained to think that his kidnapping may have been due to those allegations against him. We are, however, unable to say who those ruffians were or where they came from. In view of the nature of the kidnapping and the circumstances, we are of the opinion that there is a clear probability that the subject was unlawfully disposed of by his unknown kidnapers.

57. Subject No. 38 - LT. COL. KAKUHIKIRE.

Witness: 111 James Rwabazaire Masiko - Part 1, p. 998 - 1003.

The subject was a Lt. Col. in the Uganda Armed Forces. At the material time he was working in Your Excellency's Office. He was married and they have four children, the eldest being seven. His wife used to work in the General Post Office and the subject used to collect her from there at lunch time.

151.

... forward to give evidence. The only witness, Mr. ... who is a State Attorney in the Ministry of Justice, claims to have been the subject's family friend.

... 1973, the witness saw the Lt. Col. driving in his car near the Parliament Building at about midday. About an hour later he was passing by the General Post Office where he saw another ... The witness learnt that the Lt. Col. had been ... from the car park by a man in plain clothes at gun point. He also heard someone saying that he had been ...

The witness saw the subject's wife in the evening, and she told him that his disappearance had been reported to the police. According to Mr. ... the subject was insured, had some money in the bank, and a ranch near Mbarara. His wife is said to have applied for a court order to manage the estate.

The evidence is very sketchy. No eye witness came forward and it seems that none was known. The only witness arrived at the scene after the event and learnt about the Lt. Col.'s kidnapping at gun point. If the account of the incident as told to him is correct then it would seem obvious that the Lt. Col. was kidnapped at gun point and, as he has been missing without trace since 21st August, 1973, there is a reasonable probability that he was unlawfully disposed of by his unknown armed kidnapper.

96. Appendix No. 39 - YOVAN OCHOYA.

- 100. Frederick Wakanyira - Part 1, p. 1004 - 1013.
- 101. Ernest Florea Ayoti - Part 1, p. 1013 - 1021.
- 102. George William Ocit - Part 1, p. 1021 - 1036.
- 103. Det. NIP Innocent Pirunci  
- Part 1, p. 1496 - 1500.
- 104. ... - Part 4, p. 3244 - 3246.

Yovan Ochola was a renowned athlete and had represented the country at international meets in the shot put and discus. He was married having seven children, the eldest of whom is aged 16.

The Uganda squad of athletes, including the subject, returned from the Mexico Games in August, 1972 and were accommodated at the Hotel Eboria in Kampala. The subject was in Room No. 48.

On 27th August, the subject was taken away by two men from the hotel foyer at about 11.15 p.m. in the presence of two of the hotel staff, W.102 and W.103. The matter was reported at the Central Police Station and Det. J.P. Kirundi (W.154) was detailed to investigate. The story in a nut-shell in the words of this witnesses is (p.149):

"When I inquired at the hotel, I was told that Mr. Ochola was accommodated in that hotel after he had returned from the Mexico Games, and that on the 27th of August, some two gentlemen dressed as civilians went to the hotel to look for him. He was not in the hotel at that time those two men went there. They waited for him until he returned. When he returned, they greeted him and told him to go out with them. Mr. Ochola refused, one of them produced a pistol and he was ordered out from the hotel. Where he was taken, nobody knew."

According to W.103, Ochola told the men that he would walk with them, but will not enter a car. The witness followed them outside, where he saw a cream Mercedes Benz car parked in South Street. He did not see its registration number clearly; he remembered the first letter 'U' and the figures as 480 or 840. He said that there was 'a little fight' near the car. Then one of the men drove away in the car very fast, and the other escorted Ochola away in the direction of the South Street Bus Park. He has not been seen or heard of since.

George William (W.104) is the subject's younger brother.

... called at the hotel to see him the following day, after receiving a telephone message about his arrival the previous day. It was then that he learnt of the incident. He mentioned some familiarity between his brother and a soldier athlete, Private ... He said that Luzira was unhappy at having lost to his brother at the All Africa Games in Lagos. He saw the National Coach, Mr. Odoke, after this incident. Odoke is alleged to have told him that nobody else except Luzira knew where the athletes were staying and that Luzira had offered to fetch some drinks for them from the barracks. This information seems to have confirmed his suspicions about Private Luzira, and he mentioned this much to Det. W.P. Birungi who, despite his efforts to trace him through the Ministry of Internal Affairs and the Secretary for Defence, failed to locate the soldier.

The subject's father - W.322 - received information of his disappearance from Ocit. He said that his son had a bank account which he has not tried to operate due to ignorance. He is now looking after Ochola's family.

On this evidence there is no doubt at all that the subject was kidnapped at pistol point from Hotel Equatoria on 27th August, 1972 by two unknown persons. We do not share Ocit's suspicion regarding Luzira's involvement in this kidnapping. Many seem to have seen Luzira in the hotel before this kidnapping. We think that it would be dangerous to rely on Ocit's unsupported allegations of a fellow athlete's inferiority to the subject's superiority and better prowess as a motive for this kidnapping and subsequent disappearance. In view of the nature of the kidnapping we feel that the possibility exists that Yvonne Ochola was disposed of unlawfully.

by his kidnapers, whose identity has not been established.

50. Subject No. 40 - CHRISTOPHER MUBIRA.

- Witnesses: 107 Edward Musisi - Part 1, p. 1056 - 1058.  
108 Paulo Sabuzungu  
- Part 1, p. 1058 - 1060.  
109 Dr. Stephen Bosa  
- Part 1, p. 1061 - 1065.  
121 No. 6749 Det/Cpl. Ploya  
- Part 2, p. 1247 - 1248.

Christopher Mubira was employed in the High Court since 1954 and, at the time of his disappearance, was the personal secretary of the Chief Justice of Uganda. He was married and had four children between the ages of 15 and 1.

was last seen on 30th January, 1974 by the High Court night watchman (W.108) when he opened the gate at 8.50 p.m. to let the subject in. He told the night watchman that he had come for his coat from his office. Soon after, the subject drove away from the High Court premises in his small Anglia car. He was not seen alive afterwards.

The subject did not reach home that night and the following morning his wife reported to the Chief Registrar, and the Senior Executive Officer, Mr. Musisi (W.107) was sent to report the disappearance at the Central Police Station. Musisi said that he was advised to check first with all the relatives and hospitals. This was done and, there being no news about the subject, W.107 again reported to the police in the afternoon.

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On 2nd February, 1974, Dr. Bona heard that the subject's body was lying in Nyanja river at mile 13, Mityana Road. He reported to P/O M. (17/11) (1974) of Mityana police post and the body was removed from the river and taken to the City Mortuary. The police officer forwarded the papers to Katwe for further investigation. Dr. Bona saw a bullet wound on the trunk of the body, the entry wound being on the right and the exit on the left. Dr. Kafaro performed the post mortem in the presence of Dr. Bona (who identified the body as that of his younger brother) and stated the cause of death as the gun shot wound. The body was buried at the subject's father's home.

The subject's widow, Anne, has applied to court for letters of administration.

There is no evidence about the subject's movements after leaving the High Court premises in his car on 30th January, 1974 at around 9 a.m. He was missing for about two days and his body found in the river, Nyanja. We are satisfied that Christopher Ndima died an unnatural death from a bullet wound but there is no evidence of his killer or the circumstances in which he was shot dead. In his case also we did not see any evidence about the investigations which might have been done by the police. As the car does not seem to have been recovered, in our view, the probability is that he was killed by 'kenios' who stole his car and murdered him in the course of the robbery.

60. Subject No. 41 - S.G. CAHELLO GIOMG.

11/1/74 : 11/1/74. S. Kasuku - Part 1, p. 1066 - 1077.

11/1/74 : 11/1/74. S. Kasuku - Part 1, p. 1090 - 1095.



The subject was an administrative officer in the Ministry of Provincial Administration. He had been transferred from the South West Nile District, Nebbi, where he had been acting District Commissioner, to Your Excellency's Office. We were told by the Senior Secretary, Mr. Kuzwaka (W.110) that this was a normal transfer due to the reorganisation within the Ministry and the shortage of staff.

According to the manager of the Kampala International Hotel, Winston Mubwa (W.69), the subject booked into his hotel on 9th January, 1974. He was last seen at the hotel by the manager on 14th January, 1974, and he reported to the manager five days later.

On 14th January, 1974 Mr. Kuzwaka wanted to check on some work which the subject had been assigned and he found him absent from his office. He waited for him till the afternoon when he learnt when the subject had not reported for duty that day. He then checked at the hotel and was told that there was no reply from his room. He sent an officer to the hotel the following day and the subject's room was found locked. Mr. Kuzwaka also contacted the District Commissioner, Lira, to check if the subject had gone home. The subject was not at home and, as a result of these enquiries, his wife came to Kampala. Mr. Kuzwaka reported the disappearance to the Ministry of Internal Affairs. Subsequently, the property of the subject was removed from his hotel room in the presence of his wife, a woman from the Ministry and a policeman. He has not been seen since.

Mr. Kuzwaka said that on one occasion he had to give some money to the District Commissioner to meet the school fees of his children. He said that he had been waiting for a police report for their disappearance for some time.

We are satisfied that Okello Olong was last seen at the hotel on 16th February, 1974 and has been missing since then. There is paucity of evidence of his movements, or what might have happened to him since that date. We are satisfied that he did not go home to Longweh, as he has been missing without trace for about a year, the probability is that he may not be alive.

61. Subject No. 12 - PAULO KAKOORA.

- 113. Daniel Kaura - Part 1, p. 1084 - 1089.
- 117. Yozefu K. Senendo - Part 2, p. 1219 - 1224.
- 130. Nyara Ndawaruka  
- Part 2, p. 1233 - 1246.
- 133. Yozefu Senendo  
- Part 2, p. 1277 - 1283.
- 147. Yozefu Senendo  
- Part 2, p. 1431 - 1437.
- 156. James Mwanje - Part 2, p. 1516 -

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The subject was a taxi operator and used to drive his own Peugeot 404, No. 89B 554. He used to live in Kitintale with his wife Nyara Ndawaruka (W.150).

At one time he had engaged Yozefu Senendo (W.133) as his driver. The driver worked for him for about three months and then Kakoora dismissed him, about a week before his disappearance. His wife alleged that after his dismissal, Senendo visited her secretly till about two days before her husband's disappearance and was saying, "As you have sent me away, God who gave me this work is going to pay." She mentioned this comment to her husband and he said it was a "minor threat", adding, "They will not use the use of his own car". Senendo explained that he was dismissed for being late when he took the car to a mechanic for repairs.

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He said also that he was being paid Shs. 10/- per day, whereas he was bringing in Shs. 120-150/- per day and yet his master insisted on nothing less than Shs. 200/-. He said that he was not bitter at his dismissal as this gave him time to nurse his sick father.

On Friday, 8th February, 1974, the subject told his wife at about 10 a.m. that he had been hired by one of Senendo's friends to take him to Luwero. She said that her husband went on this safari and never returned.

She reported his disappearance to the police on the following day and was asked to wait for seven days to see if he would come back. On her way back with Yowusu Kasekela (3.147), a senior clinical officer of Kisumu clinic, they met Senendo and another man near Nakawa bus stop stage. Both said that Senendo told his companion, "She is looking for her husband. Where will she find him," and they laughed. She did not ask him what he meant but sent for him the following day, Sunday, 10th February. She alleged that Senendo told her that he had seen her husband the previous day at 9 p.m. driving fast towards Luzira, and wondered how he could be missing. Later in her testimony she said that on the day she went to report her husband's disappearance, Senendo is alleged to have told her, "Your husband was killed and the body was found in Bombo in a forest and is now in Mulago. Why are you now searching for him."

Senendo denied these allegations against him. He admitted that he met her at Nakawa on 16th February, 1974, after his return from the funeral rites of his father and had only one thing to say about the comments attributed to him, which he said he had heard.

According to W.130 the body of her husband was found the following Saturday, nine days after his disappearance, from Kalulu forest at Bombo. She saw the body at the mortuary and it was subsequently buried.

On 21st February, 1974, James Musanje (W.156), who was living in Plot No. 9, Apollo Kagwa Road, saw a Peugeot 404 No. UUC 863 parked in his court-yard. He made enquiries about it from the other tenants and nobody seemed to know about it. After waiting for about an hour he reported the vehicle at Old Kampala Police Station. He was told to be patient and return later if it was not collected. The vehicle was not removed and he went back to the police the following day when his statement was recorded and he was asked to report again "in case of any trouble".

After the burial of the subject another taxi driver Yazidi Kizito (W.179) saw his friend's car at Musanje's home. He recognised it from certain dents and the glass which was missing from the front door. He looked at its registration number which was different. He reported at the Central Police Station and was directed to report at the Police Station where the initial report was made. After receiving W.130, he reported at Jinja Road Police Station. On 13th March, 1974, J.P. Kunga (W.113) saw the vehicle which W.130 claimed to be of her husband. The police officer found a service card attached to the front door on which was written the registration No. UUC 863 - Ex. 26. He made enquiries at the Registry of Motor Vehicles and found that the vehicle UUC 863, which was a Peugeot 404 Saloon, was registered in the name of J. P. Kunga, Sheriff of Fort Portal - Ex. 27. He also got the name of the motor vehicle UUC 854 - Ex. 28 - confirming

that it was a Renault bearing the same engine and chassis number as on the vehicle. The vehicle was then towed away and later handed over to W. 130.

The subject's wife admitted that she made two statements to the police. She maintained that she mentioned to the police officer recording her statement the threat made by their former driver and also his remark about the body being in a forest at Bombo. Her statement was put to her and particularly the following portion:

"I therefore suspect him, that is my husband, to have been murdered by the people who hired him. I called the former driver on the 10th of February, to ask him whether he knew the people who hired my husband as my husband said that the person he was going to take was a friend of his former driver. The former driver replied that he had known so many friends, so he did not know who took him, but he added that some children at theirs saw the husband driving his vehicle at a terrific speed and they said this when Matovu of Mutunza village and they came together. The children saw him at 21 hours on 8th but he did not mention the names of children as we were just talking. That is all."

She admitted that she had made no mention about the incriminatory remarks made by the former driver, adding "But I mentioned the dates."

The evidence of AIP Kanza is also relevant on this point. Under-cross examination he said that W.130 told him that her husband had said that "Some unknown people" had hired him to take them "somewhere".

It was satisfied that Paulo Kakeeza disappeared on Friday, 8th February, 1974. His car was later abandoned at the home of Mwanje on 11th February, 1974 with false number plates.

It was suspected that their former driver, Senendo, to be involved in her husband's disappearance due to the alleged threats he made after his dismissal and his comments subsequent to the subject's disappearance.

The question, of course, is one of credibility. She made a statement to the police soon after her husband's disappearance and it is obvious from the relevant portion, as quoted above, that she did not even bother to ask Senende or the alleged comments. She did not even bother to ask Senende when he said the first remark about what he meant by it and when she called him the following day she seems to have attributed to him seeing her husband driving towards Luzira the previous evening. In her police statement she said that Senende said to her what some children had told him about it. These inconsistencies in her evidence and the police statement make her an unreliable witness and we are unable to place any credence on her evidence in so far as it implicates their former driver, Senende. From the evidence of AIP Kanga, we are satisfied that she told him that her husband had been hired by some unknown persons. We therefore find that the subject was hired by some unknown people to take them to an unknown destination and was murdered by those people. The fact that his vehicle was abandoned with false number plates is an indication, in our view, of the vehicle having been hijacked by some criminals, possibly kandos, for use in their criminal activities.

62. Subject No. 43 - ANN. KAKHI.

- Witnesses: 114 Mary Skurut - Part 1, p.1093 - 1110.  
117 Haji Halil Gebukoba  
- Part 1, p.1120 - 1126.  
128 Ephraim Busingo - Part 2, p.1225 - 1227.  
129 Grace Apio - Part 2, p.1227 - 1233.

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Ann Kahi used to live in Malunya village, Rubara. She

The question, of course, is one of credibility. She made a statement to the police soon after her husband's disappearance and it is obvious from the relevant portion, as quoted above, that she did not even bother to ask Senende or the alleged comments. She did not even bother to ask Senende when he made the first remark about what he meant by it and when she called him the following day she seems to have attributed to him seeing her husband driving towards Luzira the previous evening. In her police statement she said that Senende said to her what some children had told him about it. These inconsistencies in her evidence and the police statement make her an unreliable witness and we are unable to place any credence on her evidence in so far as it implicates their former driver, Senende. From the evidence of AIP Kanga, we are satisfied that she told him that her husband had been hired by some unknown persons. We therefore find that the subject was hired by some unknown people to take them to an unknown destination and was murdered by those people. The fact that his vehicle was abandoned with false number plates is an indication, in our view, of the vehicle having been hijacked by some criminals, possibly kondas, for use in their criminal activities.

62.

Subject No. 43 - ANNA KAMFI.

Witnesses: 114 Mary Akurut - Part 1, p.1093 - 1110.  
117 Haji Habib Gebukoba  
- Part 1, p.1120 - 1126.  
128 Ephraim Businge - Part 2, p.1225 - 1227.  
129 Grace Apio - Part 2, p.1227 - 1233.

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Anna Kamfi used to live in Nabunya village, Rubaga. She

was a landlady and was an Atesot. She was living with her husband, Bicolo, who was a musician in Maliro band. Mary Akurut (C.114), who comes from the same village as Anna, used to stay with her.

Anna used to have a four door Vauxhall-Viva car, No. UY. 674, which she bought from the Uganda Vehicles Finance Company Ltd.

Anna was involved in a traffic accident some time before her disappearance; she knocked down a child who was taken to hospital. Mary Akurut alleged that later a Mukiga traffic policeman demanded a bribe of Shs. 600/- or Shs. 700/- to drop the traffic charge which had been brought against Anna. According to this witness, Anna paid the bribe and later the matter reached the CID and the policeman was arrested about two weeks before her disappearance, for corruption. He was taken to Mbaruru but was released and suspended from duty. The witness said that one week before the disappearance, Anna told her that she had met the policeman who had asked her to forgive him. Anna was alleged to have told him that she would go on with the case. Mary Akurut said that when they were coming out of the CID Headquarters after making their statements they met the same policeman who told Anna, "If I am chased away from my job do you think you will stay here in Kampala?" Anna's reply to this was, "It does not matter even if you kill me. I want to go ahead with the case."

According to Mary Akurut, Anna and Bicolo went to the pictures on Tuesday, 7th August, 1973. The following day Bicolo told Akurut and another woman called Grace Apio (C.129) that after leaving the Odeon cinema at about 11 p.m. they went to Matinda Patrol Station where six people travelled in a Fiat car and asked them, Kumi for the keys.



of her car. They also ordered her to get into their car. Bigolo tried to resist and when he told those people that he was working with the Malira Band they asked him to go away "as they only wanted Anna Kampi." They threatened to put him in the boot of the car if he did not go away. Bigolo told the woman that one of those people had a pistol. He ran away leaving Anna at their mercy. Both women said that later Bigolo told them that he had seen one of those kidnapers at Malira and had arrested him and handed him in at Makindye.

On 9th August, 1973, at about 9 a.m. Haji Habib Gebukoba (E.117) was driving from Buzola when he met four hunters on the road in Najembe forest. The hunters were running in different directions and two of them asked him for a lift saying that they had seen some bodies in the forest. E. 117 went with them for about 70 ft and saw two female bodies tied to trees. He reported at Buikwe Police Station and the bodies were removed. Mary Akurut saw the body of Anna Kampi at Kawolo hospital. She had a wound on the forehead and some marks of a rope on her body. The body was subsequently buried.

Mary Akurut said that she met the same traffic policeman after the burial of Anna Kampi and told her that some Iteso people suspected him of having killed the late Anna Kampi. He offered her Shs. 50/- out of pity for losing her sister. He again asked her if she was going on with the corruption case and she told him that it would be impossible as the main witness was dead.

Bigolo was not traced to give evidence about the incident in which Anna Kampi was kidnaped. We have only the evidence of the two ladies about his account of the incident.

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There is also the evidence about the alleged arrest by Bigolo of one of the alleged kidnapers but there is no direct evidence to support such an allegation. It is not possible for us to say whether Bigolo who, we are satisfied is a real person, did in fact arrest one of the kidnapers from Malire. Had Bigolo been found and had the records of Makindye been available, it would have been possible to make such a finding. There is also the evidence about the Mukiga traffic policeman who is alleged to have been charged with corruption arising out of the traffic accident in which Anna Kampi was involved. We should have thought that tracing this policeman would not have been difficult nor would it have been impossible to get evidence about the traffic case and the CID investigations into the allegations of corruption. Our counsel seems to have been unable to get any such evidence, otherwise it would have been produced. What strikes us most is that, although the policeman had made his threats to Anna Kampi in the presence of Mary Akurut in such clear terms, neither seems to have reported him to the police. In the circumstances, it is difficult for us to say whether the Mukiga policeman is in any way implicated in this disappearance. On the other hand, if the evidence of Mary Akurut is true it would raise strong suspicion against the Mukiga policeman for his implication in Anna Kampi's disappearance. As it is we find that Anna Kampi was kidnapped on the night of 7th August, 1973 by six armed men and her body, together with that of another woman, was found in Njembu forest on 9th August, 1973. Her car has not been traced. This factor taken together with the finding of the two bodies in the forest tied to trees would seem to indicate that she may have been kidnapped by kondon who murdered her to eliminate any possibility of identification.

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63. Subject No. 44 - Det. AIP MARGARET MATAMA.

Witnesses: 155 Supt. Simon D. Obonyo - Part 1, p. 1111 - 1114.  
416 Evasta Ndagano - Part 5, p. 4317 - 4328.  
485 Insp. George William Obita  
- Part 6, p. 5451 - 5468.  
508 Ali Toweli - Part(6, p. 6068 - 6122.  
(7, p. 6491 - 6515.

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The subject was a detective Assistant Inspector of Police, with a service of twelve years. She was attached to the Interpol section of the CID, and was concerned with the investigation of cases from outside Uganda. She was unmarried and used to live in Katego road. She had one son, now aged about seven, from a boy friend, Inspector George William Obita (W.485). Obita said that their relations became strained when Matama took his boss, Ongom, for her boy friend, and this led to his transfer to Masindi in July, 1970. He returned to Kampala in June, 1973 and was living in a house, about 100 yards beyond Matama's.

The subject's younger sister Mary Kirungi is married to the Head of the Public Safety Unit - PSU - Ali Toweli (W.508). According to the girl's mother, Evasta Ndagano (W.416) they had separated about two months before this incident, and Obita said that at a meeting held at Toweli's house on 24th August, 1973 he is alleged to have said that he had 'suspended' his wife Mary for two months!

4. 416 was living with Matama. She said that of Matama's three months leave, part of which she had spent in Nairobi, only a week was left, by August, 1973.

On 21st August, 1973, at about lunch time, Matama received a telephone call and a few minutes later, the men arrived in a yellow car.

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One called out for her from the gate and Matama went out to see them. W. 416 said that she heard high voices. At about this time, Obita was on his way home for lunch. He mentioned the time as 1.45 p.m. He saw Matama standing by a yellow Mazda 1600 car bearing the registration letters 'UG'; he did not notice its figures. Matama was talking to its occupants who were in civilian clothes. He drove past them and from the 'peaceful scene' which he saw, he got the impression that it was a staff car which had come to collect Matama for duty as usual.

The mother, however, saw a violent scene. Her attention was drawn by the pitched voices. She saw her daughter being pulled towards the car. She heard Matama asking them to let her dress up and inform her mother. Then Matama was slapped and bundled into the car. The old lady said that her daughter was raising an alarm, but the people in the neighbourhood were scared to go to her assistance, being content with only peeping out through the windows. The car then drove away with Matama inside.

The old lady then ran to Obita's home and reported to him. At her request, he took her to Ali Toweli's office in Parliamentary Buildings.

Ali Toweli did not know about this kidnapping and promised to look for Matama. He saw W. 416 again that evening and is that, although they were trying to trace her, if she was not found by the evening, she should be taken as missing.

On 24th August, according to Obita, Ali Toweli collected all of them at his home at about 11 p.m. Statements were recorded and Ali Toweli is alleged to have warned Obita to keep away from the old lady and his son during the

investigations/ ...../167.

investigations. Obita said that it appeared as if Toweli suspected him. All this was denied by Toweli who said of Obita, "He cannot speak the truth." He explained further that Obita had been trying to remove his son from the custody of the old lady, which was being resisted. According to Toweli, his mother-in-law did not know the number of the car which took her daughter away, and it was only later that Obita came out with the description of the car.

Obita said that he had since seen four such Mazdas - UG 1331; (2) UG 1332 and UG 1334); the fourth is a 'UVD' attached to the PSU. On 24th August, 1973, the Director of CID of the time, Mr. Seruwari instructed Supt. O'onyo (W.115) to ask Kira Road Police Station to open a file in connection with Matama's disappearance and to investigate it. The investigations were fruitless, and Matama was never traced.

Later in September, the old lady was transported with all their belongings to her home in Toro District.

We find that Det. MF Margaret Matama was kidnapped from her home on 21st August, 1973, by three unknown men. Obita's evidence regarding his observations as he drove past Matama's home were to some extent corroborated by the old lady. We are quite unable to subscribe to Toweli's comment about Obita's inability to speak the truth. We find that Matama was taken in a yellow Mazda 1600 car, bearing the registration letters 'UG'. The identity of this vehicle is obvious, in that these registration letters are applied only to government vehicles. We do not have any evidence to either pin-point the particular department of the government to which it belonged or express any views on the identity of those three men in it. We appreciate the notorious fact that mis-use of government vehicles

is a feature far too common, which would militate against any finding of government involvement in her kidnapping without evidence of the department to which it belonged. We find it probable, in view of the nature of the kidnapping and her disappearance without any trace, that she was disposed of unlawfully by her kidnapers.

64. Subject No. 45 - DR. EDWARD KIZITO KIZITO.

Witness : 116 Elusamu Nisu Okwir - Part 1, p. 1114 - 1119.  
120 Mary Nakaiza Kizito - Part 2, p. 1148 - 1158.  
121 Elizabeth Kayondo - Part 2, p. 1158 - 1167.  
126 Israel Onziga - Part 2, p. 1203 - 1218.

Dr. Kizito was a dental surgeon at Mulago Hospital. He also had a surgery in the city. He was married to Mary Nakaiza (W.120), who is a nursing sister and they have four children between the ages of seven and one.

At the time the Asians were leaving Uganda, Dr. Kizito bought a Ford Anglia car - UH2 563 - from an Asian teacher of Old Kampala. W. 120 did not know if her husband had registered the transfer of ownership of this vehicle into his name but from the duplicate copy of the registration card - EX.29 - it is apparent that the transfer was not registered.

On 2nd March, 1973 Dr. Kizito took his wife to Mulago for night duty at about 8.30 p.m. After dropping her he then drove away in his car. At around 9.30 p.m., Dr. Kizito was taken to the Central Police Station by a person in civilian clothes who introduced himself to the duty officer, AIP Onziga (7.126), as a security officer. The man asked this police officer to keep

him till he returned for him for some inquiries. The police officer had been at the Central Police Station for about a week. He asked the man for his particulars, whereupon the man is alleged to have told him that his instructions should be complied with. The man also alleged that the police were not performing their duties properly. The police officer said that these words frightened him. The man is further alleged to have said "If you are new in the place ask your friend. This is not the first time people have been detained at Central Police Station." The man then went away.

The police officer asked the doctor what the matter was. The doctor told him that he was returning from a film when he was overtaken, pulled out of his car and taken to the police station because there was "an enquiry" against him.

Within three minutes of the doctor's arrival, a girl came in and went straight to the doctor. The police officer said that he knew her father who was a retired officer by the name of Kayondo. Elizabeth Kayondo (W. 121) gave evidence but, although she admitted going to the police station, she denied seeing the doctor there. She said that she went to the police station at about 7.30 p.m. to ring her aunt to send her transport but was instead detained there for wearing a dress which was alleged by a policeman to be a miridress. She said that she was later put in a room with some other ladies and denied having seen the doctor at the police station till her release early next morning.

According to the police officer the same man returned with another person, also claiming to be a security officer, some twenty minutes later. The doctor was then pulled out to a car and driven away. The police officer said that he let

the doctor be taken by these men because "he was not in any case with us at all in the station." But he made an entry in the station diary No. 103 (Ex.30) in the following terms:

"A man by the name Edward Kizito who claims to be a doctor in Mulago was taken away by the occupants of motor vehicle UUV 155, Peugeot Estate."

The doctor has not been seen or heard of since.

Mrs. Kizito was told of this incident by a stranger, who claimed to be the doctor's patient. She reported to her soldier brother-in-law, Ebrahim Kizito, at Mhuya. They enquired at the Central Police Station but were given no information. She returned to the police station the following day and was told by some men in plain clothes that there had been a fight, and the doctor taken by a "certain gentleman." The police asked her to wait for some days. Few days later she saw the Ford Anglia at the Central Police Station with a paper stuck on its windscreen.

On 21st May, 1973, Detective Inspector Okwir (W. 116) bought the same Anglia at the Government Auction, which was held at Naguru to sell cars abandoned by the departed Asians, for Shs. 200/-. He was given a receipt on which the lot number is stated as 0104. It was on the strength of this receipt that he was issued with a duplicate registration and of the vehicle.

It seems quite clear that Dr. Kizito was in fact handed in at the Central Police Station to W. 126 on 2nd March, 1973, at about 9 p.m. Although this police officer acted in a manner which is quite improper, we have no hesitation in saying that he did so out of fear of the man who claimed to be a security officer. It is also clear that the doctor was later collected by the same person and another man twenty minutes later in a



Peugeot Estate car No. UUV 155, never to be seen again. We also find that the young girl, Elizabeth Kayondo, did go to the police station immediately after the arrival of the doctor. We find no reason why the police officer should say so if she did not go and sit with the doctor. He knew her father as a former policeman and could have had no motive of telling lies against her. He also denied that any woman was arrested for wearing a mini that evening and was emphatic that had this been so proper entries would have been made in the police record. We accept his evidence and find that Elizabeth Kayondo was with the doctor till he was taken away from the police station. It is quite obvious that she denied this evidence for fear of being implicated, and it seems possible that she may have been with the doctor when he was arrested.

As the identity of those two men is not known, we are unable to say who they were or what they did with the doctor. As he has been missing since 2nd March, 1973 and has not been heard of since, the probability is that he has been disposed of unlawfully by the people who took him. Unfortunately, our <sup>to have</sup> counsel seems/overlooked to investigate the particulars of ownership of the vehicle involved in taking the subject away from the Police Station.

65. Subject No. 46 - CHARLES SERUKKERA.

Witnesses: 118 Aloysius Makumbi - Part 2, p. 1127 - 1139.  
123 Fred Segujja - Part 2, p. 1174 - 1189.  
139 SIP Abel J.O. Otim- Part 2, p. 1332 - 1342

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Charles...../172.

Charles Serukeera had a bar in Bwaise called the Basasa Night Club. He was married, and had some children. His family lives at Kiti village, off Bombo Road.

He was the guardian of Aloysius Makumbi (W.118), who used to work in Bwaise Market. The other witness, Fred Segujja (W.123), is the subject's cousin.

On 9th January, 1973 these two witnesses were with the subject in his office at the night club. Segujja was sent out to fetch a fan. The account of what happened is given by Makumbi as follows - (p. 1129) ;

"We were sitting at the same table, he was on the left side and I was on the other side and two men who were strange came in, I had never seen them before. One stayed at the door way and one entered, he asked him whether he was Charles Serukeera and he answered yes. He told him that "come outside and I tell you something." The deceased asked that should my son also be around while you are telling me this and that man replied that it was not necessary for the son to go with us. At that time they went outside without telling him where they were going. They left me in the office and went outside through the corridor. After about twenty minutes and after I had finished the drink I had, I started wondering and questioning myself where my father was. Later Segujja came and asked where my father was and I told him that two people had come for him and he has gone out with them, I can go out and check whether he is around. Segujja went into the bar and looked for him, he could not see him. Segujja later came back and told me that he is not any where to be seen; so, we went outside to look for him and some people told us that he was with two men outside and they had told him to enter a car. At the time they were entering the car we were not there, we were told by the eye witnesses who saw them and they said there wasn't any struggle, he only entered and they drove off."

Makumbi said that a nightwatchman, whose name was given by Segujja as Bumbakali Asega and whose whereabouts were not known, had given him a description of the car which took the subject away. It was said to be a Peugeot 504, No. UUM 896. The matter was then reported to the police. According to

Ex. 152.

this number belongs to a Toyota Corolla registered as the property of Uganda Socks Manufacturing Company Ltd., P.O. Box 3445, Kampala.

Segujja said that when he returned to the bar with the fan he did not find Serukeera in the office and Makumbi told him that he did not know where he was. He said that Makumbi sent him to look for him and later told that he had been taken by a car. He continued to say that some people who were outside the bar told him that three cars had been involved in this kidnapping. Certain portions of the statement he made to the police on the same night suggesting that he had not only been present when those two men came in but also had witnessed the subject being taken away by them in a car, were put to him. He denied being present or witnessing the taking away of his cousin and explained that he mentioned the incident in that form "in collaboration with Makumbi as both of us are one." He denied further suggestions that the removal of Serukeera meant more money for him and greater control of the bar. He said that the bar is now being managed by Nampera who is said to be a niece of Serukeera.

On 18th January, 1973 Fred Segujja reported to AIP Otim (W. 139) of Mukono police post that Serukeera's body had been found at Kivuvu sugar estate. He accompanied Segujja, the subject's wife and another man to the scene which was in one of the plantations. He saw a decomposing body which was identified by Segujja and the lady as that of Serukeera. The police officer saw six stab wounds in the back and other cuts on the lower jaw and on the side of the head. The hands of the deceased were tied with a rope. After the post mortem the body was handed to the relatives for burial.

Under/...../174.

Under further examination the police officer said that Segujja had reported that the deceased was counting money in his office when certain people forced him into the boot of a BMW car and took him away.

We are satisfied that Charles Serukeera was taken away from his night club on the night of 9th January, 1973 by two unknown men. We are also satisfied that his body was subsequently found on 18th January, 1973 in Kivuvu sugar estate. We do not think that there is any evidence which might implicate either Makumbi or Segujja in the murder of Serukeera. Neither the deceased's wife nor any other member of his family gave evidence and, relying on the evidence of Makumbi, it is plain that the two men who carried the deceased away in a vehicle using false number plates must be the people who murdered him. Their identity is not known nor is there any evidence to suggest any motive for his killing.

66. Subject No. 47 - SWAIBU KIVUMA.

Witness: 119 Deborah Nantongo - Part 2, p. 1140-1148.

The subject was employed as a special taxi driver and used to live at Natete. He was married to Deborah Nantongo (W. 119) and they have five children, including twins, who were born after the subject's disappearance.

The subject had two friends called Godfrey Kiwanuka and Nyanzi. According to W. 119 her husband used to tell her of some conflicts between them which she described as springing from jealousy as her husband was making more money. She said that one day Godfrey Kiwanuka went to her and said, "I am praying for your husband." She also mentioned another incident where Godfrey Kiwanuka owed her husband some money.

As a result of his report at Natete Police Station, Kiwanuka was arrested and detained. Later when released, Kiwanuka accused the policeman who arrested him. W.119 also referred to another incident which was narrated to her by Kiwanuka's wife that Kiwanuka had tried to get some people from Naguru to come for the subject.

W. 119 mentioned a court case in which her husband was a witness against his two friends. Speaking of the background to that case she said at p.1146:

"....one time my husband told a certain man that I have got two young men who can get you Kenya currency. And when my husband took this man to Kiwanuka and Nyanzi they ran away and left him there after which my husband was arrested. This man was telling my husband that you are the one responsible and you brought these two young gentlemen to me and so took my money. And this case was coming in court on the 24th and that is when my husband was going to give evidence against these two people; and that is the day when he disappeared."

She went on to say that during the pendency of the case Kiwanuka once said to her:

"Your husband has given evidence against me. O.K., we shall see who is better in pleading."

On 24th May, 1974, the day on which the subject was supposed to have gone to court, he told his wife that he was going with his two friends, Kiwanuka and Nyanzi, to Luwero. This surprised her and she advised him against accepting this fare but he persisted in taking them as his taxi had been hired. The subject did not tell her any other reason for this journey.

The subject did not return home and has been missing since then.

The following day, Kiwanuka came to enquire about her husband. She told him what her husband had said to her about taking him and Nyanzi, whereupon Kiwanuka denied going with him and said that the subject had misled her.

She / . / 76.

She made enquiries at the Central Police Station and was sent to Natete Police. She also went to Kibuye Police but there was no news or information about her husband. She said that she had been told by some people who used to see the two men who were saying "let his wife do something else but we finished him" (p.1142). She was unable to mention any of such people by name.

She has not seen either Kiwanuka or Nyanzi since this incident. According to her Nyanzi is supposed to be in Nairobi.

There is no direct evidence from any person who might have seen the subject in the company of Kiwanuka and Nyanzi on 24th May, 1974. Likewise, there is no evidence to substantiate the conflict about which her husband is alleged to have told her, neither is there any evidence to support the allegation that the subject was a main witness in the criminal case against those two men. Her evidence that he was going to testify against those two men the same day is contradicted by herself when she said that her husband instead went on safari that day. Her evidence about what people told her regarding the claim of those two men as having finished the subject is suspicious and it would be wrong to place any reliance on it. We find that the evidence is almost negligible in this case. We can only say that the subject disappeared on 24th May, 1974 after leaving his home in Natete and has not been seen or heard of since. There is no evidence of what happened to the vehicle which he used to drive and if that too disappeared, then it would be reasonable to speculate that their disappearance may have been due to 'kondos'. In all the circumstances, we think that the probability is that he was unlawfully disposed of by some unknown people.

67. Subject No. 48 - P.C. AREMU

68. Subject No. 49 - P.C. RUTENGA.

Witness: 122 Station Sergeant Joseph Olupot

- Part 2, p. 1167 - 1174.

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Both subjects were policemen with the Railway Police, Kampala. P.C. Aremu used to stay at the barracks and P.C. Rutenga had been transferred to Tororo. The witness said that both were friends.

P.C. Aremu was engaged in investigating theft of goods at the goods shed during off-loading from railway wagons.

The witness was responsible for preparing the duty roster of various policemen. He recalled making such a roster in early October, 1972, which included P.C. Aremu.

On 19th October, 1972, the witness saw P.C. Aremu leaving the barracks in the morning and assumed that he was going on duty at the Railway Station, about ¼ mile away. At about 5 p.m. that day P.C. Aremu's wife went to him and enquired about her husband who had not been home since morning. His enquiries revealed that Aremu had not reported for duty that day. Later the O.C. Railway Police arranged for the transport of Aremu's family to their home in Lango.

Regarding Rutenga, the witness said that he came to Kampala for his salary and never returned to Tororo.

The evidence is very sketchy. Nobody from the homes of these two policemen gave evidence. From the evidence of the only witness, it seems that P.C. Aremu disappeared on 19th October, 1972 and has not been seen or heard of since. He was then engaged in investigating thefts at the goods shed and,

although the witness said that none of his investigators had ever been threatened or molested, it is reasonable to infer that he might have made some enemies during the course of his duties. As he has been missing since October 1972, and has not been heard of since, the probability is that he was unlawfully disposed of by unknown people.

Regarding Rutenga, there is no evidence at all upon which we can reach any conclusion. The witness was unable to say specifically whether Rutenga returned to Tororo or left the country and went elsewhere. As such we are unable to make any finding in his respect.

69.

Subject No. 50 - DAVID OCHAYA.

Witnesses: 125 Harriet Ochaya - Part 2, p. 1196 - 1201.  
132 Sarafino Okot - Part 2, p. 1249 - 1269.  
135 Venancious Okoya  
- Part 2, p. 1293 - 1298.  
166 Vincent Kitara - Part 2, p. 1006 - 1610.  
372 Judy Atim - Part 4, p. 3795 - 3820.

He was the Deputy Secretary of the Lint Marketing Board and was married to Harriet Ochaya (W.125), aged 21 and working for the Bank of Uganda.

On 2nd January, 1973, the subject picked his wife from the bank for lunch in his dark blue Fiat car, Registration No. UVE 931, and drove towards their home along Jinja Road. Near the 2nd roundabout, a BMW car overtook them and stopped in front of them blocking their way. David Ochaya stopped and got out of the car. There were two men in the BMW and they asked him for his car keys. Two of them in civilian clothes came out and pulled him into the



BMW. They drove away with him towards Wampewo Avenue. Harriet also came out of the Fiat and started running along the road following the BMW. The third man drove away in Ochaya's car.

According to ex. 151, no change of ownership seems to have been registered on the Central Registry so far. Harriet saw the BMW stop at the petrol station in Wampewo Avenue. She reported the incident to a policeman who was on traffic duty at the roundabout. He stopped a police patrol car and passed on the report to the policemen in it. The police car went up to the petrol station and Harriet, who was then approaching the petrol station, saw the policemen talking to the men in the BMW. She saw the police car coming back and it stopped near her; she did not hear what the policemen told her as a crowd had already started gathering. She then went to the Lint Marketing Board and reported to the Chairman who took her to the Central Police Station via the Public Safety Unit, Naguru. She said that she has not seen her husband or the Fiat car since then.

Sarafino Okot (W.132), the Chief Security Guard of Transocean Ltd., is the subject's uncle. He received information about the incident at about 2 p.m. He went to the Central Police Station and Naguru but failed to find any information about his nephew. He saw Harriet who told him that she had not been able to note the BMW's Registration number. Harriet said that later Okot gave her the number of the BMW as UUV 520, but Okot denied doing so. He alleged that Ochaya's sister, Judy Atim, (7.372) had given it to him at a party at the house of one called Mr. Orach. Judy Atim admitted that she was at the house of Mr. Orach where she saw Okot, but denied giving him the BMW's number. She said that nobody mentioned the car number at all, and added that the only person who could have given her the car

number/. ...../180.

number was Harriet and she had not noted it. According to Ex.152, the number UUV 520 belongs to a volkswagen of the President's Office, P.O. Box 7168, Kampala.

Okot mentioned two other eye witnesses to this kidnapping. The first Venacious Okoya (J.135) is a Det/Asst/Insp. of the Special Branch and is married to Okot's distant clan sister. Okot alleged that he met Okoya the following day at Drapers when the latter told him that he had witnessed Ochaya being overpowered by four men and taken towards Kololo airstrip, when he was driving home for lunch. Okoya said that he was stopped by Okot near Drapers and told about the kidnapping of Ochaya by unknown people. He denied witnessing the incident himself. The second person mentioned by Okoya is Vincent Kitara (W.166) who was working for Gailey and Roberts Ltd. near the scene of this incident. Okot alleged that he went to Kitara's home the same evening when Kitara told him that he had seen this incident. Kitara, however, denied this allegation and maintained that he had called Okot into his house for a cup of tea at breakfast time.

Okot made no secret of his feelings against Harriet. He suspected her of being responsible for Ochaya's kidnapping and disappearance and gave two reasons. He said that on 1st January, 1973 he had spent the night with Ochaya, and at about 11 p.m. had seen Ochaya and Harriet quarrelling, the quarrel being about her abortion. He said that Ochaya assaulted her and she said to him, "Ochaya David has assaulted me, he will see what will happen within two days." Okot said that she went on to threaten that "She will use her brother who is in the Army and another brother who is a businessman to get hold of David." He said that on 2nd January, 1973 he was told by Ochaya's messenger, after this incident, that Harriet's brother Ongom, who

The businessman, had gone to his office with four people wanting to see Ochaya. He said that he saw the visitors' form bearing Ongom's name on it and the messenger told him about the other four people. He said that he tried to look for Ongom with some Army intelligence men and the police but found that he had already gone back to his home in Lango.

On 4th January, 1973, Okot wrote to the Central Registry of Motor Vehicles (Ex.31) asking the officer-in-charge "Not to bow down to any intimidation" from any person who may attempt to change the registration number of Ochaya's Fiat and to report any such persons to the police.

We are satisfied that David Ochaya was kidnapped on 2nd January, 1973 in the manner narrated by his wife Harriet. He has been missing since then. With regard to the evidence of Okot, we would like to say that we found him very loquacious with a very fertile imagination. He was contradicted by the two men who he alleged had witnessed the incident. We are satisfied that neither of them saw the kidnapping. There is also the contradiction regarding the registration number of the BMW, and we are satisfied that there was no possibility of Judy Atim giving it to Okot. His evidence about the threats allegedly made by Harriet on New Year day, also looks extremely suspicious when contrasted with the evidence of Judy Atim who spoke of happy relations between the two and also about the contemplated marriage between them. We are in agreement with Okoya, who has known Okot for a long time, that he is not reliable. In addition to this, we would say that there was no evidence at all to show how and from where the number HWV 520 was obtained or how it found its way to Okot. Although we have seen cases where vehicles have been displaying false number plates we are unable to say the

same about the BMW as we do not know who actually noted down its registration number. None of the witnesses who appeared before us claimed to have seen the registration number of the BMW. As such, we cannot say if at the time of the incident, the BMW was displaying such a false number.

In view of the nature of the kidrapping and the fact that Ochaya has not been seen or heard of since 2nd January, 1973, we find that the probability is that he has been disposed of unlawfully by his unknown kidnappers.

70. Subject No. 51 - WALTER KUNGU KARUMBA.

Witnesses: 117 Haji Habib Gabukoba - Part 2, p. 1298 - 1301.  
137 Mrs. Susan Wamaida - Part 2, p. 1317 - 1331.  
140 Jane Nambi - Part 2, p. 1443 - 1349.  
143 Margaret Katende - Part 2, p. 1384 - 1396.  
144 Det. AIP S. Ekeyu - Part 2, p. 1396 - 1401.  
145 No.1595 Det/Cpl.G. Nyongesa  
- Part 2, p. 1401 - 1407.  
146 G.P. Kyambadde - Part 2, p. 1408 - 1430.  
433 Dr. Wilson K. Kisubi- Part 5, p. 4576 - 4578.

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The subject was a Kikuyu from Kerya. He was a trader in clothes and also a landlord.

He seems to have come to Jinja in May, 1974 and there is ample evidence, which is not denied by the witnesses concerned, that on 26th May, 1974, he went to the shop of Mrs. Katende (W.143), where another commission agent Graceford Patrick Kyambadde (W.146) of Mukono Quick Service, bought some items of clothes worth Shs.5,200/- from two Kikuyu ladies who were acting on behalf of

the old man. It is also not in dispute that Kyambadde took one order leaf No. 405 (Ex.32) from an order book belonging to Mrs. Katende which he signed in the space provided as "For M. Katende and Sons". He promised to pay the amount to the Kikuyu ladies the following day. Kyambadde said that the shop assistant, Margaret Kagoro, asked him to leave a dozen shirts worth Shs. 720/- for Mrs. Katende's shop.

The following day he returned to the shop wanting to tell the two Kikuyu ladies that he did not have the money. This time he affixed his rubber stamp on to Ex.32 and, after going back to Kawolo, managed to return with Shs. 1,000/- which he paid over and also entered it on Ex. 32. He promised to settle the balance two days later. He said that he fell sick and did not go to Jinja as he had promised. Meantime the Kikuyu ladies kept on pestering Mrs. Katende about the money and, according to Jane Nambi (W.140), a seamstress who sits in Mrs. Katende's shop, they had sent a message to Kyambadde through his brother about this matter. It seems that things dragged on till June, 1974 and on 11th June, the subject came to Jinja in his Datsun pick-up, No. KPD 304, and stayed at Munaba Lodge. According to W. 137 the subject came to Jinja for collection of his money and also to have his vehicle registered in Uganda so that he could sell it.

On 14th June, the old man saw Detective AIP Ekoyu (W.144) and asked for his assistance to recover the balance of a 4,220 due to him under Ex. 32. Ekoyu asked him to return the following day at 9 a.m.

On Saturday 15th June, the old man, his son Karanja and W. 137 went to the Police Station to see Ekoyu, who was not in. They proceeded to Mrs. Katende's shop and the old man demanded his money and also informed her that he had already reported the

matter to the police. According to W. 137, Mrs. Katende is alleged to have exclaimed, "Report me to the police" and laughed. The old man then returned to the police station leaving W. 137 in the shop. This time Cpl. Nyongesa (W.145) saw him. Ekoyu was still not in and the old man again returned to Mrs. Katende's shop. W. 137 said that during the old man's absence, Mrs. Katende rang up somebody. The man she wanted was not in and she left her number to ring her later. Mrs. Katende's evidence on this point is that she had tried to speak to someone at Jinja printery. W. 137 again tried to persuade Mrs. Katende to talk to the old man but she refused saying that she will speak only in the presence of the police.

The old man then left with his companions to buy some milk. He left the other two at the dairy and went back to the police station, about 1½ miles away. The time then was about 11.30 a.m. He never came back.

On the same day Jane Nambi got to Mrs. Katende's shop at about 12.30 p.m. She said that after lunch she received a telephone call from Kyambadde during Mrs. Katende's absence saying that he was sick at his brother's house and asked her to tell the Kikuyu to be patient, Mrs. Katende stated that she left her shop that day for lunch at a nearby hotel at about 1.00 p.m. and returned soon after lunch. She denied being told by her shop assistant about Kyambadde's telephone call.

Kyambadde said that he did not go to Jinja on Saturday. He maintained that he was in Jinja the previous day, Friday, 14th June, and said that it was on Friday that he rang up Mrs. Katende's shop from his brother's home to say that he was sick and could not settle the balance with the Kikuyus that day. He was confronted with his statement dated 21st

June, 1974, in which he is recorded as having said that on 15th June, 1974, he arrived in Jinja at about 1.00 p.m. with half the balance. He admitted saying this but explained that he did not then know whether Friday was the 15th or another date. He maintained that he made that statement not at the police station as is indicated on it, but at Gadaffi Barracks, Jinja where Nyongesa had recorded it, after he had been tortured by the soldiers. He said that he was then taken to Naguru and on 3rd July, he made an additional statement at Impala house correcting the date when he had gone to Jinja. He was subsequently released on 11th July, and told to try to get some useful information about the missing Kikuyu.

Mrs. Katende said that she was also taken to the police station on 28th June and that was the first time for her to see the Ex. 32. This was contrary to what Kyambadde said that when he returned to her shop on 27th May, he had informed her about Ex. 32.

One last piece of evidence worth mentioning is that Kyambadde stated that on 14th June, when he was suffering from ear trouble, he was treated by a Jinja doctor called Kisubi (W.433). According to him the doctor recorded his name on a piece of paper. Dr. Kisubi denied this evidence and said that having looked at his record of patients for the whole of June 1974 he had failed to find the name of Grace Kyambadde.

On or about 24th and 25th June, Haji Gebukoba (W.117) lent his car to the station master, Buikwe, to search for a missing person in Najjembe forest. (Also mentioned in the case of Anna Kampi, subject No.43 - p.161) Cpl. Nyongesa was informed by the husband of W. 137 about a rumour that the old man's vehicle was seen being driven in Buikwe direction and he followed it to

Near the forest, he found two or three shirt wrappers and, in the forest, he came across six or seven human skeletons. He said that he had not been able to search through the whole forest as he was afraid of wild animals. His investigations proved fruitless.

There can be no doubt that the old man was pressing Mrs. Katende for settlement of his outstanding money and it is also clear that this matter was dragging on. His recourse to the police for assistance did not seem to improve matters. From the evidence of Kyambadde himself, it is manifest that at no time did he have enough money to settle the outstanding debt. The telephone, which Mrs. Katende made on 15th June, in the presence of W. 137, appears to have no connection with this matter and we accept her explanation about it. It seems to us that Kyambadde was untruthful about the date he visited Jinja. According to his first statement he was in Jinja on the day that the old man disappeared. That is also the same day on which Jane Nambi received his telephone about his being ill from his brother's home. He admits making such a telephone call but maintained that it was on the 14th. We do not believe him on this point. Another factor which exposes him as untruthful is the doctor's evidence denying having any record of treating him on any day in the whole month of June. It is possible for us to accept him as a witness of substantial truth even if in some parts of his evidence he has been untruthful. He admitted the transaction with the Kikuyu ladies. He admitted that he was having difficulty in finding the balance as his other customers were not paying him. He admitted using a leaf from Mrs. Katende's order-book and gave an explanation for doing so, which we think is reasonable.



We have considered the reason for his telling a lie with regard to the date. It seems to us that the only reason could be to avoid any suspicion attaching to him about the disappearance of the old man. The old man left the dairy at about 11.30 a.m. when, according to Kyambadde, he had not arrived in Jinja. In his first statement he said that he arrived in Jinja at about 1 p.m. This is in some way corroborated by Jane Nambi who received the telephone from him after lunch. We are satisfied that when the old man left the dairy at 11.30 a.m. Kyambadde was not in Jinja. Nobody knows where the old man went from the dairy, nor is there any evidence of what might have befallen him. We appreciate the fact that Kyambadde still owed him Shs. 4,227/- and that the old man's car also has not been seen since. The debt could possibly raise suspicion against Kyambadde but if he was not in Jinja between 11.30 a.m. and 1.00 p.m., we find that this factor by itself is very much weakened and we are reluctant to say that Kyambadde is implicated in the old man's disappearance. The evidence of the search in Najjembe forest is not helpful either. The shirt wrappers could have come from anywhere; they were not identified as being those of the old man. No fresh body was found in the forest, and, according to Nyongesa (W.145), those skeletons were some years old. None of the villagers, who are alleged to have seen a Datsun vehicle being driven towards the forest, was located. For these reasons, we feel that even the circumstantial evidence is totally lacking and unconvincing.

We find that Walter Kungu Karumba disappeared on 15th June, 1974, after leaving the dairy in Jinja and has been missing since. We accept the evidence of his relative Mrs. Wamaida (W.137) that her enquiries in Nairobi and at Malaba Border indicated that the old man had not returned to Kenya. The probability clearly is that he might have been kidnapped by robbers because of his vehicle which too has disappeared.

71. Subject No. 52 - ERIDADI WILLIAM WALUGEMBE NAKIBINGE.

72. 53 - JOSEPH NDYAHIKAKI.

73. 54 - HASSAN SIMBWA.

Witnesses: 141 Mohamed S.A. Mulendwe - Part 2, p. 1350 - 1374.

188 Jenaro Charles Olok - Part 2, p. 1874 - 1881.

370 SP Constant Ojulong - Part 3, p. 2996 - 3010.

508 Ali Toweli - Part 6, p. 6068 - 6122.

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Messrs. Nakibinge and Ndyahikaki were employed by the Uganda Sugar Factory Ltd, Lugazi; the former as the personnel manager and the latter as the senior purchasing officer. Simbwa was the manager of a sister company, UGMA - Usuma Steel and Engineering Company Ltd.

There was evidence from the secretary of the company, Mr. Mulendwe (W.141), and the Government Agent at the factory of the time, Olok (W.188), that on 10th July, 1973 five workers including subject 52-53 and W.141 were arrested by the PSU and taken to Naguru on the allegations of misuse of the company's property. It seems that the allegation mainly was against Simbwa concerning the theft of some steel. According to W.141 when he heard of Simbwa's arrest at UGMA, he went there to enquire and found some police officers in uniform addressing the workers. He said that it was Mr. Ali Toweli who was addressing the people and, after telling the crowd that he had removed bad people asked the people if they had any other complaints. One voice from the crowd, mentioning the names of W.141 and subject 52, said that if they were removed there would be no more trouble at the factory. Mulendwe said that he was then caught and thrown into a car. They went around the garages looking for subject No.52 and he too was arrested from his office. He did not know how the fifth man Kamulia was arrested.

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In the end, all five of them were taken to Naguru where they were put in a cell, which already had three or five other people in it in connection with a robbery at the Uganda Commercial Bank. Mulendwe said that he, Kamulia and Gabriel were released on 13th July, 1973 after enquiries had indicated that they had nothing to answer. Subject 52 and 54 were released on 17th July, and the PSU wrote to W.188. The letter which is dated 17th July, 1973 reads as follows: (Ex.34):

"Messrs. Simbwa and E.W. Nakibinge released  
Lugazi CRB 611/73

C, With reference to the people mentioned above, I had to inform you that your employees have been released to resume their duties as soon as possible. I hope you will solve their misunderstandings with the workers of UGMA and Uganda Sugar Factory, and the workers should not misbehave to them or else disciplinary action should be taken to any worker who misbehaves. I shall call them wherever they are needed."

This letter is signed by one called B.K. Farjala.

Mr. Olok spoke of the misunderstandings as follows - (p. 1880):

"The gentlemen (that is Nakibinge and Simbwa) were arrested by the PSU and after a thorough investigation they found that the alleged misuse of the property was not correct and the conclusion was that this was a result of misunderstanding between these gentlemen and the workers which led some workers to giving information to the police that they were misusing company's property and this led to their arrest. That is why it is stated that we should try to solve the misunderstanding between the workers and those officers."

Mr. Mulendwe ascribed these arrests "to typical African Fitina" and said (p.1371):

"That is why I said, Sir, it is African Fitina because it has got many things. It could be by virtue of your qualification, by virtue of your office you are holding, by virtue of your progress, it could be anything."

Olok/ /199

Olok explained that the Factory had been taken over after the departure of the Asians and it had become necessary not only to up-grade people to higher posts - Nakibinge was promoted to Personnel Manager - but also to recruit senior people from outside, Simbwa being one of them. He felt that the grudge could have stemmed from the aspirations of some people who had been with the company for years and were superceded.

Olok said that after the release of these people, the Minister of Commerce addressed a cross-section of the workers of the factory and expressed disappointment at the manner in which the arrests had been made without proper previous investigations. He promised that someone from the PSU would come to address workers again.

Those arrests adversely affected morale at the factory, particularly amongst the higher cadre who were prone to the threatening remarks of the workers 'you will be next'.

On 13th August, 1973 the three subjects were rearrested. At about 9.30 a.m. Mulendwe was in the office of the Government Agent, Mr. Seruwamukoko, when Nakibinge came in with a man who has been referred to as 'an officer.' This man told them that he was from Naguru and Mulendwe got the impression that he was either a policeman or an Army officer. He did not produce his identity card but stated that he wanted to take Nakibinge to complete the statement which he had earlier made at Naguru. Mulendwe accepted this as true because of Nakibinge's previous visit to Naguru. The man also said that he wanted Joseph, "the man with some marks on his face." Mulendwe said that this description was of Joseph Mnyahikaki. All of them then went to Olok.

Olok/..../191..

Olok had just arrived in his office and these people came in and Seruwamukoko told him excitedly that the strange gentleman was trying to arrest Nakibinge, purporting to have come from Naguru PSU. The man ignored what was being said and instead asked Olok if he was Joseph Ndyahikaki. Olok told him he was not and asked him why he wanted to take Nakibinge away. The reply was - (p.1875):

"He told me that that was none of my business, he was given instructions from the highest authority and all he wanted was Mr. Joseph. All this time he was speaking in Swahili."

When he told him that Joseph would be in his office the man left with the others to go to that office where Joseph Ndyahikaki too was arrested. Meanwhile Olok rang the District Police Commander, Lugazi, Superintendent Ojulong and reported the matter to him and asked for assistance. Ojulong is alleged to have told him that he had no transport and Olok should ask the man to stop at the Police Station, "if indeed he was sent from Naguru PSU" as he alleged. Olok pointed out to Ojulong that the man seemed to be "uncontrollable." He explained that this observation was based on two things. First, the man did not listen to them and secondly, Olok could see a pistol from inside his jacket. Ojulong however denied this evidence and maintained that he told Olok that he was going to his office immediately but soon after Olok rang him again to say that the man had left in his car.

However, Olok narrated the subsequent event as follows - (p.1876):

"I then left my office and went out. As I left the verandah, I saw the gentleman coming back from Mr. Ndyahikaki's office preceded by Mr. Ndyahikaki himself; Mr. Nakibinge and Mulendwe. All along Mr. Mulendwe was trying to find out why he was taking the two gentlemen but he persistently refused to be disturbed. I then joined the group walking towards the car

and/...../192.

and he requested Mr. Niyahikaki to enter the car as well as Mr. Nakibinge. He also entered the car in the driver's seat, and I finally asked him why he was doing this? He said I should never get myself involved, he said, "you should not get yourself involved and don't waste my time." I also told him that the Police Commander requested him to go through the Police Station. He did not answer but drove off at a very high speed."

The car was a green BMW 1800, whose colour according to Mulendwe, was bluish and according to Olok, greenish. The witnesses said that its registration number was UYM 742. Immediately, Olok rang Superintendent Ojulong again and the Superintendent who was then looking through his window, told Olok that he had seen the car at the roundabout, opposite the Police Station, going towards Kampala direction. Mulendwe also got into his car and gave chase. There was a difference of three or four minutes but no where on the way to Naguru did he see the BMW. At Naguru Mr. Obura denied sending anybody for these people and Mulendwe was given an officer to go to the Central Registry of Motor Vehicles to check on UYM 742. It was found that this number belonged to a different car. According to Ex. 152 this number belongs to an Opel vehicle of Joseph Senoga, Box 19 Iganga. Lugazi Police organised a patrol some two hours later but, as expected found nothing.

Nobody offered any resistance to these arrests. Mulendwe said that his suspicion had been aroused because the man did not even know the full name of the person he was supposed to arrest. Olok said that they only tried to persuade him through 'talking' and did not offer any physical resistance. He said (p.1879):

"The biggest problem was that he was definitely armed and none of us was armed, secondly, when he said that he was sent from Naguru PSU I remembered that a month before when the same

people were arrested a letter was written to me by the O.C. PSU to say that the two gentlemen, Nakibinge and Simbwa, were released after investigations and they should be reinstated in their duties and that if they were required they would be recalled. So whereas I was suspicious, I still thought that may be this was following the letter which I received from the O.C. PSU."

On the same day, at about 10.30 a.m., Olok received news of Simbwa's arrest from his factory. Later in December, the bodies of these three subjects were found in Bombo area and, on 14th December, 1973, the relatives went to collect them from Bombo Police Station.

Ali Toweli remembered dealing with the case file of Nakibinge and his group after their arrest and finding no evidence against them, he ordered their release. He said that later he went to Lugazi and addressed the workers, urging them to stop their 'fitinas.' He denied telling the people that he had removed bad people and asked them if they had any more bad people. He further denied keeping these prisoners in the cells at Naguru and said that his Deputy may have given them a chit to take to their employers so that their salaries were not deducted. He denied any knowledge about the arrest of these three subjects after Nakibinge's previous release by him.

We think that there is convincing evidence of the arrest of five people, including subjects 52, 54 and W. 141, on 10th July, 1973. The reason for their arrest is disclosed by the two main witnesses to be certain allegations about the misuse of the company's property and also the alleged theft of some steel which was said to have found its way into UGMA. There is no doubt that these five were arrested by the PSU and, from the evidence of Mulendwe which we have no reason to doubt, it is abundantly clear that the head of the PSU,

Mr. Ali Toweli, addressed the workers at UGMA and, having informed them that he had removed bad people, asked if they had any more complaints. Although Ali Toweli's memory seems very hazy, Mulendwe was emphatic that he and Nakibinge were then arrested when one of the audience informed Ali Toweli that if they were removed, there would be no more trouble. We accept that Mulendwe and the two others were released three days afterwards and Simbwa and Nakibinge on 17th July when Ex.34 was also sent to the Sugar Factory.

On 13th August, 1973 when the strange person appeared at the premises of the Sugar Factory wanting to take away Nakibinge and Ndyakikaki saying that he wanted the former to complete the statement which he had previously made at the PSU, it would seem to be perfectly reasonable for Mulendwe and Olok to link his visit with the previous incident. We think that their reason and their conclusion that these people were in fact wanted, as indeed was stated in Ex.34, by the PSU was not only logical but the only conclusion at which any reasonable person would have, and the same would go for the strange man. The evidence that the number plate, which was on the BMW being driven by that man, being false is all too common; we have seen in other cases soldiers using false number plates to hide their identity. Because this pattern has been consistent, Mr. Obura readily provided Mr. Mulendwe with an escort to go to the Central Registry to check on the number, which he knew in advance would prove quite misleading. Taking the evidence as a whole we are of the opinion that the probability clearly is that these three people were re-arrested at the behest of the PSU, Napuru. We cannot say where they were detained, nor do we have evidence of the circumstances in which the bodies were found in Bombo area.



We can, however, say that the bodies of these three subjects were found and subsequently buried by their relatives. On the basis of these findings just as the probability is that they were re-arrested by the PSU, Napuru, the other probability is that the PSU is clearly responsible for their deaths as well.

74. Subject No. 55 - CAPTAIN ADONI AVUDRIA.

Witnesses: 142 Joyce Nabirye alias Cissy  
- Part 2, p. 1374 - 1383.  
170 Steven Isingoma - Part 2, p. 1653 - 1671.  
489 WA 8179 Abdu Ismail  
- Part 6, p. 5578 - 5618.  
508 Ali Toweli - Part 6, p. 6068 - 6122.

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The subject was a Captain in the Uganda Army.

On 9th June, 1972 he was at the Nile Hotel at night, drinking in a group including Mr. Senci Nyanzi, the Chairman of WDC, and another man called Didi.

Working in the same hotel was a bar maid, Mariamu Yebu who, according to the Chief Security Officer, Steven Isingoma (W.170), was the Captain's girl friend.

As a result of what Yebu told W.170, he went out to the car park to check on the Captain's car, a 4 door BMW. He found a Volkswagen and a Peugeot 504 parked not very far from the BMW. Two men were standing near the Volkswagen, and some other people were in the Volkswagen and Peugeot. On being questioned the two men denied trying to tamper with the BMW. W. 170 asked them to identify themselves. One of the two pulled out a card, bearing the National Coat of arms. The Security Officer did not take a proper look inside the card to ascertain what it was about. He said that he did not argue with them as they were rude to him and

this rudeness was reflected in their reply to his question as to what they were doing there when he was told curtly 'don't ask us'. W. 170 reported to the Captain who went out to see those men. On his return he said that he knew them and there was 'no problem'. He said that they were his colleagues and were from 'the Defence.'

At about 10.30 p.m. the cashier, Joyce Nabirye (W.142) took the cash to the reception and locked it. As she was leaving to wait for the hotel van, the Captain offered her a lift which she accepted. He told her that he first wanted to assist his friend whose car had broken down near the Crested Towers. This friend was WO2, UA. 8179 Abdu Ismail alias Titi (W.489), who at one time was working as Your Excellency's body guard. According to him, his Peugeot 304 car No. UUT 007 broke down near the Crested Towers and he walked to the Nile Hotel to buy a box of matches. There he was invited by Captain Bunyenyezi for drinks and about ten minutes later the subject told him that some people had surrounded his car. Captain Avudria asked him to accompany him to his car to see what the matter was. Then W.142 also arrived and got into the BMW. Ismail said that as his car had broken down and he and the Captain lived in the same direction, he asked him for a lift which the Captain agreed. The Captain stopped near Ismail's car, and both of them went to it; the girl remained in the BMW. According to the girl, Captain Avudria opened the bonnet of the other car and Ismail stayed at the steering wheel; Ismail said that he opened the boot and he was bending to look at the engine while the Captain went to the steering wheel to switch on the car's lights. Immediately, four to six cars came out of the Nile Hotel and stopped near them. The girl said that one of these cars was

Some people got out of those cars and the girl saw them fighting. She heard noise of struggling and thumping of people falling and punches. Ismail said that as he was bending down over the engine, someone pulled him from his shirt collar and he started fighting someone. The girl tried to come out of the car but was confronted by a man who threatened to shoot if she tried to run away. The man assaulted her, pulled her wig and removed her shoes. He then went back to his group and she ran back to the hotel. She found Nyanzi still there with his friends and, looking back towards the scene, she found that all the cars, including Ismail's, had disappeared from the road. She reported to Nyanzi and they rang up 999. Soon a police vehicle arrived and the girl together with Isingoma were taken to the police station. The girl maintained that they passed by the scene where nothing was found, but Isingoma said they went straight to the Central Police Station (CPS) from the opposite direction of the Standard Hotel.

Ismail said that he also managed to escape and made for the Nile Hotel. He only found a watchman there who said that the manager had gone away. He then ran towards the Parliamentary Buildings. He could not get a lift as nobody was around. He went to the Military Police Guard at the Parliamentary Buildings. He was challenged and, after he had told them who he was, he was asked to turn about and march away. He then ran towards the CPS. He met a 999 car on the way which was going towards the Crested Towers. He reported to the policeman, and went back to the scene with them. After the 999 car left he went up to the General Post Office and rang up the Commanding Officer, Military Police, Makindye. Marella asked him to wait at the scene and he started going back to the scene. Marella met him near the

Fresh Foods and drove up to the scene. He then walked home near the Golf Club, leaving his car behind. The Head of the PSU, Ali Toweli (W.508) was patrolling the city that night in a staff car. According to him he met Ismail near the roundabout opposite the Grand (now Imperial) Hotel, running towards the police station. He said that Ismail reported to him that "they" had been attacked without saying who the others were. He took Ismail to the scene but found nothing there. He then alerted the control room and drove Ismail to his home. He denied receiving any report regarding Avudria but the report of Ismail was passed on to the PSU.

Ismail, who knows Ali Toweli, maintained that he did not see him on the night of this incident. His statement which he made to the police on 19th June, 1972, (Ex.122) was read to him but he denied telling the police, as stated there, that he had met Ali Toweli that night. He said that what he had told the police was that he met a patrol car with some PSU men in it. He was emphatic that Ali Toweli did not drive him home but he walked all the way to his home.

On the following Monday, Joyce Nabirye was taken to Naguru for her statement and there was shown the shell of a burnt out BMW, which was said to be Captain Avudria's car. She said that she has not seen the Captain since then.

We find that there is clear evidence that the Captain was at the Nile Hotel on 19th June, 1972. It is also clear to us that some people, whom the Captain took as his colleagues from 'the Defence,' were seen near his car by the Security Officer. We are also satisfied that Abdu Ismail did go to the hotel that night but we are of the opinion that his presence at the hotel was not accidental. Although Ismail denied that his going to the hotel was part of a pre-conceived plan to kidnap the

Captain, the evidence of the girl, which we believe and accept as true, indicates that Ismail and those other men seen near the Captain's car were in fact after the Captain. We say this for the following reasons:

- (1) The reason given by Ismail for going to the hotel is most tenuous and unconvincing. There is evidence that there were some street lights where his car was alleged to have broken down. We do not see how the light from a match stick would have helped him in any way in repairing the car.
- (2) Amongst the cars which W. 142 saw coming out of the gate of the Nile Hotel was one Peugeot 504; a similar vehicle had been seen near the Captain's car a few minutes earlier.
- (3) The entire conduct of Ismail subsequent to the attack was most suspicious. We find it ridiculous that a man of his calibre, who was then in dire need of police assistance, could not ring the police from the hotel even if the manager was not in.
- (4) His evidence about his visit to the Military Police guards outside the Parliament Buildings also looks unconvincing, particularly when he himself is a soldier and had told those guards his name and the unit he was attached to.
- (5) He claims to have met a police patrol car on the way in which he drove back to the scene. We fail to understand why he had still to ring Marella by walking back again to the General Post Office or to have to walk all the way to his home, even after Marella arrived and could have given him a lift to his house.
- (6) There is also the contradiction between his evidence and of Ali Toweli. Ismail admitted the statement which he made on 14th June, 19... (Ex.122) to be his but denied, as is recorded, his meeting Toweli that night. That statement was made five days after the incident when everything must have been very fresh in his mind. By denying meeting Toweli after the elapse of so many months he was obviously trying to circumvent his initial report to Toweli that he had been attacked by people who he thought were murderers and that he was alone at the time of the attack.
- (7) and lastly, the girl said that when she looked back on reaching the hotel she found all the cars, including Ismail's, had left the scene. Ali Toweli says that he found the car at the scene when he went there with Ismail.

In view of the contradictions to which we have already referred we are unable to accept Towell's evidence on this point.

We find that Captain Avudria was kidnapped in accordance with a pre-conceived plan in which Abdu Ismail played a leading role by providing the bait. We accept the girl's evidence that the following Monday she was shown the Captain's burnt out car, and we have no hesitation in saying that the Captain must have been killed by his kidnapers. No. W. 8179 Abdu Ismail is, in our view, clearly implicated in the Captain's disappearance.

- 75. Subject No. 56 - NAFUTALI MADIRA.
- 76. Subject No. 57 - MOHAMMADI OGA.
- 77. Subject No. 58 - ZAVERIO OGA.

Witness: 149 Abusolom Kokwa - Part 2, p. 1458 - 1470.

Subject No. 56 was a Director of Savena Bus Company, where his brother Abusolom Kokwa was the Manager. Madira was married and has seven children.

The other two subjects were brothers and were employed in the same Company as drivers. They were both married and have families.

On 18th October, 1973, Madira went to Nairobi to fetch three newly purchased buses. These buses were refused entry into Uganda at Malaba Customs Post as the documents were not in order. Madira came to Kampala and, on 20th October, 1973, flew back to Nairobi for the documents. The following day he rang his brother - W. 149 - asking him to meet him at Entebbe Airport the same evening.

W. 149 sent the two drivers (subjects No. 57 and 58) to

collect his brother in a white Peugeot 504, No. UUZ 037.

They never returned, and all three have been missing since then. This vehicle is not included in either Ex.151 or Ex.152. No other evidence was adduced about its ownership or the change of its registration numbers.

The following morning W. 149 checked the passengers' list and found that his brother was one of the passengers in the evening plane on the previous day. He also rang the friend with whom Madira had stayed, and he confirmed that subject No. 56 had caught the plane to Entebbe. On his way back from the Airport W. 149 checked at Makindye and also reported the disappearance of these three persons at the Central Police Station and at Naguru. He did not get any information about their whereabouts.

Kokwa said that some three weeks later, he saw the same Peugeot car stopping at his garage gate at about 3 p.m. He noticed that its colour had been changed to green. Two men came out and then the vehicle drove away.

According to the witness his younger brother, Wadria (he was not called) hired a vehicle similar to the Peugeot, some three months after this incident. The vehicle was being used as a taxi; its top was painted red and it had different number plates. On recognising the vehicle Wadria immediately got out of it.

The evidence before us is very little. If W. 149 is believed then it would seem that Madira was in the evening plane from Nairobi on 21st October, 1973. W. 149 said that his enquiries at the Airport revealed that his brother had in fact been received by the two drivers. On this point also there is no direct evidence and none of those who might have seen the three together was called as a witness.

This is understandable because W. 149 was unable to mention any particular names of people he interviewed at Entebbe Airport. The fact, however, remains that all three have been missing since 21st October, 1973. We find that the probability is that they were all unlawfully disposed of by the people who made off with the Peugeot car. The same vehicle was subsequently seen by W. 149 three weeks after this incident when its colour had been changed to green. The identity of the people in the Peugeot is not known, nor the identity of the driver plying it as a taxi.

78. Subject No. 59 - JOSEPH KIZITO.

Witness: 150 Mrs. Sarah Kyambazi Kizito - Part 2, p.1470 - 1478.

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The subject used to work for the Standard Bank, Kampala. He was married to witness W.150, and they have five young children.

At the time of this incident, they had separated. The subject used to live near the Military Police Headquarters, Makindye and his wife used to stay at Kibuye. According to the evidence of Mrs. Kizito it seems that just before the disappearance of her husband the staff of the bank were being taken individually by Army Intelligence Officers to Napuru for some investigations. She said that almost the entire staff was involved in these investigations. The nature of those investigations was not made known to us.

Mrs. Kizito last saw her husband on 21st September, 1973, near the Military Police premises. They discussed the children's school fees and the subject promised to give her some money on 25th September, 1973.

Her husband did not turn up as promised. Her enquiries revealed that he had been on duty at the bank the previous day and that he was last seen by some neighbours going to a bar the



same evening. She was told by some neighbours that they had heard some people calling him at about dawn on 25th September, 1973.

She reported his disappearance at Katwe Police Station and asked the Officer-in-Charge for an escort to take her to Makindye and Naguru to look for her husband. She was told that the Police were also scared to go to those places.

Mrs. Kizito said that she took over the household property but she did not know about his bank account. She said that her husband was insured.

In this case also the evidence is almost negligible and it is impossible to say what might have happened to Joseph Kizito. We can only say that he has been missing without any trace since 24th September, 1973. It is impossible for us to hazard a guess as to whether he is dead or alive, or whether he absconded due to the investigations which were then going on.

79. Subject No. 60 - JOHN K.Z. BARIJUNAKI.

Witnesses: 151 Deziderio Bwabihiigi - Part 2, p.1479 - 1485.

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The subject was working at the Railway Station, Kampala as the station foreman. He used to live in Nakawa with a girl friend. The only witness, Bwabihiigi, is his friend and both came from Kigezi. W. 151 is the Assistant Traffic Superintendent and was transferred to Kampala from Nakuru on 10th November, 1971. He had a Benz Car, No. KHM 743.

On 13th November, 1971, W. 151 went on duty to Kasese for one day, and left his car with the subject. On his return on the following day he found his friend missing. He reported at the Central Police Station and was asked by the Police to wait for a

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few days in case he had gone home.

He saw the subject's girl friend who told him that the subject went shopping and never returned. Another friend told him that the subject and his car were kidnapped at Nakulabye by some people, and he later learnt that his car was at the Military Police, Makindye. He went to collect it and was told that the car had been involved in a robbery at Masaka and was ambushed on its way back by the Military Police at Kibuye. He was told that when the car failed to stop on being challenged the Military Police opened fire., killing three men. The bodies were taken to Mulago Hospital where the subject's brother saw them, but did not find his brother among them. The witness said that in the pockets of one of the bodies was found the subject's tax ticket.

He also reported the matter to the Railway Police but has not received any information about his friend since then.

The witness said that the subject's girl friend, with whom he used to live, was pregnant at the time of this incident and now has a baby.

Our Counsel did not call any evidence about the alleged robbery or of the shooting by the Military Police. But from the evidence of the witness we are satisfied that he collected his car, which he had left with the subject on 13th November, 1971, from the Military Police, Makindye. This fact seems to lend some support that the vehicle might have been seized by the Military Police during the ambush at Kibuye. It might well be that the subject was in fact kidnapped, as is alleged, by some men at Nakulabye as is manifest from the finding of his tax ticket on one of the bodies. On this basis we would say that the subject was kidnapped by kondonos who, having eliminated him, used the witness's car in the commission of a robbery at Masaka.

80. Subject No. 61 - MICHAEL EGARU.

Witness: 152 Christopher Odeke - Part 2, p. 1485 - 1493.

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The subject was employed at the Railway Station, Kampala as the Chief Reservations Clerk. He was married and has eight children, the eldest being about 17 and is an apprentice at the Ministry of Works.

Christopher Odeke (W 152) knew the subject since 1953. He said that he was a jovial person who got on well with people. The witness described him as a man with "the heart of an African." According to #.152, he spent the entire evening of Friday, 23rd April, 1971 with the subject. He said that at about 6 p.m. he took the subject to Nakawa to see his sick brother. On the way the subject changed his mind and instead wanted to go to Kireka. The witness refused to oblige and turned back. At Jinja Road roundabout the subject asked to be driven to Kampala International Hotel to see Dr. Kabete. They found the doctor had already left and they went to the Park Hotel for some drinks. They left for home at 7.30 p.m. and the subject asked to be taken to Nsambya Market to buy some provisions. They picked up some children from the subject's home, bought some eggs and fish from the market and returned the children home. The subject was then dropped at the Railway Club and the witness went home.

At about 1 p.m. the following day the subject's two boys saw the witness and enquired about their father. He told them where he had left him and then reported to the Railway Police.

According to unconfirmed rumours which the witness heard, the subject was picked up from the Club by some Army men in a landrover at about 11 a.m.

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The subject has never been seen or heard of since.

It is clear from the evidence of the single witness that he dropped the subject at the Railway Club at about 8 p.m. on 23rd April, 1971. What happened to him thereafter is not known. Our Counsel was unable to get any witness from the Railway Club who might have witnessed any incident such as the unconfirmed rumours about the subject being taken away by some soldiers.

We think that it would be wrong for us to rely on these unconfirmed rumours to say categorically that the subject was taken by soldiers. There can be no doubt, however, that the subject has been missing since 23rd April, 1971. We think it is reasonable to say that he must have disappeared after being dropped at the Railway Club. As he has been missing now for about four years without any word, and in view of the rumours which were mentioned, we are of the opinion that there is a probability of his not being alive.

81. Subject No. 62 - DR. SSEMBEGUYA.

Witnesses: 153 Yeronimo Waswa - Part 2, p. 1493 - 1496.

176 Yekoniya Mukwaya - Part 2, p. 1732 - 1743.

247 Constant Okumu Okello  
- Part 2, p. 2432 - 2437.

The subject was a medical doctor practising in Kampala. He had another surgery in Kawempe. He was a former member of Parliament and a political detainee at Luzira. He was released from custody just before the Army takeover. He was also the Managing Director of Nazigwe Farmers' Union of which W.176 is the Director.

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On or about 19th February, 1973, W. 176 went to the doctor's dispensary in Kawempe to discuss some business matters. He found some patients waiting. At about 1 p.m. the doctor rang to enquire from the nurse if there were any patients. On being told that there were two men and two women, the doctor came to attend to them. He asked W. 176 to wait for him in the patients' examination room. The doctor treated a woman. Then the witness saw two strong men entering the room. Without saying a word they caught the doctor and handcuffed him. The witness said that another old man deliberately obstructed his view by asking him if he was the doctor. The doctor was taken to a yellow vehicle which the witness said was an LUDI. W. 176 said that the nurse noted down its registration number, later handing it over to him, as UUZ 096.

According to W. 247 this registration number was of his V.W. BEETLE which had been out of order and off the road since 18th August, 1972. This corresponds with the details of ownership of this vehicle as set out in Ex.152. On the advice of the Licensing Officer, he had removed the front number plate, leaving the rear on the vehicle. He said that the vehicle was stolen from the car park where he had left it on 24th February, 1973.

However, W.176 came out of the dispensary following the kidnappers. He saw the old man waiting at the bus stop and, on seeing the witness, hurried away. The witness reported the incident at Kawempe Police Station.

About a week later, on Friday, 24th February, 1973, W. 153, a farmer of Bbya village, Kyaggwe, found a body tied to a tree near his home. As it was late in the evening he

reported to Luzizi Police Station the following morning.

The police visited the scene with W.176 who identified the body as that of Dr. Ssemberuya. The opposite limbs were tied to the neck and the body tied to a tree. His lips were cut and both eyes removed from the sockets.

From the evidence of W.176, we are satisfied that the body found in the bush was that of the subject. We also find that he was taken away from his dispensary in Kawempe on 19th February, 1973 by two unknown men. If the vehicle in which he was taken was an AUDI then it seems quite obvious that it was displaying false number plates. We have considered the discrepancy in the dates mentioned by the two witnesses. We have no reason to doubt the integrity of W.176 who was given the AUDI's number by the nurse. On this basis, it must follow that W. 247 was mistaken about the date on which his V.W. was stolen. The identity of these two men is not known and, although W.176 said that these two had paid for treatment and their names recorded by the nurse, we have not been able to get any such record. Mukwaya said that he had heard on the Radio that some "murderers" had infiltrated the country from Tanzania but there is nothing in the evidence to suggest that those two were such guerillas. The motive for the kidnapping is also not clear. Although the subject was a former member of Parliament and had served some time in Luzira, there is no evidence to suggest that after his release he indulged in any political or subversive activities against the government. The only conclusion we can reach is that the doctor was kidnapped by some unknown people who subsequently murdered him and mutilated his body.

82. Subject No. 63 - JOSEPH MUKASA.

Witnesses: 155 Haji Ali Mbazira Mwangi - Part 2,  
p.1501 - 1516.

171 Irene Lubega - Part 2,  
p.1672 - 1681.

The subject was a coffee processor and used to live at Kabwoyo. He was also a partner in a beer agency in Kinoni Trading Centre and one of the other partners was a man called Sendawula. He had two wives, one of whom is Irene Lubega (W.171).

From the evidence, it appears that the partnership in the beer agency was not proceeding well. There were some conflicts between the partners, particularly between the subject and Sendawula. According to Mwanza (W.155), Sendawula had once managed to get some beer from Jinja through 'improper' means. The subject confiscated the beer and later sold it. The amount involved was to the tune of some Shs. 30,000/=. The people who got that beer for Sendawula were demanding money from him and he in turn threatened to take 'drastic measures' against Mukasa if the money was not paid.

On 16th April, 1974 the subject returned home in Kabwoyo at about 8.30 p.m. Irene Lubega went to the kitchen to fetch his dinner. She found a stranger standing in the door-way and two others outside lurking in the dark. She was frightened and ran back. The narrative in her own words is as follows -  
(p.1674):

"I entered the house and when I was trying to shut the door, these people pushed it and entered. One of those who entered had handcuffs and was putting on army uniform; he had a hat with white and red insignia in front. When he entered he said "Joseph toka", then he immediately handcuffed him - then he pushed Joseph outside and the other two also helped him to take him away in a hurry.

When Mukasa was being handcuffed, I cried and this man pushed me. I did not hear what he was talking because he was talking in swahili. They took him and at that time the watchman had arrived."

The watchman tried to follow them but was threatened with a gun.

She reported to Mukasa's younger brother, Steven Ddungu, who saw his cousin Muwanga, (W. 155). At about the same time a white Peugeot 404, similar to the vehicle in which the subject was alleged to have been taken, stopped outside Muwanga's home for a short time. Muwanga decided to stop it and gave chase in his Mercedes Benz car. He managed to overtake the Peugeot after about 10 miles at Matanga Trading Centre. He reversed but the Peugeot disappeared in the village. He said that during the chase, and with the help of his spotlight, he managed to see its registration number which was UBO 135. He tried to look for it in the village and, failing to find it, returned to Masaka to report to the police, leaving another man to guard the only access road to the village. He said that the only action taken by the police was to send a message to Buwama police to set up road blocks. He said that a young policeman expressed the fear that if they stayed at the police station, those who took the subject might come and take them also. He went on to say that the police were so scared that whenever they saw a car they would run away!

After reporting to the police, Muwanga returned to the village and parked near the road. At about 1.00 a.m. a man, who was subsequently identified as Sendawula, 'erupted' from a shop about 100 yards from them and stopped a bus. He told the driver not to stop on the way as those cars had been chasing him and wanted to kill him. The bus driver stopped near the witness's car and enquired what the matter was. He was told that they wanted to take the man to the police in connection with a missing person.



The bus then drove to Masaka police station and Sendawula was handed in. He was later released and he still seen driving about.

Muwanga said that Mukasa has been missing since then. He said that his family had announced an award of Shs. 50,000/- for any information about him. He mentioned some rumours about Mukasa having been found stabbed by the roadside by some M.O.W. staff who took him to Jinja Hospital. He said that his wife and two brothers went to the hospital and later said that the man was not Joseph Mukasa. Muwanga said that the relatives of Mukasa were divided into three groups. The first wanted to take possession of all his property, the second were for looking for him and the third did not want him at all.

It is clear that Joseph Mukasa was taken from his house by three men on the night of 16th April, 1974. His wife gave details of the uniform which one of them was wearing. The details seem to tally with the uniform of the Military Police. She was emphatic that she is able to differentiate between the various types of uniform. She was unable to recognise any of the kidnappers and there is no evidence before us to say whether the man wearing the uniform was in fact a regular Military Policeman. We cannot shut our eyes to the fact that cases have occurred where people have personated as army officers. Muwanga was able to see three occupants in the fleeing car and, although he did not know who they were, it seems fairly clear from what Sendawula later told the bus driver that he must have been in the car which was being chased by Muwanga. If Sendawula was not involved in anything wrong there was no need for him to flee in the car as he did, or to hide from the pursuers as he did. His conduct was thoroughly suspicious and we are inclined to believe that he was in fact

with the kidnapped subject in the same car which was being pursued. Notwithstanding the fact that we did not have evidence about the subject's business conflicts with Sendawula we find, for the reasons we have given, that there is evidence to indicate that Sendawula is implicated in the subject's disappearance. In view of the fact that the subject has been missing since 16th April, 1974, we think the probability is that he has been unlawfully disposed of by his kidnapers and as there is some evidence of Sendawula's involvement we recommend that further investigations be carried out by the CID.

83. Subject No. 64 - OBONG NAM.

Witnesses: 157 Jackson Ojik - Part 2, p. 1517 - 1520.  
161 John Ondoa - Part 2, p. 1560 - 1566.  
249 No. 6567 Det/Sgt. Samson Edwan  
- Part 3, p. 2451 - 2469.  
254 No. 1647 Det/Sgt. Asaf Bahemuka  
- Part 3, p. 2560 - 2566  
and 2953

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The subject was employed in the Prisons Service as Inspector of Works. He was stationed at the Prisons Headquarters, Parliament Building.

There was some confusion about the exact date of the incident in which the subject was involved; but according to the entries in the Public Safety Unit Station Diary Serial No.13 and minute No.12 of 26th January, 1973 in the police file, the date was confirmed as 23rd October, 1972.

There were two versions of the incident. W.157, who is a Sergeant, said that the incident happened at 9.30 a.m. The other witness, W.161 who was then a messenger, mentioned

the time of the incident as 2 p.m. However, on that day W.161 was at the gate when three people asked him for the subject. He took them to his office and stood outside the door which was open. He denied seeing W.157 anywhere near the room. Those people asked the subject for the keys of his car and its insurance. They went away to the car where a man in army uniform saluted the inspector of police who was one of the three. W.161 said that the inspector asked the soldier why he was saluting him when he did not have a "crown" on his hat. He said that they drove away in the car.

W.157 maintained that he was present outside the office when five men, two of whom were in uniform, came and asked the subject where he had got the Volkswaren from. He said that all of them went to the car park where the subject told the others that the car had been given to him by the garage for use while his own car was being repaired. According to W.157 they took the Volkswaren away, leaving the subject behind, and they asked him to report at the Central Police Station the following day.

The subject has been missing since.

On 5th January, 1973 Detective Sergeant Edwan (W.249) was instructed to investigate this case. He has a service of about eighteen years in the police force, of which he has served twelve as a detective. He said that he recorded statements from the previous two witnesses and traced the Volkswaren to the P.S.U. Yard, Nguru. Its Registration Number was UVE 902. Sergeant Bahemuka (W.254) produced the Station Diary and read entry S.No.13 of 23rd October, 1972, which reads - (p.2560):

"/...../214.

"Mr. Ayub Hassan of Maliro Regiment, Intelligence Section, P.O. Box 7095, hands in one motor vehicle, registration number, UVE 902, Volkswagen, light blue in colour, which is believed to belong to Greyhound Ltd for safe custody."

Edwan admitted that he was criticised by his superior officers in a minute dated 17th March, 1973 for lack of proper investigations in the case. His only other investigation was that on 12th December, 1973 he sent a WT to Lira, enquiring if the subject's wife was still employed by the Ministry of Education. The reply was in the negative. He also checked with the Registrar of Motor Vehicles with regard to the ownership of UVE 902 and found that it belonged to someone in the Uganda Transport Company.

According to Sgt. Bahemuka all the vehicles at the FSU Yard were subsequently sent to Naguru Airstrip for auctioning. He said that this was in accordance with orders. He produced the acknowledgement receipt issued to him in respect of this particular vehicle, Ex. 64.

Notwithstanding the obvious contradictions in the evidence of the two main witnesses, it is clear that on 23rd October, 1972 some people did approach the subject with regard to the vehicle which he was then driving. The garage in which the subject is alleged to have taken his car for repairs and from where he was given the V.W. for temporary use was not mentioned. It seems to us that the investigating officer deserved all the criticism that was made by his superior officer with regard to the lack of proper investigations. With some reluctance, he admitted that there was an atmosphere of fear at the relevant time and this was not the only time that such fear in the minds of the police was expressed. It is possible that this fear was the only cause

which/...../215.

which prevented him from making thorough investigations into this disappearance. Having traced the vehicle to the PSU Yard, he did not bother to get a statement from the people concerned, ~~...~~ who took the car to the Yard. We feel that had this lead been followed in time, it might have proved fruitful and might have disclosed first, the reasons for taking the vehicle and secondly the identity of the persons who collected it and lastly what they did with the subject. Unfortunately this was not done and our counsel seems to have been unable to trace the man Ayub Hassan. The investigating officer does not seem to have taken any note of what he found at the Central Registry of Motor Vehicles and he does not seem to have interviewed the owner of the V.W. However, we find that Obong Nam has been missing since the 23rd October, 1972. If the entry in the Station Diary of the PSU Yard of 23rd October, 1972 is accepted as true, and we have no cause to dispute its authenticity it must follow that Ayub Hassan of Malire Intelligence Section not only handed the car in but must have been one of the five who saw the subject at his office about the car. We do not know why an Army Intelligence Officer should have been involved in this matter. The subject was only asked to report at the Central Police Station the following day. We do not know if he did this. The evidence indicates that no body saw him after closing time. One of the possibilities is that he might have got cold feet on being questioned about the car by Army Intelligence and the Police and decided to escape; the other possibility being that he may have been kidnapped by unknown people. We have not been able to get any conclusive evidence that his disappearance was linked with the matter of the car. We are thus unable to say whether he is alive or dead.

4/... /216.

84. Subject No. 65 - STEPHEN KULU.  
85. Subject No. 66 - D.S.P. ODUR.  
86. Subject No. 67 - ASP OKELLO.  
87. Subject No. 68 - AIP OTTO.

Witnesses: 158 Dan Kiwanuka - Part 2, p. 1520 - 1530.  
159 Serina Kantono - Part 2, p. 1531 - 1542.

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Subject No. 65 was the Ag. Chief Fire Officer, and was stationed at the Fire Brigade Headquarters, Kampala. He was married to two wives; Serina Kantono (W.159) and Margaret Manji (she was not called). He was a man from Kakoro in Bukedi. W.159 has seven children and the co-wife three. Kantono said that she lives with her parents and is not getting any support from her brothers-in-law. Two of her children, who used to attend school, are no longer reading due to her financial problems.

On 26th September, 1972, the subject drove in his car to Mbale Fire Station. He told the Fire Officer, Assistant Inspector Dan Kiwanuka (W.158) that he came to visit his family in Kakoro, 17 miles from Mbale. He told Kiwanuka that he had come in a hurry and 'the situation in Kampala is very dangerous,' (p.1523). He asked for a lift as he was short of petrol and Kiwanuka provided him with an official landrover and a Kenyan driver, who has since returned to his home country. The subject then changed into civilian dress and went away in the landrover, leaving his car with its keys in it at the Fire Station.

The driver returned twenty minutes later and informed Kiwanuka that he had dropped the subject at his request at Mbale Hospital. Kiwanuka has not seen the subject since that day.

/P12

On the following day Kantono delivered some keys to Kiwanuka and said that they had been left with a child to be returned to Kampala. Kiwanuka reported to the District Police Commander and Kulu's vehicle was subsequently removed to the Police Barracks.

About six months later Kiwanuka learnt that the subject had reported himself at Mbale Police Station. Kantono also learnt about this from her co-wife who told her that their husband came home after reporting to the Police and said that he had been given the option of either resuming duty or resigning. W.159 continued that during her absence when she had gone to see her sick mother, on her return her co-wife told her that their husband had been taken away in a vehicle which came to their home one day. She was told that when Manji tried to enquire what was happening she was brushed aside. And Kulu's mother told the co-wife "those people have taken your husband and sent me away."

Kiwanuka denied knowing that Kulu was in trouble in Kampala and denied that he had assisted him to escape.

He said that when he was in Kampala, he found DSP Odur (Subject 66), ASP Okello (Subject 67), AIP Otto (Subject 68) missing but did not know the circumstances of their disappearance. He mentioned another fire officer, DSP Okidi (Subject 237) as having disappeared also and he is dealt with at p.

With regard to subjects No. 66, 67 and 68 no direct evidence was adduced; no member of their families came forward to testify about their disappearance. These three were mentioned by Kiwanuka in passing and, as there is no other evidence, it is impossible for us to make any findings in their respect.

With regard to Stephen Kulu we take into account that he

left Kampala at the time of the invasion of the country by guerillas from Tanzania. It is obvious from Kiwanuka's evidence that he went into hiding for about six months. The fact that he had deserted his office is manifested by his action in sending his office keys through his son to Kiwanuka. Notwithstanding that no evidence was available from Mbale Police Station about the report which the subject is alleged to have made, we are satisfied that he did in fact return home as was reported to Kantono by her co-wife. The subject's mother, who allegedly witnessed the incident at which Kulu was taken away from his home, did not give evidence. Without trying to comment on this piece of evidence we would like to say that having stayed in hiding for the previous six months, there is a clear possibility that Kulu may have gone back into hiding or slipped outside the country. We find some support for this in Kiwanuka's testimony about the remark which Kulu made to him about the situation in Kampala being very dangerous. It seems obvious to us that Kulu was running away from that situation for reasons best known to himself. The reference to his mother's report to his wives can be interpreted to mean that he was taken by his collaborators for, had he been wanted by the police, there was nothing to stop the police from arresting him when he reported there.

- Subject No. 69 - DSP OCITI (See JOHN OKIDI - Subject No. 237, p. 440)
88. Subject No. 70 - EZERA MALOBO.
89. Subject No. 71 - AMISI SENDOZOZA.
90. Subject No. 72 - SEE p. 222.
91. Subject No. 73 - MOHAMMEDI KITAYIMBWA.
92. Subject No. 74 - NASALAMU LUBEGA.
93. Subject No. 75 - BADEU EYEYUNE.
94. Subject No. 76 - P.C. OBYO.



Witnesses: 162 Margarita Nakulugo - Part 2, p. 1567 - 1573.  
163 Juma Bashir - Part 2, p. 1573 - 1585.  
164 Silvester Waswa Kiyimba  
- Part 2, p. 1585 - 1593.  
165 Petero Mukasa - Part 2, p. 1594 - 1606.  
545 No. 6260 FC Ernesti Atrobi  
- Part 7, p. 6906 - 6911.

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The first four subjects were Muluka Chiefs in Bugerere. They were appointed during the previous regime when all the former chiefs under the Kabaka's Administration were removed and replaced by new ones. According to Juma Bashir, (W.163), when the Military came into power, chiefs appointed during the previous regime were removed. He said that his house was burnt on 26th January, 1971, by people "of the other side" and Amisi Sendoweza was made to eat raw meat.

On 1st October, 1972, at about 9 p.m. W.164, was arrested from his home by some people travelling in a MAZDA Pick Up, on the allegations that he was a confusing agent. Also to be arrested from his home was W.165, who said that the captors were armed and in civilian clothes.

At about 10 p.m. the vehicle stopped at the home of the Muluka Chief, Juma Bashir (W.163), and he was asked to lead them to the home of Subject No.73. He did as he was asked. At Kitayimba's home, he called out for him and, when he opened the door, one of the people pointed a gun at him and ordered him on the vehicle. They went to the homes of Subject No.74 and Subject 71. Both of them were also arrested in the same manner. The house of Sendoweza was searched and certain things were taken. Then they drove on to the home of a former councillor, Ziyadi Wagubi, who was not at home.

They drove off to Nacalama Police Post where the captors said, "Give us our man." PC Obayo was handed over to them. It was there that for the first time, the captors alleged that the people they had arrested were guerillas. They were then taken to Nyera village to the house of an Army Officer, to whom the captors reported that they had arrested guerillas who had maize mills and were sending money to Obote. They added that they had taken W. 164 and W.165 as witnesses to confirm those allegations. These two witnesses, not only confirmed those allegations, but added that on 17th September, 1972, when Uganda was attacked by guerillas, the prisoners had celebrated the Invasion by slaughtering a goat and claiming that Obote was coming back. These two witnesses, however, denied the allegation that they had reported the others. They maintained that they were arrested just like the others and their account of the incident at the Army Officer's house was a little different. According to them, the things found at the home of Sendweza were produced and these were some photographs of Obote and a book. The Army Officer was alleged to have said, "It is you the chiefs who are confusing people because, it is you who have alleged, people are guerillas and, yet Obote's photographs can be found in your homes."

W.164 and W.165 spent the night at the Army Officer's home and the prisoners were taken to the Central Police Station, pending further investigations. According to the station diary, Entry No.2 of 2nd October, 1972, (Ex.172) five men, i.e. No.72, 73, 74, 76 and witness No.163 were handed in at the Police Station, at 0455 hours, by Captain Juma of Uganda Army. The same five people are recorded in the Lock-Up Register, Entries No. 5068, Ex.173.

On 2nd October, 1972, at about 7.30 p.m. a vehicle stopped

at the home of another Muluka Chief, called Ezera Malobo ( Subject No.70). Two men asked him to accompany them to the car and, on being asked where he was being taken, they told him, "You will see there." The subject tried to resist but the people fired twice. According to the evidence of his wife (W.162) the shots were fired in the air. Her husband was taken away and he is included in the Central Police Station Lock-Up Register, Entry No. 5066 of 3rd October, 1972, the second person being the Market Master, Badru Kycyune (Subject No.75), Entry No. 5065 - Ex.174.

According to the Central Police Station's Lock-Up Register, entries No. 5065 - 5068 (Ex.175) Kitayimbwa, Juma Bashir, Mesalamu Lubega and, PC Obayo were handed over to Captain Juma on 7th October, 1972, to be taken to Makindye. On the same day, Malobo was also taken by Captain Juma to Makindye - Ex.176. According to Juma Bashir, he was released on or about 11th October, 1972, and told that he would be called back later.

Our Counsel seems not to have been able to trace the soldier, Captain Juma.

According to Margarita Nakabugo (W.162) her husband Malobo was next found on 8th October, 1972, in Rubigi River with bullet wounds. He was taken to Rubaga Hospital where he stayed up to 17th November, 1972, when he died. She said that he had bullet wounds on both sides of the chest.

None of the others has been seen or heard of since.

There is no direct evidence about the arrest of Subject No.75 - Badru Kycyune. There is no doubt, that he was arrested and taken to the Central Police Station as is clearly shown by the police records.

We are in no doubt at all that the four Muluka Chiefs, that is, Subjects No. 70, 71, 73 and 74 were arrested on allegations of being confusing agents and being sympathizers of the former regime. We do not have enough evidence as to the reason for the arrest of the Policeman and the Market Master. The fact, however, remains that they were all handed in at the Central Police Station from where Malobo was removed on 7th October, 1972, by Captain Juma to be taken to Makindye. We accept the evidence of his wife in that he was found the next day shot in the chest, lying in Rubigi River. We are also satisfied that he succumbed to his bullet wounds on 17th November, 1972. The evidence of the Police records and the discovery of Malobo with bullet wounds the following day clearly points to the fact that he must have been shot by the people who collected him from the Central Police Station, that is, Captain Juma and his companions.

With regard to the other five people, we do not have any evidence except that they, too, were collected by Captain Juma to be taken to Makindye. As the records of Makindye Prison were not available, there is nothing before us to indicate whether they reached Makindye or not. Basing ourselves on the incident of Malobo as an example, we find that there is a strong probability that the five other subjects must have been disposed of in similar manner.

95. Subject No. 72 - DAVID LIVINGSTONE KAZIBWE.

Witness: 189. Maurice Kamukama - Part 2, p. 1832 - 1886.

He was a member of Council in Fagerera and stopped being one after the 1971 Military Takeover.

He used to work with Amisi Sendowala (subject 71).

On 23rd September, 1973, at about 7 p.m. some people knocked at the door of his house. Mrs. Kazibwe, heard him being called out by name. One man was saying, "I want you to help me, my wife is in labour." The subject asked who he was, and got the reply that he was Lukwago from Wabwanabo village. Neither the subject nor his wife knew any such person and did not open the door. This was followed by kicking at the door until it was forced open. She saw her husband being taken away in a vehicle and, as she went outside the house, those people fired in the air. She ran back into the house. She reported to the Police. Her husband has disappeared since then. They have two children. He had a bank account but was not insured. W. 189 has not applied to the Court for an order to administer his estate.

From this evidence, it is clear that Kazibwe was arrested by unknown people from his house on 23rd September, 1973. As he has been missing since then without any trace and, in view of the nature of his kidnapping, we find that the probability is that he was unlawfully disposed of by the people who kidnapped him.

96. Subject No. 77 - JOHN BAPTIST KASASA.  
97. No. 252 - LWAŠA.

Witnesses: 167 Mary Christine Kasasa - Part 2,  
p. 1611 - 1621.  
368 E.K. Sokawa - Part 4,  
p. 3769 - 3772.  
374 Mohamed Wamala - Part 4,  
p. 3823 - 3837.

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The subject Kasasa was the agent manager of the Uganda  
American Insurance Company.

He was married to Mary Christine Kasasa (W.167) and at the material time they used to live in Kiwafu village. They have four children between the ages of 19 and 3, all of whom are schooling.

The subject Lwasa was a B. Com. student at Makerere University, and used to work part-time for the Insurance Company.

W.167 last saw her husband on Saturday, 2nd December, 1972 at 7.45 a.m. when he left for work.

He was next seen in his office the same morning by Sekawa (W.368) and Wamala (W.374). Sekawa saw him at 9 a.m. when Kasasa asked him for change for Shs. 100/-. Wamala, who had been promoted by Kasasa only the previous week as a Unit Manager, went to his office to greet and inform him that he was going to Jinja on business. Kasasa advised him not to go alone. Wamala left for Jinja with the Company's Surveyor and was to have returned to Kampala the same evening for a meeting of his unit.

At about 2.30 p.m. two men, one of whom was said to be from the insurance company, reported to Mrs. Kasasa that her husband had been arrested. She was told that, as he was driving in his green Citroen car, No. UYK 701, opposite Linda bar in Entebbe Road, another vehicle, a BMW, with two armed men in it, stopped her husband who was with Lwasa. Both subjects were bundled into the BMW and one of the kidnappers drove away Kasasa's car. These two informers told Mrs. Kasasa that they gave chase but were unsuccessful.

Wamala returned from Jinja at about 5.10 p.m. for his meeting, where he learnt of the kidnapping of both men. He then went and saw Mrs. Kasasa.

Mrs. Kasasa said that she went to the Central Police

Station. She described the BMW car which took her husband and was told by the police that it belonged to the Military Police. She went to Jinja Road Police Station and was told the same about the BMW. She said that she was afraid to go to the Military Police, Makindye, but some relatives and friends checked there, though nobody actually was allowed to see her husband. She said that there were rumours that her husband was at Makindye, and others that he had been removed to Malire. She has never seen her husband since 2nd December, 1972.

After sometime, an employee of Hunts Motors told her that her husband's Citroen had been taken to the garage for repairs to a door which was dented, and re-spraying it white. He told her also that a new number plate, UUB 359, was to be fitted to it. She said that she started seeing the white Citroen with this number on Entebbe road. She did not pass this information to the police through fear of retaliation. According to Ex.151 Kasasa's Citroen is still registered in his name and the number has not been officially changed.

Mrs. Kasasa spoke of another rumour to the effect that Wamala had reportedly said, "We shall see who has got more power over the other. You will not manage to find him because you are working under me," (p.1616). This allegation was denied by Wamala, who said that Kasasa was his intimate friend. He said that as Unit Manager he was not responsible for Kasasa's agency and, as he had only recently been promoted, he could not have aspired for a further rise so soon. He said that another man was acting as manager for Kasasa's agency. According to W.368, Kasasa was very popular amongst the agents to whom he used to give advances and dealt with them very carefully.

Mrs. Kasasa said that the flats which he was building came to a standstill after his disappearance. The house he

had built was rented but she was having difficulty with collection of the rent. She has applied to court for an order to manage the estate of her husband.

We are in no doubt that John Baptist Kasasa and the University student, Lwasa, have been missing since 2nd December, 1972. Unfortunately, Mrs. Kasasa was unable to say who those two people, who broke the news of their arrest, were. We think that it is unfortunate also that, having received the information about her husband's car, Mrs. Kasasa did not inform the police about it. It may well be that both subject were kidnaped in the manner stated by Mrs. Kasasa according to the information she had received. The fact that the Military Police had some BMW cars was not denied (see W.109). It is sad to note that the police did not take any action to follow up the report, nor did they try to assist Mrs. Kasasa in any way to trace her husband. The registration number of the BMW was not mentioned by anybody and it is impossible for us to say whether that was one of the cars belonging to the Military Police. We think that merely relying on reputation in such a matter can be dangerous and we are reluctant to say categorically that the vehicle in which the two subjects were taken away came from the Military Police. Such a finding would have been easy had there been any other satisfactory evidence of either subject having been seen at Makindye. None of Mrs. Kasasa's relatives or friends who might have visited Makindye came forward to say that he found him there. But the important fact remains that according to Mrs. Kasasa none of them actually saw her husband at Makindye. We now turn to the remark attributed to Wamala. Wamala himself denied uttering those words and we have not heard any direct evidence from any person in whose presence such words were spoken. On the other hand, Wamala had been



promoted unit manager by Kasasa only a week before his disappearance and we think that it is reasonable to say, as Wamala said, that any other rise in so far as he was concerned was out of the question. In any case, Wamala never became manager in Kasasa's agency. We are not satisfied that Wamala was in any way implicated in his disappearance.

We find that both subjects were kidnapped by two unknown men in a BMW car on 2nd December, 1972, since when they have been missing. We think the probability is that they must have been disposed of unlawfully by those kidnapers.

98. Subject No. 73 - GONZALEZ MUYONZE.

Witnesses: 168 Mrs. A. Mukankuzi - Part 2, p.1622 - 1631.  
172 J. Mudahera Mutenda - Part 2, p.1682 - 1704.  
183 Mrs. Bagakunde Orahineza  
- Part 2, p.1817 - 1824.  
185 Christopher Kigundu  
- Part 2, p.1829 - 1833.

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The subject used to work for Lufthansa Airline in the Passengers Department. He was married and used to live in Bugolobi.

On 10th January, 1973, Mrs. Mukankuzi (W.168) went to the subject's home for lunch. She said that three men, including Mutenda (W.172), came to see the subject who accompanied one of them into one of the rooms. W.172 admitted going to the house accompanied by his cousin, Brother Gilbert, to give the subject an insurance brochure. He said that he was then working for the British firm, see Germany and was trying to give the subject a policy. W.172 maintained that there was no body else

in the house, Mutenda said that there were a lot of people and after taking a bottle of beer Mutenda and his cousin went away. The subject asked W.172 to see him the following afternoon.

After lunch, the subject dropped W.168 at her office and Kigundu (W.185), who was working with Lufthansa as driver/messenger, saw him going into his office at about 2.15 p.m. This witness said that fifteen minutes later, three men arrived and he saw them talking with the subject. The witness wanted to go to the German Embassy but the subject asked him to wait as he was going out with those three men. Kigundu was emphatic that Mutenda was not one of those three men. He waited for the subject until about 5.15 p.m. and then reported to his superior officers who contacted the Police. This witness saw the subject's Volkswagen car parked outside but was told next morning that it had been taken to his house.

The following day, the subject's wife rang Mrs. Mukankuzi to say that he had not returned home since leaving after lunch the previous day.

W.172 went to the subject's office as arranged at 3 p.m. and was told by the Manager, one called Mr. Burnt, that he had gone out. On this point Mutenda was certain that he went to see the subject not on the afternoon of 10th January, 1973, but the following day. He did not wait for the subject but left a message that he had called.

Some time in May, 1973, Mutenda met the subject's sister, W.183, and asked her, "Where have the people of Muyenze gone? I do not see them these days." He was told that Mrs. Muyenze had gone to Zaire but she did not know where Muyenze "has gone." Mutenda said that this reply referred to the whereabouts of Muyenze for that particular day and he maintained that he did not know that the subject had been missing since his

meeting at his home in January. This conversation was denied by W.183. Mutenda said that he also enquired about Muyenze from some one working for the Ministry of Information, who also told him that Muyenze having gone to Zaire. In about July, 1973, W.172 went overseas for about six months.

W.183 said that on 20th January, 1973, she went to the Nile Hotel to see their former King and there met a man called Kabalinda near the lift. The conversation, in her own words, was as follows (p.1819):

"He first told me something in a sort of story and the story he narrated was that a certain lady had kept her milk somewhere, a rat came and fell in the milk. After that her mother-in-law came and removed it and threw it away where it could not come back again. After that story, he pointed his fingers as if he was going to beat me at that time."

He said that the man also told her, "You will see me." She understood this story to refer to her brother who had disappeared. She denied telling the Police as is recorded in her statement that Kabalinda further commented:

"He thinks that we did not know him, he thinks that we do not know his movements."

She did not know where Kabalinda lived or worked.

It seems obvious that the subject was taken away from his office by three unknown men in the afternoon of 10th January, 1973, and has been missing since then. From the account of the incident given by W.185 it seems to us that the subject must have known the three people with whom he went out of his office. Kigundu did not know those men but was certain that Mutenda was not one of them. The story told by Kabalinda to W.183 seems to have obvious reference to her brother who was then missing. Unfortunately, the men have not been traced and we are of the opinion that in the circumstances considerable suspicion about his involvement in the subject's disappearance attaches to him.

We had evidence from W.183 that Mrs. Muyenze had been writing to her to say that her husband was not in Zaire. We are of the opinion that the probability is that the subject was unlawfully disposed of by these three unknown men.

99. Subject No. 72 - EDWARD KWOBA MASINDE.

Witnesses: 173 Faibe Nasimanyi - Part 2, p. 1704 - 1711.

174 Mike Odhiambo Masinde  
- Part 2, p. 1711 - 1723.

487 Lt. Col. Ghitre Sana  
- Part 5, p. 4634 - 4657.

The subject was working as a clerk in the Personnel Office of the East African Railways, Kampala. He had been in Kampala for three years. He was married to Faibe Nasimanyi and they have seventeen children between the ages of 23 and 2; the eldest being Mike Odhiambo Masinde (W.174). W.173 last saw her husband on 6th December, 1971, when he went on duty. He never came back.

She went to his office the next day to enquire about him. She alleged that the Regional Manager told her that her husband had been taken by some "Big men" from the Army to Makindye. She maintained that the name of Lt. Isa Abdalla of the Army Headquarters was mentioned as one of those soldiers, who does not seem to have been traced by our Counsel.

W.174, who was a Teacher at Iwualira Primary School in Samia Bugse, Bukedi, got news of his father's disappearance from some neighbours who returned home from Kampala on 10th December 1971. He waited for his mother and when she came, she too narrated the story to him. After about a month W.174 and his mother came to Kampala and saw the Personnel

Officer. He is alleged to have told them that three men had been taken together on the same day to Makindye and that he was in touch with the Ministry of Defence. Mike said that he took a lot of things but the tight security there scared him and he did not even try to make any enquiries there. On 7th March, 1972, he went to see the Minister of Internal Affairs, who then was Lt. Col. Obitre Gama (W.437). The details of the interview, in the words of Mike, are as follows - (p.1717):

"When we went there, he checked some of the files and told us that, well that matter, means my father's name and two others had been reported to him in writing by the Regional Manager of E.A. Railways Corporation and that he had made enquiries about this and the Ministry of Defence Headquarters had assured him that those people were at Makindye pending further interrogations on a subject he could not reveal to us for security reasons."

Mike continued to say that the Minister then sent him with a written message to Republic House where he saw a Major. The Major rang somewhere and then told him that "the person in Charge of Makindye... was out and, therefore, we could not go there, we could not be allowed to go there to see our person." The Major further told him to be patient for his father would be released after the enquiries were completed. He said that they waited for a very long time and, as they were very worried about his father's whereabouts, they wrote several letters to the Secretary for Defence, the Minister of Defence, and to Your Excellency, without getting any reply from any source.

W.437 did not recall the alleged interview with Mike but said that he used to see relatives of people who had disappeared. He said that his reaction was to tell these people that after Police investigations either the Police or he himself would let them know.

He said that in normal circumstances he used to write to the Commissioner of Police to cause enquiries to be made and, in cases where he received reports from the Police that the missing person was not traced, he used to inform the relatives concerned. He said that in cases where Army soldiers were involved, he used to contact the Minister of Defence. He thought that he did not tell Mike that his father and others were at Makindye pending enquiries. He said that he was not telling relatives about people who were in detention at Makindye but used to direct them to the Minister of Defence who would arrange for them to see the prisoner at Makindye.

There is scanty evidence concerning the disappearance of the subject. We failed to get any eye witness. We have considered the evidence which is before us and we find no reason why the mother and the son should fabricate evidence that the subject was arrested from his office with two others and taken to Makindye. They could not have dreamed the name of Lt. Isa Abdalla. We consider those two witnesses as truthful. They did see the Minister of Internal Affairs and we accept their evidence in preference to the general denial of the Lt. Col. who probably saw a lot of relatives enquiring about their missing people and was thus not able to remember their interview clearly or what he told them. The fact of the subject's detention at Makindye would have been proved or disproved by the production of the D.O.B. which, as has already been seen, was not available. However, we find that the subject was arrested and taken to Makindye and as he has disappeared only the appropriate authority can know what was done with him.

The obvious finding, of course, is that he was unlawfully disposed of while under detention at Makindye.

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100. Subject No. 80 - S.S.P. CLEMENT EBOKORAIT.

Witness: 175 Elizabeth Asiyo Ebckorait - Part 2,  
p. 1723 - 1732.

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He was a Senior Superintendent of Police, in charge Busoga District, and was stationed at Jinja, since October, 1972. He was married to W.175, who was living at their home in Pallisa. They have eight children between the ages of nineteen and three months; except for the two youngest, the rest are at school.

On 30th January, 1973, a police officer, called Chedikol, who was also stationed in Jinja, reported to W.175, that her husband had been arrested and taken away on 29th January, 1973. She went to Jinja and, on making enquiries at the Police Station, learnt that her husband was taken by four men, dressed in a uniform similar to the Army uniform. The details of the vehicle in which he was taken were not recorded and no body seemed to know the identity of those four men. She saw the Assistant Commissioner of Police, Mr. John Walusansa, at the Police Headquarters, after about two weeks of the arrest. He denied any knowledge about this incident and asked the woman to confirm that her husband had been arrested and the reason why he was arrested! This was after she told him that she was not sure whether he had been arrested because she was not present when he was taken. She was also not certain as to whether he had gone to Kirezi on safari as he used to. She was, however, definite that he had not run out of Uganda, or he would have written to her.

The evidence is very sketchy. We find that the subject was arrested by four men, dressed in Army uniform on 29th January, 1973, from his office at Jinja. We find it odd that no body at the police station took the trouble of asking for the identification of those four men, or of recording the registration number of their vehicle.



We are sure that he has been missing since then and we find that the probability is that he was unlawfully disposed of by those four unidentified men in Army uniform.

101. Subject No. 81 - RASHID SURURU.

- Witnesses: 177 Sulemani Naku - Part 2, p. 1743 - 1753.  
186 William Wetaka - Part 2, p. 1833 - 1849.  
187 Victor Owori - Part 2, p. 1850 - 1873.  
250 Mwanabani Kusuf Part 3, p. 2469 - 2482.  
363 Aida Nzuki - Part 4, p. 3734 - 3739.  
364 Abdala Ititia - Part 4, p. 3740 - 3745.  
365 Wilson Maberu - Part 4, p. 3746 - 3761.  
373 AIP J.K. Oweka - Part 4, p. 3820 - 3822.

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The subject was a Muslim religious leader and a witchdoctor. He used to live in Bugema Nabwayo near Mbale, and was married.

On Friday 23rd November, 1973, he went to Mbale for Friday prayers. A newspaper vendor Sulemani Naku (W.177) was with him at the prayers, after which they returned to the Maluku bar where W.177 used to sell his papers on the pavement.

At about 2.15 p.m., two men in a green BMW car No. UUN 353 went to the subject's home and asked W.250 about the subject. They said they wanted him to do something for them. As Rashid had not returned home, they asked the porter, also called Suleman, to take them to him. As W.250 and Rashid's wife were going to town, they offered to take them to where Rashid was. They took the car to Maluku bar and Rashid talked to the people in the car. According to W.177, Rashid appeared to know those men with whom he was laughing. He sat in the car in the rear

seat and the car drove away.

That was the last that Rashid was seen or has been heard of and has been missing since then.

At the time of the disappearance but the funeral rites of his mother continued. W.250 said that they reported his disappearance to the police the same day. Some police dogs searched for him in the forest without any success.

The following day, that is, Saturday 24th November, 1973, W.177 went to the Mbale Motor Trading Company Ltd., and saw the man with whom the subject had gone in the car the previous day. This was Wilson Maberu (W.365), who used to work as an accountant. Naku said that on being told about the disappearance of Rashid, Maberu looked surprised and said that he had been dropped in the town and his friend who was working for the Uganda Commercial Bank, Soroti, had gone with the subject. He promised to contact his friend in Soroti by telephone and when W.177 saw him at 2 p.m., Maberu told him that he had been through to Soroti and had been told that his friend and the subject had gone to a place about 5 miles from the town. Maberu admitted seeing this newspaper man but said that this was on Monday, the 26th November and the enquiries were about the car in which he was travelling on Saturday. According to Maberu, that was a Peugeot 403 saloon the registration figures of which were O37. He admitted making a telephone call to Soroti on 26th November but denied that this was in connection with the subject. W.363, who was then the telephone operator, stated that after he had spoken on the phone, Maberu told her that he had wanted his brother in Soroti to get him some sacks of groundnuts. Maberu said that on Friday, 23rd November he was on duty and had his lunch at Mbale Hotel at 1 p.m. He said that he spent the whole of the afternoon at his

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place of work and at 5 p.m. was driven home by the workshop foreman. He denied being in the BMW car that day at 1 p.m. as alleged.

Regarding this vehicle, it was not denied that it belonged to the Mhale Motor Trading Company Ltd. Victor Owori (W.187), a brother of one of the directors called Okumu, testified that he had been authorised by his brother who had gone to Nairobi to use this vehicle on Saturday, 24th November, to go to Tororo in connection with his impending marriage. The foreman (W.364) stated that on Friday, 23rd November, he was asked by Maberu to check the car as it was to be used by Owori the following day. He said that its clutch was faulty and the engine misfiring. He repaired the car on Saturday, 24th November, and the clerk, Wetaka, handed over its keys to Owori. Owori said that he went to Tororo on Saturday and on Sunday had an accident with a Land-cruiser, allegedly belonging to Mr. Oboth Ofumbi, registration No. UYL 605 on the Tororo/Mulanda road. The offside mudguard was dented and the head lamp broken. On Monday, 26th November, Owori told the foreman that the car had broken down at his home. The foreman went and found that the gears did not engage, and he managed to drive the car to the garage for repairs. On the same day, some people, including Naku and W. 250, went to the garage where they identified the car as the one in which the subject was taken away the previous Friday, and also Wilson Maberu as one of the people in the vehicle. The police were contacted, and the car taken to the police station together with Wilson Maberu and Wetaka: this was on the 29th November. Subsequently, Wamboga who is Maberu's cousin was also fetched from Soroti. On 13th December, 1973 AIP Oweka (W.373), conducted an identification parade in respect of the car. None of the identifying witnesses, who

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included W. 177 and 250, identified him. Wilson Maberu refused to take part in the parade on the ground that the witnesses had seen him before a number of times at the police station and the witnesses identified him with the identifying witnesses one by one. All of them identified him as the person they had seen in the car in which Rashid Sururu was taken on 23rd November, 1973. Maberu said that after witnesses had made their statements, he was told by the O.C. Police that he was alleged to have kidnapped someone. He said that he was subsequently taken to court but the case was later withdrawn.

Naku and Mumbani Yusuf (W.250) saw the car in which the subject was taken away from outside Maluko bar. The time was soon after 2.15 p.m. W.250 actually travelled in that car from her home. We think that these two witnesses were not mistaken in their identification of the vehicle in which the subject was last seen. Furthermore, after the subject was reported missing, these witnesses went to Mbale Motor Trading Company where they identified the car and reported Maberu to the police the following week. On the other hand, there are the denials of the people working for Mbale Motor Trading Company that the BMW left the showroom on Friday, 23rd November, 1973. This is significant because if this were so, then quite obviously Naku and W. 250 would be grossly mistaken about the vehicle in which Rashid was taken. In considering their evidence, we should like to emphasize that Victor Owari (W.187) turned out to be a most unsatisfactory witness. In a matter of fact, he admitted that he had told deliberate lies to the police with regard to the accident he allegedly had in the BMW on Sunday, 25th November, 1973. In his statement to the police he admitted saying that the vehicle was being driven by Mrs. Okumu when the accident occurred and that she ran into a wall. He admitted that both these statements were wrong and he had deliberately lied to avoid getting into trouble.

A self-confessed liar cannot be trusted in anything and it seems to us that, realising that the vehicle belonging to the company had been sufficiently recognised as having taken the subject away and also one of the company's employees, that is, Maberu, the other employees must have tried to fabricate evidence in order that they be not implicated. We see no reason why Naku and W. 250 should tell lies either in respect of the vehicle or Maberu. We accept their evidence and find that on 23rd November, 1973, Maberu and another person took the subject away in the BMW, UUN 353. From the replies which Maberu gave to Naku on being asked about Rashid's whereabouts, we are inclined to the view that Rashid was taken to Soroti to do something for these men. It will be recalled that Maberu refused to participate in the identification parade on the ground that the identifying witnesses had seen him before. We are of the opinion that this was a deliberate move on his part to avoid being identified, but nevertheless was identified subsequently when the witnesses were called into the office where he was.

We do not know the reasons for withdrawing the police case against Maberu. We are of the opinion that there is prima facie evidence implicating Maberu to a very large extent with the disappearance of the subject, and we would certainly recommend the Director of Public Prosecutions to reconsider the police file.

As the subject has been missing since 23rd November, 1973, we find that the probability is that he was disposed of unlawfully by Maberu and his unknown companion.

102. Subject No. 82 - L.L. KISADJA.

Witnesses: 179 Ruth Bokibwona - Part 2, p. 1773 - 1781.

110 ... /230..

376 Abiyasali Edmond - Part 4, p. 3847 - 3852.

377 John Mugobere - Part 4, p. 3913 - 3925.

383 Nasani James Nabeta  
- Part 4, p. 3926 - 3929.

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The subject was the Personnel Manager of NYTIL, Jinja. He had worked for the company since 1955. He was married to Ruth Bokibwona (W.179) and they have ten children between the ages of 20 and 4. He had some money in the bank which his wife has not been able to operate. He had a house. His wife has not applied to court for an order to manage the estate.

W.179 last saw her husband on 22nd September, 1972 when he returned to his office after lunch in his car, UVG 583.

That morning John Mugobere (W.382) was in the company's shop which is near the offices. At about midday, he saw a black Peugeot 404 saloon entering the compound through the public gate, with three men in civilian clothes in it. He was asked if the subject was in and he told the men that he had gone out. Two of those people also saw the assistant personnel officer, Opio (W.376) and on being told that he was out, the two men said that they would return in the afternoon. According to W.382, the subject returned to the office at about 1.45 p.m. and the same three men returned in the same car at about 2 p.m. Two of them went inside the office and W.382 went and stood near the car. The two went into the subject's office and came back with him. He told his assistant, Opio, that he was being taken by security officers. On getting outside the subject was heard by W.382 asking the men if he could take his car. He was asked to get inside their car.

The subject was driven away in the black Peugeot 404, never to be seen again.

At about 2.15 p.m. the subject's brother, Nabeta (W.383) received information on the telephone from Opio about his brother's arrest. He made enquiries from people he knew at Makindye and Naguru but without success. At about 4 p.m. W.382 informed Ruth Bokibwona and later Nabeta collected his brother's car. Nabeta said that as far as he knew his brother had no connection with the Invasion of the country or the people responsible for it.

Nobody tried to take down the registration number of the Peugeot 404 in which the subject was carried away. Likewise, there is no witness who was able to identify any of those people who took him away. We find that the subject was taken away by three unknown men claiming to be security officers from his office on 22nd September, 1972, since when he has been missing. We find that the probability is that he was unlawfully disposed of by his captors.

103. Subject No. 83 - HAJI ALI BALUNYWA.

- Witnesses: 180 Hezron Kakuyo - Part 2, p. 1781 - 1802.  
184 Hajit Azem Kitimbo  
- Part 2, p. 1824 - 1829.  
518 Clement Kintu - Part 7, p. 6260 - 6266.

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The subject was the Administrative Secretary of Busoga District Administration and was the District Deputy Chairman of the Uganda Muslim Supreme Council.

He had four wives and thirty-five children, twenty of whom are now at school. Two wives are employed and the other two are unemployed.

He had two houses, one of which is a semi-permanent house with twelve rooms. W. 184 is responsible for the children. The subject was insured. No application has been made to Court so far for authority to administer his estate.

On 6th October, 1972, Clement Kintu (W.518) drove the subject to the District Commissioner's office for a meeting. The subject then asked him to fetch a file which he had forgotten. The driver left in the subject's car and, when he was about to reach Bugembe, a car overtook him and stopped in front of him, forcing him to stop. When he came outside, three men in the other car caught him and asked him if he was Balunywa. When he denied, they alleged that he was lying as the car he was driving was that of Balunywa. They asked him to take them to him. Two of the men sat with him in his car and the third followed in the other car.

Meantime, the subject was with the D.C. Busoga, Kakuyo (W.180). Kakuyo said that he had called the subject to brief him about the Friday prayers and also to give him a cheque of Shs. 1,700/- to distribute amongst the Saza Chiefs for the Independence celebrations.

The driver returned to the D.C.'s office with those men. He knocked at the door, whereupon the D.C. asked him to wait. But those men then opened the door by force and burst inside. The driver identified the subject and those men who, according to Kakuyo, numbered six, grabbed the subject by the arm and asked him in Swahili 'Unakataa ku Kamatiwa', that is, do you resist being arrested? The subject replied that he was not resisting but wanted to return the cheque to the D.C. They refused his request and proceeded to handcuff him. Kakuyo said that these people looked 'terrible' and he was scared for his life. He said that the entire incident was over

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within about three minutes and he described it as 'the whole thing is frightful'. Those people took the subject away to their car which was parked about two hundred yards from the offices.

Subsequently, the D.C. reported this incident to the District Police Commander, Ebokorait, Subject No.80, p 233, who himself has since disappeared and also to the Permanent Secretary, Ministry of Provincial Administrations, and the Secretary of Religious Affairs. He also saw the Adjutant of the Jinja Barracks, Captain Marjan, who said that he did not know who those people were.

Mrs. Balunywa stated that the District Commissioner told her that those men who took her husband away were in uniform. She said that the DC. told her that when he enquired at the Army Barracks he was told that if handcuffs were used in the arrest of her husband then those people were not from the Army as they did not use handcuffs.

It is clear that Haji Balunywa was arrested by unknown men from the D.C.'s office on 6th October, 1972. The driver, who was stopped on the way by those men, was unable to recognise them, nor did he take down the particulars of their car. Notwithstanding the little discrepancy in the evidence as to their dress, we are satisfied that those people were in civilian clothes as is maintained by W.180 and W.518. Even the D.C. was unable to identify any of those men. In any case, he was scared for his life and the incident was over within three minutes. In view of the nature of this kidnapping and as the subject has been missing since October, 1972, without any trace or news, we find that the probability is that he was unlawfully disposed of by his unknown kidnapers.

104/...../243.

104. Subject No. 84 - ERIYA BYARUHINGA.

Witness: 181 Samuel Mugisa - Part 2, p. 1802- 1811.

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The subject was a young man aged about, nineteen. He left school in 1972 and joined the Uganda Hotels as a trainee. He was undergoing some course at the Management Training and Advisory Centre. Samuel Mugisa (W.181) is the subject's young brother and used to live with him in Rubaga Road. Living with them also was the subject's girl friend, Jalia. According to Mugisa his brother had some trouble over this girl about two weeks before his disappearance. He said that one evening two men - Ginger Wine and Lukwago - beat up his brother and snatched Jalia from him. She returned to him the following day. Two weeks later, on 1st October, 1973, the subject went to the market to buy food at 8 a.m. and never came back.

Mugisa enquired at the market and also at Old Kampala Police Station, Central Police Station, and Wandegaya Police Station but did not get any information from anywhere. He also checked at the Mulago Hospital.

This is an unfortunate case where there is no evidence at all as to what might have happened to the subject. The evidence is very scanty and it suggests some trouble over the girl, Jalia. The witness did not know about the whereabouts of the other two men who created the trouble over this girl. It is impossible to say if these two are, or either of them is, responsible for his disappearance. All that we can say is that the subject has been missing since 1st October, 1973 and, as there has been no news about him since, the probability is that he is dead.

105/...../244.

105. Subject No. 85 - PAULO KIZZA TOMUSANGE.

Witnesses: 190 Sarah Alexandria Tomusange - Part 2,  
p. 1887 - 1892.

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The subject was employed by the East African Railways as Industrial Relations Officer, and had a service of seventeen years with the Railways. He was married to W.190, and they have four children between the ages of nine and three. He was insured and had a bank account but his wife has not applied for a Court order to manage his estate.

W.190 last saw him on 31st January, 1973, when he left home for duty in the morning. Between 10 and 11 a.m. she was told that her husband had been arrested by two men. No body seemed to know who they were, or where they took her husband to. Her father-in-law, Bishop Tomusange, enquired from his superior officers but he did not tell her what he was told. She herself made enquiries at the Central Police Station but no body know of the whereabouts of her husband. She said that he was quite happy with his work and had never complained about any workers who might have threatened him.

There is no evidence as to how or why the subject was arrested. There must have been some eye witnesses but our Counsel was unable to trace any. The subject's father-in-law, Bishop Tomusange, did not come forward to speak about the result of his enquiries. The only finding we can make is that the subject was arrested on 31st January, 1973, from his office by two unknown men and, as he has been missing since then, the probability is that he was unlawfully disposed of by his captors.

106/...../245.

106. Subject No. 86 - SSP. JOHN ODONGO.  
107. Subject No. 87 - DET/ASP GABRIEL ENGOLA.  
108. Subject No. 88-UA 4069 PTE EMENYO OBONG.

- Witnesses: 191 Wilson George Cankwo - Part 2, p. 1892 - 1914.  
191 Wilson Odongo Cankwo - Part 3, p. 2298 - 2302.  
204 Margaret Anyinga Odongo Part 2, p. 2053 - 2057.  
437 Lt. Col. Obitre Gama - Part 5, p. 4634 - 4657.  
487 Capt. Michael Kakora Osele  
- Part 6, p. 5508 - 5512.  
497 John Malusansa - Part 6, p. 5809 - 5856.

The three subjects and the witness Cankwo (W.191) are cousins, having the same grandfather. The first two were policemen and were stationed at Jinja; the 3rd was a private in the Uganda Army and was stationed at Masindi. Odongo was married to two wives and had twelve children between the ages of 26 and 6 years: ten of whom are at school. Engola also had two wives and five children between the ages of seventeen and four years. The private used to live with a girl-friend and had no children.

According to the evidence, SSP Odongo was first arrested from his office in Jinja on 19th February, 1971 by Captain Michael of the Uganda Army, Jinja. He was detained for about five days and subsequently released. He resumed his duties and did not appear worried. His wife (W.204) then moved to their village home in Iira where they were building a house. Mrs. Odongo said that she was later handed a letter from her husband by Mrs. Angellete Ayum; it was dated February, 1971 and her husband had asked her to look after his children if he died.

Mrs. Odongo spoke to her husband on the telephone on 29th March, 1971. On 1st April, 1971, his houseboy called Casto rang her to inform that her husband had been arrested the previous day from

the police officers' mess, Jinja by four Army men. Mrs. Odongo and Gankwo went to Jinja and Casto repeated the story to them about what the bar man at the officers' mess had told him that Odongo had been taken by four men travelling in a Landrover. They saw the barman who confirmed the story. Odongo's car was seen parked outside the officers' mess and Walusansa (W.497) who was then the O.C. Police Station, subsequently had it removed to the police station. The witness then saw Walusansa at the police station and he denied knowledge about the arrest, except for saying that he too had heard from the barman, Ogutu, of the arrest. He said that neither Ogutu nor Inspector Odeke who was present at the place was able to recognise any of the four men. W.204 said that Walusansa whom she knew well, tried to shun her and said that he knew nothing. The witnesses then went to the Army barracks and saw the Adjutant who denied any knowledge about the arrest of Odongo. According to Mrs. Odongo, the Adjutant rang Mr. Walusansa and blamed him for not reporting the arrest of Odongo to him. This was denied by Walusansa who maintained that upon hearing of Odongo's arrest he had rang up the Adjutant and asked if Odongo had been taken to the barracks. He said that the Adjutant had denied this. Walusansa further said that Mrs. Odongo did not see him at all but went straight to the barracks.

The witnesses said that Walusansa referred them to Makindye on the basis that people arrested by soldiers were normally detained there. At Makindye, they were shown a list of detainees which did not include Odongo's name. They returned to Jinja and asked Walusansa for transport to take Odongo's property home. W.204 also took Odongo's car to their home in Jinja. Mrs. Odongo said that she is having financial difficulties in supporting the children.

Jinja

Her husband's property had been taken over by her father-in-law and she maintains the children by brewing enguli.

in November, 1971. He knew Odongo but denied ever arresting him. He said that he knew two other captains with the name of Michael; one being Michale Kulyesubula of Jinja School of Infantry who had been discharged from the Army.

With regard to subject 37, Engola, Cankwo said that Engola spoke to him on the telephone after the trouble in Jinja Barracks on 11 July, 1971 and said that the situation in the barracks was "terrible". Subsequently he learnt from some women returning from Jinja Barracks to their homes that his brother, Engola had been arrested and again saw Walusansa who told him that he too had heard that Engola had been arrested by some Army men at about 3.30 p.m. D/SP Ongom, who was Engola's boss, denied knowledge of the arrest but the O.C. Barracks, Okongo, told him that some Army men had gone to the barracks looking for another policeman called Olwal and had seen Engola in the Army vehicle. Cankwo said that all these officers knew everything but were afraid to tell. He said that he managed to get the number of the vehicle which took Engola away from the police station as UQV 641. Later the O.C. provided him with transport to take Engola's personal property to his home.

He took over the District five days after the disappearance of Okongo. He was the District Police Commander when Okongo disappeared. He denied seeing Cankwo about Engola and the latter telling him that he had been arrested by Army men. Okongo said that at the time of the Army takeover, when Okongo was on leave and he was the senior most officer left in the District, practically the entire police force of Jinja police station consisted of about eight officers and 30-90

constables, deserted their duties and only two to three constables were left behind. He said that most of them came back later and he re-assured them. A group of army officers also came to the police station and asked him to control his policemen. He said that as the District Police Commander, he was mostly concerned with the administrative side and the SP/CID, who then was Ougon, was responsible for investigating cases including such disappearances. Walusansa said that he left the investigation of these disappearances to the CID.

Conato took up the disappearance of Engola with the authorities. On 4th August, 1971, he wrote to the Minister of Internal Affairs - Ex.42. The Minister Internal Affairs, who was then Lt. Col. Obitre Gama (W.437) in turn wrote to the Minister of Defence on 20th August, 1971 - Ex.43 - forwarding a copy of Mr. Cankwo's letter. He asked the Minister of Defence "to direct your army headquarters to investigate the circumstances under which Mr. Engola Awani was arrested and also inform the brother whether or not this Engola is in your custody." The Minister of Defence replied by his letter dated 9th September, 1971 - Ex.44 - enclosing a copy of a letter which he had received from G2, General Headquarters ref. G2/ UAI/1016/C of 7th September, 1971 and said :

"You will note from the attached letter which G2 had received from the Adjutant Burma Battalion that after thorough interrogation of the police officer he found that he had no case to answer and he was released through the Battalion gate at about 18 hours."

On 25th November, 1971, Mr. Cankwo wrote back to the Minister of Internal Affairs - Ex.45 - disputing the information that Engola had been released after interrogation. He said that he should have been taken under escort to the O.C. barracks or to the police station where he should have been released.

He received a reply dated 9th December, 1971 - Ex.46 - from the Permanent Secretary, Ministry of Defence which stated as follows:

"I am directed to acknowledge receipt of your letter P.P/WOC/ of 25th November, 1971 which you addressed to my Minister on the above matter. I am afraid I have no further comment to make to what has already been conveyed under S.554 Vol. II dated 9th September, 1971 which was addressed to my Minister and copied to the District Commissioner, Lango by the Minister of Defence. Should you, therefore, not agree with the facts contained in that letter, I would advise you to contact the Minister of Defence direct."

Regarding Obong, about a month after Engola's disappearance, Cankwo heard rumours about the arrest of Private Obong. He went to Masindi Army Barracks where he learnt that some Langi and Acholi soldiers were arrested on 11th August, 1971. He found many women weeping, also his brother's Muganda girlfriend was crying. She told him that Obong was arrested with many others and taken to the quarter guard. She said that when she went to the quarter guard the following day she did not find anybody there but she saw blood and some soldiers cleaning the quarter guard. He was scared to make any further enquiries. The girlfriend was unwilling to accompany him to their home. He packed up Obong's property and took it to his mother.

We are satisfied that SSP John Odongo was arrested on 31st March, 1971. Unfortunately the barman, Ogutu and Inspector Odeke, who witnessed the arrest, were not traced and we are left with the evidence of W.191 and W.204 about what they were told by the barman. Although this piece of evidence was hearsay, we have the evidence of Odongo's previous arrest in February, 1971. That incident was confirmed also by Walusansa who saw him under arrest at the Army barracks. It may well be that the authorities were still not very happy with Odongo and had him re-arrested on 31st March, 1971.



Proceeding on this basis, the hearsay evidence given by the witnesses that Odongo was arrested by four Army men from the officers' mess looks credible. We, therefore, say that the probability is that SSP Odongo was arrested by Army soldiers whose identity has not been established. He has been missing since then and we find that the probability is that he was unlawfully disposed of by the soldiers who arrested him.

Regarding Engola, we are satisfied that he was arrested on 15th July, 1971 and the evidence of Cankwo about what he was told by the C.C. Barracks, Odongo, of having seen Engola in an Army vehicle was subsequently confirmed by Ex. 44, from the Ministry of Defence where it was stated that after interrogation Engola was "released through the battalion gate." It follows that after arrest he was taken to the barracks for interrogation and the Adjutant of Burma Battalion maintained that he was released at about 6 p.m. The fact, however, remains that Engola has never been seen since he was arrested and we think that had he run away from the country he would have at least contacted members of his family from wherever he was. Furthermore, we find it rather odd that whereas he was arrested from his office in the presence of other people, the Army authorities should have found it convenient to release him at their battalion gate without anybody being present to witness the release. It raises considerable doubts as indeed Cankwo stated in his letter dated 25th November, 1971, Ex. 45. We find it equally heart-breaking for the Permanent Secretary to ask Cankwo to contact the Minister of Defence direct rather than try to assist him by dealing with the matters he had raised. Where the subject concerns the life of any individual, we find that the proper official, to whom approaches are made for

information/...../251.

information, cannot be so callous and uncooperative as was this particular permanent secretary. We are of the opinion that the disappearance of Engola cannot be explained on the basis that he was released through the battalion gate. We find this naive and incredible, to say the least about it. We find that the probability is that Engola was never released and was unlawfully disposed of while in detention at the Burma Battalion.

With regard to Private Obong, there is only the evidence of Cankwo of what he was told by Obong's girlfriend. Unfortunately she was not traced, and Cankwo himself was scared to make any further investigation while in the barracks after what the girl told him. As Obong has been missing since 11th August, 1971 we think that he may have <sup>died</sup> with the other fellow tribesmen as the girl reported to Cankwo.

109. Subject No. 89 - LEVI JACKSON OMARA EBOK.

Witnesses: 192 Mika Ebek - Part 2, p. 1915 - 1927.

193 AIP Geresom Wamushii  
- Part 2, p. 1928 - 1944.

436 Superintendent of Police Timothy Odyek  
- Part 5, p. 4612 - 4633.

98 Detective Inspector Vicent Godfrey Odwe.  
(recalled)- Part 6, p. 5859 - 5869.

The subject was a former Administrative Secretary, Lango District Administration, which post he resigned in 1952. He was a member of the U.P.C. and, at that material time, was a

shopkeeper/...../252.

shopkeeper in Alemere Trading Centre. His father, Mike Ebek, (W.192) used to help him in the shop. He was also a partner in the Lake Kioga College, which was closed down after his disappearance. He was married to two wives and has eight children.

On 20th April, 1971, the father and son were in the shop when, at about 2 p.m., three men in a white Peugeot Car No. UUI 129 stopped outside. The three men entered the shop, one of them was armed with a pistol. They searched the residential part of the building and found a shotgun No. 61942, the firearm certificate for it being No. 90234 which the subject's father produced. They arrested Omara and took him in their car to Amolatar Police Station. One of them also took with them Omara's ISUZU Car No. UQT 390.

The father went to Amolatar Police Station where he saw his son making a statement. According to A.I.P. Wamshii (W.193), the subject was brought in by three men, one of whom identified himself as No. UA 5871 Lance Corporal William Isabirye, who told him further that they were taking the subject to Kampala for interrogation. They handed in also the subject's ISUZU car and the shotgun with instructions to keep them until further notice. The A.I.P. said that later the same evening another lorry, allegedly belonging to the subject, No. UQU 756, was also brought into the Police Station. According to Mike Ebek this Bedford truck belongs to him and he produced its registration card. W,193 said that those three men later left with the subject in their Peugeot Station Wagon UUI 129. He denied that any statement was taken from Omara and produced the Station Diary in which the relevant entries had been made. Entry No.8 of 20th April, 1971 (exhibit 35) reads as follows:

"1415 hours. No. U. 5871, Isabirye William, Lance Corporal from Kampala came to arrest Omara Ebek of Alemere village, his car UQT 390, was brought to the Police Station for safe

custody and one shotgun, No.61942 and 6 keys also were handed in for safe custody - Mr. Omara taken by a car No. UUI 129 heading towards Lira under escort by the same No.Lance Corporal Isabirye to Kampala."

Entry No. 12 (exhibit 36) is in respect of the Bedford truck UQU 756 which was handed in by the driver called Okello. ~~Mr. Okello said that he was scared to ask those three men~~ for their identification papers as the one claiming to be Isabirye was armed with a pistol. He said that he was told by this man that they had been sent by the "big man" to take the subject for interrogation. The Police Officer said that the authorities were then looking for some people, mostly the supporters of the former regime, and he thought that Omara was one of such people.

The District Police Commander of the time, Superintendent Odyek (W.436), explained that at the relevant period all the security forces had powers of arrest and soldiers used to bring in civilians at the Police Stations for safe custody and collected them later whenever they wanted them. He explained that policemen were scared to ask such soldiers for their identification papers and the fear also was lest they too be arrested for doing their duty.

According to Inspector Odwe, (W.98), in April, 1971, recruitment of guerillas had started in Oyam county and also in Dokolo, Moroto, Erute and Kioga courties. He said that some people were lending their vehicles for transporting recruits and added that Omara Ebek's lorry had been used for this purpose.

On 23rd April, 1971, the two vehicles, that is, the ISUZU Car and the Bedford Truck were sent to Lira Police Station. Station Diary Entry No.14 of 23rd April, 1971 - Ex.37 refers. W.193 said that some time later the shotgun was taken by a Senior Officer from Lira Police Station and, on 12th June, 1972, Mike gave a receipt headed "Deposit of firearm"

in respect of the shotgun which was said to have been brought in by Superintendent Afidra for safe custody. According to exhibit 151 the ISUZU car is still registered in the names of Omara Ebek.

We are satisfied that Omara Ebek was arrested by the three men in the Peugeot UUI 129. We are also satisfied that one of them introduced himself to Inspector Wamushi as UA 5871, Lance Corporal William Isabirye. Although we appreciate that there were cases of personation taking place, here it would seem that the circumstances negate any such possibility. The subject was taken to a Police Station and the Lance Corporal does not seem to have made any secret of his identity. Notwithstanding the fact that Wamushi did not ask him for his identification papers, we have no doubt that at least one of the people who arrested the subject was an Army Officer, UA 5871 Lance Corporal William Isabirye. The evidence suggests that, and this we accept as a possible reason for the subject's arrest, in April, 1971 recruitment for guerillas had started in some counties of Lango and some people were assisting in transporting the recruits. Omara Ebek's father had a truck and it may well be that the son was suspected of assisting guerillas in their transport. This would strengthen our finding that the subject was in fact arrested by men from the Army. There is no evidence except for what Odyek said of where the subject was taken from Lira Police Station. If he was taken to Gulu we did not have evidence to show that he reached Gulu Airbase. The fact, however, is that he is missing since 20th April, 1971, and in view of the manner of his arrest and the reason for his arrest, we are of the opinion that he was unlawfully disposed of on the way to Gulu by the people who arrested him, including UA 5871 Lance Corporal William Isabirye who, according to our Counsel in his final address, died sometime ago in a traffic accident.

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110. Subject No. 90 - BENJAMIN BONEFESI KANJE ODUR.

- Witnesses: 194 Dolotia Odur - Part 2, p. 1945 - 1956.  
197 George Wilson Obotol  
- Part 2, p. 1967 - 1979.  
Part 2, p. 1987 - 1988.  
198 Placid Weri Iga  
- Part 2, p. 1979 - 1987.  
237 Capt. Mark Chandia  
- Part 3, p. 2342 - 2364.  
434 Supt.G.W. Ochepa  
- Part 5, p. 4578 - 4609.  
98 Insp. Vicent Godfrey Odwe  
- Part 1, p. 961 - 969.  
Part 6, p. 5857 - 5869.

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The subject was a nephew of the former President, Milton Obote, At the time of the incident, he was the personnel manager at Lira Spinning Mill. He was married to Dolotia Odur (W.194) and they have nine children, between the ages of 25 and 2½.

According to Mrs. Odur, he was arrested once before about a year previous to the incident of 5th February, 1973. His car was taken away and he had to go to Kampala and, according to Odwe (W.98) Your Excellency had had to intervene to release his car.

On 5th February, 1973, at about 11 a.m., the senior accounts clerk of the Spinning Mill, Obotol (W.197) took some payment vouchers to Mr. Odur for signing. He met him in the courtyard and just then a V.W. Kombi, registration No. UYZ 410 came with four men in civilian clothes. According to Obotol they looked rather serious; by their tone they appeared not to be friendly and to him they looked like thugs. They asked where Mr. Odur was and when he identified himself, he was told to get into the car.

He/...../256.

He did as was told, and they drove away with him.

According to Captain Mark Chandia (W.237), who was the O.C. Military Police, Lira, the Kombi UYZ 410 was an abandoned vehicle which had been taken over by the Military Police. It was used solely for the purposes of his Unit and it was also made available to Military Police personnel, State Research Department and Intelligence Officers from outside Lira whenever their vehicles broke down.

Mrs. Odur said that at about 10.30 a.m. her husband was taken to their home by some Army people who came in two cars. They were four men in Army uniform and were armed with guns, two in Military Police uniform and four in civilian dress. They came in a light blue car and a white mini-bus. She said that Captain Mark Chandia was one of those people and was in the blue car. He simply stood-by and did not appear to take part in what was happening. They searched the house, and took away a shotgun, two children dresses with Obote's picture and three group photographs including Obote. After the search, they took her husband in the mini-bus and drove away.

Chandia said that on learning of the arrest of Mr. Odur, he went to his house, accompanied by two Army officers. He asked Mrs. Odur about him and was told that he had disappeared. She handed him some files which he kept; and later in September, 1973 handed those files and a payment voucher book to the administration manager, Mr. Iga (W.198). The voucher book - Ex.38 - was the one which W.197 had taken to the subject for signing when he was arrested.

Oboto waited for Mr. Odur till about lunch time and then

reported/...../257.

reported his arrest to Lira Police and U.D.C. Headquarters. The report was made to Superintendent Ochepa (W.434), who was the District Commander, Lango and he instructed the D.C. CID, Emergo to get all the details of the vehicle and the Army personnel from Mr. Obotol. As a result, a general enquiry file No. 12/73 - was opened and a statement recorded from Mr. Obotol. The following day Captain Chandia called at his office at his request and upon being told about the statement made by Obotol, Chandia said "yes, I took Mr. Benjamin Odur for inquiries on security matters. When the enquiries are finished, I will report to the Emergo Project, Kampala." Ochepa said that he asked to be informed about the result of Chandia's enquiries and kept a minute to that effect on to the police file - Ex.104.

Odwe, who was then the District Special Branch Officer, heard the news of the arrest from Rose Abongo who rang him. He confirmed with the D.C. Captain Henry Agech, who promised to look into it, and the same day he went to Kampala on official duty. On his return, on 8th February, 1973, he was told by Ochepa of Odur having been detained by Chandia for security matters.

No more was heard of Mr. Odur, nor did Chandia report to Mr. Ochepa about the result of his enquiries. Ochepa, who stayed on in Lira for the whole of 1972, said that he did not again ask Captain Chandia about Odur, although he did ask for his statement which he refused to make as he was going away.

Mrs. Odur did not make any enquiries for the reason that she had heard that "whenever a person is arrested, he might be taken before court and he is tried," (p.1950). On being pressed why she had been so complacent, she repeated that she was under the impression that he was perhaps detained somewhere pending his trial like many other people.



Upon this evidence, we are satisfied that Mr. Odur was arrested by four people in civilian dress who were in the V.W. Kombi, UYZ 410, admitted by Captain Chandia to be the property of his Unit in Lira. Mrs. Odur next saw her husband being brought home by about ten people, four of whom were in Army uniform and two in Military Police uniforms. She also mentioned a mini-bus and that Captain Chandia was present during the search of her house. Captain Chandia gave a different account of his visit to the home of Mr. Odur and we must say that we were not impressed by his explanation. Mrs. Odur spoke of the search which must have followed closely her husband's arrest at the Spinning Mill. We refuse to believe that these unknown people would have been able to use a vehicle belonging to the Military Police, Lira without Chandia's knowledge. We believe that after arresting Odur, these people must have gone to Chandia who accompanied those four with some of his own officers to Mr. Odur's house for the search. In the light of all this, we believe Superintendent Ochepe to whom Chandia admitted freely that he had detained Odur because of security reasons. There was no reason for Superintendent Ochepe to fabricate such evidence against Chandia and, for the reasons which we have endeavoured to give, we find that on 5th February, 1973, Chandia sent the Kombi UYZ 410 to Lira Spinning Mill to arrest Benjamin Odur because of some security reasons. We find that he has been missing since then. He does not appear in the DOB kept by the Military Police, Lira. Ochepe said that he thought that Odur had been taken to Kampala for interrogation. As he has not been heard of since his arrest, we find that the probability is that he was unlawfully disposed of by the Army personnel who had been detailed to escort him to Kampala from Lira, whose identity must be known to Captain Chandia.

111. Subject No. 91 - MARTIN ABANYA.

Witnesses: 195 Washington Anyek - Part 2, p. 1957 - 1961.

196 Charles V. ...

- Part 2, p. 1961 - 1967.

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The subject was the sub-county chief of Minakulu, Lango District. He had been a chief for about one year. He had three wives, two of whom have since remarried according to custom. He had ten children, the eldest W.196, aged thirty-three and the youngest being nine. Six of the children are still at school being supported by W.196.

On 27th September, 1972, the subject went to the County Headquarters, Anyeke, to arrange the prize-giving function for the double production competition which his Gombolola had won. During his absence, at about 3 p.m., four men in civilian clothes and travelling in a van, similar to those used in the Governors' offices stopped at his office in Minakulu and enquired from the clerk (W.195) where the subject was. On being told that he had gone to the County Headquarters, they drove away without saying anything more. Those people later returned and called W.195. He found the subject in the van, sitting between two people. He was not handcuffed or tied but was weeping. His captors handed to the clerk the subject's bicycle, office keys and his brief case, and then drove away in the direction of Gulu. The clerk reported the incident to the D.C.

W. 196 made enquiries at the County Headquarters but did not see any person who might have witnessed the incident. He learnt from a woman called Eremu that the subject was picked

up/...../260.

up by those people from Tochi Swamp, beaten up and put in the car. The son made enquiries in Gulu without success. He also enquired at Lira Police Station and from friends at Luzira Prison. No body had any idea about the whereabouts of the subject. W.196 stated that he did not go to any Military Camp as he was scared. After the disappearance of the subject his son Charles was appointed the heir. He was insured and had money in the bank. No body has so far applied to Court for an order to manage his estate.

This is yet another case where the evidence is very scanty. We are in no doubt that the Sub-County Chief of Minakulu, Martin Abanya, was arrested by four unknown men on 27th September, 1972, and had been missing since then. The Chief's clerk said that those people talked in a "brutal" way and this probably scared him. He certainly did not take down the particulars of the van and there is nothing in the evidence before us about the identity of any of those four men. This arrest came soon after the Invasion of this country when, according to other witnesses from Lira Police Station, for example, W.98 and the D.C. Captain Agech (W.331), many people from the District were arrested on suspicion of being involved with the Invasion. It may well be that Martin Abanya was also arrested for the same reason. As we shall shortly see, in the case of the Administrative Secretary of Lango, George Olong (subject 94) at least one of the people who arrested him was identified by Captain Agech as Corporal Okello of the Intelligence Section who claimed to have been sent by Lt. Col. Marella to arrest these people. It may well be that the subject was also arrested by people who had been sent out by Marella from Kampala, but we do not have any such

direct/...../261.

direct evidence. As Abanya has been missing since 27th September, 1972, we find that the probability is that he was lawfully disposed of by the unknown people who arrested him.

- 112. Subject No. 92 - ABSOLOM OTIM.
- 113. Subject No. 93 - BEN OTIM.
- 114. Subject No. 94 - GEORGE OLONG.

Witnesses: 199 Irene Otim - Part 2, p. 1989 - 1998.  
200 Popiya Otim - Part 2, p. 1998 - 2010.  
201 Mary Auma Olong  
- Part 2, p. 2011 - 2019.  
282 Lucy Akello - Part 3, p. 2794 - 2806.  
295 John Ochepe Alaga  
- Part 3, p. 2905 - 2910.  
331 Captain Henry Agech  
- Part 4, p. 3311 - 3345.

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These three subjects were arrested and taken on the same day, that is, 23rd September, 1972.

Subject 92 - Absolom Otim - was the Gombolola Chief of Bala, Lango District. He was married to Irene Otim alias Adye, (W.199), and they have eleven children, between the ages of twenty-eight and ten. She said that only the youngest child is at school as she cannot afford the others to go to school.

Subject 93 - Ben Otim - was a former Secretary General of Lango District and since 1971 was the Chairman of the District Land Board. He was married to Popiya Otim (W.200) from whom he has six children. He had another wife called

Lucy/...../262.

Lucy Auma from whom he has four children. Each wife looks after her children. W.200 said that she has applied to Court for authority to manage his estate.

Subject 94 - George Olong - was the Administrative Secretary of Lango District. He had three wives, that is, Mary Auma Olong (W.201), Desimenti Ataro and Lucy Akello (W.282). He had nine children with W. 201 and eight with Ataro. W. 201 has already obtained a Court Order to manage his property but she complained that she has not been able to continue the premiums on his life insurance due to lack of finances.

On 23rd September, 1972, Absolom Otim had returned home from Lira. At about 10 a.m. he was getting ready to go to his office when five people travelling in a Peugeot 504 car came to his home looking for him. They told him, "We want you at Lira". He told them that he had just returned from Lira and did not know those people. He went inside his house, whereupon two of them stood at the front door and the other two at the rear. When he came out he was ordered into the car. His wife (W.199) looked inside the car and saw a gun. She started crying and the vehicle drove away. She asked a boy to jot down the registration number of the vehicle which he gave her - Ex.39. According to it, the original registration letters were UUK but were altered to UYO 606. She did not know who had done this alteration. After their departure, W. 199 managed to go to Lira and saw the District Commissioner, Captain Agech. She showed him Ex.39 and he promised to look into the matter. She said that her husband was not against the present Government.

At about 1 p.m. the same day, the same vehicle with

five/...../263.

five men and Absolom Otim went to the home of Ben Otim in Aduku Road and asked his wife, Popiya, about him. She told them that he had gone to the home of the co-wife, Lucy, in Anguta-Angwet village. She jotted down the number of the vehicle on a piece of paper - Ex. 40, as UYO 606. At about 3 p.m. Ben Otim was drinking with his porter, John Ochepe Alaga, (W. 295) and his wife Lucy when the same car with Absolom Otim in it as a prisoner, stopped near the home. Four men got out of the car, two came from the front and the other two from the rear of the house and told Otim that they wanted to take him to the Police Station for a statement. Ben Otim dashed inside the house and locked himself in. They threatened to shoot if he did not come out. W. 295 and Lucy appealed to Ben Otim to come out as there were children in the house. He came out and they made him walk in front up to the car. W. 295 heard the Gombolola Chief tell Ben Otim not to worry and they will see what will happen. Ben Otim gave him Shs. 500/- and a bunch of keys which the witness later handed to Popiya, (W. 200). W. 200 reported to the D.C., Captain Agech, who told her that her husband had been arrested with George Olong on orders which came from Kampala. When Popiya saw the D.C. again on 25th September, 1972, she was told that her husband had been taken to Kampala. She said that at the beginning of October, 1972, some men went to her home and said that they had heard that she was crying for her husband and was disturbing the D.C. about him. They told her that they would come back later to take her to her husband. She was scared and the following day, left the home and went to live with her parents. The D.C. said that Ben Otim's wife saw him five days after his arrest and directed her to report to the Police.

Or/...../264.

On the same day in the afternoon George Olong was at the home of his wife, Lucy Akello (W.282) at Adyere Primary School. She said that the Health Inspector, Omule, (who also disappeared and is subject No. 135, p. 302) delivered a message to Olong that the D.C. Agech had suggested that Olong should move to a place with a telephone in it so that he could be contacted easily "in case something happened." Olong then went away to see the D.C. for an explanation. She accompanied him to Lira where she wanted to go to the hospital to see Olong's sister. Before reaching the hospital, they met Mrs. Absolom Otim who told her about the arrest of her husband by some people in civilian dress travelling in a Peugeot vehicle. Just then, the same vehicle stopped on the road and as Olong drove to the D.C.'s home the Peugeot followed them. At the D.C.'s home the people in the Peugeot asked Olong to get into their car. But Olong said that he had something to tell the D.C. They told him that the D.C. was not at home but when Olong knocked at the door Captain Agech came out. The D.C. spoke to them first in the garage for about ten minutes and then in the sitting room for about five more minutes. According to Mrs. Olong - (W. 201):

"Afterwards they came out. The D.C. talked to Mr. Olong that these people came from Kampala and they want you that the President wants you" (p. 2800). When he pressed him for the reason why the President wanted him he is alleged to have commented that "Many people were called for interview in connection with the incident of Mutukula." (p. 2801).

Olong drove back to the home of his wife Mary Auma (W. 201) with the Peugeot following them. Olong told her that there had been some trouble and Your Excellency wanted him. He handed her the car keys and his personal property and he was then driven away in the Peugeot, whose number W. 201 also noted as UYO 606. She said that neither Ben Otim nor Absolom Otim was in the car at that time.

W. 282 saw the D.C. again on 25th September, 1972, when she was told that the telephone lines were out of order and that he had sent Captain Chandia to Kampala to find out about her husband. She saw him again on 27th December 1972, when the D.C. told her that he had been told by Chandia that her husband was detained at Makindye. The other wife (W. 201) says that she saw the D.C. about two weeks after Olong's arrest and the D.C. told her that her husband was wanted by Your Excellency in Kampala. About a year later, the D.C. is alleged to have told W. 201 "Your husband is no longer living" (p. 2015). She said that she went to Kampala to look for her husband but did not achieve anything as she did not know Kampala well and secondly she fell sick.

Captain Agech said that on Saturday 23rd September, 1972, two men who came with Olong to his house told him that they had been sent by Lt. Col. Marella to take all the Administrative Secretaries to Kampala. The D.C. said that one of those two was Corporal Okello of the Intelligence Section of Malire and that their vehicle was a Peugeot 504, UYO 606. He tried to contact Marella on the telephone but the lines were out order. About a week later he went to Kampala and found Marella very busy and he then reported to the Permanent Secretary, Mr. Mugoya, about these arrests.

It is obvious that these three men were arrested on 23rd September, 1972, by the men who were travelling in the Peugeot 504, UYO 606. The D.C. Lango, Captain Agech, said that one of these men was Corporal Okello of the Intelligence Section of Malire who told him that they had been sent by Lt. Col. Marella, the then Commanding Officer of the Military Police Makindye, to fetch these people and other Administrative Secretaries in connection with the Invasion of the country at



Mutukula by guerillas. We have no reason to doubt this evidence and we find that all these three people must have been escorted to Makindye by Corporal Okello and his companions. As none of them has been heard of since and the records of Makindye were not available, we think that the probability is that they were unlawfully disposed of by the military authorities in whose custody they were. Corporal Okello, who was not traced, is clearly implicated in their disappearance.

While still on this subject, we should like to point out that according to the records maintained by the Central Registry of Motor Vehicles, the number plate H10 606 belongs to a SUBARU Vehicle, registered in the names of H.M. Mukwaya and Amlani Motors of Kampala - see Ex. 152. We do not know how Corporal Okello managed to put this number plate on the Peugeot 504, but this case does indicate that even members of the Intelligence Section of the Army were using false number plates obviously to camouflage their identity.

115. Subject No. 95 - M. OKUJA.

- Witnesses: 202 Mary Ekit - Part 2, p. 2027 - 2039.  
203 Benjamin Ekalu Opio  
- Part 2, p. 2040 - 2053.  
303 No. 7584 P.C. Robert Ajenga  
- Part 3, p. 2947 - 2952.  
436 Sup't. Timothy Odrek  
- Part 2, p. 4612 - 4633.  
511 Emanuel Kasujja  
- Part 6, p. 6164 - 6168.  
98 Insp. Vincent Godfrey Oawe  
- Part 6, p. 5857 - 5869.

The subject was aged 42. He was a shopkeeper and had

a Mercedes Benz lorry No. UQZ 447. He was married to Mary Ekit (W. 202) and has five children between the ages of 14 and 4. They are all at school and the subject's mother supports them. No one has so far applied to court for an order to manage his estate.

On 24th April, 1971 the subject left his home in his lorry with the turnboy, Okudu, who is said to have died in an accident, to distribute cotton seed. At about 6 p.m. Okudu returned alone and reported to W. 202 that her husband had been arrested in Alito by some people who stopped them and ordered the subject to drive to Lira Police Station. W. 202 said that Okudu told her that he had left the subject and the lorry at Lira Police Station.

The subject's brother, Opio (W. 203) learnt about his brother's disappearance and sent his sister-in-law (W. 202) to the Police Station to ascertain if the report was true. He said that he was afraid to go and felt that "Women were in a better position" to make such enquiries. W. 202 went to the police station and found their lorry parked outside. She enquired from a policeman about her husband and was told to return the following day. She went to the police station the following day and was told that her husband was no longer there. The policeman told her that possibly he had been taken to Gulu. She did not see their lorry at the police station either. Opio said that he went to the police station on the 25th April, and asked a friend, who was in the Special Branch, to try to find out the reason for his brother's arrest. He did not receive any assistance and then sent W. 202 to Gulu Police Station where she was taken around the cells about his brother's lorry and was advised to 'forget' it. A week later, Opio found his brother's lorry at Gulu Bus - park

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with a tall fat man in civilian clothes in it. He did not speak to the man nor did he report to the police as he was afraid. Instead he reported to the National Insurance Corporation. He saw the lorry again at D.T. Dobbie garage in 7th Street, Kampala. He was told that it had been taken there by officers of the Uganda Army. He saw the private secretary to the Minister of Defence and with the garage manager and the secretary, one called Otto Okello, went to the garage where the secretary took down the registration number of the lorry and the business title which was written on the lorry, that is, Sundry Enterprises Ltd. He was asked by Mr. Okello to wait for his communication. He never heard from him and subsequently handed the lorry's registration card to his lawyer, Mr. Ariko.

The assistant workshop manager of D.T. Dobbie, W. 511, said that the lorry UQZ 447 was first brought into the garage for repairs by Sundry Enterprises of Lira. According to his records, it was next sent into the workshops on 22nd June, 1973 by the Ministry of Works and Housing with an order No. 270/72 - Ex.130. W. 511 said that they claimed their charges from the Ministry of Defence as stated on Ex. 130. The vehicle next came into the garage on 7th January, 1974, again sent in by the Central Workshop (see order Ex.131), but this time it was displaying a different number, i.e. No.12 UA 98. Kasujja said that having checked the engine and chassis number of the lorry - 12 UA 98 - with his records he found that both corresponded with the engine and chassis of the lorry No. UQZ 447. He produced a certificate to that effect (Ex.132) dated 29th November, 1974 which reads:

"M/Benz L.1113 Registration No. UQZ 447, engine No.352.908 - 20 - 081849 chassis No. 358.002 - 20 - 64619 was sold to M/s. Sundry Enterprises Ltd., P.O.Box 185, Lira on 2nd November, 1970. On 7th January, 1974 the same vehicle was

brought in our workshop for repairs from Ministry of Works and Housing, Central Workshop P.O. Box 7174, Kampala with Registration No. 12 UA 98 (Order No. CW/3773/74."

According to the records of Lira Police Station, which were produced by No. 7584 P.C. Ajenga (W.503), it seems that on 23rd April, 1971, Private Khamis handed in one man and a vehicle UQZ 447 for safe custody. This is according to station diary entry No. 108, Ex.60. The Lock-Up register entry No. 794/71 reads:

"John Akuja for safe custody was admitted on the same day which is 23rd April, 1971, and the prisoner's property book reference No. was 456/71. He was taken to Gulu on 23rd April, 1971 by an army officer" - (Ex.63):

There is another entry in the station diary No.112 of the same date, 23rd April, 1971, which reads:

"Lt. Nalumosu reported his departure to Gulu with two persons, (1) John Akuja, (2) Misaki Anyik with a car registered UQX 447 and a lorry UQZ 447." - (Ex.61)

Superintendent Odyek (W.436) was then the District Police Commander, Lango and Inspector Odwe (W. 98) was the District Special Branch Officer. According to Odwe, in April, 1971, people were being recruited as guerillas in some of the counties of Lango notably, Oyam, Dokolo, Moroto, Erute and Kioga. He said that some other people were providing transport for these recruits and he mentioned particularly the names of John Okuja and Omara Ebek (subject No.89, p. The District Police Commander knew of the arrest of John Okuja and, after looking at Ex. 60 and 63 admitted that he had been kept at his police station. He explained that at the material time members of the Armed Forces had powers of arrest and it was difficult for policemen to check on the identity of all such persons who were bringing in prisoners for safe keeping at various police stations.

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He said that the difficulty was that some of the soldiers were uncooperative and stubborn and refused to properly identify themselves. He said that such prisoners, who were kept at Lira Police Station, were subsequently transferred either to Kampala or Gulu.

There can be no doubt that the subject John Okuja was in fact arrested but according to the police records, he was arrested on 23rd April, 1971, and not 24th April as stated by his wife. According to Lira Police Station Diary Entry No. 108 (Ex. 60), it is obvious that private Khamis handed in one man and a vehicle No. UQZ 447 for custody. This registration number is that of the Benz lorry belonging to Okuja and it will follow therefore that the man who was handed in by Khamis must have been Okuja. A similar entry is reflected in the Lock-up register (Ex. 62) and also in the station diary entry 112 (Ex. 51) which indicates that Lt. Nalumoso escorted Okuja and another man called Onyik to Gulu with a car No. UQX 447, and lorry UQZ 447.

We are satisfied that the subject, Okuja and his lorry UQZ 447 were in fact transferred from Lira Police Station to Gulu Air Base by a soldier called Lt. Nalumoso. That this must be so is further witnessed by the fact that when the same lorry was sent to D.T. Dobbie garage on 22nd June, 1971 by the Ministry of Works and Housing, it still bore the title Sundry Enterprises Ltd. and the same registration number UQZ 447. The bill of the repair charges was paid by the Ministry of Defence. When it was sent in again on 7th January, 1974, by the Central Workshop, its registration number had been changed to 12 UA 98. We have no doubt at all that the lorry belonging to Okuja was in fact taken over by the Ministry of Defence.

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From the evidence of Inspector Odwe, it is obvious that in April, 1971 some guerillas were being recruited in various counties of Lango District and other people, including Okuja, who were sympathetically inclined to the cause of the guerillas, and provided their vehicles for their transportation. We are in no doubt in finding that Okuja was in fact arrested by the security forces in the person of Private Khamis because of such a suspicion. The records indicate that he was taken to Gulu Airbase by Lt. Nalumoso, but there is no evidence to show that he reached that destination. The fact, however, remains that he has been missing since then and we have no hesitation in saying that he must have been unlawfully killed by the people who escorted him to Gulu, including Lt. Nalumoso.

116. Subject No. 96 - CIRILO ENGANANG.

Witnesses: 205 Clement Ojok Eliak - Part 2, p. 2053 - 2057.  
206 Faibi Alobe - Part 2, p. 2057 - 2064.  
213 Erieza Okello Adupa - Part 3, p. 2126 - 2145.

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The subject was a business man and a partner with Eliak (W. 205) in quarry at Ngeta, near Lira, called the Lango Quarry. He was also a member of the Uganda Land Commission. He had four wives including Faibi Alobe (W. 206) and a total of twenty-three children between the ages of twenty and fifteen. One of the eldest children, Opio, looks after the other children but, according to W. 206, he is now complaining about the burden on him.

On 22nd September, 1972, the subject left the home of W. 206 to go to the quarry. He spent the night there and on 23rd September, at about 5 p.m., went to the shop of his

partner/...../1972.

partner, W. 205. He sat in the verandah of the shop with Eliak and Adupa (W. 213), who is a Magistrate Grade II. Eliak said that he saw a Toyota vehicle, whose colour resembled that of an Army vehicle, parked near the shop by the Tip Top Hotel. He went inside the shop for about five minutes to ease himself and when he returned he found the subject missing. He said that Adupa informed him that some people dragged the subject up to the vehicle and took him away in it. Adupa denied this evidence and maintained that on 23rd September, 1972, he was 35 miles away in Dokolo. He produced his court diary to confirm that this was so. Adupa said that he used to buy goods from Eliak on credit and by the time of this incident, owed him about Shs. 500/-. He said that in 1974 Eliak sued him for some money which he still owed him. He could not give any reason for Eliak mentioning him as a witness to the kidnapping of Egwang.

Eliak kept the subject's bicycle in the shop till it was subsequently collected by W. 206. Faibi said that no search was made for her husband as nobody seemed to know who took him or where he was taken. She said that she was told by Eliak what Adupa had seen and, after waiting for her husband's return, she concluded that what she had been told about his arrest by Army men was probably true.

According to Eliak, the only eye witness in this case was the magistrate, Mr. Adupa, who denied being present when the subject was kidnapped. We have considered this contradiction seriously. Mr. Adupa did produce his diary according to which on 23rd September, he was in Dokolo. If Adupa had stuck to the schedule as per his diary, then it would be obvious that Eliak had told a deliberate lie about him.

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On the other hand, if Adupa had not followed his itinerary properly, then he might have been at any place except Dokolo. We can think of no reason why Eliak should mention Adupa if he was not there. We fail to see what Eliak was to gain by telling such a lie. We appreciate that Eliak was the subject's partner in the quarry, but there is no evidence to suggest that their business relationship was not friendly. Adupa mentioned his indebtedness to Eliak to the tune of Shs. 500/- in September, 1972, but he did not say that Eliak had been pressing him for payment. On his own admission, it was not till 1974 that Eliak sued him. We are of the opinion that Eliak was a truthfull witness and we accept his evidence. We find that Adupa was in fact at his shop when the subject was kidnapped and we think that Adupa denied witnessing the incident for fear of being implicated and/or of any retaliation by the people who kidnapped the subject. As Adupa chose not to speak the truth, we do not have much material upon which to make our findings but, having accepted Eliak's testimony, we are able to say that he was taken away in a Toyota vehicle, whose colour resembled that of an Army vehicle. He has been missing since 25rd September, 1972 and we are of the opinion that the probability is that he was unlawfully disposed of by the people who kidnapped him.

117. Subject No. 97 - UA 6137 ITE KOSMATINO OJOK.

See G.H.Q. Nbuya, p. 66.

118. Subject No. 98 - UA 6169 ITE STANLY OJOK.

See Border Guard Unit - ORABA

- 617.

119. Subject No. 99 - SAMSON OCHENI.

120. Subject No. 100 - LEKOBAM AJAL.

121. Subject No. 101 - CHARLES GIEP.

Witnesses: 208 Yokana Otim - Part 2, p. 2077 - 2086.

292 Geoffrey James Otim

- Part 3, p. 2884 - 2894.

293 Betty Margaret Ajal

- Part 3, p. 2896 - 2901.



These three subjects were related. Yokana Otim (W. 208), retired county chief, says that subject 99, Samson Ochen, and subject 101, Charles Olet, are his nephews and subject 100, Lekoboam Ajal, his cousin. Otim (W.292) said that subjects 99 and 100 were his stepbrothers, and Olet was his real elder brother.

Samson Ochen was the Deputy Commissioner of Prisons. He was married to Georgina Ochen who did not come forward to give evidence, and they have ten children. Both W. 208 and 292 first came to know of his disappearance when sometime in 1972, they heard an announcement on the radio that Ochen had fled the country to Tanzania. After the announcement, Georgina went to their home in Lango and told W. 208 that her husband left their home in Kampala one day in 1972 and never came back.

Lekoboam Ajal was an officer in the defunct General Service Unit. He was married to Betty Ajal (W. 293) and he had another wife also. He has five children between the ages of twenty and ten, the eldest son is a telephone operator in the Agriculture Office, Soroti and the other children are still at school. W. 293 said that she has not applied to court for an order to manage her husband's estate.

According to Betty Ajala, she took the children home to Lango at the time of the takeover of the Government by the Army. This was followed by an announcement by the Government disbanding the General Service Unit and all GSH Officers were asked to report to the nearest police station. We might say at this juncture that Charles Olet also was a General Service Unit man and was the Assistant District Commissioner, Gulu; he was trans-

ferred to Kampala in January, 1971 just before the Army takeover of the Government. According to his brother, after this unit was disbanded, Olet was sent home to Lira pending assignment of other duties and, following the government announcement, Olet reported himself at Lira police station.

When Betty Ajal returned to Kampala, she found their house locked and everything in it taken away. She learnt that when her husband went to the Permanent Secretary and asked for his pay he together with about 85 others were arrested and detained at Murchison Bay Prison, Luzira. She saw a friend, Warder Charles Bun, who confirmed that Ajal was in the prison but refused her permission to see him.

Regarding Charles Olet, and as already stated, after the disbandment of the General Service Unit, he returned home to Lira and reported himself at Lira Police station. He had a Peugeot 404 car, No. UQV 141. On 14th February, 1971, Olet was driving in his car with his family going to church for a service. He was being followed by his brother (W.292) on his scooter. Olet was stopped by two people standing by the roadside, opposite Lango D.A. workshop. When he stopped, W. 292 heard them introducing themselves to Olet "we are the people from the security." They told him that he was wanted at the Police Station and asked him to come out of the car. When he and his family came out they asked him for the key of the car and took him away in the car to the police station. W. 292 did not follow them to the police station as he was more concerned with finding transport for the rest of the family. According to him, Olet's wife Anna, who is now a mental case in Kaberamaido, saw her husband in Lira police station and later twice in Gulu at the Army barracks. Otim said that he later saw his brother's car at the Central Police Station, Kampala, but with a different registration number which

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he did not note. He identified it from a scratch on the steering wheel. Olet had six children between the ages of nineteen and five. According to Otim, all his property was stolen from his house in Kampala and no one has applied for a court order to manage his property.

Ex. 125 is a list of General Service Officers who were detained at the Uganda Government Prison, Murchison Bay. It lists 90 people, but neither Lekoborn Ajal nor Charles Olet is amongst them. We would say that No. 45 on the list is one called Robert Ajal, who must be a different person all together.

There is no direct evidence with regard to Samson Ochen except for the radio announcement which W. 208 and 292 heard. There is no evidence before us to dispute the truth of the announcement as heard by these two witnesses, and we are of the opinion that the probability certainly is that he might have fled the country.

Regarding Lekoborn Ajal and Charles Olet, we are satisfied from the evidence that both of them were men of the now defunct GSU Ex. 125 makes it abundantly clear that 90 such officers were detained at Murchison Bay Prison. Although Betty Ajal said her husband was also detained at the same prison, his name does not appear in the list - Ex. 125. Nevertheless, we are of the opinion that her evidence has a ring of truth, and we find that her husband was arrested and detained at Murchison Bay Prison.

Regarding Charles Olet, we accept the evidence of his brother, Otim and find that on 14th February, 1971 he was arrested by men claiming to be security officers and taken to Lira police station. The evidence is that he was transferred to Gulu Airbase after two days but we have not been able to see any records from either Lira Police Station

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or Gulu Airbase to confirm whether this was so. Unfortunately, Mrs. Olet is a mental case but we are inclined to believe Otim that she did see Olet at Gulu Airbase on at least two occasions.

Our finding in respect of Lekoboam Ajal and Olet is that they were in custody at Murchison Bay and Gulu Airbase respectively. Neither has returned home and both are missing since February, 1971. The authorities in whose custody they were, ought to know how they were dealt with, and we believe that the probability is that they were unlawfully disposed of while under detention.

- 122. Subject No. 102 - G.G. OGWANG OLET.
- 123. Subject No. 103 - P.Y. OKELLO OKUM.
- 124. Subject No. 104 - HENRY OKETTA.

Witnesses: 209 Eriya Olet - Part 2, p. 2089 - 2096.  
346 Mrs. Joice Okumu  
- Part 2, p. 3560 - 3568.  
372 Miss Judy Atim  
- Part 2, p. 3795 - 3820.  
488 UA 12648 Cpl. A.A. Wila  
- Part 6, p. 5512 - 5577.  
491 UA 12686 Cpl. Onziga Safi  
- Part 6, p. 5659 - 5693.  
493 UA 15432 L/Cpl. Abdunuru Pasikale Bondo  
- Part 6, p. 5705 - 5750.  
542 Captain Bashir Juma  
- Part 7, p. 6849 - 6878.

The three subjects were technical officers in the Agriculture Department, Gulu.

Mrs. Joice Okumu (W. 346) was a secretary employed by the Tobacco Cooperative Union, and working with her in the same

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office but for the Small Holders Tobacco project was Miss Judy Atim (W.372).

On 22nd September, 1972, both these ladies were in their office. At about 10.30 a.m. a V.W. Kombi stopped near the window of the office and a man jumped out of the vehicle and went into the office. W. 372 recognised this man as Onziga (W. 491) whom she knew before. Onziga asked them the whereabouts of Oketta and Ogwang, without telling them why he wanted them. The ladies told him that they would be in the Agriculture Office, whereupon Onziga asked both girls to get into the car. They found Okello Okwar and another lady called Mrs. Margeret Odwar and some others in the Kombi. They drove up to the Agriculture Office. Onziga went in and soon came back with Oketta and Ogwang Olo. Mrs. Margeret Odwar was dropped at the Middle North Tobacco Office and then they picked up the Superintendent of Works from the Ministry of Works. They drove on to the Army Barracks, Gulu Airbase. On the way Onziga told Oketta "You will see". At the barracks, they were all put together in one office.

Their personal belongings were removed from them and the two girls were asked to remove their clothes. They refused and the soldiers became nasty. The girls agreed to remove their blouses, whereupon the soldiers left them in the room and went away. Later an officer came and asked what they had done. He was told by another officer that they had been brought in by Onziga. Then a man came with a basin of paraffin and, after pouring the paraffin on the floor, told the prisoners not to move. They stayed there until lunch time and when food came they refused to eat. Soon after 2 p.m. W. 488 came and asked who had taken them there. Judy told him that he should know better but he denied any knowledge and asked her to accompany him to another office.

1279.

She insisted that her co-prisoner went with her but W. 488 agreed to let Joice accompany her to the other office where both of them were interviewed. Judy Atim refused to speak until she was told the reason for her arrest. This made the officer annoyed. Then Onziga came back and asked if they had eaten their lunch. They were taken by two Army Officers to the adjoining office where Judy saw one of her relatives, by name of Oyat and another man, sitting there. W. 488 came to that office at 7 p.m. and Judy heard an Army boy at the door shouting "towa Mulefu". Judy said that she is taller than Joice and she, Judy, was asked to go out. She refused unless she was accompanied by Joice and then both of them were taken to the Sergeants' Mess. They spent the night in the room while being guarded by a soldier and the next day Captain Bashir Juma, (W. 542) saw them at about 3 p.m. in the same bedroom. Judy asked him the reason for their arrest but the Captain shouted her down saying 'you girls must stop going to guerillas' meetings'. She tried to argue with him and told him that he had no right to question them like that. He was annoyed and told the girls not to interfere in 'men's affairs'. He said that he knew of the meetings the girls had been attending and this, the two girls denied. Mrs. Okumu said that she asked him (p. 3565):

"I asked him, him being an African like myself and he knows how a man is strict with his wife, then I said supposing he was my husband and I am his wife, a mother of a child who was three months old, could he allow me to go out at night leaving that child alone, going somewhere he did not know and for the purpose he did not know."

The Captain thought about this and then decided to release the girls after a long lecture and a warning. Later he drove them to their office.

Judy/...../280.

Judy said that she was not sure whether Oyat was subsequently released or not. But she did see the Superintendent of Works later and has not seen Ogwang Olet and the other two Agricultural Officers since then.

Ogwang Olet's father, W. 209, received information of his arrest on 29th September, 1972. He sent his sister and daughter to check on the report and when it was confirmed, he went to Gulu on 4th October, 1972, and saw the Agricultural Officer. The arrest of his son together with some others was confirmed and he then saw the D.C. who rang up the Airbase Commander while W. 209 waited outside. Later the D.C. asked him to go home and 'stay quiet' until he had finished his enquiries. He waited for three months and when he saw the D.C. again in January, 1973, he was told that there was no news about his son. He returned to Gulu in June 1973, and was asked to remove his son's property from his house. He said that Ogwang Olet was aged about 29 and single but had two illegitimate children. The father said that he has already obtained an order from the Court to manage his son's property.

The three Intelligence Officers of the Gulu Airbase, that is, W. 488, W. 491 and W. 493, all denied being involved in the arrest of these Agricultural Officers and the two girls. Ali Wila, W. 482, said that people accused of holding secret meetings or being in a possession of firearms for subversive activities were cases for Police to investigate. He denied that either he or his two colleagues, Bondo and Onziga, took any people to the Airbase for interrogation. Similarly, Onziga denied the entire evidence of the two women and maintained that he had not arrested any of the Agricultural Officers or the girls as alleged. He also denied taking them to the Airbase Barracks.

He said that a written record in the form of a report is kept whenever somebody is arrested and this is sent to the Commander of the Airbase who keeps it in a file. He did not produce any such a file. Bondo said that he was not at the Airbase on 27th September 1972, but was on stand-by duty at the Airfield. He contradicted his other two colleagues by saying that people were being taken to the Barracks for interrogation.

Notwithstanding the denials of Onziga and his other colleagues, we are satisfied from the evidence of the two girls that these three Agricultural Officers and the two girls were arrested from their offices by the Intelligence Officer, Onziga on 27th September, 1972. At least Miss Judy Atim knew Onziga before and she said that he had a reputation of arresting people in similar fashion. She also knew Ali Wila and said that he was not with Onziga that day. We accept the evidence that all of them were taken to the Airbase Barracks and the two girls were released by Captain Bashir Juma, after being detained overnight at the Barracks. It seems that they had been arrested on suspicion of attending what the Captain termed as "guerillas' meetings". If those allegations of the activities of the girls were true and the Captain also knew about those meetings, we fail to see why he released them, except for the reason which Mrs. Okumu advanced. The other three agricultural officers were last seen at the Gulu Airbase Barracks by the two girls and there is no evidence that they or any one of them ever came back. The Superintendent of Works was seen later by Miss Judy Atim but not any of the others. As they have been missing since 27th September, 1972, and were last seen at the Gulu Air Base Barracks, it would follow that the authority in whose custody they were ought to know how they were dealt with. For our part we say that the probability is that they must have been unlawfully disposed of while in custody at the Gulu Airbase.

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125. Subject No. 105 - SUPT. FAUSTINO HARRY GEORGE APUNYO.

Witness: 210 Constance Neko Agulo Apunyo

- Part 2, p. 2096 - 2115.

The subject was a Superintendent of Police and was stationed at Fort Portal as in-charge of the Station since 1969. He was married to W. 210 and they have six children.

According to the evidence of Mrs. Apunyo their house was attacked by a large number of people, some in military uniform, others in commando uniforms and some in civilian dress, on 31st March, 1971, at about 1 a.m. She said that she first heard two vehicles stopping in their compound, followed by foot steps of many people going around the house. She then heard some body knocking at the door and shouting "we are police and we want you." W.210 and her husband kept quiet, and then someone from outside asked "Mukyala, Mukyala is your husband around?" She still kept quiet. These people outside started knocking at all the windows and they were saying, "Today you will see. Even if you keep quiet, we know you are inside." From here onward we would let Mrs. Apunyo narrate the gruesome incident in her own words - (p.2097):

"Some were using English and some were using Kiswahili, then a few minutes afterwards I heard a gun shot at the front door. We still kept quiet but some people then came inside the house in the sitting room. Then they went to the middle door which was only shut, not locked, and it was also broken. They entered into one of the rooms but they did not know which one we were occupying. They broke the door leading to the children's bedroom. They asked the children to tell them where we were sleeping, then the children showed them where we were. They forced us to open the door but we did not, eventually they broke the door. They then found us standing at the door. Some people caught me and the others caught my husband. Their faces looked like those of Europeans except one who looked like that of an African. The faces were painted red but their arms and legs were not painted, they

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were black. Some people were assaulting me and others tried to drag him outside. Then they brought him back in the bedroom. He was then taken from the bedroom and brought him in the sitting room. Some people caught me when I was following him. Some people were taking away the property from the house and others were assaulting me and he was then thrown outside and he was shot twice and I was in the sitting room when I saw him being shot and I heard him say "I am dead."

Some people argued that why do we leave the woman - let us kill her too and others said that let us leave her, what will she do with all these many children. Then they threw me outside, and those who were outside returned me inside. When I returned in the house then one of them ordered me to sit down. He held his gun and shot but he missed me. One of them then picked me up and took me back to the bedroom. He picked up a bottle of beer which was there and he hit me on the head with it. He then commented that you Apunyo, is it not you who were boasting and where are the girls with which you were boasting and the beer."

She said that the man who took a shot at her and made the comment about boasting was Lt. Col. Toloko, the officer commanding the Army Barracks, Fort Portal. She continued to say that Toloko was talking to himself. He referred to her as "Akokoro" and that "You used to boast saying that you are a big man in the police." Akokoro is a sub-county in Lango District and is the place from where the former President came. She said that they collected all the children when she was being beaten. Some of them suggested killing all of them to avoid any trouble subsequently, but others said, "No, let us leave them; this is a bloody woman." They took away most of the things from the house, like cutlery, record player, plates, transistor radios etc. Then Toloko asked her for the car keys. She told him that the keys were on the table which had been taken away by his men. He then left saying he would come back for her, and she should prepare him a bed. He went as far as the fence and came back, still asking for the keys. She told him to look in the property they had taken. He beat her up and kicked her all

over/...../284.

over the body. Then they went away taking her husband with him. She crawled up to the bush and hid there until the morning. In the morning she went to the house of the Regional Police Commander, Mr. Mutazindwa, who is now alleged to have retired from the Police Force. She was absolutely naked and the Police Commander's houseboy ran away on seeing her. His wife gave her something to cover herself and after she reported the incident to him, he simply said "It is up to him". He appeared to be so scared that he was reluctant to do anything for her. Two other Police Officers, Omaset and Malinga, decided to go to her home to see what had happened, much against the advice of Mr. Mutazindwa. Mrs. Apunyo does not seem to have got any assistance from any of the Senior Police Officers in Fort Portal. Her request for transport to take her home was refused and she decided to walk all the way to Lira.

She took her six children, and two of her brother-in-law, and started walking out of Fort Portal. She had a lot of difficulty walking because of the beating she had received and spent the night on the way within Fort Portal. After walking for about twenty miles she got a lift in a lorry which dropped her at Masindi and the driver also gave her Shs. 40/- to help her on the way. She managed to get a car and got to Atapara in Lango where she fell ill and spent about four days in the hospital. Later her brother-in-law, who was teaching at Atapara, took her home.

She paid off the balance of the loan of Shs. 1867/- left on her husband's car, which she later sold to pay off other debts. She said that her husband left a house in Dokola but his people ordered her out of it and she is being bothered a lot. She looks after her children and gets fees by brewing waragi. Regarding the administration of Apunyo's estate, she said that the authorities were insisting upon a death certificate.

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before they could deal with her application. She did not know about the procedure regarding the estates of missing people.

She has not seen her husband since 31st March, 1971, after being shot and taken away from their home in Fort Portal.

From the clear and detailed account of the incident given by Mrs. Apunyo, it is manifest that the hooligans who attacked their home on 31st March, 1971 were under the command of Lt. Col. Toloko, whom she knew before. There is no question of mis-identification because, after these people had broken into the house, they switched on all the lights. Mrs. Apunyo said that when her husband was shot outside the house in the compound, she heard his cry "Oh, I am dead." Later the following day the two police officers Omaset and Malinga saw blood in the compound. The only person who was shot and fell in the compound was Apunyo. His wife said that these soldiers took her husband away in their vehicle when they left. In those circumstances we are satisfied that Mr. Apunyo was shot and hit by the bullet as is evidenced from his cry. We accept the evidence that he was carried away while injured and we are certain that either he was dead when he was taken away or he must have died after removal from the compound. In either case we find that he was mercilessly killed by some Army soldiers who were being commanded by Lt. Col. Toloko. We are not very sure about the reason for such barbaric retaliation against Apunyo except for what his wife heard Lt. Col. Toloko say about his boasting about girls and beer. We would be shocked and stunned if the price of such boasting were to be paid with one's life! Had there been any other reason for this murder, we do not know.

This is yet another case where the police was so cowed by fear of the Army that even highly placed officers, like the Regional Police Commander of the day, Mr. Mutazindwa, were

scared of their lives to intervene or even help Mrs. Apunyo slightly by giving her a lift. As far as these police officers were concerned it seems obvious that there was no question of investigating this dastardly murder of a police officer by some Army Officers, and bring the culprits to justice.

- 126.        Subject No. 106 - UA 7728 PRIVATE NICHOLAS OCWANG.  
            See Moroto Soldiers, p 664.
  
- 127.        Subject No. 107 - ISAAC OWINY.
- 128.        Subject No. 108 - CIRILO OKOKO.
- 129.        Subject No. 109 - SOLOMON AWAL.
- 130.        Subject No. 110 - MISAKI ONYIK.
- 131.        Subject No. 111 - JOHN OYITE.
- 132.        Subject No. 121 - ALFRED ATINE.

- Witnesses:
- 212 Venturina Owiny - Part 3, p. 2119 - 2126.
  - 222 Albina Ayo Okoko - Part 3, p. 2215 - 2225.
  - 274 Alice Adero Awal - Part 3, p. 2715 - 2736.
  - 275 Gaburiela Nyakalal  
            - Part 3, p. 2736 - 2746.
  - 288 Rose Atiang - Part 3, p. 2849 - 2857.
  - 289 Mary Achieng - Part 3, p. 2857 - 2864.
  - 303 No. 7584 P.C. Robert Ajenga  
            - Part 3, p. 2947 - 2952.

These six residents of Minakulu sub-county in Lango District were arrested on 20th April, 1971.

Isaac Owiny (subject 107) was a teacher at Minakulu P.VII school. He was married to W. 212 who also is a teacher. They

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have three children and, according to W. 212, the 4th who was born after his disappearance is not his.

Cirilo Okoko (Subject 108) was formerly working for the Railways but at the material time was a business man. He was married to W. 222 and had a second wife also; each having two children from him.

Solomon Awal (Subject 109) was also a teacher at Minakulu P.VII school. He was married to W. 274 and they have eight children between the ages 18-12, of whom only four are at school.

Misaki Onyik (Subject 110) was a carpenter and was married to W. 275. They have seven children, of whom only the eldest is at school.

John Oyite (Subject 111) was the Gombolola Chief of Minakulu and was married to W. 288; he had a second wife also. He has eighteen children between the ages of nineteen and seven.

Alfred Atine (Subject 112) was the manager of Adokomit ginery. He was married to W. 289 and Martha Ayuru. He has twelve children, of whom four are from W. 289, between the ages of fourteen and three. Only four children are now at school.

On 20th April, 1971, W. 212 saw a vehicle coming from Gulu direction. It stopped near the road and three or four people in civilian dress walked up to their home. They greeted her and at their request, she called out her husband. He came out and after greeting him, they said "We are taking you to Gulu". They did not tell him why they were taking him, but they took him to the car which was white colour. She did not notice its registration number. She reported to the Headmaster of his school who, in turn, reported to the D.C. W. 212 said that she did not try to trace her husband,

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as one of his colleagues had also been taken in similar fashion and his people were looking for him. She said she would ask them if they saw her husband anywhere.

W. 212 is a teacher at Abongobera Girls School and gets a salary of Shs. 400/- p.m. She has not re-married. She was able to collect the money which was on his bank account without getting an order from the court to manage his estate and she also got some money from the Teachers' Association. She did not know if her husband was insured.

At about 8 a.m., on the same day, Cirilo Okoko and his wife W. 222, were having their breakfast when two vehicles, a blue Peugeot 404 and a white Mercedes Benz, Registration No. USW 129, came and stopped; the Peugeot stopped in front and the other at the back of the shop where they were living. She said that four people came out of the Peugeot and told her, "We have come to collect your husband." They said they had been sent from Kampala to take him for interrogation and they asked him, "Have you received letters from abroad?" Her husband denied, and they searched the house without finding anything. Then they told her husband, "Put on your shoes. Let us go. We are unfortunate." At the same time one of those said that as the subject had nothing and had committed no offence, they should leave him alone. Nevertheless, he was taken to the Peugeot and driven away. She said that the same people also collected Isaac Owiny, Solomon Awal, John Oyite and Alfred Atine. According to this witness, a Volkswagen came later the same day and took away the carpenter, Misaki Onyik, and a young girl aged fourteen, called Adong. She said that this girl came back after three weeks but refused to talk

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as she had been warned against speaking. Unfortunately, she died three days later in a traffic accident. W. 222 said that her husband never came back. She made enquiries after a few weeks at Gulu, and Army officers to whom she mentioned the registration number of the Benz car allegedly told her that the vehicle was from the Cabinet Office and that she should go to Kampala. She was also told that if she went to Kampala to the Cabinet Office, she too would be killed. While in Gulu, she saw two of those people who arrested her husband at the shops wearing plain dress. She saw the same two in Lira town on a number of occasions going about in Army vehicles. She did not report them to the Police; instead she went to Luzira from where she was directed to Makindye. She did not find her husband and she checked at Kige Prison. Failing to find him there she went to the Biri and failing again to find him there she gave up the search. W. 222 said that her husband left some money in the bank and his shop had been taken over by her father-in-law who has chased her away.

At about 8.30 a.m. the same day three vehicles, a Peugeot, a Volkswagen whose registration figures W. 274 recalls as 122, and a Benz, went to the house of Solomon Awal. Only the Volkswagen entered their compound.

Mrs. Awal was scared and started crying. A young boy aged about twelve called Ago took down the registration number of the vehicles on a piece of paper - Ex.69. The numbers so noted are UHI 122 and UHW 200. A statement dated 2nd October, 1974 in which she mentioned only two vehicles was put to her but she maintained that only the Volkswagen stopped in their compound, the other two stopped a little beyond their home. She said that two people, one with a gun, came out of the Volkswagen and told her husband, "Come here."

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We have been sent to collect you." They put her husband in the vehicle and drove away, saying that they were taking him to Gulu. According to her the other two vehicles took the other subjects on the same day.

W. 274 went to Gulu Prison after three days and did not find her husband there. She did not check with the police and on 20th April, 1971 went to the Army Barracks, Gulu. The soldier at the gate told her that they did not have any prisoner. She also went to Makindye but failed to find her husband there.

She said that all the eight children used to go to school before her husband disappeared, but now she can afford to send only four to school.

At about 10 a.m. a green Peugeot No. UUV 200 went to the house of Misaki Onyik. W. 275 said that three men in civilian clothes, one with a gun, came out and said to her husband that they wanted him. Her husband went away with them. They removed his shoes, put him in the car and drove away without saying what they were going to do with him. Like W. 222 Mrs. Onyik also mentioned Adong who was also arrested with her husband. She said she saw her being arrested from Minakulu shops. Adong came back after three days and told her that she left Onyik at Lira Prison. W. 275 went there and was told that her husband was not there. Then she went to Gulu and enquired at the police station. Nobody seemed to know about him. Then she went to Makindye after about a week but did not find him there. She had no idea of what might have happened to her husband.

W. 275 produced the station diary and lock-up register of Lira Police Station. According to Ex. 62, which is the

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lock-up register, entry number 768/71 of 23rd April, 1971, Misaki Onyik had been admitted to the police cells on 20th April, 1971 for safe custody and according to Ex. 61, which is the station diary, entry number 112 of 23rd April, 1971, Lt. Nalumoto took away John Akuja and Misaki Onyik together with car No. UGX 447 and Lorry No. UUZ 447 to Gulu.

With regard to the Gomb. Chief, John Oyite, his wife W. 288 said that on 6th April, 1971, six men dressed in army uniform went to their home at about 4 p.m. Three of them carrying guns came out and asked her where her husband was. When she told them that she did not know, they told her that the "Big man" wanted her husband because he had not detained the Army officers who were in his area. She said that they asked her to tell her husband to detain all the Army officers who were in the village and they would be collected later. She passed this message to her husband. And she said that he did not arrest any of his soldiers from the Army between 6th and 20th April, 1971 because his askaris failed to get any.

On the 20th April, 1971 at about 8 a.m. two vehicles went to the home of the gomholola chief. Both these vehicles were white Peugeot 403 saloons. She saw six people in the cars, four with guns who came outside. She said that one of the four armed men was amongst those who had called previously on 6th April. They told her husband that they had been sent by the "Big man" to collect him. They took him to the office and searched it. They took him away in the direction of Gulu. W. 288 said that she did not try to look for her husband and thought that as he was a government servant he would return. She did not report the incident to any

authority/.....292.

authority except for the county chief who came to check on the cash. She said that of the eight children, five used to go to school but she now finds it difficult to send any of them to school. She was not sure if he had any money in the bank or if he was insured. He had a car but thieves have stolen all its parts. The Lango D.A. paid her his half salary for three months. She said that she had not applied to court for an order to manage his property.

On 20th April, 1971 Alfred Atine left his home at 7.30 a.m. to take his sick child to hospital. His wife W. 289 saw him again when he was brought home together with the child in a different vehicle which was also a Peugeot but bigger than her husband's car in which he had gone earlier. She saw the gombolola chief, John Oyite in her husband's car whose registration number is UQO 983. Those people in the cars, except for Oyite, came out. One of them had a gun and he ordered Atine to take the child inside. The man with the gun ordered her husband to tell her whatever he wanted. Atine told her to look after the children properly and also to tell the co-wife because he did not know where he was being taken. W. 289 asked them where they were taking her husband. They told her they were going to the Gulu Airbase. Then both vehicles drove away. She said that the people in the cars were all dressed in civilian dress. She called the one who did the talk a soldier by the way he spoke. She described his speech as 'brutal'. She saw the vehicles taking Gulu direction.

On 23rd April, 1971 she went to Gulu Airbase and asked about her husband at the gate. She was told that people brought from Lira had been taken to Arua by plane. As a result, she went to Arua Airbase on 30th April, but the

soldier/.....293.

soldier at the gate told her that her husband was not there.

W. 289 said that she saw her husband's car being driven by a civilian in Gulu town. She claims that she still sees it but with a different number plate which she does not remember.

She said that all the twelve children used to go to school before her husband disappeared but now only four are at school. He had some money in the bank and also some land and houses. She said that she has not applied to court for an order to manage his property.

It is evident that all these six people were arrested from Minakulu by people who have been described as soldiers. To Okoko, they asked if he had received any letter from abroad. To Isaac Owiny, Awal and Oyite they said that they were taking them to Gulu Airbase. To Oyite they said that the 'big man' wanted him because he had not detained Army deserters.

When all this is considered in the light of the evidence of the District Special Branch Officer, Odwe (W. 98) who said that in April, 1971 recruitment of guerillas in certain counties of Lango had started and some people were assisting in the transport of those guerillas, it would seem obvious that the arrest of these six people from Minakulu sub-county was probably due to the guerilla activity which was prominent at that time. There is also the evidence of the District Police Commander, Odyek (W. 436) who said that people arrested by the Army sometimes passed through Lira Police Station and all such prisoners were taken either to Kampala or Gulu. In the case of these six people, there is police record at Lira Police Station only in respect of Misaki Onyik.

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It would seem that either no record for the other five was kept at the police station or they were taken straight to their destination. As the police lock-up register indicates that Misaki Onyik together with John Ak (subject No. 95) was taken to Gulu by an Army officer called Lt. Nalumoto, the probability is that the others were also taken to the Gulu Airbase. None of them has come back and all of them have been missing since April, 1971. We find that the probability is that all of them were unlawfully disposed of by the people in whose custody they were. With regard Misaki Onyik, we can say for sure that Lt. Nalumoto, who escorted him from Lira, must bear full responsibility for his whereabouts. And regarding the others, as we have already said, the probability is that they too were taken to Gulu Airbase. Unfortunately, the DOB of Gulu Airbase was not made available to us and we cannot say whether they did in fact reach that destination. Likewise none of the witnesses recognised any of these people who arrested them but if Onyik was arrested by Army people and taken to Lira Police Station, we think it is reasonable to say that the others must also have been arrested by soldiers of Uganda Army, as some of the witnesses say.

133. Subject No. 112 - IRUNASANI OGWANG.

Witnesses: 213 - Erica Okello - Part 3,  
p.2127 - 2145.

The subject was the county chief of Erute in Lango District. While giving evidence on subject No. 96, Mr. Adupa said that he had heard of many people who disappeared and mentioned this county chief as one of them. We did not hear any other direct

evidence/...../295 .

evidence about Mr. Ogwang, nor did any of his family come forward to depose about the circumstances which led to his alleged disappearance. In the circumstances, it is impossible for us

134. Subject No. 113 - UA 4099 - VINCENT OMARA.  
See Moroto Soldiers, p. 664.
135. Subject No. 114 - Cpl. SAMUEL ODIDI.  
See Mbarara Simba Battalion,  
p. 618.
136. Subject No. 115 - UA 6726 PRIVATE MANASI OTIM.  
See Mbarara Simba Battalion,  
p. 618.
137. Subject No. 116 - UA 2950 L/Cpl. RAYMOND OGWAL.  
See Mbarara Simba Battalion,  
p. 618.
138. Subject No. 117 - UA 6697 PRIVATE ABUMERIKI OKABO.  
See Mbarara Simba Battalion,  
p. 618.
139. Subject No. 118 - UA 5289 JOHNSON OKELLO.  
See Jinja Soldiers, p  
p. 580.
140. Subject No. 119 - DRIVER OTIM.  
See Jinja Soldiers, p. 580.
141. Subject No. 120 - UA 3083 S/SGT. MESUSERA OGWANG.  
See Mbarara Simba Battalion, p. 618.
142. Subject No. 121 - ALFRED ATINE (See p, 286).
143. Subject No. 122 - UA 6092 PRIVATE MATHEW OKUNY.  
See Malire Soldiers, p. 598.
144. Subject No. 123 - S/Cpl. CHRISTOPHER OKELLO.  
See Jinja Soldiers, p. 580.

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145. Subject No. 124 - UA 6048 Cpl. PHILIP OLUONGA.  
See Malire, p. 598.
146. Subject No. 125 - UO 229 Lt. WILSON GIBSON OGWAL.  
See Mbuya Soldiers, p. 565.
147. Subject No. 126 - UO 139 Lt. LIYA OTIM.  
See Mbuya, p. 565.
148. Subject No. 127 - UA. 4846 L/Cpl. PETER OCEN.  
See Magamaga, p. 594.
149. Subject No. 128 - UA 1845 PRIVATE LEON OTIM.  
See Moroto, p. 664.
150. Subject No. 129 - UA. 4973 PRIVATE ALFRED OKELLO.
151. Subject No. 130 - UA. 6127 PRIVATE LUCAS OKELLO.
152. Subject No. 131 - CPL. KONSTANTINO OGEMA.  
See Mbarara Simba Battalion, p. 618.
153. Subject No. 132 - ALFRED OLWE.  
Witnesses: 232 Margaret Adero - Part 3, p. 2290 - 2298.  
331 Captain Henry Agech - Part 4, p. 3311 - 3345.

The subject was a Health Inspector until 1969, and started keeping a shop in 1970. He was married to Margaret Adero, W. 232, and they have three children aged fifteen to eleven months.

W. 232 said that her husband was first arrested by the O.C. CID Lira Police Station in March, 1971, and was kept in custody at the Military Police, Gulu, for two weeks. He was then transferred to Makindye where his wife saw him and was subsequently released after two weeks with a letter of his release. He did not tell his wife why he was arrested and detained.

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On 6th February, 1973, at about 9 a.m. the subject and his wife were in their shop in Lira town. Two men came into the shop and spent about three minutes looking at the various goods. Then they left. About 30 minutes later an Army Landrover came and stopped outside the shop. Mrs. Olwe said that she identified the vehicle from its colour. Four men came out; two in Army uniform stopped at the shop door and the other two, who were those who had been to the shop a little earlier, came inside and asked the subject if he was Alfred Olwe. The subject said he was, whereupon one of those two produced something, which to Mrs. Olwe looked like a small diary, black in colour, which he held in his hand and said that he was a soldier from Kampala and "The President wants you". Mrs. Olwe said that she looked at the card but did not read it. She noticed that it had no photograph, nor was there any writing at the back. However, they did not tell her why the President wanted him and they did not even allow the subject to talk to her. She said that she did not know if the subject was known to the President and he had never talked about meeting him. One of the men handcuffed the subject and Mrs. Olwe felt from that time that they were perhaps not taking him to the President. They told him to get into the landrover for being taken to Kampala. She did not notice the vehicle number as she was crying.

She shut the shop and saw the D.C., Captain Henry Agech, at about 2 p.m. the same day. He did not know of the incident at all, when she described the people involved in the arrest of her husband to him, he told her that those people were 'visitors'. The D.C. rang up the Police Barracks and was told that the subject was not taken there. The D.C. asked her to go home.

Captain/...../298.



Captain Henry Agech testified that when Mrs. Olwe reported to him, he asked her to report to Captain Chandia. Captain Agech agreed that he advised her so and also spoke to Captain Chandia about investigating this case. He, however, denied telling her that those people were 'visitors' from Kampala. The D.C. remembered asking Chandia about people who were arresting others and Chandia is alleged to have replied that he did not know who those people were. He went on to say that during February/March 1973, many people were arrested in his area but he said, "When these arrests happened I was not there so, when I came back, somebody told me that there were some people arresting some people here" (p.3323). He also said that Captain Chandia was a member of the District Security Committee but never briefed the Committee about such arrests.

In March 1973 Mrs. Olwe received information that her husband had been taken to Makindye and she went there to make enquiries. She was stopped at the gate and one soldier allegedly told her that the prisoners from Lango were released on Friday. Later someone higher in rank told her that nobody from Lango was being kept there.

Two of her children are at school. She has taken over the shop goods but has not been able to draw money from the Bank which insists on seeing the death certificate. She has been using their joint account since.

As this incident occurred in broad daylight, it is reasonable to say that Mrs. Olwe had good opportunity of seeing those who arrested her husband. She said that two of the men were in Army uniform and they were all in an Army landrover. Although we appreciate the fact that it may be dangerous to accept such identification which is

based/...../200.

based partly on the colour of the vehicle and partly on the so called Army uniform, we are nevertheless of the opinion that people like Mrs. Olwe could be trusted at least in their identification of the vehicle, if not the people from their dresses. Taken together with this, is the fact that the D.C. also said that around February/March, 1973, many people were being arrested by people from Kampala. We have already seen in some cases, with which we have dealt already, about certain Security Officers coming from Kampala and arresting people in Lira. We find that the circumstantial evidence points to the fact that Alfred Olwe was in fact arrested by some Security Officers who came from Kampala. We are unable to say why he was arrested. We have not heard of any crime which he might have committed or any activity in which he might have been involved which was considered by the authorities to be undesirable or subversive. We accept Mrs. Olwe's evidence that when she went to Makindye she did not see her husband there and, as a matter of fact, there is no evidence that the subject ever reached Kampala. The evidence that we have is that he has been missing since 6th February, 1973 and, for the reasons which we have endeavoured to give, we feel that the Security Officers, whose identity remains unestablished, who arrested him might have unlawfully disposed of him on the way to Kampala.

154. Subject No. 133 - MICHAEL OPETTO.

Witnesses: 233 Nora Opetto - Part 3, p. 2302 - 2310.  
237 Captain Mark Chandia  
- Part 3, p. 2342 - 2364.  
301 Michael Oboto  
- Part 3, p. 2323 - 2341.

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The subject was the Deputy Treasurer of Lango District Administration. He was married to Nora Opetto (W.233), and they have nine children, between the ages of twenty to three. Seven of the children are at school and their mother supports them from her earnings out of cultivation.

The subject had a Datsun Pick Up vehicle, No. UYZ 441. Michael Obote (W. 301), who was described by Nora as her husband's brother, a driver working for the same District Administration, occasionally drove this vehicle.

On 15th February, 1973, the subject's vehicle was with W. 301. According to him some people in civilian dress went to the District Administration Workshop in a red Fiat Car, No. UUP 937, which used to belong to Captain Chandia, and asked the witness where the owner of the Datsun was. They told him that something was wrong with it which, according to the witness, was untrue. He told them that the owner was at home. They arrested him, put him in the car and took him to the Military Police barracks where he was handcuffed. Opetto's car was also driven by one of those men to the barracks. W. 301 said that he did not see Captain Chandia at the barracks. He was then asked to take those men to Opetto's home.

About 2 p.m., Nora left her husband sleeping in the house and went to the field. Meantime, W. 301 took those people to Opetto's home. On seeing them, Opetto started running towards his wife in the field, followed by those men who were in civilian clothes. On reaching her, the subject lay down on the ground and started crying. Mrs. Opetto said that those people greeted her in Luganda and Kiswahili. They asked him to stand up and then they escorted him to the house where Nora saw the red Fiat with Michael Obote in it being guarded by an armed man.

Their/..... /301.

Their home was searched and those people took three guns - a rifle, a .22 rifle and a shotgun - and their radiogram. Nora said that the three firearms were properly licensed. These men then handcuffed the subject, tied him with a rope and put him in the boot of the car. The boot was then closed.

According to W. 301, they were driven back to the barracks and he noticed that the vehicle was not stopped at the gate of the barracks, indicating that the guards knew both the vehicle and the men in it. Those in the car told some other soldiers in uniform in the barracks, "We have brought them." The witness said that Chandia was not one of them. Michael Obote was then released but Opetto has not been seen since then, nor has his car been seen.

Captain Chandia admitted that he owned the Fiat No. UUP 937 in February, 1973, and said that he has since sold it to one called Thompson Ayen. He denied hearing of the subject and said that there was no record of his being taken to the barracks on 15th February, 1973, in his D.O.B.

There can be no doubt that the subject was arrested by some soldiers who have not been identified by anybody. It is not disputed that those soldiers were using Captain Chandia's Fiat UUP 937 and as the subject was taken in its boot to Lira Military Police Barracks, we find it incredible that the Captain's car would be used in such a manner by strangers without his knowledge. We find it apparent that Captain Chandia not only knew the identity of those men but also allowed them to use his car knowing full well the nature of their mission. This will also explain why on its journey to the barracks with W. 301 and the subject in the boot, it was not stopped at the gate of the barracks.

The/...../302.

The Barracks' D.O.B. may have no record of Opetto being taken there. We do not find it odd because our experience during this Inquiry has been that whatever few records have been produced they can in no way be described as either comprehensive or a complete record of all the prisoners. We are satisfied that the subject was in fact taken to the Military Police Barracks, Lira. As those arrests came at a time when many others were being arrested by Security Officers from Kampala, we feel that the people who arrested him were also Security Officers from Kampala. There is no evidence of what became of him after his arrival at the barracks in Lira, and if he was taken to Kampala by those Security Officers, we did not have any evidence to say that he did in fact safely reach Kampala. As he has been missing since 15th February, 1973, we find that the probability is that he was unlawfully disposed of by the unknown Security Officers who arrested him, but whose identity was known to Captain Chandia.

155. Subject No. 134 - UA 4993 PRIVATE CELESTINO OPIO.

See Jinja Soldiers, p. 580.

156. Subject No. 135 - DAVID OMULE.

Witnesses: 236 John Okila Okello - Part 3, p.2323 - 2341.  
237 Captain Mark Chandia  
- Part 3, p.2342 - 2364.  
Part 3, p.2374 - 2386.  
297 Erinayo Okulo - Part 3, p.2916 - 2920.  
331 Captain Henry Agech  
- Part 4, p.3311 - 3345.

David Omule was the District Health Inspector, Lango and was stationed at Lira. He used to live in Ireda village where

Erinayo/...../303.

Erinayo Okulo (W. 297), a treasurer of Lango District Administration, was his neighbour. He was aged about forty-three and was married, but his wife died in 1965, and was the sister of the subject of this incident Joyce, who was a telephone operator with the Agriculture Department, was living with him.

On Sunday 24th September, 1972, he informed his neighbour, W. 297, that he was going to his office as something was urgently required by his Ministry. He was in his car, Peugeot 504 No. UYO 528. This was followed by a message which his brother John Okila Okello (W. 231) received from the subject's son, also called Okello, that his father had been arrested at the Post Office. W. 236 went to the Police Station where he saw his brother's car parked outside and another car, also a Peugeot 504, dark blue in colour, No. UVI 296 was parked beside it. On making enquiries at the counter, he was told that his brother was with some Army officers being interrogated in the CID Office. W. 236 asked the Constable if he could see his brother. The Constable soon returned with a message that he should go away. He sat down underneath the mango tree outside the Police Station and after about 30 minutes, he saw his brother coming out with four Army Officers. He was handcuffed. Two of his escort were in uniform and the other two in civilian clothes. He sat in the front seat of UVI 296 between the driver and another man. The other two sat in his brother's car, and then both vehicles were seen driving away towards the Military Police, Lira. W. 236 then went to his brother's home in Ireda and saw Erinayo Okulo who is alleged to have confirmed his

brother/.....304.

brother's arrest upon being told so by the subject's houseboy.

Captain Chandia (V.237) was then the O.C. Military Police, Lii. He said that he did not know if the Peugeot UVI 296 belonged to his unit. But he produced his D.O.B. According to Entry No. 4 - Ex. 48 the subject, David Omulo, was taken into his barracks on 24th September, 1972, at about 1005 hours by UA 8638, Cpl. Ismail. Entry No. 5 was in respect of another man called Martin Ogenyo, about whom we did not have received any evidence. Entry No. 6 of the same date is the booking out entry, that is, Cpl. Ismail taking the two prisoners to Kampala - Ex. 49. The Captain denied knowing Cpl. Ismail and said that according to these entries he had come from Kampala. He said that Omulo was detained at his barracks and, at his intervention, Cpl. Ismail agreed that the subject's car be taken to his home together with a cheque of Shs. 100/- which Omulo wrote out for his wife. Then Captain Chandia drove the subject's car to his home and put it in the garage. He handed its keys and the cheque to Erinayo Okulo. The car was on loan and it was subsequently sold by the Lango District Administration to recover the balance of the loan which amounted to about Shs. 22,000/-.

W. 236 said that he saw the D.C. Captain Henry Agech (V. 331) at his home and reported the matter to him. He was asked to see him the following day. He tried to see him on Monday and also the following two days but without success. When he finally saw him on the 4th day, the D.C. had nothing to tell him except "Not to bother him because Omulo's arrest was not his concern and he should go away". (p.232). He also tried to see Captain Chandia at the

Barracks/...../305.

Barracks but without success. Captain Agesh, however, said that he never received a direct report about the arrest of Omule but only heard it from others in the town.

his brother's arrest but returned after about a month. On 12th March, 1973, the Lango District Administration asked them to quit the house and he transferred all the property to their village home. According to him, some two months later, Joyce went to their home with some Army officers and removed all the property belonging to Omule. He tried to stop her but the three Army officers who were armed with pistols became very 'cruel' to him. He again reported to the D.C. the following day but nothing was done about it.

At the time W. 236 made his statement to the Police and when he was looking for his brother's insurance papers, he came across the draft of a letter which his brother had written, addressed to his father-in-law, Enoka. The draft is not dated and p.2, which is relevant, reads as follows - (Ex.47):

"But as far as I know Joyce, when she has made up her mind, she does not want any advice from me, she does not recognise me as her husband, she has no respect for me at all. A lot of things she told me are very bad. When she came here on 31st March, 1972, she told me about her brother who is in the Army, she will ask him to take my head to her (Joyce) and she will be very happy indeed. My life is now threatened by her as you are aware of the present situation. I have already conveyed that information to the higher authorities for security reasons only."

Before we move on to our findings we should like to revert to Captain Chaudin. He said that such arrests which were then being made by Security Officers from Kampala were without his knowledge and he could not stop them, even if he wanted to, because :

"11/...../306.



"If they could come here and say they want to take somebody when they have got authority from higher authority, I could not refuse" - p.2385.

He went on to say that one could easily be 'deceived' by such verbal instructions. And it was not until much later that a circular was issued about the procedure for such arrests.

There can be no doubt that Omule was arrested on 24th September, 1972, by UA 8638 Cpl. Ismail and some other soldiers. He was kept at the Military Police Barracks, Lira and later taken away together with another man called Martin Ogenyo, by Cpl. Ismail. This is confirmed by the entries in the D.O.B. of the Military Police barracks, Lira. We have no evidence if Omule ever reached Kampala. Our Counsel was unable to trace this soldier who perhaps is the only person who knows what was done with Omule. We were unable to get the records from the Military Police Makindyo where such people arrested from up country were normally taken to. In the circumstances it seems obvious that, as he has been missing since 24th September, 1972, without any trace, the probability is that he must have been unlawfully disposed of by the people, including Cpl. Ismail, who were recorded in the D.B.O. of Military Police, Lira, to have escorted him and the other man to Kampala.

157. Subject No. 136 - UA 2020 Cpl. NIKANOLI OPIO.

See Masindi Soldier, p.615.

158. Subject No. 137 - PRIVATE EUSTABIO EPWO.

159. Subject No. 138 - UA. 8964 PRIVATE JOHN AWANY.  
p. 580.

See Jinja Soldiers, p.580.

160. Subject No. 139 - UO 89 Lt. JOHN JAMES OKODI.

See Masindi Soldiers, p. 615.

Witness No. 242 - ALUFUNSI OKOR.

Witness: 242 Alufunsio Okor - Part 3, p. 2398 - 2402.

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The subject was aged 28. After leaving the Lira Technical School about nine months before his disappearance, he took on the job of a painter at the school. He used to live at Boroboro with a girlfriend called Verina Ayo.

The witness said that on 20th October, 1972, he received a letter from this girl, as a result of which he went, to see her at Boroboro. She told him that on 18th October, 1972 at about 2.30 p.m. three people, two in civilian clothes and the third in an Army vest, picked the subject from his office. She said that she heard them telling him to sit in the car, which drove away in the direction of Lira Town. She enquired at Lira Police Station without any success.

The witness reported to the D.C. Captain Henry Agoch, who rang up the Military Police, Lira. Later the Captain told him that the name of his brother was with the Military Police but his person was not there. The DC asked him to wait till he found out why his brother was not there. He saw the DC after two weeks when the DC told him that he should not bother him as he was not the one who arrested his brother, (p. 400). He did not enquire from the Military Police but there is the evidence of Captain Chandia (W. 237), who was the in charge of the Military Police, Lira, that entry No. 1 in his DOB for 18th October, 1972 indicated that some five civilians, whose names were not given, had been detained.

It/...../308.

It may well be that the subject was one of them.

The subject had no children and left only his beddings. The witness could not say if he had money in the bank. His brother said that the girl Ayo was a loose-type of woman and was unable to say if any soldier was interested in her.

The evidence is mostly hearsay. The girl did not come forward to give evidence. There is the evidence of Captain Chandia about five civilians who were detained in his barracks but whose names were not recorded. The possibility of the subject being one of them cannot be completely over-looked. One thing we can say, and this is that the subject has been missing since 18th October, 1972. The probability is that he was unlawfully disposed of by the people who arrested him. We can only express our strong suspicion that he might have been one of those five civilians who were detained at the Military Police, Lira on 18th October, 1972, and Captain Chandia should know how the subject was dealt with.

162. Subject No. 141 - UA 4587 Sgt. RAPHAEL EDYONG.

See Mubendo Soldiers, p. 675.

163. Subject No. 142 - Lt. Col. GNDOGA.

- Witnesses: 244 Supt. David C. Psomegen - Part 3,  
p. 2408 - 2423.  
252 George William Luzinda Mukasa  
- Part 3,  
p. 2493 - 2537.  
253 Deputy Supt. Paul Ekocu - Part 3,  
p. 2537 - 2559.  
529 Dr. Lamock Mutesasira - Part 7,  
p. 6573 - 6577.  
531 No. 5045 P.C Wilberforce Ongyera  
- Part 7,  
p. 6583 - 6590.  
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the/...../309.

The subject was a Lt. Col. in the Uganda Armed Forces, At the time of his disappearance he was the Minister of Foreign Affairs in the Uganda Government. He was married and had two children who used to go to Nakasero Primary School, Kampala. The subject used to take them to school in the mornings.

On 6th March, 1974 at about 9 a.m., Superintendent Psoomegen (W. 244), who was then the Ag. Head of the Special Branch, received an anonymous call in the following terms: "The caller said that someone believed to be Lt. Col. Ondoza who had just dropped his children at Nakasero Primary School had been seized by about five people and forced in their car and taken away." The superintendent reported to the Commissioner of Police and the Minister of Internal Affairs. He also instructed the O.C. Special Branch, Kampala area, Richard Odongo, to go to the school and check up on the report. At the same time he passed on the report to the Director of the CID, Mukasa (W. 252), who directed the O.C. CID Central Police Station, Deputy Superintendent Ekocu (E. 253), to open a file and carry out the necessary enquiries. W. 253 duly opened a general enquiry file, No. CRB 14/74.

W. 244 said that 'at least someone' went to the school and later informed him that he had interviewed the teachers who claimed to have seen the children stampeding and when they went to see what was happening, they found the people gone. He said that the same afternoon "'someone' was sent to check at the subject's house and he was later told that the subject had not returned since taking his children to school. The Superintendent said that 'someone' went back to the subject's house the following day and found

his/...../310.

his wife not there.

Ekocu gave an account of the enquiries which he carried out. He said that he went around the city trying to get people who could assist in the enquiries. He said that from the Central Police Station he went to Nakasoro Market, Nakivubo and on to Kisenyi looking for information. He admitted that this was a route in the other direction of the school and explained that when he received the instructions from Mukasa on 8th March, the school was not mentioned as the place from where the Lt. was picked up!

On 7th March, 1974, P.C. Ongyera (W. 531) was on duty in the MCB office of Nalufenya Police Station, Jinja. At about 2.45 p.m. some firemen reported to the Station Diary constable of having received a phone call from Owen Falls Dam of a body floating in the water. The constable was ordered to accompany them to the dam, where the body was removed from the water. The body was naked, it was decomposing, its eyes had come out of the sockets and the tongue was protruding from the mouth. The body was taken to mortuary and entered in the mortuary register as No. 135. According to this entry under the column 'name', at first the word 'unknown' was inserted and it was later struck out and the full name of the subject with his rank substituted instead. The post-mortem was done by Dr. Crowden whose report - Ex. 146 - was produced by Dr. Lwiza Nutesesira (W. 529) who identified Dr. Crowden's signature. The injuries found by the doctor and the cause of death as stated by him are as follows:

External Injuries: Post-mortem abrasions of skin.

Internal Injuries: 1) fracture of ribs in mid-axillary line, right 4-9; stomach (?) present in left chest. Haematoma of left side of abdomen and also right. Skull - no injury; no haematoma.

Cause of Death: Massive injury to right chest; haemorrhage in the muscles(?)

No/..../311.

No evidence of drawing -  
Death by violence accidental  
or otherwise.

Dr. Mutesasira found his colleague's handwriting most difficult to decipher and we are not surprised. There is some mention on Ex.146 of the estimated time of death which just cannot be read. W. 529 said that although the body is described on the post-mortem report as 'unknown', the name of the subject is stated on the police form requesting the post-mortem and the number of the post-mortem, 69/74, is reflected in the mortuary register. Ex.145. The doctor, therefore, deduced that the post-mortem done by Dr. Crowden and his report, Ex.146, was in fact in respect of the body of Lt. Col. Ondoga.

On 9th March, 1974, the Director of CID went to Jinja to check on the body which was then lying in the mortuary. He was accompanied by Lt. Col. Maliyamungu, Major Hussein and Captain Okech. Captain Okech identified the body as of the subject. The Director of the CID, then obtained a copy of the post-mortem report from Dr. Crowden as it was required by Your Excellency. He also alerted all the staff to keep their eyes and ears open for any information.

On Saturday 9th March, 1974, the 'Voice of Uganda' carried a directive in bold print issued by Your Excellency. The heading was "OBADO ORDERED TO INVESTIGATE DISAPPEARANCE, Reasons given for Ondoga's removal."

The article reads:

"President Amin has directed the Minister of Internal Affairs Mr. Obado and the head of the State Research Centre, Lt. Col. Itabuka to make full and thorough investigation on the circumstances leading to the reported disappearance of Lt. Col. Ondoga, the former Minister of Foreign Affairs. The official

letter/...../312.

letter to this effects reads:

I have received a report from the Special Branch that Lt. Col. M. Ondoga (former Minister of Foreign Affairs) had not reported back to his home since about 8 a.m. on Wednesday when he took his children to school. I am directing you to make full and thorough investigations on the circumstance which have led to the reported disappearance of Lt. Col. Ondoga. All your intelligence should cooperate in the investigations and try to establish the whereabouts of Lt. Col. Ondoga. When I appointed Lt. Col. Ondoga as Minister of Foreign Affairs and after a few months, received numerous reports from Intelligence that there was misunderstanding and dissatisfaction among the senior staff and junior staff of the Ministry of Foreign Affairs because of his administration. I received a report that there was a major reshuffle in the Ministry involving senior staff and the Ag. Permanent Secretary was sent on forced leave.

We have officers from our embassies abroad were recalled but some of them refused to return and went into exile abroad. Two officers in Paris, a lady and a man, who were alleged to be connected with Muwanga's mis-use of public funds decided to abandon duties and refused to return to Uganda when recalled; also Major Obom the Military Attache refused to return. Another officer in Bonn also refused to return to Uganda. With all this confusion in the Ministry of Foreign Affairs, I decided to remove Lt. Col. Ondoga from the Ministry and assign him other duties in the Government which I was going to announce in the due course.

I have also been informed that Lt. Col. Ondoga has businesses in Kampala known as Anguruma Company at Kawempe which makes soap, oil and maize meal. I direct that you check all these businesses which were allocated to him and find out whether he has some partners in these businesses. It is important to find out whether

hc/.....313.

he has had any misunderstanding with anyone in these businesses who might have planned to sabotage him. I direct to take up these investigations as top priority and submit your report as soon as possible."

Meantime, the investigations continued. W. 244 said that the Special Branch were interested in motive more than perhaps what happened - p. 2411. He was not aware if his Branch tried to conduct investigations within the Army. According to Superintendent Psomegen 'perhaps this escaped our attention'. He admitted that none of the subject's children was interviewed, nor was any attempt made to trace his wife, yet he maintained that 'normal investigations' which he described as 'intensive to that extent' were mounted. Ekocu maintained that he did his best but was unable to achieve anything as he did not have any 'open lines' from the very beginning. He admitted that the part he played was to open the file, paste some newspaper clippings in it and submit the file to the Head of the CID without a single statement. He said that normally they seek directions from their superior officers but he had not sought any such directives from the Head of the CID because 'he had not reached that stage.' He said that, although he should have visited the school, he did not go there but 'time would have come when he would have gone to the school.' He continued that the main difficulty in the investigation was that he did not find any witness who could feed him with information and none came forward. Although he had the file with him for about eleven days, he did not keep notes of the investigations which had been conducted or of the telephones which were made by him during the course of these investigations. He explained the reason for this omission in that the matter was being treated as confidential.



or later involved on this matter, he said that he did not have enough time to put down any such minute. He admitted that except for going in the opposite direction, he did nothing to help the investigation and he could not do anything. He summarized his part as follows:

"Without the clue, no one could make real investigations into any case."

The Director of the FBI and the Special Branch officers made a joint report (ex. 54) to the Minister of Internal Affairs on 14th March, 1974. The first paragraph deals with the information received at the Special Branch Headquarters in the form of the anonymous call about the kidnapping. The second paragraph states that when they rang the subject's home they were told that he had not returned since taking the children to school. The third paragraph deals with the interview of the teachers who spoke about the stampeding children and the physical check made at the subject's home later that evening. It also sets out the subsequent visit to the school on 15th March, 1974, when it was learnt that the subject's wife had come away without saying where she was going. The fourth paragraph deals with the sighting of the body in the Owen Falls Dam and its recovery, identification and the post-mortem. Five and six read as follows:

Ever since then till today, the enquiries by both Special Branch and FBI have failed to uncover the actual kidnappers and subsequent killers. This has come about because the teachers deny having seen Ondoera being kidnapped and also because the anonymous caller refused to tell who he was. Enquiries of Cururuma Company, which Lt. Col. Ondoera owned, revealed that all the staff in managerial position are close relatives of the ex-Minister.

There is no reason known to us to show that any of these people could have been against Lt. Col. Ondaan, however, there is general dissatisfaction in the Ministry of Foreign Affairs where the ex-Minister was said to have shown open favouritism for some individuals. It is also reported that the manner the late..... of the Ministry of Information when it was under his portfolio was not fair and subsequently he offended many people there. Notwithstanding the alleged mis-handling of staff in the two Ministries, we have been unable to establish whether or not anybody there had a hand in his disappearance and the subsequent death.

6. In their foreword we recommend that the Government should consider appealing to people like the anonymous caller to come forward and assist the police in these enquiries. The enquiries are continuing and anything uncovered which is relevant to the case will be reported."

In May, the Director of the CID received the police file from DSI Lkoen. It had only seven minutes in it which were as follows: The first one is dated 8th March, 1974 and is about the instructions to open a GEF re: disappearance of Lt. Col. Ondaan; the next one is a cutting from the 'Voice of Uganda'; the third minute just says: matter appeared in the press as per above, the fourth minute comprises of another cutting from 'Voice of Uganda'; the fifth minute is about the Director's order to open enquiries as reported in the press; the sixth minute is another press cutting and the seventh minute is referred to the head of the CID. -

11. The Director of the CID agreed that he did not consider the investigations as adequate and was critical of his officer for not keeping a proper record of the people they interviewed and what they said. He said that this was done only on the file to show what had been

... the fact that the body and, when questioned by ... to whether the omission did not indicate ... of interest, he said:

... on the face of it yes, but I am sure they were interested and are interested ... still interested to get any information which will enable us to establish the facts ... - p.29d.

... the file had been put away, but investigations ... of the file should have been revived should any ... to light.

... with the initial report by the anonymous ... at this time, it is sufficient that the ... of the Special Branch received the report very soon after the disappearance of the subject from ... primary ... The 'intensive investigations' mounted by his ... Branch on the same day appear to be nil, except ... to my ... going here and there ... The Director of the CID instructed the ... Station, on 8th March, 1974, to ... the disappearance of the subject. ... the ... on his inquiries on a route which took him further and further away from the scene of the ... Although he continued with the 'normal ...' for several days before he handed over the file to the Director of the CID, it is striking to note that the ... of the investigations consists of only a few ... of which ... The ... that, ... during the ... investigations of any kind were ... carried out by the ... In Your Excellency's ... in the 'Voice of Uganda' dated ... you directed the Minister of Internal

Affairs/...../317.

affairs and the Head of the State Research Centre 'to make full and thorough investigations' on this disappearance. We know what the police investigations amounted to but not what the report which was submitted to the Minister of Internal Affairs is nothing but a repetition of what Your Excellency had suggested as a basis for the investigations and we find that there is nothing new in that report. The Director of the CID was of the opinion that the main difficulty was lack of cooperation from the public. The in-charge case said that he found no open lines from the very beginning. With respect to the Director, we find no basis for his criticism of the public. We say this for the simple reason that, although it is claimed that some police officers visited the school and interviewed the teachers, there is no where any record kept of that interview or what the teachers might have said. We do not know who went to the school and when he went there. We do not know the names of the teachers who were said to have been interviewed in this manner. What we do know is that the in-charge case started his investigations miles from the school. What we do know is that, although the school is 2½ km from the Central Police Station, DSI Ekocu had no time to visit the school as he had other pressing engagements. We would say that Your Excellency's directive was absolutely clear and emphasised the importance of the matter, yet it was completely ignored and nothing whatever was done by the police to try to solve the kidnapping of Lt. Col. Ondoga.

We are satisfied that the body which was found in the Owen Falls Dam on 7th March, 1974, was that of the missing Lt. Col. The details of the injuries are set out in the post-mortem report and it is obvious that the subject died

of/...../318.

of massive injury to the right chest, as the doctor says.

In the absence of any other evidence, we can only say that the subject was kidnapped by some unknown people on 6th March, 1974 from Nakusere Primary School where he went to drop his children and it must follow that he was murdered in cold blood by those unknown kidnappers who threw the body in the dam.

164. Subject No. 143 - WAKUMA MALINA.

165. Subject No. 144 - OYAMO.

Mentioned in passing in the case of Daniel Ojamba W. Jora, Subject No. 28 - (p. 101).

166. Subject No. 145 - LATOLO MASABA.

Witnesses: 256 Misaki Kimuli - Part 3, p.2577 - 2583.  
306 Rose Mutonyi - Part 3, p.2975 - 2996.  
435 Captain Hussein Adda  
- Part 5, p.4609 - 4612:  
544 Omar Nasser - Part 7, p.6900 - 6906.

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The subject was aged 42 years and was a transporter living in Mbale. He was married to two women, one of whom is Rose Mutonyi (W. 306), who is a primary school teacher. The subject has nine children, six being looked after by their grandfather, W. 256.

The subject had three vehicles: an Isuzu tipper No. HVE 431, a Isuzu pick-up No. HYZ 554 and a V.W. Car. The Volkswagen broke down in November, 1972, and was taken to a garage for repairs. According to W. 306, the subject left the tipper at the home of the former Minister of Finance, Mr. Bahwya, and the pick-up was being driven by a man who, according to W. 306, was the cause of all that happened.

She said that the man was Mawambe who had disappeared from the area for almost a year. On his reappearance he told her husband that he had been working at Kilembe and had arranged for a new job in Kampala from the end of the year, that is, 1973. He requested the subject to engage him as his driver for transporting teachers and books of the Busisu Education Office. She said that she later learnt from people that the pick-up was found abandoned about 15 miles from Mbale in North Bugisu and the Security Forces suspected her husband of helping the guerrillas.

His father said that he last saw the subject on 23rd January, 1973, when he went to his usual work in Mbale. He said that he knew that his son went to Kampala as the Security Forces were chasing him in Mbale.

Rose Mutonyi was then undergoing some training at the Shimoni Teachers' Training College, Kampala. She said that on 23rd January, 1973, her husband called at the T.T.C. at 4 p.m. and asked her to accompany him with her radio to the Tourist Hotel. After supper they went to their room and listened to the news at 8 p.m. We will let Rose Mutonyi talk about the news broadcast in her own words - (p.2977):

"We listened to the news and it was said that he had met the President at the Parliamentary Buildings and told him that he had been told in Mbale that armed men were looking for him and they were going to kill him but he did not know the reason for their chasing him, but because there had been the night before on the 22nd, I think, some of us in Mbale and they discovered guerrillas who were being trained, and they suspected him, that is why they were looking for him. So when he explained this to the President, the President told him that since this was a very serious case, he would go to Makindye, make a statement, after which they would make investigations in Mbale, if he was innocent, he would be given a card and he would go back to Mbale to continue with his business.

But/...../320.

But if they would find that he was one of those who were training guerillas after the investigations in Mbale, he would be tried by the Military Tribunal."

This news broadcast was also heard by the subject's father on the 24th January, 1973, and was printed in the local press the following day. In the 'Voice of Uganda' of 25th January, 1973 (Ex.169) produced by W. 544, appears the following:

"SUBVERTERS TO BE DISMISSED FROM SERVICE.

"ANYBODY working against the interests of the Government - be he a minister or a high ranking officer - shall be kicked out of Government service.

"This was disclosed by President Amin yesterday when he met Mr. Natolo Masata a private transporter of Mbale, Bugisu, who called on the President at the Command Post complaining that he was being looked for in connection with guerillas.

"President Amin told Mr. Natolo that he had been advised by the Defence Council to kick out of Government service anybody who works against the interest of the Government. He further told Mr. Natolo that he had a very bad record in files, especially during the Obote regime when he was being looked for in connection with his political activities and getting arms and ammunition from China.

EXECUTED.

"But the Military Government is not like political Governments and if anybody has done nothing wrong, soldiers cannot bother him. But if anybody involved himself in subversive activities, whether he is a Minister or not, he can be arrested and put before the Military Tribunal and can be executed.

"We are responsible for the lives and property of all people in Uganda. We cannot allow anybody to bring

confusion because that would bring suffering to innocent people.

by the Military Tribunal, but that if he had done nothing wrong, nobody will follow him.

"The President further disclosed that the Defence Council had brought it to his notice that the Lugri were making propaganda and confusing people in the country. Some people were being killed because of this confusion he added.

"That he said, was confirmed in the Lower Development Plan made by Obote where it was stated that scholists would be burnt like elephant-grass.

"The former regime, said the President, was promoting tribalism but in the Military Government, there is no place for tribalism or religionism.

"The General said, 'You look at the Government Ministers, there is none from my 'tribe' and there is no modicum.'

"General Amin told Ntolo 'since my Government took over power, nobody has followed you.'

"He warned him that if he tries to involve himself in any subversive activities it is him who will suffer with innocent people. The General gave the example of the incident in Mbale where guerillas terrorized the people and said it was the soldiers who were killed. He said that if anyone brings trouble in the country, it is the soldiers who suffer in the defence of the country.

"President Amin said that he will be meeting representatives of the people of Burisa some time in future and explain to them certain important points.

"He criticized the address by the Acting Commander of the Army, Colonel [Name] and said the people should believe it. He said he blames the Burisa soldiers for what happened in [Name].



"The President added that when he met Bagisu elders recently, one of them told him that the Bagisu were hiding guerillas, and now I have come to believe that what he told me was true."

"The General pointed out that out of the ten guerillas killed in Mbale most of them were Bagisu who have been in Tanzania."

"The General told Mr. Ntoto that he will be taken to the Military Police to explain his points and if nothing wrong is found within him he will be given a letter with which to go back to Mbale without anybody disturbing him."

"Earlier, Mr. Ntoto told the President that he had walked all the way from Mbale to Kampala on foot to know why he was being looked for in connection with guerillas."

"He said he was carrying transporting things in Mbale and he was employed as a driver. The incident which happened at Mbale when the guerillas were killed in a Volkswagen happened near the home of his father."

"Mr. Ntoto said that during his days during the colonial regime and said he was not killed by Obote and suffered only under Obote's regime. After the Second Republic was created, he has been progressing well in his business. He said it was Obote's agents who did not like him to come up."

"The meeting was also attended by the Minister of Finance, Mr. E. W. Kibuka, who took Ntoto to the Commission of Enquiry."

Ms. Mutonyi was crying and weeping. Her husband told her very calmly and said to her that everything would be alright. He said that all of them would go to E. Kinty and he would explain to them that he had done nothing wrong, he would be allowed to go back home. Instead of running out of the country, he had come to report.

They went to Makindu the following day at about 10 a.m. She went in the ambulance 15 minutes later she also followed and said that he was waiting for someone else who would interrogate her husband. About an hour later three Intelligence men in khaki clothes came out, after confirming that he was the man they were looking for, they said this is the man who has been trouble maker in the country. They told him that they would 'teach him a lesson.' According to her, Mutongi and other soldiers in uniform also came out, they said 'We have got food for the day' - (p. 295-296). Many soldiers gathered around the office and some asked him whether he was carrying bullets in his pockets and they searched him. They picked his pockets and found some bullets. He admitted it amongst themselves. Her husband takes up the story in her own words - (p. 297-298)

"When they had finished searching him they told him to put off his shoes that he was too bold he could not even respect a man or like that to come with shoes when he was a criminal.

"He was ordered to put off his shoes and he did so. They asked me what I had in my handbag. They asked me whether I had a pistol or bullets in my handbag. I told them that I did not have those things which they were asking for and one of them checked my handbag."

During the interview they called in a boy who was the driver who was involved in the training of guerrillas. They asked him if he had seen the subject before and he told them that he had never seen him before but he told them that it was a British Jerry which was transporting the guerrillas. The boy insisted that the man was not a guerrilla but a British Jerry.

It was then getting on to 12.45 p.m. and they started closing up for lunch. Those in plain clothes declared that she was innocent and did not see why they should 'punish' her and offered to take her wherever she wanted to go.

She was then dropped at Kitante round about by those soldiers, who were driving a white Peugeot 504.

Three weeks later, after her daily visits to Makindye to see the subject had proved useless, she found a note from him on her bed in the dormitory, advising her to go to Mengo where he was going to collect beer. Staff Sgt. Ojale (W.439) corroborated this when he said that Makindye was getting its beer supply from the unit shop in Mengo. She saw Masaba from a distance. He asked her if she had been home to tell their people about his detention at Makindye. She nodded that she had. She returned to the same place the next day but did not see him. A week later she went to Makindye. While waiting at the gate, she saw a truck coming from inside and on the cases of beer she saw her husband with other prisoners. They waved to each other. A few days later she received another note from her husband. She did not know who brought these notes or how they found their way to her bed. She went to Mengo again where she saw him loading beer on the truck. She saw some scars on his head and he told her that "he had been knocked with a hammer by a military man." He told her to collect some of his outstanding from certain Departments in Mbale, which she did. She returned from Mbale after three weeks and other staff told her that some army men, who had been looking for her, had left a

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difficulties to Your Excellency as is preserved for posterity in the form of the report of the interview which was published in the 'Voice of Uganda' of 25th January, 1973 after broadcast of the same on the radio the previous evening. We find that the subject followed Your Excellency's directions and went to Makindye on 24th January, 1973, to make his statement. Although we have not been able to see the D.C.Bs of Makindye and the Adjutant of the Military Police, Captain Bogere (#.169) denied keeping him, and so did Lt. Col. Albert Drajun (#.528) who went on to say that he could not explain about things which occurred during the time of Marella who used to do things himself, we are satisfied that Natolo Mumba did in fact go to Makindye, and his wife left him in custody there on 24th January, 1973. Captain Bogere said that during those days some people were going to Makindye on their own accord for their own personal safety and were allowed to go home later. But he did say that such people, who came for personal safety, were not sent out on duty or fatigue. According to the evidence of Rose Mutonyi, her husband was in fact being sent out, at least to Mengo to collect beer. When the evidence about the notes, which Rose Mutonyi was receiving from her husband, was put to Captain Bogere, he appeared to be fearful at first saying that those letters could have come from God or from Heaven! In the next breath, however, he agreed that it was possible for a friend to deliver such letters. We have no reason whatever to doubt the evidence of Rose Mutonyi. We accept every word of her evidence. Her evidence makes it clear that the Intelligence Officers, who inter-

viewed/...../327.

viewed the subject at Makindye in the presence of his wife, started from the proposition that he was guilty of training and helping guerillas and of creating confusion. What Your statement which would then be investigated. It is manifest that those investigators were totally prejudiced against him and even after the identifying witness had denied knowing the subject, those officers were not satisfied and detained him. The prejudice of the soldiers was high-lighted by their remark, "We have got food for the day." We do not know what they actually meant by this but the meaning can quite easily be read in the words. We are satisfied that during his period of detention the subject was assaulted and we accept his wife's testimony that he attributed the scars on his head to an assault with a hammer.

The subject's father said - (r.2581):

"I am sure he is there because it is the President himself who said, he should be taken to Makindye, so it will be for this Commission of Inquiry to find out whether he is there or not --- I did not try to find out since the President himself had assured him that he would be safe at Makindye, so I thought that he is in safe hands."

As we have already stated we have no doubt that the subject was detained at Makindye; likewise we have no doubt that he never returned home and has been missing from Makindye since his wife last saw him or heard from him. The Military Police authorities, in whose custody he was, ought to know how he was dealt with. The obvious probability is that he was unlawfully disposed of while in detention at Makindye Military Police Headquarters for which this institution must take full blame and responsibility.

167. Subject No. 146 - GEORGE WILLIAM WAISI.

Witness: 257 Eriya Waisi - Part 3, p. 2584 - 2593.  
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The subject was aged about 47. He was a businessman keeping a shop and a bar. He also had a farm. He was married to two wives, the first having seven children and the second five. The subject's father (W. 257) looks after the children, all of whom are at school. He has obtained authority to manage his estate from the Administrator General.

On 24th January, 1973, the subject went to his shop in Mbale in a friend's car. His Volkswagen was in the garage and the other red car was at home. We were not told why he took a lift from a friend to go to his shop. His father later went to town and saw him in the shop, but he never returned home that evening. His father went to his shop the following day and found it locked. He started looking for his son in all the possible places where he could have been but without success. On 25th January, 1973 he received information that there were some bodies lying in a forest. He contacted the police and went to the forest where they found the body of his son near a foot-path. It was removed to the mortuary; and the postmortem examination was done on 27th January, 1973. The doctor's report is Ex.56, according to which the deceased died of haemorrhage due to a stab wound in the chest.

The witness denied knowing one called John Wemumbo who had written to this Commission saying that the deceased was a 'mafuta mingi'. The witness denied this allegation and said that his son had got those two businesses before the Asians left.

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The witness also said that it could not have been possible for his son to be seen driving a Volkswagen in town on 26th January, 1973, as stated by Womumbo in his memorandum, dated 19th March, 1973, as the forest.

Later, on 19th March, 1973, the District Police Commissioner, Nbalu, gave a letter to W. 257, certifying that the subject 'was killed by unknown persons on 26th January, 1973,' - Ex. 57.

It is obvious that the subject was stabbed to death on or about 26th January, 1973, and the body dumped in the forest. The evidence is extremely scanty, and there is none at all about the movements of the deceased, or the persons in whose company he might have been seen before his death. Womumbo's memorandum, which was put to the subject's father, is clearly in an attempt to link the army with the death of the subject, which cannot possibly be true for the simple reason that the date mentioned in the memorandum when the subject was allegedly seen driving a Volkswagen was about a month after the deceased's body had been discovered in the forest. In the circumstances, we are bound to agree with the District Police Commissioner's conclusion, as stated in Ex. 57, that the deceased was killed by unknown persons.

RE. Subject No. 147 - DAVIES RAJIB W.M. NDU.

Reference: Arushans Rutabala Inloha - Part 3, p. 2593 - 2597.

The subject was aged about 21 and was a Cooperative Assistant

in/...../330.



in the Cooperative Department, Mbale. He was a bachelor but had one illegitimate child.

His brother Kuloba (W. 258) last saw the subject on the morning of 26th April, 1971 when he left home for Mbale to attend a staff meeting. He did not return home and on 28th April, 1971, the witness went to the Cooperative Office where he was told that the subject had left the offices after attending the meeting. He reported the disappearance to his cousin and they looked around for him. Subsequently, he received information that some bodies were lying about five miles from the town and, together with the Police, his brother Matela went to the scene where two bodies were found - that of an unknown person and of his brother. The witness saw the body of his brother on 29th April, 1971 when it was taken home for burial after the postmortem. He saw 3-4 gun shot wounds on the temple and in the chest.

This is another case where the evidence is totally lacking about how the deceased met his death. There is no evidence of what happened to him after he left the cooperative offices on 26th April, 1971. It is impossible for us to make any finding except to say that he was killed by unknown persons.

169. Subject No. 148 - AKISOFERI MUKAMA.

170. Subject No. 149 - DHAMUZUNGU MUEANIKWA.

171. Subject No. 150 - NTALO NAMUDIA.

172. Subject No. 294 - ISABIRIYE NTALO.

Witnesses: 262 Wakabi Sala - Part 3, p.2632 - 2637.

304 Maciro Kibombozi  
- Part 3, p.2953 - 2961.

305 Bonifacio Isiko/..... /331.

- 305 Bonofansio Isiko - Part 3, p. 2962 - 2975.  
441 V.O. Othieno - Part 5, p. 4700 - 4704.  
442 James Mainsi Kibwika  
- Part 5, p. 4705 - 4707.  
474 Sgt. Insp. J. Ayumu  
- Part 6, p. 5274 - 5286.  
475 Benjamin Obbo - Part 6, p. 5286 - 5296.  
510 Lt. James Mainsi Obbo  
- Part 6, p. 6130 - 6164.
- 

Benjamin Obbo (W. 475) was the Kisoko Chief of Nakalama. At the time of this incident, his son, Lt. James Obbo (W.510), was stationed at Isabek on the Sudan Border,

Benjamin Obbo was attacked by 'kondos' during the night of 28th and 29th December, 1971. He was assaulted and slashed on his face. He claimed to have recognised five 'kondos', three being the present subjects and the other two being Bonofansio Isiko (W. 305) and Kafuko. Subjects No. 148, 149, 150 and Kafuko are the sons of the old man Wakali Sali, W. 262.

The village chief of the time was Mugino Kibombozi (W. 374). He said that he had heard an alarm from Obbo's home at dawn and met him also when he was going to the Mukuru chief. He noticed a cut on Obbo's forehead and his face was covered with blood. To him, Obbo said that he had met four of the robbers as they had covered him with blankets. W. 475 denied meeting the village chief but the police also denied telling him, as alleged, about his inability to recognise any of the robbers. But upon further questioning he admitted that during the

robbery/...../331.

robbery he was covered by a torn bedsheet and, as it only partially covered his face and one eye was not covered, he saw the robbers and also heard their voices. In his statement to the Police, which seems to have been recorded by Det. Insp. Nyema (W. 474), to whom the complainant reported the same morning, he is recorded as having said:

"I could not see them all that time they were in my house until they left but during that time they were talking I managed to hear their voices of Ntalo, Bonfansio and others."

He retracted this statement and alleged that, as the recording officer did not know Lusoga, he had left out certain words.

However, on the same morning the Gombolola Chief of Nakalima and the Muluka Chief saw the village chief (W.304) and together five people were arrested in connection with this alleged robbery, that is, the first three subjects, W. 305 and Kafuko. According to the Ar. County Chief (W. 442) his clerk forwarded the five prisoners to Iganga Police Station with a letter - Ex. 108 - which reads:

"Regarding attempted robbery: Hereby sending to you the undermentioned person who are charged to went to Mr. Obbo Benyamenyi's home idle and disorderly robbery, house brake and cutting Obbo Benyamenyi's head. This was happened last night at Busenyi village.

Robbery No.1. Ntalo Ngulya Coloneri  
of Busenyi village

Robbery No.2. Bonfansio Isiko  
of Busenyi village

Robbery No.3. akisoferi Mukama  
of Busenyi village

Robbery No.4. Dhamusungu Mwanika  
of Busenyi village

Robbery No.5. Kafuko Wakabi  
of Busenyi village.

The accuse person are sent to you escorted by ASKR. No. 1800 Cpl. S. Katwala, with exhibit stone."

/s/

Those five suspects were duly handed in at Iganga Police Station, S.D. No. 45/29/12/71 and Lock-Up Entry No. 2500/71 (Ntalo), 2502/71 (E. Gyagenda alias Akisoferi), 2503/71 (E. Gyagenda alias Akisoferi) - Ex. 105. Later, on 4th January, 1972 after W. 482 had reverted to his substantive post as Gombolola Chief, he forwarded three more suspects in connection with the same alleged robbery to Iganga Police Station under the escort of No. 2280 Askari Mutyaba with his letter, Ex.109. Those three were Siriver Teco, Isibirye Ntalo (Subject No. 254) and Edward Mukama. According to the Station Diary entry 6d of 4th January, 1972, Ex.110) Mutyaba handed in only one person, Isibirye Ntalo, at the Police Station. Isiko stated that they were told at the Gombolola Headquarters that they had been arrested for robbing Obbo. All five of them were kept in one cell at the Police Station and he complained that the Policemen beat them up. According to him, Lt. James Obbo (W.510) came to the Police Station on the 3rd day with eight others, W. 305 and the other prisoners involved in this alleged robbery were taken outside where the Lt. and his companions are alleged to have whipped all five of them. Isiko said that the Lt. was in white clothes and his friends were in Army uniform.

Ex.111 is in respect of three prisoners, including Ntalo, (the other two do not seem to have any connection with this incident) who were returned to the Police from the hospital at 10 a.m.

According to Inspector Ayema, the first visit of Lt. Obbo took place on 7th January, 1972, in the evening when he came in a white Land-Rover 504. He was with another man and both were in civilian clothes.

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The Lt. asked the Inspector what he intended to do with the five suspects and the Inspector told him that he intended to take them to Court. The Lt., who had properly identified himself by producing his identity card, alleged that the Police were not torturing the prisoners. He asked the five suspects to be brought out and then the Lt. who had a pistol and his companion a swagger stick, assaulted the five prisoners. The Inspector watched the incident helplessly; he was even afraid to protest as the Lt. was armed. During the assault one of the accused is alleged to have confessed to the robbery. They were then returned to the cells and the Lt. went away saying that he will 'see' them later.

The Inspector went to Jinja the following day and on his return was told that the five suspects had been taken away by Army personnel. The Lock-Up Register entry for the 8th January, 1972, in respect of No. 2500/71 (Ntalo), 2502/71 (A. Mukama Gyagenda) and 2504/71 (D. Muwanika) - Ex.106. - indicates that they were 'taken to Makindye by Army Intelligence.'

The account of this incident is also given by Isiko who said that on his second visit, the Lt. read out their names from a letter and they were again taken outside. His companion, also a soldier, said that he wanted the stronger ones and selected the three subjects, Mukama, Dhamuzungu and Ntalo Namudia, with whom they drove away.

According to Ex.112, where these three subjects are indicated as having been taken to Makindye by Army Intelligence, there appears also the name of Ntalo Isabirye (Subject No. 204) with a similar comment.

Det/...../335.

Det. Inqpt. Ayema stated that the two left in the cells were later released. Isiko said that he and Kufuko were in the lock-up Register, they seem to have been released on the 11th January, 1972.

The Lt. said that upon receiving the information of the attack on his father he obtained permission to go home. He saw him unconscious in the hospital. He was told by his mother that the 'kondos' had been arrested and were in custody at Iwanga Police Station. He said that he stopped at the Police Station and the policeman at the counter confirmed that the suspects were in the cells. The Lt. did not see the suspects or beating them on his first visit. He said that he went and saw Marella, who was then the officer commanding, Military Police, Makindye. He said that he went to him because he was the 'Chief' of the kondos operation and also because he did not think that the people who had been arrested were in proper hands. He thought that they would be in better hands in Army custody to protect the public from kondos. Marella gave him six Intelligence Officers and ordered him to take the kondos from him. He went to Iganga Police Station. He stayed at the counter and the Intelligence men went to the cells and returned with four men, of whom he knew Isiko and Dhamurungu. He said that these suspects refused to come out of the cells; that is why they were arrested. He claimed that he stopped them from further beating Isiko. "Could they have existed had I not intervened?" He said that he was very annoyed over the whole incident and had intervened because the kondos had killed his father. He took those four men

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He walked and marched out of his office, leaving those four men with him. He did not see any record of those four men

Under further examination the Lt. admitted not only that his companions had whips but that they had lashed the prisoners. He also admitted that when they reached Makindye the names of the prisoners were entered in a register. But he denied, as was maintained by Isiko and the Inspector, that he himself joined in the beating or ordered them to suck blood from each other.

There is ample evidence to indicate that these four subjects were arrested by the Chiefs and forwarded to Iganga Police Station as suspects in the alleged robbery at the home of E. 425. This old man was certainly very inconsistent, and from the evidence of the first report made by him we are satisfied that during the robbery his face had been covered and he had not been able to see any of the kundos at all. He may have heard their voices but we would not be too sure of a positive identification, particularly when the victim had been out on the forehead and must have been in pain. The fact, however, remains that these people were arrested and detained at Iganga Police Station. There is some confusion about the second lot of suspects who were forwarded by E. 442 under cover of his letter, Ex.109. It will be recalled that the latter sets out three names, of whom only one, that is, Isi Kirya Mbatia, was received at the Police Station according to Ex.110. We do not know what happened to the other two suspects; no complaint was made before us about them.

The first part only of Lt. Odo is not denied by him.

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It is not denied also that he stopped at Iganga Police Station on 7th January, 1972, but he denied that the prisoners were assaulted that day. We have the evidence of Isiko and also the Det. Inspector that the prisoners were whipped by his companions and he also assaulted them with his pistol. On the following day these three subjects and Isabirye Ntalo were collected by the Lt. and taken away. This is admitted by him and he maintains that he took them straight to Marella. It is here that his evidence became suspicious. At first, he denied that any records were kept of those prisoners at Makindye, but later he admitted that their names were in fact entered in a register. Another unsatisfactory feature of his evidence was that he had denied the assault of the prisoners in the first place. Again he did not seem to have any convincing reason or argument for intervening in this matter after knowing that the suspects had been arrested and were in police custody. There could have been no threat to the public so long as they remained in police custody. His argument that he thought that they were not in good hands, besides sounding very hollow, indicated, to our minds, the utter contempt in which the Police was held by the soldiers, more so where their own relatives were involved. Unfortunately, Marella was not available to give evidence, and as we have said many times before, the records of Makindye were not also available to check and see how far they would have supported the Lt. We offered the Lt. time to go to Makindye under escort and see if any of the Intelligence Officers he went with to Iganga Police Station was at Makindye. It was at this juncture that he changed his evidence and said that the names of the prisoners were recorded in the register.

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He was not impressed by the veracity of the Lt. We were of the opinion that he was the kind of person who has no qualms in telling only so much of the truth as suited his convenience  
suits him also. Such a witness cannot be relied upon.  
Accordingly, we find that there is no evidence to prove that the four prisoners, who were admittedly collected by the Lt. from Kasesa Police Station, ever reached Makindye. On the other hand if what the Lt. said is true, which we very much doubt, then there is only one possibility, that is, that the prisoners were unlawfully disposed of while in custody at Makindye. In view of our comments on the evidence of the Lt. we are of the opinion that the prisoners never reached Makindye, otherwise the Lt. would have accepted our offer to go there with an escort and fetch any of the Intelligence Officers he could find there. We find that the probability clearly is that those four prisoners were unlawfully disposed of by their escort, who included the Lt., on the way to Kampala.

173. Subject No. 151 - DAVID MAISE.

Witnesses: 263 Akosemuri Kaluma - Part 3, p.2638 - 2646.  
307 Superintendent C. Cjulong  
- Part 3, p.2996 - 3010.  
447 Lt. Col. Elly Lassen  
- Part 5, p.4796 - 4817.

The subject was a young man aged twenty. He was a teacher in school, and used to live with a woman from whom he has had a child who is now being looked after by the woman's father.

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The subject's father, W. 263, last saw his son going to his work on 19th October, 1970.

On the same day, the subject was taken into Lugazi Police Station on a charge of adultery. According to Entry No.79 of the same date in the station diary, (Ex.65), produced by Superintendent Ojulona (W.967), it is obvious that a man called Kiala Omoro of Uganda Sugar Factory, Lugazi, handed the subject in at 1.30 hours on a charge of elopement. The husband of the woman was private Kusiano, who was then attached to the 1st Battalion King's, whose Commanding Officer was Major (now Lt. Col.) Billy Mwanza (W.487). According to his evidence, the Intelligence Officer of the unit, Lt. Isen, told him about Kusiano's report that a man of Lugazi had committed adultery with Mrs. Kusiano. The Intelligence Officer said that Kusiano was very annoyed and he could go to the village with a gun to kill him. The Commanding Officer told him that, as an Intelligence Officer, it was his duty to take action and find out exactly what was happening. The Lt. Col. said that he instructed the Lt. to contact the Police, repeating that he had instructed Lt. Isen himself to go to Lugazi Police Station to find out the truth. From the evidence of Superintendent Ojulona, it seems that a party of soldiers under one Corporal saw him and told him that they had been sent by the Commanding Officer to collect the subject for interrogation. The Superintendent said that he thought this was dangerous but the Cpl. assured him that he would bring the subject back after finishing with his interrogation. Furthermore, he mentioned some verbal instructions from his Regional Police Commander, who then was Assistant Commissioner of Police, Mr. John Johnson, which were, "Whenever you are approached by

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the Army personnel for any assistance, prisoners or administrators, etc. you will have to give them assistance.' -  
1970. The Superintendent was of the view that such co-  
of prisoners in Police custody for the purposes of inter-  
rogation by the Security Forces. He handed over the  
subject to the Corporal and made him sign the entry in his  
Station Diary. This entry 122 - Ex. 66 - reads:

"S.D. 122/19/10/72, time 1845 hours.  
One accused David Waize taken by Army  
personnel up to Borbo. In charge of  
the party Lt. 7670, Cpl. Otuko, wit-  
nessed by Mr. Ojulona Superintendent  
of Police and Mr. Okobon, Det. SP.  
Also present was the husband of the  
wife Pt. 17165 Kasiano and two other  
officers of the Army Unit Bombo. On  
arrival the accused will be taken  
before the Commandant, Borbo, Train-  
ing Wing for interrogation."

The Lt. Col. said that he felt that it was wrong for  
the complainant, Private Kasiano, to have been sent with  
parties. After giving these instructions to Lt. Isen, the  
Commanding Officer went away to Kampala and on his return  
after three days, the Intelligence Officer told him that  
the subject, who had been brought from Lucazi, had escaped  
from the barracks. He said that there were no cells in  
the barracks, nor was there a fence around the barracks.  
The Lt. Col. said that civilians could be detained in the  
barracks for up to two days and, after their statement was  
recorded, they had to be handed over to the Military police.  
He said that he did not know why the subject was kept in the  
barracks for three days. He believed this report of the  
subject's escape and on 20th October, 1972, wrote to Lucazi  
regarding this matter. Ex. 87 reads:

" Mr. David Waize

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"Reference our yesterday's telephone conversation about the above mentioned man, who stayed in camp with the wife of Kaduna our soldiers. This man was brought here and by that time I had heard from Kaduna very busy as you are aware that we are on strike by. He was detained in our custody, unfortunately before I have interviewed him, I found he had already escaped and when seen please arrest him then, inform me immediately, so much that I can interview him and find out if this illegation is true. Please ACK. the receipt."  
Police

The letter, which is dated 19th October, 1972, bears the reference of Lugazi Police Station of 13th November, 1972.

Meanwhile on 20th October, 1972, the father of the subject, S. 165, called at Lugazi Police Station upon learning of the arrest of his son. He was told by a Policeman about his son having been taken to Bombo and the Police officer obviously read the details of S.D.122, which were taken down by a child who was with them - Ex. 58. He went to Bombo Police and was told that his son was not there. This, again, surprised him and he returned to Lugazi Police Station and told the Constable about this. He said that he went to Lugazi Police Station thrice but received no further assistance.

There is clear evidence that the subject, who had allegedly been booked in at Lugazi Police Station on a charge of elopement, was on 19th October, 1972, collected by a party of three soldiers from Bombo Training Camp. The in-charge of that party was H.A. 2470, Cpl. Otuko and the husband of the woman involved, that is, H.A. 17165, Kasiano, was also present. The subject was allegedly taken for interrogation by the Commanding Officer and, although Superintendent Oduro of M.T.C. 1122, agreed to hand his prisoner over and accept the fact that he had to take the prisoner before

Court/..../342.

... within 24 hours, he felt that he had no alternative but to hand him over in order not to spoil the co-operation...  
... of securing on his mind was the assurance given to him by Lt. Otake that he would deliver the prisoner back to him the following day. The next development was that the subject...  
... said to have escaped from Army Barracks, Bombo. We do not know whether any record was kept in the barracks of his arrival there. What the Lt. Col. said was that he believed his Intelligence Officer when he told him that the subject...  
... was a prisoner in Army Barracks and we find it incredible that he would have been kept in the open when...  
... we know that the barracks were not properly fenced. We find that he would have been kept in custody in some...  
... part of a room being used as a cell in the absence of a proper cell. In other words, it is manifest that an...  
... would have been extremely difficult. We are not...  
... by the naked comment that the subject escaped, without...  
... supporting evidence. There are, therefore, but two possibilities. First, that the subject never...  
... the barracks in Bombo and was unlawfully disposed of on the way by his escort. Secondly, he did...  
... the barracks when he was unlawfully disposed of by...  
... the Intelligence Officer told that he had...  
... to cover up. Either way, we are of the...  
... that, as he has been missing since 10th October, 1971, without any trace, he must have been unlawfully...  
... by those soldiers who collected him from...  
... The story of his escape is a...  
... the truth.

174/...../344.

179. Subject No. 152 - SEVERINO OBONG.

Witnesses: 264 Brian Okok - Part 3, p.2647 - 2660.

265 Dayen Ejang  
- Part 3, p.2660 - 2666.

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The subject was a young lad used to be studying in IV. He has an elder brother called Atiya, who did not come forward to give evidence, and we assumed that our counsel was unable to trace him. From the evidence of the subject's mother (S. 264) and sister-in-law (S. 265), it seems that Atiya was in love with the wife of a soldier, a sergeant in Malina, called Ocola, who lived about a mile from them. Ocola has his brother, Martin Okolo, also in the army. Sometime before this incident when Ocola was at home on leave, he is alleged to have said at a meeting, attended also by a village chief, Lucepo Ocio, that as Atiya was committing adultery with his wife, he would kill him.

On 2nd July, 1961 at about 10 a.m. three army officers went to the subject's house in an army landrover. According to S. 264, she had seen Okolo riding his bicycle in front and was followed by the army vehicle. One of the soldiers asked S. 265 if Atiya was in. She said that both brothers, Atiya and Obong, were inside the house but on 1st night when Atiya ran away into the garden and Obong came out. The soldiers searched him by the arms and asked him to get into the vehicle. S. 264, who was also present, started weeping when the ladies happened to see them making the bed, they said that they had to go out to fetch Atiya, and forcing him, to come along. S. 265 said that they did not say who sent them or where they were taking him.

... not been seen again and eventually on  
... station

... the witness of these two women, it seems clear  
... affair with the wife of the Malire  
... it seems obvious that the three soldiers  
... 264 on 2nd July, 1971 were really  
... had seen Opolo's brother Martin  
... three soldiers to the house of the  
... where they came  
... perhaps they came from Opolo's  
... is not the only case where a soldier has  
... to settle personal matters.  
... the case of David Oisi (subject  
... looks reasonably possible  
... the assistance of his soldier  
... to arrest Atiya whom he had vowed to  
... the three soldiers told them  
... instead of Atiya  
... the latter. We accept this also  
... view of Opolo's previous threat. We are  
... taking the young lad was a manifest  
... Atiya's family for his affairs with  
... which though abhorrent looks quite  
... the young lad was arrested by the  
... of the Uganda army  
... of Malire,  
... since July, 1971,  
... he was unlawfully  
... these soldiers.

175/.....346

Subject No. 153 - FEKONI. OKOL.

Witness: 266 Joyce Alum - Part 3, p. 2666 - 2673.

The subject was in the Prison Service of Uganda and was stationed at Lira Prison as Principal Officer. He was married to W. 266 who used to stay in the village in Boroboro, and living with the subject at the Prison Barracks was his wife, Sophia, whose whereabouts were unknown to Joyce. Joyce had seven children, of whom five are living, between the ages of 12 and 30.

W. 266 said that she last saw her husband at Lira Prison on 28th September, 1972, at about 6.30 p.m.

On the following day, as a result of what her daughter Helen Akol who was living with the subject told her about her husband, she went to the Prison Barracks and saw Sophia. She was told that her husband had attended a parade after which, at about 10 a.m., he took her a chicken for cooking. He returned to the field and never came back. She saw the O.C. Prison in the afternoon. He is alleged to have told her of learning from another prison officer of her husband's arrest by the Military Police. He also told her that he had learnt from the Military Police that he was 'being kept on remand'. She said that she found a prison officer who witnessed her husband being arrested. She did not know his name, nor where he is now stationed. He told her that one of the people who arrested her husband was W. 266 and advised her to wait at home and believing that he was in custody of the Military Police, on 29th September, 1972, she went to Military Police, Lira. She was told that her husband was not there and she did not try to see the O.C. She has since been looking for her husband in Gulu and

Kampala/...../347.



who arrested him. The evidence suggests that he was taken to the Military Police Lira and he has thereafter been missing since 25th September, 1972. The probability clearly is that he must have been unlawfully disposed of during custody by the officer responsible for his arrest.

176. Subject No. 154 - WA 1861 PRIVATE LEVI OBONG.

See Moroto Soldiers, p. 664.

177. Subject No. 155 - WA 6085 TOM OKELLO.

See Malire Soldiers, p. 598.

178. Subject No. 156 - WA 5868 PRIVATE YOVASI OKULLI.

See Border Guard Unit, Bibiya, p. 575.

179. Subject No. 157 - JOHN CRETTO.

Witness: 270 Alice Ejum: - Part 3, p. 2689 - 2695.

The subject was a Magistrate Grade III stationed at Lira. He had been a magistrate for five years. He was married to W. 270 and they have seven children between the ages of 13 and 3½. The children go to school.

On 10th February, 1973, the subject and his wife went to Lira town for shopping on a bicycle. W. 270 went to the market and the subject went to the shops nearby. While still in the market, she learnt that her husband had been arrested by some army officers. As she dashed out of the market, she saw her husband being driven away in a green bus with three men in green uniform, whose caps were partly red. The car was being driven towards the D.C.

Basing ourselves on the evidence of Alice, we can only say that her husband was arrested by people wearing Army uniform and whose identity and destination remain unknown. It is however, clear that he has been missing since February, 1973 and the probability certainly is that he was unlawfully disposed of by his unknown captors.

180. Subject No. 158 - UA 4086 L/Cpl. YUVENTINO OKULO.

See Mbarara Soldiers, p. 618.

181. Subject No. 159 - U.A. 5492 PRIVATE MUDESTO AGWA.

See Oraba Soldiers, p.687.

182. Subject No. 160 - UO 45 CAPT. FREDRICK HENRY OGWA.

See Malire Soldiers, p.598.

183. Subject No. 161 - SUPERINTENDENT SAMSON AKOKO.

Witnesses: 276 Alex Okello - Part 3, p.2747 - 2768.

386 Catherine Akoko  
- Part 4, p.3948 - 3957.

508 Ali Toweli - Part 6, p.6068 - 6122.  
7, p.6499 - 6515.

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The subject was a Superintendent of Police and was stationed at the Police Headquarters. He used to live at the barracks at Masuru with one of his three wives, Catherine Akoko (W. 386). His other two wives were Mary Omolo and Gertu Atim. He has seventeen children the eldest, Wilson Okello, is a Corporal in the Uganda Army and the youngest is aged five. Nine of the children are at school.

on/...../ 351.

On 19th September, 1972, the subject and his family were having supper at about 9.20 p.m. when there was a knock at the door. W. 276 opened the door and saw about eight policemen standing in front of the door in the barracks and some were of the PUBLIC SAFETY UNIT. One of the policemen told him that they wanted to see his father. He passed on the message to the subject who spoke to those outside through a window. The conversation was in Kiswahili which his wife does not understand clearly but, according to W. 276, the policemen told the subject that he was wanted at a meeting as the then Minister of Internal Affairs, Mr. Obeth Ofumbi, had complained that a guard had not been posted at his home. The subject is alleged to have told them that he had in fact posted a guard and the reference to the incident of the non-posting of a guard at the Minister's home occurred about a week before this incident. She said that during the conversation, she heard the name of Ali Toweli being mentioned, and later her husband told her what was being said, (p.3949):

"He then told me he wanted to go and ring Mr. Ali Toweli to ask him if he really wanted him on duty because the other policeman had told him that he wanted him on duty and they were sent by Mr. Ali Toweli to call him on duty".

Her husband also told her that those policemen were from the ISU and had worked with them in the Special Force.

The subject put on his uniform and, together with his wife and three sons, including witness 276, accompanied the other policemen to Nguru Police Station. Mrs. Akoko described what happened there as follows. (p.3950):

"He picked the receiver to ring Mr. Toweli but then one of the policemen told him that we just wanted you to come out of the house, we have been told to come and arrest you.

... they/...../557,

They started removing the belt, the hat (the police cap) and they started pushing him towards the car while others were trying to push us to go back to the house. But I did not want to go, they dragged me back to the house. I told them I would rather go with my husband where they were taking him on seeing how they were handling him. Then one of them threatened to shoot me if I did not go back to the house. Of course, we were dragged back to the house by force while they took my husband. But on the way while they were dragging me I could see them opening the boot of a car and put my husband in. Then they went away. I went back to my house."

The following day she saw her husband's friend ASP Okabo (he also disappeared) of the Training School so that he could inform people at home about her husband's arrest. Okabo also appears on the list of policemen who are missing - Ex.139. On his advice, she saw Mr. Barlow, the Assistant Commissioner of Police at the Police Headquarters. He called in Ali Toweli and later told her that they were not aware of her husband's arrest. Ali Toweli, in his evidence, said that he had not been aware of the subject's disappearance before and maintained that he heard it for the first time when he gave evidence, that is, on 5th December, 1974. He said that he had not seen him since the Military Takeover and on 19th September, 1972 he did not hear of any arrests by his men.

The same evening the driver of the vehicle which took the subject away from Naguru brought Mrs. Akoko a note from her husband. The driver also told her that her husband wanted her to take him the cheque book so that he could sign a cheque to enable her to draw money for the children's school fees. On 21st September, she went to Makindu with her son called James. She went to an office and was told that visitors could not see prisoners during week days, but the officer, on being told about the nature of her mission to have a cheque signed, had

on /...../553.

one signed by her husband. He also told her that her husband wanted a bank form for withdrawing his savings. She returned the following Sunday at 7 a.m. and found many women there. All of them were told that their husbands had been transferred to Luzira. Before she could go to Luzira, she was asked to quit the barracks and was provided with official transport to take things to their home. On her return to Kampala, she heard an announcement on the radio that her husband was one of the many people who had run away to Tanzania. This announcement was possibly based on the Government Statement dated 9th January, 1973, (appendix 5) which listed 85 persons by name alleged to have disappeared, in which the subject appears as No. 46 with the following comment:

"(46) S. Akoko, formerly Superintendent of Police, reported missing soon after recent Invasion of September, 1972 but is believed to be in Tanzania."

On hearing this announcement, she destroyed the note which she had received from her husband from Makindye. On being asked if she still believed that her husband was in Tanzania, she said at p. 3956:

"It is very difficult to tell. First of all I cannot believe that he escaped from Makindye or managed to get away from Makindye."

According to ix. 139 which is a list of officers and men of the Police Force who have disappeared since the birth of the independent Republic and was produced by the present Commissioner of Police (W. 520), the fourth person listed there is the subject and in the column headed 'circumstances' appears the word 'arrested.' This would seem to be in line with the evidence of his arrest as narrated by his wife.

the/.....354.

The subject's car was also confiscated but later released. It appears that none of his family has applied for a court order to manage his estate.

There is credible evidence that the subject was arrested on 19th September, 1972 from his home in Naguru barracks at about 9.20 p.m. With regard to the reason of his arrest, we are inclined to rely on the evidence of Mrs. Akoko rather than the young lad, Alex Okello. She was certain that he had been called on duty by the Head of the ISU, Mr. Ali Toweli as she had heard this name being mentioned during the conversation. Also her husband told her about this and she accompanied him to Mbaruru Police Station from where he tried to bribe Ali Toweli. That he was arrested seems to be borne out also by Ex.139. We accept the evidence of Mrs. Akoko about her visit to Makindye on 25th September, 1972 when one of the officers got her a cheque signed by her husband. This is nothing new because we have heard similar evidence in other cases. Although she stated that, on a subsequent visit, she and other women were told that their husbands had been transferred to Luzira, we have no evidence that amongst those so transferred was the subject. He does not appear in the list which the prison authorities prepared of people who had been sent to Luzira for detention - Ex.124. We think that the probability is that he never went to Luzira.

Having accepted Mrs. Akoko's evidence and there being no evidence of the subject's transfer to Luzira, it would follow that he must have been kept at Makindye. The concept that he should have escaped and managed to find his way into Tanzania looks most

we are convinced, and we should like to say that we share Mrs. ... contact that he could not have managed to escape ... The fact remains that he is missing since ... We do not think that he could have escaped from custody and we find it most improbable that he would have made for ... On the other hand, we are of the opinion that as he was not amongst those transferred to Luzara, and he subsequently disappeared, he must have disappeared while in custody at Mekiende. As such the authorities of the Military Police, Mekiende, ought to know how they dealt with the subject. As he has been missing since September, 1972, we think that the probability is that he was unlawfully disposed of by the authority in whose custody he then was.

184. Subject No. 162 - UA 4078 PRIVATE ELIEZA AYO OBWOK.

See Moroto Soldiers, p. 664.

185. Subject No. 163 - UA 6557 PRIVATE FRANCIS OPIO.

p. 594.

186. Subject No. 164 - UA 7693 PRIVATE JOHN OCHEN.

See Marungu Soldiers, p. 594.

187. Subject No. 165 - UA 5000 PRIVATE LEO SHABANI.

See Moroto Soldiers, p. 618.

188. Subject No. 166 - CYPRIAN OCHIENG.

Witnesses: 281 David Anyona - Part 3, p.2786 - 2794.

331 Captain Henry Adech

- Part 4, p.3311 - 3345.

The subject was the Manager of Moko Ginnersy. He was

married/.....5564

married to two wives and has seventeen children, between the ages of eighteen and four; three of whom are now at school.

On 23rd September, 1972, at about 6 p.m., the subject was driving a Union lorry and was going to the pinnery. He had his young brother David Anyona (W. 281) with him. A BMW car, brownish in colour, overtook them and stopped in front. The driver of the BMW, who was identified by W. 281 as a soldier called Mustafa s/o Hassan, asked his brother to come out of the lorry and sit in their car. The subject obeyed and he was made to sit between two people on the rear seat. One of the four in the BMW then started driving the lorry and they went to the pinnery. The lorry was left at the pinnery and his brother handed him the keys of the house, and was taken away in the BMW.

W. 281 reported the incident to the cashier and, the following day went with a man called Ejura, to the District Commissioner, Lunzo. He was told by the D.C. that 'these people were being collected for a meeting, you do not worry they will come back', (p. 2790). W. 281 said that the D.C.'s comment was interpreted to him by Mr. Ejura. The D.C., however, said that although he knew the subject, nobody had directly reported to him about his disappearance and he had only heard about it from other people. It might be pertinent at this stage to mention also that when the D.C. was talking about the arrest of George Olone (subject No. 94), which also took place on 23rd September, 1972, Sgt. Finch said that two men, one of whom was Okello of Malindi had told him that he had been sent by Lt. Col. Marshall to take all the Administrative Secretaries to Kampala.

About/...../ 357



About two months later, the subject's brother saw Mustafa at his home in Aboko Trading Centre but was 'shy' to approach him about his brother.

Not even reported to police and it seems to us that no effort was made to interrogate Mustafa about his involvement in the arrest of the subject. Nevertheless, if the comment of Captain Aroch is true, and we see no reason to doubt the subject's brother, then it would appear that at least the L.C. knew about the arrest of the subject who was being taken to Kampala for a meeting. This seems probable in view of the fact that on that particular day there were Security men from Kampala who had come to Lira to arrest certain other people. This would seem to indicate the probability that those who arrested the subject were probably the same security men from Kampala who had used Mustafa as a guide to take them to the subject. The subject had been missing since September, 1972, and we feel that the probability is that he must have been unlawfully disposed of by the Security officers who arrested him.

189. Subject No. 162 - U. 2862 - PRIVATE GEORGE OTWOMA.

See Murara Soldiers, p. 618.

190. Subject No. 168 - U. 5331 L/Cpl. STANLEY OTTO.

See Binja Soldiers, p. 580.

191. Subject No. 169 - N. 53353 RSM ELLI TARI OTUCHI.

192. Subject No. 170 - CAPTAIN ABELLO OGUNG OTUCHI.

See Binja Soldiers, p. 508.

193/..... 753.

193. Subject No. 171 - NO. 2310 P.C. PETER ETEM.

194. Subject No. 286 - AIP OMONY.

Witnesses: 286 Alice Aloyi - Part 3, p. 2830 - 2837.

436 Supt. Timothy Odyek  
- Part 5, p. 4612 - 4633.

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Both these officers were stationed at Attiak Police Post. There is no direct evidence of what happened to them. According to 436 he received a report from the Police Post sometime in September 1972 to the effect that these two policemen and a third one had been 'kidnapped by unknown people'.

According to Mrs. Etem (W. 286), she went to Attiak upon receiving a letter from one called Florence Akulu on 5th October, 1972 asking her to collect her husband's property as he had been arrested. On her way to Attiak she saw Superintendent Odyek, who was the District Police Commander. She said (p.2833):

"He told me that my husband with two others had been arrested while on duty at around 9 a.m..... on the 18th September, 1972.... He told me that they were soldiers who arrested them ..... that they were from Gulu.... that they were arrested and taken to Kampala."

She was also advised by Mr. Odyek not to go to Kampala for 'it would have been a waste of time as he believed that I would not find him there'. She collected her husband's property and returned to Gulu.

Mr. Odyek said that he reported this incident to the Provincial Police Commander who then was Mr. Odria, now the Commissioner of Police (W. 520) and he went to Attiak immediately to investigate. According to Odyek, that

was/.....599.

was the only investigation that was done, but we were not told what the result of that investigation was. Mr. Odyek, however, did say that the police did not suspect any Army

In Ex.139, which was a list of policemen reported missing, both these subjects are included and are said to have been 'arrested' - Omony on 18th September, 1972 and Etem on the following day. The Commissioner of Police spoke about this exhibit and the circumstances in which it was compiled. He said - (p.6312):

"About the circumstances, I think this is quoted from various reports received in from districts where these people are reported to have disappeared or arrested, because these reports are normally made by signals to Police Headquarters giving the circumstances of their either arrest or disappearance and this, I think, recorded from various signals received at Police Headquarters from the districts."

We must add that later in his evidence, the Commissioner said - (p. 6336):

"What I know is that the policemen who were arrested and disappeared were arrested by unknown persons; but it has not come to me that they were arrested by Army Personnel."

If Ex.139 was in fact prepared from reports originating from District Police Stations then it is manifest that what Odyek was saying that these policemen had been kidnapped was wrong. We believe that 'kidnapping' is not quite the same as 'arresting'. We also take the view that Mrs. Etem would have had nothing against Superintendent Odyek to fabricate evidence in so far as it concerned the information he gave her about her husband. We are of the opinion that he did tell this lady that her husband had been arrested by soldiers from Gulu together with two other policemen, who included in Omony. Mrs. / . . . . .

Mrs. Etem also spoke of the possibility of her husband having been killed at Karuma Falls. The transcript reads - (p. 2835):

- Mr. Mulenga : Who heard?
- Mrs. Etem : This was not a rumour, it used to happen.
- Mr. Mulenga : About when did this happen; the people being killed at Karuma?
- Mrs. Etem : This was sometime after the takeover.
- Mr. Mulenga : Which year?
- Mrs. Etem : From 1971 to 1972.
- Mr. Mulenga : What sort of people used to be killed at Karuma Falls?
- Mrs. Etem : Those who were arrested from the armed forces and the police.
- Mr. Mulenga : Did you know of any body that was found at Karuma Falls who had been arrested before?
- Mrs. Etem : Only what I saw when I was being transferred from Kampala to Gulu, I just saw a lot of blood on Karuma Bridge."

She said that they were transferred during January, 1972, and was told by the driver that the blood was human blood. In evidence regarding subjects No. 214 and 215, an Alur soldier at Makindye was alleged to have told Mrs. Betty Adom (W. 337) - "sister you go home. Don't waste your time. We are now as dogs. Sometimes you may leave your husband in Karuma Falls or in the forest there."

Mrs. Etem has five children aged between nine and two, of whom only two are schooling. Her husband was insured and had money in the bank. She has not applied for court order to manage his affairs.

As already stated, we are of the opinion that these

the soldiers were arrested by army soldiers from Gulu. They were taken back to Gulu, that is, Gulu. There is no evidence of how they were disposed of. The probability clearly is that both of them were unlawfully disposed of during their military detention.

195. Subject No. 172 - UA 3714 L/Cpl. WILLIAM ODONG.

See Barrera Soldiers, p. 687.

196. Subject No. 173 - UA 5920 PVT. PETER OLET.

p. 57.

197. Subject No. 174 - PRIVATE OOK NYANYA.

p. 687.

198. Subject No. 175 - PRIVATE ODOT.

See Border Guard Unit, Oraba, p. 687.

199. Subject No. 176 - UA 6051 SEREMIAH ONGOM.

p. 598.

200. Subject No. 177 - PRIVATE JACOB OKELLO.

See Police Soldiers, p. 598.

201. Subject No. 178 - UA 6965 PRIVATE KEN ODEPE.

p. 556.

202. Subject No. 179 - STAFF SGT. WILLIAM OMARA.

p. 556.

203. Subject No. 180 - UA 7079 PRIVATE CHRISTIAN OBONG.

See Inform, Entebbe, p. 556.

204. Subject No. 181 - UA 1/Cpl. GEORGE BROWN OGWAL.

See Heavy Soldiers, p. 555.

205. Subject No. 182 - PRIVATE EMBETIMO AKORO.

p. 618.

206. Subject No. 183 - UA 445 PVT. LT. YOSAM LAVEO OBIT.

See Heavy Soldiers, p. 618.

207. Subject No. 184 - Sgt. JONAM OTIM.  
See Mukono Soldiers, p. 675.
208. Subject No. 185 - PRIVATE FRANCIS OTOM.  
See Jinja Soldiers, p.580.
209. Subject No. 186 - LT. JOHN MARIA VALENTE OBWOYA.
210. Subject No. 187 - UA 2280 SERGEANT DAVID LOUM.
211. Subject No. 188 - JOHN VALENTE OKELLO.

Witnesses: 310 Valente Otto - Part 3, p.3043 - 3074.  
521 Solomon Anonyi  
- Part 7, p.6333 - 6339.

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These three subjects were brothers and the sons of Valente Otto (W. 310), the town agent of Kituum. Lt. Obwoya was stationed with the 2Ua Moroto and UA 2280, Sergeant Loum was with the EME/Macomara. John Okello was an agent of the Crusader Insurance Company and he used to live in Kampala.

On learning of the arrest of his sons, Lt. Obwoya and John Okello, from some women who returned home from Mbarara Barracks, their father went to Kampala on 21st June, 1971, to see their wives. He learnt that those two firearms with them, both belonging to Okello and properly licensed, a .375 rifle and a double-barrel shotgun. They were arrested on 19th June, 1971 from Mbarara Barracks and then taken to Lubiri in Kampala. Okello's Volkswagen was confiscated. The witness was unable to give its registration number. Their wives

... the ... and used to take them things like razor  
... . They were told that the soldiers in Mbarara  
had allowed that it. Always was going to join the guerillas.  
...  
... trying to ...

Their father tried to ... Your Excellency but did not  
succeed. Later, ... the old man went to Makindye  
and gave the names of the two sons to the soldier at the  
gate. The soldier looked at a list which he had and told  
the old man that the two names appeared in the list but both  
had been transferred to Luzira due to lack of accommodation  
in Makindye. At about the same time the subjects' uncle,  
one called Mutayo Owar, who had previously been a prisoner  
at Makindye and was released and had gone to the prison to  
see his nephews, came out and told the old man to forget  
his sons because he had learnt that they had been killed.  
He explained this at - p. 3051:

"When these men of mine were arrested,  
Owar was already in the cell there. When  
they were taken to Makindye they found him  
there on his release when he heard that  
these boys were taken to Makindye, he again  
went back to meet them. He told me that  
Okello was not taken so seriously but  
Owar was so seriously beaten so that he  
was unconscious. On hearing this from Owar,  
that I told him that I will go and try to  
meet them or find out because he was told  
that prisoners there are only seen on  
Sunday."

The old man ... to say where Owar worked and,  
... to look for his nephew, never informed  
our ... of his ...

He then managed to take Okello's things home. Okello  
had written ... which he sold to W. 521 for

Chs./...../364.

Shs. 17,000/-, of which Shs. 15,000/- was paid, as is evidenced by their agreement dated 11th September, 1972, Ex.6. W. 521 stated that sometime later, some people in civilian clothes saw him and introduced themselves as Military policemen from Lira. They arrested him and took him to Lira where he was detained for a week. His Benz car was also kept there. On 31st October, 1972, he was taken to Nakinyo before Major (later Brigadier) Marella who allowed that, as the vehicle belonged to John Okello, who had disappeared, the car was abandoned property which he could not own. Marella told him that he would keep the vehicle and on 9th November, 1972, he was taken back to Kitgum. W 310 was called and made to refund the money to him.

It Obwayo had an Austin Westminster and, according to his father, it was taken away from his home in Mbale by soldiers who alleged that it was purchased on Army loan. He has since seen it being driven in Kampala.

Sergeant Loum was stationed at Maramba. His wife returned home in August, 1971 and reported to the old man that one night there had been some confusion in the barracks. She said that when they were asleep she had heard some people running. Her husband went out to see and on finding nothing he returned to bed. Soon a gang of people came in and, after arresting him, dragged him outside where he was pierced with a bayonet. She said that he died in the doorway of the house and these people took his body away. Later she was told to pick up and she also learnt that the assailants were soldiers from Kampala.

Okello had seven children of whom five are schooling and all seven are being looked after by the old man.

He/....., 365.



He had left a lot of money in the bank which his father had not been able to use as he had been asked to wait for seven years. Obwoya had five children, between the ages of fourteen and eight. Only two are at school and one also left some money in the bank. The second subject has five children, the eldest is twelve and the youngest is an infant. Three children are with their mother and two are with their maternal grandmother. He, too, is said to have left some money in the bank.

It seems that the entire evidence in the case of these three subjects is based on hearsay. Even Olwar did not come forward, nor did W. 310 give his proper address to be summoned. The only evidence which we have is about the visit by the old man to Makindye when he was told that his two sons had been transferred to Luzira. This would indicate that previously both were detained at Makindye. There is considerable support for this in the evidence given by W. 521 who had purchased the Ford, belonging to John Okello in September, 1972. It will be recalled that when he was taken before Marilla on 31st, October, 1972, he told the witness that the owner of the car, John Okello, had disappeared. If John Okello was not at Makindye and had never been arrested, we fail to see how Marilla would have known either about John Okello or his car's make. This witness would, therefore, offer substantial corroboration for the rest of the evidence that It. Obwoya and John Okello were in fact in detention at Makindye from where both disappeared, as indeed Major Marilla told W. 521, particularly in respect of John Okello. But as both of them were together and both have

been/....., 366.

been missing since then, it is reasonable to find that both disappeared together and the obvious inference is that they must have been unlawfully disposed of while under detention at Makindya. Sergeant Loum's wife did not come forward to give evidence. It must be that her report to her father-in-law represents the truth. According to Ex.136, which is a list of the Army personnel who have disappeared, the names of Lt. Obwoya and Sergeant Loum appear in this list and the date of disappearance for the first is indicated as 16th June, 1971, and of the latter 12th July, 1971. Regarding the Sgt. we have no reason to doubt his wife's report to her father-in-law and find that he was killed by other soldiers in front of their quarters in Bagumara Barracks.

212. Subject No. 189 - W. 2289 Cpl. ZAKAYO OCERO.

See Mbarara Soldiers, p. 618.

213. Subject No. 190 - RAYMOND LIVINGSTONE  
OPIDI NYECOMOYI.

Witnesses: 312 Margaret Jean Opidi - Part 3, p.3095 - 3199.

321 Solomon Amoyi - Part 7, p.6333 - 6339.

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The subject was formerly the Secretary/Manager of the East Acholi Co-operative Union and, since 1971 before the Takeover, was appointed the Assistant Administrative Secretary of the East Acholi District Administration. He was married to Margaret Jean (W. 312), from whom he has two children, aged three and two. He has seven other children from another woman and two from a third.

According to W. 312 some army people in a landrover were paying them nocturnal visits which frightened her.

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When she told her husband, he said that he would go and see Your Excellency to ascertain if he was being looked for. He left Kitum on 17th October, 1972, for Kamula.

On 17th October, 1972, he rang up the Treasurer of the District Administration, W. 521, from Kampala and asked him to pay his September salary to his wife. W. 521 refused to do this and then the subject asked him to tell his wife that he would return during the third week of October. Margaret said that this witness told her that her husband would report back on duty on 1st November, 1972. However, on the same day, that is, 17th October, 1972, Margaret heard rumours that her husband had been arrested from the Kamula International Hotel where he had been staying by Security Officers. She approached the Administrative Secretary who did not know anything about it and, as she did not know anybody in Kamula, she did nothing else to trace him whereabouts.

Subsequently, she received a letter from the Administrative Secretary dated 18th December, 1972, - Ex. 62 - for the transport of her things to her home. She said that she had received no communication from the Kamula International Hotel or from the District Administration about her husband or his salary.

This is yet another case where the evidence is not sufficient. We have no doubt that the subject did go to Kamula on 17th October, 1972, to see Your Excellency about being looked for in Kitum. According to Margaret he was staying at the Kamula International Hotel and we have no idea of what might have happened to him while

he..... 362.

he mentioned that he had talked of some rumours about his  
uncle and that there was no evidence of the actual incident.  
In the state of the evidence it is we are unable to  
make any further about him except to say that he has been  
missing since he went to Kampala on 17th October, 1972.

314. Witness No. 191 - P. NAK. NOLI MCHC.

Witness: W 313 Anyoni Acha - Part 3, p. 3109 - 3116.

314. Witness No. 192 - P. NAK. NOLI MCHC.

Witness: W 314 Anyoni Acha - Part 4, p. 3373 - 3392.  
Witness: W 315 Anyoni Acha - Part 6, p. 6068 - 6122.  
Witness: W 316 Anyoni Acha - Part 7, p. 6499 - 6515.

Witness: W 317 Anyoni Acha - Part 2, p. 6878 - 6887.

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The witness is a retired Inspector of Police and was  
stationed at the Headquarters, Kampala. He used to live  
at home with his wife and his children. His wife, Yomima Acha  
(W. 313) is a widow and has eight children between  
the ages of 10 and 15, four of whom are at school  
but are not aware of the disappearance of three others who used to  
live with them. The witness is a neighbour of the subject and  
said that the subject left early in the bank but was afraid  
of being caught and went to the bank to make enquiries

about the disappearance of the subject and his wife  
and children. The witness and his wife were woken up by  
the sound of the subject's car. The subject went out and  
did not return. The witness went back and told Yomima  
that the subject and his wife had been their neighbour

Witness: W 318 Anyoni Acha - Part 3, p. 3109 - 3116.

but did not stop visiting them on being promoted, was outside and wanted him. He asked her to close the door and switch off the lights. He went away and she heard the sound of a bicycle. Her husband never came back.

At about 6.30 a.m. in the morning, two policemen came to check her where Mono was as he was not on duty. She told them about the incident at night. And those two went away. Later in the evening, at about 8.30 p.m., two other men in police clothes came and asked her about the office key and some files. As she did not know who they were, she did not show them the files; instead she started crying. In reply to this witness, those two policemen told her that her husband 'will be there for two weeks and he will be back.' Before these two policemen left, they left her a note (Ex. 74) from her husband. She recognized the handwriting and the signature to be of the subject. It is in Luo and when translated, it reads -

"Wakandye  
20.9.72

"To Mrs. Y. Anyeso.

"It is likely that my life is going to be short. You go home and inform the people at home. My passbook is in my handbag. Tell Anyeso to keep my cattle for the up-keep of the children.

Sol, Mono."

Witness said he had never collected Mono from his house. He had not been going to his house ever since the day he was arrested and said that they always met at the police station. He said that he did not know that his wife had been arrested on 19th September, 1972.

Witness wrote a letter to her co-wife, Anyeso

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and in the case with Mono's mother. They went to Makindye but were pushed away from that gate. Once they were told that people were not allowed to go to Makindye as they were keeping guerillas there; at another time the gate keeper told them that there was nobody in the cells. They finally gave up and at last they were asked to quit the barracks.

In the measure dated 5th October, 1972 emanating from the Police Commissioner (Ex.167) listing officers who were dismissed and others retired, appears the subject as having been dismissed with effect from 15th September, 1972. His dismissal appears also in Ex.144 which is the Part II of the Force Orders dated 15th October, 1972.

We are satisfied that Ex.74 was written by the subject from Makindye and was taken to W. 334 by the two policemen who wanted the key and some office files from his house. To his wife, W. 334 he said that he was going away with Ali Towli who was outside and who besides being a Senior Police Officer was also his friend. We accept that evidence and find that he was arrested by Ali Towli and taken to Makindye from where he wrote Ex.74 the following day. The evidence is that he never came back and has been missing since. It is obvious that the Military Police authorities of Makindye must know how he was dealt with, but the probability is only is that he was lawfully disposed of during his stay at Makindye.

Subject No. 192 - UN 15222 PRIVATE MOHAMMED YAMBA.

See Myanmar Soldiers, p. 618.

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116. Subject No. 193 - ASP SEZI LANGOL OJOK.

- Witnesses: 315 Lucy Ojok - Part 4, p. 3127 - 3149.  
455 Deputy Supt. Benjamin Alfred K'lega  
- Part 5, p. 4924 - 4936.  
505 Inspector John Kojoi  
- Part 6, p. 6019 - 6027.  
508 Ali Toweli - Part 6, p. 6068 - 6122.  
7, p. 6499 - 6515.  
512 Inspector Michael Koma  
- Part 6, p. 6168 - 6181.  
527 No. 1812 Sgt. Driver Byaruhanga  
- Part 7, p. 6536 - 6555.  
106 Supt. Kosi Ochoa  
- Part 7, p. 6719 - 6723.
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The subject joined the Police Force in 1958 and at the material time was an Assistant Superintendent of Police stationed at Naamya Barracks. He used to live with his wife, Lucy Ojok (W.315) at No. 134, Bukoto Street. The subject has five children, two from Lucy, aged seven and five, and three from another woman.

He was arrested on 17th September, 1972, from his home at about 8.55 p.m. We would let Lucy Ojok narrate the incident in her own words - (p.3127 - 28):

"I think it was five minutes to nine when some people came; three were dressed in Uganda Army uniform and one was in civilian clothes. They came and knocked at the window while I was sitting in the sitting-room with my husband and children. When they knocked at the window, I got up and peeped through the window and asked them what they wanted. They asked whether my husband was in. I told them that he was in. They said that they wanted him on duty. I asked them by whom they were sent and they said that they were sent by Mr. Ali Toweli.

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Then Mr. Ojok told them that he had just been on duty and so he could not go back again on duty. Then they told him to go out. So when they told him like that I went and asked them through the window, do you want him to go in uniform. They told me that what they wanted was Mr. Ojok and nothing else. So I advised my husband to go in uniform. So my husband dressed in his uniform but before he came out, I also asked them whether they wanted my husband to go in his car. They said they wanted my husband and nothing else. So he went out and when he was trying to enter the car - those people had come with two vehicles, one was a Peugeot 404, I did not note down the number, and the other one was an army jeep. I did not know whether there were some people surrounding the house. When my husband was trying to enter the Peugeot 404, he was just pushed inside the car. So I drove straight away to Masanya Barracks where he was working and when I reached the gate those people could not even allow me to enter."

She went to the gate and told them that her husband had been taken away by Army people and was told that he was not taken to the barracks. After telling her sister at Nakawa about this incident, she returned home.

The following morning, she went to Kira Road Police Station to find out if her husband had been taken to the Police Headquarters. She rang up Mr. Barlow (W. 540), who was then the Assistant Commissioner of Police, in charge training and operations. He denied any knowledge about the arrest and advised her to make a statement at the Police Station which she did. As a result, Kira Road Police Station sent out a W.P. message to REGPOL, repeated to MICHIE. This message, Ex. 149, is as follows:

"MSG/26/18/72 (.) REPORTED HER BY MRS OJOK THAT HER HUSBAND MR. OJOK LSP OF MASANYA BARRACKS WAS TAKEN AWAY FROM HIS HOUSE NO. 134 BUKOTO STREET BY ARMY MEN AND POLICEMEN IN UNIFORM (.) WHO TOLD HER THAT THEY WERE TAKING MR. OJOK TO POLICE HEAD. FOR DUTY (.) SHE HAD CONTACTED OPER. STION ROOM SHE WAS TOLD THAT MR. OJOK HAD NEVER REPORTED ON OPER. STION ROOM FOR DUTY (.) HE IS STILL MISSING (.) ANY INFORMATION (.)"

this/.....373.



This message was seen by .GP Barlow on the same date. He said that it reminded him of an incident a few days earlier when the subject got drunk at the officers' mess and started to go to the police station. He said that he had picked up this information from 'General Talk' and explained that PSU was at that time operating with the Military Police and it was not uncommon that people who were arrested were detained either at Makindye or at Busuru. Accordingly, he put a note below this message for the M/P's which reads:

"Mr. Ojok ASP was arrested by PSU for his conduct in the Police Officers' Mess and is detained at Makindye."

Acting on this information, a message was sent back to Kira Road Police Station on 19th September, 1972 - Ex. 150 - as follows:

"O/215/372 (.) YOUR SD/26/18/9/72 (.)  
INFORM MR. OJOK ASP MR. OJOK ASP IN POLICE  
BARRACKS NOT (R) NOT MISSING (.)"

Mrs. Ojok was told of this message on 21st September. Nevertheless she was not pacified and by 22nd September, was still very worried. She enquired from the O.C. Barracks, Ojic, to try to find out where Ojok was kept. He knew nothing. She then went to Makindye and was refused entry. She was told by a soldier on the gate, who had a list of names, that her husband was not there.

On 27th September, she saw Superintendent Ochom (W. 160) who gave her an introductory letter - Ex. 70 - to take to Makindye. This letter, which is addressed to the Commanding Officer, Military Police, Makindye, is on the following terms:

"the/.....374"

"The wife of B. Ojok who I understand is detained here, called at Police Headquarters, complaining that she and children have nothing to eat. The only way for her to get money is for the detainee to sign the cheque, so that his wife may draw money from the bank. So would you kindly assist."

When he took this letter to Makindye, she was told that many mailbags had been brought the previous day and the prisoner who had been at Makindye before had been transferred to Malire. She went to Malire on 28th September, and did not know whom she knew before. He told her that the suspect was not at Malire, and instead advised her to check at Malira Prison. She went there and saw her husband's brother Odeng'anyi. He told her that two long-stapled dead bodies had been taken to Luzira and Luckia - p. 3137. She did not enquire any more because she did not want to involve this warder in this matter.

On the October, 1972 Lucy saw her husband's Toyota car No. 438 (C), which had been left at Kira Road Police Station, and took away. Sgt. Driver Byaruhanga (W. 522), who was then in charge of the Transport Section of KPS, advised that he had been instructed by Ali Toweli to collect all abandoned vehicles in Kira Road. He said that when he reported to the C.O. Kira Road Police Station, he had seen the Toyota car and also a white Benz. He took the car to 137 Marlborough and an entry was made in the Station log book at No. 137 - W. 152 - which was produced by Detective Inspector (W. 152); no similar entry was made in respect of the Benz car. She then saw Mr. Barlow about the car. After confirming with the Finance Section that the loan on the car would be repaid, he sent her again to Ali Toweli who was in charge of KPS Kibera (W. 455) who was sent for a report on the car, the car was handed to Mrs. Ojok.

Kidega said that he had heard that Ojok had been picked up at about midday and taken to Nacuru in the boot of a car. He went on to say that this had been done by Inspector ..... the staff officer of Ali Toweli. Loloi denied Kidega's allegation that he was involved in the arrest of Ojok and maintained that when Mrs. Ojok went to see Ali Toweli he had been instructed by his superior officer to assist her.

Mrs. Ojok said that she also saw Ali Toweli and asked him where her husband was. He is alleged to have replied that 'he was not sure as to where he was, but he was alive', p. 3134. She warned him that if her husband did not come she will hold him responsible for his disappearance and added "I further told him that I am now confident that you have killed my husband because if my husband was to be alive, you would not have called for the car," - p.3147. This annoyed Ali Toweli who very nearly beat her up and told her 'do you think I have come here to kill?'

Ali Toweli said that he first learnt of the disappearance of Ojok from his wife when she told him that he had been arrested by unknown people. He said that he sent a message to all Police Stations and also directed her to go to Nacuru to make a statement. He saw her again about the car which he arranged to be released to her. He denied that he had sent for the car and said that it was a general order issued by the Minister of Defence for the collection of abandoned vehicles to be taken to Nacuru for auction. He said that sometimes his subordinates did collect cars wrongly and owners would come to claim them back.

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He complained that not only did his junior officers use his name, the public also did and even went on to say that Your Excellency's name was being used by the public. He denied telling Mrs. Ojok that although he did not know her husband was but he was alive.

Mr. Barlow, who used to be on a sub-committee of the Police Council, was reminded of a long list of officers - Ex. 141 - who were retired. Ex.167 is a message from COMPOLICE dated 5th October, 1972 and, according to it, the subject was retired from the force with effect from 15th September, 1972. Mr. Steri (W.453) was the Permanent Secretary Ministry of Internal Affairs and Secretary to the Police Council could not tell the reason why Ojok and other officers were retired in this fashion.

We are satisfied that the subject was collected from his house in the night of 17th September, 1972. His wife heard the people who went for him saying that they had been sent by Ali Toweli. Although this was denied by Toweli, we are of the opinion that this denial could not be true. There is first of all the comment made by Barlow on Ex. 149. Barlow tried to explain this note on the basis that he was reminded of an earlier incident where Ojok had been taken away from the mess by ISM men to Makindye. We were not impressed by this explanation. The message, which Kira Road Police Station had sent, was quite clear and we refuse to believe that an Assistant Commissioner of Police would read such a message so casually and perfunctorily as to confuse it with something else. He must have realised that his note would be the basis upon which Mrs. Ojok would/...../277.

would be told about the whereabouts of her husband and indeed this is what happened. We are rather inclined to the view that Barlow's note on Ex.149 was deliberate and represents the entire truth. It is in simple plain English, and for ease of reference we set it out verbatim: "Mr. Ojok SI was arrested by PSU for his conduct in the Police Officers' Mess and is detained at Makindye." There can be no doubt that this note indicates clearly that Ojok was arrested because of his earlier conduct at the Police Officers' Mess and was detained at Makindye. Furthermore, the evidence given by Byaruhanga exposed him as unreliable. At first he said that his instructions were to collect all abandoned vehicles in Kira Road area but later admitted that Ali Toweli had in fact sent him to Kira Road Police Station to fetch Ojok's car. Whereas this showed that Byaruhanga knew much more than he was prepared to say, it also indicated that Toweli was very much in the know, and was not willing to own-up anything. And lastly, there is the retirement of Ojok from the police with effect from 15th September, 1972. This is puzzling because the order seems to have been issued on 5th October, 1972 long after Ojok had disappeared.

We were left with a strong impression that the main witnesses from the police side were not prepared to come out with the entire truth. Barlow's note on Ex.149 says Ojok was arrested because of his previous bad conduct at the Officers' mess and taken to Makindye and the rest of the evidence indicates that his arrest and detention was on the orders of Ali Toweli. It would be a worthwhile way to confirm this had the records of Makindye been made available to us.

Nevertheless/...../378.

Nevertheless, Ojok has been missing since 17th September, 1972 and as his name does not appear in the list of prisoners who were transferred to Luzira, he must have disappeared during his detention at Makindye. The probability clearly is that he was unlawfully disposed of during his incarceration at Makindye.

Subject No. 194 - UA 5073 Sgt. MAJOR GABRIEL ODIDA.

See Mbarara Soldiers, p. 618.

Subject No. 195 - TORIA OKOT.

- Witnesses: 317 Simon Mususu - Part 4, p. 3162 - 3202.  
343 Det/MSR J.C. Okipi  
- Part 4, p. 3503 - 3550.  
377 Lt. Col. Emilo Mondo  
- Part 4, p. 3861 - 3885.  
464 Judith Okot - Part 5, p. 5082 - 5118.  
465 Kalidani Farjalla  
- Part 5, p. 5118 - 5142.  
488 UA 12648 Cpl. Ahamed Ali Wila  
- Part 6, p. 5512 - 5577.  
491 UA 12686 Cpl. Onziga Safi  
- Part 6, p. 5659 - 5693B.  
493 UA 15432 L/Cpl. Abdunuru Paskali Bondo  
- Part 6, p. 5705 - 5750.  
542 Capt. Bashir Juma  
- Part 7, p. 6849 - 6878.

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The subject was a cashier at the Grindlays Bank, Gulu. He was married to Judith Orot (W. 464) and has five children. The subject has a younger brother who looks after them. W. 464 had also obtained a court order to manage the estate of her husband.

According to the evidence adduced before us, it appears that the subject was in trouble with the Army Intelligence Officer, 4th Battalion, namely, Cpl. Onzira (W. 491) in July, 1972. On 7th of that month in the evening, the subject was at the home of Onzira. Onzira alleged that the subject, pointing to a signature of Your Excellency, said, "Look at this piece of paper. The Education has seized the Government." Onzira did not make other comments also 'bospising' the Government. He fetched a constable, arrested the subject and handed him to the main police station at about 11.15 p.m. Detective Assistant Superintendent of Police Okipi (W. 343) produced the Crime Report Book (CRB), entry No. 800/72 - (C. 83). The subject was taken to court on 10th July, on a charge of being idle and disorderly and was subsequently released on bail. According to Okipi that case is still pending.

Mrs. Orot was renting a small shop in Jaliya village. She was asked to provide information about who the landlord was. She said that the landlord was a brother of Kalifai Farjalla (W. 429) and she also claimed to be the owner of the building. The subject was a tenant. On 3rd September, 1972, the subject was arrested and he alleged that during his arrest, the subject was taken to Mrs. Orot. He found the subject at the shop on 20th September, 1972, when the subject was arrested.

When he returned on 23rd, Farjalla told him to ask Mrs. Okot to quit the premises. When she refused, he accompanied his nephew and asked her to vacate. She refused again and fetched her husband, Tobia Okot, who came with a hoe making a lot of noise. The subject tried to hit W. 465 with the hoe but Farjalla's brother, Jumo, snatched it away. It is alleged that Mrs. Okot then picked a firewood and struck Farjalla's mother, who came to the scene wanting to know why the subject wanted to assault her son, on her ribs. Farjalla reported this to the police and his mother was sent to the hospital. He was emphatic that he had accused Mrs. Okot for assaulting his mother and not the subject. Farjalla alleged that during the quarrel at the shop, the subject abused him, his tribe and the Government. He is alleged to have said, "You Hubians, you are proud here. This is not your country. You have come here to be proud in our country." Regarding the Government he is alleged to have said, "This Government of yours is useless."

This version was denied by Mrs. Okot. She said that when Kalifani came to her he asked her to close the shop. When she asked him the reason, he started throwing their shop goods out and slapped her twice. She sent for her husband and he advised her to get the police. When she got to the police station after a change of dress, she found Farjalla already making a report that he fought with her husband. A little later, her husband was fetched to the police station in a Landrover and, on being asked what had happened, said that he did not know what Farjalla wanted. Mrs. Okot said that their statements were not recorded that

day/...../1961.



and were asked to return on the 25th September,

She alleged that during the quarrel, Farjalla ...  
... said, "We can slaughter you like goats." She said that when she made her statement to the police on 25th September, she did not include this comment as she was afraid that this might endanger her life. They were again asked to return on 26th September, 1972 and on that day, Simon Mususu (W. 317) gave the subject a lift on his bicycle. Mrs. Okot followed them to the Police Station on foot.

Mususu had also fallen foul of Onziga whom he described as a notorious character. This incident seems to have taken place quite earlier on when Mususu and some of his colleagues from the school went to Rozina Bar where Onziga was drinking with his colleagues. Onziga objected to Mususu's friend talking to the bar-maid and was heard telling his friends in Swahili "These boys will really suffer in our hands today,"- (p. 3194). W.317 said that they were then beaten up and taken towards the Police Station. His money amounting to Shs. 107/- was removed from his pocket and they were later charged with personation. After four months, he was set free by court as Onziga and his friend never turned up to give evidence.

Reverting to the 26th September, 1972, when the scene was set at Gulu Police Station where the subject had been carried by Mususu on his bicycle and Mrs. Okot had followed them on foot. The subject went to the Post Office nearby and, on his return, was stopped in the doorway of the Police Station by Onziga and Ali (W. 488), who

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had come in a green Cortina. Mrs. Okot knew the third person in the car by appearance. These two Intelligence Corporals ordered Okot into their car. According to Mrs. Okot, they knew their husband well as they used to drink together in bars. She said that Farjalla was not present at that time. Okot refused to obey but Onzira and Ali, who had pistols, forced him into the car, saying that they were taking him to their barracks for a statement and would bring him back. Mrs. Okot commented sally that they took him away for good. Mususu's evidence was slightly different. He said that Farjalla came with Onzira and his companions in their car and pointed out Okot to them. When Okot was driven away he followed them on his bicycle. He saw Okot sitting in the rear seat with Ali pointing a gun at him. Farjalla was dropped near the M.C.T., and the vehicle drove on to the barracks. Mususu saw it entering the barracks through the gate and he came away. Mrs. Okot's evidence about the non-presence of Farjalla at the Police Station on 26th September, is borne out by Farjalla himself who denied going to the Police Station that day. Detective ASP Okipi was in his office when this incident occurred but refused to assist Mrs. Okot by saying, "It is no good; I am also afraid of them." This Police Officer said that he last saw Okot when he was released on bail and he saw him leaving the Police Station limping slowly towards Acholi Inn. He said that he watched him for a distance of 30 yards because he was once his prisoner. He said Okot was with some people but did not see any man with a bicycle. He said that when Okot's wife came to see him, he did not accept any statement from her but took her to the District

Police/ ..... /23.

Police Commander who referred them to the District Commissioner. He said that he did this as he felt that the District Police could not assist them urgently by contacting the Base Commander. He said that the relationship between the Police and the Intelligence Section was not very good and he was afraid to contact the Base Commander himself. His reluctance to get in contact with the Intelligence Section was based on past experience when he was in Kampala and had arrested a lieutenant for corruption and charged him in court; the army takeover intervened before judgment was delivered and the lieutenant came looking for him. He said that he was given leave to go to Soroti and judgment in that case has not been pronounced till now. He cited another incident of one of his constables who was instrumental to the conviction and sentence of 10 years of one of the brothers of an army soldier, who also started looking for the constable. Okipi said that the same fear kept on haunting him. He said that subsequently he learnt that the same two women had reported their husband missing to the uniformed branch who started investigating the disappearance.

On 29th September, 1972, Mususu and Mrs. Okot went to Kampala where they saw Okot's friend, Lt. Col. Mondo (W. 377), the Secretary to the Defence. The Lieutenant Colonel phoned Gulu Airbase and spoke to Captain Isalit, the Base Commander. He denied knowing anything about this matter and promised to make enquiries. Later on Isalit rang up to say that he was unable to get any useful information and even his staff did not know anything about the subject. Mususu said that after speaking on the phone,

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he felt that the Lieutenant Colonel's expression and voice changed and he told them, "I am very sorry for Mr. Okot." Mrs. Okot, however, said that the Lieutenant Colonel merely said that the Intelligence Officers had denied taking her husband, from which she concluded that Okot was already dead.

The three Intelligence Officers, that is, W. 488, W. 491 and W. 493 all denied taking Okot as stated by the other witnesses.

Their superior officer, Captain Bashir Juma (W. 542) had only 'heard' of the first incident at the Acholi Inn in which the subject had been involved. He did not seem to know anything about the second incident. He said that his three junior officers always kept him informed of their movements and did nothing without his information.

This would have closed the case of Tobias Okot but we should like to include an incident which subsequently befell Mususu on 3rd March, 1974. He alleged that during the night Onziga, Ali, and Abdunuru Bondo went to his home and fired seven shots at him. He was hit by one bullet in the leg and they put him in the car, UUN 720, and took him near the mosque where one of them fetched a knife. They took him to Akera Forest, seven miles from Gulu, and threw him out. They changed their mind and then took him to Gulu Police Station where they were given a form to take him to hospital. They threw him near the outpatients' building. Later he was taken to the ward and given treatment. He said that on 24th March, 1974 the same people came and wanted to take him away on the pretext that they would take him to Mulago.

Their scheme was thwarted by a medical assistant who was seen running out of the ward. After their departure a report was made to the Medical Officer who instructed that

On 11th March, 1924 Onzira came back with some other people and said that they went to take him away. Their request was refused by the Askari and the last he saw them was when they came back and were walking outside the ward. He was in the hospital for three months and was then discharged with a deformed leg. Onzira admitted this incident but said that he together with Bowdo and another soldier went to his home after getting a report that an Army officer with a long knife was harassing people. W. 493 said that Mususu started running on seeing them and, failing to stop on being asked, he admitted shooting him thrice and hitting him once in the leg. They took him straight to the Police together with an officer's sword which he had with him. A report was lodged with the Police Station that Mususu had been personating an Army officer and this report was being investigated by Inspector Mwesi. According to Okipi, the Inspector filed another file cover to the original, upon which the charge is shown as attempted murder by shooting. He said that the enquiries were not completed and the Inspector's Report had directed the investigation to be speeded up but the investigating officer was transferred to another Police Station before completing these investigations. He produced Police Criminal File No. 499/24 - Ex. 54.

When being discharged from hospital, Mususu wrote

to/...../ 386.

to Your Excellency about these incidents - Ex. 71 - and received a reply from the Governor of the Northern Province asking him to go and see him - Ex. 72. Mususu wrote back to the Governor giving reasons why he could not see him - Ex. 73.

There can be no doubt that on Sunday, the 24th September, 1972 there was some incident at Mrs. Okot's shop, as a result of which Mr. and Mrs. Okot went to Gulu Police Station. We did not have any evidence to corroborate Farjalla's allegation that Mrs. Okot assaulted his mother. Mususu said that Farjalla came with Onziga and his companions and identified Okot to them. Farjalla denied this and so did Mrs. Okot. This contradiction in the evidence seems to be of no avail, for the evidence of both Mususu and Mrs. Okot tallies as to the subsequent occurrence in which Okot was driven away by Onziga saying that they were taking him to the barracks' for a statement and Mususu followed them on his bicycle right up to the barracks' gate. We are satisfied on this evidence that Okot was picked up from the Police Station by Onziga and his two friends, Corporal Ali and L/Cpl Bondo, who did not inform Capt. Bashir Juma about this arrest. We have taken into account their denials which have not impressed us in the face of other direct evidence. Lt. Col. Mondo admits seeing Mususu and Mrs. Okot and said that the Intelligence Officer of Gulu Airbase denied any knowledge about the subject. Here also is the slightly exaggerated evidence of Mususu of what exactly the Lieutenant Colonel said but Mrs. Okot corroborated the Lt. Colonel. This interview was three days after Okot had been picked up and we think

that, under the circumstances, any eye witness to the kidnapping would reach the same conclusion at which Mrs. Ojok reached on being told that the Intelligence Officers of Gulu Airbase were denying any knowledge about the disappearance of the subject. The subject was taken from the Police Station by Onzien, Ali and Bondo to the barracks of Gulu Airbase. We find that the probability clearly is that he was unlawfully disposed of by those in whose custody he was last seen.

219. Subject No. 196 - SUPERINTENDENT M. THEO ODWONG.

Witnesses: 315 Lucy Ojok - Part 4, p. 3127 - 3149.  
344 Zefaniya Anyo -  
- Part 4, p. 3551 - 3555.

The subject was a Superintendent of Police and, according to his father, Zefaniya Anyo (W. 344), was stationed at the Police Headquarters, Kampala. His father said that he disappeared on 26th September, 1972, and on a day when he was in Gulu, a Police truck brought his household property to their home and the relatives were informed that Odwong had disappeared. Ex. 139, the list of Police personnel allegedly missing, includes the subject's name and in the column 'circumstances' is indicated 'disappeared.'

His disappearance was also mentioned by Lucy Ojok (W. 315) who is the wife of 15F Ojok (subject No. 193). She said that amongst the Acholi and Lendu people who were arrested were Mr. Lecko and Superintendent Odwong. She did not know the circumstances of their arrest.

The subject's father also said that his son's car

UQR 307 disappeared with his son. According to Ex. 151, this vehicle is a TOYOTA CORONA whose owner is stated as Mr. Justus Rupiny of Box 2539, Kampala. There is also a note to the effect that this vehicle was to be transferred to Mr. Mungonyo of Box 7162 (letter ref: FC/130/56 dated 25th October, 1974, from C/T.O.A.).

His father said that he had no power to contact Police about his son and he asked the Commission to tell him where he was. His son was married to two wives, neither of whom was living with him at the time of the disappearance. Each wife has two children, below school age.

With this scanty evidence it is almost impossible to arrive at any finding. The only conclusion we can reach is that he has been missing since around 28th September, 1972. The probability is that he must be dead. The circumstances of his disappearance are not known and it must be presumed that he was arrested by unknown people.

220. Subject No. 197 - U.A. 5563 L/Cpl. THOMAS ONEN.

See Moroto Soldiers, p. 664.

221. Subject No. 198 - JEFANIAH OOLA.

Witness: 319 Filda Atto - Part 4, pp. 3208 - 3217.

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The subject was aged about 42 and was a retired Magistrate Grade II. He was married and had ten children between the ages of twenty-three and ten. All but the youngest three go to school and they are being maintained by the subject's mother.

he/.....



He was staying at home waiting for the result of his application for Paul to start a ranch.

Billie (p. 310) was the subject's younger sister. She is the Social Auxiliary Officer, Kitgum. She last saw her brother in Gulu Hospital on 8th May, 1971, on her way back from Kampala after attending an interview. She said - (p.3209):

"I did my interview on the 7th, then on the 8th May, 1971, when I was coming back I stopped in Gulu, my mother was waiting for me. She told me that my brother was beaten so badly, I better go and see him before I go back to Eitrus. I told her that I better go to Kitgum first to report for duty then I will be back. I was teaching temporarily at Gulu High School after my S.V.I results. I went to Gulu Hospital with my mother from Bus Park, it was in the afternoon. I found him lying on the bed on his back, he greeted me. He stated that he was beaten by Army people from the Airfield. I was in hurry for the same bus which was coming to Eitrus. He told me that he did not know when he will be back or where he was going, so I better go back and encourage his small children to study hard that he knows they will face a lot of problems if he was not around, these were the last words he said to me."

His mother and his wife were looking after him and the witness was told that the Army soldiers were also checking on him. Then the witness went to Entebbe for a course and later her mother told her that the subject had sent his wife away to look after the children. Her mother also informed her that some Army soldiers from the Airbase went to the hospital and took him away to the Airbase for treatment, taking the medical forms with them. The subject has not been seen since.

His mother said that no body ever went to the Airbase

He was staying at home waiting for the result of his application for land to start a ranch.

Ellen Otto (W. 319) was the subject's younger

She last saw her brother in Gulu Hospital on 8th May, 1971, on her way back from Kampala after attending an interview. She said (p. 390):

"I did my interview on the 7th, then on the 8th May, 1971, when I was coming back I stopped in Gulu, my mother was waiting for me. She told me that my brother was beaten so badly, I better go and see him before I go back to Kitgum. I told her that I better go to Kitgum first to report for duty then I will be back. I was teaching temporarily at Gulu High School after my S.V.I results. I went to Gulu Hospital with my mother from Bus Park, it was in the afternoon. I found him lying on the bed on his back, he greeted me. He stated that he was held by army people from the Airfield. I was in a hurry for the same bus which was coming to Kitgum. He told me that he did not know when he will be back or where he was going, so I better go back and encourage his small children to study hard that he knows they will face a lot of problems if he was not around, these were the last words he said to me."

His mother and his wife were looking after him and the witness was told that the army soldiers were also checking on him. Then the witness went to Entebbe for a course and later her mother told her that the subject had sent his wife away to look after the children. Her mother also informed her that army soldiers from the Airbase went to the hospital and took him away to the Airbase for treatment, taking the witness along with them. The subject has not been seen since.

His mother said that she only saw her brother at the Airbase

to check on him because they were all afraid. She hoped that, as he had been taken from the hospital, the soldiers would inform the hospital what his condition was. She did not try herself because she thought that she too would not get any useful information as their mother and his wife had failed previously. She did not know why her brother was assaulted in this manner. She said that previously some soldiers had gone to his house looking for him and had left a message that he should report to the D.C., Mr. abbe.

Like many other subjects, the evidence here also is very scanty. We do not know what difficulties our counsel met in trying to get the records of Gulu hospital with regard to this patient. If the subject was taken away from the hospital, we should have thought that the hospital records would have made this clear. Also the mother of the subject, who seems to have nursed him until he was taken away, did not come forward to give evidence. There was evidence about the previous visit by some soldiers to the subject's home. We do not know what happened when he went to see the D.C. In the state of evidence as it is we can only find that the subject has been missing since May, 1971 after being removed from Gulu hospital by soldiers from Gulu Airbase. This fact and also whether he arrived at the Airbase would have been clarified by the production of the D.C.B. of the Airbase, but surprisingly we were told by the Intelligence Officer, Onziga (W. 491) that no such D.C.B. was being kept at the Airbase. As the subject has been missing since May, 1971 without any trace, and in view of Onziga's evidence regarding the D.C.B. we think that the probability is that the subject

must have been unlawfully disposed of by soldiers from the Gulu Airbase.

221. Subject No. 199 - U.S. 5221 PRIVATE ALFRED BAIYI.

See Jinja Soldiers, p. 580.

223. Subject No. 200 - U.S. 0419 PRIVATE KASIO OKENY.

See Moroto Soldiers, p. 664.

224. Subject No. 201 - U.S. 3206 PRIVATE DONATO ODUR.

See Moyo Soldiers, p. 671.

225. Subject No. 202 - U.S. 5297 PRIVATE MICHAEL OKULU.

See Malin Soldiers, p. 598.

226. Subject No. 203 - U.S. 3204 PRIVATE FESTO OCHAYA.

See Border Guard Unit, Oraba, p. 687.

227. Subject No. 204 - U.S. 5506 L/Cpl. KCSBA OTTO.

See Mbuya Soldiers, p. 565.

228. Subject No. 205 - E.S. 18114377 Sgt. MAJOR  
MUSEMTO OBUCH.

See Jinja Soldiers, p. 580.

229. Subject No. 206 - PRIVATE PABKULMO ODUR.

See Malin Soldiers, p. 619.

230. Subject No. 207 - U.S. 0005 L/Cpl. G. BUON OSONYO.

See Gulu Airbase, p. 556.

231. Subject No. 208 - GEORGE WILLIAM ABCDA.

Witness: 330 William Aboda Lulom - Part 4, p. 3299 - 3310.

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The subject was the Gombolola Chief of Attiak in West Acholi. He had three wives and seven children aged between thirteen and two. He left some money in the bank and one of his brothers has now applied for a court order to manage his estate.

The witness is the subject's nephew, a Court interpreter at Kitrum. Upon hearing rumours of his uncle's arrest on 15th October, 1972, the witness went to Attiak to confirm. On 18th October, when he was on his way, he met the subject's wife in Gulu. She told him that on 11th October, 1972 a policeman from Attiak went to their home looking for the subject who had gone out somewhere. On his return the following day she told him about the policeman's visit and, when he went to the Police Station to find out why he was wanted, he was detained. The subject's wife and her sister saw him at the Police Station and the O.C. told them that the orders for his detention had come from Gulu. After about four hours, a Volkswagen Kombi, white in colour, with three Army Intelligence Officers, came and took him away saying that they were going back to Gulu. The witness also saw the O.C. Police, Attiak, and this is what he said about that interview - (p.3304):

"When I went to him, I asked him what had happened to my uncle. He told me that I should not disturb him because the man was not arrested at his own interest, he only was directed to do it.

when/...../393.

When I asked him who directed him, he said he received a message from Gulu Airbase Intelligence, they may let him know, that they had to

The D.C. told him that one of the Intelligence men, who was a lieutenant, had signed in the visitors' book but the rest of the book to him. According to Captain Airbase (No. 960), there was no lieutenant in the Intelligence section of Gulu Airbase at the material time.

The witness saw the Administrative Secretary who denied receiving any official message about the subject's arrest. The witness thought that he was 'reluctant' to make enquiries. He saw the District Commissioner who rang up the Base Commander who was said to be at a meeting. He also saw the District Police Commander who denied ordering the arrest of the subject. He saw the D.C. again the following day and after speaking to the Base Commander on 14/10/72, he told him that those arrested after 20th October, 1972, had been taken to Kampala. He tried to go to Gulu Airbase but was refused permission to enter.

Subsequently, the District Administration sent transport to assist for transporting the subject's wife and their property to the house.

He spoke to some people there. The subject's wife told him that five days prior to his arrest the D.C. Gulu, Mr. ... county chief approached the subject ... on a bonding trip. In

the rush those two tried to persuade him to join them in running away to the Sudan. Subject turned this proposition down and later those two were said to have fled the country.

The evidence is very scanty and it is extremely difficult for us to make any findings of fact. The subject's wife, who was living with him at the time of his arrest, did not come forward to give evidence. It is obvious from the witness' interview with the O.C. Police, Atiak, that the subject was arrested on orders coming from the Gulu Airbase. Regarding the speculation, it is true that the D.C. Mr. Abbe also disappeared and there was evidence that he might be in the Sudan; Atiak is on the road from Gulu going to the Sudan. It is difficult to go on speculating and we can only say that the subject has been missing since 15th October, 1972 after having been arrested by the police Atiak on orders from Gulu Airbase. The evidence suggested that he was subsequently collected by three men in a Volkswagen Kombi. Their identity is unknown but we think that the probability is that they were in fact Army Intelligence officers from Gulu Airbase who had asked for his arrest. The O.C. could be mistaken about the rank of one of them. The probability further is that the subject was unlawfully disposed of by the said Army Intelligence officers, from Gulu Airbase, on their return journey to Gulu.

209. Subject No. 209 - M. Sgt. ELSNYC MUNGVI.

See State Research Centre, Nakasero, p. 684.

210. Subject No. 211 - M. SGT.

211. Subject No. 212 - M. SGT.

- Witness: 334 Yerima police - Part 4, p. 3373 - 3392.
- 340 Lucia Lero - Part 4, p. 3547 - 3466.
- 543 Stanley Matindi - Part 7, p. 6878 - 6887.

These three policemen were first mentioned by W. 334 as having been arrested. He said that Ogiya used to live at Naamiya and the other two at the Police Training School, and all three were school.

We heard evidence on Ogiya only from his wife Lucia (W. 340). She used to live at home in addition and the other wife, Verina Oyo, (she did not give evidence) used to live with the subject in the barracks. Also living with them in the barracks was their son called Estero Ojura.

W. 340 came to Kampala upon getting news from Ojura that the subject had been arrested and the son told her that the subject was a police officer. He said that the subject was a police officer and that he was required on duty and returned home later and had a letter dated 14/11/61, from the subject from his wife. It was a letter addressed to the subject's wife. The letter - (1.3461-0):



"I have already been arrested. Inform my son Petero Ojara that Obia has been arrested and I am at Makindye. There is Shs. 20/- in my pocket and Shs. 400/- in my books of account with the Uganda Government no more. I your father

Sgd.  
Obia."

The witness approached the C.C. Barracks, Opio, who denied any knowledge about the subject's arrest. She went to Makindye where the soldiers at the gate told her that he was not there. She returned to Opio who told her that he could do nothing and asked her to pack up and be ready to leave the barracks on 5th October, 1972. She asked him for a few more days to look for her husband but he refused and on the 5th official transport came and they moved with their property to their village home.

The witness said that the police did not give them even the salary for September, 1972. Her husband has twelve children between the ages of 21 and 3, seven of whom are at school being supported by the eldest son. Her husband's rifle was deposited with the police. Nobody has so far applied to court for the management of his estate.

Of these three policemen only Obiya appears in Ex. 141 and Ex. 167 as having been dismissed from the Force with effect from 15th September, 1972.

With regard to Obiya, it seems manifest from his letter Ex. 76 that he was detained at Makindye Military Police. It will be recalled that W/P Mone (subject 191) who also was arrested from Nsambya barracks was similarly detained at Makindye. It may well be that the other two policemen, that is W/P Onen and P.C. Oyoallo, who were said by T. 344 to have been arrested,

were also detained at Makindye like their colleagues.  
Although the evidence of W. 340 is hearsay, it seems that  
the common factor in the cases of Ochiya and Mondo was the  
fact that they were told that they were required on duty  
and in both cases the head of the BSB, Ali Toweli, was  
mentioned as being present.

Ochiya's letter (Ex. 70) is dated 20th September,  
1972, and he has not been heard of since. He does not  
appear in the list of people who were subsequently trans-  
ferred from Makindye to Luzira nor is there any evidence  
to show that he was amongst those transferred to Mutukula.  
We are satisfied that he is missing since September, 1972  
and, in these circumstances, he must have disappeared  
during his detention at Makindye. The probability  
clearly is that he was unlawfully disposed of during his  
detention.

236. Subject No. 213 - BUREAU ARMY.

- Witnesses: 335 Adjutant Clerys - Part 4, p. 3392 - 3401.  
336 Miss Clarity -  
- Part 4, p. 3402 - 3411.  
343 B/SP J.O. Okipi  
- Part 4, p. 3503 - 3550.  
488 W. 561 Lt. Col.  
- Part 6, p. 5512 - 5577.  
491 W. 5626 Cpl. Rafi Onyia  
- Part 6, p. 5659 - 5693B.  
493 W. 14632 Lt. Col. Mungu Bukali Pondo  
- Part 6, p. 5705 - 5750.  
567 W. 14632 Lt. Col.  
- Part 7, p. 6849 - 6878.

were also detained at Makindye like their colleagues.

Although the evidence of W. 340 is hearsay, it seem that the common factor in the cases of Ochiya and Mondo was the

is, that they were told that they were required on duty and in both cases the head of the ICS, Ali Toweli, was mentioned as being present.

Ochiya's letter (Ex. 7C) is dated 20th September, 1972, and he has not been heard of since. He does not appear in the list of people who were subsequently transferred from Makindye to Luzira nor is there any evidence to show that he was amongst those transferred to Mutukula. We are satisfied that he is missing since September, 1972 and, in these circumstances, he must have disappeared during his detention at Makindye. The probability clearly is that he was unlawfully disposed of during his detention.

236. Subject No. 213 - HUMAN AGENCY.

Witnesses: 335 Adjutant Cherya - Part 4, p. 3392 - 3401.

336 Miss Clarity -  
- Part 4, p. 3402 - 3411.

343 W/SGT J.C. Okipi  
- Part 4, p. 3503 - 3550.

488 W/SGT J.C. Okipi  
- Part 6, p. 5512 - 5577.

491 W/SGT J.C. Okipi  
- Part 6, p. 5659 - 5693B.

495 W/SGT J.C. Okipi  
- Part 6, p. 5705 - 5750.

567 W/SGT J.C. Okipi  
- Part 7, p. 6849 - 6878.

The subject was aged about 58. He was married to Ajulina Adeny. (W. 335) and they have twelve children, including Charity Acan (W. 336), aged twenty-five and a State Registered Nurse. Some of the children are at school. The subject used to live in his village home at Paicho, while his wife had a shop in Gulu.

The subject was arrested on 12th September, 1973, from his wife's shop and taken to the Police Station, Gulu. The reason for this arrest was given by Captain Juma (W.542) of the Army Intelligence, Gulu Airbase, as follows - (p.6850):

"This man was in Gulu and we received information that he was keeping some automatic Chinese rifles for subversive activities. I started working on the information and we received it. He was keeping these rifles, of course, not in his house which he has in Gulu but somewhere else. He was arrested on the day he made arrangement to remove the firearms from the place where they were hidden to be taken to Gulu and he was a recruiting agent, according to the information we received. I instructed my staff to get hold of this man because he was supposed to lead the way to where they were to deliver these firearms and he was kept at the Police Station for a couple of days or three. We laid the trap to get this vehicle which was taking the firearms, and unfortunately we did not succeed. On failure, there was no evidence so as to charge the man. I was coming from the barracks and Cpl. Ali Wila and Onziga took him from the Police Station; they were taking him to me for interview. Then I met them near at the former District Administration Block. There, I told them to release him since there was no proper evidence under which we could charge the man, from that day he was released, and what happened after that is what I do not know. Probably he might have fled the country on the point that his movements were being watched."

That is the gist of the case which the subject had and the action which was taken against him. Captain

Bushir Juma said that he had instructed his junior staff to go and get hold of him from his shop and to take him to the Police Station. According to Officer (S. 491) the Captain sent him and another officer to 'check' on the subject and both of them approached the O.C. Grimo, Okipi, for a police constable to help them. Bando said that their instructions were to arrest the man. Okipi confirmed that on 12th September, 1973, these two Intelligence Officers asked him for a uniformed constable 'for a job they had to do in the town'; they did not tell him the nature of the job but he ordered one constable in uniform to accompany them. He said that they were in a hurry and were engaged in a job similar to his.

Mrs. Adanya was in her shop and her husband was also with her. A policeman came and told her husband that he was wanted at the Police Station. Her husband asked the policeman why he was wanted. He was told that he did not know as he had been sent by someone else. Then the subject agreed to go with him to the Police Station and his wife followed him. The two Intelligence Officers left the policeman escorting him on foot and they went to the barracks to report to their Captain, who ordered them to fetch him as he wanted to interrogate him. Mrs. Adanya found her husband handcuffed, sitting behind the counter at the Police Station. She also found many people there who were talking to him and amongst them, she saw the O.C. Grimo, Okipi. Without speaking to him she ran to the I.C. Mr. Estima, the only officer to go back to the Police Station while she tried to inquire about her husband's arrest. In the meantime the two Intelligence Officers returned to the Police Station for the subject. Grimo said that only

he and Bondo went to fetch him, but Ahmad Wila (W. 488) maintained that he also went with his two colleagues. The account given by Wila of what happened at the Police Station is somewhat different from that of his other two colleagues. According to Wila, they first saw Okipi and informed him that they had been sent to fetch the man who had been arrested for transferring guns and ammunition to Tanzania. He said that it was Okipi who told them the name of the man as Adenya and he accompanied them to the cells where he handed over the subject to them. According to Onzira and Bondo, they found the subject at the counter and told him that the Captain wanted to interrogate him, where upon the subject agreed and got into their vehicle. Wila said that he was in Toyota Mark III car, UVN 719.

Okipi, who was in his office at the Police Station, said that he went to the counter on hearing people shouting and he found the subject behind the counter. It was the subject who was shouting in his mother tongue, Acholi, and Onzira and Bondo were shouting at him in Kiswahili 'Tuchukwe Mtu hii' (p. 3530), that is to say, 'let us take him'. He said that the subject was handcuffed and he was bundled into the car. Okipi went on to say that no record was kept of this incident in the Station Diary and he informed us that the Lock Up Register was missing. His explanation was that the counter officers were perhaps afraid to enter the name of the subject in the Station Diary. Okipi himself did not interfere as he did not want 'to get involved' in the matter. He thought that the Intelligence men knew what they were doing and it was no longer his concern. He was bold enough to admit that he did not ask them what they were doing as he feared them and did not want to submit

himself/...../401.

himself to any blame by them. He said that he preferred to be blamed by the society so long as the society did not arm the police. He said that the police were armed with pistols and this probably had frightened the other policemen at the Station.

However, there is yet another account of the incident in the Police Station. The subject's daughter was then working at Gulu Hospital and, at about 3 p.m. on 12th September, 1972, her attention was drawn to the Police Station by some noise. She saw a crowd and went to the Police Station. She found her father in a white saloon car with his hands and legs in handcuffs. She dashed to the people in the car and asked why her father was handcuffed and where they were taking him? She said - (p.3403):

"I entered the car and asked them where they were taking him, why they had arrested my father, I wanted to know. Then they started pulling me out and they were many of them around the car. They started to fight me, one of them was having a gun. When they overpowered me and pulled me outside the one with the gun entered the car and another one also entered the car and they drove off towards their barracks."

She said that the only answer she received to her queries was that if she wanted to go with her father she could. She sustained some minor injuries during the incident. She stayed there crying and it was then that her mother came back and told her about her report to the D.C. Both of them went to see Okipi in his office, and Okipi told them that he had been asked by somebody for a policeman to fetch the subject from the shop without disclosing the name of that person. Okipi, however, maintained that he told them everything, including the names of the Intelligence Officers.

The subject's wife said that they have not seen Adenya since then.

These Intelligence Officers said that they met their boss, Captain Bushir Juma, in front of the former District Administration Block, a little distance from the Police Station. There, the Captain interrogated the subject for ten or fifteen minutes and then ordered that he be released. The Captain also maintained that Ali Wila was not there at that time and, according to Onziga, Ali Wila came when the Captain was interviewing the subject. Ali Wila said that when they met the Captain, they handed Adenya to him and then all three of them, that is, Onziga, Bondo, and Ali Wila, went away to Lira to see his sick sister. He said that he had permission from the Captain for all three to go to Lira and they returned at about 5 or 6 p.m. Later he was told by the Captain that he had released the subject on the spot as there was no evidence against him and the following day the Captain ordered them to go to Attiak to fetch some five guns and 120 rounds of ammunition. The evidence of the other two Intelligence Officers and the Captain is that the Captain interrogated the man on the spot and then released him, after which the three Intelligence Officers went to Attiak to intercept the vehicle which was supposed to be carrying the firearms and ammunition. That mission proved unsuccessful and they went back to Attiak the following day (13th September, 1973), when they managed to arrest three with five guns and 100 rounds of ammunition. One of those three managed to escape but the other two were later taken to Your Excellency's Office, Kampala, and handed over to Lt. Col. Francis.

The evidence in this case seems to be fairly straight

forward/...../408..



forward. It is not denied that at least two of the Intelligence Officers did ask for a uniformed constable to arrest the subject from his wife's shop and take him to the Police

officers subsequently collected the subject in the car to take him before their superior officer, Captain Bashir Juma. The difficulty we have encountered is to reconcile the rather shifting evidence of Cpl. Ahmed Ali Wila with that of his two colleagues. At first he seemed to say that he knew nothing about the arrest of the subject by the Police at the behest of his two colleagues, but later on he maintained that he was present when this was done. Also he changed his earlier evidence about handing the subject to Captain Bashir Juma on the road and immediately leaving for Lira to fall in line with that of his two colleagues. His two colleagues called him an outright liar and they denied going with him to Lira to see his sister as he maintained. We asked ourselves whether this witness, Ali Wila, was so dim that he could not be expected to be consistent or he was giving testimony in this manner deliberately in order to confuse the evidence and thus try to shift the blame elsewhere.

We do not think that he was a dim witness. We think that he was confused and worried. His evidence about collecting the subject from the Police Station was very much similar to that of his two colleagues. He also talked about meeting Captain Bashir Juma on the way. This indicated that perhaps he was with his two colleagues when they went to fetch the subject from the Police Station. The question is what happened thereafter; would they hand over Aderya to the Captain and immediately set out for Lira as he maintained, or would

they wait throughout the Captain's interview until the prisoner was released as the others maintain? This interview took place about three hundred yards from the Police Station. The Captain denied any knowledge about the Police having been used in the arrest of the subject. We find it odd that the Captain, who had received such important information against the subject, would have dealt with him in such a casual manner by the roadside and in sight of the Police Station and then released him. Wila said that the idea was that they would re-arrest him if further evidence was discovered against him. We were not impressed with his argument. The country was then in a state of turmoil because of the guerillas, and it is obvious that people against whom such reports of conveying firearms and ammunition in assistance of the guerillas were being received were being treated as enemies of the country and in no better way than the guerillas themselves. His argument was that his first trap had failed and no evidence had been disclosed against Aderya. He went on to say that the subsequent arrest of two other people, together with the guns and ammunition, at Attiak had nothing to do with Aderya. This is not the impression one gets from the evidence of his three junior officers. The impression we had is that the arrest of the others and the discovery of five guns and some ammunition in the vehicle was due to the information which the Intelligence Officers had received, in which Aderya was first mentioned. As such we think that no reasonable person, in his proper senses dealing with such a serious report involving the security of the country, would have risked releasing such a person after a casual and cursory interrogation by the roadside, particularly so when further investigations in the form of a follow-up of the

report/...../405;

report were still in progress. We know, and it is not denied, that a follow up of the report led to the arrest of some other people together with some firearms and ammunition. It is for these reasons that we find it difficult to believe that the subject, who has been reported to be conveying firearms and ammunition to the guerillas, would have been released before the follow up of the report to ascertain its truth. In any case, we fail to understand why the junior officers, who had in fact used the police for arresting the subject presumably to keep their identity unknown, would have risked the subject's release pending further investigations, as such release would obviously have demolished their argument that the police had to be used so that the subject could not get in touch with his colleagues. It is clear that once released, he would have been able to contact the rest of his party and put them on the alert. This is another argument which militates against his having been released as maintained by Captain Bashir Juma. Captain Bashir Juma is not borne out either by the police or by his junior officers in that the subject was kept in detention at the Police Station for a couple of days. Nevertheless Adenya has not been seen or heard of since September, 1973. For the reasons we have given, we are not persuaded by the Captain's comment that the subject might have fled the country after being released. We would have agreed with him that such a possibility existed only if we were satisfied by his evidence and that of his junior officers that the subject had in fact been released by them. The only other possibility which comes to mind is that the Captain might have ordered the release and gone away leaving the

subject/...../ 406.

with his junior officers. Even so, we are at a loss to understand why the subject, if he was to be released, was not taken back to the Police Station and set free in the presence of Okipi who had been used as an instrument in arresting the subject in the first place. We are of the opinion that, in view of the various contradictions and discrepancies in the evidence of the Intelligence Officers and their boss, they have tried to suppress the truth so far as the whereabouts of the subject are concerned. What is definite is that the subject was collected from the Police Station by the three Intelligence Officers and was never seen again. If their explanation is rejected, and we are of the opinion that it should be so rejected, then the probability clearly is that the subject was unlawfully disposed of by them after being handed back to them by their superior officer by the road side, a little distance from the Police Station.

237.           Subject No. 214 - GEORGE OLENG.

238.           Subject No. 215 - P.C. OWEKA.

Witnesses: 337 Betty Adongo - Part 4, p. 3412 - 3423.

471 No. 3994 P.C. William Ojen

- Part 4, p. 5215 - 5228.

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George Olong was the postmaster of Moyo Post Office. He was married to W. 337 and they have two sons, aged 4 and 2½, both of whom are alleged to have been taken away from her after her refusal to marry one of her brothers-in-law.

Oweka was the P.C., Police Station, Moyo.

on/...../497.

On 4th October, 1972, W. 337 was in Moyo Hospital when she received a report from her husband's colleague, Isse, that two people from Kampala, claiming to have been sent by Your Excellency to attend a conference in Kampala, had arrested the two subjects at about 3 p.m.

P.C. Ojen (W. 471) was at the Police Station when, at about 3 p.m., he saw the Postmaster with two men. One of whom said, "Policeman come and take the keys from the Postmaster, we are taking him away." This frightened the police constable. He said that as he came out of the police station, one of the two men pulled out an identity card. On it he saw the drawing of swords and the letters "U.S."; he also saw a photograph on it but it was not handed to him for proper scrutiny. The postmaster asked these men who they were and where they were taking him. W. 471 did not intervene or try to assist the postmaster because, according to him, the situation in those days was not normal as the country had been invaded by guerillas. He suspected that those two could have been guerillas or persecutors but he had no means of stopping them as he was not armed; and the other police constables were on duty at some road blocks. He said that, although they had identified themselves as Army soldiers, he did not believe them as 'anyone can get an identity card'. At the same time he said that he thought that they could be genuine, but he did not try to find out as he was afraid. He took the keys and those people went away. He said that they were at the police station for a very short time of about three seconds. He saw the vehicle in which they were travelling, and he made an entry in his Station Diary - Entry No. 29 made at 1500 hours (Ex. 12C), reads as follows:

"M.V. UVK 358 Volkswagen Motor Omnibus by Uganda Army personnel into the station with the postmaster and handed-in post office keys and postmaster to accompany them."

It is obvious that at first the constable had written 'unknown persons' but later the same day, amended this to read "Army personnel".

There is evidence that on their way back from the police station, they stopped at the Court where they found P.C. Oweka. They asked him to handover the files to the magistrate and took him along with them in the same car.

According to Ex. 152, a list of different vehicles giving details of the registered particulars of ownership, motor vehicle No. UVK 358, a Volkswagen is registered in the name of the Ministry of Defence.

W. 337 rang up the Commanding Officer, Moyo Barracks. He denied any knowledge of these two arrests. The following day she saw the D.C., and found him with the Commanding Officer, Mustapha and Lt. Ogwal. They said that they were sending an ADC with a letter to Kampala to find out, and on Saturday the ADC went to Kampala. On the return of the ADC, she was told that neither subject was in Kampala. On 17th October, 1972, she went to Makindye where she asked an Alur soldier at the gate about the two subjects. He told her 'sister you go home. Don't waste your time. We are now as dogs. Sometime you may leave your husband in Karuma Falls (see also subject No. 171, p. 360) or in the forest there.' - (p. 3417). On hearing this, she lost all hope and thought that her husband was dead. On being asked about the reference to Karuma Falls, she said, 'that would mean that they used to throw some people in the Falls'

- p. 3421; and about the forest she said, "As he is an army man, I thought they might have been throwing some people in the forest," - p. 3421. She could not explain what the

Notwithstanding the fact that W. 471, No. 3994 P.C. William Ojen, was scared of the two people who took the postmaster to the Police Station and was not prepared to risk anything by trying to intervene or stand for or assist the postmaster, it must be said in his favour that he kept his eyes open and had the presence of mind, which unfortunately cannot be said about many other policemen under similar circumstances, to jot down the vehicle involved in his station diary. Being ignorant about the ownership of the vehicle and considering that the country had been invaded by guerillas not very long ago, he may have thought that they were persons or guerillas, but he made it clear that he had an equally strong doubt in his mind, because of the identity card, that they might be genuine army soldiers. Ex. 152, which contains the particulars of registration of this vehicle, makes it absolutely clear that on the day the vehicle was seen in Moyo taking the postmaster and P.C. Oweka away, it was registered as the property of the Ministry of Defence. There is thus overwhelming evidence to say that those two who stopped at the Police Station were in fact people from the Ministry of Defence. They could not have been anybody else and we refuse to believe that other people outside the Army would have hijacked the army vehicle. We are satisfied that both these subjects were taken away by these two soldiers in the army vehicle on the pretext that they were required in Kampala for a certain case. There is no evidence that they

reached Kampala and it seems to us that the comment made by the Alur soldier at the gate of Makindye referring to Karuma Falls and the forest is pertinent. As both of them have been missing since 4th October, 1972, we have no hesitation in finding that they were unlawfully disposed of by their army escort on the way to Kampala.

It should not be difficult to trace the movements of this army vehicle from the transport records maintained by the relevant department, which should also disclose the identity of the people using it on the 4th October, 1972. We think that further investigations should be carried out in this case on these lines.

239. Subject No. 216 - NO. 4875 STATION SERGEANT

OBOTE NYW. LOWOK CELESTINE.

Witnesses: 336 Besemesi Achana - Part 4, p. 3423 - 3432.

470 No. 3294 Station Sergeant Benedicto  
Balamusana - Part 6, p. 5204 - 5214.

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The subject was a Station Sergeant at the Railway Police Station, Gulu. He was married to W. 338 and they have five children between the ages of seventeen and five, all of whom are at school.

On 2nd October, 1972, the subject left home informing his wife that he was going to Pakwach to pay the staff.

At about 9.15 a.m. S.D. Constable Adwere called the other witness (W. 470) from the barracks saying that the subject had been arrested by three people. They dashed

together/...../411.



together to the Police Station and on the way, W. 470 saw a Volkswagen Kombi, white, with three people in it with the subject. One of them threw the keys out of the window and but not the figures. The witness made an entry in his Station Diary (9/2/10/74) at 9.15 a.m. as follows:

"Station Sergeant, Nyxalowok taken away by the 'Ua Gu' from the office. Reason not known on 1 October, 1972, at 0915 hours."

The witness explained that the registration letters which he had seen on the vehicle, that is, 'Ua' gave him the impression that it was an Army vehicle notwithstanding the fact that the three people in the vehicle were in civilian clothes and there was nothing else to indicate where the vehicle came from. He said that he had seen the rear number plate of the vehicle which was not yellow like other civilian vehicles but the background of the number plate was black. He said that he had written in the Station Diary that they were Army people of Gulu because there were soldiers stationed at Gulu.

Within half an hour of her husband's leaving home, Esimesi heard that he had been arrested and taken away. She also dashed to the Railway Police Station and was in time to see the white Kombi driving away at great speed. She ran up the head of the Railway Police in Kusaia but he denied any knowledge about the incident. She went to Gulu Police Station but her husband was not there either. Her statement was not recorded, nor was her report taken down. She went to the Army Barracks, Gulu, where the gate-keeper told her that her husband, who she said he worked at, was in a cell. She asked to see him and

he went away to get permission. She waited there for three hours but he never came back. She returned to the Airbase the following day and was told to come back after the Independence Day celebrations. When she went back on 11th October, 1972, she was told by another gate keeper that he had been taken to Makindye. She proceeded to Makindye and was asked to return the following day, Saturday. She did and the gate keeper asked her for her tribe and the tribe of her mother. She told him that she was a Langi and her mother a Muruka. She was then asked to go away as her husband was not there. She said that she stayed on hoping that he might change his mind but he threatened to shoot.

She has no idea of what happened to her husband. She said that her husband had money in the bank and a Court Clerk told her to wait for three years before she could get an order to receive the money from the bank.

The constable who was at the Police Station when the subject was taken did not come forward to give evidence. The only evidence we have is that the subject was seen being taken away in a white Kombi by three men and only the registration letters of the vehicle. We have given this matter some thought and we think that the other station sergeant - P. 470 - is right when he says that the registration number plate of any Army vehicle is different from that of a civilian motor vehicle. It may very well be that the vehicle which took away the subject from the Railway Station was an Army vehicle. None of the three men who took him was identified, nor is there any evidence of where he was taken to. It is possible that there is evidence of his wife, who went to the Airbase on the following day, being

told that he was in the cells. As against this, we have the evidence of Captain Bashir Juma (W. 542) and his three Lieutenants (W. 488, W. 491, and W. 493) who maintained that the subject was taken to the cells for the detention of civilians at the barracks. No records of Gulu Airbase were made available to us, and there is no way of checking whether the subject was in fact taken there. On the other hand, we see no reason why the subject's wife should tell deliberate lies. We can only say that there is considerable suspicion that the subject was arrested by Intelligence officers from Gulu Airbase and later transferred to Makindye, as the subject's wife maintains she was told by the gate keeper at the Gulu Airbase. As he is missing since 2nd October, 1972, we think that the probability is that he was unlawfully disposed of during his detention at Makindye Military Police.

240. Subject No. 217 - ICINJEL OYAM.

Witnesses: 339 Rev. Isaac Okumu - Part 4, p. 3433 - 3457.  
438 Benon Jackson Twedo  
- Part 5, p. 4657 - 4676.  
439 UA 13915 Staff Sergeant Mohamed Ojala  
- Part 5, p. 4676 - 4695.  
440 Lt. Yusuf Omara - Part 4, p. 4695 - 4700.  
489 UA 8179 Edu Ismail  
- Part 6, p. 5578 - 5618.

The subject was a Statistician with the Uganda Coffee Marketing Board and used to live at No. 2 Bazarabusa Drive, Bugolobi, with a girl friend from whom he had two children, aged four and three. At the material time his younger brother Twedo (W. 438), a University student, was living with him.

The subject's father is Rev. Isaac Okumu, (W. 339) and was the Archdeacon of Acheli. He last saw the subject on 11th January, 1972, at Mukono where he was attending the provincial assembly meeting. On 13th January, 1972, the Rev. received a report that his son had been arrested on 12th January, 1972, at 5.30 p.m. from a petrol station. According to the house-boy (he was not called), the subject was taken to his home by two men in Citroen car and the house was searched. A red UPC shirt and some documents were taken away by these men. According to Twodo, the subject, who was a member of the UPC, was contemplating standing for Parliamentary elections before the Army Takeover of the Government.

The Rev. and his son Twodo went to Makindye where they saw his car, BMW 1800, No. UUV 832, in a shed in front of the duty room. The Rev. maintained that they were told by Lt. Mohamed Ojale (W. 439), a school mate of Twodo, that his son had been brought in on 12th January, 1972, at 6 p.m. by UA 8179, Cpl. Abdu (W. 489), to whom he was subsequently returned to be taken home and released. This was denied by the Lt. and Twodo also did not hear any such thing being mentioned although he said that this information might have been given to his father when he himself was ringing home to find out if the subject had reached home. He admitted, however, that they were told that Cpl. Abdu of Malire had brought his brother into Makindye. Twodo further denied, as was maintained by the Rev., that they were also told that the Cpl. was Your Excellency's bodyguard. Twodo thought that they met Lt. Ojale after receiving all this information and the Lt. only undertook to try to look for the subject. In his

evidence, the Lt. said that the Rev. only told him that he was looking for his son without giving any details about what might have happened to him and he denied offering any help. He also denied seeing the BMW there, and that he knew Cpl. ...

The Rev. and his son Twodo then proceeded to Makindye where they met Captain Omara (N. 440), who said that he was a Lt.) The Rev. knew him before and told him about his son. N. 440 is alleged to have confirmed that he knew Cpl. Abdu and promised to let the Rev. know the result of his investigations. Lt. Omara denied knowing the Rev. and meeting him as alleged. He also denied knowing Cpl. Abdu.

On 17th January, 1972, the Rev. returned to Makindye to collect his son's car as he had been told at his previous visit that the car and the keys of the house could be collected at any time. He found the car was not at Makindye and no body seemed to know what happened to it.

On 20th January, 1972, he collected his son's property from his residence and took it home.

On 31st January, 1972, he wrote to Your Excellency - Ex. 75 - regarding his son's disappearance in the following terms:

"The Diocese of Northern Uganda,  
P.O. Box 232,  
Gulu, Uganda.

31st January, 1972.

His Excellency the President of the Second Republic of Uganda, General Idi Amin Dada.

The Arrest and Disappearance of my son,  
Mr. Isimuel Oyamo at the Uganda Coffee  
Marketing Board on 17th January, 1972.

As your Excellency may be aware, I am deeply sorrowful following the arrest and disappearance of my son, and I have had conflicting reports about him and this is adding more sorrow in my house. I am to invite your Government to tell us where my son might be and also who may have arrested him. I have come to Kampala again for the second time for the following reasons:

1. I should really like to understand whether my son is still living or not;
2. I should like, your Excellency, to use your good offices to return my son's car UNV. 832 BMW 1800 because I have established that my son had already paid all the expenses on this car and as far as I know there are no outstanding debts on the car and I do not see any reason why his car should be retained.
3. My last and not least request of your Excellency is about money because my son was on a three months holiday which he started last November and during his holiday he has had many calls back to duty and he still had one month to finish when he was called again in January. As far as we know he has not received any salary for the month of November to date. I would like to have this money paid to me so that I can take it back with me. I also request that if Your Excellency is aware that my son is no more and as he disappeared on duty I should like the Government to consider making some payment for this. I should also like to have his gratuity paid over to me together with the Social Security Fund and any other outstanding money due to him.

My wife and I would like to end on a deep note of regret and to say that if your Government will not tell us whether my son is still alive or where he is, we will remain deeply sad about it.

Secondly, if you see his car being used when, in fact, he may not be living, this is also very sad and we hope that Your Excellency will do everything possible to remove this sadness.

Yours servant,  
Srd. I. Chumu  
Archdeacon of Acholi.

copies to:

Coffee Marketing Board  
The District Commissioner Acholi  
The Most Reverend E. Sabiti  
The Rt. Rev. James Iwama,  
Bishop of Northern Uganda.

The Ministry of Agriculture  
The Ministry of Internal Affairs."

The Rev. spoke of all the other attempts he made to trace his son, with a Mr. Miller of the Uganda Coffee Marketing Board, he saw the then Minister of Foreign Affairs, Mr. Kibasi on 16th February, 1972. He also saw the Permanent Secretary of the Ministry of Internal Affairs, and the Minister of Defence. He said that he tried to see Your Excellency but did not succeed. On 4th February, 1972 he inserted a notice in the 'Uganda Argus' headed "WHERE IS MY SON" - in the following terms - (p. 3449):

"I most respectfully request your kindness to include in your paper this sad announcement. My eldest and dearly loved son, Mr. Icinael Oyam who works with the Uganda Coffee Marketing Board as a statistician, disappeared suddenly on 12th January, 1972. By then was staying in Kampala. Since his disappearance I have heard no news about him or his whereabouts. My family and I are now so deeply worried. Therefore, I am appealing to the public if any body has any news of his whereabouts or might have seen him somewhere, please kindly let me know either in person or in writing at the following address:

The Rev. James Iwama C.S.C.  
Archdeacon of Acholi,  
P.O. Box 136, Gulu.

I shall be most thankful for your cooperation and sympathy.

Rev. J. Iwama,  
Archdeacon."

UA 8179, WO2 Abdu Ismail denied that he knew the subject. He denied having arrested any body from the C.M.B. and denied categorically that he arrested the subject on 12th January, 1972, as alleged.

We have been unable to hear any direct evidence about the arrest of the subject. It seems that our Counsel was unable to trace the houseboy who was present during the search of the house. We have the Rev's evidence about what Lt. Ojale is alleged to have told him at Makindye. As has been seen the Lt. denied saying any such things to the Rev. The question is, why should a religious person tell deliberate lies against the Lt. Of one thing we are sure and this is that the Rev. did not know of any soldier by the name of Cpl. Abdu Ismail of Malire. Even if he might have known this name, we doubt very much if he would have known his force number. He said that when he was given his name and the force number, he recorded both in his diary which he produced at the time of the hearing. It is, therefore, evident that someone must have given him the name of this soldier and his force number when he was at Makindye enquiring about his son. Lt. Ojale is Twodo's school mate. What better person to approach for information than Twodo's school mate. Notwithstanding Lt. Ojale's denials, which we find as completely baseless, we find that Ojale did in fact tell the Rev. about the person who took the subject to Makindye on 12th January, 1972, at about 6 p.m. and also gave his force number. We are of the opinion that Lt. Omara did confirm that Abdu Ismail was attached to Malire and he knew him. To think that these two soldier witnesses that is, Ojale and Omara, told lies deliberately to cover up Abdu Ismail.



We have considered the evidence of Abdu Ismail very carefully but, in view of our findings above, there is only one conclusion at which we can arrive. That conclusion is that Abdu Ismail was telling lies, the same as his two other colleagues, in order to escape any blame for the disappearance of the subject. Accordingly, we find that Abdu Ismail arrested the subject, took him to Makindye but the subject was handed back to him to take to his home for being released there. The subject never reached home, and has not been seen since. No. UA 8179 W02 Ismail is the only person who must know what he did with the subject. As far as we are concerned the probability is that the subject was unlawfully disposed of by this W02.

- 241. Subject No. 218 - INSPECTOR OF POLICE WILSON ANYWAR.
- 242. Subject No. 219 - A.S.P. MARTIN OGABA.
- 243. Subject No. 256 - POLICE MATRON JOYCE AKELLO.

Witnesses: 341 Christine Anywar - Part 4, p. 3466 - 3491.  
384 Insp. Amos Kibalizira  
- Part 4, p. 3929 - 3944.  
486 Col. Joseph Ozo - Part 6, p. 5468 - 5507.

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These three Police Officers were stationed at Koroto Police Station. Inspector Anywar was married to Christine (W. 341), who is a staff nurse, and they have six children between the ages of seven and three. He had one child from another woman. ASP Ogaba was in Charge of the C.I.D.

Inspector Kibalizira (W. 384) was transferred to

Moroto as the District Special Branch Officer about four days before this incident in which these three subjects were involved. He said that he knew of 'a lot of speculations that Mr. Ogaba was going to be taken away'. He gathered this information from people talking in the bars and it was being said that the Langi and Acholi were going to be killed. W. 384 said that he warned Mr. Ogaba that he was in 'trouble'.

There is evidence that on 11th July, 1971, at around 6 p.m. fourteen recruits and three instructors lined up near the kitchen at Moroto Army Barracks for their meal, when the Guard Commander, Cpl. Ogaba, an Acholi, opened fire and killed all seventeen. The Cpl ran away, and so did some other recruits. This incident led to further shooting in the barracks throughout the night which was heard by the residents of Moroto, including Mrs. Anywar who was taken to Moroto Hospital for delivery by her husband the same evening. This incident occurred during the absence of the Commanding Officer, Col. Ozo, who learnt of it on his return on 12th July, 1971.

It was agreed both by Kibalizira and Col. Ozo that the barracks had not been attacked by any forces from outside and that the only incident which occurred was this sudden shooting by Cpl. Ogaba of the recruits and their instructors. W. 384, said that during the course of his duties he had not received any information or news of the presence of any guerillas in Moroto area and he insisted that this incident in the barracks was due to the presence of 'internal guerillas'. This shooting was followed in the barracks by a search for guerillas, mainly Acholi

and Langi', and W. 384 heard that the soldiers in the barracks had been rounded up, but whether they were killed or not he did not know.

On the following morning, W. 384 was with ASP Ogaba in the office and at about 9 a.m. left to go to the town. On his return to the office he found some shoes, belts and chevrons. He found some sad looking people who told him that 'the army had taken' the three subjects. We did not hear any direct evidence about the arrest of these three and the O.C. Police of the time, Mr. Ombayo, who was a Kenyan, subsequently fled to his home country.

Mrs. Anywar received news of her husband's arrest on 12th July, 1971, at about 8 a.m. from her house boy who told her that Anywar had been arrested from his office.

W. 384 commented as follows on these arrests -  
(p.393C):

"I believe that they were arrested on tribal basis because all of them were Acholi and Langi, and that day even after that we were all rounded up, the whole barracks, and picked all those who were Acholi but later on they were released at about 3 p.m., a radio constable was picked and killed in front of us. He was also a Langi. At about 11 a.m. some army personnel came to the Police Station and the bugle was sounded."

The parade was formed in the Police ground and they were addressed by a soldier. The substance of the speech was that there were some guerillas amongst the Police Force in Moroto. Then the Head Constable Dada was asked to pick out all the Langi and Acholi Officers who, on hearing this, stepped forward themselves.

The Army soldiers wanted to take away all of them but after a conference with the O.C. Police and Mr. Dada they were released.

At about 3 p.m., some other soldiers came and picked up the radio Constable. They stabbed him to death just behind the police offices. The body was then put in the landrover and a police driver was asked to take it away. It was after this incident that Ombayo fled to his home country, Kenya, and never came back.

Mrs. Anywar came out of hospital after 2 days and saw the O.C., Police. He rang up the Army barracks and was told that the prisoners were under detention at Moroto Barracks and would have to make statements before their release. After a few days, the O.C. told her that the Commanding Officer had suggested that she went home as the prisoners were being taken to Kampala for their statements. She tried to see the Commanding Officer but, as he was on safari, she saw the Acting Commanding Officer who said that Anywar and Ogaba were still in the barracks but were not allowed to receive visitors. She said that Ombayo was afraid to find out what had happened to her husband. Subsequently, she was given transport and she returned to her home in Gulu. Between 21st August and the end of the year, she wrote letters to various people asking for news of her husband. She first wrote to the Chief Justice of Uganda who, by his letter dated 21st August, 1971, forwarded a copy of her letter to the Minister of Defence Ex. 77. On 23rd September, 1971, the Ministry of Internal Affairs wrote to Mrs. Anywar (Ex. 78) sending her a copy of a letter dated 11th September, 1971, (Ex. 78a), addressed to the

Minister/...../

Minister of Defence in which it is stated that there was no record of the Police Officers in any of the Government Prisons and the Minister of Internal Affairs wanted the Minister of Defence to assist him in his investigations as the Police Officers were 'picked up by Army men of 2nd Bn. of Moroto on 12th July, 1971, and, therefore, it is impossible for me to investigate unless I know who those soldiers were'.

On 28th October, 1971, Mrs. Anywar wrote to the Minister of Internal Affairs through the District Commissioner, Acholi, asking for information about her husband's whereabouts and asking the Minister for financial assistance as she was completely helpless with five children, two of whom had to stop going to school. She also asked for his salary for the months of July to September, 1971, to be paid to her. Forwarding this letter to the Minister of Internal Affairs, someone from the District Commissioner's office endorsed on it, 'Please kindly think about the children,' Ex.79. Later Mrs. Anywar, together with Mrs. Omor whose husband had also disappeared, saw Mr. Adroni of the Police Headquarters who advised her to see the Chief of Staff for a letter to go and see her husband. She said that Mr. Adroni had information that her husband had been taken to Luzira Prison. She wanted such a letter after the officer in charge of the Upper Prison, Luzira, had asked for confirmation that she could see her husband. As a result, she saw Major Ozi on 9th November, 1971, who, after speaking to somebody in Luzira, gave her a letter dated 9th November, 1971, Ex. 80. It is headed:

"Mr. Wilson Anywar and Peter Omer," and is addressed to the O.C. Romand. It reads:

"The wives of these two Policemen who are mentioned above came to complain to the Ministry of Defence about the financial problems which were left by their husbands.

2. They also reported that their husbands are at the moment in detention at Luzira, therefore, they request to see their husbands so that they can arrange to withdraw some money from a Joint Bank account with their husbands. They said that without the signature of their husbands, the Bank could not allow them to draw some money to help their families.

I would, therefore, be very grateful, if you would allow the two ladies to see their husbands so that they could finish up their financial problems."

Mrs. Anywar said that when they took this letter to the Prison, the Officer in Charge asked them to return to Ozi and tell him that if he really wanted them to see their husbands he should ring him up. They did this and Ozi said that the letter he had given them was the usual letter and if the O.C. Luzira could not help them there was nothing else he could do.

On 13th December, 1971, Mrs. Anywar wrote a letter to the Chief of Defence Staff regarding her husband - Ex. 81 - and copied it to the Bishop Ordinary of Uganda Armed Forces, the Rev. Cyrillino K'hangire.

The letter reads:

"I am Mrs. C. Anywar, the wife of the above mentioned Inspector V. Anywar.

My husband was wrongly and unjustly arrested by some army men at Moroto on 12.7. 1971 when he was on duty giving the salaries to his fellow policemen. He was taken to Karamoja at ... At the time I was in the maternity hospital expecting a baby. When I returned home I found my husband already

taken/...../ 425.

taken away and he had no chance to see a new member of our family. I was obliged to return home. All our children and especially those grown up had to stop their schooling! I have many difficulties and sorrows for my husband and family. There is also financial difficulty.

sufficient for the maintenance of the school.

I am therefore asking you to set free my husband and come back home. I have heard and confirmed through reliable sources that my husband is in one of the prisons around Kampala. Have pity on me, poor wife and mother, and please send back my husband as soon as possible so that I and my children can have moment with our dear beloved Wilson anyway.

By this copy I am also informing the Rt. Rev. Cipriano Dr. Kihanciro, the Bishop Ordinary of Uganda Armed Forces and who is also my bishop because I belong to Gulu diocese.

Yours in sorrow,

(Mrs.) Christina Anywar  
Wife of Inspector Wilson Anywar."

This letter was followed up by the bishop who wrote to the Chief of Defence Staff Officer on 3rd January, 1972, and asked to be told what steps had been taken on Mrs. Anywar's letter - Ex.61 Mrs. Anywar said that all her attempts in trying to trace her husband had failed completely.

She said that two of her children are at school and the others are still very young. Her husband had some money in the bank but the manager refused to let her use it. Her brother-in-law had taken over all the property belonging to her husband after she had refused to marry one of them.

The C.O. Police Ombayo told her that he suspected W. 384 to have been responsible for the arrest of these three Police Officers. W. 384 denied any connection with their arrest and stated that he had previously warned Ombayo about the rumors he had heard.

He had a relative in Moroto Barracks called Lt. Byakagwa, who once told him that the prisoners had been taken to Kampala but when their head office made enquiries in Kampala they failed to trace them.

We are satisfied that these Police Officers were in fact arrested from Moroto Police Station on 12th July, 1971, after a whole night's shooting at Moroto Army Barracks which started after the incident of 11th July, 1971, when Cpl. Ogaba shot dead the fourteen recruits and three Instructors. Col. Ogo said that Ogaba was a Sergeant and he had not known him to have any mental history. This incident led to what we can only describe as a 'witch-hunt' for all Acholi and Langi men within the barracks and outside. After these three subjects had been arrested from the Police Station we see all policemen being gathered at the police ground and all Acholi and Langi policemen being separated. We are glad that better counsel prevailed and they were spared. From the evidence given by the Special Branch Officer and Col. Ogo, it is quite clear that Moroto barracks did not come under attack from any forces from outside, by the guerillas or otherwise. The only incident which led to the shooting on 11th July, 1971, at the barracks was the killing of the 17 personnel by sergeant Ogaba.

This is one of the cases where the wife of a missing subject did almost everything within her power and reach to try to trace her husband. Not only did she make direct approaches but she moved through the Bishop Ordinary of the Uganda Armed Forces, who also happened to be her Bishop.

unfortunately/...../43-



Unfortunately, she did not get any assistance from any quarter and this is to be greatly lamented for we feel that, had proper investigations been made in time, some of the three would have been saved. There is no doubt whatever that these three police officers, who incidentally do not appear in the list compiled by the Police Department of the Policemen who have disappeared - ex. 119 - have been missing since 14th July, 1971, after having been arrested from Moroto Police Station by soldiers from Moroto Army Barracks. We do not know whether they were in fact transferred to Injira but what seems obvious is that none of the three has ever been seen alive again. The probability, therefore, quite clearly is that all three must have been unlawfully disposed of while still under Military detention.

244. Subject No. 220 - NO 230 Lt. CELESTINO LOUIS ANONE.

See Mubende Soldiers, p. 675.

245. Subject No. 221 - No. 4546 P.C. CLEMENS OKONG.

246. Subject No. 222 - No. 1693 P.C. GIOE.

247. Subject No. 223 - No. 2404 P.C. ASUMAN OCHILLO.

248. Subject No. 224 - No. 1510 P.C. OCHAYA.

249. Subject No. 225 - ALFONSO OCHANG.

250. Subject No. 226 - JACOB ETIM.

Witnessed: 54 Lt. Kasim Kamathan Mursale alias, Lt. 'No Parking'

- Part 7, p. 657 - 661.

307 Cf Constant Osi long

- Part 4, p. 380 - 386.

- 345 Celestino Engole - Part 4, p. 3556 - 3560.  
445 Det/AIP Dominic Semiti  
- Part 5, p. 4741 - 4771.  
448 Head Constable Major Christopher Balikumbuga  
- Part 5, p. 4818 - 4842.  
468 No. 982 Det/Constable John Kanabi  
- Part 6, p. 5182 - 5194.  
469 No. 1727 Det/Station Sgt. A. Musoke  
- Part 6, p. 5194 - 5204.

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The first four subjects, all police constables, were stationed at Lugazi Police Station. Alfunsio Ogwang was an office messenger at the same police station and was living in the servants' quarters of the O.C. Subject No. 226 used to work for Lugazi Sugar Factory.

The news of the invasion of the country by guerrillas from Tanzania on 17th September, 1972 was broadcast on the radio. As a result, the Head Constable Major (W. 448) gave the general alarm and the policemen were put on stand-by; the armory also was alerted.

At about 5 p.m. the Head Constable Major saw P.C. Okello carrying a tin on his bicycle into the barracks. It may be said here that as a result of what transpired soon afterwards Balikumbuga, who at first did not suspect anything, later said that the tin contained local beer called 'malwa'. It may also be said that there was shortage of water in the barracks at the time and it was not uncommon for the residents of the barracks to fetch water in tins in this fashion.

On the following morning, Balikumbuga received inform-

ation that Okello and Ojok had been in the house of Ogwang drinking and dancing. The witness inferred that they were 'in hiding' at the attack on Mutukula, Eyoer and Elerera. It is noted that after the standby warning to the policemen the previous day, Olong had gone to a village outside the barracks to a beer party where he had been allegedly heard saying 'Kiviri will come back,' which meant 'a head with long hair', and was the former President's nickname. W. 448 reported this intelligence to SP Ojulong on 20th September. Balikumbuga disclosed that he had been given this information by Detective Constable Kambi (W. 468) and Detective Sergeant Masoke (W. 469). Both these policemen denied these allegations and both maintained that they had not heard any singing or dancing from the barracks on the night of the invasion. W. 469 did say, however, that he had heard the former President being called by the nickname 'Kiviri' and some used to call him 'Kitwe'.

Semiti, who was then the Ag. District Special Branch Officer, claimed to have received similar intelligence from some informers and he also passed on this information to SP Ojulong. He denied receiving any particular names of people who had participated in the celebrations but said that, according to his information, some people had visited friends in Luzazi Sugar Factory and had gathered at Katwe village for 'malwa' drinks and there was local dancing. His information also was that a tin of 'malwa' was subsequently taken to the barracks where further rejoicing took place. He said that he did not report any statements from his informers and his information was only hearsay evidence in respect of the people

had not been mentioned to him.

However, on 21st September, Lt. 'No Parking' arrived at the Police Station. According to Ojulong, the Lieutenant had a list of the names of some people and alleged that, according to his information, those people had rejoiced at the Invasion. He asked Ojulong if he knew those men and Ojulong told him that he knew them and was still enquiring into the allegation. The Lieutenant then left saying that he would return the following day for those people.

On 22nd September, Ojulong ordered the Head Constable Major to bring in the four constables and the office messenger. W. 446 returned with Okello and Ojok and found the other already in front of Ojulong in his office; also present in the office was Lt. 'No Parking'. Appearing in the Station Diary of the Police Station is Entry No.76 (Ex.90) which indicates that the six subjects together with one called Okello Wange, who was later released as per Ex. 91, had been brought in by Mr. Ojulong at about 10.30 a.m. Entry No. 80 (Ex.92) is in respect of some four other people who had been brought in from Buikwe Police Station on similar allegations of rejoicing at the Invasion and all these people were then handed over to Lt. 'No Parking' who said that he was taking them to Makindya. Mr. Ojulong told him that his enquiries had not been completed but the Lieutenant is alleged to have replied, "It is O.K. I will make enquiries and return them after enquiries are over." Semiti said that these people were taken away before his information was confirmed but he could not prevent Lt. 'No Parking' taking them away as he had no such power and the Lieutenant was acting as an Army officer/...../431.

officer. Appearing in the Staff Diary is Entry No. 85 (Ex. 90), according to which eleven people were taken away

about a month later, Lt. 'No Parking' went back to Lurazi on another investigation and, on being asked about these men, told Ojulong that they were under detention at Makindye being interrogated. The Lieutenant denied the account of this incident as given by the police officers and said that when he stopped at Lurazi Police Station and told Ojulong that he was on patrol looking for people suspected to have come from Tanzania, he was told by Ojulong that he had arrested some people the previous night for holding a meeting. The Lieutenant had then suggested that these people should be taken to the Commanding Officer, Makindye Military Police for interrogation. He said that he took these people to Makindye and handed them to the Commanding Officer, and did not know what happened to them afterwards. The four constables are included in the list of officers and men of the police force (Ex. 139) as having disappeared and are there indicated to have been arrested.

Subsequently, Ojulong arranged to send the property of these people to their respective homes and on 15th October, 1971, the property of P.C. Obong was taken to his home in Pobi (Acholi) and his brother, Enrol (s. 345) took over the property. He did not try to make enquiries as he had been told not to bother himself if his brother was under detention. He said that Obong was married and had seven children between the ages of five to ten and three. Only two children were at home as they did

not have sufficient money to educate the others. His brother had about Shs. 11,000/- in the Uganda Commercial Bank but, as he was ignorant of the law, he had not applied to court for an order to manage his brother's property.

There is no doubt that these people were arrested on the allegation that they had celebrated the Invasion of the country by guerillas from Tanzania. What is surprising is that the police officers to whom the reports were made appear to have done nothing to try to ascertain the truth of those reports. The people involved were either Acholi or Langi, and it was not denied that the possibility of false reports being made was always present. According to Ojulong Lt. 'No Parking' came to the police station on 21st September, the very next day after Ojulong had been told about the alleged celebrations, with a list of the names of persons who were alleged by the Lieutenant to have celebrated the Invasion. Semiti denied having passed on the information to the Lieutenant in Kampala. The Lieutenant refuted Ojulong's evidence. This contradiction does not matter because the fact remains that these people were ultimately taken from the police station by the Lieutenant to Makiodye Military Police for interrogation by Marella. Ojulong admitted that they were taken away before his enquiries were completed and Semiti of course said that he had no power to stop the Lieutenant from taking them away. The most disturbing aspect of this case is that it is impossible to say whether these six subjects had in fact participated in these celebrations as alleged or not. They may have done so but, at the same time, there is equally a strong possibility that they were all innocent.

W. .../...

do not know what the result of the so called inter-  
rogation by Marilla was. The Lieutenant was emphatic

This may be so and we think, in the absence of the DOB  
of Makindye which was not available and there being nothing  
else to contradict the Lieutenant's evidence, his  
evidence on this subject ought to be accepted. This  
will mean that these six unfortunate people were taken  
to Makindye, and as they have been missing since then  
without any trace or news, they must have disappeared  
during their detention at Makindye Military Police.  
The Military Police therefore will know how these people  
were dealt with but as far as we are concerned, we can  
only say that there is a very strong probability that  
all of them were unlawfully disposed of by the Military  
Police during their detention at Makindye.

251. Subject No. 227 - LIEUTENANT KIMTRI OKOT.

See Mubende Soldiers, p. 675.

252. Subject No. 228 - L/Cpl. YOBE NGEN.

See Malire Soldiers, p. 598.

253. Subject No. 229 - MAJOR JABUICHI OKELLO.

See Mubende Soldiers, p. 675.

254. Subject No. 230 - CAPTAIN GERESON OKELLO.

See Mubende Soldiers, p. 675.

Subject/...../ 434.

255. Subject No. 231 - BOB KENNETH OKETTA.
256. Subject No. 232 - J.O. APUDA.
257. Subject No. 233 - ANNA.
258. Subject No. 234 - Cpl. WARDER INSTRUCTOR OGWAL.
259. Subject No. 257 - SUPERINTENDENT OCHITTI.
260. Subject No. 258 - SSP. P.P. OKETTA.
261. Subject No. 253 - S.S.P. B.K. BAMWINE.
262. Subject No. 254 - S.S.P. L.W. OMECH.

- Witnesses: 348 Christine Grace Oketta - Part 4, p. 3581 - 3589.
- 379 Adoniya Ochieng - Part 4, p. 3892 - 3902.  
7, p. 6487 - 6490.
- 380 ASP Joseph A.A. Etima - Part 4, p. 3903 - 3914.
- 385 Justine George Onen - Part 4, p. 3945 - 3948.

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These subjects were all prison officers. Subject 231 was a Principal Officer at the Prison Training School. He was married to W. 348 who is a Prison Warderess and is now stationed at Gulu Prison. He had another girl friend Regina Namatovu. He has six children from W. 348 between the ages of six and 2½, of whom two are at school. From Regina he had three children who are now staying with their mother.

There was no direct evidence on any of the other officers. Subject 232 was an ASP of Prisons; Murchison Bay Prison. Subject 233 was a tailor instructor at the Upper Prison with No. 5461 C. I. Warder Instructor Ogwal.

Superintendent Ochitti was the Departmental Transport Officer and was stationed at the Prison Headquarters, where SSP. P.P. Oketta was also stationed.

SSP/...../435.



Senior Superintendent of Police Famwine was the Officer in Charge of Murchison Bay Prison and Acting Commander Buganda Region.

Chief of the Remand Prison, Kampala.

According to the evidence, there used to be a European prison officer, Humbley, who was attached to the Photographic Unit and was responsible for showing films at the mess. It seems that he showed a film of the former President just before the invasion, which led to his dismissal and also arrests of certain other prison officers.

On 25th September, 1972, at about 8.15 a.m. Adoniya Ochieng (W. 379), who is the father-in-law of subject 231 and was himself a Principal Officer, was on duty at the Prisons Training School. Etimu (W. 380) went to the Bank to cash some cheques. At about 8.15 a.m. W. 379 saw two vehicles enter the Training School. The leading car was a 999 Police car and behind it was a Zephyr car. In the Zephyr were four men in civilian clothes. Two of them came out and asked the witness for the Commandant, who was not in. The witness directed them to the Deputy and then saw the Deputy taking those two men to the office of his son-in-law. They came out with Bob Oketta and, after removing his stars of rank, they took him away in the Zephyr car.

W. 379 saw the Deputy Commandant, Mr. Ayerikeri, who said that Oketta was wanted 'somewhere'. When Etimu came back Ochieng reported to him about Oketta's arrest and he

was advised to wait until the matter was reported to the Prisons Headquarters.

Ochieng also informed Mrs. Oketta about the arrest of her husband.

Later that evening Oketta's brother Onen (W. 385), who was then in Nairobi on some official business of the East African Airways, received a telephone call from his brother Bob Oketta telling him that he had been taken to the Parliamentary Buildings where he was waiting for someone. He also told the witness that he was with Superintendent Ochitti and the other Oketta. Onen caught the next plane and returned to Kampala where W. 379 confirmed that her husband had been arrested. According to these witnesses some other prison officers were also arrested the same day. W. 379 mentioned Cpl. Ogwal, SSP Apuda and the tailor instructor Numa. W. 380 mentioned the names of SSP, Bamwine and SSP, Omech. The present Commissioner of Prisons, Mr. George William Sentamu, (W. 519), who at the material time was a SSP, and had been recalled from the Eastern Province for special duty at the Prisons Headquarters, testified that on 25th September, 1972, when he got to the Prisons Headquarters he saw three of his officers, namely, P.P. Oketta, Ochitti, and another called D. Odong being arrested by the Police and taken away in a usual Police car. He said that he saw this from the window of the Conference Room and maintained that the Policemen were all in uniform.

On 27th September, 1972, W. 380 sent his report about the arrest of these prison officers and some others to the Commissioner of Prisons - (Ex. 137(2)). Included in the various correspondence and lists which Mr. Sentamu produced,

is a letter dated 1st November, 1972 (Ex. 137(5)), addressed by the then Commissioner of Prisons, Mr. Alex Owar, to the Permanent Secretary, Ministry of Defence, Internal Affairs Division, and marked "For the attention of Mr. S.T. Awuyo". It is headed "Against the background of the information that have been arrested and those who have run away." The information being sent in that letter was in answer to the Minister's letter C. 10584/2 of the 17th October, 1972. The first part of the letter is in respect of 'persons reported arrested' and this includes all the subjects, except for Mr. Omech, and are stated to have been arrested on 25th September, 1971 by the Police. In part two of the letter which is for 'persons who withdrew from duty' is Mr. Omech, who is said to have deserted on 25th September, 1972.

There is no doubt that on 25th September, 1972, the Principal Officer, Bob Kenneth Okeita, was arrested at the Prisons Training School by four people who were in a Zephyr car and which was escorted to the school by a Police patrol car. There is also sufficient evidence to show that on the same day the other subjects, were also arrested and at least three of them were seen by the present Commissioner for the Prisons being taken away by policemen in Police uniform in a Police vehicle. Although we did not hear evidence about the arrests of the other officers we are relying on the information which the Prisons Department sent to the Ministry in their letter, Ex. 137 (5). As stated above, the information contained in this letter states that all these prison officers were in fact arrested by the Police. Were it to be that the responsible Prison Officer did not know about the identity of the people who arrested his colleagues, with whom we

are now dealing, we would have thought that the Commissioner of Prisons would not have stated categorically that the arresting agency was the Police; instead he would have stated that they were arrested by unknown people. We find that the mention of the Police as the arresting agency was deliberate and put in the letter after collecting all the relevant information about the arrest of these Prison Officers. We are, therefore, satisfied that all these seven prison officers, with exception of Mr. Omech, were in fact arrested by the Police. With regard to Omech, the official information is that he deserted his office, and we have not heard any evidence to the contrary.

No body had any useful information about where those prison officers were taken by the Police after arresting them but we think that there is sufficient evidence to show that they have been missing since then. There is the evidence of Mrs. Oketta that when she and Regina went to Makindye they were told by a Private that their husbands were at Makindye. There is a clear possibility that all these prison officers, except for Omech, were in fact taken to Makindye and this could have been easily checked from the D.O.B. of Makindye Military Police, which, as we have said time and again, was not made available to us. As they have been missing since their arrest by the Police it follows that the policemen who arrested them, and whose identity is unknown, must know what they did with their prisoners but the probability clearly is that all seven of them were unlawfully disposed of while in custody of Military Police, Makindye where Mrs. Oketta was told they were being kept.

263. Subject No. 235 - U.S. 4612 Cpl. ALFRED AYCO.

See Airforce Entebbe, p. 556.

264. Subject No. 236 - LEKOKO MULOGET.

Witness No. 350 Rose Akoko - Part 4, p. 3593 - 3599.

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The subject was a telephone engineer and was stationed at Gulu Post Office. He was married to Rose Akoko (W.350) and another woman. He has ten children, of whom six are at school.

Rose last saw her husband on Friday, 29th September, 1972, in the morning when he left for work.

At about 10 a.m. she sent her porter to fetch her husband's bicycle to take millet to the mill. The porter returned at 11 a.m. and reported that her husband had been arrested. She went to see her husband's boss. He told her, 'the army has arrested your husband' - p. 3594. According to her, the District Engineer repeatedly said 'these were army people'.

She tried to get assistance from the District Commissioner's office but was chased away from there; she did not go to the airbase as the situation was 'terrible' and she was scared. She described the situation 'terrific' because of the arrest of the husband and she feared that she too might be arrested if she went enquiring after him at the airbase. Her husband has not been seen since.

She said that the subject was insured. She has not applied/...../1/4/72

applied to court for an order to manage his property.

There was no eye witness to the arrest of the subject but we believe the subject's wife in so far as her interview with the District Engineer was concerned. From her evidence of the information to her, it would seem obvious that her husband was arrested by some unidentified Army officers who must have come from Gulu Airbase. This arrest came soon after the invasion of the country when the situation was indeed terrible. One cannot blame the witness for not going to the Airbase to make enquiries for her husband. We have no doubt that the subject has been missing since 29th September, 1972, and the probability quite clearly is that he was unlawfully disposed of by the unknown soldiers who arrested him from the Post Office.

265. Subject No. 237 - JOHN OKIDI.

Witness: 351 Joyce Okidi - Part 4 - p. 3599 - 3607.

The subject was the Deputy Chief Fire Officer, Kampala. He was married to Joyce Okidi (W. 351), now a wardress with the District Administration Prison, Gulu. They have four children between the ages of twelve and three. None of the children is now at school due to lack of money.

On 19th August, 1972, the subject went to Mulago Hospital and, during his absence at p.m., four people went to the Fire Brigade in a Peugeot car. They were

all in civilian clothes. They asked a fire officer, Otto, about the subject. On being told where he was, they went away towards the hospital. They returned thirty minutes

later. A fire officer called Odur, they went away towards Mulica.

Joyce reported this to the Chief Fire Officer and he promised to make enquiries. Later on Joyce was told that there was no information about his whereabouts. She also went to the Police Headquarters and was advised to wait at home. She stayed in Kumpala for another week and a half, after which she went to her village home. She said that her husband had a Taurus car which was under repairs in one of the garages in Lira. She took a cheque which her husband had earlier given her to Mr. Odyek, who found that the vehicle had been confiscated and taken away from the garage by the hire-purchase company.

Joyce said that she has obtained a court order to manage her husband's property but had not so far contacted the Insurance Co. about his life policies.

This is one of those unfortunate cases where, even though there is an eye witness, there is no useful information about the identity of the persons who arrested the subject and the particulars of the vehicle in which they travelled. These four people were in civilian clothes and were travelling in a four-foot vehicle. The identity of both remains unknown. We are nevertheless satisfied that the subject was arrested on 10th August, 1972, by four unknown persons and was taken away to an unknown destination together with another fire brigade officer called Odur.

266. Subject No. 238 - NICKOLA ODONGO.

Witness: 352 Julia Abwono Odongo - Part 4, p. 3608 - 3618.

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The subject was the County Chief, Omoro, in Acholi District. He was married to W. 352 and another woman and they have sixteen children between the ages of 24 and 1½. Before the subject disappeared, ten of the children were at school but now only three are, and the rest have left school due to lack of school-fees.

On 23rd September, 1972, W. 352 and the subject went to Gulu town. The subject dropped her in the market and started walking towards his car. The witness, who was following her husband, saw four people in civilian clothes grab her husband. They took him to a vehicle. The vehicle then drove away with her husband towards the town. She did not shout for help and the people also appeared very much confused. She waited near the car thinking that her husband would come back. She waited there for about seven hours but he did not return. She went home to report the incident to her relatives and went to the Police Station the next day. She was told that her husband was not there. Her statement was not recorded by the police. She then saw the Administrative Secretary of Acholi District Administration and he advised her to go to the D.C. She saw the D.C. on 26th September, 1972, and he rang up the Base Commander. He later told her that they did not know about her husband and that she should not bother them.

She went to the Army Barracks at the Gulu Airbase

on/...../1973.  
445.



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She went to the Army Barracks at the Gulu Airbase

on/...../1973.

on 27th September. She was with her daughter who, she said is a mature girl. Mrs. Odongo said, (p.3615):

"As soon as we arrived at the gate, my child started crying. When one of them saw the child crying, he asked why she was crying and she said she was crying because she was there."

After that they were asked to leave the place. She returned to the Administrative Secretary who advised her to be patient. Later the witness learnt that her husband's car had been taken to the District Administration Workshop as there was some leak left on it. In December, 1971, she was asked to vacate the official house.

She said that at about that time there were other people also being arrested in Gulu and she mentioned one such person, Simayo Oryem (Subject No. 296).

She has applied for an order to manage his estate. The witness said that her husband was insured but she has not contacted the Insurance Company.

Like the previous case, here too the wife of the subject who saw him being arrested did not keep a note of the car in which he was taken away. The only other evidence is the finding of the subject's car at the Army Barracks. The car had been left at the market overnight and when the witness returned on 25th September, she found it gone. If it was an abandoned vehicle, the most appropriate place where it should have been taken to would have been the police station. The fact that it was taken to the barracks from the market would suggest that the people who arrested the subject must have been Army soldiers. The identity of these people

is not known. The fact remains, however, that the subject has been missing since the 26th September, 1972, and for the reasons we have given the probability clearly is that the subject was abducted by the Mbuya Soldiers who arrested him.

267. Subject No. 239 - Sgt. MATIYO OPOK.

See Mbuya Soldiers, p. 565.

268. Subject No. 240 - H. 5525 Sgt. CONSTANTINO OMARIA.

See Mubende Soldiers, p. 675.

269. Subject No. 241 - Y. KORO ODI.

Witness: 356 Yunia Atto - Part 4, p. 3645 - 3653.

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The subject was a shopkeeper in Gulu town and was married to Yunia Atto (T. 356). They have six children, four of whom are at school and the other two suffer due to lack of school fees.

356 last saw her husband on 25th September, 1972, when she left him in the shop at about 8.30 a.m. to go to the market. She returned to the shop at about 10 a.m. and saw her husband being taken away in a blue car by four men.

She went to the police station but did not find the subject there in any of the cells which she inspected. She then went to the DC's office where a clerk told her that the matter was beyond their powers. She saw the Base Commander, Captain Eredit, who was their neighbour and the

following ..... 445.

following day he told her that, as her husband's arrest took place during his absence, not only was he not aware of it, he did not know where he was taken.

She went to the bank in order to get her husband's money, but was asked to wait for three years.

This is one of those unfortunate cases where the evidence is so scanty that it is virtually impossible to make any finding of fact. There is no evidence about the identity of the four people the witness saw in the car, nor did she care to take down the registration number of the vehicle. In the circumstances what we can say is that the subject was arrested on 25th September, 1972, by four unknown men and taken to an unknown destination. As he has been missing since then, we find that the probability is that he was unlawfully disposed of by the people who arrested him.

270. Subject No. 242 - Sgt. ALFRED OCEN.

See Airforce Entebbe, p. 556.

271. Subject No. 243 - MARTIN OKETTA.

p. 556.

272. Subject No. 244 - LUKA OKELLO.

See Airforce Entebbe, p. 556.

273. Subject No. 245 - WA 2287 Cpl. RUFUS ODWONG.

See Gulu Airbase, p. 577.

274. Subject No. 246 - SIMAYO ORYEM.

275. Subject No. 247 - MATIYA AKEMA.

witnesses/...../446.

- Witnesses: 359 Lucy Oryem - Part 4, p. 3673 - 3691.  
466 Jerida Adongo - Part 5, p. 5142 - 5152.  
467 Nekoniya Obote  
- Part 5, p. 5152 - 5181.  
472 Yowari Lawot - Part 6, p. 5259 - 5274.  
473 Yowari Lawot - Part 6, p. 5259 - 5274.  
488 W. 12648 Cpl. Ahmed Villa  
- Part 6, p. 5512 - 5577.  
491 W. 12686 Cpl. Safi Onrira  
- Part 6, p. 5659 - 5693.  
493 W. 15432 I/Cpl. Abdul Faskali Bondo  
- Part 6, p. 5705 - 5750.
- 

Simayo Oryem was the Administrative Secretary of Acholi District Administration. He was married to W. 359 and they have sixteen children, between the ages of thirty-one and four, eight of whom are at school. No application has yet been made to court for an order to manage his estate due to ignorance of the law.

Matiya Akema was mentioned by only one witness, Nekoniya Obote (W. 467). Akema was the manager of a cotton ginnyery. W. 467 only heard from some other people that Akema also had been arrested and W. 467 said that he has not seen him since. There is no other evidence on Matiya Akema and we are unable to say whether he is alive or where he is or what became of him.

With regard to Simayo Oryem, the evidence which we report briefly is as follows. On 21st September, 1972, he returned home at about 5 p.m. He refused

ten and told his wife (W. 359) that he was in a hurry as Musa Faraj (he has also been referred to by some witnesses as 'Pere' or 'Fere') wanted to see him, and promised to be back before 7 p.m. The subject drove away in his car and never returned home.

Musa Faraj lives in Igibi and opposite his home across the road are the premises of the West Acholi Cooperative Union. W. 467 used to work for this union and was occupying one of the servants' quarters. At about 8 p.m. he was cooking when he heard a human cry, "Fere, you are killing me for nothing. My blood will follow you." The witness said that the cry was also saying, "You called me here for nothing, only to trick me." The witness said that it was a dark night and he ran towards the direction of the voice, with the intention of offering any assistance that he could. On the way he met some people who were running away from the scene, and they told him that some nine people had arrested Simayo Oryem. The witness stopped near the bar which is about 24 ft. from the home of Musa Faraj. He saw a Landrover with about nine people in it and he also saw Simayo Oryem standing in the Landrover, crying. On seeing the Landrover the witness was frightened and he thought that Oryem might have been caught with somebody's wife and was being escorted to the Gombolola Headquarters. He did not proceed any further as he thought that he would be beaten up if he tried to intervene. W. 467 said in contradiction to his earlier testimony that it was a moonlit night, with half moon shining and, in the Landrover, he saw people in white shirts and some in red shirts. The front lights of the Landrover were on and although he could not see Oryem, he was lying down in the back portion of the Landrover.

Next morning W. 467 saw Simoyo's car in the compound of Musa Faraj, about 10 ft from the house and 14 ft from the bar. He also met the subject's brother, Lawot (W. 473), and narrated the incident to him. W. 473 sent to Lucy Oryem (W. 356), W. 467 told her that he had seen her husband being put in a small Landrover and mentioned the names of two persons as Ali and Onziga. This evidence was denied by W. 467 and also W. 473.

Lucy Oryem then went to the home of Musa Faraj. She said that there is no fence around the house and the bar next to it. She found her husband's car facing the home of Musa Faraj. She learnt that Musa Faraj had gone to the DC's office and she followed him. W. 473 also proceeded to the DC's office. They met Musa coming out of the DC's office and the DL, who was then Mr. Abbe (subject No. 294) and was to disappear later the same day, told them that Musa Faraj had reported that Simoyo Oryem had been arrested by nine people, six of whom were in Army uniform and three in civilian dress. The witness said that Mr. Abbe rang up the Army Barracks at the Airbase and, failing to get an answer he went to the Barracks. On return he told the witnesses that he had failed to see Oryem at the barracks.

Irene Abbe (W. 472) is the sister of Mrs. Oryem and she testified that on 22nd September, 1972, her husband Abbe rang at 9 a.m. to tell her about the disappearance of Oryem and Akem. Later he rang her again at 11 a.m. and told her that neither of the two was at the barracks and added that the man in the barracks, a soldier, had told him that he himself, that is, Abbe, was lucky as

he/...../449.

Next morning W. 467 saw Simayo's car in the compound of Musa Faraj, about 10 ft from the house and 14 ft from the bar. He also met the subject's brother, Lawot (W. 473), and narrated the incident to him. W. 473 sent a message to the subject's brother, according to Lucy Cryem (W. 396). W. 467 told her that he had seen the incident being put in a small Landrover and mentioned the names of two persons as Ali and Oniga. This evidence was denied by W. 467 and also W. 473.

Lucy Cryem then went to the home of Musa Faraj. She said that there is no fence around the house and the bar next to it. She found her husband's car facing the home of Musa Faraj. She learnt that Musa Faraj had gone to the DC's office and she followed him. W. 473 also proceeded to the DC's office. They met Egan coming out of the DC's office and the DC, who was then Mr. Abbe (District No. 294) and was to disappear later the same day, told them that Musa Faraj had reported that Simayo Cryem had been arrested by nine people, six of whom were in Army uniform and three in civilian dress. The witness said that Mr. Abbe rang up the Army Barracks at the Airbase and, failing to get an answer he went to the barracks. On return he told the witnesses that he had failed to see Cryem at the barracks.

Irene Abbe (W. 422) is the sister of Mrs. Cryem and she testified that on 2nd September, 1972, her husband at 9 a.m. rang her to tell her about the disappearance of Cryem and Akere. Later he rang her again at 11 a.m. and told her that neither of the two was at the barracks and added that the man in the barracks, a soldier, had told her that he himself, that is, Abbe, was lucky as

h./...../448.



he too was supposed to have been arrested, but as he was hard working he had been allowed to go. Abbe told him wife that he was planning to go to Kampala to see Your Excellency about these arrests.

On 23rd September, Oryem's mother (W. 466), an old lady of 90, and his brother (W. 473) saw Musa Faraj. The old lady asked him about her son and she said - (p.5144):

"He said why have you come to disturb me. Then my daughter asked why Fere was quarrelling. He said he was on the right hand of God and told us to go back home and we should come back the next day because he was going to the garage to see something about the vehicle."

Later, on, the old lady said that the reference to the garage was in fact barracks where Musa Faraj promised to check for her son. W. 473, however, denied hearing anything about 'the right hand of God'. According to him this is what happened - p. 5265:

"Musa Faraj answered in a hot tempered manner that he did not know anything about Simayo Oryem, Jerida should not disturb him about Simayo Oryem. Then Erina Ayako came in, she told Musa Faraj that you were a big man don't quarrel, Jerida is only wanting to know where her child was, she can see his car in front of your house. Then on hearing that Musa Faraj cooled down. He said I think your child is alive. While demonstrating by knocking his head, he said he will be going to find out where her child was."

The old lady also saw Musa Faraj striking his head with his fingers, when telling her that he would go to the barracks to enquire about her son. On being asked to repeat what Musa Faraj had said upon being asked about her son, W. 473 said (p.5270):

"that/...../450.

"That when asked Musa Faraj said that he did not know where our child is and when your child disappeared I was praying; you know that we pray even at night, and we pray for the safety of our hands."

Benjamin denied hearing anything being said about the right hand of God.

When these people returned to his home the following day, they found that the house was locked.

The three intelligence officers, that is, S. 488, S. 491 and S. 493, denied any knowledge about the arrest of Simayo Oryem.

From the evidence, it seems obvious that near the house of Musa Faraj is a bar and it seems like that there is only one entrance leading to his home and the bar. According to Lucy Oryem, her husband left home at around 5 p.m. in great hurry to go to see Musa Faraj. It was about three hours later that, S. 467 allegedly heard the cry mentioning the name of Musa Faraj. There is an obvious contradiction in the evidence of Lucy Oryem and this witness in that the former stated that S. 467 mentioned the names of Ali and Onzira, which the latter denied. S. 467 found S. 467 rather unsatisfactory. At first he said that the night was dark but later said that there was moonlight. He said that the people running away from the scene told him that Simayo Oryem had been arrested by nine people. On seeing the handcuffs he stopped at the bar and said that in the light of its bright lights he was able to see five people sitting in the street.

the /...../421.

This sounds most unlikely, and we find his conduct after the Landrover had gone difficult to reconcile with his initial urge to offer assistance to Oryem. He does not seem to have done anything whatever, not even to go to the police to report. There is also the evidence of Simayo's brother, W. 473. It will be recalled that certain discrepancies are apparent in his evidence and that of his mother with regard to their interview with Musa Faraj on 23rd September, 1972. According to him Musa Faraj told them that Simayo Oryem was taken when he was praying, but offered to go to the barracks to find out. There is also the evidence that Musa Faraj went to report to the DC about Oryem's arrest and it is manifest that if he were in any way implicated in the arrest of Simayo Oryem, he would have been the last person to go to report.

Upon a general reappraisal of evidence, we are of the opinion that the evidence of W. 467 is not wholly convincing and we take the view that, being a coward as he claimed to be, on seeing the Landrover and on being told about Oryem's arrest by those running away from the scene, he also returned to his home, and finding Oryem's car near the home of Musa Faraj the following day he tried to embellish his testimony by introducing the human cry which he allegedly heard. From the evidence of Oryem's brother, we are satisfied that Musa Faraj was not involved in the arrest of Oryem but only offered to assist in looking for him.

The result is that we find that Simayo Oryem was arrested from near the home of Musa Faraj by nine people

was found missing from his bed.

His brother, W. 366, said that the subject had been mentally disturbed for about three days during 1973. He had not been treated but had gone back to work after three days. He said that he did not look for him at any mental institutions, except for looking for him at his village home and announcing his disappearance on the radio. His disappearance was also reported at Masindi Police Station.

The subject shared a room with four or five other teachers. From the evidence of his brother it seems that he had a mental history and, in view of whatever little evidence we have, it seems probable that during the night of 16th January, 1974, he had suffered a relapse and while the balance of his mind was upset walked out of the dormitory never to be seen again.

277. Subject No. 249 - CAPT. JOHN WELUKUSANGA.

See Army Headquarters, p. 561.

278. Subject No. 250 - GEORGE WILLIAM KAYEMBA.

Witnesses: 370 No. 3423 Det/Cpl. Mulekwa

- Part 4, p. 3778 - 3781.

371 Det./AIP Constantine Okot

- Part 4, p. 3782 - 3795.

378 Charles Musisi- Part 4, p. 3885 - 3891.

449 Mada Nakarwagi- Part 5, p. 4842 - 4850.

451 Joyce Nassiwa - Part 5, p. 4858 - 4886.  
p. 4996 - 5011.

.452/...../454.

- 452 Hajjat Joweliya Nabawesi - Part 5, p. 4886 - 4906.
- 456 George William Lutaya - Part 5, p. 4938 - 4975.
- 457 ..... - Part 5, p. 5032 - 5070.
- 463 Edward Jjuko - Part 5, p. 5070 - 5082.
- 483 Dorothy Kayiba Myakatta - Part 6, p. 5409 - 5421.
- 504 Major Gen. Francis Nyangweso  
- Part 6, p. 6012 - 6019.
- 535 Capt. Kiryona Naggasi - Part 7, p. 6649 - 6677.  
6760 - 6761.
- 538 John Baptist Mujuzi - Part 7, p. 6756 - 6760.
- 539 Rexide Mukasa - Part 7, p. 6784 - 6791.

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The subject was working as the executive officer of Buloba College. He was married to Nana Nakanwagi (W. 449), but the subject's sister, Joyce Nassiwa (W. 451), described her as his girl-friend only. The subject was said to have separated from his wife and had ten children; three from his wife and seven from other women. Some of these children are now at boarding schools, some with their grandparents, some with the subject's elder sister, Hajjat Nabawesi (W. 452), and other women. Some of these children are now at boarding schools, some with their grandparents, some with the subject's elder sister, Hajjat Nabawesi (W. 452), and others with their mothers.

The subject had a light-green Peugeot 204 car, No. PYY 425. According to W. 449, the subject went to see her at Matete in his car on 28th May, 1973. This evidence contradicts the rest of the evidence, particularly with regard to the subject's car which

to have been stolen soon after the middle of April, 1973.

Dorothy Nyakatto (W. 483) is a teacher at Buloba Collere, whose Director was Charles Musisi (W. 378). Musisi went away to Nairobi on 14th April, and returned on 29th April, 1973.

Christopher Mwonje (W. 462) is the subject's brother-in-law and he testified that sometime in April the subject told him that his car was stolen the previous night in Kololo area during the time when he had gone to fetch a mechanic to repair the car which had broken down. W. 462 gave him a lift to Jinja Police Station where the subject reported the matter and also made his statement, which is dated 19th April, 1973. Accordingly the car must have been stolen on 18th April, 1973. W. 462 then took the subject to his Insurance Company and the subject rang up the college. According to W. 483, who seems to have received the call, the subject told her also that his car was stolen the previous night.

On the same day, that is, the 19th April, three men went to the collere in a car. Two of them asked W. 483 about the subject. She told them about the theft of his car and they left a message for the subject - "Your friend George William of E.A. Community wanted to see you and will come back on Saturday." Later when she passed on this message to the subject he denied having any such friend. The same two men returned to the college on Tuesday after Easter and, on being told that the subject had not been on duty since the theft of his car, they promised to come back in the afternoon. Instead, they returned on the 25th April when one of them was armed.

... 483 met them on the way to her office with the typist  
Rexida Mukasa (C. 539) and they told her, "Miss Nyakatto,  
come and produce Mr. Kayemba." They went to her office  
where the man who was armed asked for the subject's

Then the man produced a paper containing the names of  
the employees of the college with the subject's  
signature. She told the man that the signature was of  
Kayemba, whereupon he replied - (p.5417):

"Then he answered yes, we found this  
in his car. We have found his car.  
Will you tell him to go to Makiodye  
to answer some few questions, and then  
his car will be given to him."

As Kayemba never returned to the college, she did not tell  
him about this incident.

About three days after the return of the director of  
the college from Nairobi on 2nd May, 1973, two men went to  
see him about the whereabouts of the subject who, accord-  
ing to them was required for making a statement about his  
car which was in the custody of the Military Police,  
Makiodye. The director told them that he did not know  
where he was and was himself interested to know of his  
whereabouts because he had the safe key with him. When  
the director reported this to the Chief Inspector of  
School, he was advised not to associate himself with the  
subject who was considered to be 'dangerous'.

About this time Kayemba rang up Lutaya  
(C. 456), an accountant with Drapers and an old friend,  
and told him about his car which had been stolen. They  
talked on the telephone and the subject gave him the  
details of the theft. Lutaya waited for the subject

to turn up again and on the third day he rang up his office at Buloba College and was told that the subject was not in and some people had been looking for him. A few days later, the subject dropped in at Lutaya's office and asked him to meet him at a private drinking place, about 3½ miles on Entebbe road. Lutaya went with his friend Semu Kanakulya to keep the appointment, when the subject told him that he had moved from his home to another place as some armed people were looking for him at his home and office. He told the witness that he had learnt that his car was at Mukindye and wanted Lutaya to find someone in the security forces to help him to locate the car and tell him who took it there and why.

With the help of another friend, Daniel Ndaula, W. 456 met Edward Jjuko (W. 463), an office messenger in Your Excellency's office. On being told of the nature of the mission, Jjuko promised to help.

At about this time, Lutaya received a letter from the subject dated 2nd May 1973 posted from Tororo (Ex. 115). He was enquiring how far Lutaya had gone and asked him to contact his sister, Joyce, in case he had delivered anything fruitful.

Jjuko saw one called Agi in the same office about the subject's car and Agi asked for the registration card of the car. Lutaya sent a message to Joyce through Muwonge for the card and, some five days later, the subject himself delivered the card to Lutaya. Lutaya also received a second letter from the subject, this time posted from Bombo and dated 14th May, 1973 - Ex.116 - (p.4963):



"How is life, it is good that Lord God is keeping me up to this time, it is true that there is nobody who can cure death except sickness; and it is the same that nobody can bring death except God, therefore, I am still here."

My friend since we separated, I have never heard of you, and I would be very pleased if I get a letter from you, just a letter from you, and where I am at the moment, even if I get the letter, it looks to me as if I have received a visitor. Hal my friend this world is very difficult, to convince somebody of death because of this nonsense or useless little thing because trivial matter. I am surprised how this young man alleged that I was a guerrilla, a murderer.

I remember that we had talked about that gentleman, I do not know where it stopped, I think even Makinda's case there, if you could write a letter and give it to that child Joyce, she can find ways of delivering that letter to me, as I do not know how this thing will go on, it is only God who knows, I have got some problems which I would or want you to help me with, this is domestic rather, in certain cases. This I shall tell you when I have heard from you.

Hal my friend, you must pity me about my children because I do not know how they are, I do not know whether you have understood about her father being about to die. I have received the information that although he was discharged from hospital, and took him home, but his condition of health is very bad, anyway, I do not know when God shall allow us to meet, but I am cork sure that we shall meet very soon, may be we shall have a bottle of bull together. Alright, may the lord God be with you !! This time he did not sign."

Jjuko collected the registration card and gave it to Gpi. Later four men came and asked Jjuko about the owner of the car. He took them to Lutaya who explained them how he got the card and told these people also that Kayembe was in hiding. These

people said that the government was trying to help him as well as the subject and asked Lutaya to take them to the subject. He went with them in a 504 car to Kololo Secondary School where Joyce worked but found that she had already left. He then decided to check up with Muwonge who denied any knowledge about where the subject was. But now those people asked Muwonge to go with them to Makindye for a statement. They were taken to Makindye where Lutaya was pushed and beaten and was told by somebody big that they wanted a statement from him about the whereabouts of the owner of the car. He was threatened to be kept in the cells overnight to make him disclose the truth. He offered to try again and was allowed to go away in the same car with those people, leaving Muwonge behind.

Lutaya saw Joyce who took them to her elder sister, Juliana's (v. 452) home. There, Lutaya met the subject and talked to him privately in the absence of both sisters. Lutaya said that the subject agreed to go with him and Joyce accompanied them in the same car. Both of them at first said that Joyce left alone about twenty minutes of the departure of Lutaya and Kayemba. But after Lutaya's evidence, and when Joyce was recalled, she admitted that she had told a lie and explained that this was due to fear before going to the Parliament Building to give evidence. However, they were all taken back to Makindye and kept waiting for some time. Later they were asked to go away and told that they would be contacted if they were required any more. Then Kayemba got up to leave the same big man told him - (p.4952):

"Mr. Kayemba/...../460.

"Mr. Kayemba, how is it that you are going. We have been looking for you. Now that I have brought you here what if our boss comes and asks for you, what are we going to tell him. He is coming to take your statement anytime."

allowed to go away and the subject, who was left at Makindye, has never been seen again.

According to Muwonge, this happened on 8th June, 1973, and Joyce also seemed to remember the same date. Mada Mukanwari said that some strangers - two men and two women - told her also that her husband was arrested from the home of W. 452 on 8th June, 1973. She said that on 9th November, 1973, she saw her husband's car near Nakasero Market and reported this at the **Central Police Station**. It may be pointed out that Joyce also spoke of having reported the disappearance of her brother at Kawempe Police Station but she was very uncertain about the date when she reported. However, on 14th November, 1973; Detective Corporal Mulekwa (C. 376) was handed CRB 4396/73. The Corporal checked with the Registry of motor vehicles and found that the vehicle was registered in the name of Kayemba. He started looking for the vehicle and on 14th December, 1973, found it in Nakasero car park. He arrested the driver and took him together with the car to Central Police Station. The driver said that the car belonged to Captain Ngusi (C. 535) who was contacted. The Captain came and claimed the car to be his. He was handed over to the officer in charge.

On and January, 1974 100/111/1000 (C. 376) was

summoned into the office of the Regional Police Commander, Mr. Adroa where he found Captain Magasi and also the Deputy Commissioner of Police Mr. Toweli asked him why he was not releasing the car to the Captain. This surprised the Assistant Inspector because he knew nothing about the car. Mr. Adroa handed him two photostat copies of letters, one was a letter dated 22nd October, 1973 signed by Major General Francis Nyangweso addressed to the Licensing Officer (Ex. 89) and the other was an agreement of sale regarding the subject's car (Ex. 88 and 147). The witness said that he had no power to deliver the car as he did not have the case file and his superior officer was not available to deal with the matter. He went to check with the file and found that Inspector Muwonge, who was dealing with the file, was not present. He returned to the Regional Commander and asked to be given time till the following morning, but Mr. Toweli instructed him to hand over the car to the Captain not later than 9 a.m the following morning. On the following day the Assistant Inspector found the Captain waiting for him and, after seeing the second in command, CID, Mr. Ochera, released the car to the Captain. The Assistant Inspector, who has been a police officer for eighteen years said that it was not proper for any police officer, no matter how high-ranking he might be, to release something which might be an exhibit in any case. He said that as the police were investigating a case of kidnapping he felt that the finding of the car of the victim was very relevant to their investigations, which would have become much easier. Ali Toweli (T.508) did not

remember going to the Central Police Station with Captain Muralidhar, while denying instructing any police officer to release the Captain's car of which only the  
it was improper to release the car pending investigations.

Captain Muralidhar stated that he first came to know Kayamba on 15th March, 1973 when he went to his home in 10/11A Avenue and offered to sell him his car for Shs. 35,000/-. The Captain said that he needed a car at that time and negotiated the price with the subject. The deal was closed at Shs. 25,000/- and he asked Kayamba to come back on 20th at Makiyaga for the money. And Kayamba went to Makiyaga on the 20th March, 1973 at 4 p.m., they signed an agreement for sale after which he handed him the money and Kayamba gave him the keys and the registration card. This agreement is not dated and, after setting out the name of Kayamba and his address, reads:

"To whom it may concern.  
Vehicle YY 425 - Engine no 234  
The above mentioned vehicle was  
sold to Mr. Kilyona Muralidhar of  
P.O. Box 3384, K'L. by the above  
address car at Makiyaga Military  
Police at the price of Shs.  
25,000/- cash. In words, twenty  
five thousand only.

Signature of Mr. G.J. Kayamba

Signature of Mr. Kilyona  
Muralidhar.

Signatures of witnesses are set out as follows:

Signature of P.O. David Mwan

Signature of Sgt. Sami Biimbo."

The Captain said that he could not read but could tell that this agreement did not have a date. He explained that the witness and he of the club typed it out.

He went on to say that soon after buying this car he met with an accident and the car was under repair. Also he did not have sufficient money, amounting to Shs. 210/=-, to register the transfer of the vehicle into his own name. He went on to explain further that another factor to delay registration of the transfer was that Kayemba who had promised to return the following day with the transfer forms did not come and he said - (p. 6675):

"I gave him that money at about 4.30 p.m. in the afternoon and after getting the money he told me he would come back the next day with the transfer form, he never turned up."

He said that it was unusual for a buyer not to insist on the transfer form at the time of the payment of the purchase price. However, according to Ex. 89, it was not till 22nd October, 1973 that the Minister of Defence, Major General Nyangweso authorised the Licensing Officer to register the transfer of this vehicle. The Registrar of Motor Vehicle, Mr. Nsubuga Kyajusa (N. 42), confirmed that the transfer was completed on the strength of Ex. 89 which was attached to the form applying for the transfer - Ex. 153 - which seemed to have been signed by the previous owner, Kayemba. This witness also produced another form signed by Kayemba dated 6th October, 1971 - Ex. 154 - and said that the signature on Ex. 153 was different from that on Ex. 154.

The Captain was shown Exhibits 94 and 94a bearing the subject's signature. These two cards were produced by the Director of the college and the Captain admitted that the signature on the agreement Ex.147 differed from that on the two cards.

The typist, Rexida Mukasa (No. 359), handed over some four letters which had been written by Kayamba, that is Exs. 163, 164, 165 and 166 to Mr. Mubisi (No. 358) for comparison. Mr. Mubisi is the Government handwriting expert with an experience of about 10 years. He also had the subject's statement to the police dated 9th April, 1973 and he compared the signature of the subject appearing on these five documents with the signature appearing on Ex. 147, that is, the agreement of sale. He expressed the opinion that the signature on Ex. 147 is not the same as on the other documents. On seeing Ex. 94, he was of the opinion that it had all the qualities which he had observed in the signature on the four letters and the statements. Regarding Ex. 94, he said that, as the signature was in a very restricted space, he could not express any opinion without a thorough examination.

The Captain also said that, after the car had been seized by the police, he was asked to produce all the documents and when he returned to the police on the second occasion after two days, he met Ali Toweli at the Central Police Station and was taken into the office of the Regional Police Commander where he ordered the release of the car.

There is no doubt that the subject, George William Kayamba, was the registered owner of Peugeot 204, UYY 425. There is ample evidence to indicate that this vehicle was stolen from Kelolo area on the night of 18th April, 1973, during the time when Kayamba had gone to fetch a mechanic to repair it. They then have the

evidence of certain people going to his place of work on the very next day looking for him. According to witness No. 483, it was on the 25th April, 1973 that one of the men, who went there again looking for the subject, produced a document bearing the subject's signature, which is said to have been recovered from the subject's car and a message was left to tell Kayemba to go to Makindye, answer a few questions and collect the car. This evidence indicates that the subject's car was in fact taken away to Makindye Military Police on the night of 18th April, 1973. Why it was taken by the Military Police is not very clear, except for the subject's comment in his second letter dated 14th May, 1973 (Ex. 116) where he referred to some young men who alleged that he was a guerilla and a murderer. Nevertheless, there is then the evidence of his approach to Lutaya culminating in their being taken to Makindye together with the subject and Joyce. We appreciate that both Joyce and her elder sister tried at first to suppress this evidence and it was not till after Lutaya's evidence which Joyce heard that she finally came out with the truth. It may be said that Joyce was unreliable as a witness but even if so there is clear evidence from Lutaya and Muvonge about Kayemba being taken to Makindye Military Police. We are satisfied also that, whereas the others were asked to go away, Kayemba was kept behind allegedly for his statement. We are satisfied that Kayemba has been missing since 18th April, 1973 when he was last seen by Lutaya, Muvonge and his sister Joyce at Makindye Military Police.



One of the interesting aspects of this case is the Captain's evidence that Kayemba should have gone to his house by himself offering to sell his car. Another inter-

15th March, 1973 and the transaction completed on 20th March, 1973, when there is evidence that the car was with Kayemba throughout till 15th April, 1973, when it was stolen from him. If the subject had in fact handed the car to the Captain on 20th March, 1973, as maintained by the Captain, then it would follow that the car could not have been stolen from Kayemba on 15th April. This confusion can best be resolved by looking at the paper exhibits bearing Kayemba's signature. First of all, we have the two Security Fund Cards, Ex.94 and 94a, and then the four letters signed by Kayemba during the course of his duties as executive officer of Fuleba College. That is Ex.163, 164, 166. There is also a form signed by him, Ex.154. The signature in question appears on the agreement for sale, which was allegedly signed by Kayemba on 20th March, in the presence of Captain Mwasil. Captain Mwasil admitted that the signature on Ex. 147 was not the same as the signature on Ex.94. This indicated that even to the naked eye and to a layman, the signature on Ex. 147 was not that of Kayemba. And this was subsequently confirmed by Mr. Mujuzi, the experienced handwriting expert. There cannot thus be any doubt that the person who signed Ex. 147 was not Kayemba. The Captain seemed to suggest that a person can change his signature, we are not persuaded by this argument and, in view of the expert's evidence, which we accept, and let us say also that the Captain himself admitted that the signature on

Ex.147/...../467.

Ex. 147 was quite different, we find that it was not Kayemba who signed Ex. 147. Proceeding further, we find that it is again not Kayemba who signed the transfer form Ex. 153. Here again the evidence of the Capt in is suspect, in that he said that he was not given the transfer form at the time he paid over the money to the vendor and that the vendor never came back again. If that was so, we fail to see how somebody claiming to be Kayemba would have signed the transfer form dated 23rd October, 1973. The Captain's evidence is again suspect because the rest of the evidence suggests that immediately after the theft of his car in April, the subject went into hiding on learning that some armed people were looking for him. The most odd thing about the Captain's evidence is that, although he is alleged to have bought this vehicle on 20th March, 1973, it was not till 23rd October that he managed to get the transfer registered into his name. We do not accept his explanation that the delay was partly due to the fact that he did not have the transfer form, and partly due to the fact that the vehicle was involved in an accident. The Captain of course stuck to his evidence up to the last and throughout maintained that he bought this car from a man calling himself Kayemba, who was the same person who signed Ex. 147. It seems to us that either the Captain was hoodwinked by someone claiming to be Kayemba or the Captain himself fabricated evidence to make his ownership of the car genuine. We do not think that the first possibility applies to him for the simple reason that the evidence which we accept is that the car was in Kayemba's possession till 1st April, and as such nobody would have gone to the Captain to sell it so much earlier.

The evidence subsequent to the theft of the car indicates that someone at Makiodye, where the Captain also worked, saw very close to the car of the car and saw the car at a distance to the subject's place. It was by people looking for him. We think that it was a coincidence that the subject himself was arrested when trying to find an answer to the question, why the car was taken to Makiodye and by whom. His approach to Lutaya seems to have initiated the subsequent events, culminating in his arrest and detention at Makiodye. It is of the opinion that Captain Morsel is extremely inclined to a very large extent in the subject's arrest at Makiodye and we think that this was due primarily because of the car. It is not without cause or interest that the Captain should ask "WHO BROUGHT THIS MATTER UP?" - p. 476.

The subject was never seen again after 14th June, 1977, as he was last seen alive at Military Police, Makiodye, where of the opinion that he never came out of that place. In other words, he disappeared while in custody of the Military Police Makiodye and the authorities of the Military Police ought to know how he was dealt with. As far as we are concerned, we think that the probability clearly is that he was unlawfully disposed of while still in custody of Makiodye.

176. CONFIDENTIAL

Reference: 473. File July 1977 - Part 4 - 4795 - 3820.

Information by direct witness on the subject.

176. .... 176.

Miss Atim mentioned him while giving evidence about the three agricultural officers of Gulu, that is, Subjects No. 102, 103 and 104. She said that when she and Mrs. Okumu were taken to the Army Barracks at Gulu Airbase she saw Oyat, who was her relative, under custody together with another man. After she had been released she learnt from Oyat's relatives that he went to town on the same day, that is, 27th September, 1972, and never came back. She said that it was not her duty to find out whether Oyat had been released or not.

Accepting Miss Atim's evidence we can say that Oyat was last seen in custody at the barracks of the Gulu Airbase on 27th September, 1972. If he has disappeared, the probability is that this happened during his detention at the Airbase, for which the Officers concerned would be responsible.

280. Subject No. 252 - IMASA.

Dealt with Subject No. 77, p. 223.

281. Subject No. 253 - SSP (PRISONS) BANWINE.

282. Subject No. 254 - SSP (PRISONS) OMLAH.

Dealt with Subjects No. 227 - 234, p. 433 - 434.

283. Subject No. 255 - JAMES BI. MSE.

Witnesses: 363 Erica Olin. - Part 4, p. 3914 - 3921.

443 Naman Rubanga - Part 5, p. 4723 - 4728.

444 Augustine Lukwale Mugoda  
- Part 5, p. 4728 - 4741.

447 SP Joseph Chura  
- Part 7, p. 6677 - 6689.

407 ...../470.

207 - B. 2643 Col. Salomo Salujo Gali

- Part C.p. 6057 - 6059.

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The subject of this report is a former police officer, No. 381, formerly attached to the ... It was discovered that he had been dismissed from the Police Force.

His father (No. 381) said that the subject was not married but had a girl friend with whom he has one son.

No. 381 said that in August, 1973, a Government vehicle from Haguru took the subject to Jinja and he was then given a bus warrant to go home. He said that his son was given a raincoat, books of law, and some carbon papers, and was posted at Kumbya Gombolola Headquarters.

The County Chief of Lusuka (No. 453) said that he met the subject when was touring his county, and the subject told him that he was a police officer whose mission was to reduce overcharging and hoarding.

On 2nd August, 1973, the subject went to the Gombolola Headquarters, Kaituma, where the Muluka and Batoropole chiefs were meeting the Gombolola Chief. The subject said that he was a police officer and has come to enquire about the people who were overcharging. The Gombolola Chief gave him an Askari to work with and some people were arrested by the subject. Later these people were released by the subject. He worked in the ... until 5th August, 1973. After he had left, some people complained that he had taken bribes from them. The Gombolola Chief sent a letter reporting this to Gombolola Chief, Busaba, where the subject was supposed to be, he was arrested. He was then taken to County Headquarters Lusuka.

470...../471.

At about this time the Administrative Officer of Nagamaga Ordnance, Captain Akin, received a report from a Muluka Chief that a man was harrasing people in his area and confiscating their property. The Captain instructed W. 507 to bring this man in. The Cpl. went to the county headquarters where he found the subject under arrest. He took the subject after signing in the book and produced him before Captain Akin. After interrogation the Captain asked the Cpl. to hand him over to the police which the Cpl. did.

According to the police records a report was received at Jirja Police Station on 15th August, 1973, against the subject of assault, wrongful confinement and theft of Shs. 100/- and the complainant was a man called Beneteta Mitama. On the same day Captain Akin of Nagamaga Ordnance also reported the arrest of the subject on charge of alleged corruption. The first report was made at 1400 hrs and the second, which was registered as CRB/SD/21/15/8/73, at 1530 hrs. According to Minute No.2, the first report was registered as CRB/971/73 and the subject was by then already in the police cells. On the following day, 16th August, 1973. Emuron gave directions in Minute No. 4 inter alia to take the subject to Court, if there was any evidence against him. Minute No.6 of the same date reads:

"B4 (this is the Minute made by Emuron) noted but the accused is not to be taken to Court yet as he is to be taken to PSU for trial for H.M. of PSU questioning the accused on the charge of corruption and false statement."

This Minute was made by a B/W whose signature is not decipherable. This minute is on the file which was opened upon the complaint of Captain Akin. It seems that the file

and the ... were then forwarded to Mbaruru as confirmed by  
... Obura (p. 97), who admitted writing Minute No. 5 of  
16th August, 1972, on the Police file JINJA ... 743/73

"I return herewith this file for your  
filing away. The accused person has  
been dealt with - accordingly, ordered  
by the Head of ISB."

Mr. Obura said that Mr. Ali Toweli interviewed the subject  
when he arrived at Mbaruru. It was then found that he had been  
dismissed from the Force and that he had not been sent by  
Mr. Toweli on duty as he claimed. Mr. Obura continued  
(p. 6677):

"On checking we found that this man had  
nothing brought with him as an exhibit and  
there, Mr. Ali Toweli ordered for this man  
to be released. So, that man was set free  
and went away".

Mr. Obura denied a suggestion that he and Mr. Ali Toweli  
had interfered with the investigations of Jinja Police and his  
reason for saying so was that the subject had been arrested by  
the Army men who had demanded that he be taken to Mbaruru.  
Mr. Obura further agreed that it would have been proper for  
the Jinja Police to go ahead with their enquiries to find out  
whether the subject had committed any offence and to take him  
to Court, and he continued (p. 6679):

"But according to what Mr. Ali had found  
out that this man, he did not send him  
that way, his interest was only to find  
out that man; his interest was only to  
know the man. After he found out that  
he did not send him that way then he  
decided there and then, and then released  
the man."

Later on, he went on to say that what Mr. Ali had said was  
(p. 6681):

"O.K. this boy is small, let him go, I  
think, what he was doing he didn't intend  
it."

Mr. Obura again admitted that at the material time there were many cases of personation and the Government was making statements disclaiming any responsibility, but he clung to what he had said earlier about the decision taken by Ali Towali. He also agreed that corruption is a serious case and advanced two reasons for setting the man free. The first was that he had been released by the Jinja Police, which he corrected when his attention was drawn to the fact that the subject had been brought to Nacuru under custody.

The second was again what Ali Towali had said, but he now put it this way (p. 663):

"Yes, number two, Mr. Ali, I think, became too lenient to this man because, the man, before he went out, was working with him. So at that point he said, Okay, I think, the boy did'nt intend on what he has been doing and the reason why Jinja have sent this man here, may be they do not want this man back there again. So, he said, 'I will release the boy and let him go.'

Mr. Obura said that although the man had been sent under custody from Jinja Police Station his instruction was just to release him and he could not have gone 'outside' that instruction by sending the man back to Jinja.

Mr. Obura was asked what he meant by his comment that the accused had been 'dealt with'. He said that he meant by that expression what he was now 'translating' it to mean that the man had been released. He agreed that the expression 'dealt with' was pregnant with many possibilities. He steadfastly held on to his view that the man had been released. He was asked by the Chairman why he did not put the word 'released' in



the minute book is as follows (p. 668):

"Witness - Did not get it but saw  
I am translating and I had written  
them."

about the war in 1941, he said that he might have for-  
gotten. He was told to get the order given by Ali  
Tow li was no where to be seen in the file. He said  
(p. 668):

"Yes, it is not there. I know, but it is  
now what I am telling you, Sir."

It is obvious from the reports made against the  
subject; the first was about the alleged successful con-  
fession and the second about corruption which was reported  
by Captain Akim. On the first report it seems that the  
police had done quite a lot of work and a number of state-  
ments had been recorded. According to the minutes on  
the file, we are satisfied that the Public Safety Unit  
of Naguru had asked the subject to be transferred to them  
with the case file. Mr. Gurney admitted to the subject,  
who had once worked at Naguru and had been facing  
serious charges. If Mr. Gurney, a law man, was  
surprised at his lack of loyalty to his superior officer,  
he would have any one, who might have the opportunity of  
going through the evidence and these comments to believe  
that his superior officer took a completely fair view of the  
subject because Mr. Gurney was an ex. police officer who had  
worked with Ali Tow li and Mr. Gurney. It is felt that  
the subject had not intended to do what he did. Both  
statements do not mention how Mr. Gurney felt that the  
investigation carried out by the police was not  
sufficient to justify the subject's trial in court.

It is again astonishing to hear an experienced Police Officer like Mr. Obura say that Ali Toweli's action in dealing with the subject the way he did was not interference with the duties of Dinga Police. We think that this action was not only a direct interference but a deliberate **abuse** of authority and misuse of duty vested in Ali Toweli. It was also thwarting the orderly and regular process of the law and a fair trial of the citizen as guaranteed by the Constitution. Perhaps both Obura and Ali Toweli felt that, by their summary action, they were favouring the subject. It seems favouring to the unfortunate subject; indeed, he is to be found to be able to come forward and tell us about all the favours and the compassion bestowed upon him by these two Senior Police Officers!

Mr. Obura was content with 'translating' his comment 'the accused has been dealt with' to mean that he had been released. A person with the slightest knowledge of English language would appreciate at once that this phrase 'dealt with' is indeed pregnant with many possibilities. We should think that even a XVII student in this country would be able to say that the phrase 'dealt with' cannot be equated with 'released'. The minute which Mr. Obura put on the file does not even say what the instructions of Mr. Toweli were. Like everybody else, he knows that it is always easy to be wise after the event and we are sure that he must have realized that what he was then trying to 'translate' was a desperate attempt at creating something out of nothing. He knows that no one would give the slightest credence to his explanation, which we reject with the utter contempt that it deserves.

What the police file and Mr. Obura helped to clear away is the fact that the subject appeared before him and Ali Toweli at Mbaruru on 16th August, 1973. Mr. Obura says reject this explanation. We say that the subject never left the premises of the Public Safety Unit, Mbaruru, that day. We say that Ali Toweli did not treat the subject leniently as Obura says. We also say that Ali Toweli did not show any compassion to the subject, and we say that the subject disappeared while still on the premises of the Public Safety Unit. We also say that Obura and Ali Toweli are the two people who know how they really dealt with the subject. As far as we are concerned we would say that the probability clearly is that the subject, James Biondi, was unlawfully disposed of while in Police custody at the P.S.U., Mbaruru.

- 284. Subject No. 256 - POLICE R. M. MOYCE AKELLO.  
Dealt with Subjects No. 218 - 219, p.419.
- 285. Subject No. 257 - SUIFRANZINI (PRISONER)  
COBITTI.  
Dealt with Subjects No. 227 - 234, p.433.
- 286. Subject No. 258 - ASI (PRISONER) P.P. OKETTA.  
Dealt with Subjects No. 227 - 234, p.433.
- 287. Subject No. 259 - BEN OCHAN.

Witnesses: 387 Grace Lida Ochan - Part 4, p. 3958 - 3969.  
459 Musuru Amin - Part 5, p. 5012 - 5022.  
460 Juliana Larero - Part 5, p. 5022 - 5026.  
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The subject was a renowned boxer and news reader. Record-  
No. .... /477.

ing to his sister, Juliana Lumoro (G. 460), he was married to a Guineese lady who is living in London with four of their children.

In November, 1972, the subject was doing a residential course at the Institute of Public Administration.

On 18th November, 1972 the subject was at the City Bar with his friend, Nick Labeja. At about midday, Grace Aida Ochan (W. 387) and Nusura Amin (U. 459) were going past the bar when the subject called them in. They were with him till about 2 p.m. and the men dropped them at Naguru where they were living. The subject and Labeja picked them again at about 4 p.m. and spent some time at the Institute of Public Administration. W. 387 said that Nusura accompanied the subject to his bedroom but this was denied by Nusura who maintained that she had not known the subject before. However, later in the evening they went to Winpey Restaurant for their supper, which they finished at about 10 p.m. W. 387 then went for a short call, and she described the incident in the following words (p.3960):

"When I returned, I found them outside near Labeja's car, it is a white car. There were two men on the other side just some distance from Labeja's car, who came when we were entering. Ben was sitting in the front seat, he came out to open the door for me so that I may enter. One man came and asked Ben. When I heard him speaking to Ben I also opened the door and came out. He asked Ben when I was hearing in Swahili that "Jina yako ninani. He told him I am called Ben Ochan and they handcuffed him, I asked the man why they were handcuffing him, he could not say anything to me but he only told us in swahili that if you want to save your life, you better drive away your car. I told them that I am not going away, I want to see where you are taking him. If you don't want me to go with him where you are taking him, let me know the car number in which you are taking him to the Central Police Station as you told us to go there. They said, 'do you think you are the most important woman only'.

they/... .../478.

They went to Labaja and threat to his  
at the time of the ...

...

According to V. 459, three men accosted them outside the restaurant and, after the subject had confirmed that he was Ben Ochan, they asked him to go to them as they had something to tell him. When he refused, they asked him to go with them as they knew what they wanted to tell him.

She continued (p. 5013):

"Then we asked these people where they were taking this man. Then they said 'if you think we are taking him somewhere you come with us to the police we are taking him to the police'. So we do not want him to be taken away we wanted also to know the reason. So they pulled the man and when we were trying to help him they said that we should leave the man and if not they were going to shoot us. After hearing that we got frightened."

V. 387 said that when the subject was handcuffed, Nusura Amin was the first person to get in the car. Labaja then drove with the two girls to the Central Police Station and was told that the subject was not taken there. Statements were recorded from Labaja and Nusura Amin.

On the way to the police station, Nusura Amin, who said that she speaks Mubian but does not know her tribe, allegedly told her companion, V. 457, that these three people were speaking in Kuku. But Miss Amin denied this.

On 19th November, 1922, a policeman told the subject's sister, Juliana Lagere (V. 460), a police nurse, that her brother had been reported missing at the Central Police Station the previous night. She went to Gulu to inform the relatives and to look with her mother who insisted on

seeing Your Excellency. The old lady waited for about three weeks while the police tried to get her an appointment for an audience but this was not possible. She said that although her brother was a quiet man, when she saw him at the beginning of November, 1972 she thought that he was 'quiet in an unusual manner'. But when she asked him if he was sick, he denied.

The subject has not been seen since then.

We find that the evidence is again very scanty. Nobody seems to have identified any of those three kidnapers and Lubeja was forced to drive away with the two ladies before the kidnapers took the subject into their car. So there is no evidence about what type of car was used in this kidnapping. We do not know what action the police took on receiving this report but it seems that they were least concerned. We have considered Miss Ochan's evidence that after the subject was handcuffed Miss Amin immediately sat in the car. We think that this conduct is not per se proof to implicate Miss Amin; in our view it is also capable of innocent interpretation on the basis of being scared and frightened by the three hoodlums who were threatening to shoot if the subject's companions did not go away.

In the circumstances, we can only say that the subject was kidnapped by three unknown men. As he has not been seen since, the probability clearly is that he was unlawfully disposed of by his unknown kidnapers.

288. Subject No. 260 - NIKEMER BAN MUKA.

289. Subject No. 261 - DAVID BAJURE.

His three sons had gone on to Lwebushuri in their father's Ford to fetch milk. Having waited for their return until about 4 p.m., Bwanuka said that he was going after his sons to look for them. He left in a friend's car but soon came back saying that he had been stopped on the way and very nearly shot. He spent the night at home.

On the following day (18th September, 1972), having heard the sound of gunfire throughout the night, at 8 a.m. on seeing some neighbours hiding in the bush, they also took to the bush near the house. Bwanuka stayed with them in the bush for a little time and returned to the house to wait for his other three sons. Juliet said that she could see him sitting in the verandah of the first floor. She said that at about 10 a.m. some Army soldiers came to the house and she and her companions moved to a better hiding place from where she could still see their home. When she looked towards their home again she did not find Bwanuka sitting in his previous position and a little later the soldiers, who were about six, left in their jeep. She said that she did not know whether Bwanuka was also taken away in the jeep as she was far from the vehicle. After their departure she went to the house and found everything scattered and she returned to the bush. At about 11 a.m. she saw the bus belonging to her father coming to the house; it was hooting and she went to it with her younger brother, Henry. She found their regular driver, Khamsi, with soldiers in the bus. The soldiers asked her about her father and when she told them that her father had been in the house at the time when some other soldiers came earlier on but was missing after their departure, they also went away in the bus.

Bwanuka's/...../482.

Bananuka's bus was operating between Mbarara and Mulama Hill on the Rwanda border; its conductor was Rugutu (C. 404).

On 16th September, 1972, the bus was at Mulama Hill

17th September, 1972, at Mulama Hill but at about 6.30 p.m. they decided to move to Ishaka as the soldiers were disturbing them. They had also heard about the fighting which had broken out and they thought that they would get more information at Ishaka. Rugutu said that they did not pick up any passengers on the way and they arrived at Ishaka at about 9 p.m. The following day, 18th September, 1972, they drove on to Mbarara and were stopped by soldiers at mile four and checked. When they were leaving the bus park in Mbarara some soldiers got hold of the driver and started beating him. They took over the bus and Rugutu was thrown out of it. The soldiers were asking in Swahili if it was Bananuka's bus and when the driver confirmed that it was, one of the soldiers drove it away and they took the driver with them. The conductor said that the driver is now working with the U.D.C. in Kampala.

Rugutu went to Bananuka's home at about 11.30 a.m. and saw Robina in the Banana plantation with small children. He said that she looked shocked and she stood there like a 'statue'. He handed her the days' takings and went away.

Then the children were hungry and Juliet returned to the house to get them food. When they were cutting a bunch of bananas, a single soldier was seen moving about in the house. She was alarmed and all ran back to the bush, each



one taking his own direction. At about 4 p.m. some more soldiers came in a vehicle, which they left on the road, and she heard shooting at their home. The shooting lasted until about 7 p.m.

Juliet went with Robina to the Bishop's house but she did not know about the rest of the family. After about two or three weeks the Bishop took them to the Brigadier who installed them back in their home.

When Janet came to Mbarara the first time she learnt that none of her relatives was in the house. The second time, she stopped at a bridge and was told that some children were alive and others could not be traced. She also heard that Robina had committed suicide. This information proved false when later she found Robina and Juliet staying with the Bishop. She managed to collect the other children also. At their home in Mbarara she found window panes broken, the doors and walls had bullet marks. Her husband and the three step sons have not been seen since then. Janet said that 139 head of cattle were taken away by the soldiers together with some goats. Her husband's bus was not returned and the Ford car also seems to have disappeared. She said that the third vehicle, Daihatsu pick up, was being driven in Mbarara by an army soldier. After all these troubles, Janet heard that the reason why their home was attacked was because Binamuka belonged to the party of the former President and it was also suspected that he was assisting the invaders and had been sending money to them in Tanzania.

The other account of this incident was given by Brigadier Ali Padhal. He was sent to Biko Battalion,

Mbarara, as Commanding Officer, in April, 1971. We shall have occasion to go back to his evidence with regard to the other incidents. For the time being we are restricting ourselves to the evidence of the first incident.

The Brigadier said that on 17th September, 1972, at about 6.15 a.m. he received information that there was trouble at Mutukula and he decided to go there personally to check the border. This was really the first indication of the invasion on Uganda. He said that his instructions always were for a platoon to be on the stand by in the Battalion and it seems that when the Brigadier left the barracks the platoon officer also followed him in another lorry.

The Brigadier said (p.5637/38):

"I got my vehicle a Peugeot 504, I took two soldiers, one Corporal and one Private. When I reached where the tarmac stops along Mbarara/Kikagati Road, I cannot remember the name of that place, I met Bananuka's bus coming from Kikagati side and there were many people in it and it was going towards Mbarara. I did not stop that bus to know who were inside because my intention was to go and check my border. When I reached a place called Kaberebera where there is a trading centre, and very often when I was going to the border, I used to see Bananuka's car in that trading centre. When my vehicle was about to reach Bananuka's vehicle, Bananuka himself came out and stopped me. I had nothing to do with Bananuka at that time, except I was concerned with Mutukula trouble and also I wanted to know what was happening in my border. I passed Bananuka, after passing him, I looked behind and I saw that in Bananuka's car there were some armed people. Although these arms were not exposed but I as a soldier if I see a small part of a weapon, I would be able to know that there are weapons in that car. After I had passed Bananuka, he tried to chase me in his car. I became suspicious because I did not

know why he was following me, so, with all my strength I speeded up because I knew that if I did not, his car was bigger than mine perhaps he would catch me. So, I speeded very much and I left him behind although I knew that his car was speedy than mine. After driving for about one mile, I met a lorry carrying some people whom I did not know and it was going towards Mbarara. After about four miles from the place that I had met the lorry. When I reached that place where there is a junction, one way goes to Tanzania but it passes through another way and another one was also going to Tanzania, I found some people there and I enquired of them what was happening in the area. They told me that Banauka's bus was in that area and it had taken some people after which another lorry came and took some people. They said that those people who were transported were soldiers in that area and they were armed and they thought they were our soldiers. After driving for about two miles, I met a fleet of vehicles and soldiers in them. I stopped the first lorry which was a Mercedes Benz. I did not know from where was that vehicle. Behind that Benz, there was another Isuzu, behind the Isuzu, there were two Bedfords. The Benz and Isuzu passed and one Bedford came and stood near me. As I was there, one of my soldiers told me that these are not our soldiers but they are guerillas, you have stopped enemies and we are going to die. I told them that if these people attack us, I do not want to be taken as a prisoner, do not shoot me and kill me. I told this to the Private who was a Langi by tribe and the other one who was a Musoga was steady in the vehicle. That soldier removed my nyotas from my shoulders and also took of my hat and I remained without them ready in my vehicle.

The Brigadier said that when the Platoon Officer's lorry reached Kaberebere, he met the first lorry carrying the guerillas and Banauka's vehicle and the invasion was on. He said that fierce fighting took place and he expressed the opinion that Banauka may have disappeared at Kaberebere.

The fighting was so fierce that it took him five days to reach his barracks. He went on to give an account of the fight at Bananuka's home. He said (p.5639):

"On the 15th at Ikanda Road near the  
guerrilla were looking for food."

That was the incident that took place along the area where Bananuka's house is.

Regarding the bus he said that any vehicle carrying guerrillas captured during operations was treated as guerrilla property and confiscated. He denied suggestions about confiscating cattle and keeping them at the barracks.

The Brigadier also mentioned the other incidents in which he was involved with Bananuka's family. The first one involved one of Bananuka's sons who was arrested by some soldiers on 15th September, when he was heard saying in a bar that 'in about two or three days something will happen.' He also told the soldiers 'your pride should end today in about two or three days you will see' as we know, the country was attacked on the 17th. The Brigadier, however, said that he decided to release him on Sunday, thinking that he was drunk when he uttered these words. He then met his father and told him about his son's release on Sunday. Bananuka was alleged to have retorted, 'never mind if he is not released he will come out from the Prison through another way'. The Brigadier said that Bananuka was then wearing a UFG shirt and carrying a stick marked in UFG colours.

The second incident in which he was involved occurred on Sunday when the boy was to be released. The boy's mother saw him at his home at 9 p.m. and insisted that he

took her home in his car. He agreed very reluctantly and, when he got to Bananuka's home, he saw many people on the first floor. His suspicion was aroused and, as soon as Mrs. Bananuka left the car, he immediately drove off at great speed.

It was unfortunate that Bananuka's other wife, Robina, was not available as she is said to have gone to Tanzania to live with her other son. The only other witness is the young girl, Juliet. On the one hand we have her evidence that her father left their home at 8 a.m. on 17th September, 1972, and, on the other, there is the evidence of Brigadier Ali Fadhil of having met Bananuka near Kaberebere Trading Centre. He also saw Bananuka's bus near the same place coming from Kikagati. Juliet gave her age as 13 and at the time of this incident she would have been about 11. Normally one has to be very careful with the evidence of such young witnesses and we are of the opinion that similar caution is necessary in considering Juliet's evidence. There was a little discrepancy in her evidence. She said at first that Bananuka did not tell them where he had left his three sons when he returned home. But later on she said that the three brothers had gone to Lwebushuri to fetch milk. It also looks strange that Bananuka should insist on going back to the house to wait for his three sons when the house was under attack and the neighbours were hiding in the bush. Juliet also said that their bus came to their home at about 11 a.m. being driven by their regular driver. When this is contrasted with the evidence of the conductor it becomes apparent and likely that the girl was obviously wrong because it

was the conductor who went at 11.30 a.m. and accounted for the takings to Robina. Juliet's evidence seems to corroborate the Brigadier in one respect and that was that the explosion, however, was quite different to his account in the Brigadier's evidence. We take the view that, had Bananuka been in the house during all this firing when the soldiers were actually inside the house on more than one occasion, he would not have come out alive. No one saw him leave the house or his body being brought out by the soldiers. Some blood was seen in the house but that could have been any body's. We think that, in view of Bananuka's previous political career and his continued loyalty to the old order as exhibited in his conduct during his meeting with the Brigadier before the invasion, it is only reasonable to say that not only he but also his sons were fully aware of the impending invasion on the 17th September, 1972. This knowledge on their part indicated also that they were actively involved with the guerillas and the Brigadier's evidence thus looks all the more credible in that he met Bananuka and his bus on the way. According to the Brigadier, a fierce battle took place at Kaberebere and there are but two possibilities; either Bananuka was killed at Kaberebere or he fled to Tanzania as his wife Robina later did. No body seems to have seen his three sons, except for the evidence of the little girl that they went together with their father. If this were so and if they were with Bananuka on the 17th September, 1972, when the first hits were at Kaberebere, it is obvious that they too must have ended up with their father, either killed in battle or fled to Tanzania with him.

(Next page is 490)

292. Subject No. 264 - ZEDEKIA KASISI.

293. Subject No. 265 - AMOS BUTENESHA.

Witnesses: 390 Ruth Bangobulungi - Part 4, p. 4015 - 4024.

391 Fidelasi Kyadugamunda  
- Part 4, p. 4024 - 4029.

392 Esta Nabasa - Part 4, p. 4030 - 4049.

393 Laurensie Nzalo - Part 4, p. 4037 - 4049.

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Subject No. 264, Zedekia Kasisi, was the muluka chief of Gayaza villare, Kabingo Gombolola, Isingiro. He was married to W. 390 and they have five children, three of whom are at school.

Subject No. 265, Amos Butenesha, was the Gombolola chief of Kabingo and had held this post for eight months only. He was married to W. 391 and they have twelve children, between the age of thirty and ten. W. 392 is one of their children and eight of the others are at school.

Subject No. 266 Amos Rwabatizi, was a Reverend and used to live at the Gombolola Headquarters, Kabingo.

On 23rd September, 1972, the Gombolola Chief (Subject 265) and his daughter (W. 392) went to Gayaza village to see his wife, Fidelasi Kyadugamunda. They left for the Gombolola Headquarters at around 5 p.m. together with the Health Assistant called Muini.

The Muluka Chief (Subject 264) was last seen by his wife (W. 390) on the same day when he left home after lunch saying that he was going to the Gombolola Headquarters, Kabingo. He never came back.

On the way to the Gombolola Headquarters, W. 392 said that they met a Landrover coming from the direction of the Gombolola Headquarters. She saw three soldiers in Army uniform in the vehicle and some other people, including the muluka chief (subject 264) and the county chief called Kotebelirwa. The landrover stopped and the soldiers asked them about the Gombolola Chief of the area. When her father identified himself as such, the soldiers asked him to get into the vehicle. Nothing else was said and the Landrover then drove up to the house of Subject No.266. According to W. 393, who was the D.A. askari, the vehicle first stopped at the Gombolola Headquarters and when he and a clerk went to the office, the soldiers asked them to get into the vehicle and, in the Landrover, he saw the muluka chief, the gombolola chief and also the county chief, besides some others. It was then that the Landrover carried on to the Reverend's house and he too was asked to get into the vehicle. The Reverend asked the soldiers where they were going, and the reply was 'you simply get in' and the Reverend was pushed into the Landrover with the butts of their guns. W. 392 said that, after collecting the Reverend, the vehicle went to her father's office, which was searched, and thereafter was driven away towards Kikagati. The D.A. askari said that the vehicle drove straight to the Saza Headquarters where the county chief was dropped and, subsequently, about three miles from the Gombolola Headquarters, the D.A. askari and the clerk were dropped after the soldiers had ascertained what their occupation was. The three subjects have not been seen since.



On the following day, Mrs. Kasisi (W. 390) met W. 392 and was told about the incident. She saw the county chief and his wife, Mrs. Kasisi, who was his wife. She then sent her daughter, Joyce, to Mbarara in search of the subject which proved futile. She said that she herself did not go to make enquiries about her husband because she was afraid as 'people were dying.' The muluka chief had money in the bank but she has not applied for Court's order to manage his estate due to ignorance of the law.

Mrs. Butenasha (W. 391) also saw the county chief the following day and, while denying knowledge about the whereabouts of her husband, he admitted that he had been in the same vehicle which took him. She saw the DC of the time, Mr. Toskir, who also denied any knowledge about this incident but made enquiries. W. 391 said that her husband was in no way connected with the Invasion of the country by the guerillas and maintained that he was actively engaged in hunting and arresting the guerillas hiding in the hills. The DA askari confirmed this activity of the Gombolola Chief. She too has not applied to court for an order to manage his estate.

There is sufficient evidence to show that these three subjects were arrested on 23rd September, 1972, by three people dressed in Army uniform and travelling in a Landrover. The witnesses, particularly W. 393, could be expected to know the Army uniform but there is no other evidence as to whether these three were genuine Army soldiers or mere imposters. None of the witnesses had the presence of mind to take down the

registration number of the Landrover. The county chief did not come forward to give evidence. These arrests took place immediately after the Invasion of the country by guerillas and there is evidence that the Gombolola Chief at least was very active in chasing the guerillas hiding in the hills and arresting them.

We have considered this very carefully. We think that the fact that the county chief, the D.A. Askari and the clerk were released by those people demolishes any notion that they might have been guerillas, masquerading in Army uniform. Such guerillas, who were then being hunted by the Security Forces assisted by the local chiefs, could not possibly release some of their captives; and the fact that the government did not take any retaliatory action against those three so released is ample proof that they were not considered either as accomplices or sympathisers of the guerillas. From this we draw the inference that the authorities, particularly the county chief, knew the identity of those people as Army soldiers. None of the witnesses knew any of those soldier kidnapers. The three subjects have been missing since 23rd September, 1972 and, in our opinion, the probability clearly is that they were unlawfully disposed of by the Army soldiers who took them away in the Landrover.

295. Subject No. 267 - JOHN NYAKATAKURA.

Witness: 394 Violet Kabungali - Part 4, p. 4050 - 4059.

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The subject was an employee of the Ministry of Works, and had a service of twenty years. He was stationed in

Fort Portal as a road supervisor and in September, 1972 went home in Gombolola Kachika, Kachare County, on leave.

On 19th September, 1972, about a week after his arrival, five people in civilian clothes went inside; one had a gun. They caught the subject in the presence of his wife (W. 391), and pulled him to their car. They drove away with him, and he has not been seen or heard of since.

W. 394 said that she was confused and did not know what was happening. She just stood there weeping. She did not raise the alarm. She saw her husband being put in the boot of the car, which was then closed and the vehicle driven away. She was sure that her husband had been killed.

They have six children between the ages of 13 and 1½, five of whom are at school. After a week of her husband's disappearance, she went to her husband's office for financial assistance but was disappointed. She said that she saw the District Commissioner for his help to get the money in the bank but was told that he did not have any such power. She has not applied to court for an order to manage her husband's estate.

There is not much evidence in this case. The witness was shocked and it seems that she was crying throughout this incident and did not even have the courage to note down the number of the vehicle. She did not know any of those people who took her husband away. We cannot say who they were, nor can we make any comment about the car. But we accept the evidence that the subject has been missing since the 19th September, 1972, and we also share his wife's comment that he must have been killed by his unidentified kidnapers.

296.     Subject No. 268 - ALFRED RUBASHOKA.  
297.     Subject No. 269 - AZALIA KABATERAINE.  
298.     Subject No. 270 - ESAMU KIBEHEREYE.

- Witnesses: 395 Mary Rubashoka - Part 4, p. 4059 - 4078.  
396 Zelda Kabetaraime  
              - Part 4, p. 4079 - 4094.  
397 Zelda Kibehereye- Part 4, p. 4094 - 4112.  
398 Amos Kitutu     - Part 4, p. 4112 - 4126.  
405 John Wilson Nyakabumbiri  
              - Part 5, p. 4186 - 4206.  
408 Sulemani Byekwaso  
              - Part 5, p. 4234 - 4249.  
496 Bulaimu Mubihazalwa  
              - Part 6, p. 5793 - 5808.  
499 Leto Mukwasibwoga  
              - Part 6, p. 5913 - 5950.  
501 Haji Abbasi Kayemba  
              - Part 6, p. 5952 - 5996.  
502 Haji Abdunuru Mulele  
              - Part 6, p. 5997 - 6004.  
503 Nuru Mubiru Alias 'Mulefu'  
              - Part 6, p. 6005 - 6011.

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Subject No. 268 - Alfred Rubashoka - was the Gombolola Chief of Bumbere Gombolola in Igara County. He was married to W. 395 and they have six children between the ages of 12 - 3; three of whom are at school. W. 395 has not applied to court for an order to manage her husband's estate. This subject was arrested on the 20th October, 1972.

Subject No. 269 - Azalia Kabeteraine - was a cultivator and tea planter in Ishaka. He was married to W. 396 from whom he has seven children.

He has two other children from another woman, and they are all between the ages of 16 - 2½, six being at school. No application has been made for a court order to manage the subject's affairs.

Subject No. 270 - Esamu Kibheroye - was also a tea planter and had a shop in Ishaka Trading Centre. He was married to W. 397 and they have seven children, between the ages of 16 to 4. Four children are at school and W. 397 said that she cannot afford the fees of the other two. After the disappearance of her husband, one of the children had to leave school before sitting his examinations for P.VII to help out financially. No application has been made to court for a management order.

These three subjects were members of the Igara Tea Growers Society, of which John Wilson Nyakibimbiri (W. 405) has been chairman since 1971. He defeated Haji Abbasi Kayemba (W. 501) for this position in the elections of 1971 and 1972. His consecutive defeats had made Kayemba think that Nyakibimbiri was 'impossible' for him.

Subject 268 was the Society's managing director and the other two ordinary members.

On 16th September, 1972 was held the annual general meeting of the Society and there were two candidates for the position of chairman: Nyakibimbiri and Leto Mukwasibwoga (W. 499). The cooperative officers had arranged for police attendance as a big struggle was expected at the elections. Leto was being supported by Kayemba who said that their elections had always been peaceful. He explained that police was not called at the elections of 1971 when the membership was 1,500, and he agreed that in 1972, with

the same membership, the presence of the police at the elections implied a fear that peace may be breached, and he explained that this was due to the members being 'enthusiastic'. Again Nyakibimbiri won, and he invited his opponent to become his vice-chairman; but Leto refused saying that he would contest another election.

Mrs. Rubashoka spoke of 'terrible friction' within the society. Mrs. Kabateraine said that after the 1972 elections her husband told her, (p. 4094):

"He said that after the voting, Leto and Kayemba said to him that that election he had had was the last for him, he will never vote for the second time."

This allegation of threat was denied by the three principal characters, that is Nyakibimbiri, Kayemba and Leto.

The society's elections were followed the next day, the 17th September, 1972, by the Invasion of the country by guerillas from Tanzania.

On 19th September, 1972 Kibehereye left his home for his shop at about 2 p.m. His young brother, Amos Kitutu (W. 398), who was in the shop and had seen his brother approaching the shop, at the same time saw a Zephyr vehicle with about ten soldiers stopping near the shop. He saw four soldiers grabbing his brother and bundling him in the boot of the vehicle which was then driven towards the home of Nyakibimbiri, who later said that he too was put in the boot of the vehicle, which he identified as a Peugeot, where he found Kibehereye and he had to 'squeeze in a bent position' and the boot was closed. They were taken back to Ishaka and pulled out of the boot. There Nyakibimbiri saw Kayemba sitting by the road side on a cement block. The two

prisoners were taken to a 'mitoma' tree in the middle of the town where most of the soldiers were gathered. According to Kayemba, the soldiers asked 'ndiyo hawa naita fuju?' ('are these the people causing trouble here?') Kayemba is alleged to have replied 'ndiyo hawa,' ('yes, these are the ones'). A Mukiga soldier then took the prisoners in front of his boss who eventually said, 'hiyo ndiyo fitina ya Ishaka' ('these are the jealousies of Ishaka'). Both of them were made to sign a statement to the effect that they had not been manhandled and nothing had been taken away from them and they were released at about 5.30 p.m.

Kibchereye told his brother that they had been arrested on the allegation that they had flown a flag of their tea society in Kyamuhunga. Nyakibimbiri admitted in his statement to the investigating team that he had stated the reason for their arrest as being an allegation that they had slaughtered a goat on Sunday, 17th September, praised the UPC and hoisted a UPC flag. That being the day of the Invasion, it was perhaps felt that this was done in celebration of the attack.

Later the same evening, Kitutu closed the shop and went to a nearby hotel. He saw three soldiers, one standing in front of his shop and two at the back. He went behind the shop to find out what was happening and, upon learning that he was Kibchereye's brother, they asked him to take them to his brother. He agreed and went with them in their car. They found Kibchereye sitting. One soldier had a list of names and he asked Kibchereye to accompany them. The subject asked him where he was

being taken and was told, 'you shall see'. He was taken to the car and the soldier then asked Kitutu to take them to the home of Kabataraine. They reached there at about 8 p.m. when the subject was having his meal with his wife (W. 396). One soldier with a gun went for him and his wife followed him up to the car. She said (p.4082):

"When we reached at the vehicle, that askari enquired whether I was the wife of Kabataraine and I told him that I was then he said raise your two arms for you will never see him again."

By this she understood that she should give up all hope for her husband. Kitutu said that the soldiers asked W. 396 to say goodbye to her husband "That we will never see him again." Kitutu left the vehicle which drove on and stopped at Kayemba's place. It remained there for about 30 minutes.

On the 20th October, 1972, at about 6 p.m. a blue Ford Escort vehicle stopped at the home of Nyakibimbiri. He hid himself in the house because 'it was known that such vehicles came to pick people.' He heard a man asking a child where he was and, on being told that he was out, the vehicle drove off to the home of Leto. Nyakibimbiri followed it there and noted its registration number which was UUH-528. He saw Haji Mulele (W. 502) and Nuru 'Mulefu' (W. 503) coming out of the house and getting into the vehicle which drove away towards Kyamuhunga. The same vehicle next stopped at the home of Alfred Rubashoka and his wife (W. 395) said that three men came into their home. They were all in plain clothes and she could see a firearm in the trouser pocket of one of them. They asked Rubashoka to get into the vehicle as they were



taking him to Bushenyi Police Station. Rubashoka asked those people what he had done and if they had any proof that he was wanted by police. They said that they had with them, they threatened to shoot him if he did not obey. He accompanied them to the car and was taken away. His wife said that she subsequently came to know two of those people as Haji Mulele (W. 502) and Nuru 'Mulefu' (W. 503). She also jotted down the vehicle's number which Nyakibimbiri saw the following day when he accompanied Mrs. Rubashoka to Bushenyi Police Station. He said that the number taken down by her was UUH 528. They did not find Rubashoka at the Police Station and they proceeded to Mbarara Police Station. W. 595 was taken round all the police cells and her husband was not there. They then saw the DC who called in some Intelligence men saying 'people were disappearing in unknown manner.' She made her statement to the Intelligence men and then she and W. 405 went to Mbarara town, where both of them saw the blue Ford Escort but this time with a different number plate which was UYO 040. They also recognised two of the occupants as Haji Mulele and Nuru 'Mulefu'. Mrs. Rubashoke was puzzled by this change of number plate but as it was then getting late in the afternoon, they did not think of contacting the police. She said that she was also afraid of being arrested like her husband and she still 'shivers' whenever she sees those men.

Mrs. Kabateraine also saw the DC, Mbarara, after about two days of her husband's arrest and she said (p. 4085):

"He told me that as that period was a bad one, such people who had disappeared in

that/...../501.

that manner could not be traced they could not do anything to search for them that they would only wait for the commission which might be appointed later on to enquire into those missing people."

She said that the DC referred to that period as 'bad' because of the guerillas who were then within the country.

Mrs. Kibhereye also saw the DC and she too was asked to wait. She said that the conditions in those days were bad as many people were running away due to fear.

Haji Kayemba denied the incident on 19th September, 1972, whereby soldiers were alleged to have asked him if Nyakibimbiri and Kibhereye were the people bringing trouble in the area, but he admitted that they were taken to Ishaka by some soldiers and released on the ground that they had no charge against them. He further denied that Kibhereye and Kabateraine were taken to him the same evening under arrest. Likewise, Leto denied that any Ford Escort vehicle with Haji Mulele and Nuru 'Mulefu', neither of whom is known to him, went to his house on 20th October, 1972. He went on to say that Nyakibimbiri might have lied against him due to differences based on different political affiliations during the old days.

Haji Kayemba was appointed country chief of Igara on 1st January 1973. Sulamani Byekwase (W. 408) seems to know him very well. During the old days he was a member of the UPC, the same as Kayemba. Talking of him as a man, Byekwase (p. 4238):

"As I have already told you that I know him very well, this man if he means to do something however difficult it is, he will go on to do it or solve it."

Byekwaso went on to give at least three examples of the kind of county chief that Kayemba was. He said that around April, 1974 Kayemba asked him to prepare a petition from Muslims to the District Khadi, Sheikh Ruhinda, and replace him with Sheikh Kaduyu. When Byekwaso refused to do this, Kayemba became very annoyed and, about ten days later, Kayemba had him arrested together with other ten people and they were locked up for about eleven days. Kayemba said that he does not support the return of Kaduyu as District Khadi and went on to explain the reason for the arrest of Byekwaso and the other people. His reason was that Byekwaso was inciting people not to work and was also spreading rumours that there was a market for human heads at Nyaruvuru. Byekwaso, of course, denied that he was guilty of any such thing. He said that on 22nd August, 1974 he was arrested by O.C. Police, Bushenyi, in connection with the case of Idi Basajjabalaba who had been shot in the leg by his son, also called Sulemani. Together with other accused people in the case they were taken to the Army barracks in Mbarara, where he was beaten up and later sent to the police station. He was subsequently released on the 28th August, and ordered to report to the police every day. Kayemba said that he had reported Byekwaso to the authorities, that is, the DC, about Byekwaso being one of the assailants of Idi after the victim himself had told him that his son associated himself very much with Byekwaso. He said that as far as he was concerned Byekwaso was quite capable of committing such a crime as previously he had been imprisoned for nine months for 'kondeism.'

The next incident mentioned by Byekwaso was a 'mauledi' on 1st September, 1974, where Kayemba was alleged to have addressed the people. Byekwaso was told the substance of his speech by Swalik Juma and W. 496 (p. 4243):

"He said that Kayemba had said that people who did not obey him he was prepared to get them out of Igara like Byekwaso, and you will not see him, he will disappear."

W. 496 admitted that he attended the 'mauledi' but left before Kayemba had made any speech. Kayemba himself admitted that he made a speech, impressing upon the people the importance of discipline and unity.

Byekwaso said that he again met Kayemba on 18th September, 1974, on Ishaka/Mbarara road and Kayemba asked him, "You Byekwaso haven't you weakened?" He went on to say,

"People who have opposed me or challenged me like Rubashoko, Kabateraine and Kibehoroye where do you see them now. If you soften, then come to me and tell me that you have softened" - (p.4245).

Later on Byekwaso reported this to the police and his statement was recorded.

Kayemba alleged that Byekwaso had told lies against him because he had once caught him selling salt on the blackmarket and his salt worth about Shs. 10,000/- was confiscated and resold to people for about Shs. 7,000/- He denied all the allegations which had been brought against him by Byekwaso.

Likewise, Haji Mulele and Nuru 'Mulefu' denied the allegations against them and maintained that witnesses had lied against them.

According to Ex.152, which is a list of motor vehicles stating particulars of ownership of vehicles and Ex.8, UUH 528 is a Peugeot and is registered in the name of Mr. Abdul Bindua of Box 35, Arua.

According to the evidence, it is manifest that there was indeed 'terrible friction' within Igara Tea Growers' Society. It is obvious that there were two factions, each led by Nyakibimbiri and Kayemba. The consecutive election defeats had frustrated Kayemba but at the last election of 1972 he still put up his candidate, Leto, to oppose Nyakibimbiri and again lost. This was followed immediately by the arrest of Nyakibimbiri and Kibherereye by soldiers on the allegations of having celebrated the invasion and the hoisting of a UPC flag. The evidence here points to Kayemba as the person being responsible for causing the arrest of these two men. Nyakibimbiri gave details of what happened to them when they were taken to Ishaka Trading Centre and the incident was also watched by Kitutu from a little distance. Subsequently, we have the evidence about the arrest of Kabateraine and Kibherereye where, besides the wives of these two subjects, Kitutu also testified about the arrests having been effected by Army soldiers. There is evidence also that, after the arrest of Kabateraine, his wife was told to raise her two arms because she would never see her husband again. With regard to Rubashoka, there was evidence by Nyakibimbiri and Mrs. Rubashoka, both of whom mentioned a Ford Escort UUH 528 with Mulele and 'Mulefu' in it. According to the records held by the Registry of Motor Vehicles, this number belongs

a Peugeot and is registered in the name of Mr. Abdu Bindua of Arua. This incident occurred at about 6 p.m. and both these witnesses saw this vehicle from close quarters. We do not think that they would have been mistaken about the vehicle, or the number which they saw. They claim to have seen the same vehicle the following day with a different number plate which would indicate that the people using this vehicle had, at their disposal, a number of other registration number plates, and it also indicates that they were involved in nefarious activities. It may be recalled that subject No. 22, who disappeared on 26th September, 1972, was taken away in a Peugeot vehicle, also displaying the same number plate. It seems obvious that the number plate UUH 528 was freely available for use on other vehicles in such illegal activities.

We have given considerable thought to the evidence as a whole and also why witnesses should give evidence against Kayemba and Leto. Besides the women, we have evidence from Nyakibimbiri and Kitutu. We do not think that these two men would give evidence against Kayemba about the incident in Ishaka Trading Centre if it had not occurred. We are satisfied that they were witnesses of truth. Both Kayemba and Leto were smarting from their defeat at the election; and it seems to us that Kayemba was an influential person within Icaro. Having seen and heard him give evidence before us, we agree with the assessment of Byokwaso in that he appears to be a ruthless person who will do anything to achieve his purpose. It is just as well that he has been dismissed as chief.

We accept the evidence given by Byekwase about what Kayemba did to him and Kayemba did admit that he had in fact caused the arrest of Byekwase on the allegation of action without any basis at all. We are also not impressed by the simple and plain denials of Mulele and 'Mulefu', both of whom were seen clearly by Nyakibimbiri and also Mrs. Rubashoka. We, therefore, find that the arrest of these three men was clearly engineered by Kayemba who was assisted in some way by Leto. We find that Kabateraine and Kibehereye were arrested on the 19th September, 1972, by Army soldiers and Rubashoka on the 20th October, 1972 by Mulele and Mulefu. All three have been missing since their arrest and we are of the opinion that the probability is that they were unlawfully disposed of by the people who arrested them.

299. Subject No. 271 - BLASIO NTUNDUBYERE.

Witnesses: 403 Segerasi Ntundubyere - Part 4, p. 4164 - 4177.  
500 1P William Baraza - Part 6, p. 5950 - 5952.

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The subject was the Saza Chief of Kashara. He was married to W. 403 and they have sixteen children between the ages of twenty-five and three, of whom six go to school. W. 403 said that four had to leave school after the subject disappeared, and she has been able to operate the bank account which was in their joint names.

The subject was sick and admitted to Kitagata Hospital. His wife was with him in the hospital and on, 15th October, 1972, at about 2 p.m., three men in plain clothes came into his room and, after ascertaining his

name, told the subject that they had been sent to take him away and to get evidence from him. The man was speaking in Lunyankole and, when the subject asked them who had sent them, they simply said that they were taking him to Bushenyi Police. The subject took his car No. UYO 299 and two of these men sat in it. The subject asked his wife to drop down in Ishaka as he did not know where they were taking him and then her husband drove towards Bushenyi.

She followed him in a taxi up to Bushenyi Police where she saw their car parked outside. She also saw one of the two men, who had travelled with them in their car, standing in the entrance of the police station. She did not go into the police station but returned home to inform the relatives and then went to see the Commanding Officer of Simba Battalion, who was her husband's friend. Failing to find him, she returned to Bushenyi Police and was told that their car had been taken away.

According to Entry No. 19/18/10/72 - Ex. 126 - of the station diary of Bushenyi Police Station, the vehicle UYO 299 was handed in by Cpl. William of the Army, Mbarara for safe custody. According to Entry No. 12 of the following day, Ex. 127, the vehicle was collected by the same Army Corporal.

According to Ex. 151, which is a list of motor vehicle giving particulars of ownership, motor vehicle No. UYO 299 was a Datsun and is registered in the name of Blasic Ntundubye.

W. 403 next went to Mbarara Police Station where



she saw their car but was told that her husband had not been taken there. She went to Kamukuzi where a secretary told her that he would see the DG. Subsequently, she was told that the enquiries had revealed no clues.

W. 403 said that she did not know of any reason for the arrest of her husband. She said that soon after the Army takeover, her husband was arrested and detained at Makindye for about three months. On his release, he had told her that the interrogation had proved him innocent.

We are satisfied from Ex. 151 that vehicle UYO 299 was in fact registered in the name of the subject. The two entries made in the station diary of Bushenyi Police Post sufficiently corroborate the evidence of W. 403, and we are satisfied that the subject was in fact arrested by Corporal William of Simba Battalion, Mbarara. Whereas this Corporal took the subject's vehicle to Mbarara Police Station on 19th September, 1972 he did not hand in the subject in the same police station. The possibility is that he either took him to the barracks or the subject never reached Mbarara alive. In either case, we are satisfied that the probability clearly is that he was unlawfully disposed of by Cpl. William and his other accomplices

300. Subject No. 272 - AFRICANO ARIKIGAMBA.

Witnesses: 406 Deziderata Tubakaraho - Part 5, p. 4206 - 4217.  
407 Sicolastica Kyaruhunda - Part 5, p. 4217 - 4234.  
453 Pankrasie Bamwebechire  
- Part 5, p. 4907 - 4914.  
454 No. 2002 Det.P.C.Ruhemurana Rwahoga Crescent  
- Part 5, p. 4914 - 4924.

The subject was a trader, having retired from the Ministry of Works. He was aged about 30 and was married to W. 406, from whom he has four children.

The subject had rented out a room in his house, adjoining the one in which he lived, to two girls, W. 407 and one called Namweza, who used to work in the bar of a man called Ntenje.

On 24th November, 1973, W. 407 was sick in bed and Namweza had gone on duty. Namweza returned at about 10 p.m. with two men, one of whom was her friend. W. 407 described them as 'foreigners' because they were not speaking Lunyankole and were conversing only in Kiswahili. She said that they used to frequent the bar where the two girls worked and used to tell them that they worked in the Army.

On seeing these two men with her companion, W. 407 left her bed and went to the subject's wife to sleep there. She said that she was afraid that either of the men might try to sleep with her. About half an hour later they heard Namweza raising the alarm, "They are killing me. You stay indoors and don't come out." This was followed by bangs at the doors of the subject's house. The doors gave way and Namweza and the other two men came inside. The occupants of the house were beaten and the subject was struck with a bench. The two assailants left for a little while and very soon after a Landrover came and stopped in front of the door with full lights on. Five men came out of the vehicle. They were wearing caps with red bands and also had red belts. W. 407 said that they were in Military Police uniform and were armed with guns. They were again assaulted and the subject, who had been rendered very...../510.

very weak by the extreme beating but was still alive, was put in the Landrover together with the two girls and driven away.

W. 407 said that they were first taken to Ntenje's home where Namweza was thrown down, beaten up again and then put back in the vehicle. She said that they were then taken to 'their houses' near the hospital and were put in a room where they found four men. The following day, the subject was asked to sweep in front of the house and was also kicked. He was then taken away and W. 407 never saw him again till she was released on the third day. Her companion, Namweza, was also released and she promptly picked up her belongings and left for her home in Kabwehe.

Meantime the subject's wife reported her husband's arrest to his brother, W. 453, who is a mukungu chief of Rukyindo village. He first went to Mbarara Police Station where he saw Detective Rwaheru (W. 454). They went to the Military Police and were told by the man at the gate that the subject was in the cells. W. 454 said that he was allowed to go through the book kept at the Military Police Barracks, similar to the police station diary. This must be what is commonly called the Daily Occurrence Book (DOB). He said (p.4915):

"In that book I found an entry made by someone who was on duty and it reads as follows:

'Sergeant Isa and Abake book c  
for Luti for duty'

He also found another entry which reads as follows:

'Sergeant Isa and Abake handed in one  
'trikigamba' - (p.4915).

We remember that the constable was referring to one

called/ ...../511.

called Sgt. Arthur and we have no doubt that the audio-typist seems to have been confused by pronunciation of this name. However, neither this constable nor the mukungu chief was allowed to see the subject and later constable Rwaheeru saw the O.C. Military Police, Lt. James Turyahikaya, who told him that the subject was to appear before the Battalion Commander, Lt. Col. Gowon, on the allegation that he had wounded someone. The constable said that he pointed out that it was a case which should go to court and the lieutenant promised to hand over the subject after the Commanding Officer and interviewed him. The constable was not satisfied and, fearing that the subject might have been killed, opened a General Inquiry file No. 201/73. He said that he also informed his O.C. Det/AIP Kawushi, about this matter but was advised not to involve himself in these matters.

About a week later, a body was recovered from Ruizi River and, notwithstanding its decomposing condition, it was identified by W. 453 and constable Rwaheeru as that of the subject. A post mortem was subsequently done, but our counsel was unable to produce the report.

Constable Rwaheeru said that the relationship of the police and the Military Police was not good in those days. There was no cooperation and the Military Police were always interfering in their duties. He also alleged that policemen were beaten up by the soldiers if they tried to interfere with the cases where arrests had been done by soldiers. He specifically mentioned P.C. Kunani who was alleged to have been assaulted by the soldiers in the town's thoroughfare for having talked to some of the Military men regarding the arrests they had made.

The mukungu chief said that after his brother's burial, he spent a few nights at his home in accordance with their traditional custom and, during the night, he used to hear a Volkswagen coming to the house and people were heard walking around the house.

It seems obvious that the subject was involved in some trouble brought about by his two female tenants. We do not know what happened between those two men and Namweza but, from what transpired subsequently, it is manifest that, when she gave the alarm, those men broke into the subject's house and beat him up together with the others. It is also clear that afterwards they fetched their colleagues and, from the description of their uniform, we have no doubt at all that the identification made by the girl, Sicolastica, was correct and that they were Military Policemen. Her evidence that they were in fact so is sufficiently corroborated by the evidence of the chief and constable Rwaheru, who was able to see the entry in the DOB, about the subject being taken to the Military Police. Although neither of them was allowed to see the subject at the Military Police, we are satisfied that he was in fact there and he spent the first night with his two female tenants and some others in the same room. W. 407 said that the last she saw of him was the following morning when he was asked to sweep outside and never came back. We are satisfied that the body which was recovered by the police from Ruizi river a week afterwards was in fact that of the subject, Africano Arikimbu. There is no evidence that he was ever released by the Military Police and in view of the proximity of time, we are of the opinion that he was unlawfully killed during his custody by the Military

Police and later his body thrown in the river.

301. Subject No. 273 - JOHN MUHIKIRA.

Witness: 411 Fidel Rusingasi - Part 1, p. 4265 - 4271.

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The subject was a herdsman and used to live about six miles from Gulu with his wife called Kamuhire, and a child of about a year. He had about fifteen heads of cattle.

The subject was the younger brother of W. 411, who is a teacher in Mbarara. Towards the middle of November, 1973, W. 411, went to Gulu after receiving a telephone from another brother in Kampala about the disappearance of the subject. In Gulu, Kamuhire told the witness that her husband disappeared around 3rd October, 1973, when he accompanied his father to the bus park to catch a bus for Lira. After the bus had left, the subject took his bicycle to a Musoga bicycle repairer under a mango tree where a police constable asked him to go with him to the Police Station as he was 'wanted.' Later the Musoga took the bicycle to the Police Station and he was asked either to sell it or keep it till it was claimed by the subject's relatives. This story seems to have been disclosed to the subject's father on his return to Gulu on hearing of his son's disappearance, and he took the Musoga bicycle repairer to the Police Station. It was then found that there was no record of the subject at the police station and, at an identification parade, the Musoga is alleged to have picked out one constable who admitted handing over the subject to a group of soldiers. The

subject's father did not go to the Army barracks.

Kamuhire told the witness that her husband was having an affair with a prostitute who was also being visited by a soldier.

The evidence is very scanty. Nobody from Gulu Police Station was called to give evidence. We think that in the absence of any proper records, nobody at the police station would have known any thing about this matter. In the circumstances, it is difficult to say what exactly happened but it appears to us from the hearsay evidence that the subject might have had trouble with some soldiers due to his affair with the unknown prostitute. He has been missing since 2nd October, 1973 and we find that the probability is that he was unlawfully disposed of by the unknown soldiers into whose custody he was given by the constable of Gulu Police Station.

302. Subject No. 274 - EDISON B LINDA.

Witness: 412 Wilson Wamukole - Part 5, p. 4272 - 4282.

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The subject was aged twenty-six and was employed by the Ministry of Culture since 1968. He used to live in Nakulabye and had a girl friend from whom he had a son.

On 21st February, 1973, the subject's step brother, Wilson Wamukole (W. 412), who is a shop attendant in Hima, heard an announcement on the radio by a friend called Arkanjelo Karubinda regarding the subject's disappearance and enquiring from the witness and his sister, Florence Lumbwa, for any information about him. The

witness came to Kampala with his sister and were told that the subject had been missing since Sunday, 18th February, 1973 when his landlady heard him going away in his car, Toyota UUB 316 at about 7.30 a.m.

The witness went round all the hospitals and police stations in and around Kampala but did not trace the subject.

The witness said that the subject was not interested in politics. He said that had he moved to another place, he would not have left his property behind, which included his poll tax tickets, his bank book and the registration card of his car. The witness said that there has been no response to his appeals on the radio for him to return home. He said that the subject's girl friend, Livia, who lives near Nakulabye Market, denied seeing him at all.

The evidence again is very scanty. It seems that the subject drove away from his home on Sunday, 18th February, 1973, at 7.30 a.m. in his Toyota car UUB 316 and never came back. He was not seen at any hospital or police station and there is no information at all about his vehicle. We are not in a position to make any finding about him except to say that he has been missing from his home since 18th February, 1973.

- 303.        Subject No. 275 - JOHN KIVIRI.
- 304.        Subject No. 276 - JANUARY SAMWEZI.
- 305.        Subject No. 277 - RICHARD MURULI.
- 306.        Subject No. 278 - AUGUSTINO NTAMBAZI.
- 307.        Subject No. 289 - ABDU SILVANO BIGANUWENDA.



- witnesses: 413 Daudi Rwumutoko - Part 5, p. 4282 - 4292.  
414 Amosi Kaptenyi - Part 5, p. 4292 - 4301.  
415 Joseph Luthando - Part 5, p. 4301 - 4317.  
418 Faisi Kabarozi - Part 5, p. 4369 - 4378.  
420 Yozefu Kisebo - Part 5, p. 4387 - 4401.  
428 Emmanuel Kasinja - Part 5, p. 4536 - 4543.

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The first two subjects, that is, John Kiviri and January Samwezi, are the sons of Daudi Rwumutoko (W. 413). Kiviri was a bachelor and Samwezi was married but his wife had deserted him and gone away with their daughter.

The next two subjects, that is, Richard Muruli who was then aged sixteen and was a school boy and Augustino Ntambazi, aged twenty-five, are the sons of Amosi Kaptenyi (W. 414). Ntambazi was married and his wife seems to have gone away with his two children.

The last one, that is, Abdu Silvano Bimuwenda, is the son of Sulaimani Massa. He was a farmer and was married to Regina Kabahingi. They have three children between the ages of seven and three; the eldest is now living with his grandmother, Faisi Kabarozi (W. 418) and the other two live with their mother.

Living in Rwensenene village with these people, was a man called Maribo son of Benya Nkoba. His father was said to be very prosperous. There was evidence that Maribo was not living in the village continuously and used to go away for sometime and then return. According to W. 415, he came back to the village about two months before the invasion. There was evidence also

from W. 413 that he used to go to various homes and places of work and W. 415 said that Maribo used to send the children of Amosi (W. 414) to the Tea Estates.

In June 1972, Maribo offered to find Yosefu Kisebo (W. 420), a tea plucker and the younger brother of Subjects No. 275 and 276, a better job in Kampala. At the instance of Maribo, W. 420 told a lie to his mother in that he was going to Fort Portal for the night. He went to Kampala by taxi with two others, Nguru Kisebwi and Kankya, a schoolboy aged seventeen. He was taken to a house in Kanyanya village and his two companions to another place in Kampala. Kisebo said that Maribo saw him occasionally in the evenings. He remained idle for about six weeks and whenever he asked Maribo for money to return home the latter promised to find him a job. His patience gave out when he went without food for two days and left the house to go to the bus park. He met his aunt Kanyalia who gave him Shs. 25/-. He travelled up to Mityana where he stayed with a relative called Makute and it was not till Christmas that he finally returned home.

On Saturday 26th August, 1972, Subject No. 288 went to see his mother (W. 418) in Mburu village. He stayed for a very short time and left his wife Regina with her. W. 418 went to his home the following day and was told by Regina that her son had been collected by Maribo to go to Fort Portal. He never came back.

Amosi's son, John Kiviri, was the next to disappear. Amosi was told by someone that he had seen Kiviri with Ntambazi waiting for transport to go to Kampala. W. 414 said that Ntambazi disappeared in December, 1972 and was told by Fiseem (W. 428) of

having seen Mtambazi walking around with Maribo. But ten days later, January Samwezi said that he was going to collect Maribo's things and he too never came back.

Richard Muruli was also seen associating with Maribo and W. 428 said that Muruli first collected some money from their father, then his other property and went away telling Kisebo that he was returning to his school; that was in August, 1972. He was studying at Mutorero Secondary School in S. III. W. 428 said that Muruli went away with Maribo. His father wrote to the Headmaster of the school enquiring about Muruli but did not receive any reply.

Another man to be offered a job in Kampala by Maribo was Yowana Kamuhanda (W. 415). This was in September, 1972, and W. 415 agreed to accept the offer. Two others, Abdu and Samwezi, were also recruited to work in a garage. These three travelled to Kampala in a taxi and Maribo promised to meet them the following day at the bus park. They waited for him but he did not show up. They were hungry and W. 415 managed to get Shs. 10/- from Abdu and he and Samwezi travelled to Mityana to their relative Mukute, just as Kisebo had done in June before them. Three days later, on 7th September, Maribo also arrived at Mityana and tried to persuade them to return to Kampala with them. W. 415 refused and Maribo gave him Shs. 28/- to return home. Samwezi however decided to accompany him back to Kampala.

Three weeks later came the Invasion. A Gombolola chief saw W. 413 and W. 414 and both of them met

statements at Kyenjojo Police Station about the disappearance of these young men. There was evidence that Maribo was subsequently arrested for being a guerilla and recruiting people as guerillas and publicly executed in Fort Portal by firing squad.

It is manifest that Maribo was engaged in recruiting young people as guerillas. We are satisfied that these five young men fell prey to his overtures and were led astray by his promises of better work and better pay. Whereas two of the many recruits managed to return after being frustrated, the others have not been seen or heard of since their departure from their village with Maribo. It may well be that he succeeded in sending them out of the country for training as guerillas and the other possibility of course is that they may have been killed during operations against the guerillas who were at the material time known to be within the country.

SUBJECTS 279-288 - 10 POLICEMEN FROM FORT PORTAL.

- 308. Subject No. 279 - No. 4927 - R/H/C K. WARA.
- 309. Subject No. 280 - No. 5147 - Sgt. OHEKI.
- 310. Subject No. 281 - No. 3045 - Sgt. OPIKA.
- 311. Subject No. 282 - No. 4369 - P.C. OKELLO.
- 312. Subject No. 283 - No. 6610 - P.C. ONYAKI.
- 313. Subject No. 284 - No. 6061 - P.C. OPITTI.
- 314. Subject No. 285 - No. 3023 - P.C. OKEMU.
- 315. Subject No. 286 - No. 4340 - P.C. OMBETI.
- 316. Subject No. 287 - No. 7952 - W/PC ACHIENG.
- 317. Subject No. 288 - No. 4435 - W/C OPIKA.

Witnesses: 417 Supt. Augustino Odomei - Part 5, p.4328 - 4369.  
p.4500 - 4504.  
461 No. 4026 Cpl. Joseph Omara  
- Part 5, p.5044 - 5051.  
476 WIP Gabriel Luka Okil - Part 6, p.5296 - 5303.  
p.5408 - 5409.  
508 Ali Tow-ii - Part 6, p.6068 - 6122.  
545 No. 6206 PC Ernesti Atrobi  
- Part 7, p.6906 - 6911.

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The first nine policemen, including the policewoman, were stationed at Fort Portal Police Station and used to live in the police barracks. The last one was stationed in Kigezi and was in Fort Portal on a visit at the time of the incident.

They were mentioned by Supt. Odomei (W. 417) who was then the District Police Commander. He said that the O.C. Barracks, Baraza, reported to him that certain Acholi and Langi policemen had been drinking and shouting in the barracks on the night of the Invasion. According to Odomei, Baraza's reaction was: Why is it that during the Invasion Acholi and Langi should be drinking and shouting at night? Odomei reported this incident to the Regional Police Headquarters on 25th September, 1974. His letter of the same date (Ex. 102) to the Regional Police Commander reads:

"SITUATION WITHIN FORT PORTAL

POLICE BARRACKS

Enclosed for your information is a report concerning the activities of some police personnel during the time when Uganda Armed Forces clashed with Tanzania.

2. This is very serious allegation, especially during this period when things are quite critical and so arrest the situation. I think it would be better if you could call upon the District

in the presence of the Commanding Officer, Uganda Army, District Police Commander, Toro and the Regional Prisons Officer, Western Region. This is exactly what the O.C. Prisons Mubuku did last week when similar incident had happened in the Prison Barracks. In fact I attended and the address the District Commissioner, Toro gave apparently carried some weight as far as cooling the situation was concerned.

3. In view of the fact that the allegation is directly against Acholi/Langi I would like you to take a note that the tribal composition of Acholi/Langi within the District is 52 and 22 respectively. As you know, some of them are manning road blocks, armed with rifles and should something happen, I doubt very much whether they would be in a position to defend the Country."

On the advice of the Regional Police Commander, Supt.

Odomel later submitted a more comprehensive report on 29th September, 1972 and also sent the file to the Police Headquarters. His detailed report (Ex. 103) is as follows:

"SITUATION WITHIN FORT PORTAL

POLICE BARRACKS

MY LETTER A/SEC/1/4/ OF 25/9/72 REFERS

This is a report regarding allegations that when guerillas and Tanzania troops on the 17th, September, 1972 invaded Uganda and captured four Ugandan Towns Policemen of Langi and Acholi tribes celebrated and were jubilant about the situation within Fort Portal Police barracks. The brief details of what happened is as follows:

2. This allegations never came to my notice at all until the 25th September, 1972 when I received a written report dated 24/9/1972 from Assistant Inspector VENGENT BARASA KAMUZU who is the Officer in charge Barracks Fort Portal. Immediately I received the report I caused inquiries to be carried and statements were recorded from all persons who could assist.

3. The source of all this allegation appears to be Police Constable No. 7117 ONYANGO also of Fort Portal. Onyango states that on the 16th September, 1972 at about 1700 hrs. he was at Njara with Police Constable No. 606 OCITTI taking a vehicle. He stated that during the presence of a woman called Hani Mubwa Ocitti said that Uganda was at war with Tanzania, and that some of the people had been proud of this Government, and he wondered where they would go if the Government is overthrown. Onyango says he was annoyed and so left the place and came back to the Barracks. In the same evening at about 1900 hrs while he was going to the Township he passed by house of No. 3045 Sgt OPIRA. He says he saw Sgt OPIRA, P.C. OCITTI, P.C. OMBILO AND P.C. ONEK. Here again he says that Sgt. OPIRA said in Luo that our Uganda is being returned back to us. At about 2300 hrs. Onyango states that while coming back from the Township, he heard drumming and shouting which are signs of jubilation at the house of No. 4346 P.C. Onek. He went there and knocked at the door and inside he found the following drinking kwezo beer P.C. OCITTI, SGT. OPIRA, P.C. ONYACH, P.C. OMBILO, P.C. ONEK and woman Constable MCHENGI. Onyango says he blamed them for making much noise while others were sleeping. The above mentioned policemen abused him and said that he should understand that Tanzania Forces were attacking Uganda.

4. This very constable stated that on the 20th September, 1972 he was at the Road barrier when he was approached by a woman called Hani. He says that Hani told him that Sgt. OPIRA had bought beer from her and are celebrating the fight up between Tanzania and Uganda. The two women Hani and Hani have both given statements and have categorically denied the allegation by ONYANGO and Cpl. OGDEN.

5. Another incident connected with this affair is reported to have taken place at Bwaka Road barrier. Here No. 3406 Sgt. OPIO says that on the 18th September, 1972, he was detailed for duty with P.C. OK KILIA OCITTI, AND P.C. OMBILO. He says that the three policemen mistreated him, and disobeyed his orders as in charge. He

said the three removed the road barrier and put it to another place and disappeared. He went looking for them, he said before the three went. P.C. OKELLO threatened to shoot by pointing a gun at him. While looking for them he was met by Assistant Inspector Akuma and some Military personnel. He said that he related the whole story of threats, misbehaviour to Assistant Inspector Akuma. Assistant Inspector Akuma has given a statement denying all charges. He in fact says that he found all the policemen at Road barrier.

6. As regards drinking and celebrations in the lounge of P.C. ONEK no one has come forward to say that such incident ever took place. There is no positive confirmation by two policemen that during the nights of 17th September, 1972 some school and large policemen gathered outside, talking, and appears very happy and jubilant. No one has come to say who these people were. It is true that native beer had been prepared in the lounge of SGT. OPIRA and it was sold, and this was on the 18th September, 1972. During this time SGT. OPIRA was not in for he was at the road barrier.

7. I have to state that they are many Senior Officers of the rank of Assistant Inspector and above who live in Barracks. This includes all the Special Branch personnel and the in charge District Special Branch. None of these officers informed me at all of what took place in the Barracks. All of them have given statements denying having heard or seen celebrations by school and policemen in the Barracks.

8. According to appearances and general feeling of the school and school policemen in this Barracks, I as District Police Commander would not hesitate to say that they are not happy with this present Government and follow in the line of those who are ill and to have rejoiced and celebrated during the time Tanzania invaded Uganda.

NO. 9977 R/W/O. OKELARA  
NO. 513 S/P ONEK  
NO. 5011 SGT. OPIRA  
NO. 1100 S/P OKELLO



No. 6610	PC	ONYACH	
No. 6061	PC	OCITTI	
No. 3032	PC	OKEMA	
No. 4346	PC	ONYK	
No. 7952	W/PC	ACHING	
No. 4435	H/C	OPIA	who had visited Fort Portal.

9. One thing I have to mention here is the mental condition of Police Constable Oryango. According to his AP he has got mental disorder history. He has already given to the army on the subject and in fact when I had not known of anything about this matter.

10. I suggest that this report together with statements of all witness be forwarded to Commissioner of Police for further action."

Odemel was subsequently instructed to round up these ten policemen with the assistance of the Army. He arranged with the Commanding Officer of the 2nd Paratrooper Battalion for assistance and a lieutenant, with a section of seven men, was sent to arrest them. All these policemen were arrested and detained at Fort Portal Police Station in readiness to be escorted to Kampala. Cpl. Omara (W. 461), who was then with the Public Safety Unit, was despatched in a Kombi to fetch them. He said that he was instructed by Detective Assistant Inspector Okila (A. 476) but the latter did not seem to remember if he sent any policeman to Fort Portal on such a mission. He went through the station diary of the Public Safety Unit for the months of September/October 1972 but failed to find any entry about any policeman having been brought from Fort Portal, or about Omara having been sent out to Fort Portal to bring them. He said that this was contrary to police procedure which makes it mandatory for an appropriate entry to be in the diary whenever some boy goes out or returns. Cpl. Omara however, was certain that he was sent to Fort Portal

from where he returned with ten policemen whom he handed in at Jinja Police Station. Omara said that later on he heard rumours that these policemen had been taken to Makindye for interrogation.

Ali Toweli denied receiving any report about these policemen and said that if they were taken to Jinja Road Police Station the record of that police station must reflect this. As against his denials, there appears an entry in the station diary (Ex.170) of the Central Police Station for 5th October, 1972 which reads as follows:

"Mr. Ali Toweli SSP Head of the Public Safety Unit Naguru hands in No. 7952 W/PC Achieng for safe custody. She is from Fort Portal Police Station."

Her name also appears in lock-up register of 7th October, 1972, Ex. 171.

It is manifest that these ten police officers were arrested for allegedly celebrating the invasion of the country by Tanzania. The file of this incident had been had been sent to the Police Headquarters and, from the evidence of Cpl. Omara, there can be no doubt that the PSU was not only interested in these policemen but also sent him to fetch them. He said, and in this he was corroborated by Odomei, that he collected all ten and, on arrival in Kampala, handed them in at Jinja Road Police Station. We have heard many times during the course of this enquiry that the PSU was using the cells at Jinja Road Police Station as the Unit did not have its own cells at Naguru. The Head of the PSU denied any knowledge about these policemen. We find this incredible; first because a Corporal of his

Unit was despatched to fetch them and, secondly, the entries in the station diary and the lock-up register of the Central Police Station make it clear beyond any shadow of doubt that Ali Toweli was deliberately lying. If he dealt with one of the group, he must not only have had knowledge about the others but must also have dealt with them the same way. All ten of them have been missing and, having said that the Head of the Public Safety Unit not only knew about this matter but also dealt with this case, we would say that they must have disappeared during their custody with the Public Safety Unit. According to the report which was submitted by Supt. Odomel there was considerable doubt not only about the truth of the allegation but also about the mental condition of at least one of the people who reported. It is sorrowful to see that the case was not investigated properly and we find that the case of these alleged revellers bears very close resemblance to the policemen who were fetched from Lugazi on similar grounds, that is, subjects No. 221 to 226. We find that the probability is that all of them were unlawfully disposed of during their custody with the Public Safety Unit.

318. Subject No. 289 - ABDU SILEMBO BIGAMUWENDA.

(Dealt with Subjects No. 275, 276, 277 and 278, p. 515)

319. Subject No. 290 - PAULI BALUMUHLIHIWATI.

Witness: 419 Andersono Kambole - Part 5, p. 4378 - 4386.

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The subject was one of the newly appointed bakungu

chiefs in Bwera/Bukonjo after completing a three months' course. He was married and had seven children, none of whom is at school due to lack of money.

According to his father, W. 419, his nephew Yomasan Muhindo of the Veterinary Department told him on 12th September, 1973 that the subject had been taken by the Gombolola chief of Bwera, Yomas Tembo, on 7th September, 1973 to the Saza Headquarters. When asked what action he took on receiving this information he said (p. 4379):

"At ours you don't have to enquire for someone who is missing, if you do it they will ambush and kill you. I feared to make enquiries because I feared for my life that I would be killed."

He explained that the fear was of the chiefs because of their hatred for the people. He did, however, admit that, in his statement which he made before giving evidence, he had said that he had approached the Gombolola Chief about his son and had been told that he had been taken to Kabarole to the office of the D.C. He was also told that the subject would return. The witness said that he did not enquire any further, even after his son did not return.

The witness spoke about the 'committee of 82' called the 'Committee of Ruwenzori', who claim to be the leaders of the Bwera/Bukonjo. He said that their leader is Daudi Muhindo, who was also alleged to have been taken by the chiefs to Kasese to be 'killed' but at the intervention of the DC, the chiefs spared his life and is now living in Bwera at Kisaka village.

It is difficult to say how much credence one can place on this evidence. It is obvious that the witness belongs to an organisation calling itself the "Committee of 82"

or the "Committee of Ruwenzori", which holds itself responsible for the administration for the area concerned. It may well be that this political activity explains the fear, of which the witness spoke, of the chiefs who perhaps do not look with favour upon the so called "Committee of Ruwenzori." We do not know why the Gombolola Chief took the subject away or where he was taken to. In view of the obvious prejudice which the witness has against the chiefs, based primarily upon hatred and animosity generated by their opposition to the so called "Committee of Ruwenzori", we think that it would be unfair to accept this evidence against the Gombolola chief. We are, however, satisfied that the subject has been missing since 7th September, 1973; another probability clearly is that he has been unlawfully disposed of by his unknown kidnapers.

320. Subject No. 291 - ESTONI NYARUBONA.

321. Subject No. 302 - ODONGO KAGANDA.

Witnesses: 421 Yosia Kato - Part 5, p. 4401 - 4414.  
427 Abdu Kagoro - Part 5, p. 4505 - 4526.  
506 No. 1870 Station Sgt. Fred Kisubika  
- Part 6, p. 6027 - 6037.  
509 ASP Christopher Bakenga  
- Part 6, p. 6122 - 6129.  
534 UA 8255 Sgt. Jackson Songa  
- Part 7, p. 6601 - 6619.

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Estoni Nyarubona was a cashier at the bar of Abdula  
Kakoro alias 'Mukoronofa' in Muhocha. He was married  
and/...../529.

Jeep was in fact a Land Cruiser No. UG 2513. One of the soldiers pointed at Odongo Karanda and said, "This man in danger shirt is the one who beat us". He was arrested and taken away.

They left the bar and went straight to Kasasa Police Station. The officer-in-charge of the Police Station was ASP Christopher Bakenga (W. 509). He had already received a report from his staff that some Army personnel had called at the police station the previous night demanding the release of the three prisoners who were detained in connection with the alleged attempted robbery at Kakono's bar and threatened to break open the cell. W. 509 had left instructions that they were to be taken to him in case they returned. When these Army men called at the Police Station on 12th November, 1971 they were taken by him and he said (p. 6125):

"Indeed on that day in question, they were brought to my office, one of them identified himself as Sgt. Jackson Songa of Simba Battalion, in the Intelligence section, and another one Abdul whom I had known before even he is a country-man, he comes from Kigezi also, I had not known the names, but I then knew the names afterwards, so I asked them as to why they wanted the prisoners and the vehicle, and then after I was satisfied that they were Army personnel from the Intelligence section, Mbarara by asking the Sgt. to produce his warrant card to me and also seeing that they were using a Government vehicle whose number we recorded in SD here. On this question why they wanted the accused persons, then they told me that they had something to do with their investigation in their Intelligence section and that it was by then Major Gowon who had ordered that he would deal with this matter in their own way. That these people were

subjected/... /531.



**ADR**  
SYSTEMS

**ERROR**

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and had two children between the ages of eight and five.

Kaganda was a Jaluo mechanic living in the same trading centre and used to work for an Arab.

According to entries in the station diary of Kasese Police Station, this incident occurred in the night of 10th November, 1971. That night about 10 p.m., Abdu Kagoro (W. 427) and another man called 'Spear' were passing by Kakono's bar when they saw a man demanding money from the cashier, Nyarubona. There was an argument and the bar owner requested those present for assistance, saying that they were being attacked by 'kondos'. The man was arrested and put in Kakono's vehicle to be taken to the Gombolola Headquarters. On the way they met a Peugeot 404 in which the prisoner and his three other companions had come to the bar. They managed to arrest two of them and the third ran away. The three prisoners were assaulted on the way and handed in at Kasese Police Station. Later the car, No. UUA 773, was also taken to the police station and relevant entries were made in the Station Diary regarding the prisoners and the car - Ex. 128. The names of these three prisoners were set out in the station diary entry No. 57 of 12th November, 1971 - Ex. 129 - as Abdu Tumwine, George William Kayiwa and William Kasaja.

The day after the incident at the bar, W. 427 and his friend went into hiding near the water supply after learning that the Peugeot vehicle belonged to 'the head of the Army in Mbarara'. On the second night they saw an Army jeep with some soldiers stopping at the bar. According to Ex. 129, this



jeep was in fact a Land Cruiser No. UG 2513. One of the soldiers pointed at Odongo Karanda and said, "This man in danger shirt is the one who beat us". He was arrested and taken away.

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subjected to the Army questioning in the Intelligence way, I then questioned myself, point number one was that these were genuine Army Personnel, point number two they had power of arrest - powers of detaining members of the public, and powers of interrogating them, if they found it necessary. Then point number three, which was probably the strongest of all was when they told me that they wanted to question them in connection with, Intelligence affairs, I did not want to delay their further inquiries or rather I did not want to be accused of having leaked their ways of investigations, which could have probably been in the interest of the State Security, so on those grounds, My Lord, I decided to hand over the accused persons and the Exhibits and ensure that proper entries were made in the books and forms, knowing that I was doing it in good faith, and they were also doing it in good faith."

The relevant entry in the station diary is 57/12/11/71

(Ex. 129) and reads:

"Three accused persons Abdu Tumwine, George William Kayiwa and William Kasaja with Motor car No. Reg.UUA 773 Peugeot Saloon under CRB 2025/71 handed to Sgt. Jackson Songa, and Private Abdu Sobi both of Uganda Army Mbarara 4th Battalion by the order of O.C. Police, Kasese, Mr. Bakenga. Prisoners which were taken by members of Uganda Army were transferred in Toyota white in colour and the Registration number UG 2513 to Mbarara."

W. 427 and his companion 'Spear' saw the same vehicle return to the bar after about half an hour but this time the Peugeot 404 was also with it. They saw soldiers going into the bar and they also came out of hiding. The soldiers ordered sodas and then called the cashier and said that he had 'troubled' them very much the previous night. They ordered him and the turnboy to lie down and fired

bullets/...../532.

bullets at the floor. One bullet ricocheted and hit one of the soldiers in the mouth and he started bleeding. The cashier and the turnboy were taken away by the soldiers. This evidence was denied by Songa who maintained that he had been ordered by the Commanding Officer, Major Gowon, to investigate a report that some soldiers had fought at a place between Kasese and Mbarara and some had been taken to Kasese Police Station. His instructions were to collect those prisoners together with the vehicle and take them to Major Gowon for questioning and this was what he had done. He denied any knowledge about the cashier Nyarubona or the Jaluo, Karamba. Likewise he denied arresting anyone wearing a red shirt or calling him 'danger man' and he maintained that no one from Mbarara barracks was involved in this incident.

There is evidence that the Peugeot vehicle was the property of a policeman, Station Sergeant Kisubika (W. 506) and he had employed Tumwine as its driver. On receiving a message from Kasese Police he went there and identified both the vehicle and the driver and later made a statement. He said that some three weeks later this vehicle was handed back to him.

W. 427 stated that some more soldiers came afterwards, this time from Fort Portal and arrested a few more people. He named Constant Semakula, Rugadya, Kamadi and two Congolese brothers called Zan.

Nyarubona's father, Yosia Kato (W. 421) heard about this incident and also about the arrest of his son and went to Mbarara Police Station to enquire about him. He also saw the DC Mbarara who called in some Army Officers. The old man

turn  
up  
bar

said (p. 4406):

"He called one officer and a Sergeant. When they came he asked them to listen to me for what I had gone for. I explained to them the whole story and how the fight started and they confirmed to me that they had seen the people I was looking for but that they were brutally beaten and they could not solve their problem they referred their matter to Kampala."

So he went to Kampala and made enquiries at the Bulange. On Sunday he went to Makindye where he met Sergeant Scrumpagi. He found a lot of people there, including many Baganda, also enquiring about their relatives. The Sergeant made out a list of the people who were alleged to be at Makindye and went to the cells. He returned with some prisoners and some of the Baganda saw the list with some 'x' marks against the names of others who had not been brought out, and they started weeping. The witness was told that the mark 'x' denoted that the person against whose name it appeared was dead. When he asked whether the cross did not indicate that those people may never have reached Makindye, he said (p. 4409):

"You know they say in proverb that if you refuse the indigenous persons' advice then you go astray."

He looked for him at Luzira and, not finding him there either, he gave up the search. The old man said that he has not applied to court for an order to manage his property.

It is obvious that, as a result of the trouble at Kakono's bar, three men and the Peugeot vehicle were handed in at Kasese Police Station on the night of 10th November, 1971. We are satisfied that the vehicle belonged to the policeman, Station Sergeant Kisubika who had employed one

of these prisoners, Tumwine, as his driver. Kisubika said that his driver told him, when he saw him in the cells at Kasese, that he had been hired by some men from the Intelligence section to take them to Kasese. It will be recalled that one of their companions was said to have escaped and we think that it was his report which brought Sgt Jackson Songa and his party to the scene. The O.C. Police gave his reasons for surrendering his prisoners to Sgt. Songa, knowing full well that he was holding them on a report of attempted robbery. This is obviously another case where policemen have been brow-beaten into giving up their prisoners by sheer misuse of authority and power on the part of the military. We are satisfied also that, on their way back from Kasese, they stopped at Kakono's bar and arrested these two subjects. We appreciate that Songa denied taking them but we think that the evidence of Karoro, who was an eye witness, has a ring of truth for it was because of the Cashier Nyarubona that all this trouble came about. Songa said that they do not maintain any DOB in their section. This may be convenient but is certainly not true, because we know that such records are maintained at other Military Units and Battalions.

We accept the evidence of Yosia Kato that his son has disappeared since his arrest in November, 1971. It is clear that Songa and his companions must know what they did with these two unfortunate men and, as far as we are concerned, we think that the probability clearly is that both subjects were unlawfully disposed by them either on the way to Mbarara or subsequently.

323. Subject No. 293 - HENRY MBIKIRA.

Witnesses: 429 Maria Bakyeima - Part 5, p. 4543 - 4560.  
430 Fomehansi Tindyeita  
- Part 5, p. 4560 - 4567.  
431 John Natifu - Part 5, p. 4567 - 4573.  
517 Christopher K. Basajjasubi  
- Part 7, p. 6257 - 6260.

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The subject was the county chief of Bundibugyo. He had three wives, of whom W. 429 is one. He had sixteen children. W. 429 said that five children are at school and she cannot afford to send the others to school. Two had to leave school after the disappearance of their father, one from S. II and the other from P.VI.

On 5th October, 1972 the subject was at his home with his wife (W. 429) listening to the news. At about 9.30 p.m a Landrover came to the house. The porter (W. 430) went to see what it wanted. He saw three men in the vehicle and they told him that they were coming from Fort Portal and wanted to see the county chief. They went inside the house and were made to sit in the sitting room. When the subject confirmed that he was the county chief, one of the three straight away handcuffed him and asked him if he had received a reply to the letter he had written to his friend in Tanzania. The subject denied writing any such letter. They took him into his bedroom and asked him if he had a gun, which he denied. They then asked him to take money for his return journey. They picked Shs. 1,000/- from the box which the subject's wife brought, and another Shs.

1,000/-/...../537.

322. Subject No. 292 - JOSEPH KIZZA.

Witness: 425 Vera Kabayana - Part 2, p. 4463 - 4471.

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The subject was a young lad about fourteen and was studying in P.VI at Karambi Primary School, where his father Augustino Katamba is the headmaster.

Attending the same school was Kizza's brother Kahwa, and both were in the same class.

According to their grandmother (W. 425) the two boys disappeared from home on 14th May, 1974. Kahwa was known to have sold his bananas, and Kizza sold his chicken, obviously to raise money for transport. W. 425 said that Kahwa returned home on 17th June, 1974, and said that they went to Mbarara where he had been working for a soldier, upon whose transfer elsewhere he returned home. Regarding the subject Kizza, he said that he left him in Virika. His father did not seem to be concerned and was of the opinion that as one had returned home so would the other in due course. W. 425 said that they made enquiries at Virika and, not finding Kizza there, they reported to the police.

It seems obvious that the two youngsters went to Mbarara looking for a job. Whereas Kahwa returned, Kizza stayed on in Virika but we were not told what enquiries were made there for him. If the boy could leave home in search of work, he could also leave Virika and go elsewhere for the same reason. The evidence is very scanty and we are unable to make any findings about this subject....

had been taken over by the Uganda Army to assist them in their duties. He rang up the Regional Engineer and he also confirmed that the vehicle had been taken over by the Uganda Army. When it was subsequently returned to the Ministry of Works it needed certain repairs and it was not till 5th December, 1972 that it was returned to the Labour Office.

We are satisfied that the Landrover No. UG 0186 was attached to the Provincial Labour Officer in Fort Portal. It was the same vehicle in which the county chief was picked up from his home. We are satisfied from the evidence of the Provincial Labour Officer that on 2nd October, 1972, he was informed by his driver, and this was later confirmed by the Regional Engineer, that the Landrover had been taken over by the Uganda Army to assist them in their duties. This would indicate that it must have been taken over by soldiers from Fort Portal and they must be the people who went to collect this county chief on 5th October, 1972. There is some corroboration in this piece of the evidence of the porter (U. 430) to whom they said they were coming from Fort Portal. It seems to us that there must have been some allegation against the county chief of corresponding with people in Tanzania and this might be the reason for his arrest. Nevertheless we are in no doubt that some soldiers, whose identity is not known, from the Battalion in Fort Portal and using a Government vehicle No. UG 0186 of the Labour Office, arrested this county chief on 5th October, 1972. There is no evidence of where he was taken or what was done with him. He has been missing since then and we are of the opinion that the probability clearly is that he was unlawfully/...../559.



1,000/- from his trouser pocket. They handed over Shs. 300/- to the subject's wife for the children and then left saying that they were taking him to Mbarara 'from where he will never come back.' According to W. 430 when these people entered the sitting room, one of them, who was tall and brown and had a whip, started looking at the pictures on the wall and after the subject had been handcuffed, they asked him if he had a UPC card. The subject told them that all the members of the UPC had burnt their cards after the Military Takeover and it was then that they asked him about the letter from Tanzania. W. 430 said (p. 4562):

"They said that they were coming from Entebbe, we were sent to collect you. We are taking you to Entebbe to go and explain."

The porter reported the incident to the askaris. John Natifu (W. 431), who was on night duty, went to investigate upon receiving the report. When he approached the Landrover he was told to go back as they were also askaris like him. Natifu was afraid because he saw one of them standing behind the Landrover with a gun and to him, they said (p. 4570):

"They told me that we are Uganda Policemen and we are coming from Kampala we are taking your chief because we want him there."

They then drove away with the county chief.

All these witnesses gave the number of the Landrover as UG 0186. According to the Provincial Labour Officer, Fort Portal, (W. 517), this Landrover was attached to his office and used to be left at the Ministry of Works, Fort Portal overnight. He said that the driver left it at the Ministry of Works on 29th September, 1972 but when he went to collect it on 2nd October, 1972 he was informed that it

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He said that this warning was given to him by an Army soldier, Mrs. Abbe said that her husband told her that he wanted to go to Kampala to see Your Excellency about those two missing persons, if he found transport. He then went back to his office and Mrs. Abbe went to her shop.

She returned for lunch at about 2 p.m. and found soldiers on the path to the house. Her children told her that Abbe had been here for lunch and gone back to his office. She went back to her shop and returned home at 5 p.m. Her husband did not return.

She said that in the night of 24th September, 1972 a Landrover with three soldiers drove into the compound of their house and drove out again after stopping there briefly.

On 26th September, 1972 she went to the office to find out if her husband had left any message and found some soldiers and officials in the office. She returned home and sent her porter, Brunyo Odongo, with the office keys, and he was detained.

According to Superintendent Odyek, who was then the District Police Commander, they started enquiring about the whereabouts of the D.C. after about two days of his disappearance. He said that Mrs. Abbe did not seem to know anything and he instructed the CID to investigate. At the same time an A.D.C. was appointed to take over the office and, in the presence of Captain Bashir, the Base Commander and some others, the safe in Mr. Abbe's office was opened. Amongst the papers which were scattered on one of the tables they found the copy of a letter which was addressed to a D.C. of a border

town in the letter to permit a cool-will mission of seven persons, whose names were mentioned in the letter, to enter the Sudan. One of those seven, whom Captain Bashir and Supt. Odyek mentioned, was the county chief of Onero, Nicholas Obongo (Subject No. 238). That letter was taken over by the Gulu District Commander, and Supt. Odyek said that police investigations with regard to those people mentioned in the letter were kept in abeyance till the letter was returned to them.

We should like to recall the evidence of Lulom (W. 330) in the case of George William Ouda (Subject 206), the Gombolal Chief of Attik. According to him, Mrs. Ouda had told him that five days prior to his arrest, her husband had accompanied Able and a county chief on a hunting trip. She told W. 330 that in the bush, Mr. Able and his companions had tried to persuade her husband to join them in running away to the Sudan which Ouda turned down. It is useful also to recall the evidence of Mrs. Oduro (W. 352) who said that her husband was arrested in her presence from the Gulu Market and subsequently she saw his car at the District Barracks. Ouda was arrested on 18th October, 1972 and Obongo was arrested on 23rd September, 1972.

After the discovery of the letter, Mrs. Able was taken to the police station by the Intelligence Officers, Onzi and Ali, for her statement. According to her she was detained there for about six days till 2nd October, 1972 during which she made no less than five statements. Supt. Odyek said that she was kept there for not more than two days with a view to assisting the police in their investigations. Mrs. Able subsequently visited the Government house and approached the District Commissioner to

not guard at the home, which he refused. When she  
went back to the house for her property in November, 1972  
she found that everything had been stolen.

One of the baffling aspects of this case is the  
conduct and attitude of Mrs. Abbe at the disappearance of  
her husband. She gave us the impression of being completely  
complacent and least worried. She admitted that those were  
difficult days; the country had been attacked and there was  
talk of guerrillas. At one time she said, (p. 5292):

"It is not usually good to ring any body  
when you don't know the particulars of  
the person or to where about the person  
is."

She next said that she did not think of ringing anyone in  
Kampala 'because it might scare somebody for nothing.' -  
p. 5253. She said that she did not make any enquiries  
on Monday because her husband might have had more commit-  
ments and although she 'started' getting worried, still  
she did not ring anybody because she was 'still waiting'.  
She did not even try to walk across to the B.O.'s office  
to find out if her husband had in fact been able to get  
official transport to go to Kampala. It is noteworthy  
that, whereas Mr. Abbe disappeared on 2nd September, it  
was not till four days later that Mrs. Abbe went to his  
office to see if she had left any message behind. Accord-  
ing to her evidence, Mr. Abbe did not return home after  
disappearance and she did not tell how the keys of the office came  
to her.

Given the evidence as above, we doubt if  
Mr. Abbe ever went to Kampala. We are sure to believe that  
Mrs. Abbe did not know anyone in Kampala to whom she could  
refer to find out. She must have known Mr. Abbe's Minister,

if nobody else, whom she could have approached and, waiting for a period of four days before taking the first step, indicates to us that she must have known that her husband had in fact gone elsewhere and was by then out of reach and danger. We think that the probability is that he crossed into the Sudan. There was similar mention in the case of Subject No. 208 and Captain Bashir Juma also talked about getting some information from a driver of the repatriation team, who were taking the Sudanese refugees back to their country, of Mr. Abbe having been seen in Juba.

For these reasons, we think that the probability is that Mr. Abbe fled the country and may now be in the Sudan. It is difficult to say what made him take this action except for saying that he had been told that he too was supposed to have been posted and was asked to be careful. Two senior officers had disappeared and it may well be that fear produced by these occurrences might have been responsible for his running away from the country.

- 326. Subject No. 296 - MUMONY.  
(Dealt with Subject No. 171, p. 358)
- 327. Subject No. 297 - ASP. ALEN DU.  
(Dealt with Subject No. 5, p. 26)
- 328. Subject No. 298 - REV. CAPTAIN HENRY OGWAL.  
(See Mburara Soldiers, p. 618.)
- 329. Subject No. 299 - FIRE CORPORAL ABEMERIKI OTUDA.

49. Subject No. 300 - FIRE CONSTABLE OROHO.

50. Subject No. 301 - SHERIFF BEN NIKI.

- 113. Fire Constable Aloysius Oluget  
- Part 6, p. 6182 - 6203.
- 132. Fire Constable James  
- Part 7, p. 695 - 699.
- 136. Fire Constable J. M. Ku  
- Part 7, p. 6735 - 6731.

Subjects No. 299 and 300 were Fire Officers stationed at the Jingo Fire Brigade. Oluget was married and was married to Oluget's (513) sister. He has eight children between the ages of twenty-two and one.

Oluget was a shill and, although he was married, he did not get details of his family.

Subject No. 301 was a Superintendent of Police and, at the time of the incident, was commanding the Jingo, Miki.

On 27th December, 1972 at about 5 p.m., two men in plain clothes went to the Jingo Fire Brigade and saw the sub-fire officer, James (No. 132) in his office. They told him that they were on duty. One of them took a list of names of the fire brigade and the names of the fire officers (No. 136). They said that the two men look very nervous and looked like 'bush'. This frightened him and he started to ring the fire station that they were 'bush' people.

At the time the two men mentioned, Oluget was not present in the office. On the following day, the two men went to the office and asked,

"Sir, you want me?" Those two men asked if he was Otuda and, when he confirmed that he was, asked him about Epaku. Otuda told them that he was in the barracks and then accompanied them to the Barracks.

Because of his suspicions, Tanga reported this matter to SSP Ebokorait (he too disappeared subsequently and is subject No. 20 at page 233) who said, "O.K. Leave it to me."

At the barracks Otuda told Epaku that he was required by the C.C. Fire Station (W: 532) for orderly room. Epaku went with them and the vehicle, which was a light green Fiat, drove towards Kamuli. On the way these people asked for his name and tribe and on learning that he was a Kuman, those people said that he was not the one they wanted. All this time a grey car was following them. They stopped the Fiat and the car behind also stopped. Otuda was transferred into the grey car and the Fiat turned round to go back to the barracks with Epaku. One of the men told Epaku, "You boy you are lucky; it was your end."

Later the same evening Epaku narrated this incident to Tanga. Fire Constable Opano was taken the following day. There was no evidence of the circumstances in which he was taken or the people who took him.

Otuda's brother-in-law, (Lupet (No. 513) went to Jinja on 4th January, 1973 from Gulu on learning of the disappearance of Otuda. He was told by Tanga and the C.C. SIB Ochanit (who also disappeared and is subject No. 7, p 36) that they had looked for Otuda but in vain.



Ex.139, which is a list of police personnel who are alleged to be missing, includes the names of both the first officers and one Police Constable having been kidnaped on 27th February, 1973.

Inspector Clupot said that in August, he was stationed at Epipi and he went to the whole evening of 31st, 1972 with Const. Kwawika. The following morning Clupot learnt that the Superintendent had been arrested by the Public Safety Unit and taken to Kumasi. Clupot's local enquiries revealed that the Superintendent had been responsible for releasing six people, who had been arrested by IIP Petyalala on a charge of robbery, pending further investigations. Superintendent Kwawika has been missing since then. His name appears in Ex.167 which is a message from COMCLIME dated 9th October, 1972, regarding the decision taken by the Police Council to dismiss/retire certain police officers. Kwawika was dismissed with effect from 15th September, 1972 and the same information is repeated in the Police Force Orders dated 15th October, 1972 - Ex.141.

With regard to Otubi there can be no doubt that he was taken away together with Epaku (C. 536) by two men travelling in a Fiat car. From Epaku's evidence, it is clear that he was carried by his tribes, and this also indicates that these unknown people are in fact after one of certain tribes only. Epaku said that he was not able to see the number plates of either car, nor was he able to recognise any of these people. Otubi was then transferred into the other car and he had not been seen since.

With/...../167

With regard to Opolo, who is reported to have been picked up the following day, there is no evidence at all before us except that he too has been missing since the 28th December, 1972.

With regard to Supt. Mwarika there is only the evidence of Det/Insp. Clupot to say that he was arrested on 1st September, 1972, by men of the Public Safety Unit, possibly for the release of the six suspects in a robbery case pending further investigations. It is strange that he is not included in Ex. 139 which is a list of police personnel who are alleged to have disappeared, but does appear in the police Force Orders - Ex. 141 - and in the police message - Ex. 167 - as having been dismissed with effect from 15th September, 1972. We have no reason to doubt Clupot's evidence and we are of the opinion that there is a strong probability that as the Public Safety Unit was at that time actively engaged in operations against kendos, the Superintendent's action might have brought upon him the wrath of the officers of this Unit, who must be held responsible for his subsequent disappearance.

As these three subjects have been missing since their respective dates of arrest and have not been seen or heard of since, we are of the opinion that they must have been unlawfully disposed of by the people who arrested them.

332. Subject No. 302 - OROMBO KAGANDA.

( dealt with Subject No. 291, Estoni Nyarubona,  
p. 528)

333. Subject No. 303 - MARTIN LUTHER KING,

334. Subject No. 304 - EYUR

335. Subject No. 305 - JOHN ENGUR.

Witness: Det/Inst. Vincent Geoffrey Odwa

- Part 6, p. 5857 - 5869.

These three subjects were mentioned by the witness in passing while giving evidence about the arrest of Benjamin Star (Subject 20). He said that soon after the takeover, in March or April, some people in London District were involved in the recruitment of guerrillas and were arrested. During interviews some of them confessed to this activity. He acted on to say that together with the C.I. Police, Olyk they went to look in Cyam county on receiving information that one called John Engur (Subject 305) and others were involved in such recruitment and, during their search, came across a note written by one called Eyur (Subject 304) concerning the transport of recruits in a lorry from Sika. The note was also taken to Martin Luther King (Subject 30) of Ayer Trading Centre who was advised to keep his men ready. The contents of the note, according to the witness, were as follows (p. 5861):

"The writer said: 'I am sending a lorry to Ayer Trading Centre, get your men ready. Have courage to do these things properly or do not start to fail. That is the language. I have ready for lorry and make sure that these people pass through Sika.'"

The witness said that they arrested John Engur and, on their return, they went through Ayer Trading Centre to find the lorry. They did not know what it was for at that time.

arrest him also about 4 a.m. the following day. The writer of the note Eyur, was also arrested from John Engur's home. The witness said that during interrogation all these three said that they had recruited people to go to Sudan, and some had passed through Tororo.

The three subjects were handed over to the superior officer, Mr. Amuchand, after recording their statements, all three were collected by officer who came from Kampala.

According to the witness, several counties of Lango District were affected and he named Oyam, Dokolo, Moroto, Erute and Kyoma.

According to Inspector Olwe, this situation in the District was brought about by certain politicians who were confusing people and he said that the author of the note, Eyur, was hoping to contest an election in the South East constituency while Engur was the chairman of the UFC, Oyam Branch. He said that with the arrests of these three and others, people realised that they were doing wrong and, according to him recruitment of guerrillas then stopped.

During the rest of his stay in Lira till his transfer in 1973, he did not see any of these three subjects back in the District and he did not know whether they were ever released or charged with any criminal offence.

It is quite clear from the evidence that these three people were actively involved in the recruitment and dispatch of guerrillas to their training bases outside the country. It seems fairly clear that the people who came from Kampala

to collect them must have been Army Intelligence officers and, as they have been missing since then, it is probable that they were dealt with as guerrillas.

13c. Subject No. 306 - SULTAN ALI KHAN LADHANI.

(written Memorandum)

The subject's wife, Mrs. Bekkar Khan S.A. Ladhani, wrote to us from London with regard to the disappearance of her husband, a Hazara citizen, who was a trader at Kabul. The letter, which is dated 25th November, 1974, and was sent through the British High Commission in Kabul, is accompanied by her memorandum of facts and copies of other enquiries made through the International Red Cross and the Inter-governmental Committee of European Migration. Our Council pointed out we were entitled to accept this memorandum under the terms of our reference and he submitted that this subject is not covered by the exception, which reads as follows:

"I do hereby direct that the enquiry shall not extend to any person expelled from Hazara under any authority conferred by law or who has suffered a cessation of birth in accordance with the provisions of law. Nor shall the enquiry extend to persons of Indian origin or extraction who, though domiciled in Hazara, are citizens of India, either normally or outside Hazara, or of any territory normally from Hazara, for any reason whatsoever."

There is a report that the subject is an Indian and was expelled from Hazara. The order of expulsion is said to have been issued in 1964.

satisfied that he was not out of Uganda at the material time nor had he run away from Uganda to be excluded from this Inquiry. We agree with the submission of our Counsel and applying our discretion to receive written memorandum, accepted Mrs. Ladhani's documents in evidence as Ex.179.

The subject was born on 25th May, 1930 at Kaliro in Uganda and, as already stated, at the time of this incident, was a shopkeeper at Kabula. Following is an extract of the events as set out in the memorandums

"Events taken place: On 17th September

1972, at Kabula about 1.30 p.m. my husband, Sultan Ali Mursi Ladhani (Mawji) was taken by two local policemen, in uniform, along with our neighbour Mr. Amritlal Suchdev to the local police station in a white pueget car.

After about half an hour five persons believed to be military persons with arms brought back my husband and Mr. Suchdev in white mercedes car to Mr. Suchdev's house. At that time myself, my daughter and Mrs. Manjula, Suchdev were all at Mr. Suchdev's house, who were our neighbours.

Following day on 18th September, 1972, at about 1 p.m. my husband and our neighbour Mr. Suchdev were arrested by the same persons who brought them before my husband and Mr. Suchdev from the police station. But now they were in military uniforms. They demanded money which whatever I had, I gave them and also they snatched some of our possessions and textile from the shop in Kabula. One of the African gentlemen, who was also our friend informed, there was possibility that there may be another attempt in few minutes by the same persons for the looting of our remaining possessions, as they saw the same white mercedes car approaching slowly towards our shop from the side of Mbarara.

Hurriedly my daughter along with myself ran to the backyard and into the bush and hid ourselves to save

our lives and what happened to our possessions and the commodities of the shop is not known to us till today. Myself and my daughter spent the whole night in the bush and tried to find out what happened from the people who were there. We were for all the time surrounded by our neighbours and finally by the help of the British Gentlemen who were kind to call my family, we managed the next morning, 14th September, 1942, to reach Madras.

It is my own belief that Mr. Luckhoo was arrested by the British and was in military uniform, they were thrown in the boat of the boat like article and they were later on were informed by the British that both of them were taken to Madras.

It is not possible to say for both that to survive and to be alive in this manner and I have not heard anything about my husband since that time.

Mrs. Luckhoo decided to escape with her daughter with the help of some friends and finally left the country as a refugee on 23rd October, 1942. Later in her statement she said:

"Basically another theory is that some of the conspirators acquired military uniform by any means and well they put up a military camp in the jungle on the Arceles bend and all committed the first and inhuman crime, but it is definitely sure that the two police officers of the police station in Madras definitely knew about these conspirators."

At present the names of four people who witnessed the incident.

It is to be noted that this memorandum was received from Mrs. Luckhoo in order to make enquiries about the incident and the account of the incident.

of the incident, and she was an eye witness, indicates clearly that the pattern was no different from many other cases where people were picked up in this manner. Mrs. Ladhani has herself referred to the theory that the kidnapers might have been personating Army soldiers and we appreciate that this is a very real possibility. During the progress of the Inquiry we have seen that even when an incident occurred in the presence of a police officer and he was called to give evidence he did not prove of much value, primarily because he did not try to intervene out of fear and also because he did not care to note down the registration number of the vehicle involved. We met the same difficulty in a majority of cases with civilian witnesses and it was only in a very few cases that any witness had in fact the presence of mind to note down the registration number of the vehicle involved in the abduction.

In the circumstances and considering the facts as stated by Mrs. Ladhani, we can only say that her husband has been missing since 18th September, 1972, and we share her fears that the manner in which he was taken did clearly indicate the probability that he may not be alive.

337.

Subject No. 307 - RAJIB MUKHERJEE.

(Written Declaration)

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Mr. Mowann, formerly Mumbai's Ambassador to France, Spain, Italy, and Switzerland, submitted a lengthy declaration supported by numerous documents to explain

the /...../554.



(the background to my exile and the circumstances which made my return to Uganda impossible at least for the time being.)

This being one of our terms of reference we accepted his declaration as a memorandum and took it in evidence as Ex. 177.

In a nutshell it appears that Mr. Musamira was called back to Kampala and he arrived on 15th October, 1973, and had an audience with Your Excellency on 22nd October, 1973. According to his declaration - 1.2:

"After the meeting I saw various statements distributed to all news media and broadcast in all languages found on radio, radio and TV channels. I regret to inform the Commission that the statement did not give a fair picture of what actually happened to be the record of the meeting. The President was his own master and I was alone. There was no secretary in attendance. Most of the time he was talking and abusing the people and making a political lecture. He told me that he was convinced after a lot of evidence that in 1972 you were preparing the children of the people of Mr. Bantaby, and his wife, and Mubulera and others who ran away because they are enemies of Uganda and they want to work with their imperialist masters and Zionist Jews, further, accused of mistreating all the people who are not of your tribe like Nira. One of the things that you were doing was to give people jobs and they are of your tribes. He also told me that you were referring to people that were in contact with the people of the people to the people, and that you were in a way to give them jobs."

Mr. Musamira also stated that the above is not true. The Commission did not accept his version. In dated 22nd October, 1973, the Commission...

"The President, General Ili Amin Dada, has suspended the Uganda former Ambassador to France, Mr. Paul Mwangi, with immediate effect because of his misusing of the Government and taxpayers' money in his Embassy in Paris."

The statement then goes on to give details of the alleged misuse of public funds. Mr. Mwangi then gives the reasons for his fleeing the country on pages 3 and 4 as follows:

"After the meeting with President Amin I decided to leave Uganda immediately. Public denunciation of my actions by the President is a bad omen. It has in the majority of cases been followed by the 'disposal' of the accused by murder squads. I was able to convince the officials of the ministry to re-route me via Nairobi to be able to leave the country by the first available and quickest means. I had been tipped by friends that there had been suspicious characters at my Hotel inquiring about me that day. They were still waiting at the hotel when I left without being there to collect my personal effects."

He has gone on to explain the various allegations regarding the finances and has also referred to an article which appeared in the 'Voice of Uganda' of 14th February, 1974, the title of which is "HE WENT FOR FOREIGN COUNCILOR TO FRANCE" - Annex. 'B'. He has asked us to try to facilitate settlement of his outstanding amounts due to him from the Government.

Without going into details we think that Mr. Mwangi has sufficiently explained the reason why he left the country on 20th October, 1973, and as far as we can see this was due to the allegations of misuse of public funds at his Embassy in Paris and also that he felt that his stay after his audience with Your Excellency posed a danger to his security and life.

328.

Subject No. 302 - 17. P.I. ORRE.

See Minis Solihana, 1.580.

AIRFORCE ENTebbe.

- 339. Subject No. 178 - UA 6965 PRIVATE KEN ODEFE.
- 340. Subject No. 179 - S/Sgt. WILLIAM OMARA.
- 341. Subject No. 180 - U. 2079 PRIVATE CHRISTIAN OBONG.
- 342. Subject No. 207 - 6945 L/Cpl. CANNON OBOMYO.
- 343. Subject No. 235 - UA 4617 Cpl. ALFRED OYO.
- 344. Subject No. 242 - UA 5357 Sgt. ALFRED OGEN.
- 345. Subject No. 243 - UA 5324 L/Cpl. MARTIN OKETTA.
- 346. Subject No. 244 - UA 5390 L/Cpl. LUK OKELLO.

- Witnesses:
- 296 Lucy Ikidi Odeke - Part 3, p. 2911 - 2915.
  - 298 Am. Okello - Part 3, p. 2923 - 2926.
  - 299 James Eboru Awyi - Part 3, p. 2926 - 2932.
  - 329 Alex Obweya - Part 4, p. 3293 - 3299.
  - 349 Tom Ogen - Part 4, p. 3590 - 3593.
  - 357 Rose Akulu Ochieng - Part 4, p. 3653 - 3659.
  - 478 No. 2951 Col/Mr. Michael Ekwang - Part 4, p. 5318 - 5343.

The subjects were Airforce officers stationed at Entebbe.

Subject 178, Private Ken Odefe, was married to Lucy Ikidi (No. 296) and they have children four.

Subject 179, S/Sgt. William Omara, was married and, according to his brothers (i. 298 and 299), he had four children between the ages of eight and two. T. 298 said that he is educating one of the children, while the other three are with their mother.

There is no direct evidence with regard to Subject 180, Private Christian Obong, who was a ground technician. No witness came forward to tell us where he came from or about his family.

Subject 235, Cpl. Alfred Ayo, was aged about twenty eight and was married to one called Aber and they have two sons, aged five and three; neither goes to school. W.349 said that Aber has remarried.

Subject 242, Sgt. Alfred Ocen, is married to W.357 and they have four children between the ages of thirteen and three and a half, only the eldest goes to school and Mrs Ocen is unable to send the others due to lack of money.

We did not hear any evidence with regard to the marital status and families of subjects, 243 and 244, L/Cpls. Oketta and Okello.

James Eboga Awayi ( .299), who is a brother of subject 179, said that he used to work for Shell and B.P. and used to live in Entebbe, opposite the quarter guard of the Army barracks. He stated that on 25th January, 1971 the Entebbe barracks were captured by the Army from Kampala and some soldiers and civilians living nearby ran away.

Subject 178 went on duty on 25th January, 1971 at 7 a.m. and never came back. Later the same evening his wife met a woman coming out of the barracks wailing that their husbands were no longer alive. This woman told Mrs. Odepe that only Langi soldiers had been affected and she advised Mrs. Odepe not to bother to go to the barracks to look for her husband as "we Langi women our husbands are no longer living" (p.2912). .299 stated that on 25th January, 1971 after the take-over of the barracks he went to the home of Ite. Christian Obong (sub.207) where he met his brother Omera (sub.179). They spent the whole day and night there but Obong did not come home. Next day, Omera and his brother (.299) decided to go to the barracks. His brother saw him in the quarter guard where he was being 'teased and kicked'

by the soldiers and James ran home. He picked up a bed-sheet and ran back to Obong's home. N.329 is the younger brother of I/Cpl Cannon Obongo and on receiving news of his arrest from the subject's wife he came to Entebbe. He learnt that his brother had been arrested on 25th January at about 4 a.m. and was locked up in the quarter guard where his wife had twice taken him tea.

With regard to Cpl. Alfred Aye, his brother, Tom Agona (N.349) said that he last saw him when the subject came home on leave in 1970. In 1971 the subject's wife Aber returned home and reported that when fighting broke out some people came and arrested her husband from home and took him to the barracks where he was detained. N.349 decided to do nothing as the account given by Aber about the fighting in Kampala frightened him and he thought that he might be harassed if he went to Kampala to make enquiries about his brother.

Rose Akuli (N.357), who is the wife of Alfred Ocen, said that her husband sent her home to their village to take school fees for their child, who was schooling in Acholi, a few days before the Army take-over. It was there that she later met some women returning from Entebbe who told her that their husbands had been arrested on 25th January, and taken to Kampala in a bus. Amongst the names mentioned by them were those of Sgt. Ocen and I/Cpl. Martin Oculu and I/Cpl. Oluo.

There is evidence to suggest that the wives of the soldiers who were arrested were later given bus warrants

to travel to their homes. In all cases no official communications were sent to the families as to the whereabouts of these soldiers or what happened to them. It seems that Mrs. Lucy Odepe did nothing to try to trace her husband after what she was told by the woman who met her coming out of the barracks. With regard to Omara. W.299 said that on 28th January, 1971 he met a man called Egiri who told him that he too had been arrested and taken to Malire where he had seen William Omara. James went home on 30th January, 1971 and reported his brother's arrest. About a month later, James went to Luzira and saw a prison warden, Michael Ekwang (7.473), who confirmed that his brother was there and that the prisoners were being treated well. James alleged that Ekwang handed him a receipt for a radio which his brother had given him for collection of the radio. 7.473 denied all this evidence and stated that at the relevant time he was not working in the Murchison Bay Prison but was at the Headquarters. He admitted that he assisted James to collect the radio from the Nile Radio Shop. James continued hearing news about his brother from the prison and in August, 1971 he read in the 'Uganda Argus' that the "prisoners of war" were to be court-martialled. He attended hearing of his brother in December, 1971. Obonyo's brother Alex Obwoya (8.329) said that he tried to look for his brother at Makindye and Luzira, visiting the former four times and the latter five times. He said that it was no good at all and once he was chased away from Makindye by soldiers in 'spotted uniform' who threatened to open fire. At no time was he permitted to enter these prisons. Mentions, his brother's clothes and

furniture/...../560.

furniture worth about Shs.260/- was stolen from his house. He made a last attempt in June 1971 when he returned to Luzira but was again refused entry. He said that his brother was not amongst those prisoners who were subsequently released from Luzira.

Ocen's wife, Rose Akulu (V.550), said that she had no money to come to Kampala to look for her husband when she heard news about his arrest. Two months later she heard that her husband had been transferred to Luzira and in October, 1971, she and Mrs. Oketta went to Luzira with a letter from the District Commissioner. She was able to see him in the prison. He told her that he had been badly beaten on the day of the arrest but had been treated well thereafter. She said that she returned to Luzira in 1972 and was told that all detainees, including her husband, had been transferred to Mutakula and she has not heard of her husband since. She said that L/Cpls. Okello and Oketta also were not released. Mrs Ocen alleged that her husband's property worth about Shs.3000/- was taken away from his home after his arrest.

Ex.124 is a list prepared by Luzira Prison Authorities in respect of the detainees who were kept there. Seven of these eight soldiers, with the exception of Sgt. Alfred Ocen, are included in this list of detainees of the prison. Of the seven detained there, L/Cpl. Iku Okello and Pte. Christian Obony were admitted on 27th January, 1971 while the others two days later; and all of them are indicated to have been transferred to Mutakula on 28th December, 1971. It is difficult to say why the name of Sgt. Ocen is not included in this list because his wife was certain that she

saw him in Luzira in October, 1971 and was later told that he too had been taken to Mutukula with other prisoners. It may well be that his name was omitted through oversight and we are not inclined to believe that Mrs. Ocen was telling lies about seeing her husband at the prison.

In the circumstances, we find that all these eight Airforce officers were arrested on the day of the takeover, and later detained in Luzira Prison till 28th December, 1971 when they were transferred to Mutukula. We have heard evidence from Lt. Col. Mondo and Lt. Col. Drajua about the mass break-out from Mutukula resulting in some deaths and some escapes. We were not given the details of the prisoners who were killed during this break-out but we believe that had any of these eight been amongst the escapees they would have contacted their families from wherever they were. As they have not done this, we feel that the probability is that they are all dead, probably killed during the mass break-out.

SOLDIERS - ARMY HEADQUARTERS

347. Subject No. 249 - PO CAPTAIN JOHN MUKUSANGA.

Witness: 369 Lt. Colonel Obonyo - Part 4, p.3773-3778.

One curious aspect of this disappearance is that, like the case of Lt. Col. Ologa (subject 142, see p.308), the only information made available to us was from the police file No. CRB/1071/73 of the Central Police Station, Kampala.



This file was handed to W/O Obonyo (No. 569) on 3rd April, 1974 to investigate this disappearance which, according to the first information on the file, was reported on 30th March, 1973 by one called Abel Kabugube claiming to be the Captain's driver. Minute No. 2 on the file which was addressed to the W/O as read:- (p. 3776)

"A new case for an alleged kidnapping, PSB and the Military Police are aware of the matter. It may be possible that the officer was arrested, however, just in-  
vestigate as kidnappers, submit MT and  
LE 16 for normal information of and check  
with the Family."

According to this driver's statement, the Captain was driving his Audi and was stopped near the Kampala City Car Park, next to the P.F.S., by people in a Peugeot 404 car, the registration number of which was given as UUI 230. In his statement the driver said that some people from the Peugeot drove the Captain out of his car, put him in their Peugeot and drove away to an unknown destination, taking the Audi with them also. On getting the file the PSI immediately went to the Central Registry of Motor Vehicles to check on the records of UUI 230. He found that this number belonged to a BMW which was registered in the name of the Uganda Army Headquarters, P.O. Box 7069. The same information is repeated in Ex. 152, which is a list of motor vehicles showing the official records of ownership of these vehicles. He reported to his superior officer, wacha who is the C/O CID, who went to Defence Headquarters at Mulago to investigate on this vehicle. On his return, he told the PSI that the Army Headquarters had no record of UUI 230.

Obonyo continued to look for such a vehicle but failed to find it. He sent his informant called Nyirama to the

Captain's home in Busoga to check if the Captain was at home but he came back with a negative reply. The ASP said that he was unable to interview the Captain's wife because he failed to trace her as well.

The witness' attention was drawn to another minute, dated 4th December, 1973, which he addressed to the Detective DSP(C) Kanyala, which reads: - (p.3775)

"This file had been misplaced in my drawer and I have just come across it, that is, after six months when you reminded me about it. There is, however, no useful information available and I suggest that the file be put away marked "not detected."

The witness said that his superior officer put the file away as he had suggested.

The subject appears in Ex. 136, and the entry indicates the date of his disappearance as 30th March, 1973.

We should first of all resolve the confusion concerning dates. The first information on the police file is dated 30th March, 1973 which corresponds with the entry in Ex.136. Then the witness said that he was handed this file on 3rd April, 1974 for investigation. Yet, his minute which he made after discovery of the misplaced file is dated 4th December, 1973. We think that this discrepancy is more apparent than real and the witness must have mentioned 1974 through oversight or force of habit as he gave evidence during 1974. We accept that the Captain disappeared on 30th March, 1973, and that ASP Obonyo was instructed to carry out investigations on 3rd April, 1973.

We regret to say that, except for making his search at the Central Registry of Motor Vehicles, the ASP seems to

have done nothing else whatsoever. He reported to his superior officer about what he found at the Registry and it seems that the Superior officer was quite content with the denial he had received from the Defence Headquarters about the vehicle, UUI 230, belonging to them.

We find this piece of evidence not dis-similar to a similar denial of ownership of the Volkswagen No. UUU 171, the number plate of which was used on a Peugeot 504 for the kidnapping of the former Chief Justice of Uganda, (subject B.34 - see p.112). We must apply the same reasoning here and we are of the considered opinion that, as in the case of the former Chief Justice, here also this denial of ownership was made deliberately with the sole intention of avoiding the various embarrassing questions which might otherwise be asked. Furthermore, we have no evidence whatsoever that the records maintained by the Central Registry of Motor Vehicles were not correct. We say this notwithstanding the evidence which we heard about the confusion in the registry and with which we had occasion to deal in the case of the former Chief Justice. For the same reasons we say that the number UUI 230, which the Peugeot 404 car in which this Captain was whisked away was displaying, in fact belonged to a BND which, according to records, is registered on the property of the Uganda Army Headquarters. This finding would lead us to the conclusion, again for the reasons which we give when considering the case of the former Chief Justice, that the persons responsible for the kidnapping of Captain Belukusonga were most probably soldiers, whose identity must be known to the authorities in whose custody the car of this number plate was being kept.

Before leaving this subject we should like to comment also on the apparent lack of interest shown by the police officer in investigating this disappearance. It is obvious that having been to the Central Registry of Motor Vehicles and having informed his O/C CID about the information he gathered there, the ASP forgot about the file which he 'misplaced' in the drawer of his table for six months and over. This excuse is as incredible as it is ridiculous. It discloses callous disregard to the fundamental purpose for which the police exists in any country which, in our opinion, not only is to maintain law and order but also to do everything possible to see that the sanctity of life is preserved at all cost, unless otherwise decreed by law. In sitting on the file for these six months we see another example where the police investigations came to an abrupt end, even before they had started and the moment it was found that the case might involve Army personnel.

ARMY HEADQUARTERS, MBUYA SOLDIERS

- 348. Subject No. 97 - UA 6137 PRIVATE KOSMATINO OJOK.
- 349. Subject No. 125 - UO 229 LT. WILSON GIBSON OG'WAL.
- 350. Subject No. 126 - UO 139 LT. LIYA OTIM.
- 351. Subject No. 181 - UA 4614 L/Cpl. GEORGE BROWN OG'WAL.
- 352. Subject No. 204 - UA 5506 L/Cpl. KCSEA OTTO.
- 353. Subject No. 232 - SGT. MATAYO OPOKA.

Witnesses: 207 Nuwa Okeng - Part 2, p. 2064 - 2077  
226 Kitty Akello Ogwal - Part 3, p. 2240 - 2258  
227 Juliet Anne Otim - Part 3, p. 2258 - 2265  
300 Juspanti Auma - Part 3, p. 2932 - 2938  
326 Samali Lakop - Part 4, p. 3273 - 3278  
353 Venturina Lemono - Part 4, p. 3628 - 3625  
377 Lt. Col. Emilio Mondo - Part 4, p. 3861 - 3885

*Commentary on  
Police*

*Disregard  
for lives of  
soldiers...*

These six soldiers were stationed at the Uganda Army Headquarters, Mbaya at the time of the Army takeover in January, 1971.

• Subject No. 97 - UA 6147 PRIVATE KOSMATING OJOK

Private Ojok was the son of Muro Okeng (%.207). He said that he saw his father in 1970 when his son came home on 18 days' leave, after which he returned to Mbaya. He said that his son used to write to him but after his return stopped writing and, in January, 1971, he met some women returning from Kampala at Lira Bus Park. He heard them narrate to their relatives about what had happened at Mbaya and they told the witness also that his son Ojok had been arrested. In February, 1971, the witness sent his daughter called Achol to Kampala to find out about his son. She returned with some of his property, that is, a cupboard with some plates in it. She informed her father that she had learnt from one called Okello working at Mbaya that Ojok had in fact been arrested.

The witness did not make any enquiries from the Army authorities. He said that the country was 'not very peaceful' at that time and feared retaliation if he enquired. All this time he has been under the impression that his son was detained somewhere and he was willing to go to see him if the government would tell him where he was.

Private Kosmating Ojok appears in Ex.136 which gives the date of his disappearance as 25th January, 1971.

• Subject No. 15 - UC 120 LT. WILSON GIBSON OYAL.

Lt. Oyal was assigned to Kibuli (U.206) who

is a teacher in Lira. They have five children between the ages of fourteen and three, all of whom are at school.

In February, 1971 the Lieutenant's houseboy went to Lango and told her that her husband had been assaulted. She came to Kampala and saw him in Kampala International Hotel. He had been coaching players and was not staying in the barracks. He told her that a duty truck came one night and asked him to go on duty. The truck stopped on the way and when asked who had sent them for him, the name of Capt. Arube was mentioned. He was taken to Mbuya and assaulted. In the morning some officers took him out of Mbuya and brought him to the Kampala International Hotel where he was treated. He told her that during the assault some of the soldiers alleged that as he was a Lango, the President was favouring him! The Lieutenant recovered and continued with his training of those who were going to West Germany. A.226 returned to Lira.

Towards the end of July, 1971 she received news that, when the players were going to West Germany, he was stopped from accompanying them. He was collected from the hotel at night and never came back. She saw the Hotel Manager who confirmed the story, and said that a Landrover came to collect him for duty at around 10 p.m. She said that she saw Capt. Arube drinking in the hotel and although she approached him thinking that he might greet her he did not. The Manager gave her the key to room 22 where her husband used to stay. She collected all his clothes and belongings and then went to Mbuya to

check/...../568.

check on their property in their quarters. She found that the T.V. and the radio-gram had been taken and the houseboy told her that some soldiers had chased him out of the house and stolen the property. She found all the rooms empty.

She went to Bulange and saw Col. Odur Alele who knew about her husband's disappearance and told her that he was looking for him. He advised her not to panic and she then returned to Lango. Later on in the month she came back to Kampala to try to ascertain what had happened to her husband. Col. Odur Alele told her that he had heard that her husband had been taken to Makindye and that he was still looking for him. She returned to Lango hoping that they might find him. After waiting for long and running into financial difficulties, she went to Bulange again, and this time saw Col. Ogwang. She asked him if he could arrange to hand-over her husband's car to her. He told her: "I must not try to be brave," - (p.2249). This remark brought tears to her eyes and she guessed that her husband was dead. Col. Ogwang wrote a letter and sent her to Makindye with a captain. At Makindye she was handed her husband's car, from which the spare tire was missing. Later she sold it to raise money.

She said that she is supporting her children on her salary and gets extra by brewing beer. Her husband left some money in the bank and she has not yet applied for court order to recover his property.

The Lieutenant's name appears in Ex.136 and the date of his disappearance is identified as July, 1971.

It seems that the Lieutenant had some trouble first in February, 1971 when he was beaten up and later allowed to continue with his work till July, 1971. Although there is no direct evidence about what happened to him, we have no reason to doubt W.226 in that her husband was collected from the hotel by an Army Landrover at around 10 p.m. to go on duty. Likewise we have no reason to doubt her when she said that Col. Odur Alele told her that her husband had been taken to Makindye. He must have known this for that is the place where he sent her to collect their car. Col. Ogwang's remark to her "you must not be brave" looks strange but it gave Mrs Ogwai the impression that her husband was dead. We draw the inference from this remark that Col. Ogwang did not want Mr. Ogwai to go around making enquiries about her husband. And for this reason we share Mrs Ogwai's conclusion that her husband had been killed. We are of the opinion that he was picked up from the hotel by an Army Landrover and taken to Makindye.

Subject No. 126 - UO 139 Lt. LIYA OTIM.

Lt. Otim was married to Juliet Aroma (W.227) who said that she last saw her husband on 30th January, 1971 at Mbuys when he went to the office and never came back. She said that she was later told by Lt. Moyo of the Military Police that he had been arrested from his office and taken to Malire. She went to Malire but was turned back from the gate. In the evening she went to see Captain (now Lieutenant Colonel) Mondo (W.377). Mrs. Otim said that the Captain confirmed that her husband had been

arrested/...../570.



arrested and detained at Malire. He asked her to be patient. W.377 admitted that Mrs Otin saw her but denied telling her about his arrest and detention. He said that she knew that he was in Luzira and wanted his assistance to arrange for her to see him. He promised to help her. Two days later Mrs Otin saw him again and Captain Mondo told her that her husband was detained at Luzira Prison. She went to Luzira but was refused entry and she saw the Captain again when he advised her to take the children home. She gave him a cheque to get it signed by her husband so that she could get some money. Although .377 did not remember how the matter of the cheque ended, Mrs Otin said that Captain Mondo later returned the cheque to her duly signed and she was able to get some money and returned home. She never came back to Kampala as she had been told to wait for her husband's case. She said that she was still waiting for the date of the case and added - (p.2262):

"His case cannot be heard at Luzira,  
it can be heard in the court and  
that is what I have been waiting."

She said that she honestly believed that he was still detained at Luzira and explained the reason for coming to give evidence: (p.2263)

"Because I have waited for the case  
for a long time that is why I came  
I want them to tell me the truth if  
he is still there or not."

Later on she said that she thought he was dead because  
"if you don't talk to him it means that somebody is dead."

She said that she has four children between the ages of eleven and four, all of whom go to school. The subject left some money in the Grindlays bank but she alleged that

she was told by the bank that his account had been closed by the Army people.

The subject appears in Ex.124 which is a list of the detainees at Luzira Prison and, according to the entry, he was admitted to the prison on 2nd February, 1971 and was transferred with many others to Mutukula Army Camp on 28th December, 1971.

We heard evidence of the mass break-out from this Army Camp in which some prisoners escaped and some died. We were not given details of the prisoners who were killed during the escape. Had he escaped we are sure he would have contacted his family from wherever he was. In the circumstances the probability is that he was one of those who died in the bid to escape.

Subject No. 181 - UA 4614 L/Cpl. GEORGE BROWN OGVAL.

The subject was married to Juspanti Auma (W.300). They have three children between the ages of six and four, of whom only one goes to school.

W.300 said that on 5th March, 1971 a Peugeot car being driven by an Army driver called Hussein, who used to work at Bulenge, came to their home with two men. They told her husband, "The big man wants you for duty" (p.2933). Her husband put on his uniform and went away with them and never came back.

After a week she was asked to quit the barracks and was given a bus warrant to go home. She was also told that the Army was looking for her husband. She said that many other women, about twenty, were given bus warrants like her.

The subject's name appears in Ex.136 which gives the date of his disappearance as 25th January, 1971.

The witness said that she and the children are being looked after by her husband's younger brother. She has not tried to get the money which the subject left in the bank as nobody has so far applied for a court order.

We appreciate the discrepancy in the date of the alleged disappearance of the subject but we prefer the evidence of W.300 rather than the information mentioned in Ex.136, the source of which is unknown. We see no reason to doubt her evidence that her husband was collected by the Army driver Hussein on the pretext that he was wanted for duty in the Bulange by a 'Big' man. We find that he was taken to Bulange and has been missing since then.

Subject No. 204 - WA 5506 L/Cpl. KCSEA OTTO

The subject was married to Samal Lakop (W.326). They have seven children between the ages of fourteen and three and a half, of whom the youngest two go to school. The subject had a second wife from whom he had one child who is staying with his mother's relatives.

W.326 said that her husband went to their home in Opatte village, Kitgum in February, 1971, as a deserter. He told her that he deserted after his house had been encircled and he managed to escape through the window.

According to this witness Your Excellency went to Kitgum some four months later and asked the deserters to go back to duty. Her husband reported to the Parish Chief

and in the end he was taken to the police. Later he was collected by some soldiers from the police station.

W.326 said that she enquired from the D.C., who was then Mr. Mugoye, who told her that he had been told by Makindye that her husband was detained there. She went to Makindye but was not allowed to enter. Nobody seemed to know her husband. She went to Nbuya and nobody knew about him. She returned home and later the subject's father also went to Makindye and Luzira to look for him but failed to find him. She said that she has not received any information about what might have happened to him.

She said that her husband left some money in the bank which she has not been able to use as she does not know the bank.

The subject's name appears in Ex.136 which gives the date of his disappearance as 25th January, 1971.

Here again we see this discrepancy in the dates of his disappearance and, for the reasons which we have given in respect of the previous subject, we are inclined to accept the evidence of the witness that her husband went home as a deserter in February, 1971. We also accept her testimony that four months later he gave himself up in consequence of Your Excellency's call to the deserters to return to duty. We accept the fact that some soldiers picked him up from Kitgum Police Station and he disappeared after that day. We see no reason why the witness should fabricate evidence with regard to what the D.C. is alleged to have told her and we find that the subject was taken to Makindye where he was detained, although his name does not appear in Ex.124.

Subject 749 - SGT. MATIYO OPOKA

The subject was married to Venturina Lamene (W.353). They have five children between the ages of ten and three. She said that all of them used to go to school but she can now no longer afford their fees.

She said that she last saw her husband on 4th April, 1971 when she left him at home in Mbuya barracks and went to the market. The subject was sick. On her return she found the children crying and they told her that the subject had been dragged from bed, beaten up, kicked, thrown in the car and taken away. The children told her that the assailants were Army soldiers whom they did not know. She saw her husband's superior officer who searched for him around Mbuya and also rang up Malingo, but failed to get any clues. After two weeks she was told that they had failed to trace her husband and she was given a bus warrant to go home to Gulu. She went to Luzira to look for him in 1972 and was told that the period for seeing the prisoners had expired and no visitors were allowed into the prison. Later she heard that some prisoners had been transferred to Mutukula.

She said that her husband had a bank account but she does not know which bank it was and she has not applied for a court order to manage his property.

Ex.136 merely stated that there was no record in the Army records office of any Sergeant called Matiyo Opoqa.

Notwithstanding the information given in Ex.136, we see no reason why it should be in that her husband was a Sergeant in the Uganda Army stationed at Mbuya. The

accept her evidence and also the testimony that he was arrested on 4th April, 1971 by some soldiers. His name does not appear in Ex.124 as a detainee at Luzira.

BIBIYA BORDER GUARD

354. Subject No.156 - W. 5868 PRIV TEYOVASI OKULU.

Witness: 269 Nicholas Ogwal - Part 3, p. 2682 - 2688.

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The subject was stationed with the Border Guard Unit, Bibiya, near Mimule. His son, Nicholas Ogwal (No.269), used to live with him. He said that his father had twelve children, the youngest of whom being twelve.

According to the witness, there was no trouble within the barracks at the time of the take-over of the Government by the Army. He said that he last saw his father in August, 1971 when the subject went on duty at about 1 p.m. Soon he was brought home again by four people, two in civilian dress and other two in Army uniform, who took away his gun. They asked him how long he had been in the Army and the subject told them that he had been in the Army during the colonial times and rejoined later. The witness said that his father appeared to be under arrest and they took him away in a Landrover. One of them asked the witness to stay there till they found him means to go home.

The witness stayed in the barracks about four days and then travelled home to Lira by bus. He left all

their/...../576.

their property behind and, on the advice of his uncle, Opulo Edit, did not go back to collect the property. He said that the family gave up the subject and he was of the opinion that he must have been killed as he was arrested in his presence but, at the same time, did not know if he would have been driven across the border into the Sudan. He said that he met some Acholi and Langi women returning from Bibiya at Lira Railway Station and they told him that over twenty soldiers of these two tribes, who happened to be his father's friends, had been collected and killed.

His uncle is now responsible for the education of the six children who go to school. He said that his father left some money in the Commercial Bank at Kampala and Gulu but nobody had applied for a court order to manage his property.

Appearing in Ex.136 is the subject's name and, according to it, he was reported missing on 19th July, 1971.

We are satisfied that the subject disappeared from the Border Guard Unit, Bibiya and we are inclined to accept the date of his disappearance as mentioned in Ex.136. We see no reason to doubt the evidence of the only witness in whose presence the subject was arrested and taken away in a landrover by four people, two of whom were in Army uniform. We appreciate the fact that this Unit, as the name suggests, was stationed very close to the Sudan border but the details of the arrest as given by the witness is in accordance with his father's statement that he was taken across the border into the Sudan.

been the case, we see no reason for disarming him. We are of the opinion therefore that he was arrested from the Unit by other soldiers and taken away in a Landrover to an unknown place, and has been missing since.

GULU AIRB. SE.

355. Subject No. 245 - UA 2287 Cpl. RUFUS ODWONG

Witness: 358 Santa Ajulu - Part 4, p. 3660 - 3672.

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The subject was a mechanic at the Gulu Airbase and was living in the barracks with his wife, Santa Ajulu (W.358). She mentioned his force number as UA 2277. They have four children between the ages of twelve and four; none of whom goes to school due to financial difficulties.

Mrs Odwong said that some soldiers, whom she described as 'visitors', arrived in five tanks and one jeep on 27th January, 1971 at about 3 a.m. This evidence is corroborated by an Ex. Major Alai Mukili (W.526), then a sergeant, who stated that, on being recalled from leave at the time of the take-over, he was sent to Gulu with certain other officers on special assignment to guard the airstrip and the barracks. He said that some of the men of Gulu barracks had deserted and his assignment included the task of arresting such deserters. He denied going to Gulu with tanks but said they had APCs and small vehicles and arrived at the Gulu Airbase in the morning of 27th January, 1971.

Mrs Odwong stated that these 'visitors' were in uniform. They started looking for the resident soldiers from home to home and about twelve of them also called at their

quarters/.....578.



quarters and asked for her husband who had gone on duty. Later the same day she saw many resident soldiers being beaten up by groups of these visiting soldiers and her husband received a big swelling on the head and on the ribs; she said that he was in great pain. She said that the beating was with rifle butts and the victims were being told in Swahili, "Run quickly, run quickly and they were telling them to say their last word," (p.3670). She said that all the resident soldiers were disarmed and the visiting soldiers started firing and took-over the entire Gulu Airbase. According to Alai Makili, they met some resistance when they arrived at the barracks. He said that the soldiers within the barracks refused them entry and started shooting at them. This made them fire back, aiming in the air, from one of the AECs and the barracks surrendered.

Mrs Odwang said that after the assault on her husband, he and some other friends of his started sleeping nights out and her husband came home only for his meals. She said that her husband last came for lunch on 30th January 1971 and never came back. The same day, two of his friends came crying and told her that a lot of them had been ordered to go to Entebbe. One of them called James Okello said that he had seen her husband in the workshop when he was going to the Airfield but on his way back found him gone. She tried to find out about her husband from the soldiers but was asked to be patient. On 2nd February, 1971 she spoke to one of the officers who told her bluntly, "We do not need women in our office but we need men," (p.3667). She was then given a bus warrant and she moved to the home of her husband's uncle the following day.

She/...../577.

quarters and asked for her husband who had gone on duty. Later the same day she saw many resident soldiers being beaten up by groups of these visiting soldiers and her husband received a big swelling on the head and on the ribs; she said that he was in great pain. She said that the beating was with rifle butts and the victims were being told in Swahili, "Run quickly, run quickly and they were telling them to say their last word," (p.3670). She said that all the resident soldiers were disarmed and the visiting soldiers started firing and took-over the entire Gulu Airbase. According to Alai Nakili, they met some resistance when they arrived at the barracks. He said that the soldiers within the barracks refused them entry and started shooting at them. This made them fire back, aiming in the air, from one of the APCs and the barracks surrendered.

Mrs Odwong said that after the assault on her husband, he and some other friends of his started sleeping nights out and her husband came home only for his meals. She said that her husband last came for lunch on 30th January 1971 and never came back. The same day, two of his friends came crying and told her that a lot of them had been ordered to go to Entebbe. One of them called James Okello said that he had seen her husband in the workshop when he was going to the Airfield but on his way back found him gone. She tried to find out about her husband from the soldiers but was asked to be patient. On 2nd February, 1971 she spoke to one of the officers who told her bluntly, "We do not need women in our office but we need men," (p.3667). She was then given a bus warrant and she moved to the home of her husband's uncle the following day.

She/...../579.

She complained that she was having difficulty in looking after the children and said that when she went to the bank to get her husband's money she was told that the Army had instructed the bank not to pay any soldier. She has not applied to court for an order to manage her husband's property.

Appearing in Ex.124, which is the list of detainees at Luzira Upper Prison, is an entry in respect of UA 2287 Cpl. Rafasi Odwong of UAF, Gulu, which indicates that this Corporal was admitted into the prison on 2nd February, 1971 and transferred to Mutukula Army Camp with many other soldier detainees on 28th December, 1971.

Although Mrs Odwong mentioned her husband's force number as 2277 we are inclined to accept the number given in Ex.124 as the correct one. We are of the opinion that No. 2287 Cpl. Rafasi Odwong is in fact the same soldier as the subject. We have no doubt that Mrs Odwong's evidence was true, corroborated as it was by the evidence of W.526 who went on the special mission of taking over Gulu Airbase. We accept that the subject was arrested on 30th January, 1971 from his workshop within the barracks and on 2nd February, 1971 detained at Luzira Prison. It is also clear that he was transferred to Mutukula Army Camp on 28th December. We have heard evidence about the mass break-out from Mutukula, during which some people died and others escaped. We do not think that the subject was one of the escapees, otherwise he would have contacted his family from wherever he was. We find therefore that he died at Mutukula.

JINJA SOLDIERS.

356. Subject No. 118 - UA 5289 JOHNSON OKELLO.  
357. Subject No. 119 - DRIVER OTIN.  
358. Subject No. 123 - UA 4982 L/Cpl. CHRISTOPHER OKELLO.  
359. Subject No. 134 - UA 4993 PRIVATE CEFENESHO OTIO.  
360. Subject No. 137 - PRIVATE MUSTALIE OTIO.  
361. Subject No. 138 - UA 3904 PRIVATE JOHN OTI.  
362. Subject No. 168 - UA 5331 L/Cpl. STANLEY OTTO.  
363. Subject No. 185 - PRIVATE FRANCIS OTOM.  
364. Subject No. 199 - UA 5011 PRIVATE ALFRED BAIYI.  
365. Subject No. 205 - UA 18114372 SGT/M. J. P. ROBERTO CECE.  
366. Subject No. 308 - PO 116 LT. H. I. CASE  
(mentioned in Subject 1.2 supra).

- Witnesses: 219 Margaret Ocilo - Part 2, p. 2153 - 2198  
224 Rose Numa - Part 3, p. 2270 - 2236  
234 Tadeo Ejamu - Part 3, p. 2310 - 2316  
239 Festo Echom - Part 3, p. 2387 - 2389  
240 Nickolo Abun - Part 3, p. 2390 - 2393  
284 Joyce Mlinga - Part 3, p. 2513 - 2820  
309 Robert Echot - Part 3, p. 3031 - 3043  
320 Antonio Opoya - Part 4, p. 3213 - 3233  
327 Nakalie Okello - Part 4, p. 3278 - 3284

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Subject No. 118 - UA 5289 PRIVATE JOHNSON OKELLO

Subject No. 119 - DRIVER OTIN.

Private Okello was married to Margaret Ocilo (W. 219), who used to live with him at Jinja barracks. She said that he belonged to 101 Coy. and gave his force number as 5289. She dated her marriage 10th July, 1974.

At 9 p.m. that evening Margaret was bathing her baby outside her quarters when she heard three shots. Immediately she went inside. At about 10 p.m. there was a knock at the door. When she opened she saw a soldier with a gun. He asked for her husband and, when he was told that he was asleep, the soldier went away. She said that her husband had consumed some drinks that evening. At 2 a.m. there was another knock at the door and this time her husband also woke up. There was a soldier in Army uniform with a gun at the door, who told her husband to dress up and go with him to work. Private Okello dressed up in his uniform, took his kit and went away with the soldier. He never came back.

The following day someone took her husband's motorcycle to the office of the 'C' Company. She did not know if he had bought it on Government loan.

On 12th July, 1971 she went to the Company's office and reported how her husband had been taken away. She was asked to wait in the barracks. On 13th July, a sergeant asked her to pack up to go home and was given a warrant. She said that as she was leaving for the railway station she was stopped at the quarter guard and, when she told the soldier that she had been given a warrant to go home, she was sent back to her quarters. She heard some firing on 13th July, 1971 and, at about 2 p.m., heard a 'big bang'. She stayed in the barracks till the 15th July, when she was given another warrant and also Shs. 60/-. This was the amount which was given to about fifty other women who were also sent home. When she left the barracks she saw that the double storey building housing the quarter guard had

collapsed completely. She said that ammunition also was kept in the same building. Margaret said that there had not been any firing in the barracks before, except people were being arrested and taken to the quarter guard. Amongst those arrested on the same night as her husband was a driver called Otir who used to live with them in the same block; he too has not been seen since this incident.

Margaret has four children and her co-wife also four. The co-wife's children are living with the husband's mother but three of Margaret's children live with her; the last one who goes to school stays with her brother. She said that her husband left some money in the bank which she has not been able to collect, and no application has been made for an order to manage his property.

Appearing in Ex.136 is an entry in respect of UA 5298 Private Johnston Okello of U. Jinja, whose date of disappearance is given as 11th July, 1971. This list was prepared by the Army Records Office and para.1 states that certain names, numbers, units and dates of disappearance as stated in a list submitted to the Records Office for clarification, had been corrected. We are of the opinion that Ex.136 sets out the subject's correct number and name.

Subject No. 123 - U. 4082 1/Cpl. CHRISTOPHER OKELLO

The subject was married to Rose Lusa (W.2.4) and they have two children, aged five and three. The older used to go to school but stopped in February, 1971 due to non-payment of school fees.

W. 2.4 said that her husband was on a course in Kampala but in July, 1971 he came back to Jinja, where he was/...../183.

was stationed, for the week-end. She said that at around midnight, four soldiers came to their house in the barracks and called out for him saying that he was wanted on-duty. Her husband told them that he was on a course and they replied that they had received a telephone from Kampala that he was wanted back. When her husband went out he was ordered to raise up his hands and warned that if he tried to run, they would shoot him. She said that these four were in army uniform and two had pistols, while the other two guns. She saw her husband being taken into the M.T. office. He never came back.

In the morning she went to the Company office to get some food-stuff. She found many other women and they were all told that those whose husbands had been arrested would not be given any food. They were then told to get bus warrants from the Company to return home.

She said that another man who was arrested and disappeared was someone called Justine.

On the fourth day of her husband's arrest she heard a big bang at the quarter guard and the building collapsed; she had heard that many people were being detained at the quarter guard and she was of the opinion that, had her husband been in it, he should be dead because of the explosion and she had no reason to think that he was not in the quarter guard.

She said that her husband had left a pass-book but did not know if there was any money in the bank. She has not yet applied to court to manage his property.

Ex.136 gives the date of his disappearance as 11th July, 1971.

Subject No. 134 - U.S. 4993 PRIVATE CELESTINO OPIO

Private Opio was married to Kelekensia Ajumu who used to live with him in the Army barracks in Jinja. Since the disappearance of the subject she married somebody else and did not come forward to give evidence.

The subject's brother, Tadeo Ajumu (U.234), said that Kelekensia went home on 14th July, 1971 and reported that her husband was arrested in the night of 11th July, 1971 by some soldiers who assaulted her and took him to another building within the barracks.

The witness said that he did not do anything because Kelekensia had told him that the building into which his brother was taken was 'bombed' and the witness thought that his brother was blown up in the same building.

The subject left three children aged six and a half, four and three years and the witness looks after them, besides four of his own children. Whereas his children go to school, none of his nephew goes because he cannot afford the school fees for all of them.

Ex. 136 states the date of his disappearance as 11th July, 1971.

Subject No. 132 - PRIVATE EUSTACHIO KOCK.

The subject was married to Florence Anene and they have two children aged eighteen and fourteen. The subject's father, Eusto Kock (U.299), testified that the subject went home on short leave in June 1971 and returned to Jinja barracks after his leave. He did not write to his father



as he used to do in the past and the witness sent Florence to Jinja in July, 1971 to check on the subject. She returned with his property like beds, sofa-sets etc. and told the old man that she did not find him in the barracks. Florence has since remarried and is somewhere in Kangai.

The old man said that he has no idea of what happened to his son.

He said that neither of his grand-children goes to school due to lack of school fees; his son did not leave any money.

Ex. 136 contains an entry in respect of UA 4624 Cpl. Gusabio Epwo of the Ordinance Depot whose date of disappearance is given as 12th July, 1971. As already stated this exhibit contains the correct names and numbers of the soldiers and we accept the information stated in this exhibit regarding this subject.

Subject 138 - UA 8904 PRIVATE JOHN AWANY

According to the evidence of the subject's brother, Nikola Abua (U.240), the subject had two wives, Abulane Opinya and Filda Adyango. The subject was a private attached to the Army Band, Jinja. His brother testified that on 14th July, 1971 Filda Adyango came home to Dokolo with all their property and reported that the subject had been arrested, assaulted and put in the cells on 11th July, 1971. The witness said that Filda told him that the Langi and Acholi soldiers had been arrested and they were not allowed to see them until preparations had been completed for 'hearing of their cases'. The witness said that he is still waiting for his brother's case to come up. Filda told the

witness/..../586.

witness that the cell in the barracks in which the prisoners were kept had been 'bombed' and the roof destroyed. She told him that she doubted if her husband was alive.

The witness said that Filda has remarried and he did not know her whereabouts. He is keeping his brother's nine children, who are between the ages of nineteen and four, of whom he can afford to send only two to school, whereas all of them were at school before his brother's disappearance. He did not know if his brother left any money in the bank, nor does he know of any other property. Ex. 136 indicates that the subject disappeared on 11th July, 1971.

Subject 168 - U. 5331 I/Spl. STANLEY OTTO.

The subject was married to Joyce Mlinga (7.284). He was an army driver. They have eight children between the ages of fifteen and three and a half, of whom only three go to school.

Joyce said that one day, within three weeks of the Army take-over, when she was at the brigade grocery shop, she saw seven people including her husband - all Langi and Acholi being arrested from a parade in the afternoon. She said that they were all being taken away crying saying that they were arrested for nothing and were being taken for nothing. The witness said that their lands were bound with a rope and then were all thrown into an Army lorry and driven to the quarter guard. The witness went to the quarter guard with her other women and asked why these people had been arrested. They were simply told to go away. She

returned to the quarter guard at 4 p.m. and asked where the prisoners were being kept. The Army officer told her that the prisoners had been taken to Kampala and advised her to go back the following day if she wanted to see them. Next day she saw another officer who told her that her husband's case might finish soon and asked her to wait. She waited and kept on making enquiries, always getting the same answer. Eventually she was given a warrant to go home and she went to Lango.

Later on when she heard that some soldiers were detained at Luzira Prison she went there to try to see her husband but was told that the detainees were not allowed to receive visitors. She did not have any opportunity to see her husband and has not had any communication about him from any source.

Ex. 136 gives the date of his disappearance as 25th January, 1971. The subject is also included in Ex. 124, according to which he was admitted into the prison on 1st May, 1971 and was one of the many detainees who were transferred to Mutukula Army Camp on 28th December, 1971.

The witness said that her husband left some money in the bank but she has not been able to collect it.

Subject No. 124 - FRANKIE FRANCIS OTOM,

The subject was the younger brother of Robert Achot (1309), whose other brother was Sgt. Joseph Otim of Mubende (subject 184, p. ). The witness said that he last saw the subject in April, 1971 when he visited him at the Institute of Public Administrations, Kampala. He said that Otom had advised him never to approach Army

Barracks because, during those days, "things were not alright." He said that in June, or July, 1971, Otom's wife, Margaret Otin, returned home with her husband's two chairs and three children. She told him that Otom went on duty one night and did not return. She said that about fifty women had been given warrants to return to their homes in Lira, Gulu and Kitgum. He was also told that Lt. Oree of Jinja barracks had been shot and killed.

The witness did not try to make any inquiries about both his brothers on account of the opinion that the Acholi and Langi soldiers might have rebelled against the new Government.

The subject's three children are now between five and four, and Otin's three children aged seven, four and two and a half; two are with the witness of whom one is at school; two with his father and the youngest two are with their respective mothers.

According to Ex. 136 there does not seem to be any record about Private Francis Otom but the exhibit does mention HQ 116 Private E. L. Oree who is said to have disappeared on 25th January, 1971. From the evidence of W.309 we are certain that he had such a brother as Private Francis Otom who was attached to Jinja barracks and who disappeared during the incident of July, 1971 about which the previous witness has spoken.

Although Ex. 140 mentions the disappearance of Lt. Oree on 25th January, 1971 we are of the opinion that he too must have disappeared during the same incident in July, 1971.

Subject No. 199 - UA 5011 ALFRED BAIYI

The subject was married but his wife remarried after the death of the subject. They have five children between the ages of five and two and a half years and are now being maintained by the subject's father. The subject and his wife were living in Jinja barracks and staying with them was the subject's younger brother, Antonio Opoya (P.320). At the time of hearing, Opoya gave his age as eighteen and, as this incident occurred three years ago, he must have been between fifteen and sixteen then.

According to this young man there had been no trouble whatsoever in the barracks before 13th July, 1971. On that morning he left for school in the barracks as usual but at about 9.30 a.m., when he was in class-room, they heard firing. The teachers were afraid and the children were sent home. The witness said that he saw some armed soldiers, whom he had never seen before in the barracks, chasing soldiers who were unarmed, shooting at them and killing them. He said that there was no question of arresting or capturing anybody and he saw many bodies lying about.

At about 10 a.m. some soldiers went to their home and asked for his brother who was hiding inside. The witness and the subject's wife were beaten, slapped and hit with butts of guns to force them to tell those soldiers where his brother was. His brother's wife revealed where her husband was and following is his account of what happened to the subject, (p.3222):

When he was captured in the house he was tortured.....they stepped on him with their feet.....they were only stepping on

him. After they had done that they shot him just in front of his house there..... he was already on the ground, his waist had already been broken.....he could not get up.....he was shot on the head..... twice.....he was left there dead at about 2 p.m. A lorry came and his body was thrown on it with several other bodies but where these other bodies were taken I cannot know."

He said that he was frightened to take his brother's body inside the house and let it lie outside from 10 a.m. till 2 p.m. He was asked if he was sure that his brother was dead; he said that his head was 'torn out', adding that it was 'scorched'.

On the same day, that is, 13th July, 1971, the quarter guard was destroyed. He said that its walls fell down and the roof caved in.

The confusion lasted the whole day and shooting went on even during the night. The killings by armed soldiers of unarmed men continued on the 14th and conditions cooled down on the 15th. On the 14th the armed soldiers were mopping up, that is, tracing those in hiding within the barracks and they were searching houses. He said that four came to their home also, but only to tell the subject's wife to get a bus warrant to go home. He said that on the 15th these people destroyed his brother's property.

The witness said that these armed soldiers were in uniform but he could not tell where they had come from. He thought that they might have come from Kampala. Some were sergeants, others were wearing a bracelet with crown bird on it, others were privates. He said that they all spoke English which he did not understand.

On the 14th July, 1971 the witness and his sister-in-

law went home to Lamit village, Labongo. He said that his late brother left some money in the bank but nobody has so far applied for court order to manage his property.

The subject's name appears in Ex.136 which gives the date of his disappearance as 11th July, 1971.

We appreciate that the witness was a young lad of about sixteen at the time of that incident. At the same time we are of the opinion that the severity of the occurrence and the gangster-like shooting of people who were unable to defend themselves and the killing of his own brother in front of him must have left a lasting impression on his young mind which he will remember to his last day. We should like to compare his experience with that of the other young lad, Valentino Ocen (V.323) who gave evidence about his father, Private Donato Odur (Subject 201, p.671) of the Border Guard Unit, Moyo. We accept the evidence of W.320 and find that his brother JA 5011 Private Alfred Baiyi was shot by some unidentified soldiers at Jinja barracks on 13th July, 1971.

Subject No. 205 - W. 12114377 SGT/MAJOR MODESTO ODOCH.

He was married to Makaliya Akello (W.337) who said that she was living with him at the time of his disappearance. They have seven children between the ages of nineteen and seven, of whom six are at school. She said that he had two more from two other women who keep them.

W.237 said that she had gone home to bury a child. In January, 1971 she went to Jinja but did not find him. RSM Philo Euga informed her that her husband had been arrested towards the end of January, 1971 and taken to

Luzira. She was not told the reason why he was arrested. She returned home and it was not till July, 1971 that she went to Luzira but the warden would not let her in to see her husband. She has no information of what happened to him. She said that all their property, worth Shs. 1,000/=, was left in their quarters at Jinja barracks and she was not compensated. She looks after the children by farming. She said that her husband left money in the bank and was insured but she has not applied for court order to manage his property as she did not know the procedure.

The subject appears in Ex. 136 as W02 of SIG/SCN and the date of his disappearance is given as 25th July, 1971. He also appears in Ex. 124 where his number is given as E.A. 18114397 and, according to this entry, he was admitted into Luzira Prison on 8th February, 1971 and was one of the many others who were transferred to Mutukula Army Camp on 28th December, 1971.

It seems to us that the information given to the witness by RCM Buga that her husband was arrested towards the end of January, 1971 was correct and this would seem to be borne out by Ex. 124 which gives his date of admission into the prison as 8th February, 1971. We do not believe the information about his disappearance in Ex. 136 which does not correspond at all with Ex. 124. We have heard evidence of the mass break-out from Mutukula Army Camp during which some soldiers died and others made good their escape. We were not given details of those who were killed during this escape and we feel that the probability clearly is that the subject must have died during the break-out from Mutukula.



It will be seen that these arrests came around 10th - 13th July, 1971 with the exception of Subject 205. A number of witnesses spoke about the explosion at the quarter guard which occurred on 13th July, 1971. As we have seen there was evidence that all the soldiers who were arrested around that time were in fact detained at the quarter guard. Lt. Col. Nondo (U.377) was asked about the blowing up of the quarter guard. He said that although in July, 1971 he was away from the country in England, he heard of it and said, (p.3884):

"I won't be able to say whether any investigation was carried out, but what I do know is that this happened during the same period in July, when trouble had started and certain people had taken arms again, wanting to fight and the people who were involved in the whole incident were those who had been arrested. I won't know whether there was any investigation."

We should also mention that the Lieutenant Colonel had talked of the confusion in Moroto barracks in July, 1971 which he described as an 'attack' on the barracks but, as we have seen and the Commanding Officer of the time confirmed that, there was no attack as such on the barracks in July, 1971. However, the Lieutenant Colonel went on to give his opinion about the blowing up of the quarter guard in Jinja which he thought "could be accidental because here you have some people arrested by some officers and of people who had decided to fight and therefore any kind of force could have caused the explosion." - (p.3884). He added,

"As I said there was a resistance; so there was a fight in that place trying to contain a certain group of dissidents within Jinja barracks and the process of trying to contain it could have caused the whole building to collapse and there would be no reason to believe that it was done intentionally to warrant the investigation of this kind."

"While.../ 594.

While appreciating that the Lieutenant Colonel was not a witness to the incident and also appreciating that he was out of the country in July, 1971, we would, with respect, say that his opinion is not borne out by the evidence which we have heard. The evidence clearly is that there was no trouble within the barracks till some soldiers from outside came and they started shooting the resident soldiers, mostly Acholi and Langi, who were unarmed. According to one eye witness, there was in fact no question of taking any prisoners; it was killing and nothing else. We did not get any evidence of any resistance being put up and the probability therefore is that the quarter guard could not have been blown up either accidentally or in the cross-fire.

MAGAMAGA SOLDIERS

- 367 Subject No. 127 - UA 4846 L/Cpl. PETER OCEN
- 368. Subject No. 163 - UA 6557 PRIVATE FRANCIS OPTO.
- 369 Subject No. 164 - UA 7693 PRIVATE JOHN OCEN.
- 370 Subject No. 187 - UA 2280 SGT. DAVID LOUM.

Witnesses: 228 Eseri Akulu - Part 3, p. 2265 - 2273  
278 Barnabas Ochom - Part 3, p. 2773 - 2776  
279 Erifasi Ogwang - Part 3, p. 2778 - 2780  
310 Valente Otto - Part 3, p. 3043 - 3045

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Subject No. 127 - UA 4846 L/Cpl. PETER OCEN.

L/Cpl. Ocen was married to Eseri Akulu (W. 228). They have six children between the ages of sixteen and one, all of whom go to school.

She/...../595.

She said that one evening in July, 1972 when they were asleep, some people knocked at the door at about 11 p.m. and said that her husband was wanted on duty. The subject dressed in his uniform and went away with those people and never came back. She said that there was nothing unusual in the subject being called out on duty in this manner. She heard the sound of a vehicle leaving her home as soon as her husband went out.

She waited for his return for three days thinking that he might have gone on safari. She was then called into an office where she was given a bus warrant to go home with five other women, all of whom were Langi. Those women said that their husbands had been arrested and detained at the quarter guard of Magamaga barracks. The witness went home and later came back to Magamaga to ascertain about her husband. She saw RSM Juma, who denied knowing anything about him.

She said that there had not been any trouble before her husband's arrest and had heard that some soldiers had run away during 1971 and 1972. She did not think that her husband would have left the country.

The subject appears in Ex. 136 which gives the date of his disappearance as 12th July, 1972.

We are satisfied that L/Cpl. Ocen has been missing since July, 1972 when he was called out at night by some men for duty. Relying on the evidence that other five Langi women, who were also issued bus warrants together with the witness, who told her that their husbands were detained at the quarter guard, we think that the probability

is/...../596.

is that he never reached Luzira.

Subject No. 163 - UA 6557 PRIVATE FRANCIS OPIO.

The subject's father, Barnabas Ochom (W.278) said that on 18th July, 1971 Opio's wife, Janet Ejang, returned home from Magamaga barracks and reported to him that when her husband went on duty to the quarter guard on 11th July, 1971 trouble broke out and he never came back. She told him that many people had been arrested that night and taken to the quarter guard and their wives were given bus warrants to go home. She told the old man that they were informed that their husbands had been killed by the soldiers who arrested them.

The witness went to Magamaga after about a month and some of his son's friends confirmed that his son was dead.

Janet Ejang no longer lives at the home of her husband and her whereabouts in Soroti are unknown. She took her husband's son, aged five, with her but W.278 said that he had asked her to bring him back to him when he became of school age.

The witness wanted us to help him bring up that boy.

The subject appears in Ex.136 which gives the date of his disappearance as 11th July, 1971. We are in no doubt that UA 6557 Private Francis Opio was arrested on 11th July, 1971 as reported by his wife to W.278, since when he has been missing. He does not appear in Ex.124 which indicates that he never reached Luzira Prison. This would seem to lend support to the information collected by W.278 that his son was killed during his detention at Magamaga.

Subject /...../597.

Subject No. 164 - UA PRIVATE JOHN OCEN.

Private Ocen's father, Erifasi Ogwang (W. 279), testified that his son came home at Ogenge Primary School, Aloi, where the witness was a teacher, on 14 days' leave in November, 1971. He said that on 30th November, 1971 at about 7 p.m. two Army officers came in a white Volkswagen vehicle and asked for his son. Both of them had pistols. His son came out and they greeted each other. The two soldiers told the subject that he was wanted in the barracks and they were going to take him. His son collected all the property and went away with the two soldiers in the vehicle.

The witness did not hear from his son. He wrote to him on 6th January, 1972 and again on 15th March, 1972 without getting any reply. On 25th April, 1972 he went to Magamaga barracks but he was refused permission to enter. The witness was able to collect his son's chairs from the house he was renting outside the barracks.

The subject appears in Ex.136 which also sets out the date of his disappearance as 30th November 1971. There is no doubt that the subject was picked from his father's home on 30th November, 1971 at about 7 p.m. by two men wearing Army uniform. We consider it a pity that his father did not take down the registration number of the motor vehicle in which his son was taken away. It seems to us that there was nothing suspicious about this visit, otherwise the witness would have said so and this would probably explain why he did not feel any necessity to take down the number of the vehicle. We are therefore satisfied that those two were in fact Army officers who  
wanted/...../598.

wanted to take the subject back to his barracks. The subject never told the men who because he did not acknowledge any of these two letters which his father wrote to him. Had the subject left the country in company with these men, we should have thought that he would have at least got in touch with his father to tell him that he was safe and well, wherever he was.

Subject No. 187 - UA 2280 SGT. DAVID LOUM.

We dealt with this subject together with his two brothers, Subjects 186 and 188, page 362. We would add that when the subject's wife returned home in August, 1971 and reported to U.310 she said that the soldiers who bayoneted her husband to death had come from Kampala.

Ex. 136 gives the date of his disappearance as 12th July, 1971 but, as already stated, there is no doubt that he was killed in his wife's presence.

MALIRE SOLDIERS

- 371. Subject No. 122 - UA 6092 PRIVATE MATHEW OKENY.
- 372. Subject No. 124 - UA 6048 Cpl. PHILIP ALBONGA.
- 373. Subject No. 129 - UA 4973 PRIVATE ALFRED OKELLO.
- 374. Subject No. 130 - UA 5127 LUCAS OKELLO.
- 375. Subject No. 155 - UA 6085 L/Cpl. TOM OKELLO.
- 376. Subject No. 160 - UA 45 CAPT. FREDRICK HENRY OGVAL.
- 377. Subject No. 169 - N 53353 RCM ELIJAH RI OTUCHI.
- 378. Subject No. 170 - PRIVATE JULIUS OGWANG OTUCHI.
- 379. Subject No. 176 - UA 6051 JEREMIA GIBICE.
- 380. Subject No. 177 - PRIVATE LUCAS OKELLO.
- 381. Subject No. 201 - UA 5797 PRIVATE MICHAEL OKULU.
- 382. Subject No. 208 - L/Cpl. YOSEF ALGEN.

...../599

Witnesses: 223 Wilberto Opito - Part 3, p. 2225 - 2229  
225 Lusana Opio Odongo- Part 3, p. 2237 - 2240  
230 Janet Akello - Part 3, p. 2281 - 2285  
268 Levi Ochieng - Part 3, p. 2678 - 2682  
273 Helen Ajwang Cgwai- Part 3, p. 2710 - 2715  
285 Clementina Agulo Otuchi  
- Part 3, p. 2820 - 2830  
291 Constantino Ckwang-Part 3, p. 2878 - 2884  
294 Joyce Ejang - Part 3, p. 2901 - 2905  
324 Yekonani Gero - Part 4, p. 3259 - 3267  
347 Dorothy Lunana - Part 4, p. 3569 - 3581  
377 Lt. Col. Emilio Mondo  
- Part 4, p. 3861 - 3885  
480 UR 0309 Sgt. Alex Alai  
- Part 6, p. 5355 - 5366  
526 Alai Mukili - Part 7, p. 6521 - 6529

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These subjects were stationed at Malire. It would appear that through an error private Lucas Okello has been listed twice as subject No. 130 and 177. There is no direct evidence on him except that he was mentioned by Mrs. Janet Akello, wife of Private Alfred Okello, when she met the wife of Private Lucas Okello. She gave her name as Lessy (Lucy?) Amongon. We get a further reference to Private Lucas Okello in the evidence of Constantino Okwang (U.291) who also met the wife of the private and gave her name as Mrs. Amongon Okello. Here we see reference to the same lady as the wife of Private Okello and we are of the opinion that subject 130 and 177 in fact is the same.

It is now a well known fact that the Army take-over on 25th January, 1971 had its first reverberation at Malire.

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Lt. Col. Mondo (U.377), who is the Secretary to the Defence, spoke of the reasons that led to the Government take-over. He mentioned some "general confusion" that led to the Government take-over and, when he was asked the kind of confusion he was referring to, he said, (p.3874):

"When I talk of this confusion, I think it is both political and military. Well to begin with, the whole source of this problem is political. This is my own opinion, and that eventually, it led, as it were, into the Armed Forces the conflict which brought about the military take-over. The grouping for instance, of Acholi and Langi trying to take arms against the rest of the members of the Armed Forces, that is, the confusion I am talking about."

He was then asked about the 'Lango Master Plan' and he said, (p. 3874):

"No, that may be a part of it. But I think Lango Master Plan, if I remember correctly was a move of which we knew of much earlier than 1971. As I said, it could have been a part of it. That was, may be, the beginning of the political bit of it, but the main point which exploded in 1971 was this grouping of these two tribes trying to fight and eliminate other members of the Armed Forces in the evening of January, 24th. So, I think the two things are very much interwoven political and the rest of it."

With this little insight of the background we now look at the individual cases of subjects who are reported missing.

Subject No. 122 - UA 6092 PRIVATE MATHEW OKENY

The subject's elder brother, Wilberto Opito (W. 223) was the only witness to give evidence on this subject. He said that the subject's wife, Roseline Alara, who used to live with the subject in Malira barracks, was now married to somebody else in Lira.

In early January, 1971, Private Okeny sent his wife

hore /..../ 601.

25 x 10



home for delivery and the witness did not hear from his brother after the Government take-over and even when he wrote to him in February, received no reply. He went to Malire to enquire. The gate keeper asked him to sit down and after a little while they asked him why he was waiting there. He was ordered to get out quickly. They told him, (p.2227):

"They did not know Mathew Okeny and if I wanted Mathew Okeny I should go and find out from a lorry named tipper."

The witness then realised that his brother was dead. He did not collect his brother's property from his house and there has been no official communication concerning the fate of his brother.

The witness said that he later learnt that fighting had started at Malire on 25th January, 1971, and he thought it possible that his brother might have died during the shooting.

He said that his brother had six children who are now under his care. Only one goes to school and he cannot afford to send the others for education due to lack of money. He has six of his own children and his father is blind. He has been unable to withdraw money from his brother's account with the Uganda Commercial Bank.

The subject's name appears in Ex. 136, which gives his date of disappearance as 25th January, 1971.

We are inclined to agree with the interpretation which the witness put on the remark about the 'tipper', if the witness wanted to know about his brother. It seems probable that this subject was killed during the incident at Malire on 25th January, 1971.

Subject/...../602.

Subject No. 136 - Mr. GABRIEL L. LILLIE ALBORGA

The subject was a brother of James Ophi Olongo (C. 136), who said that the subject was married to a woman. After his capture the subject was kept living in Kampala and he does not have an address. The witness said that her brother had five children, who are now under his care. Only one goes to school. He has nine of his own children.

The witness said that the subject's wife returned home on 28th January, 1971 with her husband's cupboard and a sofa set. She reported to him that the subject was arrested on 25th January, 1971 during the Government take-over operations when he was on duty at the gate. The witness went to Malire but nobody seemed to know his brother. He asked the soldiers about his brother's radio and other property which was left behind but they denied any knowledge about it also. He has not received any official communication about him.

The subject appears in Ex. 136 which gives the date of his disappearance as 25th January, 1971. He is also mentioned in Ex. 137, Ex. 138, Ex. 139 and Ex. 140. Prison, according to which he was admitted on 27th January, 1971 and transferred with many other prisoners to Mutukula Army Camp on 28th December, 1971. The witness said that his brother had an account with the Uganda Commercial Bank and he had not so far applied to court for an order to manage his property.

There can be no doubt that this subject was amongst the many other soldiers detained at Luzira who were transferred to Mutukula Army Camp on 28th December, 1971. We

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heard evidence of a mass break-out by prisoners from Mutukula during which some escaped and others died. Had this corporal been one of the escapes, we should have expected him at least to contact his family from wherever he was. We were not given details of those who were killed during this bid to escape but we feel the probability is that Cpl. Aluanga must have died at Mutukula.

Subject No. 129 - UA 4973 PRIVATE ALFRED OKELLO.

Subject No. 130 & 127 - UA 6127 PRIVATE LUCAS OKELLO.

Janet Akello (W.230) is the wife of Private Alfred Okello. She said that her husband sent her home in December, 1970, and kept some of the children with him at Malire.

About a week after the Government take-over in January, 1971, Mrs Lessy Amongen, the wife of Private Lucas Okello, took the witness' children home and told her that on 25th January, 1971 at about 1 a.m. all the Langi and Acholi soldiers at Malire, including their husbands, were caught and put in the quarter guard. Amongen told her also that the detainees had been taken to Luzira.

The witness had no money to go to Luzira but Amongen went. On her return she said that she had not been allowed to see her husband.

Janet Akello has three children between the ages of seven and one; two of whom are from Private Alfred Okello but neither goes to school due to shortage of money. She said that she has been unable to withdraw her

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husband's money from the bank.

Both subjects appear in Ex. 136 which indicates that they disappeared on the 25th January, 1971. They also appear in Ex. 124 according to which Private Lucas Okello was admitted into Luzira Prison on 27th January, 1971 and Private Alfred Okello two days later; and both were transferred to Mutukula Army Camp on 28th December, 1971. These exhibits make it abundantly clear that these two soldiers were two of the many detainees who were transferred from Luzira Prison to Mutukula Army Camp. We heard evidence of the mass break-out from Mutukula during which some prisoners escaped and some were killed. We did not get particulars of those who died and, as these two subjects have been missing since their transfer to Mutukula, we think that the probability is that both of them died during the mass break-out from the Army Camp at Mutukula.

Subject No. 155 - UA 6085 L/Cpl. TOM OKELLO.

The subject's elder brother, Levi Ochieng (W.268), testified that the subject was married to Caroline Akello who used to live with the subject at Malire barracks. He said that Caroline returned home on 28th January, 1971 with some of their property, and reported that her husband was sent out on duty on 25th January, 1971, and never came back. Subsequently, she was given a bus warrant to go home, the same as many other women. The witness said that his brother had five children between the ages of eleven and seven, of whom the eldest two go to school. Three of the witness's own children are at school and

Ochieng/..../605.

Ochieng said that he cannot afford to send the remaining to school. His brother had some money in a bank which is not known.

The subject appears in Ex. 136 which gives the date of his disappearance as 25th January, 1971. He also appears in Ex. 124, according to which he was admitted into Luzira Prison on 27th January, 1971, and was transferred to Mutukula Army Camp on 28th December, 1971. He has been missing since then. We think that the probability is that he was one of those prisoners who died during their bid to escape during the mass break-out from Mutukula.

Subject No. 160 - UG 45 CAPTAIN FREDERICK HENRY OGWAL.

The Captain was married to Helen Ojwang (W.273) and they have eight children between the ages of sixteen and five. Three of the children are at school and Helen said that she cannot afford to send the others to school.

According to Helen her husband went on safari to Arua in January, 1971 before the Army take-over of the Government. She said that on 25th January, 1971, some soldiers, including Captain Lumago, went to her home in Tank Hill at 6 a.m. and asked for the Captain. On being told that he had gone to Arua one of them commented, "You were still boasting." She said that they became cruel to her; they were firing in the air and on the ground and she was frightened. She took her children and went away, leaving them in the house still shooting at random. She spent the night at the home of one called Victor at Nazuru, and, when she returned to her home the following day, she found everything taken away by the soldiers. She then went home to

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Aduku in Lango. About a week later she was told by a woman, Joice Ejang (B.294), that she had seen the Captain being stopped by a white car with four men in it at the Gallex Petrol Station in Lira. W.294 said that the Captain came out of his car and one of the four from the other car also came out and after some heated conversation, which she could not hear, the Captain got into the white car and the other man into the Captain's car, and then both vehicles left. She said that those four people were in plain clothes and the conversation between the Captain and the other man was in English. According to Helen this incident took place on the first Sunday after the Military takeover. She saw the District Commissioner, Lira, who was then Mr. Fungoma, and he appeared to know about the arrest of her husband. She said that the District Commissioner rang someone at Lira Hotel and two men came to his office. She knew one of them before and he was Lt. Onzima from Gulu. They told the District Commissioner that her husband had been sent to Gulu. She then saw Mr. Gdyek, the District Police Commander, and he confirmed that her husband had been sent to Gulu after passing through Lira Police Station. She went to Gulu the following day and met Lt. Onzima at the Army barracks. She said that Onzima appeared 'shy' to talk to her but he told her that her husband had been taken to Kampala. She went to Makisalye but failed to find him there. She tried Malongo, but without any success.

When she was in Gulu she saw some soldiers driving her husband's car which was a Peugeot saloon No. UGB 759. She mentioned this to Lt. Col. Ogwal and he promised to

look/...../607.

look for the car, which has not been traced. The number of this car does not appear in either Ex. 151 or 152.

Helen said that her husband had money in the bank which she has not been able to get and he was insured. She has not applied to a court order to manage his property.

The Captain is included in Ex. 136 which gives the date of his disappearance as 25th January, 1971. From the evidence of the Captain's wife it is clear that her husband was not at home on the day of the Government take-over. We have no doubt that the people who went looking for her husband, including Captain Lumago, behaved in an atrocious manner towards the defenceless woman by shooting at random, thus chasing her out of her home. We find that during the time she was away from her home, all her property was stolen and those soldiers, including Captain Lumago, who were left behind in her house, must bear full responsibility for the theft of the property.

W. 294 witnessed the Captain being taken away by four men in a white car. According to her the Captain was taken after some heated conversation which was in English. As soldiers were looking for the Captain and he was in fact taken on the first Sunday following 25th January, 1971 we think that it is reasonable to say that those four people who took him from Lira must have been soldiers from the Uganda Army. He has not been seen since and he does not appear in the list of detainees in Lira Prison, Ex. 124.

Subject/...../ 608

25x10

Subject No. 169 - N.53353 RSM ELIAZARI OTUCHI.

Subject No. 170 - BA 8813 PTE. JULIUS PETER OGWANG OTUCHI.

Ex. 136 gives the rank of Eliazari Otuchi as WO1.

Private Ogwang Otuchi was his son and both were stationed at Malire. Clementina Ogalo (W.285) is the wife of Eliazari Otuchi and she said that, besides her son Private Ogwang, she has five other children between the ages of sixteen and three.

W. 285 said that her husband was at home in Kamuda village on leave in January, 1971. On 30th January, 1971 at 2 p.m. six soldiers, including Sgt. Alai, L/Cpl. Abujo and L/Cpl. Alinga, came to her home. According to the witness (p.2823):-

"On their arrival, one of them called him by his rank that RSM we are busy working in Kampala yet you are enjoying at home with your wife. He told him to come out and my husband came out. He ordered him to kneel down and he did so; this man commented that you used to give us hard work today you will see. He hit him on the head with the gun."

She said that the man who assaulted him was a Lieutenant and they alleged that her husband was pretending not to have heard an announcement on the radio recalling all soldiers who were on leave. They asked him for his radio and after checking found that its batteries were weak. They took him away in their landrover using the battery of her husband's car. Another soldier drove away in her husband's car.

On 2nd February, 1971 Clementina went to Malire looking for her husband. She asked L/Cpl. Abujo about him and he told her that they took him to Gulu from where her husband was taken to Entebbe in a plane. Later, he told her that

her/...../ 609.



her husband was dead. She also asked him about her son Ogwang. Abujo told her that he was at Malire but, another Lango soldier informed her that Ogwang was arrested on 1st February, 1971 and taken to Luzira.

Sgt. Alex Alai (2,480) testified that at the time of the Government take-over he was in Jinja on operations. He denied knowing L/Cpls Malinga and Agurajo and further denied that on 30th January, 1971 he went to Otuchi's home in Lango. He maintained that in January, 1971 he was a private and was promoted Sergeant in 1972. He produced a letter dated 28th November, 1974, (Ex. 123) from Lt. Col. Sule, Commanding Officer, Malire to confirm that the witness was promoted to his present rank on 8th February, 1972.

The other Alai who was called to give evidence was Alai Mukili (1,526). In 1971 he was a sergeant but when he was retired from the Army 1974, he was a major. He testified that at the time of the Government take-over he was sent to Gulu with some other officers on special assignment to guard the airstrip and the barracks. He said that his assignment included also the arrest of deserters. He said that he knew RSM Otuchi whom he described as his friend. He said that during his four months' stay in Gulu he had arrested only one soldier who had run away to Arua. He said that they arrived in Gulu in the morning of 28th January, 1971. On being asked about any reason why Mrs. Otuchi should mention his name, he said that he did not know and they have not been on bad terms but he thought that she mentioned his name only because 'she knew him.'

Both father and son are mentioned in Ex. 136 which gives

the/..../610.

the date of their disappearance as 25th January, 1971.

We see no reason to doubt the evidence of Mrs. Otuchi who said that at the time of the Government take-over her husband was at home on leave. We are satisfied that Sgt. Alex Alai (7.480) is in no way involved in this matter. Ex-major Alai Mukili did not deny knowing the Otuchi family with whom he used to live in Malire. He described the senior Otuchi as his friend and also admitted that Mrs. Otuchi knew him as they had lived together in the barracks for a long time. Mrs. Otuchi saw the soldiers who went to pick up her husband on 30th January, at 2 p.m. and she must have seen them from very close. On 30th January, W.526 was in Gulu on special assignment which included the rounding up of deserters. According to what her husband was told at their home it appeared that the soldiers who were on leave at the time of the Government take-over had been recalled and an announcement to that effect was put out on the radio. It is obvious that the senior Otuchi did not respond to the announcement, probably because he did not hear it on his radio whose batteries were weak. As Mrs. Otuchi knew Mukili well before and as he was, on his own admission, in Gulu by then on duties which included the arresting of deserters and as her husband was arrested in broad day light, we are of the opinion that Mrs. Otuchi could not have been mistaken in her identification of W.526 as one of the six soldiers who arrested her husband from their home in Lango on 30th January, 1971. He has not been seen or heard of since and he does not appear in the list of detainees at Luira.

Regarding Private Ojwang Otuchi her mother learnt of his arrest when she was enquiring about her husband.

... (1)

Although she was told that he had been taken to Luzira, we have not been able to find his name in Ex. 124. We are, however, satisfied from Clementina's evidence that Private Ogwang Otuchi has been missing since 1st February, 1971, and we feel that the probability clearly is that he is no longer living.

Subject No. 176 - UA 6051 JEREMIA ONGOM.

Ongom's brother Contantino Okwang (W.291) said that he came to Kampala on 24th January, 1971, to visit his brother who received him at Kampala bus park. He said that his brother was staying within the barracks but he, the witness, spent that night at the home of Lucas Okello (subject 130 and 177) outside the barracks. During that night he heard a lot of shooting from Malire side. His brother did not come to see him at 10 a.m. the next morning as promised, and Mrs. Amongen Okello advised him not to go to Malire to look for him. She did, however, tell him that she had seen his brother being arrested from the field where they are assigned duties and was taken to a house within Malire barracks where he was locked up. He did not make any enquiries about his brother and returned home after three days. Okello's wife also returned home after two weeks. Ex. 136 mentions Ongom and gives his date of disappearance as 25th January, 1971.

We are satisfied that UA 6051 Private Jeremia Ongom of Malire has been missing since 25th January, 1971 when he failed to keep his appointment to see his brother at 10 a.m. at the home of Private Lucas Okello. Amongen did not come forward to give evidence but we have no reason to doubt

Okwang/..../612.

disappeared on 25th January, 1971.

From the evidence of Gero we are satisfied that Private Okulu was a deserter, and he deserted in January, 1971 after the Army take-over. We are satisfied by the evidence of W.324 that these two deserters (the subject and Private Ochaya) were arrested by soldiers on 27th June, 1972. There is no news of Private Okulu since then and he does not appear in the list of detainees at Luzira, Ex.124.

Subject No. 228 - L/Cpl. YOSE ANGEN.

The subject was an uncle of Dorothy Lanana (W. 347) who mentioned him when giving evidence about the disappearance of her own father, Lt Keneri Okoth subject No. 227, p.675. When she came to Kampala looking for her father she went to Malire to see her uncle and she found him missing also. She met Mrs. Angen on 23rd March, 1971, and she told the witness that her husband and the witness's father had been shot together in one of the cells. The witness found many women of different tribes including Acholi/Langi women and some dressed in Nubian clothes crying at Malire for their husbands. When the witness tried to see the Commanding Officer, she was chased away by the R.P. According to Ex. 136, the Army records office does not seem to have any record of L/Cpl. Angen. In Ex. 124, which is the list of detainees at Luzira Prison, is entry No. 157 in respect of UA 5750 Private Yose Ange, an Acholi from Malire Army Headquarters.

According to ...../614.

According to this entry this private was admitted on 27th January, 1971, and transferred with many other soldiers to Mutukula Army Camp on 28th December, 1971. As has been seen Dorothy Lanana went to Malire in March, 1971 and when she saw her aunt on 23rd March, 1971 she found her crying and packing up to leave the barracks. If what her aunt told her was true that she had seen her husband L/Cpl. Angen and Lt. Col. Okoth together in one cell and later seen blood in the same cell with those occupants missing, it must follow that the occupants of that cell had been killed at Malire in March, 1971. We have no reason to doubt the evidence given by W. 347 and as such find that the entry in Ex.124 in respect of Private Yose Ange is for a totally different soldier of Malire. We find that L/Cpl. Yose Angen was arrested and killed within the barracks on or about the 23rd of March, 1971.

...../615.

MASINDI SOLDIERS

383. Subject No. 86 - UA 4069 PTE EMENYU OBONG.  
384. Subject No. 136 - UA 2020 CPL NIKANOLI OPPIO.  
385. Subject No. 139 - UO 89 LT. JOHN JAMES OKODI.

Witnesses: 238 Erina Aguti - Part 3 p. 2364 - 2347  
241 Alice Akollo - Part 3 p. 2393 - 2397

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With regard to Pte Obong, we dealt with him together with his two relatives, subjects 86 and 87 at p. 245.

Cpl. Opio used to live with his wife Erina Aguti (W.238) at the Army Barracks, Masindi. She said that on 3rd February, 1971 a soldier arrested her husband at 2 p.m. from their home and took him to the quarter guard. Later he sent her a message to take him some bedding. When she saw him at the quarter guard she found that he had been assaulted and his hand fractured. Her husband did not tell her why he had been arrested or who had assaulted him. Later the same day he was released from the quarter guard and then she accompanied him to the barracks' hospital for treatment. She saw about twenty other soldiers also going to the hospital. Her husband was admitted and, later when she took him food in the hospital, she found that his jaw also was fractured and he could not eat. She made some porridge for him. At about 4 p.m., before she left, a land-rover came to the hospital and some soldiers in Army uniform asked for Cpl. Opio. Her husband went out to the door of the hospital to meet them. Immediately those soldiers started assaulting him and ordered him to run up to the landrover. The subject ran up to the vehicle and was made to lie down

on its/...../616.

on its floor and three soldiers stood on top of him. The vehicle was then driven away and the witness has not seen her husband again.

The following day an Alur L/Cpl. told her that her husband was taken to Kampala and gave her a bus warrant to take her home to Lango. She did not accept what the L/Cpl. told her and believed that her husband was killed; she did not go to Kampala to look for him. She has three children, two from the subject, and these two are being looked after by their grandfather. The subject left some money in the bank and had also built a house in Jinja but the witness said that thieves had stolen all the material from it and the house demolished.

Ex. 136 gives the date of Cpl. Opio's disappearance as 1st February, 1971. There can be no doubt that Cpl. Nikanoli Opio was first arrested on 3rd February, 1971 from his home and taken to the quarter guard where he must have been assaulted, resulting in a fractured hand and jaw. It is also clear that when he went to the hospital for treatment he was picked up by some soldiers who assaulted him again, made him to lie on the floor of the Army landrover and, with three soldiers standing on him, drove away from the hospital.

Like Mrs Opio we do not think that the information given to her by the Alur L/Cpl. that her husband was taken to Kampala was true. His name does not appear in the list of detainees - Ex.124 - and, the nature of the assault and the manner in which he was taken away from the hospital, indicate clearly that he must have been disposed of by these soldiers soon after leaving the hospital.

Regarding /..... /617.

Regarding the other subject, Lt. Okodi, there is no direct evidence about him. He had sent his wife, Alice Akello (W.241), to their home in Lango with their children on 27th January, 1971. She wrote to him from home but received no reply and she was worried. She said that she did not go to Masindi as she had no money. She tried to borrow but nobody would help. She had not made any enquiries about him and although she knew some women whose husbands were in Masindi she has not met any of them. She said that her husband had a Citroen car, No. USY 317, and some other property like a radio, taperecorder etc., which were all left in their quarters. He also had an account with the Masindi Branch of the Grindlays Bank.

She has three children, none of whom goes to school because of lack of money. Her father-in-law is very old and she also has her own mother and some brothers. She makes a living out of the little subsistence farming which she does.

According to Ex. 136 Lt. Okodi was reported as missing in February, 1971. We have no record about the present ownership of the Citroen vehicle which W. 241 mentioned. It is difficult to say what might have happened to the Lieutenant except that he has been missing since February, 1971 and the probability clearly is that he is no longer alive.

386/...../618.



MBARARA SOLDIERS

- 386. Subject No. 114 - Cpl. SAMUEL ODIDI.
- 387. Subject No. 115 - UA 6726 PRIVATE MANASI OTIM.
- 388. Subject No. 116 - UA 2950 L/Cpl. RAYMOND OG'AL.
- 389. Subject No. 117 - UA 6697 PRIVATE AEMEREKI OKABO.
- 390. Subject No. 120 - UA 3083 S/SGT. MISUSERA OGWANG.
- 391. Subject No. 131 - Cpl. KONSTANTINO CGEMA.
- 392. Subject No. 158 - UA 4080 L/Cpl. YUVENTINO OKULO.
- 393. Subject No. 165 - UA 5000 PRIVATE LEO SHABAN.
- 394. Subject No. 167 - UA 2862 PRIVATE GEORGE OT'OMA.
- 395. Subject No. 172 - UA 3714 L/Cpl. WILLIAM ODONG.
- 396. Subject No. 182 - PRIVATE FAUSTINO ANORO.
- 397. Subject No. 183 - UO 345 REV. LT. YOSIAM LAVRO OLIT.
- 398. Subject No. 189 - UA 2289 Cpl. ZAKAYO OCERO.
- 399. Subject No. 192 - UA 15222 PRIVATE MOHAMED YAMBA.
- 400. Subject No. 194 - UA 5073 SGT/MAJOR GABRIEL ODIDA.
- 401. Subject No. 206 - PRIVATE ERUKULANO CDUR.
- 402. Subject No. 298 - REV. HENRY OG'WAL, (mentioned in passing with Subject No. 183).

- Witnesses:
- 215 Agulani Ayer - Part 3, p. 2149 - 2162.
  - 216 Florence Apio - Part 3, p. 2162 - 2171.
  - 217 Veronika Awiyo - Part 3, p. 2171 - 2177.
  - 218 Joyce Apeja - Part 3, p. 2177 - 2182.
  - 220 Alice Auma - Part 3, p. 2198 - 2203.
  - 231 John Angel - Part 3, p. 2286 - 2290.
  - 271 Sabina Epila - Part 3, p. 2695 - 2701.
  - 280 Maracelo Dila - Part 3, p. 2780 - 2786.
  - 283 Mary Atim - Part 3, p. 2807 - 2813.
  - 287 Florence Atim - Part 3, p. 2837 - 2848.
  - 302 Charles Okello - Part 3, p. 2943 - 2947.
  - 308 Jakeri Lavro Odong Arop Olit  
- Part 3, p. 3011 - 3023.
  - 311 Frances Oroma Acero-Part 3, p. 3074 - 3095.
  - 314 Kadura Haji Mohamed-Part 3, p. 3116 - 3126.
  - 316 Donosiano Okoth - Part 4, p. 3149 - 3161.

with .../...../619.

Witnesses: 328 Donosiano Olara - Part 4, p. 3285 - 3292.  
399 UA 5152 S/Sgt. Musa Asio  
- Part 4, p. 4127 - 4135.  
400 UA 2920 Cpl. Venekanti Kakaire  
- Part 4, p. 4136 - 4148.  
401 Major Yusuf Adek - Part 4, p. 4148 - 4159.  
402 UA 2585 RSM Maurésio Ojede  
- Part 4, p. 4159 - 4163.  
446 Lydia Acha Olit - Part 5, p. 4775 - 4796.  
450 Major Juma Ayiga - Part 5, p. 4851 - 4858.  
490 Brig. Waris Ali Fadhu  
- Part 6, p. 5619 - 5648.  
492 Bishop Silvano Goi Wani  
- Part 6, p. 5694 - 5705.

Subject No. 114 - Cpl. SAMUEL ODIDI.

The subject was married to Agulani Ayer (W. 215), who used to live with him in the barracks at Mbarara. They have six children and his other wife, about whom we did not hear anything, has two children.

On 15th July, 1974, the subject was at home when at about 2 p.m. an Army officer in uniform came and told the subject that he was wanted in the office for posting to a different battalion. The subject refused to go due to a fractured arm but, after a little persuasion, he was convinced and accompanied the other officer to the office.

W.215 said that a little later some other officers came and informed her that her husband had been detained at the quarter guard and asked her to take him food. She took food to the guard room but was not allowed to see her husband; only the food utensils were returned to her.

At...../ 620.

At her husband's request through the orderly, she took him a blanket. She took him tea the following morning at 7.30 a.m. and was able to talk with him through the window of the quarter guard. But he did not tell her why he had been detained. When she went back with lunch, the officers at the quarter guard returned the blanket to her and told her not to return any more. They told her that her husband would be taken to Kampala at 4 p.m. that day. Her husband asked for a box of matches and when she took him she found him and many others with him crying. She saw a lorry parked near the quarter guard and she found the prisoners being assaulted by Army officers. She said, (p.2153):

"The first person who was brought out to be taken in the lorry, he was beaten until he died. The second person was brought but that one was taken in the lorry, the 3rd person was also beaten to death and my husband was the 4th one, having seen some of his fellow friends, he started falling down, he was beaten, he kept on falling down but all through this time I was busy trying to rescue my children who were also with me there."

She said that the hands of all these prisoners were in handcuffs at their backs. Her husband was almost unconscious when he was thrown into the truck "like a bag of cotton". She said that about 100 people, mostly Langi and Acholi soldiers, including those who had been beaten to death, were loaded into the three ton truck which then left in the direction of Masaka/Kampala.

The other soldiers started taunting the women whose husbands had been taken away by saying, (p.2157):

"They used to tell us that you Langi you said you were strong and you were boasting with your husbands."

She /...../621.

She said that she saw the O/C barracks, Captain Adek (W.401) when other soldiers started disturbing them with their taunts and he intervened to let the women pack up in peace.

They stayed in the barracks until 23rd July, 1971 when about eighty women - Acholi and Langi - were given their husbands' salary for one month and bus warrants to take them home. The witness managed to take with her all their property except for a radio and a bed which were taken away by the soldiers. Regarding the radio she said that her son had taken it with him to the bush after hearing that the soldiers in the barracks were going to kill all the males off-spring of the soldiers who had been arrested and one day when he was coming back to the barracks the radio was taken away from him. She had to leave the bed behind because of lack of space in the lorry.

W. 401 rather surprisingly said that he had received a report that Cpl. Odidi had been missing since 25th January, 1971, and he denied that any arrest took place in Simba battalion during June/July, 1971. He said that if the wives of the soldiers from the North say so that evidence would be a pack of lies.

Mrs. Odidi said that she has been able to use her husband's money in the bank. Her husband was insured and she was told by the Insurance Company that they were trying to trace her husband and that she should wait. It seems that no application has so far been made for court order to manage the subject's property.

Ex. 136 contains a remark about this subject that

he/...../ 622.

he was not found in the Army records kept in the Records Office.

Subject No. 115 - UA.6726 PRIVATE MANASI OTIM.

Private Otim was married to Florence Apio (W. 216) and they have ten children, the eldest being seventeen. One of them goes to school and the three who were schooling before the disappearance of their father had to stop due to financial trouble.

Florence said that in June, 1971 her husband sent her home with the children because of the trouble "which arose about tribal matters where Acholi/Langi people were being discriminated" - (p. 2164). The discrimination was that they were assaulted and some killed.

Florence Apio testified about an incident in June, 1971. She said that some strange soldiers, three lorry loads of them, came to the barracks and with the help of the local officers compiled a list of all the Langi and Acholi soldiers in the barracks. The witness said, (p.2169):

"Then later on the 26th June all were called to go together for a fall in. Using the note which had been taken, they were then identifying those people and killed them."

She said that they were cut with pangas and sticks. But none of the victims fought back. She said that she had witnessed this attack herself and added, (p.2171):

"In fact they were called, they came in a mass and this thing started in a mass....each one was hit and some people were carrying him away."

She returned to Mbarara in August, 1971 and did not find her husband there. She found some other people

living/..../623.

living in their quarters and she learnt that her husband died on 17th July, 1971. She was given a bus warrant and she returned home. She said she met W. 215 who told her that she had seen her husband being taken away on July 15th, 1971.

W. 216 said that her husband left money in the bank but she did not know his bank. She supports her children by cultivation.

Subject No. 116 - UA 2950 L/Cpl. RAYMOND OGWAL.

The subject was married to Veronica Awiyo (W.217) and they have six children, the eldest being twelve. Only two of them are at school.

W.217 said that she went home in Apoka village in Lango in 1970. Her husband wrote to her after the Army take-over and she next heard news from women returning from Simba Battalion in July, 1971 that her husband was no longer alive. One of such women was Alice Auma (W.220).

She went to Lugbara where she did not find her husband. She said that she stayed with Sgt. Musa, a Lugbara friend of her husband, who told her that her husband had been called on parade in June, 1971 where a fight broke out and her husband was killed.

UA 5152 S/Sgt Musa Awiyo (W.399) gave evidence and said that in July, 1971, he was a Lance Corporal. He knew L/Cpl. Ogwal and said that in September, 1971 he was instructed by the Quarter Master to check all Government property in the quarters of soldiers who were missing. He said that those instructions were in the form of Part 11 Orders which are issued when a soldier has been absent

from/...../624.

from duty for twenty-one days or more or where a soldier is killed, like the seventeen soldiers who died during the Invasion on 17th September, 1972. He said that during the whole of 1971, he had visited only the house of L/Cpl. Ogwal to take-over Government property and there was nothing else which he found in the house. He went on to say that he had not witnessed any soldier being arrested in June/July 1971, and he was emphatic that no parade had been held within the barracks in June/July 1971, where some soldiers might have been arrested, some killed, and others taken away in trucks. He emphasized that had any such parade been held it would have been at the battalion parade ground but he did not see any such thing. He said that the evidence which the other witnesses gave about the parade was a complete bundle of lies.

Of her six children only two are at school and the others cannot go to school because of lack of money. W.217 said that she did not know if her husband left any money in the bank.

The subject is mentioned in Ex.136, which gives the date of his disappearance as 25th January, 1971.

Subject W. 217 - No. 6697 PRIVATE APEMERIKI OKABO.

The subject was married to Joyce Apaja (W.218), according to whom her husband joined the Army in 1970. She was living with him at Siaba barracks, Mbarara. They have four children, three of whom are at school.

Joyce said that on 22nd June, 1971 at about 7.30 a.m. she heard an alarm calling soldiers. Her husband went and returned/..../ 625.

returned a short time afterwards to collect his safari kit. He told her that they were going to Mutukula border. She said that she saw him in one of the nine trucks full of soldiers leaving the barracks.

Four days later, the witness went for delivery and was discharged from the hospital three days after delivery. She was then called into the office of the Commanding Officer who told her that a message had been received that her husband was killed at Mutukula and his body had not been returned. She was not told, nor did she ask, how he had died. She was given a bus warrant to go home and was not paid anything else by the Army authorities. She said that she did not know whether any of the other soldiers who accompanied her husband also met the same fate, or any returned at all.

She said that she had been chased away by her husband's parents from their home and her father now looks after her children. The subject left some money in a bank which she has not been able to collect so far.

The witness denied seeing any incident within the barracks where Acholi and Langi soldiers were paraded and killed. She said that amongst those who went to Mutukula in the nine trucks were soldiers not only of Langi tribe but other tribes as well.

The subject is mentioned in Ex. 136 which gives the date of his disappearance as 25th January, 1971.

Subject No. 120 - UA 2083 S/Sgt. MISUSERA OGWANG.

The subject was married to Alice Auna (W.220) and they have six children between the ages of twelve and

seven/..../626.



seven, all but one go to school.

She said that she left him in Simba barracks on 1st June, 1971 when she returned home to Lira. Her co-wife Yemima Alum stayed on with him. Later Alum also came home with their husband's property and reported to her that the subject was arrested on 24th July, 1971 at about 10 p.m. and taken to the quarter guard. Alum told her that she saw him in the quarter guard the next morning; he was with three others and all were handcuffed and were taken out to the compound where they were made to lie down and assaulted. They were then returned to quarter guard.

On hearing this Auma went to Kbarera and enquired at the quarter guard. She was chased away. She went to the pay office and she was given shs.600/= for his salary and a bus warrant to go home.

She said that she now looks after all the six children; she gets money through cultivation. She said that her husband left some money in a bank which she does not know.

In Ex.136 it is stated that the Army Records Office has no record about this soldier. We are not inclined to accept this information in the face of Auma's evidence who was living with him in Simba barracks at the time of his arrest. We are satisfied that he was a soldier and a S/Sergeant in Simba Battalion.

Subject No.131 - Cpl. KONSTANTINO OGEMA.

The subject had two wives - Joyce Abieto who was since remarried and Joyce Apere who is a nurse in Alooi. They have eight children between the ages of fourteen and eight, of whom only two are at school.

1/1/72

In June, 1971 the subject's brother John Angel (W.231) went to visit him. He said that his brother was attached to Simba Battalion and used to live with his two wives just outside the barracks.

The witness said that on 19th June, 1971, when he returned after a walk, he was told by one of the wives that his brother was arrested from his office. He sent her with the wife of Cpl. John Ocen to the barracks and they came back with the news that both of them had been arrested and detained at the quarter guard.

The witness took his two sisters-in-law to their home and he himself returned to Mbarara on 6th August, 1971 and found that his brother and the others had not been released. He heard that the prisoners had been beaten up and was told by a woman, Najemba, who lived near the quarter guard that the prisoners had been taken to Kampala. He did not make any other search for his brother.

The witness said that he looks after his brother's children and was unable to afford to send all of them to school. He said that his brother had some money in a bank and had built a semi-permanent house in which the witness is living now.

According to Ex.136 there is no record of Cpl. Ogema in the Army Records Office. We are not inclined to accept this information in the face of the evidence of the subject's brother who stayed with him just outside the barracks and the fact also that the Battalion arranged for the return of the subject's wives to their homes.

Subject No. 158 - JA 4080 L/Cpl. YUVENTINO OKULO.

He was married to Sabina Epila (W.271) who used to live

...../628.

with him in the barracks. They have three children, none of whom goes to school. The subject had another child from another woman and that child is being looked after by his uncle. The witness stated that when one of their children was struck by polio, her husband sent her home in December, 1970. She was supposed to return to the barracks later the same month but did not due to lack of money. She said that she has not heard from him since she left in December, 1970 and thinks that he is not there any more. She did not approach any of his colleagues, nor has she met any women from Mbarara. She said that she could not go to check on him because she did not have the money and nobody did lend her any.

Her children do not go to school because she cannot afford the fees. She said that her husband had money in a bank, but did not know which bank it was. She did not know what happened to his personal belongings in the barracks and she has not had any official communication about him, nor has she written to the Army Authorities enquiring about him. Ex.136 gives the date of his disappearance as 25th January, 1971.

Subject No. 109 - UA 5000 PRIVATE LEO SHABAN.

The subject was married to Constantia Awor who used to live with him at Mbarara Barracks. They have three children, between the ages of ten and four, who are now staying with the subject's sister and the subject's brother Marachelo Dila (T.280).

The witness said that Awor came home from Mbarara on 23rd July, 1971 with some of the subject's property including/...../629.

including his identity card and reported that she had been summoned into the office on 18th July, 1971 and told that her husband was no longer living. She was given a bus warrant to go home. She said that their record-player was taken away from her. The witness said that Awor has left his home and he does not know her whereabouts.

Later in his evidence he said that he was told that he had gone on duty to Mbuya from where he disappeared but nobody knows what happened to him. He was certain that his brother was no longer living because the Army gave his wife a bus warrant to go home. He did not make any enquiries about him but he said that he did not think he would have run away from the country.

Ex. 136 mentions the name of a soldier with the force number UA 5000 NORBAT LEO, who is alleged to have disappeared on 25th November, 1971.

Subject No. 167 - UA 2862 - PRIVATE GEORGE OTWOMA.

He was married to Mary Atin (W.283) who was living with him in the barracks. They have six children including Joyce Akello whose mother died long ago; three of the children go to school.

According to W.283 the subject used to work in the armoury. She said that on 15th July, 1971 at about 9 p.m. four soldiers, including Private Kekohire, came and asked him to issue them with guns. Her husband went away with them and never came back.

No. UA 2900 Cpl. Venekanti Kekoyire (W.400) said that he knew the subject and both were in the same Company, the subject/...../630.

subject working in the armoury. Kakayire said that he went to Jinja at the beginning of July, 1971 and stayed there for two months, returning to Simba Barracks in September. He said that the subject has been missing since 25th January, 1971. Kakayire was sure about Otwoma's disappearance on 25th January, 1971 because on that day, according to him, the whole battalion ran away (p.4138), and he gave the reason for deserting the barracks because of the information they had that there was trouble in Kampala; "we thought that probably it will reach us also," (p.4139). He said that there was no other incident which had frightened them in Mbarara. According to his evidence the soldiers from this battalion ran away in different directions and he ran to a place called Kabahire village, about three miles away, and returned on the 26th January. The witness when confronted with the evidence of Mrs. Otwoma about her husband's disappearance, said (p.4140):

"She is the one who knows if she said so and she is the one who knows how her husband disappeared."

He admitted that it could be possible that he was mistaken about the date of the subject's disappearance as he did not put the date down and it happened a long time ago. Explaining the reason for his visit to Jinja he said that he went to 'guard big people' within the barracks. He said the details of his duty were being recorded by the 'bit man' in the guard book. He was guarding the officers' mess, about a half mile from the quarter guard of Jinja Barracks, and he was certain that throughout his stay at Jinja Barracks not only there was no fighting but the quarter guard of Jinja remained intact and was not blown up. He stuck to this

version/...../631.

version even after he had been told about the evidence given by other witnesses who had mentioned about the explosion at the quarter guard, resulting in its demolition.

Mrs. Otwoma said that on the following morning, that is, 16th July, 1971, upon hearing that her husband was detained at the quarter guard she went there and found him there. She took him tea and he told her that he did not know why he had been arrested. She took him lunch and she said that she kept on taking meals for him in the quarter guard for two days and at lunch time on 17th July, he told her not to take supper for him but to take him tea only. When she went there with tea she found nobody in the quarter guard. She said that there were about twenty people detained there but now found nobody there; she found some soldiers cleaning the quarter guard. They were brushing it with water and she saw much blood. Those soldiers told her that her husband had been killed and the body taken towards Masaka road.

She stayed in the barracks till Monday when she was given a bus warrant to go home. Her step daughter Joyce Akello, who was working there as a nurse, also handed her Shs.450/= in respect of her husband's salary and with about ten other women she returned to Lango.

She said that her husband had some money in the bank and she has obtained a court order to manage his property.

Ex. 136 gives the date of Otwoma's disappearance as 25th January, 1971. We are not inclined to accept this information in view of the clear evidence given by Mrs. Otwoma. We were not impressed with the evidence of Cpl. Kakayire and it was obvious that he was a blatant liar.

.../.../632

Subject No. 172 - UA 3714 L/Cpl. WILLIAM ODONG.

He was married to Florence Atim (W.287) who was living with him in Simba Battalion barracks at the time of this incident. They have two children, aged seven and three, of whom the first one goes to school.

The witness said that on 21st June, 1971, some soldiers arrived in the barracks in three lorries, two landrovers and one jeep. These visiting soldiers were armed with guns. Orders were then issued for all soldiers to return their weapons, such as guns and pangas, to the office and to gather together to be addressed by the visiting soldiers on 21st June, 1971. The orderly sergeant started collecting the soldiers at 3 a.m. and the witness, who was about 250 yards from the parade, saw the visiting soldiers addressing the resident soldiers for a short time and then a fight broke out. At the same time she heard the visitors asking the soldiers:

"Are you prepared to fight as we are  
ready to defend ourselves today" - (p.2841).

She said that the visitors encircled the resident soldiers who were sitting down on the ground listening to them, and whereas the visiting soldiers were armed with guns, those sitting on the ground were unarmed. After a short talk from the visitors, one of them slashed a Mbarara soldier with a panga. This was the beginning of an attack upon the Langi and Acholi soldiers who were being identified for the visitors by soldiers of other tribes of Simba Battalion. She said that those trying to escape were shot dead on the spot and these victims had no means of defending themselves. During the early

pages/ .../633.

25x10

stages of the attack, another soldier called Sgt. Zakaria Acho, who was sick, was fetched from his quarters and hit with a stick. He was then taken to the parade ground where he was told to wait for the others. The witness said that it was normal for the resident soldiers not to wear any uniform when being addressed by visitors and all soldiers who went to the parade were in fact in their underwears only. She saw many of such soldiers injured in the attack. She did not see her husband amongst them. According to her the attack lasted until about noon.

She went to the office of Captain Adeke (W.401) with other women and asked him about their husbands. He told them that they were taken to Kampala "to hear their matters", without explaining what those matters were. She looked back in the direction of the parade ground but did not see anything there, except for some vehicles moving about.

The following morning they were asked to pack up and be ready to go home and Adeke, who was then Ag. Adjutant, told them that their husbands will not come back. They were issued with bus warrants, and together with other women she returned home. Her husband had money in the bank which she has been unable to use.

Ex.136 gives the date of L/Cpl Odong's date of disappearance as 25th January, 1971.

Subject No. 182 - FAUSTINO AKORO.

The only witness on this subject is Charles Okello (W.302), aged about 16 who is the subject's brother. He said that he last saw the subject at home in January, 1971 when he came on leave and then returned to his work in

Muliro/...../634.



Malire. He said that his other brother, Agoma, went with him but Agoma came back on 18th January, 1971 and said that Faustino Akoro had resumed duty. They have not heard of him since. He did not write, nor did his father, but Faustino, who used to write to his father before, stopped writing to him. None of the family tried to look for him and they have no idea about his whereabouts. The witness's brother, Agoma, died three weeks after returning from Malire. The witness said that Faustino Akoro had been in the Army for about seven years but he did not know what his rank was. He had not been able to find any documents about his career. He agreed that in his statement to the police he had stated that his brother was stationed at Mbarara. He said that he was sure that Faustino was in the Army but did not know exactly where he was stationed.

Ex. 136 states that they have no record of this soldier in the Army Records Office.

Subject No. 183 - UA 345 REV. LT. YOSAM LAVRO OLIT.

(And Subject No. 298 -- REV. HENRY OGWAL, mentioned in passing.)

The subject was the Chaplain of the Church of Uganda attached to the Simba Battalion, Mbarara. He was married and at the time of this incident his wife Jonina Achaya Olit was in hospital and his daughter Lydia Acha (W.446) was living with him in the barracks. His other son Jekeri (W.308) was then studying in S.11 at Kibuli, Kampala.

On 23rd February, 1971, the subject came home and showed to his daughter a Part 1 Order Ex.113 of which item 225 was relevant. This Part 1 Order is dated 23rd February, 1971 and was issued by Lt. A.O Ngarambo who was

/.../635.

then the Adjutant of the 4th Battalion. Item No.225

reads:

TPT:

- a. MTO to detail 1 x 3 tonner tomorrow 24/2/71, at 0400 hrs to take the under mentioned officers and men to GIQUAFs Kampala for GSO 111 Trg briefing. The tpt to report to Capt Augustino's house at 0300 hrs without fail.

Capt Augustino	Lt. Anania
Lt. Y. Olit	2/Lt Lule
WO 11 Obare	WO 11 Erukuleno
WO11 Okaka	S/Sgt. V. Omony
Sgt. Langol	Sgt. C. Ongom
Sgt. Onoka	Sgt. Augustino - Signal
Sgt. Odong - Fire	Cpl. L. Onok
Cpl. D. Odoch	Cpl. Ochaya
Cpl. Donosiano - Signal	Sgt. S. Ongwech.
Cpl. Lakeny.	

- b. MTO to detail one good L/Rover for collection of our stationary on Friday, 26th February, 1971: Tpt to report to Cpl. Oryem, clerk HQ Coy on Thursday, 25/2/71, at 0900 hrs ready to move to Magamba."

The subject is the second on the list of the soldiers who were required in Kampala for briefing.

The subject left and his daughter waited for three days for his return. She then saw the Adjutant and asked him how long the briefing would last. He told her that the order had come from the Headquarters and she asked to see that order. She said, (p.4779):

"When they brought in this letter it was a small chit on which was written the names in blue ink, something like blue coloured pencil, and it had no date, it had no address and had no signature."

On being pressed by her further and, as he could not give her sufficient information, she said:

"He just gave up the whole issue and he said 'he himself may also face the same problem one day' the problem that my father is already facing and the other men."

.../636.

This comment made her recall the treatment which Captain Adeke (W.401) had received when he was brought all the way from Gulu to Kampala and he was tortured badly. She said that he had been made to lie on the floor of the lorry and the man treaded on him all the way to Kampala and was subsequently released on Your Excellency's orders. She then asked the Adjutant to give her a letter to go to Headquarters to see her father but he refused. She went to Kampala where she saw an Army officer called Dusman Sabuni, who confirmed having seen a 3 tonner lorry with men in it in Malire that morning. The Commanding Officer of Mbarara, who then was Ondoga (Subject No. 142) who had been overseas returned the same evening, and she approached him for assistance. He refused saying that he did not know anything about what had happened.

After three days in Kampala she returned to Mbarara and told her mother about the negative result of her mission.

She informed her young brother (W.308) Jekerl about their father and after completing his first term he also went to Mbarara to be with the family. On her return to Mbarara she found that WO2 Aswa, who was the soldier who made the announcement of the Army take-over on the 25th January, 1971, had been transferred to the barracks and she saw him about her father. He told her that he had seen him at Lusira recovering from bad injuries on his head, hands and legs and he told her that her father could not walk and was in a three wheel chair. She asked him to take him to Headquarters but he started 'befriending' her; he asked her to be his girl friend as a condition to help her

and/ ..... /637.

and she gave up because, "I believe I do not have to offer myself to a man in order to help me" - (p.4787).

She also managed to get some more information about her father from Lt. Tibihika whom she saw in August, 1971 after his release from prison some five months after her approach to Aswa, and the Lt. confirmed that her father had been with him at Luzira prison until he, the lieutenant was transferred to Makindye.

In April, the Adjutant sent some soldiers to their house in Kakoba to take over the Government property and when she next saw the Adjutant she told him that this action indicated knowledge on his part that her father was not coming back. The following day she saw her father's carpets and chairs in his home and then they were given bus warrants to go home during the same month of April, 1971. Lydia said that she also tried to get some assistance from the Chaplain General Bishop Wani (W.492). According to Ex. 67, which is a letter from Bishop Wani dated 12th May, 1971, addressed to all the Church of Uganda Chaplains in the Uganda Army and was produced by W. 308, the Bishop had expressed sadness that two chaplains were still missing. He had asked all the Chaplains to meet in Jinja on 19th June, 1971 for a quiet day together "with time for prayer, Bible study, meditation and discussion." The Bishop said that the other Chaplain was Rev. Henry Ogwal (Subject 298). He said that the House of Bishops had met at Namirembe and the disappearance of the Chaplain was put to Your Excellency and Your Excellency is said to have denied any knowledge about these two disappearances. In July, 1972, the Bishop wrote/..../638.

wrote to Lydia mentioning the meeting of the House of Bishops and Your Excellency's promise to look into the matter, Ex. 114.

Ex. 136 gives the date of Rev. Olit's disappearance as 25th January, 1971, which cannot manifestly be correct when compared with the Part 1 Order which is dated 23rd February, 1971. Of the 19 soldiers mentioned in Part 1 Order who were taken to Kampala for briefing the following eight are included in Ex. 124, according to which they were all admitted into Luzira prison on 3rd March, 1971:

..Rev. Olit  
UO 343 2nd Lt. Charles Pole  
UO 173 Capt. Augustino By'gara  
UA 3533 WO2 Philip Okaka  
UA 2498 Sgt. Jenesio ...ng  
UA 1435 Sgt. Victorio Omony  
UA 3466 Sgt George William Ongom and,  
UA 2625 Sgt. Batista Oncha.

According to Ex. 124 all these soldiers, including the subject, were transferred to Mutukula Army Camp on 28th December, 1971. We have heard evidence about the mass break-out from Mutukula Camp during which some prisoners managed to escape while others died during the escape. We were not given details of those killed but the probability clearly is that the subject, together with those of the 19 mentioned in Part 1 Order and included in Ex. 124, were amongst those who died at Mutukula.

This case has brought to light another aspect of some of the soldiers in power. We referred to some of the brutality exhibited by soldiers on a road block in Leroi where they whipped women and children returning home in buses after their men folk had been killed in the quarter guard -

see/...../639.

see (Subject No. 201, p. 671)

In this case of the Rev. we see the lust for sexual gratification taking the upper hand. The prerequisite set by the soldier Aswa to help the Rev's daughter at a time when she was in great distress and needed help badly indicates the degradation and moral bankruptcy of some of the soldiers in the Army which, we think, was due to the feeling of power which could be employed in achieving their purpose, rightly or wrongly not mattering at all.

Subject No. 189 - UA 2289 Cpl. ZAKAYO OCERO.

He was married to Frances Oroma (W.311) who was living with him in Simba Barracks. They have two children, aged ten and six, both of whom go to school.

The witness mentioned trouble in the barracks starting from 19th June, 1971. She said that many soldiers came from Kampala. She described the 19th June, 1971, as the day of chaos in the barracks. She said that at about 9 a.m. she was sitting outside her home when she saw soldiers running about. This was after she had heard the booming of guns. On seeing some soldiers chasing others she went inside the house, from where she saw those being chased caught and bayoneted by their pursuers. She saw about thirty such soldiers killed with bayonets. She saw the soldiers being chased towards the field which was full of people, some were sitting on the ground and the other soldiers around the field were guarding those sitting down. The guards were armed with guns, pistols, knives and sticks. She said that those sitting were in uniform and this is in contradiction to what W.287 had said earlier on about

those/...../640.

those on the ground being in their under-wear only. She said that the soldiers who had come from Kampala were addressing them, but she did not know how the meeting and the parade on the ground finished.

She said that a similar incident took place on the 20th but not of the same extent. She was frightened and remained in-doors and, on the morning of the 20th, at about 9.30, she saw a neighbour, John Opira, being arrested by soldiers. He was beaten up and thrown in the Landrover and she has not seen him again. She said that she did not witness the parade which took place on the 20th June but heard that Acholi and Langi soldiers had been killed. This was followed by some incident which occurred on the 24th and 25th June, during which some soldiers were arrested and she saw their wives weeping. That was on the 25th June, 1971, the day when her husband disappeared. She said that he used to work in the workshop and he left home after lunch that afternoon. She expected him home at about 4.30 p.m. but he did not return. Thinking he might have gone out with his friends, she waited for three days till Monday morning when she started making enquiries. On Monday she saw the O/C Major Juma Ayiga (M.450) who asked her to wait as he was going to make his enquiries and would let her know later. She went back to him the following day and was now directed by him to get a bus warrant and his salary, and promised to inform her later. She said that she was asked to return on the 29th June and she was of the impression that the Major knew where her husband was. The Major admitted seeing a woman making enquiries about her husband and, as he was new, he instructed the Intelligence officer to find out but before/...../641.

before he submitted his report he went away on operations. When the woman came back again he sent her to the pay master for a bus warrant and some money.

W.311 looked for her husband in the workshop and failing to find him, she suspected that he had been arrested. Prisoners were kept in the quarter guard and only if the husband of any woman was detained there was she asked to take him food. She said that she had not been asked to take food for her husband to the quarter guard. She left Mbarara on the 30th June, 1971 with about thirty other women, all of whom were weeping, and these women told her that their husbands had also disappeared on the 25th June, 1971.

Regarding the bodies of those killed during those three days, she said that the legs of the bodies were tied together and the bodies thrown into a Landrover which took them away. She said that two Landrovers were moving up and down collecting the bodies.

She denied the suggestion that Acholi and Langi soldiers tried to revolt against the new Government which might have led to such a retaliation.

Major Juma Ayiga stated that in June, 1971 he was not in the barracks. His brother was involved in a fatal accident and he had taken the body home for burial. On his return he heard rumours that some soldiers had run away but did not take much interest in the rumours and waited for the Company Commanders to report to him about the soldiers who had escaped. He said that the regulation is that if a soldier is not seen for twenty days a Board of Inquiry

is/......./641.



is set up to enquire about his whereabouts. He did not know of any such Board being set up and, had such a Board been established, he would have been its Chairman as he was the senior most officer in the Simba Battalion. He said that he had to go over-seas for treatment of a bad leg and on his return he was transferred to Moroto. He was emphatic that when a soldier is missing from the barracks a Board of Inquiry is set up to enquire to find out what happened to him before his name is struck off.

The subject appears in Ex. 136, which gives the date of his disappearance as 25th January, 1971.

We find it difficult to <sup>accept</sup> this information given in this exhibit in the light of the clear evidence given by the subject's wife, who was emphatic that her husband disappeared on 25th June, 1971 after he went on duty in the afternoon.

Subject No. 192 - UA 15222 PRIVATE MOHAMED YAMBA

His aunt Kalala (W.314) stated that her nephew was recruited from Kitgum. She went to Mbarara to look him up in June, 1973 when he had failed to come home on leave for a very long time. He was living outside the barracks and she learnt that her nephew had disappeared and had not been seen for many days. The landlord where he used to live, told her that he was keeping all his property <sup>but that</sup> belonging to the Army had been taken away from him. Later she saw the Commanding Officer, Brig. Ali Fadul, about him. He told her that after the Butukula incident Yamba had become mentally disturbed and he took him to Butabika where he stayed for nine days. He said that he did not know if the subject had/...../643.

had disappeared. The Brigadier confirmed that the subject had been sent to Butabika, not once but twice, since his joining the Army, which according to Exhibit 136, was in October, 1971. The Brigadier said that when Yamba's platoon went out for exercises the subject did not go and the Brigadier asked him why he did not accompany his platoon. He then realised that there was a lapse in the subject's mental condition and sent a message to the platoon that he was not to join them. Later he heard that Yamba had said that he would join the platoon, even if he had to ride a bicycle. A few days later the Brigadier learnt that he had already gone to join the platoon. As the place where the platoon was, was not very near and knowing that he was not well enough, he sent a duty truck to try to find him and bring him back; he said that since then Yamba has been missing.

W.314 said that Yamba was about eighteen and a bachelor. She believed what the Brigadier told her and she has not been able to get any further information about him.

Ex. 136 states that the Army Records Office did not receive any report from Mbarara about the disappearance of the subject.

Subject No. 194 - UA 5073 SGT/MAJOR GABRIEL ODIDA.

The subject was a religious teacher and was living in the barracks with his wife, who has been 'withdrawn' from his family by her father since the disappearance of the subject. He had two children, aged five and three, who are now being looked after by his mother.

The subject's young brother Donosianno Okoth (W.316) said that he went to see his brother on 18th June, 1971 to

1971/64

get school fees after being chased out of Bushenyi High School. He said that he found confusion in the barracks and particularly on 19th, 20th and 21st June, 1971. He said that on the 19th June, he heard a lot of gun fire in all directions of the barracks. He was frightened and locked himself inside the house, but he could see soldiers fighting each other with guns and some soldiers were being chased by others. He also mentioned a gathering of soldiers on Saturday 19th June, in the parade ground at about 9 a.m. He said that this parade was taking place simultaneously with the other activity of some soldiers being chased by others around the barracks. He said that those sitting on the ground were being guarded by other soldiers who were armed but he was unable to give details about what happened in the parade as he was at some distance.

On the 20th June, 1971 his brother went to lead prayers for children while the chase of soldiers by some others was still going on within the barracks. He saw some soldiers being arrested and the prisoners were then ordered into a vehicle. If anyone delayed, he was physically thrown into the vehicle. This frightened the young man and he went to Nyamutanga for prayers. When he returned he found the situation much quieter.

On 21st June, at about 8.15 a.m. some five soldiers, in Army uniform and armed, came to their house and told the subject that he was wanted immediately in the office. The witness said that his brother accompanied them and he followed them. They warned him that they would torture him if he did not leave the barracks immediately. He said that his brother was being made to walk in front of them at

nyonet/..../645.

bayonet point and the witness realized that his brother was under arrest. The witness said that he left the barracks at about 10 a.m. to go to the main road leading to the town when he heard the sound of firing from within the barracks. He returned at 2 p.m. when Sergeant Major Ojere asked them to quit the house as the in-charge of the house was no longer there. This made him think that his brother had been killed. They were asked to get bus warrants to go home. The following day they were given the bus warrants but not any money as the pay master was said to have gone to Kampala. The witness said that their property was thrown out of the house by the RP and they returned home without waiting for his brother's salary. He said that he travelled with ten other Acholi women who had been given bus warrants and all were weeping throughout the way.

RSM. Ojede (W.402) testified that three days before the Army take-over in January, 1971 he was instructed to take his Guard Company to Magamaga. He said that he left Odida in Mbarara Barracks and it was not till after one and a half months that he returned to Mbarara when he did not find Odida within the barracks. He denied telling Odida's brother, as alleged, that Odida had been killed by soldiers who came from outside the barracks. He said that he did not know why the young boy should tell lies against him.

Ex. 136 mentions the date of the subject's disappearance as 25th January, 1971. According to W.316 he gave his age as twenty two and even after making due allowance for the time that has expired since this incident we find that he was a mature person at the time of the incident and we are inclined to accept the dates mentioned

by/...../646.

by him in preference to the one mentioned in Ex. 136.  
The evidence on the general chaotic conditions within the barracks during those days has been given by various witnesses and we shall be making a general comment towards the end of the evidence regarding each subject. For the time being we find that the subject, UA 5073 Sgt Major Gabriel Odida, was arrested by five soldiers on 21st June 1971 and that he has been missing since then. RSM Ojede knew him but denied telling the subject's brother about the subject having been killed by soldiers from outside the barracks. We see no reason why the young boy should make allegations against Ojede and we feel that there is sufficient evidence which would corroborate the remark attributed to Ojede that the subject had been killed by soldiers from outside the barracks. We shall deal with this matter a little later.

Subject No. 206 - PRIVATE ERUKULANO ODUR.

He was the father of a young boy called Donosiano Olara (W. 328) who gave his age at the time of the hearing in October, 1974 as fifteen. He said that his father was arrested on 6th July, 1971 when the witness must have been aged about twelve. His mother was also living in the barracks and besides him, there were three other children, all of whom are now being looked after by their uncle. Only two of them go to school.

He testified that on 6th July, 1971 at about 10 p.m. somebody knocked at the door. They kept quiet and then the door was forced open and he saw two soldiers in uniform; one was a sergeant and the other a private, and both were

armed/...../647.

that he ran to Kabahire village, about three miles from the barracks, and he was emphatic that the "WHOLE BATTALION RAN AWAY", (p.4138). He was asked what he was running from and he said, (p.4138-39):

"We were running away because we had information that there was trouble in Kampala.

Mulenga: Why did you run if there was trouble in Kampala?

Corporal: We thought that probably it will reach to us also.

Mulenga: You ran away from trouble in Kampala - you were escaping trouble which was in Kampala 160 miles away?

Corporal: Yes.

Mulenga: The whole battalion?

Corporal: We all ran away but I did not know who came back and who did not come back."

This evidence was as expected, disputed by other officers who denied any such desertion of the barracks by the entire battalion. Nevertheless, Cpl. Kakaire relied on this explanation to support his evidence that Pte. Otwoma (Subject 167) disappeared on 25th January, 1971 and was not arrested on 15th July, 1971 by soldiers including himself. This witness, Cpl. Kakaire, gave some other evidence also which was just as incredible as his account of the running away of his battalion. He said that in July, he was on guard duty within Jinja barracks and was guarding the mess which was about a half a mile from the quarter guard. He said that he did not hear of any blast at the quarter guard and he maintained that when he left Jinja to go back to the barracks sometime in September, 1971, he left the quarter guard intact. This evidence contradicts not only the evidence given by various witnesses about the demolition/...../649.

armed with guns. They had some sort of a light with them and they told his father in Swahili, 'Odur' get up, let us go.' He said that his father did not resist and, although he asked for time to dress up, they did not agree and took him away in his underwear.

His mother went to the office in the morning and asked the O/C about him. He told her not to disturb him, adding that all women whose husbands were arrested during the night were to wait for bus warrants to go home. The witness said that during that night he had heard shouts as if people were being arrested. They were given the bus warrants after one day and before they left some soldiers came and robbed them of their property. They travelled to Kitgum on 8th July, 1971. His father had some money in the bank but no one has applied to court for an order to manage his estate. The subject's name does not appear in Ex. 136.

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COMMANDING OFFICER'S VERSION

Brig. Ali Fadul (W.490) went to Simba Battalion in April, 1971 as its Commanding Officer. According to Major Yusufu Adek (W. 401) and S/Sgt. Musa Asiyo (W.399) there was no trouble in the barracks at the time of the Government take-over in January, 1971. But these soldiers and some other officers who gave evidence were not ad idem about the reaction of the Government take-over when the news was received within Simba barracks. For example, Cpl. Kakaire (W.400), when giving evidence concerning subject . . . No. 167 who he alleged disappeared on the 25th January, 1971, explained that on that day all the soldiers ran away from the barracks, everyone taking his own way. He said

that/...../648.

demolition of the quarter guard in a huge explosion but refutes the evidence given by Lt. Col. Mondo, who also had heard of such an explosion at the quarter guard in Jinja Barracks. We do not think that all the other witnesses could have told such blatant lies and, in our opinion Cpl. Bakaire was himself exposed as an inveterate liar by making such incredible claims.

Staff Sergeant Musa Asiyo (W.399) said that he was within the barracks during June and July, 1971 and he denied the evidence which other witnesses gave about the parades at which only Acholi and Langi soldiers were picked up and killed or taken away in Army trucks. He did, however, admit that many soldiers deserted in July, 1971 and ran away. He said that his testimony was that such soldiers from Simba Battalion who were reported missing were those who deserted but not killed. Major Yusuf Adek (W.401) likewise denied the evidence given by the other witnesses that many Acholi/Langi soldiers were arrested and taken away from Simba barracks during June and July, 1971. He also denied the evidence given by the female witnesses about the brutal killings of soldiers at parades which had been addressed by some soldiers from outside the Simba Battalion. Major Adek said that he himself is an Acholi and he posed the question, why was I not arrested? He was of the opinion that there were no dissenters within the barracks and all of them supported the military take-over from the civilian Government. He was asked to try to think of any reason why those female witnesses should tell big lies and he said, (p.4153):

"It may probably be that those women were told by other people to come and give false evidence but as they gave this evidence before they left here for their



homes, it could have been right because now they gave evidence when they had already gone to their homes and someone there might have told them to come and tell you lies."

The Major's evidence requires some close scrutiny. From the evidence which we heard from Miss Lydia Acha Olit (W. 446), it seems obvious that the Major also had been through the usual treatment. To recapitulate she said that when the Major was on leave he was taken by some Army men from his home in Gulu and taken to Kampala and the details which he gave to her of what happened on the way were, (p. 4792):

"He told us he was asked to lie on the floor of the three ton lorry or whatever vehicle brought him from Gulu, and then men did step on him until he reached Kampala here and when he reached the President's place he was ordered to be released because he had done nothing wrong as he put it and then he went to Mbarara he was being nursed there."

This evidence, with which we have no reason to differ, provides the answer to the Major's question. Not only was he arrested, he was taken to Kampala and on the way tortured and it was only after he had been cleared that he was posted to Simba Battalion. With regard to his explanation for all the women from the North having been coached to tell lies, we think that the suggestion is as monstrous as it is incredible. The Major must know that there was evidence from other officers of the battalion that during that period many women were sent away from the barracks and we were given details of the Army regulations concerning the position where a soldier remains absent from barracks for 3 weeks and over. The Major himself said that such soldier

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is treated as a deserter, and according to W.450 who was then the O/C Headquarters Company, Simba Battalion, the Army rule is that for such soldiers a board of inquiry has to sit to try to find out what happened to him and it is only then that the soldier's name is struck off the register. This procedure applies not only to deserters but also to any soldier who is missing from the barracks for the specified number of days; he may be a deserter as such or may have left the barracks for any other reason. Such soldiers are then included in Part two Orders and the Staff Sergeant is then expected to go to their houses to take over Government property. The wives of such soldiers are then issued with transport warrants to take them home. There was thus no question of these women having to give evidence before leaving the barracks. We heard evidence that in some cases their personal belongings were thrown out on the road and they were forced to quit the barracks as soon as the warrants were issued to them. The Major's evidence that there was no dissidents within the barracks needs careful comparison with the evidence of the Commanding Officer, Brig. Fadul. According to him, when he arrived at the battalion in April, 1971, he did find certain dissident soldiers who were against the change but they were only a few officers who were actually advising the soldiers or confusing the soldiers, (p.5622). His reaction to such confusing agents was, (p.5623):

"I as the Commanding Officer, acted like a father, I called all officers to the Officers' Mess, I pointed this out to them and warned them not to continue with such bad attitudes. I did not only call officers but very often I called soldiers to advise them not to be taken by people who are politically minded. The coup

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was not planned by officers, it was by soldiers and when the officers saw this, those officers who were getting money through corruption, found that they had no other way of doing this, so they tried to mis-advise soldiers."

He said that this was the general trend and no particular officer was pin-pointed because as he said, "These things were done privately in darkness and there was no way of knowing who actually was doing it." He said that when he addressed soldiers they told him that some officers were confusing them without mentioning any names and at times he addressed officers and men together. He said that, as he was new in the battalion and was also attending some courses between April and June, he used to hear rumours about certain disappearances and he said that one day he was very angry and he gave a very strong warning to soldiers. He said, (p.5625):

"I remember one day I was very angry and I addressed the soldiers because I was fed up with hearing rumours of people trying to confuse soldiers. I warned them very strongly that if such a person who is confusing soldiers is found out, a very serious step would be taken against him. I told them that I would not like to hear such rumours any more and that was the last warning I gave them. I remember the following morning I was told that after my address some soldiers ran away from the barracks. I was of the opinion that perhaps those who had run away without any shooting or without any fighting were probably those who were confusing other soldiers in the barracks."

He talked of an incident which occurred in June, 1971. He received a message from GHQ, when Your Excellency was out of the country and the late Brig. Arube was the Ag. Chief of Staff. The message was to the effect that some recruit soldiers in Moroto had been killed by their fellow soldiers.

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He said that this was followed by incidents in Jinja, Moroto and Mbale barracks and the incident which occurred was on a day when he was addressing officers and the soldiers at the barracks' field when he found that a staff sergeant who was a muganda, and senior NCO a mudama, were not present. He also found that a Government vehicle had left the barracks during the night and when he had finished the address and had asked for questions, the same Landrover came in. He asked the staff sergeant and the soldier where they were coming from and just then he heard another vehicle near the main gate. He said, (p.5627):

"Just at that time I heard fire and bullets were coming from the gate towards where I was giving the address. When we saw two to three bullets coming towards us, everybody was surprised, we tried to find out in which direction these bullets were coming from. As these bullets were coming everyone ran to take cover. After we had dispersed the firing went on very much. As I was near the officers I ordered them to take their men, get arms and try to find out where the firing was coming from. I told them that let us defend ourselves first if we see anybody with a gun shoot him because the soldiers and officers whom I (was) addressing were not armed. There was no way of defending themselves except to try to use their tactics."

He went on to say that one Company armed themselves very quickly and defended the barracks. There was cross-firing and when the situation was a bit cool he investigated and found that the staff sergeant and the senior NCO were dead but the driver was safe. He also found that some soldiers had been killed and others wounded. The driver was interrogated and according to the Brigadier, (p.5628):

"He said that the previous evening the Staff Sergeant told him that I had sent him to Jinja to take a letter. When they reached Jinja, the driver remained behind, the Staff

Sergeant/...../654.

Sergeant went in and talked to a man whom the driver did not know. Later he came back and said let us go back to Mbarara. When they were entering Mbarara Barracks, he told the driver that if you hear anything, please run away - don't stop."

The Brigadier said that he also found out that his soldiers at the gate had been arrested and locked inside some offices. He said that that was the only incident which occurred at the Simba Battalion. Regarding the incident of 20th June, 1971, as narrated by the civilian witnesses he said, (p. 5630/31):

"I categorically deny this that any other soldiers who were not from Mbarara came to address soldiers in Mbarara on that day, because there are regulations that no other askaris or soldiers from another battalion to come and address soldiers without any authority or without any reason why he should come and do that. This is not possible if there is a very serious war, but as the situation of those days was there was no reason why other soldiers should come to Mbarara."

The evidence of Mary Atim (W.283), regarding Private George Otwoma, was put to the Brigadier about his detention in the quarter guard from 15th to 17th July, 1971 and of her finding some soldiers cleaning the quarter guard which was full of blood. The Brigadier denied all this and said that all this evidence was false.

He admitted sending some women home during June and July, 1971 but remembered only six or seven of them who he gave bus warrants, which was due to the attack on the barracks as he had narrated. He was reminded by the Chairman about what other people had been saying about an incident at Simba Barracks which was described as a 'massacre' and he was asked to comment on that allegation. He said (p.5653):

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"I don't agree with whatever they say that Acholi and Lango were massacred in Simba Battalion because all the Companies had guns and ammunition. Some Company Commanders were Acholi and they were actually commanding some of these companies in Simba Battalion. Those people had also the opportunity of joining together with their fellow / li and Lango to say that now we are tired of being killed let us fight. Whoever said that is an internal enemy who would like to start trouble so that the Acholi and Lango are called bad people. But during those days, according to what I saw, it was the Acholi and Lango who were reporting bad elements within the community. According to what was happening during those days, it was the people in the former General Service Unit who were getting free money without working for it and who were not happy with the changes. I cannot really say they were getting free money but they were getting money illegally through reporting false things."

It would therefore appear that a good portion of the evidence given by Major Yusuf Adek was not quite correct and the evidence of the Brigadier indicated not only that there were dissidents within the barracks but at least on one occasion the barracks came under attack from outside. It is understandable from these soldiers witnesses to deny evidence involving such grave matters as was given by the civilian witnesses. But in their keenness to deny they introduced contradictions within their evidence which makes it extremely hard, if not impossible, to believe their denials. We have seen evidence being given about the parades held in June, 1971 at which soldiers of Acholi and Langi tribes were the victims. We have set out the details when dealing with the individual cases and those details may now be compared with the Commanding Officer's version. One would be struck by the incredible dissimilarity of the two versions. We also heard evidence when we were dealing with the case of Subject No. 114, Cpl. Odidi, of about hundred

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people, mostly of these two tribes, being loaded into an Army truck like b... of cotton which then left in the direction of Masaka/Kampala. Another witness to refer to the incident in July, 1971 was W.217, who came from home on hearing about the trouble in the barracks and stayed with Sgt. Musa Asiyo (W.399), who told her about the parade at which her husband had been killed. There was also evidence of nine truck full of soldiers, including Subject No.117, Private Okabo leaving the barracks on 22nd June, 1971 ostensibly for Mutukula. Okabo did not come back and the probability of course is that the other passengers of those nine trucks likewise disappeared. The question which arises is, why should all these witnesses tell lies. We appreciate the fact that their husbands/close relatives disappeared but we also appreciate that in giving evidence they did not try to implicate any particular person; their evidence was of a general nature about what they saw and heard. By telling lies now about what happened to their dear and near ones is not going to bring them-back and as against this we think that the soldier witnesses, who were in the barracks when these incidents occurred and the details of those incidents started reverberating throughout the length and breadth of the country, have everything to gain by saying that such incidents never occurred at all. They did try to say that and, in the process, contradicted each other. They contradicted themselves when they were trying to show that not only such incidents did not occur, but when the subjects disappeared they were either absent <sup>from</sup> the barracks or did not know about their disappearance altogether. Major Adek went to the extent of alleging that Rev. Olit had run away, when

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we know from the Part 1 Order that he, together with eighteen others, had been sent to Kampala for some sort of a briefing; and our comment is, how can anyone place any credence on the evidence of such a person. We believe the evidence given by the simple, straight forward and unsophisticated civilian witnesses, women and young men, whose husbands and fathers disappeared, some in front of their eyes and they could do nothing to keep them back. We are of the opinion that such witnesses, knowing that their kith and kin were snatched from them for ever and are not going to come back, no matter what they now say or do, will speak the truth and only the truth, and we are satisfied that, with this guarantee in mind, all of them spoke the truth. In reaching this conclusion, we were also of the opinion that Brig. Fadul was very sadly let down by his own junior officers, whose evidence in no way corroborated him. Our findings on the soldiers of Simba Battalion are as follows:

Subject No. 114 - Cpl. SAMUEL ODIDI.

From the evidence of W.215, we are certain that her husband was a Corporal stationed with the Simba Battalion at Mbarara. To that extent she is corroborated by Major Adek and it would seem that the records maintained by the Army Records Office were not quite up-to-date. We have set out the evidence about this subject in detail, and we have no doubt that he was arrested on the pretext of being wanted at the office to be posted to another battalion. His wife was able to see him in the quarter guard and she gave a graphic account of how about 100 soldiers, including her husband, of Acholi/Langi tribes, were carried away in the  
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three ton lorry on 15th July, 1971 at about 4.30 p.m. She said that her husband was semi-conscious when he was thrown into the lorry and if her account of the loading of the truck is correct, that is, people were being thrown like sacks of cotton, we wonder how a person already unconscious would survive if he were at the bottom, as was the subject, who was the fourth to be thrown into the lorry. She was told that those prisoners were being taken to Kampala but none of them appears in Ex. 124, which is a list of detainees at Luzira prison. She said that another person she saw being put into the truck was Private Manasi Otim, Subject No. 115, and we have not been able to find him either in Ex. 124. It would seem that those 100 soldiers who were taken away from Simba Battalion on 15th July, 1971 disappeared between Mbarara and Kampala and the probability clearly is that they were all killed.

Subject No. 115 - UA 6726 PRIVATE MANASI OTIM.

Relying on the evidence of W.215, who saw UA 6726 Private Manasi Otim being loaded into the truck on 15th July 1971, allegedly bound for Kampala, and not finding his name amongst the detainees at Luzira as per Ex. 124, we find that the probability is that Private Otim never reached Kampala. He must have been disposed of on the way.

Subject No. 116 - UA 2950 L/Cpl. RAYMOND OGWAL.

W. 217 was certain that when she returned to the barracks in July, 1971 she put up with Sgt. Musa W.399, who is now a S/Sgt, said that in July, 1971 he was a Lance Corporal, and he admitted knowing the subject. It may well be that W.217 was mistaken about the rank of Musa with whom

she/..../659.

she stayed in July, 1971. According to her, Musa confirmed that her husband had died at the parade and it was he who gave her a bus warrant to return home and also opened her quarters for her to take their property. All this evidence was denied by Musa Asiyu. We did not find him a satisfactory witness. His demeanour was that everybody else was a liar and he was the only truthful person in the whole battalion! It is strange that W.399 should be so emphatic about himself when there is evidence to the contrary, as we have already seen. We accept the evidence of Veronica Awiyo and find that Musa (W.399) must have told her, as she maintained, that her husband had died during the parade in June, 1971. Accepting that evidence it would follow that the information set out in Ex. 136 about the subject having disappeared on 25th January, 1971 cannot be true.

Our finding, therefore, is that UA.2950, L/Cpl. Ogwal was killed at the parade held within Simba Battalion barracks in June, 1971.

Subject No. 117 - UA 6697 PETER ABEMEREKI OKABO

According to his wife he was one of those in the nine trucks who left the barracks on 22nd June, 1971, and was subsequently told that her husband was killed at Mutukula. It is surprising that Ex.136 should give the date of his disappearance as 25th January, 1971. We believe Mrs. Okabo and find that he left the barracks on 22nd June, 1971 with many others for Mutukula and never came back. And according to what she was told, he was killed at Mutukula.

Subject No. 120 - UA 3083 S/Sgt. MISUSERA OGWANG

One of his wives saw him being arrested on 24th July,

1971 and taken to the quarter guard, where she later saw him. She was later given a bus warrant to go home and her husband was not heard of again. We believe this evidence that the subject was last seen in custody in the quarter guard.

Subject No. 131 - CPL. KONSTANTINO OGEMA.

We accept the evidence that he was arrested on 19th June, 1971 which was one of the hot days within the barracks and, as he has disappeared, we think that the probability is that he was one of those people who lost their lives during one of the parades.

Subject No. 158 - UA 4080 L/Cpl. YOVENTINO OKULO.

There is virtually no evidence of what happened to this subject. His wife had gone home on 19th December, 1970 and, although she knew some women, did not try to see them nor did she make any enquiries about her husband. Her excuse was that she did not have money to go back to Mbarara. We do not have any other evidence on him and it is difficult for us to say whether Ex.136, which gives his date of disappearance as 25th January, 1971, sets out the correct information. But he has not been seen or heard of since December, 1970.

Subject No. 165 - UA 5000 PRIVATE LEO SHABAN

We accept the evidence given by his wife that he was arrested from his office on 18th July, 1971 and she was later told that her husband was no longer living. According to this finding we do not accept the information in Ex.136 that the subject disappeared on 25th November, 1971. We are of the opinion that the probability is that he also

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died during the various disturbances in the barracks.

Subject No. 167 - UA.2862 PRIVATE GOERGE OTWOMA.

There is clear evidence from his wife about his being taken away from his home by about four soldiers, including Private Kakare, on 15th July, 1971 at 9 a.m., and thereafter she saw him in the quarter guard till 17th July, 1971 when she found the quarter guard empty and some soldiers cleaning blood from it. We find that there is clear evidence that the subject was killed within the quarter guard.

Subject No. 172 - UA.3714 L/Cpl. WILLIAM ODONG.

We accept the evidence of his wife that her husband was in the parade on 21st June, 1971. We have no reason to doubt her evidence that, when she saw Capt. Adok (W.401), he told her and other women that their husbands had been taken to Kampala to hear their matters and that later, when they were given the bus warrants, the Ag. Adjutant told them that their husbands were not coming back. It will therefore follow that the information in Ex. 136 about the subject's disappearance on 25th January, 1971 is not correct and we find that the probability is that the subject was one of those who was killed at the parade on 21st June, 1971.

Subject No. 182 - PRIVATE FAUSTINO AKORO.

The only evidence about him is that the subject's brother Agoma left him in the barracks in January, 1971 since when he has not been seen or heard of. None of his family seems to have tried to make any enquiries about him and there was also some doubt as to whether he was stationed

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at Mbarara or Maliro. Ex. 136 indicates that the Army Records Office does not have any record of this soldier. While we would accept the evidence of "302 that his brother, Faustino Akorc, was a soldier and possibly stationed at Mbarara, we have no material at all upon which to make any particular finding. All we can say is that the subject has been missing since January, 1971 and the probability is that he is no longer alive.

Subject No. 183 - UO 345 REV. YOSAM LAVRO OLIT.

We have already made a finding about him which is that he was amongst the nineteen soldiers who were taken to Kampala on 24th February, 1971, for briefing and was one of the eight of those nineteen who were detained at Luzira Prison on 3rd March, 1971. According to Ex. 124, he was transferred to Mutukula Army Camp on 28th December, 1971, from where he did not come back. In view of the evidence of the mass break-out from Mutukula we find that he was probably one of those killed during this break-out.

Subject No. 189 - UA.2289 CPL. AKAYO OCERO.

He disappeared on 25th June, 1971 from his workshop. As we have seen 25th June was another hot day and we think that in view of the evidence, there is clear probability that he died during the disturbances of 25th June, 1971.

Subject No. 192 - UA.15222 PRIVATE MOHAMED YAMBA.

There is evidence that this young man was mentally disturbed and, according to the Brigadier, he had spent some time in Butabika. We find that he must have tried to join his platoon during one of his lapses and the probability quite clearly is that he is not alive.

Subject/...../663.

Subject No. 194 - UA, 5073 SGT/MAJOR GABRIEL ODIDA.

We accept the evidence of the young lad (W.136) who saw his brother being arrested on 21st June, 1971, by five soldiers who made him walk in front of a bayonet point. In the same afternoon he was asked to quit the barracks and, putting two and two together, he thought that his brother had been killed.

Keeping in mind the nature of his arrest, we share the conclusion at which the witness arrived upon being asked to quit the barracks the same afternoon, which was further supported by Sgt. Major Ojede.

Subject No. 206 - PRIVATE ERUKULANO ODUR.

The subject was arrested in the presence of his son, Donosiano Olara, (W.328) by two soldiers, and the next morning the witness's mother was told by the O/C that all women whose husbands were arrested during the night were to be given bus warrants to go home. We find that the subject was arrested by two soldiers and, as he has not been heard of since, the probability is that he was killed during the military detention.

404/...../664.

MOROTO SOLDIERS.

404. Subject No. - 106 UA, 7728 PTE NICHOLAS OGWANG.  
405. Subject No. - 113 UA, 4099 PTE VINCENT OMARA.  
406. Subject No. - 128 UA, 1845 PTE LEON OTIM.  
407. Subject No. - 154 UA, 1861 PTE LEVI OBONG.  
408. Subject No. - 162 UA, 4078 PTE ELIAS AYO OBWOK.  
409. Subject No. - 186 LT. JOHN MARIA VALENTE OBWOYA.  
410. Subject No. - 197 UA, 5563 L/CPL THOMAS ONEN.  
411. Subject No. - 200 UR, 0419 PTE KASIO OKENY.

Witnesses No. 211 Amos Otulo - Part 2, p. 2115 - 2118  
214 Alexander Omach - Part 3, p. 2146 - 2148  
229 Nora Auma Otim - Part 3, p. 2273 - 2281  
267 Guard Ayo - Part 3, p. 2674 - 2677  
277 Ponsy Akulo  
Obwok - Part 3, p. 2768 - 2773  
315 Andrea Oyet - Part 4, p. 3203 - 3208  
321 Regina Atto  
Okeny - Part 4, p. 3233 - 3244  
486 Col. Joseph Ozo - Part 6, p. 5468 - 5507

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These eight soldiers were stationed at Moroto barracks. With the exception of Subject No. 128 UA 1845 Pte. Leon Otim who is said to have been arrested in February, 1971, and subject No. 186, the other six disappeared on 11th July, 1971. We shall presently set out, very briefly, what their relatives, who were staying with them, saw. For the time being we should like to say that the incident which occurred in the barracks on 11th July, 1971 has been dealt with in detail when we were considering the case of the two policemen and the police matron - subject 218, 219 and 256 - who were also picked up as a result of that incident (see page 419). To recapitulate, on 11th July, 1971, at around 6 p.m. fourteen recruits with their three instructors were lining up near the kitchen of the barracks to be served with their meals when the Guard Commander, Cpl. Ogaba, /<sup>an Acholi, opened</sup> /

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fire and killed all seventeen. Col. Ozo, who was the Commanding Officer, learnt of this incident the following day on his return from Kampala and both he and the Special Branch Officer were certain that the barracks had not been attacked by any guerillas, either from outside or inside. But as we stated earlier on this incident led to a 'witch-hunt' for all Acholi and Langi soldiers and policemen within the Army and Police barracks. With this background in mind we shall now set out briefly what the witnesses say about these soldiers.

SUBJECT NO. 106 - UA. 7728 PTE NICHOLAS OGWANG.

Mrs. Ogwang used to live with him in the barracks. She did not give evidence but Ogwang's father, Amos Otulo (W. 211) said that she returned home sometime in July, 197 and reported to him that trouble had been brought to them the barracks by guerillas, which had resulted in 'real fighting'. She told him that her husband went out to the barracks during this trouble and never came back. The witness was resigned to the idea that his son was killed during the fighting in the barracks.

Ogwang had four sons who, together with their mother, are now being looked after by Otulo.

Pte. Ogwang's name appears in Ex. 136, which is a list giving the Force numbers, Units etc., and the dates of disappearances compiled by Army Records Office and it is stated that no report was received from his Unit with regard to his disappearance.

SUBJECT NO. 113 UA. 4099 PTE VINCENT OMARA.

He was married to Joyce Agagi who used to live with

him/...../666.



him in the barracks. He was aged about thirty and has three children, who are now being looked after by the subject's father, Alexander Omach (11.214); Joyce having remarried.

Joyce Agagi did not come to give evidence but she returned to her husband's home in July, 1971 and reported to W.214 that her husband was killed in the barracks on 11th July, 1971. She told him that the barracks had been attacked by guerillas and her husband was missing. The old man himself went to Moroto and some friends of his son repeated the same information.

Pte. Omara is included in Ex-136, which also gives the date of his disappearance as 11th July, 1971.

SUBJECT NO. 128. UA. 1845 PTE. LEON OTIM.

He was married to Nora Auma (11.229) who was living with him at the time of his arrest. She said that on 25th February, 1971, four soldiers went to their home at 10. a.m. One of them had a rifle. They told her husband that he was wanted at the quarter guard. Her husband, who was also in uniform, did not ask any questions and accompanied them. She saw the five of them going towards the quarter guard and her husband never came back. The following day she made enquiries and was told by Lt. Ojo of 'C' Company that he had heard that Otim and his group, who had been kept at the quarter guard, had been taken to Kampala. A week later she was given a bus warrant to go home. She started crying as she thought that her husband was dead. Some soldiers in the barracks, including one Pte. Opio and another Lugbara soldier, told her that her husband and his group, who were taken to Kampala,

W.214/...../667.

were all killed on the way to Kampala. She said that so hundred women, mostly Langi and Acholi, were given bus warrants to go home.

She has five children between the ages of twelve and nine, none of whom goes to school due to lack of money. She said that she has not applied to court for an order to manage his estate.

His name is included in Ex.124 which is a list of detainees prepared by the Uganda Prisons, Luzira and the entry indicates that Otim was admitted on 1st March, and transferred to Mutukula on 28th December, 1971.

We heard evidence of a mass break-out from Mutukula during which some prisoners managed to escape, while others were shot and killed during the break-out. As he has not been heard of since, the probability is that he was one of those who were killed during the break-out at Mutukula.

SUBJECT NO. 154 - UA. 1861, PTE LEVI OBONG.

He was a bachelor and was aged about twenty eight. He last went home on leave in December, 1970 and, according to his elder brother Guard Ayo (7.267), returned to his barracks in Moroto after his leave. His brother said that the subject used to write to him occasionally, once every five or six months, and the fact that he did not receive any letter from him after he went back to Moroto did not bother him. In August, 1971 he went to Moroto but was refused permission to enter the barracks and was turned away from the gate. He showed his brother's photograph and gave his force number to the gate keeper but to no avail. On his return he met some Langi and Acholi women at Lira bus park and they told him that Langi and Acholi soldiers were killed

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Moroto barracks on 11th July, 1971. The witness said that he made no more attempts to find him and gave up his brother for dead.

The subject's name appears in Ex-136 where the date of his disappearance is stated as 11th July, 1971.

SUBJECT 162 - UA. 4078 PTE ELIAZA AYO OBWOK.

He was married to Ponsy Akulo (W.277) and they have five children between the ages of nine and two and a half; two of whom are at school.

She said that on 11th July, 1971 her husband went on duty at 12.30 p.m. and was expected home at about 6 p.m. He did not return but Pte. Cosma Kizza came and informed her that her husband had gone on safari to Amudat on official duty and would return after a few days. She waited and after two days Kizza told her again that he had received a signal from him saying that he would return after a month. Kizza advised her to go to the office and get Shs. 100/= to take her home and after two months, she received a letter from the barracks asking her to collect her husband's property. She was curious and when she returned to Moroto on 7th September, 1971, she found somebody else living in their quarters and their property was put in a store. She met some women in the barracks who had been provided with bus warrants and they told her of some trouble in the barracks when some soldiers were killed. The women also told her that some Acholi and Langi soldiers had been arrested on 9th August, 1971. She saw Kizza but he did not tell her anything about her husband, although he appeared very sympathetic towards her as if her husband was not living. She was handed her property and a bus warrant to return home.

This subject's/..../669.

This subject's name appears in Ex.136 where the date of his disappearance is given as 11th July, 1971.

SUBJECT NO. 186 - Lt. JOHN H. VALENTE OBOYA.

We dealt with him with his brothers, subjects No. 187 and 188, Page 362.

SUBJECT NO. 197, UA. 5563, L/CPL THOMAS ONEN.

He was married to Christine Latanya who is now married to another man. The subject's son, aged about four years, is now under the care of the subject's father Andrea Oyet (W.318). Oyet said that Christine returned home on 16th July, 1971 with her husband's clothes and informed him that her husband, who was in the Army band, was arrested on 12th July, 1971, on his return from Mbale and was detained at the quarter guard. He said that Christine was prevented from seeing her husband in the quarter guard. But she told him that she had heard him shouting in the cell and she thought that he had been killed. W.318 said that he did not know where to go to look for his son or who to ask about him. He said that had he gone to Moroto, he might have been beaten or even killed.

He said that his son had money in the bank which he has not tried to get, fearing that if he went to the bank he might be arrested. He has not applied to court for an order to manage his son's property.

The subject's name appears in Ex.136 and the entry indicates the date of his disappearance as 11th July, 1971.

SUBJECT NO. 200 - UR. 0419 PTE KASIC OKENY.

He was married to Regina Atto (W.321). She gave his

name as/...../670.

name as Kasio Okeny, but appearing in Ex.136 is UR 0469 Pte Kacho Okeny of Moroto who is alleged to have disappeared on 11th July, 1971.

Regina said that on a Sunday in July, 1971, at about 11 a.m., she started hearing shots being fired from the direction of the barracks kitchen. Her husband went to a field nearby to see what was happening and soon returned. He dressed in P.T. Uniform and went to the office of 'B' Company. She saw many soldiers going to that office, where they armed themselves, and moved to the big field of the battalion. Amongst those people she recognised Sgt. John Bulu, a Madi and Cpl. Openya, an Alur. She said that the shooting at the cooking house lasted for less than an hour and had stopped by the time her husband went to the office of 'B' Company.

Some soldiers returned and Openya told her that her husband had been taken to the quarter guard. He did not tell her the reasons why and she did not go to the quarter guard as it was getting dark. The following day Openya and some other soldiers asked her to quit the quarters and was given a bus warrant to go home. She said that she travelled to Kitgum with more than ten women, most of whom were Acholi and Langi.

She said that she later heard that the shooting occurred because one called Ogaba had opened fire near the cooking house.

She has four children of whom only one goes to school. Her husband left some money in the bank and, she has not applied to court for an order to manage his property.

It is quite.../671.

It is quite obvious that all these soldiers, with the exception of Pte. Leon Otim, disappeared on 11th July, 1971 and the probability is that they must have died during the trouble in the barracks as a result of Ogaba shooting the recruits and their instructors. Pte. Leon Otim was arrested much earlier in February, 1971 and, as we have already indicated, he was amongst the many others who were transferred from Luzira to Mutukula on 28th December, 1971.

MOYO SOLDIERS

412. Subject No. 201 - UA. 3206 PRIVATE DONATOR ODUR.

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The subject was in the Border Guard Unit, Moyo. He was married and had seven children, of whom the eldest Valentino Ocen (W.323) was living with him at the time of the incident in July, 1971. When this boy gave evidence on 24th October, 1974, he gave his age as fifteen and, as the incident in which his father disappeared took place in July, 1971, he must have been twelve then. He said that formerly three of three of them used to go to school but now due to the difficulty with finances, the other two have stopped going to school.

Ocen said that about a week before this incident, a bus full of new recruits and their instructors arrived in the barracks. He said that on that day in July his father left home for work after lunch and did not return. At about 3 p.m. he heard a whistle which was a signal for soldiers to gather at the quarter guard. The boy said that he went there and saw his father amongst the people. He then witnessed those new recruits arresting Acholi and Langi soldiers; they were

Unrecorded/.../672.

handcuffed and taken to the quarter guard. The boy said that he knew about 50 soldiers of these two tribes in the Border Guard Unit. The same evening two soldiers came to their quarters looking for his father. They were speaking in Swahili and, on being told that the subject had not returned from work, these two soldiers took away their record player and cut the radio with a panga. The boy said that his mother and himself did not raise an alarm as they had seen soldiers being arrested and put in the quarter guard earlier that afternoon. Late the same night the witness heard people crying from the quarter guard but he could not make out the words properly. The following day they reported the incident about the theft and the damage to the radio and also of the subject's arrest to an officer called Mawa who promised to look into it, but did nothing. The witness and his mother then went to the quarter guard to check on the subject but were chased away by the soldier who was on guard duty. The boy said that he saw a lorry at the quarter guard and his account of what he saw is reproduced below from the transcript (page 3250):

"I only saw dead bodies packed in a lorry ... three ton lorry ... they were many and I could not estimate ... some were thrown anyhow and some were packed like bags ... bodies were scattered in the lorry ... not packed ... it was parked at the quarter guard, an Army lorry ... blood was flowing to the ground from the lorry ... I heard no sound."

The boy said that he could see the bodies because he was facing the back of the lorry which was open. Some of the bodies were completely naked and others were only in underwear. He was unable to identify any of the bodies.

The boy said that they were then issued with bus war-

ants/..... (7)

rants to go home. They got into one of the two buses the same day. Both buses were full of women and children and were bound for Gulu. They were stopped at an Army road block in Laropi and the transcript reads:- (p.3251/52):

OCEN: We found a group of soldiers on the way.

MULENGA Where?

OCEN At Laropi

MULENGA Yes. What happened at Laropi?

OCEN All the women were withdrawn from the buses and they started torturing them with whips.

MULENGA You mean they were being beaten.

OCEN Yes.

MULENGA What about the children?

OCEN Children who were weeping were also beaten.

MULENGA Did you see children being beaten?

OCEN Yes, even our child was beaten.

MULENGA What was the age of that child of yours who was beaten.

OCEN Two years.

MULENGA How was it beaten?

OCEN He was beaten because he was crying while the mother was beaten."

The boy said that the women and children were assaulted with whips and they even threatened to stab them with their bayonets if they continued crying. After this assault they were allowed to carry on with their journey and they reached their destination without any further incident.

We have considered the fact that the only witness to this sordid and revolting scene was this boy who was then probably aged twelve - thirteen years. Unfortunately there is no other evidence about this tragedy of Moyo which

...../674.



could have provided some material for corroboration. We watched this boy giving evidence and no where did he falter or give an indication of being fabricated such a terrible tale of calculated and deliberate human destruction. We believe that his evidence represents a true account of the tragic events in the Border Guard Unit, Moyu. The subject's name appears in Ex. 136 which indicates the date of his disappearance as 19th July, 1971. We are prepared to accept that date as the date on which this incident occurred and, relying on the evidence of the boy, we have no hesitation in reaching the conclusion that the fifty Acholi and Langi soldiers, including the subject, who were in the Unit were in fact arrested by the so called new recruits who had come from another place. The next day the quarter guard was found empty and bodies loaded into a truck. We find that these bodies were in fact of those Acholi and Langi soldiers, including Private Donato Odur, who had been arrested the previous day.

This is perhaps the only case of its kind during the extent of this Inquiry which is tragic from another angle. We refer to the seemingly insane, dastardly and savage assault by the soldiers at the road block on defenceless women and children, including infants. These women had lost their husbands and the children their fathers; some of these had actually seen the terrible scene of a truck load of their bodies. Their hearts were full of sorrow and grief; they were entitled as human beings to sympathy and condolences. What they received instead was the ignominy of lashes, which in these circumstances, indicated the dismal abyss of wanton sadism of the younger immature soldiers displaying their power through possession of arms

at the expense of unarmed citizens.

MUBENDE SOLDIERS.

- 413. Subject No. - 141 UA, 4587 SGT. RAPHAEL EDYONG.
- 414. Subject No. - 184 SGT. JONAM OTIM.
- 415. Subject No. - 220 UO, LT. CELSTINO LOUIS AMONE.
- 416. Subject No. - 227 UO, 239 LT. KENERI OKOT.
- 417. Subject No. - 229 MAJ. JABULONI OKELLO.
- 418. Subject No. - 230 CAPT. GERESEMU OKELLO.
- 419. Subject No. - 240 UA, 3525 SGT. CONSTANTINO OMARIA.

Witnesses: 243 Merizadeki Owiny - Part 3 p. 2402 - 24  
309 Robert Achot - Part 3 p. 3023 - 30  
342 Grace Atto Amone - Part 4 p. 3492 - 35  
347 Dorothy Lanana - Part 4 p. 3569 - 35  
355 John Owiny - Part 4 p. 3638 - 36  
457 Det. Dy. Sup.  
Frank Kabwisho - Part 5 p. 4975 - 49

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These were soldiers of the Tiger Battalion stationed at Mubende. We shall deal with them individually and start with

SUBJECT 141 - UA 4587 SGT. RAPHAEL EDYONG:

His brother, Merizadeki Owiny (W.243), testified that he last saw the subject in May, 1971, when he came home on leave. On his return he took one of his wives, Grace Atira, with him and their younger brother called Celestino Ecobu was living with him in Mubende in a house outside the barracks.

In July, 1971 Ecobu wrote to W.243 asking him to go to Mubende to take away the subject's wife. When he reached

Kampala he met Grace Atira and his brother in a bus and they told him that some soldiers from the barracks were arrested in the night of 11th July, 1971 and the subject was arrested the following morning when he went to the barracks for duty. They told the witness that three soldiers came in an Army Landrover, arrested Sgt. Edyong and drove away in the direction of Kampala. The subject has not been seen or heard of since.

W. 243 said that Grace Atira left their home and her present whereabouts in Mbale were not known to the witness.

The subject has seven children, all under the care of the witness. Only one of the children goes to school. No application has been made for the management of the subject's estate.

The subject appears in Ex. 124, which is the list of soldiers detained at Luzira, and the entry indicates that he was admitted to the prison on 2nd February, 1971 and transferred with many others to Mutukula on 28th December 1971. There is this obvious discrepancy in the dates, that is, the witness mentioned the date of his brother's arrest as 12th July, 1971 which does not correspond with the date of his admission into Luzira Prison some five months earlier. It may well be that the date, that is, 25th January, 1971, which is mentioned as the date of his disappearance in Ex. 136, is perhaps the correct date. On this basis the witness was obviously mistaken about the date of his brother's arrest and we accept the date which is mentioned in Ex. 136. We find therefore that UA. 4587 Sgt. Raphael Edyong was arrested from Nubande Barracks on 25th January, 1971. He was detained at Luzira prison from 2nd February,

W. 243/...../677.

till 28th December, 1971 when he was transferred to Mutuku. We heard evidence about the mass break-out by prisoners from Mutukula in which some escaped and others died. We were not given details of those who were killed during this incident. We should have thought that had the subject been one of those who escaped he would have contacted his family from wherever he was. We are of the opinion that the probability is that he was one of those who died during the break-out.

SUBJECT NO. 184 - SGT. JONAM OTIM.

Robert Achot (W.309), the Treasurer of Kitgum Town Council, is the subject's elder brother. He said that he last met the subject in December 1970 in Hoima where he was then stationed.

In March, 1971 the subject's wife Faibi Aloo (who has since remarried) went home with their property and reported that the subject was sent to Jinja on a course with some other soldiers and that the others returned a few weeks later but not her husband. She was then given transport warrant to go home.

The witness does not seem to have done anything to try to find out what might have happened to his brother. He said that he simply took it for granted that his brother had disappeared and did not bother to make any enquiries as he was afraid. He thought that he might have run out of the country. He said that his other brother Pte. Francis Otom (Subject 185), who was then stationed in Jinja and also disappeared, told him that Sgt. Otim had in fact returned to Mubende after the course. He also said that women who returned home from Jinja and Mubende had talked of fighting in the barracks during June/July, 1971 and March, 1971 respectively.

He said/...../678.

He said that the version he received was that soldiers of Acholi and Langi tribes had put up a fight when other soldiers tried to arrest them.

Sgt. Otim has three children between the ages of seven and two and a half; and the witness is now responsible for their education.

One Sgt. Johnson Otim appears in the Ex. 136, and the date of his disappearance is stated to be 25th January, 1971. This case highlighted the degree of fear in the minds of relatives who preferred not to make any enquiries about their relative soldiers who were reported missing. We think that this is a great pity because this attitude hampered the collection of evidence. Nevertheless, it does seem that Sgt. Otim returned to Mubende from Jinja and we think that he was amongst those soldiers who were killed during the fighting at Mubende barracks in March 1971. The entry in Ex.136 in the name of Sgt. Otim must be in respect of another Sgt. whose Christian name is clearly distinguishable from that of the subject.

SUBJECT NO. 220 - LT. CELESTINO LOUIS AMONE.

This Lieutenant was married to Grace Atto Amone (W.342). She said that her husband joined the Army in 1965 and in January, 1971 he was stationed in Mubende, and was the 2nd in command of 'D' Company. She was staying in Hoima and on 22nd January, 1971 the Lieutenant took his Company to Masaka on official duty. He rang her on 4th February, 1971 from Masaka to tell her that he had been summoned to GHQ Kampala and said that he would go to Kampala after returning to Mubende the same day. She said that she rang the office of 'D'

Company/...../679.

Company the following day and learnt that her husband had been arrested together with some other soldiers and Lt. Yakobo Abiriga had escorted them to Kampala.

On 15th February, 1971 a 2nd Lieutenant went to their home with three lorries and asked her to vacate the house as her husband had been arrested. She was chased from the house and this 2nd Lieutenant also took away their car, a BMW 1800 1800 No. UST 456. He told her that he was taking the car to Hoima Police Station for safe custody. He informed her also that her husband was detained at Bulange.

According to Ex.151, which is a list of vehicles giving details of ownership prepared by the Registry of Motor Vehicles, this BMW is registered in the names of Arvind City Properties, Box 910, Kampala. W.342 said that the loan on the car had been paid off by her husband. Deputy Supt. Kabwiso (W.457), who was then at Hoima Police Station, confirmed that this vehicle was brought into the Police Station by a Lieutenant from Mubendo Battalion for safe custody, who said that the vehicle had been purchased on Government loan and the owner had not been seen for sometime. The Deputy Superintendent stated that no record of this was kept in the Police Station. The subject's father went to the police for the car but the police refused to hand it to him saying that the Army would snatch it from him. The visit to the police by the subject's father was confirmed by W.457, who said that his instructions were not to release the car without the Lieutenant's permission. Grace said that later she and her father-in-law both went to the police to get the car, but were told to wait till things 'cooled' down. When she last went to Hoima Police Station in July, 1971, she was

told that/... .../680.

" told that the car had been taken away by an Army Officer. W.457 said that the same Lieutenant, who had brought the vehicle came with an Army truck and carried the BWM away in it. Again he said no record was kept. Explaining why records were not kept, the Superintendent said (p.4799):

"During the early hours of the take-over it was usual for the soldiers to come and dump in something in any Police Station and give instruction without anything being written down in ordinary station diary and we did not dispute with soldiers at that time".

Later he said that sometimes people also were taken to police stations with instructions that they be detained without the officer either making a statement or giving his particulars. He explained (p.4981):

"This is because prior to this incident, we had some other incidents where you would attempt to get someone's particulars and you would get a query as to why you want to know the particulars of this officer, you would be only told that I am coming from such a place you keep these things and, you don't have to bother for particulars".

subsequently, Mrs Amone went to Bulange looking for her husband and was told that all the detainees had been taken to Luzira. In March, 1971 she went to the Upper Prison. She was not allowed inside but was told that many Army officers were detained in the prison. She went to Makindye 'just trying' to trace her husband. At the gate she met a soldier on duty who knew her, although she did not know him, and he told her (p.3499):

"He told me to go back home because it was useless since those people were already killed ..... He told me Amone was one of those killed ..... He did not disclose where those people were killed but he told me he was speaking as an askari and that was all".

Later she/...../681.

Later she said that the soldier told her that he had seen people from the prison being taken in a van on 5th March, 1971 at 5 p.m. and those people were being called one by one by their names. She said that she could not go into details because just then the Commanding Officer, Malela, came and dispersed the people who had gathered there. She said that she believed the information which was given to her by the soldier and decided not to pursue the matter any further.

The subject has two children aged seven and five and both are at school. Mrs. Amone said that she also pays fees for her husband's brother. She said that her husband's bank account was closed on 17th February, 1973 as the credit balance was very small. He was insured but Mrs. Amone has not applied for a court order to manage his estate.

Lt. Amore's name appears in Ex.136 and the date of his disappearance is indicated as 25th January, 1971.

We think that there is sufficient evidence to say that Lt. Amone was arrested and taken to Kampala. There is some confusion about the date of his arrest. According to Mrs Amone she spoke to him on 4th February, 1971 when he told her that he was summoned to GHQ, and on the following day when she rang 'D' Company she was told that her husband and others had been taken to Kampala by Lt. Yakobo Abiriga and it was on the same day when that 2nd Lieutenant asked her to vacate the house. We think that the probability therefore is that Lt. Amone was arrested and taken to Kampala by Lt. Abiriga. We think that the reason why he did not end up in Luzira like many others was that he had been killed; had he been released he would certainly have

77 ✓ p. 683

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Lt. Keneri Okot appears in Ex.136 and the entry indicates that he disappeared during March, 1971.

According to 7.347 Lt. Keneri Okot had six wives and twelve children, of whom six children are at school and they are being maintained by her mother and her brother. He is said to have left some money in the Commercial Bank but no application has been made for a management order.

With regard to subjects No. 229 and 230, we did not see any other evidence, but if Lt. Keneri Okot was taken to Malire where he was seen by Mrs Angon, the probability clearly is that these other two subjects No. 229 and 230 were also taken to Malire and killed just as Lt. Keneri Okot was.

SUBJECT NO. 240 - SGT. CONSTANTINO OMARIA.

Sgt. Omaria was the brother of John Owinyi (W.355) and was stationed at Mubende. According to Owinyi his brother came home on leave in December, 1970 and after the Army take-over in January, 1971 was collected by the Commanding Officer, Mubende, in his car to return on duty. Owinyi wrote to his brother after two weeks and, getting no reply, wrote to his brother John Otto, who was also a soldier at Mubende. Otto wrote back to say that Sgt. Omaria was arrested with some others on 29th January, 1971 and taken to Luzira. Owinyi said that he went to Luzira Upper Prison during May or June, 1971 and saw his brother there. The fact that Sgt. Omaria was detained there is borne out by Ex.124, which indicates that he was admitted to the prison on 31st January, 1971. Sgt. Omaria asked his brother to look after his five children, who are between the ages of fourteen and six. After sometime Owinyi heard rumours that all the detainees had

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p 681

contacted his wife immediately. We are therefore inclined to believe, just as Mrs Amone did, that Lt. Amone was one of those unfortunate people who were put in a van on 5th March, 1971 at 5 p.m. and driven out of Makindye, never to be seen alive.

Subject: No. 227 - LT. KENERI OKOT.

Subject: No. 229 - MAJOR JABULONI OKELLO.

Subject No. 230 - CAPT. GERESOM OKELLO.

Lt. Keneri Okot (Subject 227) is the father of Dorothy Lanana (W. 347) who said that her father went home in Gulu on leave in December, 1970 and was still on leave at the time of Military takeover and he went back to his Battalion in Mubende. As he had been recalled during an emergency, she expected him to write to her about his arrival; but he did not. She wrote to her brother, who was schooling at Kakumiro, to go to Mubende to find out about their father. He did not reply but wrote in answer to her second letter to say that he had not been able to go to Mubende. W. 347 herself went to Mubende in March, 1971 and, failing to find her father there, asked one called Absolom in the RSM's office who told her that her father went on safari to Kampala with subjects No. 229 and 230. On 23rd March, 1971 she went to Malire to her uncle L/Cpl. Yose Angen (subject 228) and found him missing also. Her aunt told her that both of them had been shot inside the cells. When she tried to see the Commanding Officer, Malire, she was chased away by the RP. She said that she found many women of various tribes, including Acholi and some in Nubian dress, all crying and weeping at Malire.

Lt./ ...../684.

been transferred to Mutukula. This also is borne out by Ex. 124, which indicates that Sgt. Omaria was one of the many other soldiers who were transferred to Mutukula on 28th December, 1971. Later Owinyi went to Mubdende and collected his brother's personal belongings. Otto then told him that Omaria was arrested when he was going to his office but the reason for the arrest was not known.

Three of the children are at school and the other two are at home due to lack of money. One of Omaria's wives remarried and the other has also left home. He left some money in the bank but no application has been made for a court order to manage his property.

There is no doubt that Sgt. Omaria was arrested in January, 1971 after the take-over and admitted to Luzira on 31st January, 1971. As stated else where it is in evidence that there was a mass break-out from Mutukula during which some prisoners managed to escape and others died. We were not given details of the prisoners who were killed during this break-out but, as Sgt. Omaria has not been heard of since, the probability is that he was one of those who died at Mutukula during the break-out; otherwise he would have at least got in touch with his family.

STATE RESEARCH CENTRE, HAKASERO

420. SUBJECT NO. 209 - UA 7299 SGT. ERISEYO MANGWI

Witnesses: 332 Carolina Lokwa - Part 4 p. 3346 - 3366  
333 Victorina Foroga - Part 4 p. 3367 - 3372  
481 Lt. Col. Francis  
Itabuka - Part 6 p. 5366 - 5393

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The subject, aged 26 was stationed at the State Research Centre, Nakasero, where the Director of Intelligence since the middle of October, 1973 has been Lt. Col. Itabuka (W.481). The subject was married to Martina Bunyia but had no children. Living with the subject and his wife in October, 1973 was his sister Carolina Lokwa (W.332).

According to the evidence the subject went on duty in the morning on 3rd October, 1973 and was brought home two days later on 5th October, handcuffed by four soldiers in Military Police Uniform. They searched the house but found nothing. He told his wife and his sister that he was arrested from his office on 3rd October, and taken to Makindye. No reason for his arrest was given.

Bunyia went to Makindye on 22nd December, but was told that her husband was not there. W.332 went to Makindye the following day and was told that her brother had been taken to Naguru. It seems that Carolina used to see her brother in cells at Makindye before. What Carolina was told about the transfer of her brother did not convince her. In February, 1974 the subject's mother, W.333, joined them in Kampala and Martina took her to Makindye but again failed to get any useful information. They went to the State Research Centre, Nakasero, to see his superior officer for money but were asked to wait at home. Later someone handed the subject's mother Shs. 1,700/= by way of salary and, according to W. 481, this was salary for the month of August, 1973. Later W.332 and her mother went to the subject's office to collect his car and were told that the car did not belong to him. W.481 said that he knew that car which originally bore Rwandese registration number and was an exhibit in a criminal case. Lt. Col. Itabuka said that he did not know

how the subject managed to change the number plate and get it registered in his own name. The witness did not remember the full registration number of the car.

The subject has not been seen since.

Lt. Col. Itabuka said that after his appointment as head of the department he enquired from the Commanding Officer, Military Police, who then was Brig. Marela, about the subject. He said that Marela confirmed that Mangwi was in the custody of the Military Police and that the case was still under investigation. He said that he was not told about the nature of the investigations. He said that under normal Military procedure, where a soldier is arrested by the Military Police and charged, he may be dismissed and his Unit informed of his dismissal later. He said that he had not been informed of any offence with which Mangwi might have been charged or about his dismissal. He explained that once a soldier is in Military custody he is automatically treated according to the normal procedure for which regulations exist and it is not necessary for the soldier's Commanding Officer to try to find out about him. Lt. Col. Itabuka said that he continued making his enquiries till Marela retired and was succeeded by Lt. Col. Albert Drajua (W.528), who denied any knowledge about the subject. This witness said (p.6567):

"Because if those things took place during the time when Marela was there, I cannot explain anything about them because I do not know them but whatever took place during the time I took over, then I can say something about it because I would be in a position to know what happened but before I took over, I am sorry I cannot explain."

Lt. Col. Itabuka was not satisfied with this situation but

said 1/.../687.

said that there was nothing he could do as Marela's successor knew nothing about this matter and also the Army regulations prohibited him from interfering in the work of the Military Police.

There is clear evidence that Sgt. Mangwi was arrested by the Military Police and detained at Makindye from 3rd October, 1973. Lt. Col. Drajua took over Makindye in April, 1974 and to W.481 he denied any knowledge about the subject. It would therefore appear that the subject must have disappeared during the time of Brig. Marela. We find it impossible to believe that he might have managed to escape from Makindye and it is obvious that if he disappeared, as indeed he has, this must have occurred during his detention at Makindye. The only conclusion one can arrive at is that he was disposed of during his detention with the Military Police at Makindye.

ORABA BORDER GUARD.

- 421. Subject No. 98 - UA 6169 PTE. STANLEY OJOK.
- 422. Subject No. 159 - UA 5492 PTE. MUDESTO AGWA.
- 423. Subject No. 173 - UA 5988 CPL PETER OLET.
- 424. Subject No. 174 - PTE OJOK ANYANYA.
- 425. Subject No. 175 - PTE OKOT.
- 426. Subject No. 203 - UA 3204 PTE FESTO OCHAYA.

Witnesses: 207 Nuwa Okeng - Part 2 p. 2064 - 2077  
272 Jenina Anyinge  
Agwa - Part 3 p. 2701 - 2709  
290 Francis  
Olwit - Part 3 p. 2864 - 2878  
325 Lubo Okoth - Part 4 p. 3267 - 3272

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These four subjects were soldiers of the Border Guard Unit, Oraba.

Subject No. 203, Private Festo Ochaya, went home to Oryanga village, Labongo, Kitgum, in January, 1971 and the Army took over the Government while he was still on leave. According to his brother, Lubo Okoth (W.325), Ochaya did not return to his Unit and he said that he was arrested from his home on 27th June, 1972, by two soldiers. They went towards the home of a neighbour - Gero - where they are alleged to have arrested another man, UA 5797 Private Michael Okulu (subject 202). W.325 said that he has not seen his brother since.

Ochaya had six children between the age of twenty and two, and they are now being looked after by the witness together with their mother. The subject is said to have left some money in the bank but nobody has so far applied for a Court order to manage his estate.

With regard to subject 98, Private Stanley Ojok, we did not hear any direct evidence and the only evidence we heard was from his brother, Nuwa Okeng (W.207), who last saw him at home in 1970 when he was on leave. He said that the subject was then transferred to Oraba and he used to write to him. He maintained that his brother had not written to him from Oraba for about four years and he was 'concerned' that he too might be missing like his own son, Private Kosmatino Ojok subject No. 97. Nuwa said that his brother used to live at Oraba with a girl friend called Akii, but she did not return to their village home after his disappearance. The old man finally said that, although he had heard of some trouble at Oraba, he did not try to find out about...../689.

about his brother from the Army authorities.

According to the evidence of Francis Olwit (W.290) who is a son of Cpl. Peter Olet and was living with his father at Craba, the Border Guard Unit comprised of about 100 soldiers, of whom about twenty were Acholi/Langi. He said that five days before his father disappeared he saw a lorry load of soldiers, who were 'Visitors', arrive at the Unit. When passing through the barracks they commented that there was 'a lot of rubbish' in the barracks which, according to the witness, was quite clean!

On Monday 18th July, 1971, at about 8.30 a.m., all the soldiers were summoned to a parade in the field in front of the barracks. The subject went for the parade and, according to the witness, a private called Ojok Anyanya, who was then sick, was picked up from his home by two soldiers and taken away together with his gun and ammunition. Another soldier, he mentioned, who never came back was Private Okot. Olwit said that he could not see the parade from where he was. He did not hear any shooting that day. His father did not return; those who did return did not tell him about his father. Next day he was summoned into the office of the O.C., who was a Kakwa Lieutenant, and in the office Olwit found some women - nine Langi and ten Acholi. They were all given bus warrants and told 'cruelly' to go home. He said that he has not heard any official news about the fate of his father. Olwit said that looking back, he thought that the comment about the 'rubbish' in the barracks referred to Acholi/Langi soldiers.

With regard to private Modesto Agwa, evidence was given by his wife Jenina Anyingo (W.272).. They have nine child-

.../690.



ren between the ages of twenty and four, of whom only one is at school. She said that on 25th July, 1972, a bugle was sounded at about 12.30 a.m. Her husband changed into uniform, took his gun and went to the field where they held parades. She said that soon after she heard two shots from the direction of the field. After a little while she went to sleep. She went to the office the next morning to check and found the entire camp empty, except for seven women. The Cpl. asked her to pack up and leave by bus. Later, a lorry came with women from the other side of the hill, also wives of soldiers numbering about forty, and they were all taken to Moyo, from where a bus took them to Gulu and Lira. She said that she has no idea of what happened to her husband.

None of these soldiers appears in the list - Ex.124 - which was prepared by the Prisons Department of the detainees at Luzira. Three of them, that is, subjects No. 158, 173 and 203 appear on Ex.136, where the first two are indicated as having disappeared on 19th July, 1971 and the third on 13th February, 1971.

It is quite clear that Private Festo Ochaya was arrested by some soldiers as a deserter together with Michael Okulu. There is no evidence where they took these two but Ochaya has been missing since the date of his arrest, which does not seem to tally with Ex.136. As he has been missing since then and there is no record of his detention any where, we find that he was disposed of by the two soldiers who arrested him.

The rest of the evidence, particularly of W.290 and W.272, indicates that on 18th July, 1971, and 25th July, 1972, the...../691.

the soldiers at the Unit were summoned to parades. Peter Olet attended that parade in the morning hours and never came back. Modesto Ngwa, on the other hand, went out in answer to the bugle in the middle of the night, which looked very suspicious, and his wife heard at least two shots. Both these witnesses say that the women - nineteen on the first occasion and over forty on the second - were given bus warrants to go home. This is a strong indication that their husbands were done away at those parades.

2ND PARATROOPER BATTALION, FORT PORTAL.

Subject No. 29 - No. UO/449 LT. SOUL LAWENDE.

Witnesses: 35 - Immelda Nyamuhangushu - Part 1 p.401 - 51

49 - Capt. Yovan Kweresi - Part 1 p.525 - 53

The Lieutenant, aged 32, was attached to the Intelligence Section of the 2nd Paratrooper Battalion, Fort Portal. In August, 1973 he came to Kampala on pass-leave. His younger sister Immelda Nyamuhangushu (W.35), who was schooling in Sebei, also came to see her brother for her school fees.

On 28th August, 1973 the Lieutenant rang his friend, Captain Kweresi (W.49) of the Military Police, Makindye, to take him to his bank. According to W.35 her brother went out with the Captain at about 10.30 a.m. The Captain said that they went to Barclays Bank where the Lieutenant drew some money. They then went to the Army-shop where the Lieutenant bought some soap and cigarettes. They started looking for a windscreen for the Lieutenant's car but did not find it. They returned to Makindye to pick one called Jackson Kabere. It was then getting on to lunch time and, at the Lieutenant's request, the Captain dropped him at the officers' mess, Nakasero at about 12.30 p.m. and delivered five cakes of toilet soap and two packets of Rex cigarettes to the Lieutenant's sister at their

..1600..

25x10

home.

The Captain went to the Lieutenant's home at 6 p.m. as arranged previously at lunch time. W.35 told him that he had not returned. According to W.35, the Captain then said 'we should go and look for him.' She took this as a joke. The captain said that he returned to the Lieutenant's home at 10 p.m. and was again told that he had not returned. W. 35 makes no mention of this visit of the Captain. She said that she rang up the Captain on the following day but he was not at home and she told his wife about her brother's disappearance and asked her to ring back when the Captain came. The Captain did not ring her and, after trying to contact him on telephone thrice, she gave up. The Captain, however, said that he did ring W.35 the following day.

The Lieutenant was living in Kampala with a girl friend who has since run away. He had two children from another woman. He has five brothers and six sisters for whom he was responsible for maintenance and schooling. All these children are now being looked after by his mother.

We are satisfied that the Lieutenant disappeared on 28th August, 1973 after being dropped at the officers' mess, Nakasero, by his friend Capt. Kwerosi. We do not think that much can be made of the Captain's comment to W. 35 on being told at 6 p.m. that the Lieutenant had not returned home. The evidence is very sketchy and it would be straining credulity to say that the Captain is in any way involved in his friend's disappearance. We are satisfied that he did not return to his battalion in Fort Portal and, likewise we find it reasonable, as was stated by W. 35, that had he gone any where else he would have contacted his family. He is included in the list - Ex. 136 of missing army personnel. Our finding, therefore, is that he did not leave the country and must have disappeared within Uganda; the probability being that he was killed by unknown persons.

R E P O R T  
of  
THE COMMISSION OF INQUIRY INTO THE DISAPPEARANCE  
OF PEOPLE IN UGANDA SINCE THE 25TH JANUARY, 1971.

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To: His Excellency General Al-Baji  
Idi Amin Dada, V.L.; D.S.O.; M.C.;  
President and Commander-in-Chief of  
the Uganda Armed Forces.

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Your Excellency,

By Legal Notice No. 2 (Appendix No. 8) issued on the 30th day of June, 1974 pursuant to the provisions of the Commissions of Inquiry Act (Cap. 56) Your Excellency appointed this Commission of Inquiry under the Chairmanship of Mr. Justice Mohammed Saied; the other Commissioners being S.P. Kyefulunya, A. Esau - both Superintendents of Police - and Captain Haruna of the Uganda Armed Forces, to inquire into all aspects of the disappearance of persons in Uganda since the Military take-over on 25th January, 1971.

2. The terms of our reference were set out in the Legal Notice. In particular, but without limiting the generality of the foregoing, we were commissioned -

- (a) to inquire into and establish the identity of the persons who are alleged missing;
- (b) to establish whether such persons are dead or alive;
- (c) for those persons believed to be living outside Uganda the reasons and circumstances that led to

their quitting Uganda as far as such reasons and circumstances can be ascertained;

- (d) for those proved dead, how, when, where and in what circumstances they met their deaths;
- (e) whether there are any individuals or organisations of persons whether within or outside Uganda who are criminally responsible for the disappearances or deaths of the missing persons and what should be done to the persons criminally responsible for such disappearances or deaths;
- (f) what should be done to the affairs and families of the missing persons bearing in mind the provisions of Decree No. 20 of 1973;
- (g) what should the Government do to put an end to the criminal disappearances of people in Uganda.

3. The procedure prescribed was set out in (a) to (e);

- "(a) that any persons desiring to give evidence before the Commissioners shall do so in person; but the Commissioners may in their absolute discretion receive in evidence any written memoranda from a person who is unable to give evidence in person if the Commissioners are of the opinion that such evidence will be valuable to their enquiry;
- (b) that hearsay evidence which adversely affects the reputation of any person or tends to reflect in any way upon the character or conduct of any

- (c) that the expression of opinion touching upon the character, conduct or motives of any person shall not be received in evidence;
- (d) that any witness who gives evidence before the Commissioners may, if he so desires and requests, give evidence in camera and his name shall be kept secret. Such witness shall not be subjected to cross-examination by the person adversely affected by the evidence given by such witness, so however, that the person adversely affected by such witness' evidence shall be given the opportunity to reply to the allegations made against him without being supplied the name of the witness;
- (e) that subject to the immediately preceding provisions any person who, in the opinion of the Commissioners, is adversely affected by evidence given before the Commissioners shall be given an opportunity to cross-examine the person giving the evidence, except in so far as the Commissioners consider it essential for ascertaining the truth of the matter into which the Commissioners are commissioned to inquire, not to depart from such instructions."

*in camera test - ok*

*right to reply to accusations*

*Cross-examination by accused*

*Did this take place?*

4. He may direct to hold the inquiry at such times and at such place as he may, from time to time, determine and at our direction is public or in private, or partly in public and partly in private provided where the public interest so required he may also direct that certain evidence be given in public in the presence of the Press, Radio and Uganda Television."

5. We were directed that any matter touching the security of the State shall be excluded from evidence.
6. We were directed to give due consideration to the logical and natural events of the Military take-over as well as the events pertaining and ancillary to the defence of Uganda when the nation was invaded on the 17th day of September, 1972.
7. We were directed that the inquiry shall not extend to any person expelled from Uganda under any authority conferred by law or who has suffered a sentence of death imposed on him under ~~the~~ process of law. Nor shall the inquiry extend to persons of Asian origin or extraction who though claiming to be citizens of Uganda either remained outside Uganda or at any time ran away from Uganda for any reason whatever.
8. We were directed to start on 1st July, 1974 and execute this inquiry with all due diligence and convenient speed to make our report to Your Excellency without undue delay (not later than 30th September, 1974). This time limit was, however, subsequently waived.
9. Your Excellency required all persons whom it may concern to take due notice and to give their obedience and utmost assistance to the witnesses and to Commissioners accordingly.
10. On the same day, that is 30th June, 1974, Your Excellency's Office issued a statement headed 'DISAPPEARANCES' - Appendix No.9. According to it we were given full authority "to leave no stone unturned to obtain all evidence regarding the disappearance of persons in Uganda." After setting out the reasons which led to the setting up of this Inquiry the statement continued, "because of all this and more His

Arrens

1 July '74  
Deadline originally  
30 Sept '74'  
(3 weeks)

Excellency has decided that in the interests of justice, fairness, security and social tranquility the Commission of Inquiry be set up to go into the reasons of the disappearances, to uncover the culprits and to advise on the best way of stopping this scourge." Your Excellency appealed to all the prospective witnesses to tell the truth only and guaranteed the protection from molestation, personal safety for every Commissioner, staff and witnesses.

11. Mr. C.C.K. Hozireho, a Kampala Advocate, was assigned to the Inquiry as Secretary and Mr. J.N. Mulunga was appointed Counsel to the Commission. The latter was assisted by a team of investigators to carry out the various jobs of investigations, collecting evidence and recording statements.

12. Your Commissioners were sworn in on 1st July, 1974 by Honourable the Minister of Justice, Mr. G.S. Lule. In his opening speech he said, inter alia, that this Inquiry "meant so much to Ugandans as a people, Uganda as a Nation, to her aspirations, her institutions and her image." He repeated Your Excellency's assurance that we shall receive all the assistance that we may require.

13. In his reply, the Chairman said that the importance of the setting up of the Inquiry could not be over emphasized and continued "...we hope that by the end of the day when we shall have put down our pen, having written the last word, we shall be able to say to ourselves: we have done our duty, we have satisfied our conscience, and we hope that we shall be reflecting also the satisfaction of the citizens of this country and the spirit with which this Commission has been established."

14. We started our sittings on 15th July, 1974 in Kampala.



We also visited some up-country stations and the arrangement was for the prospective witnesses to register themselves with their respective District Commissioners, so as to enable us to consider and decide the area of concentration of witnesses and fix our itinerary accordingly. We started with LIRA on 30th September, 1974 and heard 92 witnesses. We should like to point out that far fewer than this number had initially expressed their desire to give evidence, but after the first day in Lira the number started swelling and it became obvious that, if we were to stick to our itinerary and the arrangements as aforesaid, we would not be able to finish all those witnesses; with the result that some witnesses were not taken and these appear in Appendix No.1. Appendix No.2 gives details of witnesses who had made statements in Lira but failed to turn up to give evidence.

At KITCUM we heard 23 witnesses, and those who had not registered with the D.C. but came up are listed in Appendix No. 3.

At GULU we heard evidence from 29 witnesses and 5, whose testimony could not be taken, are listed in Appendix No.4.

We next sat in MBARARA and received evidence from 24 witnesses, and in FORT PORTAL, which was the last up-country town visited, 20 witnesses were heard. The remainder of the 545 witnesses that we heard gave evidence in KAMPALA.

15. Although the Government Statement of 9th January, 1973 (Appendix 5) lists 85 subjects as having disappeared from the country, the witnesses before us mentioned something like 308 people as having disappeared.

Others/..... 7/.

Others were mentioned in passing by some witnesses on whom no direct evidence was available. We should take this opportunity of emphasizing the obvious fact that this number of people alleged to be missing or disappeared is by no means the final number of such people. The exact number of such people may perhaps never be established; for example, of Appendix No.5 only 20 subjects were mentioned by witnesses before us. From the subjects mentioned in the International Commission of Jurists' Report (Appendix 7) only 25 were referred to by witnesses before us. It seems quite plain that the task of enumerating the persons who have disappeared is not only formidable but is well nigh impossible for various reasons, the most obvious of which perhaps is that relatives of such people may not have liked to revive the agonizing and excruciating moments of what befell their kith and kin after the dust of so many years had almost, one would hope, buried those bitter memories in the region of oblivion. Some perhaps might have considered such an exercise as forlorn from the very beginning and this pessimistic attitude, quite obviously completely unaffected by the reasons which led to the setting up of this Commission, might well have kept them away from coming forward. Others were perhaps over-whelmed by fear of personal safety and possible retaliation if they gave evidence, notwithstanding the comprehensive and clear Government assurance and guarantee concerning the safety of the prospective witnesses.

16. For our part, not only did we invite witnesses to come forward voluntarily through notices in all languages in the local press, radio and T.V., the Government also had done all it could to assure and guarantee such witnesses against

17. personal/.....8/.

personal molestation of any kind. The result, as we were to find for ourselves in the initial stages of the sitting, was not very optimistic and, as our counsel said in his closing address, it was not till Your Excellency had arranged with the Director of the CID to hand-over 90 odd police files of previous investigations already conducted by the Department that the Inquiry gained momentum by summoning witnesses and following-up whatever clues that were forthcoming. And of the many memoranda that were received from members of the public, the authors were called to come to give evidence in person; some declined to come, a few testified.

*Writings  
Your Excellency*

It was through these efforts that we were able to take evidence from the 545 witnesses.

17. With these few opening comments, we will now endeavour to summarize the mass of evidence which was put before us. What follows now is a resume of evidence in respect of each subject in the order in which he appeared during the hearings. We think that this system is perhaps the most convenient in view of the fact that witnesses were called at random depending upon their availability, with the result that witnesses concerning one particular subject are scattered throughout the record of the transcript. What we propose to do is to list the various witnesses in respect of each subject under the same heading, which will simplify the task of referring to the record of the proceedings.

*Subject =  
disappeared*

*Structure  
of  
report*

At the end of the summary of evidence on each subject, we shall give our findings supported by our reasons in respect of our terms of reference (a)-(d). We shall thereafter tackle the remaining terms of reference (e)-(g).

18. Subject/...../9,

18. Subject No.1 - YOZEFU MAGEMBE.

(Witnesses: 1 MARIKO LUTAKANGWA - Part 1, p.9-31  
2 MARIA NASEJJE - Part 1, p.32-40  
13 DET.AIP.ALFRED BWASISI - Part 1, p.185-192)

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He was a native of Kasasa village, Gombolola Kasali, Kyotera, and was aged about 25. He was married but had separated from his wife, and had one child aged 4-5 years. He was a muluka chief until 1972 when he resigned and was thereafter a farmer.

According to the evidence of his father (W.1) and his mother (W.2), the subject left the village in 1972 for about 6 months and to his mother, who seems to have asked him on his return where he had been, he is alleged to have said that he had gone to a place called KARAGWE to look for a job. This was before the Invasion of the country in September, 1972, by which time he was still out of the village. It seems that he had been reported at the Gombolola Headquarters for mis-appropriation of Government funds, that is, tax money for the period April to June and Detective Assistant Inspector Bwasisi (W.13), who was then the Officer-in-Charge of CID, Kalisizo Police Station, had started looking for him. He went to his home a number of times and, failing to find him, published his name in the Police Gazette as a wanted person. This police officer said that after the Invasion, towards the beginning of 1973, he received information from the Lieutenant, who was then in-Charge of the SANJE Military Camp, that the subject had returned with some guerillas and was hiding home. The Lieutenant instructed Bwasisi to get the subject and his father for questioning and, on 6th February, 1973, Bwasisi led a section of soldiers to the home of the subject's father at around 10 p.m.

The/.....10/.

The evidence of the first witness is that Bwasisi produced his identity card but this was denied by the police officer who said that there was no need for him to do this as witness No.1. already knew him. This discrepancy is of no importance as the fact remains that Bwasisi admitted taking both father and son for questioning in accordance with his instructions. The old man was informed of the allegation that he was harbouring guerillas, and the houses were searched but nothing was found. The policeman then arrested both of them and took them to SANJE Army Camp, where Bwasisi handed them over to the Lieutenant. According to the father, both of them were tied to separate trees and in the morning W.1. was taken back to his home by some policemen. The houses were searched again and the subject's home was dug up, again to no avail. The old man was returned to the Camp where he found his son still tied to the tree. At about 6 p.m. the father was taken to Kalisizo Police Station together with some other tax defaulters. The old man said that on 8th February, 1973 he was released to go home. Two days later, two army soldiers went to him and handed him his tax tickets and those of his son - Ex.1. When he asked them about his son the soldiers told him curtly "don't ask us." The subject has not been seen since.

Bwasisi closed the police file 'pending arrest of the wanted person'. He said that he had told the Lieutenant about the charge pending against the subject and asked him to tell him should Magembe be released. Bwasisi said that he did not see the subject again, nor did he inquire about him. The Lieutenant did not tell him if Magembe had been released by him.

The old man denied suggestions of being sympathetic towards the invading guerillas and maintained that he had been involved in the search of guerillas in the bush.

His/.....,11/.

His wife categorically denied that her son was a guerilla but added that "as it is the tradition of the country as he was away for some time they might have suspected him."

On the evidence before us, we are satisfied beyond doubt that Yosefu Mngembe son of Marko Lutakanwa, a resident of Kasasa village, Gombolola Kasali, Kyotera was taken into the custody of the Lieutenant in charge of SANJE Army Camp on 6th February, 1973. We have not been able to establish the identity of the Lieutenant. The reason for the subject's arrest, so far as is disclosed by the evidence and looks probable, is that he was suspected of being a guerilla working against the interests of the country as a whole. As there was no evidence adduced before us that he was ever released from the Camp and he has been missing since 7th February, 1973 the probability clearly is that he disappeared while in Army custody at SANJE Camp. The probability further is that he was unlawfully disposed of by the soldiers of SANJE Army Camp.

19. Subject No. 2 - GERESOMU WEDAKURE.

- (Witnesses: No. 3 Norah Wedakure - Part 1, p. 41 - 62  
No. 50 Daudi Were - Part 1, p. 533 - 542  
No. 53 Saidi Omari - Part 1, p. 547 - 559  
No. 63 Paulo Ouma Wasigaye  
- Part 1, p. 682 - 692  
No. 178 Lt. Jacob George Muavu  
- Part 1, p. 1754 - 1772).

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The subject was a shopkeeper in the border township of Busia. At the relevant time in 1973 there was an Army unit at the Kenya/Uganda Border, the Officer-in-Charge of which was Lt. Jacob George Muavu (No. 178).

The Unit was housed in tents near the Busia Police Post and its duty was to check the people crossing the border in either direction.

According to evidence the subject was the sole agent for beer - Bell, Pilsner and White Cup. Living in the township was a halfcaste by the name of Said Omari (W.53). He was then a taxi driver but later came to own the Rahman Hotel in Busia. He was quite wellknown to Mrs. Norah Wedakure (W.3) and her houseboy, Paulo Ouma Wasigayi (W.67) who had previously worked for Saidi as his broker for 2 months in 1970.

The other character in this episode is an old man called Daudi Were (W.50), aged 68 and also a shopkeeper of the same township; his shop being about 600 yards from the subject's shop on the road going to Majanji.

On 4th January, 1973 at about 7 p.m., when it was getting dark, and the subject had gone to Daudi Were's shop, three men knocked at the gate of Wedakure's house. His wife said that two were in Army uniform and the third was in civilian dress, whom she recognised as Saidi. The house-boy recognised one of the soldiers as Lt. Muavu. One of the soldiers asked the lady for her husband as they were looking for beer. She told them that he had gone to Daudi Were's home. The houseboy denied that Mrs. Wedakure, who is his aunt, ever said where her husband had gone. We think that this little discrepancy is more apparent than real because earlier the houseboy had said that as soon as his aunt got to the gate he went back into the house.

However, these people then went to the shop of Daudi Were, and both these witnesses saw Gerasomu Wedakure being taken away in a Landrover which was green in colour.

Mrs. Wedakure/.....13/

Mrs. Wedakure said that she saw her husband walking to the vehicle and everything looked peaceful. The houseboy, however, said that Wedakure was being pushed by Saidi and Lt. Muavu. The vehicle drove away in the direction of Majanji and the subject has not been seen or heard of since.

The other three witnesses, that is, Daudi Were, Saidi Omari and Lt. Muavu denied all this evidence. Daudi Were said that he had no dealings with Wedakure and did not know of his disappearance. He said that he normally closed his shop at 4 p.m. and went to his home in the village. He said that he does not even listen to the radio and had not heard of any people disappearing anywhere in Uganda. Although both he and Saidi Omari had come to Kampala to give evidence in the same bus, neither knew of the presence of the other till they reached Kampala and had not discussed their evidence. Saidi Omari said that on 4th January, 1973 he was in Jinja in the course of his work and had stayed up to the following day. He further denied being friendly with any Army people in Busia. Lt. Muavu maintained throughout that his duties were merely to check on people crossing the border and any suspicious characters were handed over to the Custom Officers. He denied arresting anyone and said that he did not have any cells at his camp.

In this case, there is the evidence of Mrs. Wedakure and her houseboy Paulo Ouma Wasigayi, who saw the subject being taken away from Daudi Were's shop in a green Landrover by Saidi Omari and Lt. Jacob George Muavu. The other three named persons denied any connection with the disappearance of the subject. It seems to us that the main issue is one of credibility. Mrs. Wedakure knew Saidi Omari and also her neighbour Daudi Were.

The houseboy/.....14/.



The houseboy knew the Lieutenant who, on his own admission, had been stationed at Busia border within the Township for the previous eight months. This incident occurred at 7.p.m. when it was getting dark but at the same time there were some street lights in the vicinity. Both of them saw the three men at the gate from very close and the question we have asked ourselves is why they should mention Saidi Omari and Lt. Muavu as two of them if they were not there as they maintained. We have considered the evidence very carefully. We find as a fact that Mrs. Wedakure and her houseboy, notwithstanding that the boy is related to her, had no possible reason either against Saidi Omari or Lt. Muavu to fabricate evidence against them merely to implicate them. The old man Daudi Were was in no way implicated in this disappearance, except for the obvious coincidence of Wedakure being at his shop when he was picked up. We regret to say that the old man appeared to us a very unsatisfactory witness. This we say for the simple reason that at a time when almost everyone in the country knew about such disappearances of people from all over the country Daudi Were wanted it to be believed that he did not know any such thing. We do not believe him. We do not further believe that, having travelled all the way from Busia in the same bus with Saidi Omari, neither was aware of the presence of the other or that they did not discuss their testimony which they were going to give before us. We find that the attitude of Daudi Were indicated that he did not wish to be associated with this matter in any manner. We realise that Saidi Omari raised an alibi for 4th January, 1973. But if the evidence of the two eye witnesses, both of whom knew him very well before that day, is to be believed then it would follow that Omari's alibi was merely an attempt to rid himself of any connection with this matter. As we have already said, we can think of no possible reason for those two eye witnesses to fabricate evidence

and/.....15/.

and, keeping in mind the circumstances in which they saw those three men and the distance at which they saw them, we are satisfied in our minds that the alibi of Saidi Omari and the mere denials of Lt. Muava have not in any way raised any doubts regarding the testimony of the two eye witnesses. Lt. Muavu was well known to the houseboy. He was the officer-in-charge of the Army unit at the border and the houseboy had not only seen him near his tent but had heard people referring to him by name. In such a small township as Busia, a man of his status becomes quite wellknown to the residents, though he may not know them himself. We are therefore in no hesitation in finding that the subject was picked from Daudi Were's shop by Saidi Omari and Lt. Muavu and driven away towards Majanji where, according to the latter, there was then another Military Camp.

We find also that the subject has been missing since then and accepting the evidence of Mrs. Wedakure, we are satisfied that he did not run away from the country. In the circumstances, we are of the opinion that the probability clearly is that the subject was unlawfully disposed of by his captors after leaving Busia in the Landrover.

20. Subject No. 3 - ASADI MUWENDA.

(Witnesses: No.4 Egulasi Nyamwese - Part 1,p. 64 - 77.  
No.71 Daniel Maidu - Part 1,p.716 - 729.

Asadi Muwenda was a resident of Namaganga village, Busebo, Butembe County of South Busora District. He was married to Egulasi Nyamwese (No.4) and had four children. According to the Mutongole Chief, Daniel Maidu (No.71) he was a barber.

His/.....16/.

His village was twice attacked by robbers. The first robbery was on 28th August, 1973 when four people, travelling in a car without registration number plates, attacked four houses, and raped a pregnant woman. According to the chief, there were allegations against the subject of associating too much with "bad elements." The day following this robbery, the chief arrested some people who came in a car asking about the subject for a haircut; he said he arrested them as they were 'kondos."

The second attack on the village came on 4th September, 1973 during the night, when two villagers died in the attack, a third died in the hospital and three others recovered. No villager was suspected of being involved in this incident but the chief commented that the subject did not answer the drum alarm which he raised, although Mwendu lived near the scene of the robbery. Police arrived at about 7.30 a.m and at about noon four people wearing "flowery shirts" arrived in a Citroen car, - WYK 600. All four had some tribal scars on their faces, that is, three lines. They viewed the two bodies, one of which had been slaughtered and the other's stomach slit open. They spoke to the policemen and took some notes. They asked the chief to direct them to the subject's home. He got in the car and the chief said that those four people looked very furious. He said that they spoke in a language which he did not understand and, because of this language barrier, he did not try to ask them why they wanted Mwendu. Another reason for not doing so was fright as one of them had a pistol. Under cross-examination he said that in his statement which he made to the police on 5th September, 1973 he had mentioned seeing a big gun in the car and each occupant with a pistol.

At/.....18/.

At about the same time Asadi Mwendu, who was at his home, received information from a neighbour that some people in a car had been asking for his home. His wife said that he became frightened on hearing this as there was no reason why people should look for him in this manner. He told his wife that he would go and report this to the Gombolola Chief and he left home on his bicycle.

On the way he was stopped by the people in the Citroen car after being identified as Mwendu by the Mutongole chief. Those people asked the chief to get down and Mwendu to get into the car, and they drove away with him, never to be seen again.

According to (W.4), the Mutongole chief then delivered the bicycle to her and told her that the vehicle which had been looking for her husband had taken him away. She went to look for him at the Gombolola Headquarters. Not finding him there she reported the incident at Kakira Police Station some two days later. She also reported at the Central Police Station, Jinja. No statement was recorded from her but police promised to come for investigations. She said she is still waiting for the police !

The chief also reported to his Gombolola Chief, and both went to Kakira Police Station where a Statement was recorded from the Mutongole chief. They were also told by the O.C. that those people in the Citroen car had 'identified' themselves at the police station.

Witness No.4 said that three other villagers seemed to have a grudge against her husband. She named those three as - Asumani Mugoya, her brother Namada Talita and Manueli Masinga. She alleged that all these three complained to her that her husband was in love with their wives and on 18th August, 1973, they had threatened her

with/.....19/.

with retaliation unless they moved out of the village by the end of the month. She said that when she reported this to her husband he simply laughed. The chief said that he had received only one report about the subject's love affairs from a man called Mesulamu Bazirate who is now dead.

According to Ex.152, a list of vehicles showing particulars of their registration and ownership, vehicle UYK 600 is a Citroen and is registered in the name of "N.I.C.(U) Ltd., Box 7111, Kampala."

On this evidence, there cannot be any doubt that this man was arrested by those four people in the Citroen car. Their identity however remains undisclosed and it would seem to us that the police to whom they had allegedly reported at Kakira, did not do anything to follow up this kidnapping. We are satisfied that the reason for his arrest was not his lust for other villagers' wives, but was the suspicion that he was associating with bad elements. That he is missing since 4th September, 1973 is beyond doubt, and we think that the probability is that he was unlawfully disposed of by the unidentified kidnapers who were obviously travelling in a car registered in the name of National Insurance Corporation.

21. Subject No. 4 - COSPETERI FEDERIKO KAVUYO NTALO.

(Witnesses: 5 Season Mbagabire - Part 1, p. 77 - 88.  
6 Kawuyo Waidoda - Part 1, p. 81 - 91.  
73 James Hiddi - Part 1, p. 735 - 741.  
92 Inspector V.G. Odwe  
- Part 1, p. 961 - 969.  
105 Inspector E. Odeke - Part 1, p. 1037 - 1042  
106 Supt. Kosi Ochem - Part 1, p. 1042 - 1052  
96 Colonel Joseph Ogo Part 6, p. 5468 - 5507  
522 UA.10736 Staff/Sgt. Moses Malle  
- Part 7, p. 6340 - 6357.

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Ntalo/....20/.

Ntalo was a young man aged about 20. He had done his H.S.C. and was studying Mathematics at Patrice Lumumba University, Moscow, but his course was interrupted after two years and he was recalled for reasons which were not apparent to us.

On his return in March, 1972, he approached the Education Department for a job, and was asked to re-apply in January, 1973. When he went back to the Department, he was arrested on allegations of corruption and was charged in Buganda Road Court. He was released on bail and was due to appear in court on 20th August, 1973. In the meantime in May, 1973 he was appointed a temporary teacher and posted to Sebei Colloge, Tegeres. He reported to the Headmaster, James Hudidi (W.73) on 11th May, 1973.

On 13th August, 1973, the Headmaster received a letter dated 1st August from the Ministry of Education, directing him to terminate Ntalo's services because of the letter which Ntalo had written. He called Ntalo, who admitted writing a certain letter. His services were terminated and was given till the following day to leave.

The next day, that is, 14th August, the officer-in-charge of Kapchorwa Police Post, Inspector Odeke, (W.105) also received a letter from the Chief Education Officer, Kampala together with a handwritten letter allegedly of Ntalo, which was said to be defamatory of the Second Republic of Uganda. Together with the District Commissioner, Sebei, and a Constable, the Inspector went to the school and interviewed Ntalo about the letter. Ntalo admitted writing it and identified the signature on it as his.

Ntalo offered no explanation for writing such a letter. The Headmaster, who read the letter, said that "in tone" it

W.S./.....21/.

was defamatory and very critical of the Government. He said that some sections of the letter were critical of the Government generally and in others Ntalo had lamented his own problems. To the Headmaster, Ntalo appeared frustrated. He was taken away to the Police post for further interrogation. The Inspector said that from his observations during the interview, Ntalo looked mentally confused and he noted this observation on the file. W. 73 then informed Ntalo's father of his arrest - Ex. 2.

On 15th August, Inspector Odeke passed the brief of this case to the O.C. Special Branch, Detective Insp. Odwe (W. 98). Odwe interviewed Ntalo and also searched his room at the school. He took possession of three photographs which were pasted on the wall - Ex. 21,22,23 -, his passport which had a chit in it - and his University Certificate. At the back of Ex. 21 is written:

"Through our vein we come to freedom  
- 1970 - what will happen in this very  
hot 2nd Republic of Uganda."

At the back of Ex. 22 is written:

"The time will come when Fred will be  
as he stands in the photo. In this  
end of end of tears no more lament -  
1970 in U.S.S.R. You have only to  
take in what you please and leave out  
what you please; to select your own  
conditions of time and place, to multi-  
ply and divide at discretion and you  
can pay the national debt in half an  
hour. Calculation is nothing but  
cookery."

At the back of Ex. 23, some writing has been crossed out,  
but (W. 98) was able to read a few words, that is:

"That is the future of Uganda. Let this  
2nd Republic deal with innocent people but  
in the end they will regret why they

were dealing with us. Let us be remembering the facilities the first Republic did for us."

On one side of Ex. 24 is written:

"The son of man faces his destiny as it was written, let Ntalo face his death penalty because of being suspected supporting a Military Government, good-bye my parents, brothers and relatives but I busy collecting money to leave to you in memory."

On the other side of Ex.24 appears the date - 8/7/73 and the following:

'Oh God will give me a good rest after my death, what I can tell my parents is that I am very busy working very hard to collect enough money to pay back to you because I have used a lot of money since I came back. Anyway, since I have failed to get a chance of completing my course in my University, I might commit suicide. Let me face my destiny with crocodile tears."

These writings and his observations of the subject made Odwe tell Odeke that "the man was developing a mental case" - p.965. He informed his Headquarters about this matter and on 16th August, Odeke escorted Ntalo to the District Police Commander, Ochom (W.106) in Mbale, to whom he handed him over together with his file, Kapchorwa CRR 382/73 - Ex.119. He suggested that the subject be charged with the offence of "defaming" the Government, pointing out also that Ntalo be examined by a doctor with regard to his mental condition. After his interview with Ntalo, Ochom too formed the same opinion of him, that he was mentally abnormal - p.1043. He said that he looked very dull, demoralized and weak. He said that he found the case "complicated" and "peculiar." He immediately wrote a minute in the file addressed to the Regional Police Commander, Mr. Lwanga, suggesting that Ntalo be handed over to the Military Police Intelligence, at the same time pointing out that he appeared mentally disturbed. Explaining this action, he said that as the matter was very important, in that it directly concerned the security



of the country and had to be dealt with immediately, he had not adopted the usual procedure of passing the file either to the CID or the DPP for advice. He said that he had suggested sending the file to the Military Police Intelligence not for advice, but for interrogation because "they are very good at interrogation." According to him this was in the true spirit of cooperation with the Military Police Intelligence. He admitted that he could have referred the man to a psychiatrist but did not as he thought that the case was so important that the Military Police ought to know about it. He seemed to take solace from the fact that Mr. Lwanga also agreed with his suggestion as is evidenced by Mbale Police Station Diary, entries No.66 and 67 of 17th August, 1973 - Ex.117 - and the lock-up register entry No. 1877/73 of the same date Ex.118.

According to Minute No.12 of the same date made by Mr. Lwanga, Ntalo was handed over to the Brigade Commander Col. Ozo (W.486). Col. Ozo admitted that Ntalo was brought to him by Mr. Lwanga and Staff Sgt. Male (W.522) of the Special Investigation Branch (S.I.B.) for writing a bad letter against the Government. He explained that the SIB dealt with "outside people" and he asked his Staff/Sgt. to take the man and investigate his case fully and report to him. He said that Male never reported back to him in this case.

Staff/Sgt Male denied that he and Lwanga took this man to the Colonel. He said that he had been busy with his usual duty that day on operation concerning possession of firearms by the people in the District and on his return late in the evening he found Ntalo in custody. He said that the practice was to keep civilians only for six hours and hand them over

to the police for further action. In the case of Ntalo because he was taken there late he spent the night in Military custody. He did not try to interview him, nor find out the reason for his custody till the following morning when he was told that he had written bad letters about the Government. Male reported this matter to his officer-in-charge, Lt. Tito who is now said to be mentally sick in Mbuja hospital. Tito contacted Mawala, the then Commanding Officer of the Military Police, Makiodye, on whose instructions Ntalo was handed to Cpl. Charles of the State Research Unit to be taken to Kampala.

Male explained that in such cases, where a civilian writes a bad letter against the Government, it remains a matter for the civilian police to deal with although "we can collaborate with them." He admitted that he had made a 'mistake' in not ordering Ntalo to be sent back to the police. Male said that their Daily Occurrence Book - the DOB - contained a record of all civilians brought in and handed out. Such entries are made by the duty NCO and he said that he still had the DOB for August, 1973, which he promised to bring.

When he came back the following day, Male said that he had forgotten to say that all their DOBs are forwarded to the Military Headquarters at Makiodye at the end of every year. He said that in November 1974, he had been told by a Sgt. Major Sobi of Makiodye that all the previous DOBs were destroyed during the trouble of March 1974. He said that he was reminded of this "by God" when he was going to Makiodye to get the DOB for 1974. So, that DOB was not produced.

It may be pertinent at this stage to mention in passing that similar records of Makiodye Military Police, which we had

asked for, were not made available for the same reason. We shall deal with that evidence at the appropriate time later in this Report; suffice it to say for the time being that there were a number of rather interesting discrepancies and contradictions about exactly how these records were allegedly destroyed.

Reverting to Ntalo, he was last seen in custody at Bumaceni Army Barracks and, according to Male, was handed over to Cpl. Charles of the State Research Unit to be escorted to Kampala. Nobody has ever seen or heard of him since.

This was quite obviously a very pathetic case. It was the case of a young man whose University education had been interrupted and who, to his Headmaster, appeared frustrated. Not only is that frustration reflected in the writings at the back of the photographs, but they also serve as an pointer into his mental condition. We share the same conclusion at which the three Senior Police Officers concerned with investigating this case reached, that is, that the man was mentally deranged. It is, therefore, disheartening to see that a mentally abnormal person was handed over by the police to the Military Police, and our comment on this, which we make with a heavy heart, is that the police acted in this manner to wash their hands off him simply because the Military Police were considered to be experts at interrogation, forgetting that they were dealing with a mentally deranged person who was in dire need of psychiatric treatment rather than interrogation.

We were unable to trace this man up to the Military Police/SIB at Mbale. Although Staff Sgt. Male was unable to produce the DOB for the relevant period, and we might say now that we did not believe his reason for not producing it because we had the opportunity of seeing other DOBs for previous

years/.....26/.

years at least in Lira, we are satisfied that he was despatched to Kampala under escort on the instructions of the then Commanding Officer of the Military Police, Makindye. He would, therefore, have been expected to be in Makindye, but as he has been missing since then the probability clearly is that he disappeared when he was in Military custody at Makindye where he must have been unlawfully disposed of.

22. Subject No.5 - INSPECTOR JOHN FRANCIS OUMO.

No.297 - ASP WALENDU.

- Witnesses: 8 - Yesse Aligata - Part 1, p.106 -123.  
36 - James Jamu - Part 1, p.411 -422.  
69 - Margaret Akurut Oumo  
- Part 1, p.701 - 710.  
484 - Deputy Supt. Edmond Makumusana  
- Part 6, p.5421 - 5450.  
508 - Ali Toweli - Part 6, p.6068 - 6122  
Part 7, p.6499 - 6515  
513 - Det/Insp. Aloysius Olupet  
- Part 6, p.6182 - 6203  
524 - SSP. John Alfred Wabwire  
- Part 7, p.6412 - 6443  
530 - Deputy S.P. Boniface E. Okoth  
- Part 7, p.6572 - 6582  
543 - Stanley Ebot Etoori  
- Part 7, p.6878 - 6887.

Oumo was an Inspector of Police, and was attached to Katwe Police Station, near Kampala. He used to live in Kanjokya Street. He was married to two wives, one of whom is Margaret Akurut (No.69), a nurse working at St. Mary's Hospital; and he had twelve children.

Stationed/.....27/.

Stationed with him at the same Police Station was Assistant Superintendent of Police Walendu who was in the process of taking over the CID section from subject No.5.

The first witness was Oumo's brother, Yesse Aligata (W.8) who said that Oumo was arrested on 31st July, 1972. He proceeded to give details of the visits made by him and Margaret to Maki-dye Military Police where Oumo was detained and of his last conversation with him. According to Margaret, however, Yesse Aligata is mentally deranged. She said that, during his spells of madness, he talks a lot and wanders about, gets lost and does not know where he is and she has heard him talk of fictitious things. Like her, the other brother James Jamu (W.36) also said that Aligata was not in Kampala when Oumo was arrested.

Both Margaret and Jamu said that Oumo left the house on 29th August, 1972, at 7.am., to go to his office. Margaret said that he told her that he would check on his car, a Smica No. UUC 528, which was in the garage, on his way to his office. He was to go to Kitgum on transfer on 1st September and, according to his Officer-in-Charge, Deputy Superintendent, Edmond Nakumusana (W.484), was then in the process of handing over to his successor, ASP Walendu.

James Jamu was to meet Oumo in his office that morning at about 11 to collect a few things to take to their village home.

According to the evidence, Oumo reported for duty at the police station that morning, and then left for the city to get some spare parts for his car.

Nakumusana said that when he went to the bank that morning at about 8.30 a.m. to collect salaries for his

policemen he saw Oumo's car parked by the roadside in Entebbe Road. On his way back from the bank at about 10 a.m. he saw the car in the same place with some 8 people standing near it. He did not stop to investigate as he had about Shs. 40,000/- in cash with him.

Nakumusana recollected a visit by two Army Captains later the same day. They complained about a murder case which had not been attended to by the Police for long. He said that ASP Walendu had sent Assistant Superintendent Ower to investigate that complaint. Nakumusana was emphatic that from midday onward nobody called in at the Police Station, nor did he leave the station and that nobody was arrested.

The evidence of the arrest of Oumo and Walendu was given by the Head of the Public Safety Unit - (PSU) - SSP Ali Toweli (W.508) and SSP John Alfred Wabwire (W.524). Both of them mention the relative date as 30th August, 1972. That morning Ali Toweli had received instructions to investigate some complaints from the residents of Katwe about a body which was lying by the roadside. He asked for a police patrol car to meet him at the scene, which was near the railway foot bridge in Entebbe Road, beyond the Clock Tower. Ali Toweli saw a body lying not very far from the road and also Oumo's car. Soon SSP Wabwire, who was then the Ag. Regional Police Commander, Kampala area, arrived in the patrol car. They did not find any policeman at the scene and, leaving their men there, both of them proceeded to Katwe Police Station. Nakumusana is alleged to have told them that he had instructed his staff early that morning to remove the body. ASP Walendu told them that he had sent some Policemen, including Oumo, to the scene and he was surprised to learn that the body had not been removed. Both Nakumusana and Walendu were asked to accompany them to the scene.

...../.29.

Back at the scene, Oumo came in a car, probably a taxi. Toweli said that Oumo was seen coming out of some trees from Kisenyi direction with a woman. According to SSP Wabwire, Oumo told Toweli that his car had broken down the previous night and he had gone to fetch a mechanic to take it away. Oumo further said that he was then in the process of moving to Kitgum on transfer. This explanation, which sounded reasonable to Wabwire, did not satisfy Toweli who retorted that Oumo was nevertheless responsible for whatever happened in his area. Toweli said that Oumo's replies to his Officer-in-Charge indicated disrespect for his superior officers. He said that Oumo alleged that the present Government had no brains and Walendu started laughing at this remark. Toweli thought this was very bad. Toweli had some Military Police Officers with him; one a Lieutenant and another a Staff/Sgt. They advised Toweli, "Let us not waste time. Let us take them to Makindye." Toweli said that at that time, even a private had more power than the Commissioner of Police. He knew "what sort of people they were" and thought that if he said anything in favour of the two Policemen he might be taken as "favouring" them. Wabwire did not make any such reference but stated that Toweli arrested both officers on the spot for "gross negligence of duty", and they were taken to Makindye Military Prison in the patrol car. Both of them denied the suggestion that the two prisoners were carried in the boot of the car. Toweli said that at the Military Police Prison he interviewed both Officers and asked them what was "in their minds" and found that "they were not interested in their work." He alleged also that Oumo had told him that he, Toweli, had no brains and that the rank which he was then holding was achieved through bribery. He then sent a report to his superior

officers recommending their dismissal from the Force:

Talking of the arrest he said:

"They were not charged for neglect of duty but for political activity. During my interrogation, their replies were subversive to the country - that is why I arrested them because such officers were misbehaving in the public - one of the replies was that the present government is of fools, it has no brains - Oumo said this and his friend Walendu was laughing - this was at the scene when Oumo was with the woman and I thought this was very bad; and other replies were at Makindye - what made me recommend their dismissal was the reply that I have no brains and the rank I was holding was through bribery - Oumo said this at Makindye." (p.6503-4).

Wabwire explained that under normal circumstances, police officers are not arrested for gross negligence of duty but only disciplinary proceedings are taken. He said that, as Toweli was his superior officer and in command, he did not raise any objection and he was satisfied that Toweli would report them to the Commissioner of Police.

When Jamu was on his way to Katwe Police Station to keep his appointment with Oumo he came across his brother's car in Entebbe Road surrounded by a crowd of people. On learning that the owner had been arrested and taken away in the boot of a car he proceeded to the Police Station where, surprisingly, Nakumusana is alleged to have denied any knowledge about Oumo's arrest. Jamu then informed Margaret who saw Nakumusana and again he repeated the same denial. She went to Central Police Station where she saw her husband's car, but nobody seemed to know about Oumo's whereabouts.

On 30th August, Ali Toweli wrote to the Minister of Defence and Internal Affairs about these arrests and his recommendations - Ex.142.

On 4th September, 1972, Dt/Insp. Olupot (W.513) visited



the two prisoners at Makindye for their statements. He recorded Oumo's statement - Ex.143 - and ASP Walendu wrote out his own statement - Ex.144.

Soon after this incident came the Invasion of the country by Tanzania and Toweli went on operational duties in Bombo and Bugerere. In the meantime, letters of dismissal for both officers dated 10th October, 1972, were issued and included in the Force Order Part II dated 15th October, 1972 - Ex.141, the dismissals being retrospective from 15th September, 1972. Subsequently when Toweli came back to Kampala he went to Makindye to check on the two police officers and was told by the Staff Officer that they were amongst other prisoners who had been transferred to Mutukula.

Capt. Bogere (W.169), who is the present adjutant, denied being the Staff Officer at the material time. He denied having seen Mr. Toweli. He said that after returning from Ghana in April, 1972, he was posted to the General Headquarters, Bulange as Staff Officer A and it was not until April, 1973 that he was transferred to Makindye. We must also add that according to the present Commanding Officer, Lt. Col. Albert Drajua (W.528), Capt. Bogere was the adjutant of Makindye in August, Sept., and October, 1972. On this discrepancy, we are inclined to accept the testimony of Capt. Bogere himself as the Lt. Col. was then not the officer commanding Makindye; and we find that he may be mistaken with regard to the dates.

Mrs. Oumo continued with the inquiries about her husband without any success and on 7th October, 1972, she was provided with transport by the police to move to her husband's home in Malera, Teso District.

On 19th February, 1973, Oumo's father wrote to the Police

claiming his son's car. Wabwire instructed the Deputy Superintendent of Police/Administration, Okoth Ogola (W.30) to look for it. This witness found the car number from Oumo's file and cross checked the number, UQH 528, with the Advance Section. He looked for this car at Naguru Airstrip and, not surprisingly, did not find it. He seems to have forgotten that under the Traffic and Road Safety Act, 1971 the registration numbers of vehicles were changed, and no attempt whatever was made to trace the new number of Oumo's car. Margaret said that she has since seen her husband's car being driven about and its colour had been changed.

Oumo's family has not been able to get his money in the bank and the Insurance Company had asked them to wait for about three years. No application was made to court for an order to administer his estate through ignorance.

On this evidence there cannot be any doubt at all that Inspector Oumo and ASP Galendu were taken by SSP Ali Toweli to the Military Police, Makindye allegedly on the advice of the Army officers accompanying him for further interrogation. We do not know if the letters of dismissal were ever served on them. Mr. Toweli's evidence of being informed by the staff officer that both these policemen had been transferred to Mutukula stands by itself. We are unable to say if it was true, but the fact remains that both are missing. We find it impossible to believe that either of them could have escaped from custody from Makindye and run out of the country. It is obvious that they disappeared from Makindye where they were under custody and the probability clearly is that both of them were unlawfully disposed of during their detention.

23. Subject No.6 - LT. COL. VALERIE ALBERT OCHIMA.

dit. no/.....33/.

Witnesses: 9 Andrew Albert Angura - Part 1, p.123 - 139.  
51 Sekabiito Wasajja - Part 1, p.542 - 546.  
52 George Wilson Lwanga - Part 1, p.546 - 547.  
479 Seth Obu - Part 6, p.5343-5355.  
525 Philip Joseph Alidria Obeti  
- Part 7, p.6443-6487.

There is no direct evidence about the disappearance of Lt. Col. Ochima. His brother Andrew Albert Angura (W.9) said that the Lt. Col. was detained for seven months in 1971 at Makindye Military Police. He was not told the reason for this detention. He was released by Your Excellency and two weeks later, sent overseas on a conference of some sort.

He returned in February, 1972, and his brother said that perhaps he was retired as he did not go back to the Army. In June, 1972 he was ordered to vacate the Government house and he moved to some rented premises in Mulago.

On 20th September, 1972 the Lt. Col. left his house at 1 p.m. in his Mercedes car - UUC 440 - to take his brother-in-law, one called Albert Cengthe, an immigration officer, to his place of work, and did not return.

W.9 started looking for him the following day. He checked with all his friends and also at Makindye. There was no sign of him any where. On his way back from Makindye he found Ochima's car parked near FISHCO SHOP in Dewinton Road. The shopkeeper told him that Ochima was talking to two Asians inside his shop when three men came in two cars. He said that Ochima was beaten up and put in the boot of one of the cars; the two Asians also were arrested and taken away. The shopkeeper handed the car keys to W.9, who took the car to their home in Arua.

In October, 1973 the man in civilian dress called at their home in Arua and demanded that the car be handed over.

They said that Marela had sent them for it. One of them had a pistol. When W.9 refused he was threatened with the words, "If you want to stay alive and look after your brother's children, hand it over." Ochima was not married, but had a girl friend. His brother said that he had five children. On hearing the threat he handed over the car to those men.

W.9 next saw the car in the garage of what used to be D.T. Dobie Ltd., in April, 1974. On looking at the job card he found two names mentioned - OBA (W.479) and OBETI (W.525). He reported to the Police.

The receptionist of D.T. Dobie, Sekabiito Wasajja (W.51) confirmed that on 4th January, 1974, the car was brought in for repairs by Mr. Obeti of Arua, and he had made out the job card - Ex.12. Obeti had asked that his brother Oba be contacted when the car was ready, and their telephones are also mentioned on the card. Obeti also signed another form headed 'Conditions of Acceptance of Work' - Ex.13

The Police told the receptionist that the car was not to be handed over to anybody without their approval, and a note to this effect was kept on one of the cards.

Oba, who is a Security Officer W.O.2 working with the State Research Unit, was informed by the garage when the repairs were completed, but when he went there to check after about a month, he was told about the order of the Police. He saw the Police and explained about the ownership of the car. A Corporal made a search at the Central Registry of Motor Vehicles and found that it had been transferred in the name of P. Obeti. Oba tried to contact his brother in Arua, but was told that he had been imprisoned for some offence.

Subsequently, the Police wrote to the garage to release the car to Philip Joseph Alidria - and enclosed a photocopy of the records of the Central Registry - Ex.14 and 14A.

Obeti (W.525) was called to explain how he came to own Ochima's car. He was the branch manager of Uganda Cooperative Bank, Arua. He explained that he had bought the car from Angura for Shs.45,000/- in or about September, 1973 with the assistance of a half-caste mechanic called Mark. An agreement for the sale of the car - Ex.140(1) - was drawn up. It is dated 20th September, 1973. The Registration Card was in the name of Ochima and Angura had Treasury Form 3 signed by Ochima transferring ownership of the car into Angura's name and Angura signed another form for the transfer in his name. He said that he kept those forms <sup>(Ex.140(2))</sup> for the transfer to be effected in Kampala in the presence of Angura but it was delayed as Angura was not available. On 4th January, 1974 he sent the car to D.T.Dobie, Kampala for major repairs and later when he went to check on the car he met Angura at the garage. He wanted him for the transfer because Angura still had with him the form of transfer signed by his brother. They agreed to meet the following day but again Angura did not turn up. Subsequently, on 3rd February, 1974 Obeti was arrested for the theft of the bank's money and on 11th February, sentenced to a term of imprisonment. He explained that before he was taken back to Arua he made inquiries at the Central Registry of Motor Vehicles regarding the transfer of the vehicle into his name and, acting on the advice he was given, he asked his wife to instruct an advocate in Kampala to draft an affidavit. Later she brought an affidavit - Ex.140(3) - to him in the prison which he signed and submitted together with the application of transfer - Ex.140(4). He denied the allegations of Angura that the car was taken from him at gun point.

The evidence about Lt. Col. Ochima's disappearance is hearsay given by his brother Angura. He spoke of what he was told by the shopkeeper, near FISHCO.

If that evidence is true, then it would seem that he was arrested by three unknown people and taken to an unknown destination. What we can definitely say is that he disappeared on 28th December, 1972, and Angura took his car to their home in Arua.

Regarding the car, which was subsequently registered in the name of Obeti on the strength of his affidavit about which we noticed certain irregularities and which we have decided to bring to the attention of the Law Council for appropriate action to discipline the lawyer concerned, we find that Obeti is in no way concerned with the disappearance of the Lt. Col. It may well be that Angura sold the car to Obeti in order to get the money and subsequently denied when he felt that he might be called upon to explain how the car got to the garage. We are satisfied that Ochima is missing and the probability is that he has been unlawfully disposed of by those unknown people who kidnapped him.

24. Subject No.7 - D.S.P. NELSON OCHANIT.

Witnesses: 10 Mrs. Faibi Akwi - Part 1, p.139 - 149  
362 ASP George Ryabasajja  
- Part 4, p.3718 - 3732.

He was a Deputy Superintendent of Police and was stationed at Jinja. He had served for 19 years. He was married to Faibi (W.10) and they have six children. She last saw him in May, 1973, at their village home in Bako, Orungo sub-county, Tiso District when he took her some money. He left for Jinja after two days.

On Sunday, 3rd June, 1973 she travelled to Jinja to join her husband. The children told her that their father went on duty at about 10 a.m. that morning, leaving his car at home. He did not return that night. The following day was a holiday and on Tuesday she reported his disappearance at the Central

Police Station, Jinja. She was told by a constable that her husband had been taken to Kampala.

Assistant Superintendent of Police George Byabasaja (W.362) produced the Station Diary of the Central Police Station, Jinja. Entry No. 23/3/6/73 (Ex.86a) indicates that Ochanit was taken to Kampala by No. 6111 Cpl. Said in Motor vehicle No.UUQ 690 and entry No. 24 of the same date (Ex.86b) is in respect of pistol No. B.19325 which was handed in by Ochanit.

She then went to Kampala Police Headquarters and saw Senior Superintendent of Police, Obate. He denied any knowledge about her husband's whereabouts and his efforts to trace him at Makiendye were without success. She said that she started looking for him because the constable whom she saw at Jinja Police Station had told her that someone had made some false allegations against him.

She said that she had no difficulty in keeping her husband's property. She did not know if he had a bank account but knew that he was insured. No application has been made for a court order to administer his Estate. She said that the Police Headquarters paid her only Shs. 600/- for taking her children home.

From the Station Diary of Central Police Station, Jinja - Ex.86a - we find that this Police Officer was taken by No.6111 Cpl. Said in Motor Vehicle No.UUQ 690 to Kampala on 3rd June, 1973. It seems that our Counsel was unable to trace this Corporal or where he came from. We are satisfied that Ochanit has been missing since then, and the probability is that he was unlawfully disposed of by the Corporal who arrested him from Jinja Police Station.

25. Subject No. 6 - JOSEPH OUMA..

- Witnesses: 11 Gertrude Onyac - Part 1, p. 150 - 170  
12 James Odwori, alias Jacob  
- Part 1, p. 171 - 184  
92 Det. A.I.P. Samuel Leto  
- Part 1, p. 899 - 910  
169 Capt. James Bogere  
- Part 1, p. 1631 - 1652.

Joseph Ouma was a young man aged about 24, and was working as a Clerk with the Produce Marketing Board. He used to live with his mother Gertrude Onyac (W.11) and a younger brother Odwori (W.12) in Biina village, Luzira.

According to the evidence it appears that on 10th December, 1973, some civilians fought with a soldier at a beer party at about 8 p.m. over a girl, a daughter of a woman called Malongo. Amongst the civilians were Ouma, Mayanja, Mugalu and George. The soldier was subsequently identified as Sgt. Abdu, Sulaimani Semakula of the Military Police.

Ouma had his supper with his mother that evening and went to sleep in his house, about 50 feet away.

At about 10 p.m. Gertrude Onyac woke up on hearing her son's shouts and bangs at his door. She woke up her other son, and followed him outside.

It was a moonlight night. Odwori saw his brother being beaten in front of the house by two men - Sgt. Semakula, who had a pistol, and Vincent Lubera. He hid himself in the banana plantation where he saw the other three boys hiding also.

Ouma was bound up, hands and feet, and dragged into a Honda van NYO 569. They drove away in it. According to Ex.152



this vehicle was, at the material time, registered in the Sergeant's name.

Will reported the incident the following morning at Naguru Police Station. Her son was not there.

She then went to Jinja Road Police Station. Her son was not there either, but she was told that some Army men had been there with him. This seems to tally with the evidence of Det. Assistant Inspector, Samuel Lebo (1.92), who had been assigned the investigations of this case, that Sgt. Semakula called at the Police Station during the week and promised to call again for his statement, but never did.

Will then went to Makindye Military Police looking for her son. She said that a soldier at the gate told her that her son had been brought in for assaulting a soldier.

On 19th December, 1973, Lebo arrested the other three men involved in the fight. He contacted Makindye about Ouma and was told that he was being detained there for assaulting Sgt. Abdu. The Officer in Charge Jinja Road Police Station later decided that, like Ouma, the other three should also be taken to Makindye for further investigations by the Military Police. Lebo handed them in on 20th December, 1973. During his testimony Lebo said that on enquiring about Ouma when he took the other three to Makindye, he was told that he had escaped from custody. His attention was drawn to his minute of the same date on the Police file, CFB.2673/73 - Ex.19.-

"To D.A.S. - Jinja Road. As instructed I took the three accused to Makindye where after discussing with the Officer there, I handed him the accused and the statement. Later the relatives of the three accused came to say that the three accused were released by the Military Police after we had left. The first accused Ouma was arrested earlier by the Military Police on the day of the incident, it was not possible to see him. Case papers are here with for your information."

Lebo was unable to explain why he had not included in the minute what he had been told about Ouma's alleged escape.

Nevertheless, the story about the escape looks extremely unconvincing against the evidence of Odwori who was emphatic that he had been able to see his brother at Makindye on 29th December, 1973. He said that Ouma's face was swollen. We find no reason for him to tell lies on this matter. Furthermore, their mother, who said that she was visiting Makindye almost daily, was all the time being told that her son was there. This continued till about April, 1974, when a soldier told her that her son had been transferred to Jinja Road Police Station after being kept at Makindye for 15 days only! It was then that she was given Sgt. Abdu's full names and his force No. UA 12116 and was told to go back to the Police Station where the Sgt. would be called to answer a charge of assault. The O.C. Police Station, denied that Ouma was in his custody and he despatched two Policemen to Makindye to check on this information. They returned and are alleged by W.11 to have told the O.C. that Ouma was still in custody at Makindye. The O.C. then sent her to the Adjutant with a letter asking that the Sgt. be sent to the Police Station. She said:

"Abdu was wanted to come to Jinja Road and tell the O.C. where that boy was taken."

To her the Adjutant said:

"...that they do not usually detain people who have fought there and so my son had been transferred to the Police at Jinja Road."

The Sgt. never returned to the Police Station as promised.

There has been no further news of Joseph Ouma either. The last witness was the Adjutant of Makindye, Capt. James Bogere, W.169. As stated earlier he said that all the DOBs were destroyed during the disturbances of April, 1974. Regarding Ouma, he said that he was one of those taken to Jinja Road Police Station. He said that Sgt. Sulaiman Able was then (that is, 24th September, 1974

when Capt. Bogere gave evidence) in detention at Makindye, and undertook to produce him.

Later, when Captain Bogere was recalled on 17th December, 1974, he informed us that Sgt. Semakula had been detained at Makindye, pending his appearance before the Chief of Staff. During his detention, the Sgt. is alleged to have attempted to commit suicide by taking some poison, and was taken to Mulago Hospital. After his discharge, the Sgt. was returned to the cell in Makindye, from where he is alleged to have escaped. The Captain said that they were still looking for him.

We have no hesitation in reaching the conclusion that Joseph Ouma was in fact arrested by WA 12116, Sgt. Abdu Sulaimani Semakula of the Military Police, Makindye on 10th December, 1973, after a fight over a girl, and was detained at Makindye Military Police Prison, from where he disappeared.

We find it untrue that he was ever transferred back to Jinja Road Police Station as his mother was informed at Makindye. We are not prepared to accept the evidence of Det/ Assistant Inspector of Police Samuel Lebo that he was told by the Military Police, Makindye that the subject had escaped from custody. We have reached this conclusion after perusing his own minute which he made on the file - Ex.19 - where he said that it had not been possible for him to see the subject. If he had, in fact, been given this information, we find that it would have been quite simple and straight forward for him to have said so in this minute to his superior officer. Furthermore, as we have already stated, Odweri saw him at Makindye, as late as 29th December, 1973. From the evidence of Captain Bogere it seems that the Sgt. who had been returned to his cell at Makindye after his abortive attempted suicide later escaped from custody and has not been re-arrested.

Captain Bogere had no knowledge about the detention of the subject at the prison, but we are satisfied that Joseph Ouma was not only detained there from 10th December, 1973, but also disappeared from there. The probability thus is that he was unlawfully disposed of while in custody of the Military Police at Makindye.

26. Subject No. 9 - LT. CHARLES SIKENY MWAKA.

Witnesses: 14 Faici Auma - Part 1, p. 192 - 201.

54 Lt.Col. Juma Doka  
- Part 1, p. 559 - 565.

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He was attached to the Air and Sea Borne Battalion, Tororo. He used to stay at the Officers' Mess, but spent weekends with his wife, Faici Auma (W.14) in Mbale.

His wife last saw him on Monday, 17th January, 1972, when he left their home in Mbale after spending the weekend with her to go back to Tororo. He later rang her from Tororo to say that he had arrived and the last time he rang was on Wednesday, the 19th January, when he told her that he had been assigned night duty and was preparing for the 25th January celebrations and parade. She rang up the Barracks again later that evening and was told that her husband had been picked up by the duty truck and taken to the barracks.

On Thursday she rang up again and was told that her husband was on duty in the barracks. On Friday morning two cars - a V.W. and a Toyota Land Cruiser - went to her home. There were some people in civilian clothes in the V.W. and some privates wearing the Air and Seaborne Battalion uniform in the Toyota. One of those in the V.W. claiming to be an Intelligence Officer, told her about her husband who, according to him, had

been missing since Wednesday Night. This worried her and she contacted the Brigade Commander, Lt. Col. Ndahendekire who provided her with a Landrover to go to see Lt. Col. Toloko, the Officer Commanding Tororo Battalion. Toloko told her that he had been away to Jinja and during his absence Major (now Lt. Col.) Doka (4.54), who was acting in his place, had briefed him about the disappearance of her husband. She did not try to see Major Doka but the Major refuted the evidence that he was acting in place of Toloko at the material time. Doka said that he had gone home on pass leave and on his return the Commanding Officer Tororo had told him that three Officers, that is, Lt. Enoka, Lt. Odongo and Lt. Mwaka, had escaped to Nairobi by the night bus.

On 6th February, a truck full of soldiers and the Quartermaster Lt. Odongo went to her home and asked her to vacate the house. She tried to resist but the soldiers threw her out, took away the Government property and some of her own, and locked up the house. She waited outside the house from 9 a.m. till 6 p.m. when another truck came and transported her with the remaining property to her husband's home.

She said that she went to Toloko twice for assistance and her husband's salary but was told that where a soldier disappears his salary is stopped.

She is aged 21 and has a daughter. She said that her husband had some money in the bank which she had not been able to make use of. She finished by saying "I pray that the Commission does something for me so that I bring up that daughter of mine."

If the evidence of Mrs. Mwaka is believed, and we see no reason for doubting her in any way, it would appear that her husband was on duty in the barracks till Thursday, the 20th January. This would certainly cast doubts over what she was

told by the Intelligence Officer who saw her on Friday morning that her husband had been missing since Wednesday night.

Whereas the subject appears in the list (Ex.13) of army personnel who are alleged to have disappeared there is no mention of the other two lieutenants - Odongo and Enoka - who were alleged to have fled to Kenya by the night bus. Furthermore, there is no other evidence to substantiate this assertion. We are of the opinion that had the subject really fled to an adjoining country he would certainly have got in touch with his family. We are of the opinion that there is virtually no evidence to prove that the subject fled out of the country and, for the reasons stated above, we find that he must have disappeared while he was on duty in the barracks of the Air and Seaborne Battalion, Tororo. We also find that the probability is that he was unlawfully disposed of within the barracks by other soldiers. There was evidence that some soldiers who had been detained at various units, were transferred to Luzira Upper Prison and they appear in the list, Ex.124. The subject does not appear in that list and, having found that he did not flee the country, the absence of his name from Ex.124 would seem to support our finding that he must have been unlawfully disposed of within the barracks.

27. Subject No. 10 - KAGGWA.

Witness: 15 Prisca Mukiibi - Part 1, p.201 - 205

There/.....45/.

There is no direct evidence on this man. According to Erico Mukiibi (7.15) he was the treasurer of Wabitongo Growers Society and used to live in Gombolola Musale. He said that he was told by Mrs. Kagwa that her husband had disappeared sometime in 1972.

The witness said that he too had been threatened by the Muluka chief after he had reported the local chiefs to the Ministry of Internal Affairs that the chiefs were selling compensation forms to people who did not have land affected by the construction of the road, entitling them to compensation by the Government. He said that such persons were ambushed and never seen again. He went on to say that following Mrs. Kagwa's report some people were arrested by Kayunga Police and immediately killed.

We are not able to place any credibility or reliance on this evidence. No relative of Kagwa has come forward to say that he has in fact disappeared or that the local chiefs of the area were in any way concerned with his disappearance. We are not in a position to say whether he has in fact disappeared or disposed of in any other manner.

The evidence on this subject besides being hearsay is so sketchy that it is virtually impossible for us to make any findings of any sort.

28. Subject No. 11 - STEPHEN LUBICA.

Witnesses: 16 Sarah Manyondo - Part 1, p.206 - 213.

17 Joseph Seguya - Part 1, p.213 - 216.

Ref. .... 46/.

He was aged 33, and was the Manager of Nile Hotel, Kampala. He used to live near the hotel with his fiancée, Sarah Nanyondo (W.16).

On 28th November, 1973 he took his fiancée in his car, UUC 480, to her college. He was alone in the car and has not been seen since then.

Miss Nanyondo was expecting him to collect her at lunch but he did not turn up. She rang up the home and the house-boy checked at the hotel but failed to find him. She returned home thinking that he had gone for a meeting at the Headquarters. She waited for him till about 4 p.m. Then she started ringing friends asking about him. She also rang up the General Manager of Uganda Hotels who told her that Lubega had not attended the meeting and that he would try to investigate. She informed his father Joseph Seguya (W.17) in Jinja and he came to Kampala at about 9 p.m. His enquiries were also fruitless and the following morning the matter was reported at Central Police Station, Kampala. She did not think that he had gone outside the country as she would have expected him to contact her, which he had not done.

His father tried to see the Permanent Secretary in the President's Office but was asked to go to the Ministry of Internal Affairs. There, he was told that a report had already been received and was being investigated by the CID.

His car has not been seen since. According to Ex.5 the records of the Central Registry show that the vehicle is still registered in the subject's name. Its road license expired on 18th January, 1974 and has not been renewed since. He had two children aged eight and three, from another woman and they are now being looked after by his father.



The evidence is very sketchy. We find that he was last seen on 28th November, 1973, driving his car UUC 480 after dropping his fiancée at the College. There is no evidence as to what happened to him on his way to the Nile Hotel where he was the Manager. We can only find that he has been missing since then. Had he left the country we find it reasonable, as his fiancée said, for him to have at least contacted her or his father. The probability is that he was unlawfully disposed of by his unknown kidnappers who might have been kondoos wanting to steal his car which also has disappeared.

29. Subject No. 12 - DAHIL HASSAN.

Witness: 18 Aisha Ali - Part 1, p.218 - 230.

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He was a Somali butcher aged 36 and used to live in Entebbe. He had been in Uganda for about 19 years. He was married to Aisha Ali (W.18), aged 28, and they have four children, between the ages of 11 and 3½.

On 11th October, 1971 he went to Kenya to fetch cattle and told his wife that he would return on 13th October, in time to go with the delegation of about 23 Somalis to Kampala on the 15th. He returned home on 14th October and said that he had been delayed on the way due to car trouble. On 15th he went to Kampala to check on the delegation. He returned at about 1 p.m. and told his wife that he had been replaced in the delegation by another person as he had delayed.

At about 7.30 p.m., three men came to their home and wanted to see the subject. They came in a black Mercedes

Benz car bearing the registration letters 'UG'. They told her that they were from the President's Office and wanted to know why her husband had not accompanied the delegation. Her husband explained the car trouble resulting in his missing the delegation. He was told that he was wanted in the Parliamentary Buildings at 5 p.m. "that perhaps he might go to Mogadishu by the evening aircraft." He started collecting his suitcase but was asked by the three men to leave it behind. She said that she asked her husband why he was going away with them, and he replied that he knew those three very well as people from Entebbe Lodge and there was nothing to worry. The vehicle then drove away with the subject towards Kampala, and he has not been seen since.

When the delegation returned from Mogadishu after ten days she saw the delegates at Hotel Equatoria. They denied seeing her husband and promised to see Your Excellency about him. She has not heard anything more about her husband.

She said that her husband used to run the butchery on an over-draft from the bank. It is not in business now. Her husband had a lorry and a house where she is now living. The lorry had an accident after her husband's disappearance. She is now being assisted financially by her husband's relatives.

She said that she still occasionally sees those three men in Entebbe, particularly one who drives past her home in a different car.

We find that the subject was collected by three men from his home on 15th October, 1971. They were driving a Benz car, bearing registration letters 'UG' and they took him on the pretext that he was wanted at the Parliamentary Buildings at 5 p.m. He was collecting the evening plane to

join the Somali Delegation to Mogadishu. We are satisfied from the testimony of his wife who saw the delegates after their return that he did not join them in Mogadishu. Had he caught the night plane to join the delegation one would have expected the other delegates to have seen and met him in Mogadishu. He did not reach Mogadishu, nor did he ever return home after being taken away in the Benz. The registration letters 'UG' are invariably given to official vehicles, and this would suggest that those three men using such a vehicle were Government employees. As the subject has been missing since then the probability clearly is that he has been unlawfully disposed of by those three men. We would recommend that this case be further investigated by the C.I.D. particularly as Mrs. Hassan claims still to see one of those three men in Entebbe township.

30. Subject No.13 - ASSISTANT INSPECTOR JACKSON  
BERNARD OKELLO.

Witnesses: 20 John Ochola - Part 1, p. 241 - 259  
61 Charles Ongima- Part 1, p. 621 - 640  
221 Francis Xzavier Ocen  
- Part 3, p. 2203 - 2215  
235 Dorina Apio Okello  
- Part 3, p. 2313 - 2323.

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He was an Assistant Inspector of Police, stationed at Soroti Police Station.

He was taken away from an open air drinking place in Pamba Road, Soroti by some men who came in a car. There is utter confusion in the evidence about the incident. His

brother/ . . . 50/

brother John Ochola (W.20), while mentioning the drinking place in Pamba Road, said that his brother was taken on 20th October, 1973 by three men who came in a green Volkswagen car. He said that one of them was in Army uniform and had a gun. The other eye witnesses, a teacher of Teso College, Aloet, Charles Ongima (W.61), was given a lift by the subject to the drinking place in his car. They were drinking together in a large group. He said that four men came in a dark grey Peugeot 504 car. None of them was in any particular uniform and one was armed. They beckoned the subject and after talking for about 5 minutes, Okello handed him his car keys and went away with those men. Ongima said that this incident occurred two days after the Invasion of the country. This would make it the 19th September, 1972 and this is the date which was mentioned by Dorina Apio (W.235) who, claiming to be the subject's wife, said that her husband was taken away from their home in the Police barracks by five men who came in a blue Volkswagen car. She said that two were in Army uniform and one in police uniform. Her husband told her that he was going to Kampala and would come back.

Whereas Ochola said that he spoke to Ongima after his brother was taken away, Ongima denied this completely. Ochola alleged that Ongima told him that his brother had been taken away to see Your Excellency in Kampala. He said that he saw two other civilians in the car; both by the name of Odongo - one working for the Agriculture Office in Soroti and the other an Assistant Inspector of Police of Soroti Police Station. We have not heard any evidence about these two Odongos. Ongima denied the evidence of Ochola in so far as it concerned him. He said that at about 7 p.m. he asked

another/.....51/.

another person to drive the car to Okello's home, and after about a week it was taken to the Police Station. He saw the same Peugeot car being driven towards Mbale, about three days after this incident.

Both Ochola and Ongima reported the matter at Soroti Police Station, as did Dorina Apio said that the O.C. Police Rwakatale, denied any knowledge about the matter. Two days later, however, Rwakatale informed Apio that he had received a message from Kampala that she should vacate the quarters. She packed up, was provided with a lorry and taken to her home in Lango.

Apio said that she has four children and the second wife two children. She is looking after these six children. Okello had an account with the Uganda Commercial Bank, and she has applied to Court for an order to manage his estate.

In view of the two different versions we have had some difficulty in reconciling the evidence. It seems clear to us that there was such an Assistant Inspector of Police as Jackson Bernard Okello attached to Soroti Police Station. No other woman has come forward claiming to be the wife of this Policeman except Dorina Apio. We are unaware of the existence of any other Policeman, an Assistant Inspector of Police of the same name being attached to Soroti Police Station at the relevant time. We are inclined to believe the evidence of Ongima that the incident took place at the open air drinking place in Pamba Road. That account is corroborated to a large extent by the evidence of the subject's brother, Ochola. We are therefore satisfied that Jackson Bernard Okello, an Assistant Inspector of Police of Soroti Police Station, was taken away by four men in a dark grey Peugeot 504 saloon car

on/ . . . 5/7

on 19th September, 1972, i.e., two days after the Invasion.

There was no evidence of where he was taken, or about the identity of those four men. But evidence was adduced by Francis Xavier Ocen (W.221), the Town Clerk of Soroti, of his own arrest by four armed men who burst into his office on 26th September, 1972. He said that he was taken in a Peugeot 505 car, which was bluish or greenish, and driven by one called Mahmood to the Military Police, Mbale. He was not told the reason for his arrest but, on the way, the men kept shouting at him, "Unless you tell the truth, you will see." He was released after 21 days on 16th October, 1972 and the C.C. Military Police gave him a letter - Ex.41. During his detention he was kept in one cell, which had, on an average, 25 inmates, some on charges of theft and some for being "found at the border." On his release he found his wife mentally disturbed.

Staff Sgt. Male (W.522), the incharge of the Intelligence Section of the Military Police, Mbale, did say that their area of operation extended up to Teso District, but he denied knowledge about any arrests from Soroti during September, 1972. He denied knowing Mahmood. He said that he would be surprised if a man was detained at the Military Police for 21 days. Regarding Ex.41, he said that such certificates were issued to people detained by them and released after 24 hours. It will be recalled that Male had earlier said in his evidence concerning the subject Kawura Male (Subject 4) that in practice they detained civilians for only six hours and then handed them over to the civilian police for further action. Ocen could have had no reason to tell lies. He was detained for 21 days without knowing the reason for his detention.

Consolidating/.....53.

Considering Male's evidence that their area of operation covered Soroti also, and also the fact that a similar vehicle was mentioned in both instances, it may well be that Ocello too was arrested by people who came from the Military Police, Mbale. That the Police authorities knew about his arrest is made evident by the fact that official transport was provided for his wife to be transported to her home in Lango, something which seems to have been the order of the day whenever civil servants disappeared.

In recapitulate, we find that the subject was taken away by four men in a dark blue Peugeot 504 on 19th September, 1972, from the open air drinking place in Pamba Road. We find that the evidence raises a strong suspicion that the men who took him were from the Military Police, Mbale and the probability is that he was taken there. This could have been cleared with the help of the DOB which, unfortunately, was not produced. We find that he has been missing since the date of the arrest and the probability clearly is that he was unlawfully disposed of by his captors who would appear to be men of the Military Police, Mbale.

31. Subject No.14 - ODONGO.

32. Subject No.15 - ODONGO.

These two subjects were mentioned by witness No.20 John Ochele while giving evidence on subject No.13. The first witness used to work for the Agricultural Department in Soroti, and the second was Assistant Inspector of Police, Soroti Police Station. Ochele said that when he went to the Police Station to report about his brother (subject

No.13) he found the wives of these two Odongos also at the Police Station reporting about their husbands. We did not hear any other evidence about these two men.

In view of the fact that there was no evidence about these two men except that one of the witnesses saw them in the same vehicle which took Assistant Inspector Okello (Subject 13) we are unable to make any findings in their respect. They could have been released as indeed was the Town Clerk of Soroti but we cannot know definitely one way or the other.

33. Subject No. 16 - EVEREST MULEKEZI.

34. Subject No. 17 - ONESIMUS NSHEKANABO.

Witnesses: 21 Miss Faustina Rukimirana - Part 1, p. 259 - 262  
22 Mrs. Joy Nshekanabo - Part 1, p. 262 - 275  
55 Captain Wilson Owiny - Part 1, p. 265 - 572  
(recalled) " 7, p. 6190 - 6719  
68 Joseph Adrole - Part 1, p. 692 - 700  
248 Dr. Luke Kalibala Semanda - Part 3, p. 2438 - 2450  
515 Flaviano Emegu - Part 7, p. 6218 - 6238  
523 Det. ASP. Justin Gimayi - Part 7, p. 6358 - 6391  
307 SP. Constant Ojulong - Part 7, p. 6266 - 6293  
(recalled)

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Subject No. 16 - Everest Mulekezi - was the District Commissioner Bukedi. He had been D.C. for about a year before he was arrested. He was a bachelor.

Subject No. 17 - Onesimus Nshekanabo - was the Manager of the Rock Hotel, Tororo. He had been there for about three months only. He was married to Joy Nshekanabo (W.22), and they have three young children, aged seven, five and two-four.



On 23rd February, 1972, the District Commissioner had arranged a party for a circuit Judge. Attending the party was also the District Police Commander, SP Constant Ojulong (W.507). The party finished at about 9.30 p.m. Then the D.C. invited his guests for more drinks in the hotel bar.

In the bar they were joined by the Commanding Officer of the Air and Seaborne Battalion, Lt. Col. Toloko, who had just returned from Kampala.

Joseph Adrolo (W.68), who was then working for the Uganda Cement Industries Ltd., Tororo, also arrived at about 9.30 p.m. He found the Lt. Col. sitting at the bar counter with Mulekezi, Ojok and the Town Clerk, Royondo. He greeted them, ordered drinks and sat on a separate table.

Ojulong left at about 10.45 p.m.

Later Mulekezi got the bills, which he wanted to sign. The hotel manager, Mshokanabo, pointed out that this was unacceptable, and went to his office to get a circular in support of his objection.

At about this time, a waiter took a bill to Adrolo. He found some mistakes in it, and asked the Manager for assistance. As they were discussing the bill, Lt. Col. Toloko went to them, grabbed and tore up the bill, saying that the hotel people were 'cheating'.

Toloko then summoned the Manager to the counter and spoke to both the D.C. and the Manager for about fifteen minutes. He then ordered three men in plain clothes, who had been playing billiards, to arrest them. One of them was Lt. (now Captain) Owiny (W.55) - Owiny was, according to Adrolo, at first reluctant but the Lt. Col. shouted at him that his orders must be carried out. He shouted, "Take

them to "Jail No.1".

Mrs. Nshokumbo saw both of them driven away by Capt. Owiya in his Fiat 125, No.OUR 338. He returned a little later without them. Neither has been seen since.

Mulkeni's younger brother Tom waited for him that night and in the morning enquired at his office. On learning of the arrest the previous night he reported to the Police. He also informed his sister Faustina Rukimirana (W.21) a State Attorney with the Ministry of Justice, Kampala.

On 24th February, 1972 W.21 informed the Minister of Public Service Mrs. Justus Byagagaire. He denied any knowledge and promised to enquire. On the next day, the Minister told her that a team of investigators had been sent to Tororo and that she should wait for further information. She is still waiting!

Ojulong opened a file on these two subjects, and also briefed all his staff as this was a 'special' case. According to the C.C. CID, Bukedi, Det. ASP Gimayi (W.523), he had already opened a file on this case. Ojulong said that when he went to the Rock Hotel the following morning he found Toloko there and asked him about the report that had been made at the Police Station. He said that Toloko denied having ordered both men to be taken away. He said that he was inclined not to believe Toloko. It seems to us that no proper inquiries were made by the Police. According to Ojulong statements were recorded from some people but others did not come forward. Gimayi said that he used to go to the hotel for statements, but he found that most of the workers had disappeared during that week. He used to go to his home in Bulalala every weekend and saw one of the hotel

work. A man called Gidudu, in his area. He said that he did not try to take a statement from him. Likewise no statement was ever recorded from Adrole. Ojulong said that as he had not received any directive from Police Headquarters for Toloko to be interviewed by the Police, he had not tried to interview the Lt. Col. He summed up the atmosphere when he said that as Lt. Col. Toloko was suspected he tried not to get too much involved in this matter as "he was around" and people from the hotel were afraid to come forward. Gimeyi said that the situation at that time, in so far as the Army was concerned, was that every one was in fear.

Some two weeks later two bodies were recovered from Malaba River by Det. Inspector Flaviano Emegu (W.515). Both bodies were decomposed and nobody in the vicinity could identify them. He removed both bodies to Tororo Mortuary. According to the Tororo Police CRB Register Serial No. 159/72 (Ex.135) the initial classification with regard to the two bodies was shown as "murder". The District Police Commander and Gimeyi went to the mortuary with some people from the D.C.'s Office and the Rock Hotel for purposes of identifying the bodies. The post mortem was done by Dr. Luke Kalibala Semanda (W.248). The evidence is that neither body could be identified but two parties claimed one of the bodies. Mrs. Eshakanabo claimed the slender body as that of her husband, basing her identification on a fractured wrist. Dr. Semanda said that there was no recent fracture of the wrist. The second group consisted of three men who identified the same body as that of their brother working in the Building Section of the Tororo Battalion and they based their identification on a missing toe. The District Police Commander then released the body to those

three men and the second body was buried at the cemetery as that of an unknown person.

Capt. Owing (9.55) first gave evidence on 26th August, 1974. His attitude was not only evasive but most contemptuous and stubborn. He did not seem to remember anything and he could not remember being asked by Lt. Col. Toloko to take the two men to the barracks. He was recalled on 18th December, 1974, after on his application he was allowed to go through the transcript of his previous evidence. Now he seemed to remember everything and admitted that he was ordered by the Commanding Officer to take the two men to the Quarterguard and remembered also handing them over to the officer on duty, to whom he said "the Commanding Officer has sent these men for questioning." He said that he was merely used as a driver. He remembered meeting Toloko the following day and was told that the two men were being sent to Kampala. His attitude about this matter was; "The Commanding Officer was handling the matter and said he knew their problem, therefore, I was unconcerned." He admitted meeting Mrs. Nshakanabo and telling her about what the Lt. Col. had said about sending those men to Kampala. He denied telling her, as she maintained, that subsequently he had seen both of them at Makindye. Mrs. Nshakanabo said that on the following Thursday she herself went and saw the Commanding Officer of Makindye about her husband and the District Commissioner. He denied that they were in his custody and took her around all the cells for her to see.

Mulekezi's car was said to have been brought to the Ministry of Works, Kampala and his sister was given a lorry to collect his property from Tororo.

Mrs. Mshakenabo said that both the Bank and the Insurance Company demanded a death certificate before finalising the matters concerning the Bank Account and the two Insurance policies of her husband.

We are satisfied on the evidence that on 23rd February, 1972, both of them were arrested from the Rock Hotel, Tororo, on the orders of the Commanding Officer, Air and Seaborne Battalion, Tororo, Lt. Col. Toloko and taken to the Quarter-guard at the Barracks by Captain Owiny.

Connected with this case, is the recovery of the two bodies from Malaba River some two weeks later by the Police. We would like to comment that the entire handling of the investigations into the disappearance of these two men by Tororo Police was over-shadowed by fear of Lt. Col. Toloko who was the main suspect. Even Dr. Semandr, who had performed the post-mortem on the two bodies, reflected a large degree of fear when he gave evidence before us. The incident at the mortuary regarding the identification of the bodies provides ample proof of the same fear. We consider that incident not only as pathetic but quite inhuman. Here was a woman who was claiming one of the bodies as that of her husband and relied on the fracture on the wrist which the doctor in fact found, although he said it was not a recent fracture. As against her, were the people from the barracks claiming the same body as that of their relative who had gone fishing at Malaba River. We should like to emphasize that the alleged disappearance of the alleged angler was never reported to the Police; the man was not named either. In view of the over-all fear, which seems to have affected everyone concerned, we are of the opinion that the presence of these men from the barracks within the

mortuary when Mrs. Nshakanabo was claiming the body was pre-arranged to avoid the contingency of either body being claimed or identified by any other person. That dispute over the body could have been settled by the coroner of the area but, as we have already said over and over again, the Police Officers through fright decided to deprive a woman of the body of her husband, thus adding savage humiliation to her already great grief. There was no evidence that any other person were missing except the District Commissioner and the Hotel Manager; these were the only two people reported missing.

Only two bodies were found in the river and, although they were decomposing and otherwise difficult to identify, we have no doubt in our minds that the circumstantial evidence with which we have dealt was so overwhelming that it irresistibly pointed to these two bodies being of no other persons but those of the late District Commissioner, Bukedi, Mulekezi and the late Manager of the Rock Hotel, Tororo, Nshakanabo. We are satisfied that there is no other reasonable hypothesis from which any reasonable person could view the finding of these bodies in the river.

These two subjects were in custody in the Army barracks, Tororo and within a short space of time their bodies were found in the river. There was no evidence that they might have escaped from custody or had been set free by the Commanding Officer. We have been told that Toloko was subsequently transferred to Kamuku and has not been seen since. We find that the time the bodies were found being so proximate to their arrest leads to only one conclusion and that is the one at which we arrive, that both of them were killed in cold blood during their custody at the Air and Seaborne Battalion, Tororo.

35. Subject No. 18 - HENRY SSEKWE.

Witnesses: 23 Mrs. Deodata Ndawula Lubowa - Part 1, p. 276 - 282.  
24 Mrs. Frances Ssekwe - Part 1, p. 283 - 292.  
56 Tom Benedict Kato - Part 1, p. 573 - 589.  
59 Charles Damulira - Part 1, p. 602 - 612.  
75 No.231 Cpl. Francis Ngaruye - Part 1, p. 756 - 765.  
362 ASP George Byabasajja - Part 4, p. 3718 - 3732.

Henry Ssekwe was a prosperous farmer of Bunga, Kalisizo. He was aged about 39, was married to Frances Nante (W.24) and they have twelve children, between the ages of nineteen and seven months.

In March, 1973, ASP George Byabasajja (W.362) was the officer-in-Charge of Kalisizo Police Station. During that month there were a number of Army soldiers conducting an exercise of the selection of local chiefs. The nearest Army camp to Kalisizo was at SANJE, about 30 miles away.

On 8th March, 1973, two men went to Byabasajja's home at about 6 a.m. They introduced themselves as Intelligence Officers on operation. He did not ask them for their identity cards or names. This was based on his previous experience of soldiers who, on being asked for their particulars invariably retorted, "What do you want my name for?" He narrated his own example when he was picked up in Masaka on 20th February, 1971, on the pretext that he was lazy and not sending his men in the field. He said that he was made to roll on the ground. He was then beaten and released after several hours. He also mentioned the case of Inspector Hamukubaho of Mutukula who was taken with SSP (Prisons) Owiny to Masaka Barracks for not bringing information from Tanzania. Both were made to roll on the ground and sleep.

Byabasajja/.....62 /.

Byabasajja believed that they were security officers; there were then many soldiers in the area and he had previously seen those two with other soldiers.

These Intelligence Officers wanted Ssekwe of Lusaka Lwamese village. He instructed Cpl. Ngaruye (W.75) to get the man with the assistance of the Gombolola chief, Kato (#.56).

Kato led the party in a Police Landrover to Ssekwe's home, just as Nante was about to prepare tea for breakfast. Ngaruye said that he informed Ssekwe that he was wanted for interrogation by some Military personnel. Nante said that one of them was armed with a gun, but this was denied by Ngaruye. Nante does not understand Swahili, in which the Policeman was talking. She said that before her husband was taken away, he asked her to fetch his coat which had his tax tickets in it. When she came back with the jacket she found them gone.

Ngaruye took Ssekwe to Kulisizo Police Station and handed him over to the O.C. Byabasajja in the presence of some Military personnel. Some ten minutes later he left Police Station on other investigations and did not know what happened to Ssekwe.

Byabasajja's evidence was to the contrary. He said that Ngaruye reported to him at his home a little later that he had got the man Ssekwe and the Intelligence Officers had taken him away. He denied seeing Ssekwe at all. The Chief, Kato, said that on their way back to the Police Station he was first dropped at his Office, which is near the Police Station, and the prisoner taken on to the Police Station.

Nante informed her sister-in-law, Mrs. Deodeta Ndawula Lubowa (V.23).



The subject's brother Charles Damulira (W.59) also got information about his arrest, and there followed a frantic search by these relatives for him. They saw the Chief, Kato. To Mrs. Lubowa, at first he denied any knowledge but when pressed, divulged that Ssekwe had been taken to Kalisizo Police Station and later moved to Makindye. Mrs. Lubowa failed to find him at Makindye. They tried SANJE Army Camp, where a soldier told Damulira "Kwisha rudisha." And then he was chased out of the Camp by some soldiers who wanted to assault him with sticks. At the Saza Headquarters, a Clerk told Damulira "I do not think that you will see your brother today."

Kato was being pestered about Ssekwe by his relatives. Yet he did nothing. He said that although his office is next door to the Police Station, he did not think of accompanying any of the relatives there as none of them ever went back to tell him of their failure to find him at the Police Station. At the Police Station counter, of course, no body seemed to know about Ssekwe as no entry was made in the Station Diary about his arrest.

We are satisfied beyond any shadow of doubt that Henry Ssekwe of Sungu village, Kalisizo, was arrested by Cpl. Ngaruye of Kalisizo Police Station and handed to the O.C. Byabasajja who acted in accordance with instructions of the two Intelligence Officers whom he had seen before with other soldiers in the area. We do not know who those Officers were or where they took the man or what they did with him. We are, however, satisfied on the evidence of Ngaruye, that at the time of handing the man to Byabasajja some Army soldiers were in the Office and others waiting outside in an Army Landrover.

We have no hesitation in finding as a fact that Ssekwe was taken away from Kalisizo Police Station by those Army soldiers, never to be seen again. There was no evidence of his release subsequently and, as he has been missing since his arrest on 8th March, 1973, we find that the probability is that he was unlawfully disposed of while in Military custody.

36. Subject No. 19 - VINCENT MULONDO.

37. Subject No. 20 - MICHAEL LABWOTA.

Witnesses: 25 Mrs. Daisy Mulondo - Part 1, p. 292 - 306.  
82 Wycliffe Robert Kinyike  
- Part 1, p. 801 - 810.  
86 No. 7417 Cpl. Edward Sunday Ocheng  
- Part 1, p. 853 - 870.  
89 No. 7273 Det. Cpl. Patrick Mutebi  
- Part 1, p. 871 - 883.  
93 ASP Abdu Bin Sebi - Part 1, p. 910 - 926.  
94 Lt. Kassim Ramadhan Mursale alis Lt.  
"No Parking." - Part 1, p. 928 - 941.  
169 Captain James Bogere - Part 1, p. 1631 - 1652.  
417 Supt. Augustino Odemel  
- Part 5, p. 4328 - 4369  
4500 - 4504.  
508 SSP Ali Toweli - Part 6, p. 6068 - 6122.  
6499 - 6515.

Both subjects were in the Prison Service; Mulondo was a Superintendent and had been in service since April, 1968. At the material time he was the Officer-in-Charge of Katojo Prison, Fort Portal where Michael Labwota was his Principal Officer. The latter had been stationed at Katojo for about four years. Both were married and had families. Mrs. Daisy Mulondo (W. 25) is aged 25 years and is a nurse. She said that she had three children/.....65/.

children and her husband had three others from another woman, the children being between the ages of eight and one.

According to the Regional Commander of Prisons, Western Region - Cyril Robert Kanyike (V.82), on 26th September, 1972, he permitted Mulondo to go to Ruimi Prison on official duty.

On 27th September, 1972, Mulondo told his wife that he was going to Margarita Hotel, Kampala to enquire if the hotel would buy chicken from the Prisons. He promised to return by 3 p.m.

A long way from Fort Portal, in Kampala, unknown to him, fate was charting out differently for Mulondo and his Principal Officer. For on the same morning that Mulondo went to Ruimi Prison, Lt. Kacim Kamathan Mursale, alias Lt. "No Parking" (W.94) went to Makindye Military Police to enquire about his car which had been detained there. Having finished his business, he was walking towards his car when the Commanding Officer, Major (later promoted Brigadier) Hussein Marela called him into his Office, and asked him to deliver an envelope addressed to the O.C. Police, Fort Portal to any Officer of the Public Safety Unit, Naguru who was to arrange for an escort to take the letter to its destination. The Lieutenant said that he was not told about the contents of the letter.

"No Parking" did as he was told. At the 1st he saw the Deputy Head of that Unit, ASP abdu Bin Sobi (W.93). Stopping her briefly, we should like to mention a contradiction in the evidence of these two witnesses. ASP Sobi said that not only did he know Lt. No Parking very well but also the latter used to approach him for assistance in getting escorts from his Unit. It is pertinent to mention also that, according to No.7417 Cpl.

Edward Sunday Ocheng (W.88) of the same Unit, the Lieutenant was "partly" attached to their Unit. It was surprising, therefore, to hear the Lieutenant flatly deny either knowing ASP Sebi before or having had any dealings with him previously. However, the Lieutenant asked ASP Sebi to detail two of his men to take the letter to Fort Portal, and told him also that it came from the Commanding Officer, Makindye. Abdu Sebi's version was -

"Lt. No Parking came with the letter for the O.C. Fort Portal and that letter was to be taken to the officer-in-charge in order that they bring some people under escort. I do not know which people." ASP Sebi called in two Policemen - No.7417 Detective Constable (now Cpl) Ocheng (W.88) and No. 7273 Cpl. Patrick Mutebi (W.89). According to Mutebi (W.89) it was the Lieutenant who handed them the letter in the presence of ASP Sebi. The instructions, according to Ocheng, were to fetch the Superintendent of Prisons, Katojo, Mr. Mulondo and his Principal Officer, Michael Labwota. According to Mutebi the instructions mentioned only Mulondo, but Labwota was mentioned subsequently by SP Odemel (W.417) after the letter was delivered to him.

Lt. No Parking insisted, however, that he could not possibly have mentioned any names of persons to be brought from Fort Portal as he did not know, nor was he told of, the contents of the letter.

W.88 and W.89 went to Fort Portal the same day in a Landrover and arrived there at about 4 p.m. According to entry No.39 in the Station Diary of Fort Portal Police Station - Ex.95 - they reported at the Police at 3.15 p.m. They delivered the letter to SP Odemel and one of them told him that they were on special duty to collect Mulondo. The letter was

not produced in evidence as Odemel failed to trace it in his records and thought that it might have been mis-filed. He did, however, remember that it was signed by the Head of the Military Police, Makindye who had asked for his assistance. He remembered also that the letter mentioned Mulondo who was said to be wanted in Kampala for interrogation; he did not seem to remember if Labwota was mentioned in the letter. As stated earlier Cpl. Mutabi said that SP Odemel told them that they were to take the two Prison Officers, that is, Mulondo and Labwota. W.417 provided them with a Peugeot 404 and a driver to take them to the Prison. At the prison they found only Labwota and were told that Mulondo had gone to Ruimi Prison, 37 miles away. They handed Labwota in at Fort Portal Police Station as is confirmed by Entry No.40 (Ex.96) of the Station Diary. They left for Ruimi and near it, met Mulondo in his VW car. He was stopped and arrested. They took him back to Fort Portal Police Station in their car, leaving the Volkswagen in the compound of Ruimi Prison. Mulondo was put in the cells at the Police Station for the night and Entry No. 44 (Ex.97) was made in the Station Diary in this respect. The next two entries in the Station Diary are in respect of the firearms and ammunition which the PSM men handed in at the Police Station for the night - Ex.98 and Ex. 99.

Mrs. Mulondo waited for her husband's return. At about 7 p.m. she was told by a Prison Warder, who was staying in their servant's quarters, of the arrest of Mulondo and Labwota.

On the following morning at about 7.30 a.m. SP Odemel informed Mr. Kanyike of the arrest of the two officers. He went to the Police Station and found both of them locked up in the cells. Mulondo's car was also seen outside the Police Station.

Mrs. Mulondo said that when she called at the Police Station she was refused permission to see her husband.

Mulondo was then taken to Katojo Prison where, in the presence of his superior officer, Odemel and two representatives from the 2nd Paratrooper Battalion, Fort Portal, he handed over charge of the Prison. Odemel said that the two prisoners were then taken back to the Police Station in the boot of the Peugeot 404 car. Odemel said that on their return to the Police Station, he found Ali Toweli talking to the Superintendent of Police, Oryekot. Toweli then ordered the two prisoners to be taken to Kampala immediately and, in his presence, both of them were forced into the boot of the Peugeot car. Odemel appeared before us again the following day to make some 'corrections' in his evidence. This referred particularly to the presence of Ali Toweli on the 28th September, 1972, at Fort Portal Police Station. He said that he confused Toweli's earlier visit to Fort Portal which was three to four days after the Invasion of the country. He had also cross-checked with Superintendent Oryekot and he was definite that Ali Toweli was not present at the Police Station when Mulondo and Labwota was driven to Kampala on 28th September, 1972. He spoke of something more which the PSU men did at the Police Station after returning there with the two prisoners. He said that all the prisoners were lined up with Mulondo and Labwota in front of the Police Station, the purpose being to find out if there were any relations amongst those prisoners. They were made to lie down on their chest. All of them were cased by the PSU men in full view of the Staff of the Police Station. They were then returned to the cells and Mulondo and Labwota, who were exhausted and their bodies swollen, were then locked in the boot of the Peugeot car to be taken to Kampala.

According to Entry No. 54 of 28th September, 1972, (Ex. 100) they left Fort Portal with the two prisoners at 2.10 p.m.

Odemel said that all these actions of the PSU men were completely improper but he was unable to interzone. Although he felt very bad he did not protest as he "had no voice." He said that fear over-shadowed everything and the situation of the day was not very good as even an ordinary constable had powers to arrest a high ranking Superintendent and put him in the boot.

Ocheng and Mutabi drove straight to Military Police, Makindye where the two prisoners were handed in. Ocheng made a short statement of how and why the men were taken there. One of the army men in the guard-room telephoned Lt. No Parking about the two prisoners. This was denied by the Lieutenant, who maintained that he did not have a telephone in his home. The particulars of the two prisoners were entered in the diary and the two PSU men then returned to their Unit and reported to ASP Sobi that they had accomplished their mission. Ocheng said that he met Lt. No Parking a few days later and the Lieutenant asked him how they had travelled. He told him that it was a safe journey. This meeting also was denied by the Lieutenant.

Talking about these two men, the head of the PSU, Ali Toweli (1505) denied any knowledge about their arrest. He said that Mar-14 should have made his request for the escort through him and that his Deputy could not act without first informing him. Because he did not know about this matter, he was unable to say anything about it.

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The Adjutant of Military Police Makindye, Capt. James Bogere (W.169) said that he had been unable to find a copy of the letter alleged to have been written by Marola in his records. He went on to say also that all the records of his Unit, that is, the DOBs for the years 1971 to 1973 were destroyed during the confusion of March, 1974 when a shell from an APC damaged a water tank and the water flooded into the unipot hut where all these records were being stored and thus the books were spoilt. He said that the Commanding Officer subsequently ordered for their destruction and they were burnt.

Kanyike rang up his Prisons Headquarters and informed the Commissioner about the arrest of these two prison officers. The Headquarters were unable to trace both of them and subsequently he arranged for the families of both to be transported to their homes. He said that Mulondo was a first class officer and did not know of any problem for which he would have been arrested. Regarding Labwota he said that about a month before this incident he had had a fight with a soldier but it was not serious and the matter was settled then and there.

Mrs. Mulondo was able to see her husband just as they were leaving the prison. He told her that he was being taken to Kampala. She came to Kampala and made enquiries about him, at the PSU Naguru, Makindye and Luzira but without any success. She also went to the Prisons Headquarters but nobody knew about his whereabouts. She said that his salary was discontinued from November, 1972. He had money in the Bank. She collected his car and has applied to Court for an order to administer his estate.

This was perhaps the clearest case. There is clear evidence that on 27th September, 1972 both subjects were



arrested by two men from the Public Safety Unit and handed in at Military Police Makindye on the following day, having been brought all the way from Fort Portal possibly in the boot of a Peugeot 404 car. Notwithstanding the various discrepancies in the evidence regarding the role of Lt. No Parking we are satisfied that he was closely associated with the PSU. The evidence of the two PSU Corporals indicates that he knew about the mission on which they were sent to Fort Portal. Basing ourselves on the evidence of SP Odomel, which corroborates 'No Parking', and ASP Sebi, we are satisfied beyond doubt that the order of the arrest of these two men was in fact given by the then Commanding Officer of Makindye, Major Marela. We are satisfied that they have been missing since then. There is no evidence of their subsequent release from Makindye or what was done with them. As such they must have disappeared from Makindye and we find that the probability clearly is that both were unlawfully disposed of during their detention at the Military Police, Makindye.

38. Subject No. 21 - SAMUEL KASADA.

Witnesses: 26 Mrs. Robina Kasada - Part 1, p. 706 - 315  
44 John Kigenyi - Part 1, p. 489 - 4196  
45 Mrs Kuluda Ssepuya - Part 1, p. 497 - 501  
46 Lawrence Tom Mulumba Kampama  
- Part 1, p. 501 - 508  
3266 P.C. John Akampurira - Part 3, p. 2424 - 2428  
5028 P.C. Franco Nakani Busiko  
- Part 3, p. 2616 - 2620  
1385 Driver Sgt. Levi Agal  
- Part 3, p. 2620 - 2631.

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He was a Civil Engineer and was employed by Makerere

University as the Deputy Estates Officer. He had a Fiat 124 car, No. UUP 949. He was married to Robina Kasada (W.26), who was then a nursing sister working at Mulago Hospital. They have four children, between the ages of 8 and 3½.

On 30th January, 1973, he dropped his wife at the Mulago Hospital at about 7.45 a.m. That was the last that Mrs. Kasada saw him. He was supposed to have picked her from the hospital for lunch but did not come back.

He was seen in his Office in the morning. At about 10.30 a.m. John Kigonyi (W.44), who was then a porter in the Estates Office (and is now the housing overseer), was called into his Office for some duty. At about the same time a man in civilian clothes went into the office of Mrs. Kuluda Ssepuya (W.45) who was in the Secretary's Office, which is separated from Kasada's Office by another room, and asked for Kasada's Office. She told him where to go. W.44 heard a knock at Kasada's door and a man came in. Kasada was then on the phone. The man asked him if he was Kasada and, on getting a reply in the affirmative, he went out and soon returned with two others.

According to the statement which this witness made to the Police soon after this incident, Kasada stood up on seeing the 3rd man. To the witness, he looked surprised and worried on seeing that person. However, they caught hold of Kasada and started dragging him outside. He went into the Secretary's Office and tried to hand Mrs. Ssepuya a chit of paper bearing his wife's phone number. He asked her to phone his wife and tell her that he was being taken away by some people. As he was talking to her one of the three men came in and slapped her and snatched the paper away. The Secretary got scared and ran into the Office of the Estate Officer, where she hid herself.

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As they came out of the Office, a builder employed in the same Department, Lawrence Tom Mulumba Kampama (W.46), saw him being taken to a dark blue Peugeot 504, UUQ 553. He heard one of them ordering the boot of the car to be opened but the other man, who was in a Kaunda suit, asked Kasada to sit in the back seat with four others who were already there. Then he was asked for his car keys and the man in the Kaunda suit went away in the Fiat, following the Peugeot and another Volkswagen.

At about 12.30 p.m. the Security Officer of the University narrated this incident to Mrs. Kasada at the hospital, but mentioned the car in which her husband was taken as a green Peugeot 504. She managed to get transport to go home and there found her two young children aged three and two and a crowd of people outside. Her houseboy had run away, but the housegirl came about half an hour later and said that the subject had been taken home in a Peugeot car together with their Fiat and a Volkswagen. The housegirl told her further that two men in Army uniform with guns stood guard on the front and rear doors, and the house was thoroughly searched. They were telling the subject that they were looking for guns which he had in the house. When he denied this he was told that he was deceiving them. Mrs. Kasada found her house in disorder and the mattresses torn. The house-girl told her also that the man had beaten the two infants as they kept following their father. She found that her Shs.800/-, another Shs. 350/- belonging to her niece, and Times Magazines had been taken away.

The matter was reported by the University authorities at Wandegeya Police Station and in the second week

of February, the Police recorded statements from Mrs. Kasada and the housegirl. Mrs. Kasada said that the housegirl later got frightened and ran away.

Kasada's Fiat - UPP 949 - was next involved in a traffic accident with another vehicle No. UUP 762 on 15th April, 1973, in Mutebi Road. P.C. Busiko (W.260) visited the scene subsequent to a report made to him of the accident by L/Cpl. Lubowa, who was the driver of the other car. The Police Constable did not find the driver of the Fiat at the scene, but the other soldier, who knew the driver, named him as Sgt. Ngobi of Makindye. The Constable then had both cars towed to Central Police Station Yard and opened a Police file No. TOR 1088/73 which he passed on to the O.C. Traffic for investigations. The arrival of the Fiat at the Police Station was entered in the Vehicle Register, Entry No. 388 of 17th April, 1973 - Ex.55.

On 28th August, 1973, Mrs. Kasada was involved in an accident and, when she went to the Central Police Station the following day to make a statement, she saw a car similar to her husband's Fiat in the Yard. Its front portion was extremely damaged. She enquired about it and one of the Policemen shouted at her saying, "You woman, you have nothing to do with that car, that is the car with a special case," (p.311). She said that she lost interest in following up the car after this remark.

A few months later, driver Sgt. Agal (W.261) heard an announcement on the Radio about an auction of various things including cars. On 16th November, 1973, he bought Kasada's Fiat from the auction and on the same day collected it from the Central Police Station Yard from P.C. Akampurira (W.245)

after signing for it in the vehicles book - Ex.55 - opposite entry No. 388. Sometime in June, 1974 he was issued with a duplicate registration card on the strength of the receipt of the auctioneer, and also got new number plates for it issued to him to replace the previous ones which had been damaged in the accident. The Fiat's new number was UVO 532.

Mrs. Kasada said that she had not been able to get her husband's money from his bank and has not applied to Court for an order to manage his estate.

There can be no doubt at all that on 30th January, 1973, the subject was taken away from his Office by three unknown men in a dark blue Peugeot 504, Registration No. UUQ.553, together with his Fiat Car. According to Ex.152, which is a list of certain vehicles with their particulars of registration, the number UUQ 553 belongs to a Toyota Corolla registered in the name of Messrs. Cabis Restaurant, P.O. Box 1949, Kampala. As the vehicle in which the subject was taken was identified as a Peugeot 504, it is clear that it was displaying false number plates. It seems that our Counsel was unable to locate Sgt. Ngobi of Makindye who was alleged to have been driving the Fiat at the time of the accident on 15th April, 1973. Although this allegation did raise suspicion against this Sgt. to have been involved in the kidnapping, we are quite unable to make any such finding due to lack of proper evidence and also because substantial time had elapsed since the theft of the car. The only finding which we can make is that the subject was taken away by three unknown men and has been missing since the date of his kidnapping, and the probability clearly is that he was unlawfully disposed of by his unknown kidnapers.

39. Subject No. 22 - JUVENIAH BITAREHO.

Witnesses: 27 Petronia Lutungwa - Part 1, p. 315 - 322.  
28 Yowana Lusasamo - Part 1, p. 324 - 334.  
134 Sebi Salim - Part 1, p. 1284 - 1292.  
482 No. 1425 Det/Cpl. Selestiono Bale  
- Part 6, p. 5394 - 5407.  
514 AIP Francis Kauki - Part 6, p. 6203 - 6214.

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The subject was a cattle trader of Kabingo village, Gomb. Kahezi, Kashara. He was married to Petronia Lutungwa (W. 27), and they have nine children aged between twenty-four and three.

It seems that sometime before this incident, Bitareho had paid about Shs. 9,000/- which a man called Alfred Rutega had incurred by way of garage charges for repairing his car, on the understanding Rutega would take his car from the subject when he had the money. In the meantime Bitareho was to use the car. According to Ex.8, this number plate belongs to a Peugeot 403 pick-up registered in the name of Abdu Bindua of Box 35, Arua. The same information is repeated in Ex.152. It is not without interest to note that the same number plate later appeared on a Ford Escort which took away subject No. 269 on 20th October, 1970.

According to the evidence, sometime later, Rutega offered to pay off his indebtedness by instalments and get his car released by Bitareho. This proposal was turned down by the subject who insisted on full settlement, and was followed by Court litigation in Mbarara. Judgment in that case was still pending.

According to Yowana Lusasamo (W. 28), who is the subject's brother-in-law, Rutega had given his daughter in marriage to Sebi Salim (W. 134).

On 26th September, 1972, the subject and W. 28, returned

from/...../77.

from Nyabushozi. On the following morning three men, one of whom was Sebi and was identified by W.28, came in a Peugeot car. W.28 asked some children to jot down the vehicle number which they did (Ex.3 and 3(a)), Vehicle No. UOH 528. All three were dressed in Army uniform and they told Bitareho that they were taking him to Kampala "about the case of a car". W.28 said that before leaving with Bitareho, those people removed the self starter from Rutege's car which was in the compound.

Bitareho has not been heard of since and W.28 said that he reported his disappearance at Mbarara Police Station after waiting for his return for about six months.

According to Cpl. Bale (W.482), Sebi Salim is a well known person in Mbarara and he is said to be related to Your Excellency. AIP Kauki (W.514) said that during the Invasion of September, 1972, which was a few days before this incident, Sebi Salim had assisted the soldiers considerably by providing them with transport in his Peugeot 404 Estate car.

Lusanso (W.28) knew Sebi Salim from the days when the latter was a bus driver with the Uganda Transport Company. Subsequently, he acquired a business in Mbarara Town. Sebi Salim denied the allegation of having Rutege's daughter as his wife. He said that he did not even know the man. He denied any involvement in the disappearance of the subject. He admitted that from 1951-1966 he was a bus driver working for U.T.C., and said that the witnesses mentioning him were perhaps confused. He explained someone had falsely reported him for harbouring guerillas, with the consequence that he was arrested and charged in Court. He said that, because the complainant did not turn up in court, he was subsequently

He mentioned Kauki of Mbarara Police Station, as someone who knew about the case.

Two Police Officers, that is W.482 and 7.514, gave evidence about the case in which Sebi Salim was involved. According to them that was an assault case and there also was an allegation by the complainant Zubairi Sumbusa that Sebi Salim had personated as an Army Officer during the fight. Cpl. Bale said that after receiving a telephone call from the Officer in Charge of the Military Police, Mbarara, he had collected Sebi Salim from the barracks on 5th November, 1973. The Police file CRB.2312/73 - Ex.121 - indicates that, while the case was pending in court, the Commanding Officer of Mbarara Battalion, Col. Gowon, went to the Police Station and ordered Kauki to withdraw the case from the court. He ordered also that the man dealing with it, who was Cpl. Bale, was to be transferred elsewhere within three months. Kauki said that eventually the case was withdrawn and his reason for doing so was that the Police had failed to get additional evidence; the evidence on the file, that is, the complainant's statement and the medical form, being insufficient. Cpl. Bale, however, maintained that there was sufficient evidence upon which to proceed with the case.

It does seem to us that Sebi Salim is a very well-known figure in Mbarara area. On his own admission he was a bus driver for about fifteen years and it is reasonable to say that Lusame who, like the subject, is a cattle trader visiting various markets and having to travel by bus, knew him quite well. We are satisfied, therefore, that there was ample opportunity at the time of the incident during which any person knowing any of the three men before could have easily identified him.

Mbarara/.../79/.



Having said this much about the evidence of Lusansamo, we now turn to the denials of Sebi Salim. It is quite clear that he had spoken a deliberate lie with regard to his having been charged in Court for harbouring guerillas. The evidence is quite contrary to this, as indeed is the reason why he was subsequently released by the court. Unlike the witness Lusansamo, Sebi Salim had reason to make these denials in order to extricate himself of any involvement in this disappearance. There is sufficient evidence also to show clearly his connections with the Army and his influence with the Commanding Officer. We find him not only an unsatisfactory witness but also untruthful.

We are satisfied that Lusansamo could not have been mistaken in his identification of Sebi Salim as one of the three men who took away the subject from his home. In view of our findings on the issue of credibility, and having accepted Lusansamo's evidence, it must follow that the evidence that Rutega had given his daughter in marriage to Sebi Salim must also be accepted as true. This could provide the link which completes the chain of events clearly implicating Sebi Salim to whom, it is obvious to us, Rutega must have turned for assistance with regard to his car. For these reasons, we find that the facts as found by us irresistibly point to the motive for the disappearance of the subject as being Rutega's dispute with Bitarcho over the car. We would add that, although the car itself was not removed, it could have been taken away at any subsequent time and the only reason we can think of for not taking it away subsequently, is that they might have got cold feet.

We have no evidence as to where Bitarcho was taken or what became of him. That he is missing since 27th September, 1972,

there is no doubt. The circumstances of this case point to the probability that he might have been disposed of illegally by those three people including Sebi Salim.

40. Subject No. 23 - HASSAN KABOGOZZA.

Witnesses: 29 Aziza Nanyonga - Part 1, p. 335 - 349  
47 John Ojwang - Part 1, p. 508 - 518  
48 Peter Bitende - Part 1, p. 520 - 525.

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The subject was aged 29 years. He was previously married but had separated from his wife after the death of his child. His father is Ausi Kalega who lives in Mawokota, having separated from the subject's mother, Aziza Nanyonga (W.29). She lives in Makerere Kivulu where she manages a bar of local drinks.

According to John Ojwang (W.47), a juke box mechanic of the same village, and the Muluka chief, Peter Bitende (W.48), the subject had been imprisoned for robbery for twenty years. They said that they were told by Aziza, but she did not make any such reference in her evidence. There was evidence also from both these witnesses that the subject was mentally disturbed and, according to the muluka chief, it was on Aziza's complaint to the Police that Hassan Kabogozza was taken away to Butabika for sometime.

W. 47 was Aziza's regular customer. The muluka chief said that their relationship was that of mother and son. In 1968, Ojwang got her a juke box from his Asian master and continued to service it. He married one of the bar maids and later stopped her from working at Aziza's bar.

About May, 1971, on a Saturday, Hassan Kabogozza went to his

mother looking for a job. John Ojwang helped him to get a job in a garage and his mother provided him with money to buy some spanners. This was denied by John Ojwang who said that, although he was introduced to Hassan Kabogozza by his mother in 1971, he did not know that the subject was looking for a job, nor was he asked to find him one.

Aziza said that after the declaration of the expulsion of the Asians, Hassan said to her that he was going back to the village as he was unemployed. But John Ojwang, who was sitting with Hassan at her bar, offered to find him another job. She said that after about an hour, that is, at about 7 p.m. she found Hassan and John Ojwang gone. She never saw Hassan again. She inquired at Ojwang's home, where his wife told her in a 'furious manner' that she did not know anything about them. At about 9.30 p.m. she met John Ojwang in another bar and he is alleged to have told her that Hassan had found another job. He promised to tell her where Hassan was the following day. She was not satisfied with this answer. Next morning Ojwang came very early and, on being asked about Hassan, said that he had slept with him at his house. She asked him to fetch him but Ojwang did not return. Later she went to Ojwang's home and, when she asked him about Hassan, he told her not to bother him. At about 12.30 p.m., Ojwang went to the bar and again she asked him about Hassan. At his request she bought him four bottles of beer but again John Ojwang told her not to bother him. She started fighting him but the bar owner advised her to report to the Chief. This, she did, and the muluka chief (W.48) sent her to Wandegeya Police Station. On her report and after a couple of days Ojwang was arrested but later released. She kept on pestering the police for action. Meantime the C.C. Wandegeya Police Station was replaced by a new Officer and towards the end of the month she saw the new Officer who asked for the file, which could

not be traced. She then sought assistance from the Army and some soldiers arrested Ojwang and took him to Malire. Ojwang admitted both these arrests, that is, by the Police and the soldiers from Malire. Upon his arrest by the soldiers it seems that Ojwang's wife reported at Makindye Military Police. Military Police came to her house just as Aziza was being dropped by the soldiers of Malire and she was taken to Ojwang's home where they found that he too had been released. According to Ojwang he was released from Malire at about 8 p.m. They were then taken to Wandegeya and a senior Army Officer ordered the Police to deal with the matter, which they promised to do the following day. Aziza said that on the way back in the Army vehicle, she started quarrelling with Ojwang and his wife is alleged to have told her, "you woman, you are rushing, if you rush like that, you are not going to get your son". Aziza said that she went to Wandegeya Police Station a number of times but no action was taken, and she got tired.

The other man who claims to have seen Ojwang with the subject was the muluka chief, Bitende. He said that this was sometime in 1971 when he met Hassan Kabogozza who was holding a shirt and a trousers. Hassan told him that he had quarrelled with his mother, for refusing to pay him Shs.40/- in respect of a set of chairs which he had sold her. Ojwang also showed him a transport warrant issued by the Police to take him to his home in the village and the chief said that this warrant was issued after Ojwang's release subsequent to his mother's report regarding his mental condition. Hassan told the chief that he was afraid of being re-arrested by the Police for being a vagabond. According to the chief, Ojwang then arrived and, on being told of the problem, offered to go with the subject and persuade his mother to give him the money. Both of them

then went away together. The chief went on to say that sometime later, Hassan's mother reported to him that Hassan had not reached his father's home and expressed her suspicion that Ojwang might have killed him. She told the chief that she had given money to Hassan in the presence of Ojwang and that both had gone away together.

Ojwang denied these allegations of being responsible for the disappearance of Hassan Kabogozza. He said that the old lady was trying to implicate him perhaps for two reasons: (1) because he had stopped his wife working at her bar and (2) he had taken away the juke box from her bar, after Aziza started going round alleging that he was responsible for Hassan's disappearance. Ojwang denied meeting the subject with the chief as alleged.

The subject's father did not give evidence but, in view of the desperate attempts made by Aziza to trace Hassan, it seems obvious that the subject did disappear. Whereas she said that the disappearance occurred after the declaration of the expulsion of Asians, the evidence of the chief of his last seeing Hassan Kabogozza with John Ojwang seems to suggest that this was in 1971. We get the same impression from the evidence of John Ojwang. It may well be that W.47 and 48 may have been confused about the year, for the declaration of the expulsion of Asians came in August, 1972. Proceeding on the basis that the subject disappeared after August, 1972, the question which arises is whether Ojwang was in fact responsible for his disappearance. On this matter, besides the denials of Ojwang, there are some contradictions in the evidence of Aziza and the muluka chief. It will be recalled that Aziza alleged that she saw the chief after Ojwang had left with Hassan from the bar to find him another job. The chief's evidence is quite to the contrary and, according to him,

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she reported to him not that Hassan had not returned after going with Ojwang to look for a job, but that he had not reached his father's home after she had given him money. This contradiction is vital and it may well be that the chief had a different occasion in mind. At the same time Aziza made no reference of giving Hassan Shs.40/-. We are also mindful of the evidence concerning the mental condition of the subject and, in view of the unsatisfactory evidence, we are inclined to believe that the old lady perhaps suspected Ojwang due to the reasons which he gave. On the other hand, there is the clear possibility that the subject, having quarrelled with his mother over money, walked out of her home and made use of the transport warrant which he already had. Even if Aziza's evidence be accepted, it raises only slight doubts against Ojwang, upon which we are unable to rely.

We find that the subject has been missing since after August, 1972 in circumstances which are not known. As he did not reach his village home and has not been seen since, the probability is that he was unlawfully disposed of by unknown people on the way to the village.

41. Subject No. 24 - MATAYO KANDOLE.

42. Subject No. 25 - GREGGOEY KATEERA.

Witnesses: 30 Mrs. Rose Mary Banura - Part(1, p. 349 - 360  
(5, p. 4526 -4536.

32 Tereza Basuliza - Part 1, p. 375 - 380.

81 Rose Mary Byaruhanga Kabahuma  
- Part 1, p. 794 - 800.

259 Angelus Oling - Part 3, p. 2598 -2616.

360 Lt. Col. John Dalington Ona  
- Part(4, p. 3692 -3713.  
(6, p. 6059 -6068.

- 361 Juma Suli Balimutajo - Part 4, p. 3714 - 3718
- 422 Lt. Pangurasio Aliko - Part 5, p. 4414 - 4429
- 423 UA 1350 No 1 Nickolus Etiang  
- Part 5, p. 4429 - 4439
- 429 UA 7911 No 2 Jackson Smart  
- Part 5, p. 4439 - 4462  
(6, p. 6214 - 6217)
- 426 Clement Kachope - Part 5, p. 4471 - 4500

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The subjects are clan brothers.

Matayo Kundole was the Assistant Administrative Secretary, Toro District Administration. He was aged about 53 and was married to W. 30 from whom he has three children; he also has thirteen other children from other women and the children are all between the ages of 21 - 2. W. 30 lives with her three children and six others, while the remaining are with their respective mothers.

Greggory Kateera was the Chief Accountant in the same District Administration. He was aged about 47 and was married to W. 32 from whom he has four children; and he has twelve others, including W. 31, from other women, all between the ages of 24 - 3.

At the material time in September, 1972, Lt. Col. Ona (W. 360), presently the Provincial Governor, Mbale, was the Commanding Officer of the 2nd Paratrooper Battalion, Fort Portal, and Angelus Oling (W. 259) was the Lt. D.C. The Lieutenant Colonel said that on 12th September, 1972, one of his Intelligence Officers, Etiang (W. 423), who was then SSG, intercepted a copy of a typed letter purported to have been written by Kundole to the former President in Dar es Salaam. This letter is marked TOP SECRET and reads



"On Leave,  
29th August, 1972.

Your Excellency,

Thank you for your letter of 25.8.72 of which the contents therein have been welcomed. Mr. Lucas arrived safely here.

After I had read it thoroughly well, I went to Mr. Gregory Katera who also appreciated the ideas and suggestions.

Your Excellency, you may remember in my letter of 20.8.72 I introduced to you Mr. G. Katera the Chief Accountant in my Administration as my stronger supporter and legal adviser, now this is what we have discussed and agreed upon according to your idea.

- (a) I am still acting Administrative Secretary and not yet confirmed in my post by Amin's foolish and stupid Government; but as long as I remain head of the administration, I will see to it that I communicate to you all information required through Mr. Lucas in the normal procedure. I have agreed with Mr. Katera that when all our plans succeed, as a free gift you are given Mr. Katera's daughter to marry whom I gave a senior post in my administration as Internal Auditor.
- (b) I took up Mr. Lucas around Fort Portal and saw the site of the Army Barracks headquarters and surrounding areas, and showed him the sites of attack. The next day I drove him to the boundary at Bwera Kpondwe in Bukonjo, and the following day drove to Bwamba at the boundary where we discussed matters which Mr. Lucas will tell you.
- (c) I agree with you as the assassination should not take place in Kampala but outside for the reasons you gave us, and therefore have decided that when the foolish and stupid self-styled President Gen. Amin comes to Fort Portal he (Gen. Amin) be assassinated on the site we have chosen and showed to Mr. Lucas.

I'll see to it that the meeting be held on that particular place, of course I'll have to see the D.C. to agree with me on this, but obviously not knowing my aim.

- (d) As suggested, you should send over Mr. Sheltz an expert to come and survey the assassin site and place, the sooner Mr. Sheltz comes the better and of course before I resume duty after leave; all details that we have worked out will be explained to you by Mr. Lucas.
- (e) When I attended the meeting recently held in International Conference in Kampala as you may be aware of it, I managed to see Mr. L. Karims and briefed him on your ideas, he also appreciated the ideas and promised to come to Fort Portal on 10.9.72 for further meetings, in brief he supported our plans to assassinate the so-called President as the only solution to our problem. Also Mr. Karims gave me details of all army units in and around Kampala and their strength of which I have given to Mr. Lucas to hand over to you for study.

Your Excellency, as my bosom friend, I am quite sure as our plans will succeed and one day we shall rejoice with you when you are back in your home country. As you are aware, your country Uganda has been divided into pieces by the stupid Gen. Amin thereby bringing confusion in the people of Uganda; there is no any other solution other than assassinating the General which aim we are all after. Mr. Lucas will explain to you all the details.

Long live UPC, Long Live our beloved President Dr. A.M. Obote.

I remain to be,

Your Excellency,

Your Most Obedient Servant,

Lt. Matthew K. Kandole."

The Lt. Colonel said that he did not know how Etiang interpreted it. This, however, was denied by Etiang who was emphatic that he never intercepted any such letter, nor did he hand it over to his Commander. Lt. Mlike (4.422), who was the Officer in Charge of the Intelligence section, said that normally never an officer of his section intercepts a subversive

letter, it is first taken to him and he in turn hands it over to the Commanding Officer.

However, the Lieutenant Colonel did not take any immediate action on this letter which was considered highly subversive. He did not ask his security officers to trace the writer. He explained that numerous letters written in and out of Uganda were being received and he "wanted to have time to find out who the writers of those letters were." Also he said that he had many other things to do.

Then came the Invasion which, as we know, started on 17th September, 1972.

According to the evidence, both subjects were arrested on 18th September, 1972. Kandole was seen in his Office that morning at about 8.30 a.m. by the Internal Auditor, Clement Kachope (W.426). At about 10 a.m. he learnt that he had been taken away and the people, who had gathered, told him that Kandole was taken away by men of the Uganda Army Intelligence Section. W. 30 said that at about 12.30 p.m. three men in a white Volkswagen took her husband, Kandole, to their home. Kandole's car was being driven by another man. Kandole asked her to open the cupboard and bring out his gun, ammunition and two elephant tusks which he had brought after hunting on 16th September. His gun and ammunition were both properly licensed. The three men searched the house and then went away with those things and Kandole. W. 30 said that she knew one of those three men as Sgt. Jackson (W.424). She said that he and his companions were wearing white shirts, blue trousers and blue sweaters. When we were sitting in Fort Portal Mrs. Kandole was recalled on 9th November, 1974 and she identified W02 Jackson Smart (W.424)

When examined by Jackson, she said that his companions were calling him by that name and she denied the suggestion that she was either mistaken or was lying. She said that Jackson opened a box and asked, "Are these all your suits. Why are they packed and where are you going?" One of the others asked, "Mr. Kandole, do you have a typewriter?"

Kachope reported the arrest of Kandole to the D.C. (W.259) who told him that he had already contacted the Commanding Officer and had been told of the Lieutenant Colonel's decision to convene a meeting the following day "for he did not know why he had been arrested."

On the same day, Kachera returned to his Office after lunch with his daughter, Rose Mary Kabakuma (W.81) who was also working for the District Administration as a correspondence clerk in his Toyota car, UVB 566. He was attending a meeting of the Finance Committee. His daughter saw four Army men in uniform, coming out of a Volkswagen. These soldiers took her father from the meeting and he was never seen again. Kachope reported this arrest also to the D.C. and W.81 reported to her step mother (W.32) at about 5 p.m.

The D.C. said that he gave a note to the O.C. Police and the Commanding Officer to investigate the disappearance of those two men. He said that he did not receive any report from either till he left Fort Portal in December, 1972.

The Emergency Meeting of the District Team which had been convened by the Commanding Officer took place in the D.C.'s office on 19th September. Ex.85 was read out by W. 361. The Commanding officer told the meeting that they should not involve themselves in such activities and added (p.3694):

"I told them that I don't know the writer of the letter but I would find out the writer; then I told them not to involve themselves in the same activity."

According to Kachope, at the end of the meeting, the Commanding Officer said that he was going to send the arrested people to Kampala, adding that Kandole had been involved in subversive activities. Whereas the D.C. said that no minutes were kept of the Emergency Meeting, Kachope said that minutes were recorded by the ADC, Tindimuzar, and he produced a copy of those minutes, Ex.101. After listing the names of forty odd people who attended, the minutes read:

"Communication from the Chair:

The Chairman, Major Onah, declared that he had seen it fit to brief the members on the situation that had developed since Sunday the 17th of September, 1972. He said that Uganda was at war and fighting Tanzanian Forces and armed guerrillas who had attacked Uganda. He revealed that Uganda's Armed Forces are indeed capable of handling the situation effectively and at the occasion they were already proving their worth. He went on to say that war is not fought with guns but words and good intentions of the dedicated citizens.

He noted with great concern that some people in responsible jobs are implicated in the subversive activities. He stressed that these too are enemies and when discovered they must be dealt with accordingly. The Chairman informed the members that if anybody wanted to be an enemy, let him go and join the enemy and 'we' are ready to meet him in the battlefield.

He argued on that he was in possession of reliable evidence that some of the members were involved. He revealed that Mr. Kandole, the Acting Administrative Secretary Toro District Administration had written a letter to the deposed President in Dar-es-Salaam. The Chairman produced the letter there and then, handed it over to the District Education Officer to read aloud. The contents of the letter were fully digested and briefly outlined a plan to assassinate His Excellency the President of Uganda and was written

when Mr. Kandole was on leave and signed by him.

The letter was then passed to everyone in the room to verify and satisfy himself with regard to the signature of Mr. Kandole.

The signature thereon convincingly resembled the one of Mr. Kandole.

The Chairman then went on to explain that he had reasons to believe the letter was written by Mr. Kandole.

1. The signature does not at all differ from that of the Acting Administrative Secretary.
2. Mr. Katera's daughter referred to in the letter is indeed working with the Toro District Administration.
3. The letter was written when Mr. M. Kandole was on leave.
4. Mr. M. Kandole went to Kampala for the Conference.

The Chairman then invited the members to express themselves on the issue.

The District Commissioner, Mr. K. Oling, said that his major role is to coordinate all the activities of Government Departments. He stated that the role of any civil servant is to serve the government in power and the interests of the people at large with sincerity, honesty and diligence. He further commented that if somebody forged a signature of a fellow citizen and endangered his life, then God will certainly defend 'him' one day at the hour of judgement.

The Chairman commented that he has stayed obscurely in Fort Portal but he is hard at his work and his actions are indeed given a very careful thought before execution is undertaken. The Commanding Officer said that when he acts, it means he is convinced beyond reasonable doubt. He however, did not see why a man holding a Senior Post in the Government should serve the interest of a foreign government. It is indeed ridiculous and completely futile to think that Dr. M. Obote will come again to rule in Uganda. Yet he informed the members that anybody who feeds the enemy with information is the worst enemy.

Members expressed a vote of thanks to the Commanding Officer and commented that if such a letter came from a head of a department then it is regrettable.

The Commanding Officer told the members to inform those under them never to think of indulging in such a useless venture and if they detect

people indulging in subversive activities to inform immediately. He stated that he was going to send those arrested to Kampala. He did not see what else could be done.

There being no other business, the meeting adjourned.

(J.K.TINDUMUZIRA)  
SECRETARY

Distribution:

To All Heads of Departments  
The Commanding Officer  
The Permanent Secretary."

The Lt. Col. commented that these minutes were not correctly recorded. He took exception to the last paragraph and particularly to the sentence, "He stated that he was going to send those arrested to Kampala. He did not see what else could be done." He maintained that he did not know of the arrest of the two subjects when the meeting was held and his remark came after a general warning to the people against indulging in subversive activities and he said that his comment referred to people who would be arrested in future. The Commanding Officer said that it was after this meeting that he instructed his security officers to trace the two men. He said (p.3700):

"During that year there were lots of letters written in and out of Uganda; so I wanted to have time to find out who the writers of those letters were. But then I was forced to convene that meeting because having linked the contents with the Invasion which took place in Mbarara I could not on receipt of the letter take action to trace those people as I said earlier on that I had other things to do other than this. I was forced to convene a meeting and to send my men out to look for these people. Then they came back and told me that those people are not seen. I thought probably as the letter talked about the Invasion and they were aware of the date of the Invasion, they might have run away."

He/.....93/.

He denied suggestions that intelligence officers like Jackson could arrest people without his knowledge or that he could be kept ignorant if they intended to do such prisoners physical harm. He said that his instructions were - (p.3703):

"I gave instructions to the officer-in-charge of the Intelligence section that these men must be looked for and if they are found they should be brought to me and it would be of great value to them to give them ample time to tell us why they took trouble to write to ex-President Obote. It might have been a bigger plan. So I wanted them to come out with the whole idea so that the whole country could be informed."

Jackson denied the entire evidence of being involved in the arrest of these two men. He did say that he was very widely known in the town, so well that even small children knew him. He also said that he was very fond of bars, so much that he could not sleep without visiting all the bars - (p.4450). He maintained that at the time of the Invasion he was on duty along the border at Mutukula, Kikagati and Minziro. Although the Lieutenant Colonel said that the soldiers always went out in pairs, Jackson insisted throughout that he was alone at the border. He said that no records of his movements or the particulars of the Army vehicle he was using were kept. He maintained that he kept in touch throughout with Lt. Col. Onah, a fact which was denied by the Lieutenant Colonel.

On 30th October, 1972, W.30 and W.32 saw the Commanding Officer. According to both of them he told them - (p.377):

"The Commanding Officer informed us that he had sent these people to Kampala and told us to go back that the D.C. would later inform us anything connected with them."



This also was denied by Lt. Col. Onoh

Two days after the Emergency Meeting, two Army soldiers delivered the cars of both subjects to Kachope as they were still on hire purchase. Kachope signed for the vehicles in their note book and he was told by those two soldiers that "the owners had been taken to Kampala."

There can be no doubt that the letter, purported to have been written by Kandole (Ex. 85), was indeed subversive and was talking about an attack on Uganda and the assassination plans of Your Excellency. The Commanding Officer said that this letter was intercepted on 12th September, 1972. Although there is that contradiction as to who intercepted it or how, the fact remains that this letter was in the hands of the Lieutenant Colonel on 12th September, 1972. It is, therefore, surprising that no action should have been taken to try to trace the writer immediately and we think that there should have been no difficulty in tracing him as the letter makes it clear who he was and where he worked. Nevertheless, when the news of the Invasion broke, the Lieutenant Colonel, quite rightly we think, linked this letter with the Invasion. Any reasonable person would have, if this had not already been done, at once tried to get the people mentioned in the letter. We have evidence that both subjects were in fact arrested on the day after Invasion, that is, the 18th September, 1972. Mrs. Kandole had no difficulty in identifying one of the three who accompanied her husband as Jackson Smart. We have considered her identification in the light of Jackson's evidence that on that day he was supposed to have been patrolling the border at Mutukula, Kikagati and Minziro. We do not believe him.

We find it incredible that no record of his movements and the vehicle he was using would have been kept at the barracks. We find it odd for a Colonel to say that such soldiers went out in pairs, whereas Jackson insisted that he went out all alone on such important duties. Jackson maintained that he kept in radio touch with Lt. Col. Ong throughout on his patrol at the border but the Colonel denied this. We find that these contradictions and discrepancies are important and disclose Jackson Smart as thoroughly unreliable. We, therefore, find that WO2 Jackson Smart was in fact not only in Fort Portal on 18th September, 1972 but was one of the three who arrested Kandole.

Regarding Kateera, there is evidence that he too was arrested on the same day in the afternoon and it seems to us that the probability clearly is that the same people who arrested Kandole arrested him also.

There is the evidence of Mr. Kachope who said that after the Emergency Meeting the Commanding Officer had said: "He was going to send the arrested people to Kampala." -(p.4478) It is clear from the minutes as recorded that the Commanding Officer knew who the writer of the letter was and also knew about Kateera and his daughter. The last paragraph of the minutes opens with the general warning that people should not indulge in such a useless venture, followed by the appeal to those who attended the meeting that he should be informed immediately if they detected people indulging in subversive activities. Then came the news that "he was going to send those arrested to Kampala." It would have been helpful to have Tintimuzaru before us to explain this minute but it seems to accord with what Kachope heard and furthermore, in view of the evidence of the arrest of the two subjects as

stated above, it seems obvious to us that the reference here to 'those arrested' must clearly mean Kandole and Kateera who had already been arrested. In our opinion the finding is further supported by the minutes, which incidentally we accept as correctly recorded where the Colonel is recorded as announcing that he acted only when he was "convinced beyond reasonable doubt."

Accordingly, we find that these two men were arrested for their subversive activities by WO2 Jackson Smart and his accomplices and were obviously sent to the Army Intelligence in Kampala to be dealt with. They have been missing since their arrest on 18th September, 1972 and the probability clearly is that they must have been unlawfully disposed of by the Army Intelligence officers either on their way to Kampala or subsequently during their continued Military detention.

43. Subject No. 26 - OMARI ABDULLAI.

Witnesses: 31 Sarah Abdullai - Part 1, p. 360 - 375

93 ASP Abdu Bin Sebi  
- Part 1, p. 910 - 926

97 ASP Cosma Obura- Part 1, p. 956 - 960

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Omari Abdullai was a young Somali, aged about 18. He was a private student being tutored at home. He used to live with his sister, Sarah Abdullai (W.31) in Siad Barre Avenue, Kampala.

On 23rd August, 1973 Sarah went to the International Conference Centre at 4 p.m. to meet the visiting Somali Vice-President. She left at 5 p.m. and met her brother at the door. He too followed her home and then went away to see a friend nearby. He returned to the house.

W. 31 reported his disappearance the following morning at the Central Police Station and Jinja Road Police Station. She went also to Makindye but was told that her brother had not been arrested. She said that she was asked if he had been going about with a woman. Some three days later, two other Somalis, Abdalla Ali Abubaker and Mohamed Hassan, who have since changed their residence, allegedly reported to her that a Kikuyu shopkeeper in Pabaga Road had seen the subject being taken away by the Commandant of the Military Police, Makindye, Major Marella, in the boot of a blue Mercedes car from the house of a woman called Aisha.

W. 31 saw Mr. Ismail Sebi of Your Excellency's office. He called in ASP Abdu bin Sebi (W.93) of the Public Safety Unit and asked him to investigate the disappearance of Omari Abdullahi. She was taken to Nairobi where she met the Head of the PSU, Ali Toweli (W.508). During investigations by ASP Obura (W.97) the other two Somali boys and the Kikuyu shopkeeper, by the name of Peter, were called in for interview. Peter is alleged to have flatly denied witnessing Omari's arrest. Ali Toweli arranged an identification by confrontation, at which he had with him Major Marella and two others. Neither the two Somalis nor the Kikuyu was able to identify Marella. This, in the words of ASP Obura, was the end of the inquiry.

Sarah said that she went to Makindye a second time after seeing Ismail Sebi, upon hearing rumours concerning her brother. She was then told never to go there to inquire about him.

From the evidence of W.31, there is no doubt that Omari Abdullahi disappeared on the night of 23rd August, 1973, and has been since that time.

The rest of the evidence is all hearsay. The most important witnesses of course would have been the Kikuyu shopkeeper, Peter, and the woman Nisha; but neither was traced. As it is, there is the evidence of ASP Obusa regarding the identification by confrontation at which Peter is alleged to have been unable possibly through fear, to identify Major Marella who he reportedly saw taking Omari away in the boot of his car from Nisha's home. The girl Nisha may have been the cause of all this trouble, but as none of them, including Marella, was available, to say that Omari disappeared because of her or that Major Marella was responsible, will only be a matter of conjecture. In the circumstances, we are unable to say how Omari disappeared. We do not see any possibility of his having left the country without informing his family and, in view of the time that has elapsed since his disappearance without trace, all we can say is to express our fears that he may have been unlawfully killed by whosoever was responsible for his kidnapping.

44. Subject No. 27 - STEPHEN OBBO.

Witnesses: 33 Cornelius Okoth - Part 1, p. 381 - 388  
62 M. Usura Kakoma - Part 1, p. 640 - 653  
77 Alex Sigari Wandera - Part 1, p. 769 - 776.

Stephen Obbo was aged about 28 years. He was a bachelor and was a personnel officer at Kampala International Hotel, where he had worked for about 1½ months. He had started building a house in Nagongera and on 4th October, 1972 his elder brother, Cornelius Okot (W 33), came to the hotel to get some money from him for buying corrugated iron sheets.

He was told by the front manager that his brother had been taken away by two Army Officers from Halire.

The General Manager of the hotel, Misusora Kakooza (W.62) mentions the material date as 5th October, 1972. There was a funeral of a member of staff that afternoon. He said that during the morning Stephen Obbo went to his office and handed him the contributions of the staff for the funeral. The manager said that Obbo told him that he was going away with some gentlemen, without saying who they were. That was the last that the subject was seen.

Another man to see the subject that morning in his office was the hotel security officer, Wandera (W.77). He had to go into room No. 270 to investigate a complaint made by a guest about the theft of his money. When he returned after about 10/15 minutes he found some people gathered outside his office. He was told that the subject had been taken away by Army people. He said that he gathered from the talk that Obbo had not been arrested but went away talking with those people.

When the manager returned from the funeral in the evening, he also heard the same rumour that the subject went away with some Army personnel from Halire.

There was evidence that before his disappearance, Obbo had suspended two female workers at the hotel, Margaret Kobusira, who was then a housekeeper and was later promoted telephone operator, and Jane who was a floor house-keeper. Although the manager was non-committal regarding their suspension, the security officer was certain that not only were these two girls and another who has since died suspended but that the two girls subsequently returned only before he disappeared. W. 77 said that he used to see the subject in uniform collecting

Margaret Kobusinge from the hotel but did not know if he was her husband.

Later, after about three or four days had passed and the subject not turned up, the manager realised that he was missing and reported to his Headquarters. Subsequently, Okoth saw the manager and collected his brother's property from his room and also from his house in Makindye. He said that his brother had a bank account which has not been operated.

From the evidence of the manager, it seems fairly obvious that when the subject went to him to handover the staff contributions for the funeral, he knew the people with whom he was going out. The identity of those people was not mentioned by the subject and the evidence that was adduced before us on this point is hearsay. No eye witness, who might have seen him leave the hotel in company of other people, was available and we are reluctant to rely on the hearsay evidence to find that his companions were Army Officers. If the evidence of the security officer is accepted, then it would follow that the suspension of two girls by Obbo had nothing to do with his disappearance as both of them seem to have been reinstated in their respective jobs before Obbo disappeared. We are, however, satisfied that he has been missing since 5th October, 1972 after leaving the hotel in the company of some unknown men. As no trace has been found of him, nor had he been heard of, we find that the probability is that he was unlawfully disposed of by the unknown people with whom he left the hotel.

45. Subject No. 28 - DANIEL AJAMBO WANDERA.
46. Subject No. 143 - WAKUMA MAENA.
47. Subject No. 144 - OYAM.

Witnesses: 34 Dinah Faibi Ojambu - Part 1, p. 390 - 401.

76 Munyango Charles - Part 1, p. 765 - 768.

255 William G. Wanendeya  
- Part 3, p.2566 -2576.

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The subject No. 28 was the personnel manager of Coffee Marketing Board and used to work at the Headquarters in Amber House. He was married to Dinah Faibi (W.34) who was then working as a nurse at Mulago Hospital. They used to live in Kololo and have ten children, eight from his former wife and two from W. 34.

On 13th November, 1972, he dropped his wife at Mulago Hospital at about 7.50 a.m. in his Renault car, No. UUN 591.

At about noon Munyango Charles (W.76) who is a Telex Operator working for the Board, saw the subject in his office and was given a letter of increment of his salary.

Wandera was supposed to have picked his wife from the hospital for lunch, but did not turn up. She tried to ring him in his office but received no reply. Wandera did not go home that evening, and has been missing since then.

Later W.76 learnt from a cleaner called Mutaki, who is said to have died in May, 1974, that Wandera had been taken away by three men in his own car during the lunch hour. He informed W. 34.

W. 34 reported her husband's disappearance at the Central Police Station, Kampala, after about eight days and also went to Amber House to make inquiries. She alleged



that she was told by Wanendeya (W.255), the Board's accountant, that when they came out of a meeting with the Chairman of the Board and were proceeding to the car park in the basement, he had seen a man called Mustapha Omar talking to Wandera and then both going back up-stairs.

Wanendeya denied these allegations and maintained that he had not witnessed the incident. He admitted seeing Mrs. Wandera a few days later. He advanced as a possible reason for his name to be mentioned by her some differences of opinion between the subject and himself at work, some litigation between the two and an assault upon him by Wandera. Wanendeya said that two others of the staff - Wakuma Maena and, a coffee grader and Oyam, a statistician (subjects No. 143 and 144) had also disappeared. We did not hear any direct evidence of them. Wanendeya, however, said that the Coffee Marketing Board was, during his days, a 'highly political' place, with a lot of 'fitina.'

We are satisfied that the subject was taken away from the premises of the Coffee Marketing Board on 13th November, 1972 during the lunch hour by three unknown men in his car. Mrs. Wandera next saw the car on 25th July, 1974, still bearing the same number plates but the colour had been changed from blue to white, in Naguru Estate. According to Ex.151, which is a list of vehicles with their particulars of registration, Wandera's Renault UUN 591 is now registered in the name of Ebrahim Jumah of P.O. Box 2654, Kampala, the transfer being registered on 4th March, 1974 in the 'ordinary' manner.

The evidence is very sketchy which makes it difficult for us to make any clear findings. As he has not been seen or heard of since 13th November, 1972, and is alleged to have been taken by three unknown men the probability is that he was disposed of illegally by those men.

In view of the evidence about the change of ownership of his car, we would recommend further investigations into how this transfer came to be registered two years after the disappearance of the subject.

48. Subject No. 29 - UO/449 Lt. SOUL LAWENDE.

See 2nd Paratrooper Battalion, Fort Portal - P691.

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49. Subject No. 30 - CHRISTOPHER SEWANDIGI.

Witnesses: 37 Henry Sozi - Part 1, p. 424 - 431  
432 Dr. L.D. Kafero  
- Part 5, p. 4574 - 4576.

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The subject was aged 60 and was a butcher in Bukoto market. He used to live in Kisasi village, Gombolola Kasangati. He had one wife and nineteen children, the eldest being Henry Sozi (W.37), aged 27, and the youngest 3½.

On 29th May, 1971 when Sozi was in the kitchen of their house, he saw an Army Jeep No. 66 BT 11 arriving with his father. There were four soldiers in camouflage uniform, and another civilian, besides his father, in the vehicle. He watched from a distance of about 20 feet. His father got out of the jeep; he was neither handcuffed nor bound. Two soldiers with pistols also got down with his father. He heard his father tell the soldiers that they could search his house as he was not a thief. The witness heard one of the soldiers order his father to hand over his property to his wife, whereupon the subject gave some money and some invoices to his wife. He was then put in the jeep and driven away, not to be seen alive again. Sozi said that he went to Kira Road Police Station to report this incident, but was told that this was a matter not for the police but for the Army.

The following day, a police driver from Mpigi informed Sozi that his father's body had been found in Nabingo forest and taken to the City Mortuary, Kampala.

He went to the mortuary and saw the body which bore some bullet wounds. He was given some papers indicating the cause of death as having been shot.

According to Dr. Kafero (W.432), who conducted the post mortem on 31st May, 1971, the body had two gun shot wounds on the left wrist, one of which had penetrated the abdomen, shot upwards into the chest, and passed through the lung and heart; the other had smashed the pelvis. He found another gun shot wound on the right forearm. He said that the cause of death was the gun shot wound through the heart.

Sozi said that his father was not in good terms with a neighbour called Samuel Mayanja. He recalled one instance in 1969 when he met Mayanja in Bukoto and Mayanja is alleged to have said "those who will kill your father you will see them."

It is obvious that Christopher Sowandigi was taken away by some people wearing Army Camouflage uniforms in an Army jeep, 66 BT 11 on 29th May, 1971. None of the soldiers was identified and, although we did not hear evidence about the particulars of the vehicle involved, it seems plain that it was an Army vehicle. We refuse to believe that it could have been either hijacked by civilian people or that the number it was displaying was false. This is yet another case where the police refused to do their duty, possibly out of fear, just because soldiers were involved. Taken to its natural and logical conclusion, we find that these unknown soldiers in the jeep, 66 BT 11, are the people who took the subject to Nabingo forest and there shot him dead.

90. Exhibit No. 51 - PAULSON KANYOGOTE.

Witness: 38 Aggrey Wabukye - Part 1, p. 432 - 444  
39 Aberi Ntabano - Part 1, p. 447 - 456  
40 Jack Kanwache - Part 1, p. 456 - 463  
41 Yozefu Kazorera - Part 5, p. 4249 - 4260  
42 Patrick Tironwa - Part 5, p. 4260 - 4265  
43 Yozefu Kazorera - Part 5, p. 5887 - 5904

Paulson Kanyogote was a young shopkeeper, aged 28, in Butungura village, Kachumbi. He was married, and has two children, aged six and two.

According to the evidence of his father, Aberi Ntabano (W.39), four men, who he named as MURUMU, KAZOMBBI, KAZORERERA and WOBUSINGE, robbed his son in his shop on 2nd October, 1972 of Shs. 470/00. The robbery was reported to the Police and, later on 9th January, 1973, to the Military Police, Mbarara.

On 5th February, 1973, Kanyogote went to the Uganda Commercial Bank, Mbarara to change old currency for the new. He took Shs. 7,000/00 in a bag to exchange: Shs. 4,000/- of his father and the balance of the Church. He was with Jack Kanwache (W.40). He took with him also some furniture belonging to his cousin, Aggrey Wabukye (W.38) who was to catch the night express bus to Kampala. The two cousins had agreed to meet at the bus park, where Kanyogote was to give W.38 some new currency to facilitate his journey.

Kanyogote and Jack Kanwache stood in the queue at the bank, waiting for their turn. According to Jack Kanwache, four men of his village, Yozefu Kazorera (W.40), Yozefu Kakombi, Richard Wobusinge and Yozefu Kaborera (W.408) also went to

On seeing Kanyogote in the queue, they left immediately. They returned soon after with two soldiers, and identified the subject. Kanyogote was manhandled and pushed outside. They took him towards the bus park. Jack Kangwache followed them. Kazororera turned round and pointed a finger at him in a threatening manner. He stopped following them, but saw Kanyogote being taken into the Social Centre. He then went to the bus park enquiring if Kanyogote had been released. He saw W. 38 at the bus park. At about this time, both these witnesses saw Kanyogote being driven towards the bus park in a vehicle. One said it was a Subaru car, the other mentioned a Landrover. Neither noted its registration number. There were two men in plain clothes in the vehicle with the subject who appeared to have been assaulted badly and his face was covered in blood. One of them in the vehicle called Aggrey. He was able to speak to his cousin who told him of his arrest by two soldiers after being identified by the same four people as mentioned by W. 40. The conversation was cut short by his escorts who took down Aggrey's names and where he was going. They had a list of other names and they asked the witness if he knew two other men. After asking him if Kanyogote had any of his property, they drove away towards the post office. He has not been seen since.

Jack Kangwache then rushed home and reported to W. 39. He reported to the Gombolola chief, who asked him to look for him first. Recalling the previous case of robbery, W.39 reported this matter to the Military Police on 8th February, 1973. His son was not there, but he was given the DOB reference number of the previous report i.e., No. 4 of 9th January, 1973, which he took down in his notebook - Ex.4 -

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and was sent to the D.C., Kabale. The D.C. did not know about his son's whereabouts.

W. 39 said that he thought the reason for his son's arrest and disappearance was the report he had made against those people to the Military Police concerning the robbery. According to him, Murungi, who was allegedly engaged in the robbery, is not related to the others but they are all friends. Ntungwa, who was not involved in that robbery, is said to be related to Kakombe and Wolusinge.

Kazorerera (W.499) denied these allegations. He maintained that he went to the bank for exchanging his currency a day earlier, i.e., on 4th February, 1973. He exchanged Shs. 360/- as was evidenced by the bank's date stamp on the back of his graduated tax tickets for 1969, 1972 and 1973. He denied a suggestion that he had failed to produce his tickets for 1970 and 1971 as they perhaps bore the date of the day of the occurrence. He said the tickets for those years had been washed in his shirt.

Likewise, Ntungwa (W.498) denied these allegations against him. He had been in the Army from 27th February, 1971 till 7th June, 1972 when he was dismissed. He has been at home since his discharge except on 2nd April, 1973, when he went to his former battalion in Nbarara to get his discharge certificate. He admitted that he knows some soldiers but denied that he was in any way involved in the kidnapping of the subject.

We find it incredible that neither the Uganda Police, nor the Military Police should take any action subsequent to the report about the alleged robbery when all along not only the suspects were known but were in the village. W. 40 said that even after the kidnapping, he used to see those four in the village but was unable to approach them.

There is positive evidence of the tax tickets to show that at least Kazererera had been to the bank on the previous day. We are not saying that he could not have gone back to the bank again the following day, and the ultimate question is whether W. 38 and W. 39 were able to make a correct identification. Had the details of the previous report been available, that would have helped at least on the issue of consistency. We do not know if any names were mentioned in that report. It may well be that these two witnesses who, albeit the fact that they knew those four alleged robbers before, had not been able to identify them clearly and an attempt has been made to connect the occurrence of the robbery with his kidnapping. There would have been no difficulty in linking these two incidents only if the same persons or some of them had been positively identified at the time of the robbery and mentioned to the authorities at the time as such.

We find that there is real doubt that the subject was identified to the two unknown persons by any of those four alleged robbers. The possibility of the motive being merely to grab the substantial amount of money which he had cannot be overlooked.

We find therefore that the subject was kidnapped from the Uganda Commercial Bank, Kabale on 5th February, 1973, by persons unknown, and has been missing since. We are unable to say definitely that they were soldiers. The probability is that he was disposed of unlawfully by his kidnapers for the sake of money.

51. Subject No. 32 - CAXTON NJUKI.

Witness: 41 Mrs. Grace Wanyama Njuki - Part 1, p.464-469.

The subject was aged about 52 and was a storekeeper at Mukono in the East Hengo District Administration. He was married to Grace Janyani (A.41) and they have five children between the ages of twenty-three and fourteen.

Mrs. Njuki used to work for the U.S.A.I.D.

On 22nd January, 1973 some people in different cars were seen making enquiries about the subject at their place of residence, Makarera East and, according to W. 41, they came to the area about thrice. On Wednesday, 24th January, 1973, after discussing this matter and, in view of the fact that people were disappearing at that time, they decided that the subject should report at the Central Police Station. She said, "We thought that we could get help from the police whereby my husband could have been more protected" - (p.466). Mrs. Njuki then left her husband at home and drove to her office. She came home to enquire if her husband had returned but was told by the shamba boy that he was not at home. After finishing her office, she went to the Central Police Station. Her husband was not there. She enquired from a police man and described her husband to him. The police man said that the man of the description had been taken away by a Captain. She asked him who the Captain was and where he took her husband. The constable is said to have become evasive. She looked for her husband at Malire, Mucuru, Makindye and all the police stations in Kampala but without success.

We do not have much evidence in this case. From the evidence of the subject's wife, it seems that some unknown people were making enquiries about him and it was for this reason that he went to report at the CPS to seek police protection. It is almost impossible for us to say whether he did in fact reach the U.P.S., or whether the people who



were looking for him met him on the way and kidnapped him. The evidence about what the constable allegedly told the witness cannot be said to be reliable for the simple reason that he could have been mistaken about the identity of the person who was said to have been taken away by a captain. The constable was not shown the subject's photograph. We are satisfied that the subject disappeared on 24th January, 1973 and, in the circumstances of this case, we think it probable that he might have been kidnapped and disposed of unlawfully by the unknown people who had been looking for him.

5E. Subject No. 33 - SILEVESTA KALYEGIRA RUHUME.

Witnesses: 43 Charles Ruhume Nyamwesera - Part 1, p. 483 - 489  
78 Efulaimu Kandole - Part 1, p. 777 - 782  
79 Augustin Nhaboine - Part 1, p. 782 - 787  
80 Iaphail Nyakojo - Part 1, p. 788 - 793.

The subject was the Saza (county) chief of Rukoki in Busongora from 1968 until his kidnapping on 2nd November, 1972.

On that evening W. 78 was on night duty at the Saza Headquarters. He saw the county chief return home in his car at 11 p.m. He then saw a Landrover entering the compound at speed. He went to see who it was. Someone challenged him and the askari told him that he was on duty. He was then told "What are you looking for, go away." W. 78 insisted on taking a closer look and then saw a rifle pointed at him. He was sure that it was a rifle as he heard it being bolted. He got scared and went back for assistance. When he came back with another askari, he found the Landrover going away at a distance of about 20 yards. He was told by the houseboy,

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who has since gone to his home in Bunyangabo, that the Saza Chief had been taken away by those three unknown men in the Landrover.

The askari reported this matter to the Gombolola chief, Ndatwine (W.79) who, after seeing the houseboy, reported at Kasese police station, about 3 km away. Later he reported to the D.C., Toro.

On 3rd November, Nyakojo (W.80), a Park Ranger of Nweya Lodge in Rwenzori National Park was on patrol duty on Ishasha side, about 45 miles from Rukoki Saza Headquarters. He came across the remains of a human body about 50 yards from the road. He saw two legs lying separately and the rest of the body was missing. One leg was in a torn black trouser and the other had been eaten by animals. He reported to the police, Kasese and also to the Muluka chief of Kazinga area. On 5th November, he escorted the Gombolola chief (W.79) and the O.C. police, Kasese, to the scene where he had seen the two legs. Nothing was found at the scene.

The subject's car, which was on hire purchase, was later collected by the Toro Administration.

It is obvious that the Saza Chief of Busongora, Selevesta Kalyepira Ruhume, was kidnapped by three armed men in the Landrover. The reason for the kidnapping is not known. The vehicle was not identified, nor were any of the three gangsters. We have no reason or evidence to think that the two legs found in the Game Park on 3rd November, 1972 were of the missing subject. There is the evidence of the Game Ranger that it was not unusual for people walking in the park to be killed by wild animals. In the absence of positive evidence of identification these two legs could have belonged to any other

unfortunate person, who might have been killed by the wild animals. In view of the nature of this kidnapping and the fact that the subject has disappeared without any trace since November, 1972, we find that the probability is that he was unlawfully disposed of by his unknown kidnapers.

53. Subject No. 34 - BENEDICTO KIWANUKA.

Witnesses: 58 No.1961 Det. Constable Benedicto Mugalya  
- Part 1, p. 597 - 602.  
63 AJP Joyce Drania Mawa- Part 1, p. 653 - 656.  
72 IP Alfred Iswat - Part 1, p. 729 - 734.  
99 H./7139 Staff Sgt Stephen Kintu  
- Part 1, p. 970 - 993.  
246 John B. Kapere - Part 3, p.2428 - 2431.  
533 Lt. Col. Samuel Hannington Nzimuli  
- Part(7, p:6600 - 6601.  
( 6644 - 6648.

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The subject was the Chief Justice of Uganda.

He was arrested on 21st September, 1972 from his Chambers in the High Court premises, at about 8.25 a.m. After dropping him in Court his driver (W.246) went to the rear of the building and started washing the car.

The subject's orderly (W.58) was sitting on a bench opposite the door of the Chambers of the Chief Justice. Five minutes after the arrival of the Chief Justice, three men in civilian clothes, and apparently unarmed, approached W.58 and asked for the Chambers of the Chief Justice.

The constable asked them what they wanted. They told him that they were on 'official' duty. He started walking towards the Chief Justice's secretary's office but those people called him back. The constable then knocked at the door of the Chambers and opened the door. He found Mr. Justice Kiwanuka inside and the three men entered the Chambers.

The Chief Justice greeted those men. The constable was surprised to see the three men suddenly draw out pistols and they said that they were 'security officers' and were taking the Chief Justice to their office. The Chief Justice asked why he was being taken and one of them, who looked like their leader, took out handcuffs. The constable then dashed outside to fetch the Chief Registrar who arrived within seconds. Both of them went into the Chambers and heard the man with the handcuffs asking the Chief Justice to put out his hands, which the Chief Justice refused to do and asked to be taken without being handcuffed. He was then forcibly handcuffed. They asked who was in charge and, when the constable pointed at the Chief Registrar, he was told in Swahili to lock-up the office.

They took the Chief Justice to the porch, pushing him in front of them, and some of the High Court staff followed them. His driver (No. 246) also watched him being taken. The Chief Justice was asked to get inside the car but he wanted his body-guard to go with him. One of those people slapped him and he was bundled into the car. The constable (No. 58) said that he saw three machine guns in the car. The car was a light blue Peugeot 504 colour No. 1111 171, and it drove towards the Kampala International Hotel.

The Chief Justice then rang up various people, including the 999, the Minister of Justice and also the State House

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at Entebbe. Neither the constable nor the Chief Justice's driver was able to recognise any of those three men.

Inspector Iswat (4.72) was instructed by the Ag. Head of the Special Branch, Mr. Ofungi, to see the Chief Registrar in a bid to find out what happened to the Chief Justice. The Chief Registrar gave him the number of the car in which the Chief Justice was taken, UUU 171. The Inspector said that he visited the Central Registry of Motor Vehicles to find out the particulars of ownership of the vehicle involved in this kidnapping. He said - (p.732):

"This vehicle was registered in the name of Uganda Government - Uganda Armed Forces, the stamp which was on the form for transfer of ownership was stamped by the Transport Officer, Military Police."

He said that the vehicle indicated in the records was a Volkswagen, and not a Peugeot.

On 20th October, 1972, S/P Mawa (W. 63) was allocated the file, GEF 200/72, for further investigation. On 24th October, 1972 she sent two constables to the Central Registry of Motor Vehicles to get the particulars of No. UUU 171. They came back to say that the file had been misplaced. She sent them back on 26th October, 30th October and 6th November, 1972 and got the same report. Ex.15 is the form which she sent to the Registry and endorsed on it is the note that the file had been misplaced. She made another attempt on 11th November, 1972 when the particulars of the vehicle were given to her indicating that it is a Volkswagen saloon, belonging to the Uganda Armed Forces, Box 7069, Kampala

According/...../115.

According to Mr. Kyejusa (W. 42), who produced a list of vehicles showing details of ownership - Ex. 152 - the motor vehicle, UUU 171, was previously registered as USH 351 and on 24th March, 1971 was given a new number, that is, UUU 171. This is a Volkswagen and, according to the TR2 Form, the details of ownership indicated thereon are as follows - (p. 6768):

"Uganda Armed Forces of West Mingo District  
Kyadondo County, Box 7069, Kampala. It is  
a Volkswagen 1200 saloon grey in colour."

Mr. Kyejusa also spoke of some 'confusion' in the Registry where it sometimes happened that two different vehicles were registered on the same number; he said - (p. 6780):

"Sometime you could find the number finished but they ask you to pay the money and the number is just allocated to you but you do not collect the number and you are asked to come later to collect the number.. When you come later on you find the number had already been given to somebody else whereas the form which you completed and left there reads that it is you who got that number."

He admitted that there have been cases where numbers of other vehicles have been used on different cars in the commission of certain crimes and he also spoke of the possibility of registration numbers being forged.

The Quarter Master General of the Uganda Army (W. 533) stated that he had no record at all of UUU 171. He said (p.6644):

"I have tried to search for that record but unfortunately it does not exist with the Uganda Armed Forces."

When he was reminded of the Government Statement (Appendix 5) he stated that this number does not appear on his list of "Strategic equipment." He added - (p.6646):

"Well I am a Quarter Master General of the Armed Forces, I have nothing to do with the Uganda Government; I think those who made that statement are above me but what I say is what I have got on the papers which, if you want, the Security Council can provide."

Explaining the system of registration of the Army vehicles he said - (p. 6648):

"We have a Central Registration for the four figure and the two letter vehicles, that is, Military Vehicles with Army numbers, those vehicles the register is kept at the depot at Mugerama. The registry of every vehicle of that kind is there, but these civilian vehicles are registered every where in the towns wherever they are bought."

He said that his department issues a local purchase order for buying vehicles with civilian number plates and subsequently the particulars of registration are fed to his department from the various units which might have bought such vehicles.

The Government Statement dated 9th January, 1973 Appendix 5) gives the following account of the disappearance of the Chief Justice:

"(8) BENEDICTO KIWANUKA, Former Prime Minister in the Democratic Party Government and Obote detainee at Luzira. Released by the Government and made Chief Justice. Was arrested by three unknown persons on twenty first September nineteen seventy two at about eight thirty a.m. from the High Court. These three unknown persons were travelling in a saloon car Peugeot Five Zero Four light blue, bearing registration number UUU.171, came to the High Court Chambers where Ben Kiwanuka was working, identified themselves as security officers and said that Ben Kiwanuka was required at their office. They were armed with pistol. They handcuffed the Chief Justice and took him with them in their car driving at a very high speed in the direction of the Kampala International Hotel. The men were all dressed in plain clothes... and when they took him away most people working in the High Court were looking.

When/...../117.

When some of these bystanders tried to follow, they were threatened to be shot. On investigation, the government discovered that the people who posed as being security men were not in fact members of the Security Forces and the car which they were using belongs to a Volkswagen saloon car of the Uganda Armed Forces, Box Seven Zero Six Nine Kampala. It is therefore clear that the planner of this plot wanted to confuse the country that the people who arrested Ben Kiwanuka were members of the Security Forces, using an official vehicle. The Government investigated this matter thoroughly but so far no evidence has come to light as to who arrested the Chief Justice and where he is. In this connection, the Spokesman wishes to draw the attention of the country to a press statement appearing in a foreign paper, Sunday Post of thirty first December, nineteen seventy-two where it was alleged that the Chief Justice was tied up in a jeep which was then set ablaze by members of Security Forces on Kampala/Entebbe road. The country will realise that the Kampala/Entebbe road is an international route where people always pass up and down, day and night but no one has ever seen the alleged car burning on the road at any time since Kiwanuka disappeared. This is another clear example of the enemies of this country trying to cause confusion in the country."

On Thursday, 5th September, 1974 the following news item appeared in the Voice of Uganda:

"Benedicto Kiwanuka, Uganda Armed Forces soldier from Busoga will to-day at 9 a.m. give evidence in connection with the former Chief Justice, Benedicto Kiwanuka before the commission of inquiry set up to probe the disappearance at the National Assembly in Kampala. The soldier was sent by the former Minister of Foreign Affairs, Mr. Kibedi to kill the Chief Justice. The soldier is Kibedi's tribesman."

The soldier referred to is No. 111/7139 Staff Sgt. Stephen Kintu (S. 99). He said that he knew Kibedi whose birth place is near his home, their homes being about two and a

Half/...../118.



half miles apart. He said that they have known each other since childhood. - He first met Mr. Kibedi in April, 1972 when he was on leave and was waiting for a bus at a bus park in Jinja. He next met him in June, 1972 near the Norman Cinema and he took him home in Kololo where he told him - (p.973):

"He told me that I want to assign to you a duty to kill for me Ben Kiwanuka until I told him that let me first go back and think about this. He put me in the car and took me back to Malire up to the gate."

Explaining the reason for this assignment, the former Minister allegedly told him - (p.973):

"He said the reason why he wanted to kill Kiwanuka was that after the Military Government had handed over power to civilians, it was going to be Ben Kiwanuka who was to takeover because he had got popularity from D.P. people and for that reason Kibedi started working against Kiwanuka."

And a little later he said - (p. 973/4):

"The General told Ben Kiwanuka and Wanume Kibedi that when the time comes for the Military Government to hand over power to the civilians, Kiwanuka would be President. Then Wanume Kibedi was very much annoyed having known that Kiwanuka had got support of so many people, and this annoyed Kibedi because Kiwanuka had come into his way of ruling this country."

The witness thought it over for about four days and, when he got a telephone call from Wanume Kibedi, he decided to go to tell him what he had decided. He said that he had waited till he got the telephone because what Kibedi had told him was "nonsense." At Kibedi's house, he was taken into a 'special room' and in his own words - (p.978):

"While in that special room, he said to me that you told me that you had gone to think about it and now what have (you) thought about it?"

I/...../119.

I told him that Sir, I have failed. When I told him that, he asked me why I had failed and I told him that I feared. I told him that I cannot manage that work, and he told me that I am going to give you shillings fifty thousand as a reward if you can kill Benedicto Kiwanuka. I told him that time has come and I cannot perform that duty."

This soldier continued to speak about his refusal. He said - (p. 978):

"I told him that the duty he had assigned me I will not manage it. And he told me that as you are my fellow Musoma, I do not want you to leak out this information to anybody. He told me that if you have failed, I will work with the guerillas and perform this duty for me. He told me that as I have failed, he was going to work with guerillas who were going to do this duty for him. That time I got up and went back to the barracks."

He was asked why he had kept quiet for so long. He admitted that he heard about Kiwanuka's kidnapping when he was at Mutukula and he heard on the radio about the Government's attempts to trace him. This reminded him of his conversation with Kibedi and he linked the disappearance with what Kibedi had said. The transcript reads - (p.980):

Mulenga - Did you have a slight suspicion?

Kintu - I believed it.

Mulenga - And you still believe that Kibedi was responsible?

Kintu - I confirm before God."

He said that he had not spoken about this matter to anyone because Kibedi was still around and he thought that he might try to kill him. It was for the same reason that he did not even tell his Commanding Officer, he did not trust. He said that Kibedi had picked on him because they were of the same tribe and said - (p.986):

"There might be other Basoga but they may not be coming in the same area as Kibedi and

also/...../120.

also they may not be able to keep the secret."

He was pressed further about his reticence and why he could not have mentioned the matter to anybody at the General Headquarters.

He said - (p. 989):

"I could not have told anybody else because this was my secret and I did not want to tell anybody as Kibedi had told me that I should not tell anybody."

He agreed that he was prepared to run the risk of Kiwanuka's disappearance by keeping his secret. He realised that it was his duty to tell the Military Police but he was afraid of Kibedi and added that, as he was then a Private, he could not even step into Your Excellency's Office. Asked why he did not disclose it after Kibedi had fled the country, he said that he did not know who Kibedi had left behind to do him harm. The record of the transcript then reads - (p.990):

Chairman - Do you know now that there is no body else left who can do harm to you?

Kintu - From the power of the Almighty God I don't know whether there is anybody who can do any harm to me.

Chairman - Exactly, that power of the Almighty God was there even before.

Kintu - Yes, the power of the Almighty God was still existing by then but I was fearing very much."

He said that before he heard of Kiwanuka's disappearance, he made a statement about this matter to Lt. Obyeri who was the Intelligence Officer and is presently on a course in Russia. He said that the fear set in after his statement to the Lieutenant and it continued till 3rd September, 1974 when he heard the announcement about the setting up of this Inquiry and he contacted his Commanding Officer, Lt.Col. Sule, who then arranged for him to come to give evidence.

Under the heading "SHOCK STORY OF MR. KIBEDI" in the voice of Uganda of Friday, 6th September, 1974 appeared the full statement (not the evidence he gave before the enquiry) which he made to the investigating team before he gave his testimony.

On Saturday 7th September, 1974 there appeared in the 'Voice of Uganda' the following:

"SPOKESMAN COMMENTS ON STORY OF KIBEDI.

"After the evidence of an army soldier, Stephen Kintu at the commission of inquiry probing the disappearances of people a government spokesman yesterday issued the following statement.

"The revelation in Thursday's sitting of the commission of inquiry into the disappearance of people was the talk of the day throughout the country. Staff-Sgt. Stephen Kintu of Malire (Bombo) Battalion told the commission of how Wanume Kibedi tried to persuade him to kill the late Chief Justice of Uganda, Mr. Benedicto Kiwanuka.

"The disappearance of Mr. Kiwanuka, was a matter which has caused great concern to every Ugandan, let alone those who were personally known to him. The Government has since taken all measures in its powers to leave no stone unturned to find out the culprits. Police inquiries were exhausted in the disappearance of the former Chief Justice and other prominent Ugandans, hence the appointment of the commission two months ago.

"Since it began its sitting no evidence had been so shocking as the sergeant's evidence. The truth is gradually coming out as to how people had been disappearing. The circumstances leading to Wanume Kibedi's running away from the country leaves one in doubt as to whether it was not his evil deeds in Uganda that were haunting him.

"Ugandans were indeed shocked and had sympathy with Wanume Kibedi when they heard of his illness while on official duty in Nairobi. We were, however, equally shocked to hear of his later dealings with imperialists. As if that was not enough, Wanume Kibedi started mounting a propagandic campaign against his own mother country. Were it out of sheer necessity, surely he should not have stooped so low.

"People/...../122.

"People like Wanume Kibedi who decide to run away from their own country, do so out of fear, in case their criminal acts come to light. One wonders why somebody should decide to go into exile if his record is clear.

"... becomes worse if such criminals go to the extent of mounting malicious propaganda against their countries of origin. Wanume Kibedi has tried to cover up his criminal acts in Uganda. We have yet to see how far he succeeds in his criminal mission.

"One interesting fact known to many Ugandans is that many of the so called Ugandan exiles are greedy politicians and tycoons of the former regime, who are waiting for an opportune moment to enrich themselves still further.

"Ugandans will not accept any more to be confused by such people with selfish intentions. Wanume Kibedi has gone too far. We know what he is trying to cover up. He will never get away with it."

In a subsequent article attributed to a spokesman of the Ministry of Information and Broadcasting which appeared in the 'Voice of Uganda' of 3rd January, 1975, commenting on an article in the 'Drum' Magazine of January, 1975, appears the following:

"Mr. Benedicto Kiwanuka, the spokesman said, was killed by Kibedi as shown by the evidence given by a soldier before the Commission of Enquiry which revealed the truth."

The Adjutant of the Military Police, Makindye, Capt. James Bogere (W.169) stated categorically that Benedicto Kiwanuka was not taken to Makindye after being arrested from the High Court. He was reminded about an earlier article in the 'Drum' Magazine on this subject and he said - (p.1639):

"That was just propaganda, they just wanted to make money on that for the Drum Magazine because how he left Makindye to take those photographs as I remember that article in the Drum..... it is very wrong indeed because no one is even given a safari hat to sleep as I saw a European child sleeping on safari bed, we have no one at all."

asked about the so called 'swinging hammer', he said that he had never seen such a thing in his life. His final comment on that article was that there was no truth in it at all.

Mr. Joseph Kiwuka submitted an affidavit dated 4th October 1974 (Ex.175) through the post. This document may be split up into four parts - (i) the affidavit, (ii) his open letter marked 'A' to Your Excellency dated 21st June, 1974, (iii) his statement marked 'B' in answer to Kintu's allegations; (iv) an addendum to document 'A' in the form of a questionnaire. The document 'A' covers a fairly wide area and as it is part of the proceedings, we need not refer to it in full. We shall, however, so far as it relates to the former Chief Justice, mention the relevant portions. Benedicto Kiwanuka is dealt with in paragraph 5 of document 'A' and reads:

"I cannot even start listing the names of those Ugandans whose liquidation you have specifically demanded. Perhaps the best-known name is that of BENEDICTO KIWANUKA, who was Uganda's Chief Justice at the time of his arrest and subsequent murder, and whose liquidation you ordered because you were afraid of his political power in the country. If you look at the Uganda Argus of 21 August 1972 you will see that you spoke the following words at a rally at Rukungiri in Kigezi:

'A few Uganda Africans, including some high officials in Masaka District, are in the pockets of the outgoing Asians and the imperialists and are opposed to the move to expel them. One such official holds a very high position in the Government and is known to be the prime mover of this small pocket of opposition. He is attempting to use the issue to divide the people of this country on a religious basis with the hope that he will achieve his selfish ends. The person concerned is known to the Government and in fact the Government has already lost confidence in him as a result of his dirty activities.'

"The /..... /1974.

"The person you were referring to here was Benedicto Kiwanuka then Chief Justice; and "Government" meant "Linn" and nobody else. A few weeks after you spoke these words Kiwanuka was arrested at the High Court by Military personnel in civilian clothing. That was on 21 September, 1972.

"I spent the morning of that day at State House, Entebbe where you were seeing a visiting African Minister of Foreign Affairs. After the interview with the visitor I stayed with you for a few minutes for instructions on routine official business. As I rose to go, you said to me:

'The boys have got Kiwanuka. They had to pick him up at the High Court because he knew he was being followed and he was very careful about his movements.'

"I was shocked by this and I said to you:

'Oh ! My God! This is terrible! He is the Chief Justice. Whatever he has done his arrest will be disastrous for the country in terms of the rule of law and for the international image.'

"I left with the assumption that you had ordered Kiwanuka's arrest on some criminal charge, for which he would soon be tried.

"Although later in my then-capacity as Acting Minister of Justice I met the High Court Judges (at their request) and explained Kiwanuka's disappearance on the basis of the official statement which you had issued on the matter denying the arrest, I had no faith whatsoever in that statement. Kiwanuka, after all, had been arrested in the full view of the High Court staff.

"In the days that followed I brought and read to you several petitions, which a number of Europeans had addressed to you, appealing for Kiwanuka's release. You totally ignored the petitions and you refused to reply to them. You were even angry that I had brought the petitions to you.

"As I had on many occasions urged you to release detained prisoners I appealed to you several times to release the Chief Justice, to no effect. Later I came to believe the stories then going around Kampala that Kiwanuka had been murdered at Makindye."

In the afternoon reference is again made to Kibedi's meeting with the Judges of the High Court. The question he

was asked was:

"Q: When you met the judges why did you not tell them what Amin had said to you about the arrest of the Chief Justice?"

W.K: I was still Amin's minister, and as long as I remained in that position I was tied to the official statement he had issued in the matter notwithstanding that it was to my knowledge false. I was placed in a most unenviable position, and I wished again and again that I was not a member of Amin's Government. The month of September, 1972 in which the Justice was abducted, also saw the public abduction and subsequent liquidation of many other innocent Ugandans. From time to time the unsavoury aspects of Amin's rule had filled me with anguish and much heartsearching. After the tragic events of that September, I firmly made up my mind to quit Amin's government. Thereafter the only question was not whether to quit but when to quit the Amin set up."

Document 'B' is Mr. Kibedi's answer to Kintu's evidence, which he termed as "a story that contained not one single grain of truth."

Objection was taken by counsel appearing for the Government of Uganda to the admission of this affidavit. Mr. Emesu referred to section 10(1) of the Commissions of Inquiry Act (Cap. 56) and submitted that there was nothing either in the affidavit or otherwise to show why Mr. Kibedi was unable to come to give evidence, and no special circumstance was disclosed to enable us to dispense with the requirements of his personal attendance. There were other objections also with which our counsel dealt at length. We admitted the affidavit and promised to give our reasons later. It would be naive to suggest that Kibedi could have come to give evidence in person. Furthermore we were given

powers/...../ 126.



powers to depart from other instructions set out in the Legal Notice when we considered it essential to ascertain the truth of the matter in which we are commissioned to enquire. This meant that we had the sole discretion, and a very wide discretion, in departing from the instructions wherever we thought, in our absolute discretion, to do so would help ascertain the truth. Apart from this, we had power to receive the affidavit under section 10 of the parent Act. We should also like to say that this is not the first time that an affidavit has been admitted in an enquiry under the Commissions of Inquiry Act and an affidavit was in fact admitted for similar reasons in the Inquiry Into The Missing Americans.

Before we come to grips with the main issue involved, we should like to express our displeasure at the manner in which the paper, 'Voice of Canada', covered the evidence of Sgt. Kintu. It may be pertinent to say that the only coverage the sittings of this Inquiry ever received from this or any other paper was in fact of the Sergeant's evidence! While it is true to say that the press in any country is entitled to report court cases and proceedings of other judicial nature to keep the public fully informed about what is happening, this freedom of reporting is subject to certain well known restrictions for so long as the matter remains sub-judice. These restrictions apply to all papers and we see no reason for excepting government controlled papers. This Commission was charged with the duty of finding out the truth; nobody else was delegated this duty and we certainly do not know of any person, either in government or outside, who had been authorised by the appointing authority to say which witness before us was

telling/...../127.

telling the truth and which not. If somebody tried to comment upon the veracity of any particular witness that, in our view, was usurping the functions of this Commission in contravention of the declared aims and the terms of reference given to us by Your Excellency. Such conduct is no doubt a most serious infringement of the total independence of this Commission and amounts to clear contempt. We should like to make it known that we are not bound by the opinions expressed in the extracts from the 'Voice of Uganda'. We should add that we shall make our own findings about the veracity of witnesses, about who is telling the truth and who is not, and generally upon our terms of reference in complete disregard of any such comments as were made in that paper during the sittings of this Commission. We decided not to make an issue out of it at the time to avoid the unpleasantness and similar other consequences which might have flowed as a result.

No one has ever doubted that the former Chief Justice of Uganda Mr. Benedicto Kiwanuka, was kidnapped from his Chambers on 21st September, 1972. The Government Statement issued soon afterwards incorporates the evidence of the few witnesses who saw him being kidnapped and taken away from the High Court premises by three men claiming to be security officers in the Peugeot 504 car bearing the number plates HHH 171. It was admitted, as is apparent from the Statement, that this number plate belonged to a Volkswagen which, according to the records of the Central Registry of Motor Vehicles, is registered in the name of the Uganda Forces. This meant that the number plates which the Peugeot vehicle was displaying were admittedly of a

Volkswagen/...../128.

Volkswagen belonging to the Armed Forces. As already stated, this is consistent with the records held by the Central Registry of Motor Vehicles. But the Quarter Master General was certain that no such Volkswagen bearing those numbers appears on his records. This is not only confusing but we find this denial surprising. If what the Quarter Master General now said is true, it must also have been true at the time the Government made that statement. We refuse to believe that such an important statement which concerned the top-most personality in the highest court of the Country would have been issued without checking and cross-checking to make absolutely certain the information which was put in it, and we further refuse to believe that the records maintained by the Quarter Master General of the Army vehicles were not checked. We should also like to refer to the evidence about the 'confusion' at the Registry with regard to the issuance of new numbers when one set of numbers was said to have been issued to two different motor vehicles. Such a general confusion may well have occurred but there is no evidence that similar confusion occurred with regard to this particular number, UUU 171. The Government Statement, which was issued after intensive investigation, certainly does not rely on any such confusion. We are, therefore, not persuaded by the denial of the Quarter Master General who, incidentally, did not produce his records of the vehicles with civilian number plates, and basing ourselves upon the records held by the Central Registry of Motor Vehicles and the Government Statement, we find that there was in fact such a Volkswagen UUU 171 belonging to and registered in the name of the Uganda Armed Forces.

The/....., 129..

The denial of the Quarter Master General after so long raises one or two questions. The first one to which we address our minds is, why should it have taken so long for him to come out with this denial? He must have been aware all along about the stand taken by the Government; he must have known what the Government had said in its Statement. He could have approached the proper authorities with his information and his records and corrected the information given out in the Statement. No attempt seems to have been made in this direction and the obvious answer must be in support of our finding made just now, that such a vehicle with such numbers did exist, and a denial could not possibly have been made. The other question which we think arises is the intention with which this denial was made before us. We think that the answer to this question is clearly obvious. We think that this was in an attempt to exonerate the authorities concerned from explaining how these number plates of an Army vehicle found their way to a totally different vehicle, and to explain who authorised their use in this fashion, and to explain the identity of the person using the Peugeot 504 vehicle, and to explain the purpose for approving such a switch-over of the number plates. In the circumstances, we accept, as has been accepted all along, that this number plate, UUU 171, belonged to an Army Volkswagen and was used on the Peugeot in which the former still today has been taken away. Taking this further to its natural, logical and judicial conclusion, we say that the belated denial about the ownership of the Volkswagen and the question which such denial involves would indicate that the switch-over of the number plate must have been done with the knowledge and approval of the authority having control over the Volkswagen.

Ever since the kidnapping of the former Chief Justice, it has consistently been said that he had disappeared. Everywhere reference was made to his disappearance and nothing else. The Government Statement included this sentence:

"The Government investigated this matter thoroughly but so far no evidence has come to light as to who arrested the Chief Justice and where he is."

The Statement then went on to refute certain foreign press statements regarding the former Chief Justice having been burnt in a jeep on Kampala/Entebbe road. It is, therefore, astounding to read in the comment made by a Government spokesman in the 'Voice of Uganda' of 7th September, 1974 where reference is made about Sgt Kintu's evidence before us "of how Youssef Kibedi tried to persuade him to kill the late Chief Justice of Uganda, Mr. Benedicto Kiwanuka" (emphasis added). The use of the word "late" does not seem to be accidental, nor can it be said that it was meant to be synonymous with the word 'former'. As everyone knows the word 'late' in reference to a person means someone no longer alive. The spokesman did not come forward to testify before us on the source of his information for the choice of the adverb.

Turning now to the evidence of the sergeant, here also there are some pertinent questions to be answered. On his own admission, he has been in Uganda all along and he heard about the former Chief Justice's kidnapping when he was at Mutukula. He admitted also knowing about the Government's endeavours to trace him. This shows that he must have known about the statement which was put out by the Government regarding his disappearance. He kept quiet. His explanation

was/..... /131.

was that he was keeping 'his own secret'. He was a surprise witness and, at the same time, a special witness whose appearance was announced in the news media before hand and the statement he made to the investigating team reproduced in extenso in the paper. We have considered his reasons for keeping quiet over the last few years very seriously. As a good citizen, he could have done a number of things to inform the authorities about the alleged diabolical plans of the former Foreign Minister. He could have mentioned it to his Commanding Officer, but he did not trust him! He seemed to have had ample time at his hands and was even going to the pictures. He could have walked into any police station. As a soldier he knew of the Military Police; he could have gone there. He must have known of the State Research Centre to which he could have turned for assistance. He must have known where to find the former Chief Justice and he could have walked freely and easily into his Chambers at the High Court premises. He must have known about Your Excellency's repeated calls to the people of this country to contact you at any time on an untold telephone exchange number. If ever there was profound need to contact Your Excellency on a matter which was vitally important to the well-being and the image of the country as a whole, this surely must have topped the list of priorities. And this sergeant, who was then a private, could have contacted Your Excellency either on the phone or by going to your office. He did not choose to do any of these things. There is another form of communication which he could have employed quite safely, that is, the post office, either by writing a letter or sending a telegram. The explanation of his inaction was that he was afraid of Kileli. He went on to say that he was so afraid that he

even/...../132.

own risk of the disappearance of Mr. Justice Benedicto Kibedi rather than give up the secret. Considering the nature of the assignment which Kibedi had entrusted him with, its importance to the Nation, its ultimate effect not only within the country but outside, any reasonable person would have taken immediate steps to apprise the Government of the alleged plan. We have no doubt that just as the witness was 'sprung' so was his testimony which, notwithstanding the fact that in certain quarters it was accepted as the truth, we as reasonable persons with open minds, reject it completely as untrue and not worthy of any credit.

With regard to Mr. Kibedi's 'Open Letter' which he has embodied in his affidavit, let us say at once that we do not propose to try to give him a reply; that is not our function. Because it is part of his affidavit and deals with certain matters which fall within our terms of reference we are duty bound to consider its contents only in so far as they are relevant to this Inquiry.

We have had occasion to refer to the Inquiry Into The Missions in the Americas where Jones, J., the sole Commissioner, submitted an affidavit and after scrutinising it accepted it as true. In paragraph 104 (p.23) of his Report, he says:

"When the affidavit is examined and tested, there is such a great body of corroborative material available that the only possible conclusion one can draw from it is that it is a true account of what happened, and I accept it as such."

It is respectfully urged that an affidavit submitted in such circumstances ought to be subjected to close scrutiny and only if sufficiently corroborated in material aspects

should it be accepted and relied upon as true. The world is only too familiar with the fashion of exiles who will go to any length to discredit and pour ridicule on their home governments, and whereas such bilious outbursts and invective may find sympathetic ears in foreign countries whose own news media may either be not so efficient in getting the true account or may, as so often happens, be so inefficient that it gives a totally distorted picture of what happened, we refuse to accept them as the Gospel truth just because an exile, who happens to be Mr. Kibedi, says so. As we have said we shall accept his statement as embodied in his affidavit only to the extent that it finds corroboration elsewhere from the evidence which we heard.

We are unable to accept that the person spoken about in the 'Uganda Herald' of 21st August, 1972 was in fact the former Chief Justice. Surely, he could not have been the only high ranking civil servant who hailed from Masaka District. The arrest of Kiwanuka came almost a month after the speech at Kukiingiri. Mere surmise cannot replace proof and speculation has never been accepted anywhere as a substitute for corroboration. We think that it would be stretching imagination too far to identify the person referred to in the press report as Kiwanuka.

The 'Open Letter' raises many questions, some of which are strictly not within the ambit of our Inquiry. For the sake of convenience we have decided to split it into two parts. The first part is where he talks about the dismissal of Mr. Justice Kiwanuka and also some others; the second is where he makes general observations



and draws his inferences from the cumulative numbers of those who disappeared. We propose to deal now with the first part and defer discussion of the second till later and to consider it in the light of the entire evidence that was adduced before us.

Of those listed by Mr. Kileedi, besides Mr. Justice Kiranuka, we heard evidence on Lt. Col. Ochima (subject No.6, p 32) Kosonduha (subject No.21 p71) James Bwori (subject No. 37, p 148) L.L. Kisadja (subject No. 32, p 238) and Haji Balunywa (Subject No.83, p 240). He cannot obviously comment on the others who are mentioned in his statement on whom we did not hear any evidence. It would have been useful, indeed beneficial, had Mr. Kileedi given details of the manner in which each of those people is alleged to have been abducted and to state also whether his source of information (who would have been potential witnesses) had been able to identify any of the kidnapers or the vehicles used in the commission of these crimes, for a comparison with what we heard would have brought out the areas of agreement and disagreement quite prominently. Because he did not do this, the only area of agreement which we see for the time being is that the people he has listed, some of whom were mentioned in evidence before us also, have disappeared and we are looking into such disappearances. This in itself is not corroboration. We are, however, prepared to accept as a general proposition that wherever there is any evidence before us which goes to support his version of what happened, that much may be accepted as corroboration.

But do not think that much reliance can be placed upon

what/...../135.

what the international news media might have said. It is known to have put out untrue stories and statements not only about this country but also other countries. We should like to emphasize also that we are bound by the evidence which we heard and cannot go outside the four corners of the record of the proceedings. We cannot make findings about persons who have not been mentioned before us and surely we cannot be expected to make any findings based on information or evidence which may be in possession of either Mr. Kibedi or the international news media but which we did not have or did not come out during our sittings. As we have already stated the corroboration that we are seeking is not for the fact that people disappeared but in support of the circumstances in which they disappeared and the perpetrators of those disappearances. In so far as Mr. Kibedi's 'open letter' is concerned, he has referred to certain meetings with the Head of State at which the cases of Mr. Justice Kiwanuka and other people were mentioned. We did not hear any evidence about any such interviews and we do not even know if they ever took place or what was said. What we gather from his statement is that in respect of Mr. Kiwanuka he preferred to toe the official line and repeat the official statement in which he had 'no faith whatsoever' to the judges of the High Court. He explained his action in the questionnaire, adding that he was placed in a most 'unenviable position'. Just as he was obviously so worried, there were many others in the country and we should venture to suggest that after Mr. Kiwanuka's family and his close friends his colleagues in the High Court must surely come next. All of them desperately wanted to know the truth. It is possible that Mr. Kibedi was in an uncomfortable position in that he had to try to say anything contrary

to the official statement the consequences might have been unpleasant for him. Many others before him had been in a similar situation not only in this country but in other countries also and those with the courage of their convictions did find ways and means of telling the world at large the truth as they knew it, without having to wait for months. In discussing the matter with the judges of the High Court, he must have realised that he was dealing with a body of men of highest scruples and sterling qualities. He ends the sub-paragraph in which he mentions his meeting with the judges of the High Court in a manner which we find rather curious. After saying that he relied on the official statement in which he had no faith whatsoever he said:

"Kiwanuka after all had been arrested in the full view of the High Court staff."

If he was advancing this as his reason for propagating something which he knew to be a lie, then we are indeed shocked that a man of the calibre of Mr. Kibedi should be so illogical and inconsistent. The members of the staff who had the misfortune of seeing the Chief Justice arrested in such an ignominious manner had not seen those gangsters before nor have they seen them since. The mere witnessing of the incident by the High Court staff who could not identify anybody cannot be prayed in aid to justify something in which Mr. Kibedi himself had no faith whatsoever and yet offered it as the truth. This does not offer any corroboration. We should add that his statement indicates that he was told of the kidnapping of the Chief Justice immediately after it had been accomplished. In his capacity as a Minister and wielding a lot of influence,

we/..... /13%..

we should have thought that, committed as he was and still seems to be to the rule of law, he would have followed up the kidnappers and tried to gather as much information as possible so that when time came for him to open his mouth he would have come out with all the details of the episode. Yet, we see nothing of the kind in his statement which does not offer any new evidence. Instead he seems to have behaved in a manner no different from many others in believing the 'historical' stories around Kampala at that time which were nothing but rumours, and in believing those rumours and mentioning them now he has exposed himself as a rumour monger.

It seems to us that with regard to Mr. Justice Kiwanuka and the other people, there is nothing in the evidence before us which can be taken as corroboration to his alleged interviews with the Head of State and the remark which Your Excellency is alleged to have made regarding the arrest of the former Chief Justice.

When all is said and done one is able to make a comparison between the sergeant on the one hand and Mr. Kibedi on the other. The sergeant kept quiet for at least a couple of years, so did Mr. Kibedi although for a much shorter period. The sergeant is a member of the Armed Forces and Mr. Kibedi was the Minister in the same Military Government. The sergeant, who cannot possibly be compared intellectually and educationally with Mr. Kibedi, told an incredible and unconvincing story while Mr. Kibedi came out with allegations against the Head of State for which we have been unable to find any corroboration. The sergeant did not trust his Commanding Officer and Mr. Kibedi did not trust the Mr. Minister of Justice, who sat on the Bench of the High Court.

For these reasons we have no hesitation in rejecting his statement in so far as it refers to the identity of the perpetrators of the kidnapping of the former Chief Justice and others mentioned by him. We do, however, agree with him when he says in his answer to sergeant Kintu's evidence that it is all untrue. Our assessment of both of them is that neither is better than the other.

In the circumstances what is left is the Peugeot 504 in which Mr. Justice Benedicto Kiwanuka was taken, and which at the time was displaying the number plates of the Volkswagen belonging to the Uganda Armed Forces. In view of our comments and findings on this particular issue we say again that the former Chief Justice of Uganda was kidnapped by people who must have been known to the authorities having the custody of the Volkswagen and who must also have known the nature of their mission. As Mr. Justice Kiwanuka has been missing since 21st September, 1972 without any further clues and in view of the nature of his kidnapping, we find that there is a strong probability that he was murdered by those who kidnapped him.

54. Subject No. 35 - WILLIAM WILBERFORCE KALEMA.

- Witnesses: 57 William M.M. Amooti - Part 1, p. 589 - 597.  
69 James Mulwana - Part 1, p. 612 - 620.  
64 No. 858 Cpl.L.Okot - Part 1, (p. 657 - 666.  
( 997 - 998.  
65 Augustine Amuya - Part 1, p. 667 - 674.  
66 Supt. George Babumba- Part 1, p. 675 - 681.  
83 Ex. Insp. B.Mugema - Part 1, p. 811 - 819.  
85 Insp. B.M. Ojok - Part 1, p. 823 - 834.  
160 H...6405 James Ondiba  
- Part 1, p. 994 - 996.  
138 No. 966 P.C. S. Kyakonye  
- Part 1, p. 1331 - 1332.

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The subject was a former Minister in the previous regime.

He was last seen by James Mulwana (U.60), who hails from the same village, on 20th January, 1972 between 6 - 7 p.m. in Gaba Road as he was driving to his home. Near the Uganda Commercial Bank's housing estate, he saw the subject's BMW car, No. UUM 579, parked by the road side facing Gaba direction. Parallel to it, across the road, was another car facing the opposite direction, that is, Kampala side. As the witness went past these vehicles, he saw Mr. Kalema in the front seat, on the passenger's side, of the other car. Looking through his driving mirror, he saw a man exit from the subject's car, and then both vehicles drove away towards Kampala.

The following morning, on learning of Mr. Kalema's disappearance from his wife, he made his statement to the police.

On 21st January, 1972, Ex. Inspector Mugema (U.83) was instructed to investigate the disappearance. He recorded statements from the witnesses in Kampala.

The scene then shifts to Bunnama, which is a custom's post on the Uganda/Zaire Border, about 7 miles from Kisero. At the material time, the post was under William M.N. Amooti (V.57). On the night of 24th/25th January, 1972 the preventive custom's officer, Amuya (V.65) was on night duty in the office. At about 2 a.m. he saw two vehicles driving into the post at high speed without their headlights. Two men came out of the cars and said that they were going to Zaire to see friends. Finding this odd as he had never before experienced such an incident, he called his corporal who gave the alarm by blowing his whistle. The two men ran across the border, leaving the two cars behind. Amooti also woke up and the whole staff waited in the office till morning.

One of the cars was a Fiat No. BUUZ 622, and the other a BMW No. BUW 866, the former according to Ex. 152 belongs to Mr. Peter R. Okello of P.O. Box 3549, Kampala and for the latter there is no record at the Central Registry.

The matter was reported at Kisero Police Post, and Inspector Ojek (V.29) managed, with the help of a mechanic, to move both vehicles to his police post. Suspecting that they were stolen, he sent a message to all police stations, including the Central Identification Bureau, for information. The District Police Commander, Superintendent Balanda (S.66) who was stationed at Kasese, saw this message on 25th January.

On 25th January, the investigating officer, on receiving the message certifying the make of both cars, obtained the particulars of Mr. Kalembe's BMW from the Central Registry of Motor Vehicles. - Ex. 17. The vehicle was registered as the property of Kalembe & Co. Company, of which the subject was a director - see Ex. 11. He then left for Kisero to check on

the BMW car, stopping on the way at Kabale to report to the District Commander. He reached Kisoro on 28th January, 1972, and inspected both vehicles. The wind-screen of the BMW was broken and he found that its engine and chassis number - both 1330131 - corresponded with that of the subject's car BMW 579, motor no. ex.12. Inside its bonnet he found some service cards, one of which was written with the car's registration number as BMW 579. He inspected the front of the BMW and there found a number plate - HE 017 - ex.33. After taking some photographs of the finger prints from the cars and recording the facts from the customer's officials, the police party set out for Kampala. Some five or six miles out of Kisoro they met some soldiers, travelling in a Peugeot 504 car, No. BYL 015. According to ex.192, there is no record of the issue of such a register to any vehicle on the Central Registry of motor vehicles. The police vehicle was stopped by the soldiers who told them that they were going to Kisoro to collect their cars which their recruit drivers had left there. After appraising their District Commander of their findings, the police party returned to Kampala where Mucama handed over all the documents and files to the Deputy Commissioner of Police, Mr. Streri; and the number plates - Ex.33 - to I.C. Kyakonye (1155), the in-charge of the exhibit store.

The soldiers arrived at Kisoro police post and asked Corporal Ojek (164) to release both cars. He referred them to the D.C. to whom they said that they were from the Army Headquarters, and had been sent to fetch the two cars which had been used by their Intelligence Section on 24th January, 1972, as patrol vehicles in Kisoro. They produced to him the frontier pass for the car and some military log forms headed 'We are Army', which was similar to the form which Ojek had



found in the glove box of the BMW. He asked one of the soldiers, who appeared to be the leader and gave his name as Nikola Rusu, to make a statement - Ex.16 - and sign for the two cars. Both vehicles were then released to them.

The two cars together with the Peugeot then made for Bungenya Custom's Post arriving there between 6 - 8 p.m. They demanded to be allowed to enter Zaire. W. 57 refused as their documents were not in order, but all five men drew out pistols and threatened to shoot them. The customs officers got frightened and gave their assent. Two of the five, who were in uniform changed into plain clothes and four of them drove away in the Fiat and the BMW across the border into Zaire, leaving the Peugeot and one man at the Post. Late in the evening, two of the four returned from Zaire on foot, got into the Peugeot and drove away.

The following day, 29th January, two soldiers in uniform and one in plain clothes, saw the District Commander in his office at Katalo. They told him that they had been sent for those two cars to take them back to the State House, adding that the cars had been driven away towards Kampala. They also enquired about the police men who had removed some documents from the vehicles and said that, as they were also going to Kampala, they would be able to locate them. They drove away in the same Peugeot 504, HYL 019.

In the statement purported to have been made by Rusu - Ex.16 - appears his Force number as UN 6405. The soldier of this number is James Odiba (No. 100) who, on being shown the statement, denied that the signature appearing on it was his. He further denied being in Kisero on the material date.

It is further noted that Mr. Kulema disappeared on 20th

January, 1971 and had been missing since then. We are equally satisfied that the BMW, FOM 579, was seen in Gabu road at the place from where he was kidnaped. There can be no doubt that the BMW, FOM 566, which was abandoned at the Custom's post, Bunagana, on the 27th January, was in fact Mr. Kalema's BMW bearing false number plates as is clear from the evidence of Inspector Kibona who found the engine and chassis number of the vehicle to be the same. The identity of the two men who ran across the border into Zaire is not known. But from the subsequent events, it seems quite clear that people posing as Army soldiers were responsible not only for driving the BMW on false number plates to Bunagana in the first place, but also for re-taking its possession from Kisoro Police post and driving it and the Fiat across the border into Zaire. We refuse to believe that a man of the calibre of Mr. Kalema, who had been a former Minister, would have staged a fake kidnapping of such a standard which involved obtaining not only two sets of false number plates but also the Army mileage log forms, Army uniforms and pistols. We are of the opinion that this was a well-planned and excellently executed kidnapping, the purpose of which, besides the elimination of Mr. Kalema, obviously was to smuggle the two cars into Zaire. It is also manifest that such an operation could not have succeeded the way it did without the active cooperation of the customs officers across Bunagana on their side. The identity of the people who later on managed to collect the two cars from Kisoro is also unknown. At least two of them were seen in Army uniform.

The evil now taken as a whole indicates that prima facie some soldiers were involved in the kidnapping of Mr. Kalema and the subsequent incriminating events at the border post.

We find it hard to believe that robbers or smugglers in this country have attained such sophistication and have such means at their disposal as were employed in this case that they would execute such a mission so successfully. We would stress the fact that after the police party, which inspected the cars at Kisoro and carried out certain investigations as aforesaid, had reported to the Deputy Commissioner of Police, Mr. Adroni, nothing further seems to have been done by the Police. In other words, just as the case was dramatic, so also was surprisingly the premature end of the police investigations. This naturally raises the question why. This was a case where the police had in fact been quick to follow up clues and the abrupt end to their investigations must mean that they were on to somebody whose identity was known and it was considered 'prudent' to call halt to any further investigations. This conclusion would lend considerable support to our initial prima facie finding of the involvement of Army soldiers in the kidnapping of Mr. Kalema and of the subsequent smuggling out the two cars, including his car, across the border to remove all incriminating evidence. Having said this much, we are further of the opinion that those soldiers who kidnapped Mr. Kalema must have unlawfully disposed of him on their way to Bunagana.

55. Subject No. 36 - GEORGE KAMBA.

- Witnesses: 70 Grace Mutanda - Part 1, p. 710 - 715.  
74 John Mukalazi - Part 1, p. 741 - 755.  
84 Alfonsi Cringo - Part 1, p. 820 - 822.  
86 No. 4994 Det/Cpl. H. Okanga  
- Part 1, p. 834 - 837.  
87 Kintu Musoke - Part 1, p. 837 - 852.  
90 John A. Serwanja  
- Part 1, p. 883 - 890.  
91 Ken Owori - Part 1, p. 890 - 898.  
111 Det/Supt. F. Orogom  
- Part 1, p. 1077 - 1087.  
112 ASP Cusa - Part 1, p. 1082 - 1083.  
122 Lt. Joseph Kwoya  
- Part 6, p. 5304 - 5318.

The subject was formerly the Uganda High Commissioner in India, and at the time of his kidnapping on 27th June, 1972, was a director of the East African Posts and Telecommunications Corporation.

On 27th June, 1972, Mr. Kamba and his secretary hired a self-drive car, Peugeot 504, BVJ 241, from the Popular Tours Agency.

and Transport Company Ltd., otherwise known as the Uganda Peoples Transport, from its transport manager, Grace Mutanda (W.70). The mileage for the time of renting the car was 50466 km.

Mr. Kamba attended a party at the Kampala International Hotel the evening prior, given by the Director of the East African Bar Association. Attending the party were also John Mukalasi (C.74), Kintu Musoke (C.87) and Mr. Kamba's cousin Mr. Proya (C.422). Mr. Kamba told Mukalasi that he would be leaving the party early but could not till the Minister of Communications, Mr. Othman Guma, left. Eventually, when the Minister left, Mukalasi went outside the hotel and found Mr. Kamba sitting in a green Peugeot 504 and was asked to inform Mr. Sebuyira that Mr. Kamba was not attending the dance. When Mukalasi returned after looking for Mr. Sebuyira he found that Mr. Kamba had gone. He, like Kintu Musoke, went into the main bar on the ground floor. A few minutes later, the receptionist, Ben Oweri (C.91) saw Mr. Kamba running into the main lobby. He was being chased by five people who were trying to catch him. Oweri said that as they entered the lobby one of the five threw an object like a pistol at Mr. Kamba; it hit the counter and fell down and the man picked it up again. The other four men also were holding similar objects.

Mr. Kamba ran into the main bar, shouting "they want to kill me, help me." These people caught hold of Mr. Kamba at the bar counter and this was followed by a 'tug of war', during which a European called Mr. West tried to rescue Mr. Kamba. Witnesses heard the fight between Kamba and his captors and took him to the Military Police, Makindye. Mr. Kamba asked them to handle the matter peacefully and for the police. Kintu Musoke asked them to catch the men and bring them to the police, but they turned down all these requests and said that they knew what they were doing.

They dragged Kamba outside and a man, better dressed than the other five, directed them to a car saying "we shall take him in this car." The car then left and Kintu Musoke rang Mr. Obitro Goma to inform him of the incident. On his advice he also informed the then President of that time Mr. Oboto Ofundi who asked him to report to the police. Mr. Kamba's cousin did not witness the incident but on learning of it he checked at the Central Police Station, which is the nearest to the hotel, to see if Kamba had been taken there. He was told about the report which had been made but that Kamba had not been taken there. He returned to the hotel and, on making enquiries, learnt about the details of the kidnapping which he found hard to believe. He said that he was told by a Securicer man that his cousin was said to have been taken to the police station and it was after two days, when all his enquiries to find him had failed, that he realised that his cousin had in fact been kidnapped. He reported to the Chief Intelligence Officer, Ozi, who said that investigations would be mounted. His cousin has not been seen since.

On 30th June, 1972, the Assistant Manager of the Crested Crane Hotel, Alfuesi Oringo (#.84) found the Peugeot 504 which Mr. Kamba had hired parked in front of the hotel, obstructing other cars. Nobody seemed to know about the car or its owner and, on being satisfied that it had been abandoned, he reported to the police. On the following day Corporal Okanga (#.86) visited the hotel and inspected the vehicle. It appeared that it had been involved in an accident as there was a slight dent on the front door. The vehicle was taken to Jinja Police Station where on 3rd July, 1972, SP Ouma (#.112) made an inventory of the articles found in the car - Ex.25. On 5th July, Detective Sergeant Orono, acting on instructions

from the head of the G12, went to Djaja and took over the exhibits. Subsequently the Banda Peoples Transport Company was asked to collect an air vehicle and, on 6th July, 1972 when the vehicle was collected, the odometer was reading 51340.

There are a few discrepancies in the evidence, which refer particularly to what was said by the people pursuing Kamba and the direction in which the vehicle left after taking Kamba from the hotel. We are satisfied that the situation within the bar would have been very confused. One witness spoke at a time of year over Mr. Kamba and it seems clear to us that the customers tried to argue with the kidnapers to settle the matter in a more peaceful manner. We do not know what action, if at all, the police took upon receiving the report. The hotel receptionist saw those five people holding objects resembling pistols and we feel that this may be one of the reasons why the customers in the bar did not try to prevent this kidnapping even if for the 'love of war'. The identity of the kidnapers is unknown, so are the particulars of the vehicle used in carrying the subject away. The Peugeot was found three days later outside the Crested Crane Hotel in Djaja. It is a mystery how this vehicle got there except for the fact that one of the kidnapers perhaps drove it to the hotel in Djaja after getting it out from the victim.

We are satisfied that Mr. George Kamba was kidnapped from the Crested Crane Hotel by five unknown people. It is to be noted, as one of the witnesses did, that they were the best, for if they had known they would not have allowed the vehicle outside the hotel in Djaja 50 miles away. It is also noted that Mr. Kamba was kidnapped for other reasons which have not been set in evidence and, as he has not been seen since, it is difficult to give a full picture of the

Kilneng, the possibility is that he was killed by his kidnappers, possibly on the way to Jinja.

56. Subject No. 37 - JAMES BWOZI.

Witnesses: 1. Hon. Mary Jiva Bwozi - Part 1, p. 941 - 949  
2. Hon. Harriet Bwozi - Part 1, p. 949 -  
3. Hon. ... - Part 7, p. 6900 - 6906.

Jinja was found to work for Uganda Television. He was first the General Manager and was subsequently made a Director. He was married to Mary Jiva Bwozi (1955) and has four children between the ages of 11 and 15.

Some days later he disappeared on 15th October, 1972, they heard news on the radio accusing the subject of collaboration with the former President Obote, leaking information and generally reflecting the Party. E. 95 said that the same news was reported later in the day in the other husband was surprised and told her that he would try to see Your Excellency and be questioned about these allegations.

Specified in the newspaper, 'Uganda Herald' of 17th August, 1972 - Ex. 105 under the title "UG. P.D. 'KAPS RWANDA'", at p. 6, in Your Excellency's interview with Mr. Kironza, the Rwanda Ambassador, and the following comment is attributed to Your Excellency:

"We should not think there are many other people including the staff of Uganda Television in the Ministry of Information and Broadcasting who are closely associated and possibly working before they are caught and are thinking in terms of confiding the Party. There are the people who keep in contact with the Party and are now trying to get out of the country, thinking that they know what is going on in the country."

Mrs. Ewori said that her husband managed to see the Minister of Information, who then was Mr. Naburi, but did not know what had transpired between them.

On 18th October, 1972, Ewori took two of his children, Harriet (G.96) and Taka, in his car, a Volvo No. UYU 723, to Ken Khan Primary School at 8 a.m from their home in Mbuva. He had arranged to collect his wife to take her shopping after dropping the children to school.

Harriet is aged about 11 and after a voir dire we allowed her to give evidence on oath. She said that on their way to school, a white Peugeot 504 followed them and, as her father stopped at the school, the other car stopped in front of them. She saw three men in civilian clothes in the Peugeot. One of the men asked Ewori for his car keys and asked him to get into their car. She said that her father did not resist but did as he was told. Her younger brother Taka picked courage to ask these men where they were taking his father, but he was pushed away and he fell down. Her father was driven away in the Peugeot towards Old Kampala side. One of the kidnapers drove away in their Volvo following the other car. According to Harriet, another girl took down the Peugeot's number which she later showed to her mother and copied it down in a notebook - Ex. 2C - the number was HVD 219, which is not included in Ex. 151 and as such the ownership of this vehicle is not known.

Meantime Mrs. Ewori waited for her husband to take her shopping. He did not return and she resorted to her father-in-law. She also went to the school to see if her children were there and, failing to find them she saw her brother in Katwa. The children subsequently returned home on foot and they narrated the incident.



Neither Bwogi nor their Volvo car has been seen since then.

Bwogi had Government service of about 12 years. He had a house in which his family is living and some land. He was insured with Crusader Insurance Company, who advised her to wait for seven years before they could consider her claim. She has been able to use the bank account but has not applied to court for an order to manage his estate.

We are satisfied that James Bwogi was kidnapped by three unknown men travelling in a white Peugeot 504 car, UVD 219, when he was dropping his children at the Aga Khan Primary School on 14th October, 1972. The identity of the three kidnapers is not known. Because the radio and press announcement that the subject was suspect was closely followed by his kidnapping, we are constrained to think that his kidnapping may have been due to those allegations against him. We are, however, unable to say who those ruffians were or where they came from. In view of the nature of the kidnapping and the circumstances, we are of the opinion that there is a clear probability that the subject was unlawfully disposed of by his unknown kidnapers.

57. Subject No. 38 - LT. COL. KAKUHIKIRE.

Witness: 111 James Rwabazaire Masiko - Part 1, p. 998 - 1003.

The subject was a Lt. Col. in the Uganda Armed Forces. At the material time he was working in Your Excellency's Office. He was married and they have four children, the eldest being seven. His wife used to work in the General Post Office and the subject used to collect her from there at lunch time.

151.

... forward to give evidence. The only witness, Mr. ... who is a State Attorney in the Ministry of Justice, claims to have been the subject's family friend.

... 1973, the witness saw the Lt. Col. driving in his car near the Parliament Building at about midday. About an hour later he was passing by the General Post Office where he saw another ... The witness learnt that the Lt. Col. had been ... from the car park by a man in plain clothes at gun point. He also heard someone saying that he had been ...

The witness saw the subject's wife in the evening, and she told him that his disappearance had been reported to the police. According to Mr. ... the subject was insured, had some money in the bank, and a ranch near Mbarara. His wife is said to have applied for a court order to manage the estate.

The evidence is very sketchy. No eye witness came forward and it seems that none was known. The only witness arrived at the scene after the event and learnt about the Lt. Col.'s kidnapping at gun point. If the account of the incident as told to him is correct then it would seem obvious that the Lt. Col. was kidnapped at gun point and, as he has been missing without trace since 21st August, 1973, there is a reasonable probability that he was unlawfully disposed of by his unknown armed kidnapper.

96. Appendix No. 39 - YOVAN OCHOYA.

- 100. Frederick Wakanyira - Part 1, p. 1004 - 1013.
- 101. Ernest Florea Ayoti - Part 1, p. 1013 - 1021.
- 102. George William Ocit - Part 1, p. 1021 - 1036.
- 103. Dr. Hippolytus Pirunci  
- Part 1, p. 1496 - 1500.
- 104. ...  
- Part 4, p. 3244 - 3246.

Yovan Ochola was a renowned athlete and had represented the country at international meets in the shot put and discus. He was married having seven children, the eldest of whom is aged 16.

The Uganda squad of athletes, including the subject, returned from the Mexico Games in August, 1972 and were accommodated at the Hotel Eboria in Kampala. The subject was in Room No. 48.

On 27th August, the subject was taken away by two men from the hotel foyer at about 11.15 p.m. in the presence of two of the hotel staff, W.102 and W.103. The matter was reported at the Central Police Station and Det. J.P. Kirundi (W.154) was detailed to investigate. The story in a nut-shell in the words of this witnesses is (p.149):

"When I inquired at the hotel, I was told that Mr. Ochola was accommodated in that hotel after he had returned from the Mexico Games, and that on the 27th of August, some two gentlemen dressed as civilians went to the hotel to look for him. He was not in the hotel at that time those two men went there. They waited for him until he returned. When he returned, they greeted him and told him to go out with them. Mr. Ochola refused, one of them produced a pistol and he was ordered out from the hotel. Where he was taken, nobody knew."

According to W.103, Ochola told the men that he would walk with them, but will not enter a car. The witness followed them outside, where he saw a cream Mercedes Benz car parked in South Street. He did not see its registration number clearly; he remembered the first letter 'U' and the figures as 480 or 840. He said that there was 'a little fight' near the car. Then one of the men drove away in the car very fast, and the other escorted Ochola away in the direction of the South Street Bus Park. He has not been seen or heard of since.

George William (W.104) is the subject's younger brother.

... called at the hotel to see him the following day, after receiving a telephone message about his arrival the previous day. It was then that he learnt of the incident. He mentioned some familiarity between his brother and a soldier athlete, Private ... He said that Luzira was unhappy at having lost to his brother at the All Africa Games in Lagos. He saw the National Coach, Mr. Odoke, after this incident. Odoke is alleged to have told him that nobody else except Luzira knew where the athletes were staying and that Luzira had offered to fetch some drinks for them from the barracks. This information seems to have confirmed his suspicions about Private Luzira, and he mentioned this much to Det. W.P. Birungi who, despite his efforts to trace him through the Ministry of Internal Affairs and the Secretary for Defence, failed to locate the soldier.

The subject's father - W.322 - received information of his disappearance from Ocit . He said that his son had a bank account which he has not tried to operate due to ignorance. He is now looking after Ochola's family.

On this evidence there is no doubt at all that the subject was kidnapped at pistol point from Hotel Equatoria on 27th August, 1972 by two unknown persons. We do not share Ocit's suspicion regarding Luzira's involvement in this kidnapping. Many seem to have seen Luzira in the hotel before this kidnapping. We think that it would be dangerous to rely on Ocit's unsupported allegations of a fellow athlete's inferiority to the subject's superiority and better prowess as a motive for this kidnapping and subsequent disappearance. In view of the nature of the kidnapping we feel that the possibility exists that Yovan Ochola was disposed of unlawfully

by his kidnapers, whose identity has not been established.

50. Subject No. 40 - CHRISTOPHER MUBIRA.

- Witnesses: 107 Edward Musisi - Part 1, p. 1056 - 1058.  
108 Paulo Sabuzungu  
- Part 1, p. 1058 - 1060.  
109 Dr. Stephen Bosa  
- Part 1, p. 1061 - 1065.  
121 No. 6749 Det/Cpl. Ploya  
- Part 2, p. 1247 - 1248.

Christopher Mubira was employed in the High Court since 1954 and, at the time of his disappearance, was the personal secretary of the Chief Justice of Uganda. He was married and had four children between the ages of 15 and 1.

was last seen on 30th January, 1974 by the High Court night watchman (W.108) when he opened the gate at 8.50 p.m. to let the subject in. He told the night watchman that he had come for his coat from his office. Soon after, the subject drove away from the High Court premises in his small Anglia car. He was not seen alive afterwards.

The subject did not reach home that night and the following morning his wife reported to the Chief Registrar, and the Senior Executive Officer, Mr. Musisi (W.107) was sent to report the disappearance at the Central Police Station. Musisi said that he was advised to check first with all the relatives and hospitals. This was done and, there being no news about the subject, W.107 again reported to the police in the afternoon.

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On 2nd February, 1974, Dr. Bona heard that the subject's body was lying in Nyanja river at mile 13, Mityana Road. He reported to P/O M. (1/11) (1974) of Mityana police post and the body was removed from the river and taken to the City Mortuary. The police officer forwarded the papers to Katwe for further investigation. Dr. Bona saw a bullet wound on the trunk of the body, the entry wound being on the right and the exit on the left. Dr. Kafaro performed the post mortem in the presence of Dr. Bona (who identified the body as that of his younger brother) and stated the cause of death as the gun shot wound. The body was buried at the subject's father's home.

The subject's widow, Anne, has applied to court for letters of administration.

There is no evidence about the subject's movements after leaving the High Court premises in his car on 30th January, 1974 at around 9 a.m. He was missing for about two days and his body found in the river, Nyanja. We are satisfied that Christopher Ndima died an unnatural death from a bullet wound but there is no evidence of his killer or the circumstances in which he was shot dead. In his case also we did not see any evidence about the investigations which might have been done by the police. As the car does not seem to have been recovered, in our view, the probability is that he was killed by 'kenos' who stole his car and murdered him in the course of the robbery.

60. Subject No. 41 - S.G. CAHELLO GIOMG.

11/11/74 : 11/11/74. S. Kanyaka - Part 1, p. 1066 - 1077.

11/11/74 : 11/11/74. S. Kanyaka - Part 1, p. 1090 - 1095.

The subject was an administrative officer in the Ministry of Provincial Administration. He had been transferred from the South West Nile District, Nebbi, where he had been acting District Commissioner, to Your Excellency's Office. We were told by the Senior Secretary, Mr. Kuzwaka (W.110) that this was a normal transfer due to the reorganisation within the Ministry and the shortage of staff.

According to the manager of the Kampala International Hotel, Winston Mubisa (W.69), the subject booked into his hotel on 9th January, 1974. He was last seen at the hotel by the manager on 15th January, 1974, and he reported to the police five days later.

On 21st January, 1974 Mr. Kuzwaka wanted to check on some work which the subject had been assigned and he found him absent from the office. He waited for him till the afternoon when he learnt when the subject had not reported for duty that day. He then checked at the hotel and was told that there was no reply from his room. He sent an officer to the hotel the following day and the subject's room was found locked. Mr. Kuzwaka also contacted the District Commissioner, Lira, to check if the subject had gone home. The subject was not at home and, as a result of these enquiries, his wife came to Kampala. Mr. Kuzwaka reported the disappearance to the Ministry of Internal Affairs. Subsequently, the property of the subject was removed from his hotel room in the presence of his wife, a woman from the Ministry and a policeman. He has not been seen since.

Mr. Kuzwaka said that on one occasion he had to give some money to the District Commissioner to meet the school fees of his children. He said that he had been waiting for a police report for their disappearance for some time.

We are satisfied that Okello Olong was last seen at the hotel on 16th February, 1974 and has been missing since then. There is paucity of evidence of his movements, or what might have happened to him since he has been missing without trace for about a year, the probability is that he may not be alive.

61. Subject No. 12 - PAULO KAKOORA.

- 113. Daniel Kaura - Part 1, p. 1084 - 1089.
- 127. Yozefu K. Senendo - Part 2, p. 1219 - 1224.
- 130. Nyara Ndawaruka  
- Part 2, p. 1233 - 1246.
- 133. Yozefu Senendo  
- Part 2, p. 1277 - 1283.
- 147. Yozefu Senendo  
- Part 2, p. 1431 - 1437.
- 156. James Mwanje - Part 2, p. 1516 -

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The subject was a taxi operator and used to drive his own Peugeot 404, No. 89B 554. He used to live in Kitintale with his wife Nyara Ndawaruka (W.150).

At one time he had engaged Yozefu Senendo (W.133) as his driver. The driver worked for him for about three months and then Kakoora dismissed him, about a week before his disappearance. His wife alleged that after his dismissal, Senendo visited her secretly till about two days before her husband's disappearance and was saying, "As you have sent me away, God who gave me this work is going to pay." She mentioned this comment to her husband and he said it was a "minor threat", adding, "They will not use the use of his own car". Senendo explained that he was afraid of being late when he took the car to a mechanic for repairs.

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He said also that he was being paid Shs. 10/- per day, whereas he was bringing in Shs. 120-150/- per day and yet his master insisted on nothing less than Shs. 200/-. He said that he was not bitter at his dismissal as this gave him time to nurse his sick father.

On Friday, 8th February, 1974, the subject told his wife at about 10 a.m. that he had been hired by one of Senendo's friends to take him to Luwero. She said that her husband went on this safari and never returned.

She reported his disappearance to the police on the following day and was asked to wait for seven days to see if he would come back. On her way back with Yowusu Kasekela (3.147), a senior clinical officer of Kisumu clinic, they met Senendo and another man near Nakawa bus stop stage. Both said that Senendo told his companion, "She is looking for her husband. Where will she find him," and they laughed. She did not ask him what he meant but sent for him the following day, Sunday, 10th February. She alleged that Senendo told her that he had seen her husband the previous day at 9 p.m. driving fast towards Luzira, and wondered how he could be missing. Later in her testimony she said that on the day she went to report her husband's disappearance, Senendo is alleged to have told her, "Your husband was killed and the body was found in Bombo in a forest and is now in Mulago. Why are you now searching for him."

Senendo denied these allegations against him. He admitted that he met her at Nakawa on 16th February, 1974, after his return from the funeral rites of his father and had only one thing to say about the comments attributed to him, which he said he had heard.

According to W.130 the body of her husband was found the following Saturday, nine days after his disappearance, from Kalulu forest at Bombo. She saw the body at the mortuary and it was subsequently buried.

On 21st February, 1974, James Musanje (W.156), who was living in Plot No. 9, Apollo Kigwa Road, saw a Peugeot 404 No. UUC 863 parked in his court-yard. He made enquiries about it from the other tenants and nobody seemed to know about it. After waiting for about an hour he reported the vehicle at Old Kampala Police Station. He was told to be patient and return later if it was not collected. The vehicle was not removed and he went back to the police the following day when his statement was recorded and he was asked to report again "in case of any trouble".

After the burial of the subject another taxi driver Yazidi Kizito (W.179) saw his friend's car at Musanje's home. He recognised it from certain dents and the glass which was missing from the front door. He looked at its registration number which was different. He reported at the Central Police Station and was directed to report at the Police Station where the initial report was made. After receiving W.130, he reported at Jinja Road Police Station. On 13th March, 1974, JIP. Kunga (W.113) saw the vehicle which W.130 claimed to be of her husband. The police officer found a service card attached to the front windscreen on which was written the registration No. UUC 863 - Ex. 26. He made enquiries at the Registry of Motor Vehicles and found that the vehicle UUC 863, which was a Peugeot 404 Saloon, was registered in the name of J. J. Kunga, Sheriff of Fort Portal - Ex. 27. He also got the name of the motor vehicle UUR 854 - Ex. 28 - confirming

that it was a Renault bearing the same engine and chassis number as on the vehicle. The vehicle was then towed away and later handed over to W. 130.

The subject's wife admitted that she made two statements to the police. She maintained that she mentioned to the police officer recording her statement the threat made by their former driver and also his remark about the body being in a forest at Bombo. Her statement was put to her and particularly the following portion:

"I therefore suspect him, that is my husband, to have been murdered by the people who hired him. I called the former driver on the 10th of February, to ask him whether he knew the people who hired my husband as my husband said that the person he was going to take was a friend of his former driver. The former driver replied that he had known so many friends, so he did not know who took him, but he added that some children at theirs saw the husband driving his vehicle at a terrific speed and they said this when Matovu of Mutunza village and they came together. The children saw him at 21 hours on 8th but he did not mention the names of children as we were just talking. That is all."

She admitted that she had made no mention about the incriminatory remarks made by the former driver, adding "But I mentioned the dates."

The evidence of AIP Kanza is also relevant on this point. Under-cross examination he said that W.130 told him that her husband had said that "Some unknown people" had hired him to take them "somewhere".

It was satisfied that Paulo Kakooza disappeared on Friday, 8th February, 1974. His car was later abandoned at the home of Mwanje on 11th February, 1974 with false number plates.

It was suspected that their former driver, Senendo, to be involved in her husband's disappearance due to the alleged threats he made after his dismissal and his comments subsequent to the subject's disappearance.

The question, of course, is one of credibility. She made a statement to the police soon after her husband's disappearance and it is obvious from the relevant portion, as quoted above, that she did not give any direct support by Senende or the alleged comments. She did not even bother to ask Senende when he said the first remark about what he meant by it and when she called him the following day she seems to have attributed to him seeing her husband driving towards Luzira the previous evening. In her police statement she said that Senende said to her what some children had told him about it. These inconsistencies in her evidence and the police statement make her an unreliable witness and we are unable to place any credence on her evidence in so far as it implicates their former driver, Senende. From the evidence of AIP Kanga, we are satisfied that she told him that her husband had been hired by some unknown persons. We therefore find that the subject was hired by some unknown people to take them to an unknown destination and was murdered by those people. The fact that his vehicle was abandoned with false number plates is an indication, in our view, of the vehicle having been hijacked by some criminals, possibly kandos, for use in their criminal activities.

62. Subject No. 43 - ANN. KAKHI.

- Witnesses: 114 Mary Skurut - Part 1, p.1093 - 1110.  
117 Haji Halil Gebukoba  
- Part 1, p.1120 - 1126.  
128 Ephraim Busingo - Part 2, p.1225 - 1227.  
129 Grace Apio - Part 2, p.1227 - 1233.

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Ann Kahi used to live in Malunya village, Rubara. She

The question, of course, is one of credibility. She made a statement to the police soon after her husband's disappearance and it is obvious from the relevant portion, as quoted above, that she did not even bother to ask Senende or the alleged comments. She did not even bother to ask Senende when he made the first remark about what he meant by it and when she called him the following day she seems to have attributed to him seeing her husband driving towards Luzira the previous evening. In her police statement she said that Senende said to her what some children had told him about it. These inconsistencies in her evidence and the police statement make her an unreliable witness and we are unable to place any credence on her evidence in so far as it implicates their former driver, Senende. From the evidence of AIP Kanga, we are satisfied that she told him that her husband had been hired by some unknown persons. We therefore find that the subject was hired by some unknown people to take them to an unknown destination and was murdered by those people. The fact that his vehicle was abandoned with false number plates is an indication, in our view, of the vehicle having been hijacked by some criminals, possibly kondas, for use in their criminal activities.

62.

Subject No. 43 - ANNA KAMFI.

- Witnesses: 114 Mary Akurut - Part 1, p.1093 - 1110.  
117 Haji Habib Gebukoba  
- Part 1, p.1120 - 1126.  
128 Ephraim Businge - Part 2, p.1225 - 1227.  
129 Grace Apio - Part 2, p.1227 - 1233.

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Anna Kamfi used to live in Nabunya village, Rubaga. She

was a landlady and was an Atesot. She was living with her husband, Bicole, who was a musician in Maliro band. Mary Akurut (C.114), who comes from the same village as Anna, used to stay with her.

Anna used to have a four door Vauxhall-Viva car, No. UY. 674, which she bought from the Uganda Vehicles Finance Company Ltd.

Anna was involved in a traffic accident some time before her disappearance; she knocked down a child who was taken to hospital. Mary Akurut alleged that later a Mukiga traffic policeman demanded a bribe of Shs. 600/- or Shs. 700/- to drop the traffic charge which had been brought against Anna. According to this witness, Anna paid the bribe and later the matter reached the CID and the policeman was arrested about two weeks before her disappearance, for corruption. He was taken to Mbaruru but was released and suspended from duty. The witness said that one week before the disappearance, Anna told her that she had met the policeman who had asked her to forgive him. Anna was alleged to have told him that she would go on with the case. Mary Akurut said that when they were coming out of the CID Headquarters after making their statements they met the same policeman who told Anna, "If I am chased away from my job do you think you will stay here in Kampala?" Anna's reply to this was, "It does not matter even if you kill me. I want to go ahead with the case."

According to Mary Akurut, Anna and Bicole went to the pictures on Tuesday, 7th August, 1973. The following day Bicole told Akurut and another woman called Grace Apio (C.129) that after leaving the Odeon Cinema at about 11 p.m. they went to Matinda Patrol Station where six people travelled in a Fiat car and asked them, Kumi for the keys.

of her car. They also ordered her to get into their car. Bigolo tried to resist and when he told those people that he was working with the Malira Band they asked him to go away "as they only wanted Anna Kampi." They threatened to put him in the boot of the car if he did not go away. Bigolo told the woman that one of those people had a pistol. He ran away leaving Anna at their mercy. Both women said that later Bigolo told them that he had seen one of those kidnapers at Malira and had arrested him and handed him in at Makindye.

On 9th August, 1973, at about 9 a.m. Haji Habib Gebukoba (E.117) was driving from Buzola when he met four hunters on the road in Najembe forest. The hunters were running in different directions and two of them asked him for a lift saying that they had seen some bodies in the forest. E. 117 went with them for about 70 ft and saw two female bodies tied to trees. He reported at Buikwe Police Station and the bodies were removed. Mary Akurut saw the body of Anna Kampi at Kawolo hospital. She had a wound on the forehead and some marks of a rope on her body. The body was subsequently buried.

Mary Akurut said that she met the same traffic policeman after the burial of Anna Kampi and told her that some Iteso people suspected him of having killed the late Anna Kampi. He offered her Shs. 50/- out of pity for losing her sister. He again asked her if she was going on with the corruption case and she told him that it would be impossible as the main witness was dead.

Bigolo was not traced to give evidence about the incident in which Anna Kampi was kidnaped. We have only the evidence of the two ladies about his account of the incident.

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There is also the evidence about the alleged arrest by Bigolo of one of the alleged kidnapers but there is no direct evidence to support such an allegation. It is not possible for us to say whether Bigolo who, we are satisfied is a real person, did in fact arrest one of the kidnapers from Malire. Had Bigolo been found and had the records of Makindye been available, it would have been possible to make such a finding. There is also the evidence about the Mukiga traffic policeman who is alleged to have been charged with corruption arising out of the traffic accident in which Anna Kampi was involved. We should have thought that tracing this policeman would not have been difficult nor would it have been impossible to get evidence about the traffic case and the CID investigations into the allegations of corruption. Our counsel seems to have been unable to get any such evidence, otherwise it would have been produced. What strikes us most is that, although the policeman had made his threats to Anna Kampi in the presence of Mary Akurut in such clear terms, neither seems to have reported him to the police. In the circumstances, it is difficult for us to say whether the Mukiga policeman is in any way implicated in this disappearance. On the other hand, if the evidence of Mary Akurut is true it would raise strong suspicion against the Mukiga policeman for his implication in Anna Kampi's disappearance. As it is we find that Anna Kampi was kidnapped on the night of 7th August, 1973 by six armed men and her body, together with that of another woman, was found in Najembe forest on 9th August, 1973. Her car has not been traced. This factor taken together with the finding of the two bodies in the forest tied to trees would seem to indicate that she may have been kidnapped by kondon who murdered her to eliminate any possibility of identification.



63. Subject No. 44 - Det. AIP MARGARET MATAMA.

Witnesses: 155 Supt. Simon D. Obonyo - Part 1, p. 1111 - 1114.  
416 Evasta Ndagano - Part 5, p. 4317 - 4328.  
485 Insp. George William Obita  
- Part 6, p. 5451 - 5468.  
508 Ali Toweli - Part(6, p. 6068 - 6122.  
(7, p. 6491 - 6515.

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The subject was a detective Assistant Inspector of Police, with a service of twelve years. She was attached to the Interpol section of the CID, and was concerned with the investigation of cases from outside Uganda. She was unmarried and used to live in Katego road. She had one son, now aged about seven, from a boy friend, Inspector George William Obita (W.485). Obita said that their relations became strained when Matama took his boss, Ongom, for her boy friend, and this led to his transfer to Masindi in July, 1970. He returned to Kampala in June, 1973 and was living in a house, about 100 yards beyond Matama's.

The subject's younger sister Mary Kirungi is married to the Head of the Public Safety Unit - PSU - Ali Toweli (W.508). According to the girl's mother, Evasta Ndagano (W.416) they had separated about two months before this incident, and Obita said that at a meeting held at Toweli's house on 24th August, 1973 he is alleged to have said that he had 'suspended' his wife Mary for two months!

4. 416 was living with Matama. She said that of Matama's three months leave, part of which she had spent in Nairobi, only a week was left, by August, 1973.

On 21st August, 1973, at about lunch time, Matama received a telephone call and a few minutes later, the men arrived in a yellow car.

..4.105.

One called out for her from the gate and Matama went out to see them. W. 416 said that she heard high voices. At about this time, Obita was on his way home for lunch. He mentioned the time as 1.45 p.m. He saw Matama standing by a yellow Mazda 1600 car bearing the registration letters 'UG'; he did not notice its figures. Matama was talking to its occupants who were in civilian clothes. He drove past them and from the 'peaceful scene' which he saw, he got the impression that it was a staff car which had come to collect Matama for duty as usual.

The mother, however, saw a violent scene. Her attention was drawn by the pitched voices. She saw her daughter being pulled towards the car. She heard Matama asking them to let her dress up and inform her mother. Then Matama was slapped and bundled into the car. The old lady said that her daughter was raising an alarm, but the people in the neighbourhood were scared to go to her assistance, being content with only peeping out through the windows. The car then drove away with Matama inside.

The old lady then ran to Obita's home and reported to him. At her request, he took her to Ali Toweli's office in Parliamentary Buildings.

Ali Toweli did not know about this kidnapping and promised to look for Matama. He saw W.416 again that evening and is that, although they were trying to trace her, if she was not found by the evening, she should be taken as missing.

On 24th August, according to Obita, Ali Toweli collected all of them at his home at about 11 p.m. Statements were recorded and Ali Toweli is alleged to have warned Obita to keep away from the old lady and his son during the

investigations/ ...../167.

investigations. Obita said that it appeared as if Toweli suspected him. All this was denied by Toweli who said of Obita, "He cannot speak the truth." He explained further that Obita had been trying to remove his son from the custody of the old lady, which was being resisted. According to Toweli, his mother-in-law did not know the number of the car which took her daughter away, and it was only later that Obita came out with the description of the car.

Obita said that he had since seen four such Mazdas - UG 1331; (2) UG 1332 and UG 1334); the fourth is a 'UVD' attached to the PSU. On 24th August, 1973, the Director of CID of the time, Mr. Seruwari instructed Supt. O'onyo (W.115) to ask Kira Road Police Station to open a file in connection with Matama's disappearance and to investigate it. The investigations were fruitless, and Matama was never traced.

Later in September, the old lady was transported with all their belongings to her home in Toro District.

We find that Det. MF Margaret Matama was kidnapped from her home on 21st August, 1973, by three unknown men. Obita's evidence regarding his observations as he drove past Matama's home were to some extent corroborated by the old lady. We are quite unable to subscribe to Toweli's comment about Obita's inability to speak the truth. We find that Matama was taken in a yellow Mazda 1600 car, bearing the registration letters 'UG'. The identity of this vehicle is obvious, in that these registration letters are applied only to government vehicles. We do not have any evidence to either pin-point the particular department of the government to which it belonged or express any views on the identity of those three men in it. We appreciate the notorious fact that mis-use of government vehicles

is a feature far too common, which would militate against any finding of government involvement in her kidnapping without evidence of the department to which it belonged. We find it probable, in view of the nature of the kidnapping and her disappearance without any trace, that she was disposed of unlawfully by her kidnapers.

64. Subject No. 45 - DR. EDWARD KIZITO KIZITO.

Witness : 116 Elusamu Nisu Okwir - Part 1, p. 1114 - 1119.  
120 Mary Nakaiza Kizito - Part 2, p. 1148 - 1158.  
121 Elizabeth Kayondo - Part 2, p. 1158 - 1167.  
126 Israel Onziga - Part 2, p. 1203 - 1218.

Dr. Kizito was a dental surgeon at Mulago Hospital. He also had a surgery in the city. He was married to Mary Nakaiza (W.120), who is a nursing sister and they have four children between the ages of seven and one.

At the time the Asians were leaving Uganda, Dr. Kizito bought a Ford Anglia car - UNZ 563 - from an Asian teacher of Old Kampala. W. 120 did not know if her husband had registered the transfer of ownership of this vehicle into his name but from the duplicate copy of the registration card - EX.29 - it is apparent that the transfer was not registered.

On 2nd March, 1973 Dr. Kizito took his wife to Mulago for night duty at about 8.30 p.m. After dropping her he then drove away in his car. At around 9.30 p.m., Dr. Kizito was taken to the Central Police Station by a person in civilian clothes who introduced himself to the duty officer, AIP Onziga (7.126), as a security officer. The man asked this police officer to keep

him till he returned for him for some inquiries. The police officer had been at the Central Police Station for about a week. He asked the man for his particulars, whereupon the man is alleged to have told him that his instructions should be complied with. The man also alleged that the police were not performing their duties properly. The police officer said that these words frightened him. The man is further alleged to have said "If you are new in the place ask your friend. This is not the first time people have been detained at Central Police Station." The man then went away.

The police officer asked the doctor what the matter was. The doctor told him that he was returning from a film when he was overtaken, pulled out of his car and taken to the police station because there was "an enquiry" against him.

Within three minutes of the doctor's arrival, a girl came in and went straight to the doctor. The police officer said that he knew her father who was a retired officer by the name of Kayondo. Elizabeth Kayondo (W. 121) gave evidence but, although she admitted going to the police station, she denied seeing the doctor there. She said that she went to the police station at about 7.30 p.m. to ring her aunt to send her transport but was instead detained there for wearing a dress which was alleged by a policeman to be a miridress. She said that she was later put in a room with some other ladies and denied having seen the doctor at the police station till her release early next morning.

According to the police officer the same man returned with another person, also claiming to be a security officer, some twenty minutes later. The doctor was then pulled out to a car and driven away. The police officer said that he let

the doctor be taken by those men because "he was not in any case with us at all in the station." But he made an entry in the station diary No. 103 (Ex.30) in the following terms:

"A man by the name Edward Kizito who claims to be a doctor in Mulago was taken away by the occupants of motor vehicle UUV 155, Peugeot Estate."

The doctor has not been seen or heard of since.

Mrs. Kizito was told of this incident by a stranger, who claimed to be the doctor's patient. She reported to her soldier brother-in-law, Ebrahim Kizito, at Mhuya. They enquired at the Central Police Station but were given no information. She returned to the police station the following day and was told by some men in plain clothes that there had been a fight, and the doctor taken by a "certain gentleman." The police asked her to wait for some days. Few days later she saw the Ford Anglia at the Central Police Station with a paper stuck on its windscreen.

On 21st May, 1973, Detective Inspector Okwir (W. 116) bought the same Anglia at the Government Auction, which was held at Naguru to sell cars abandoned by the departed Asians, for Shs. 200/-. He was given a receipt on which the lot number is stated as 0104. It was on the strength of this receipt that he was issued with a duplicate registration and of the vehicle.

It seems quite clear that Dr. Kizito was in fact handed in at the Central Police Station to W. 126 on 2nd March, 1973, at about 9 p.m. Although this police officer acted in a manner which is quite improper, we have no hesitation in saying that he did so out of fear of the man who claimed to be a security officer. It is also clear that the doctor was later collected by the same person and another man twenty minutes later in a

Peugeot Estate car No. UUV 155, never to be seen again. We also find that the young girl, Elizabeth Kayondo, did go to the police station immediately after the arrival of the doctor. We find no reason why the police officer should say so if she did not go and sit with the doctor. He knew her father as a former policeman and could have had no motive of telling lies against her. He also denied that any woman was arrested for wearing a mini that evening and was emphatic that had this been so proper entries would have been made in the police record. We accept his evidence and find that Elizabeth Kayondo was with the doctor till he was taken away from the police station. It is quite obvious that she denied this evidence for fear of being implicated, and it seems possible that she may have been with the doctor when he was arrested.

As the identity of those two men is not known, we are unable to say who they were or what they did with the doctor. As he has been missing since 2nd March, 1973 and has not been heard of since, the probability is that he has been disposed of unlawfully by the people who took him. Unfortunately, our <sup>to have</sup> counsel seems/overlooked to investigate the particulars of ownership of the vehicle involved in taking the subject away from the Police Station.

65. Subject No. 46 - CHARLES SERUKKERA.

Witnesses: 118 Aloysius Makumbi - Part 2, p. 1127 - 1139.  
123 Fred Segujja - Part 2, p. 1174 - 1189.  
139 SIP Abel J.O. Otim- Part 2, p. 1332 - 1342

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Charles...../172.

Charles Serukeera had a bar in Bwaise called the Basasa Night Club. He was married, and had some children. His family lives at Kiti village, off Bombo Road.

He was the guardian of Aloysius Makumbi (W.118), who used to work in Bwaise Market. The other witness, Fred Segujja (W.123), is the subject's cousin.

On 9th January, 1973 these two witnesses were with the subject in his office at the night club. Segujja was sent out to fetch a fan. The account of what happened is given by Makumbi as follows - (p. 1129) ;

"We were sitting at the same table, he was on the left side and I was on the other side and two men who were strange came in, I had never seen them before. One stayed at the door way and one entered, he asked him whether he was Charles Serukeera and he answered yes. He told him that "come outside and I tell you something." The deceased asked that should my son also be around while you are telling me this and that man replied that it was not necessary for the son to go with us. At that time they went outside without telling him where they were going. They left me in the office and went outside through the corridor. After about twenty minutes and after I had finished the drink I had, I started wondering and questioning myself where my father was. Later Segujja came and asked where my father was and I told him that two people had come for him and he has gone out with them, I can go out and check whether he is around. Segujja went into the bar and looked for him, he could not see him. Segujja later came back and told me that he is not any where to be seen; so, we went outside to look for him and some people told us that he was with two men outside and they had told him to enter a car. At the time they were entering the car we were not there, we were told by the eye witnesses who saw them and they said there wasn't any struggle, he only entered and they drove off."

Makumbi said that a nightwatchman, whose name was given by Segujja as Bumbakali Asega and whose whereabouts were not known, had given him a description of the car which took the subject away. It was said to be a Peugeot 504, No. UUM 896. The matter was then reported to the police. According to

Ex. 152.



this number belongs to a Toyota Corolla registered as the property of Uganda Socks Manufacturing Company Ltd., P.O. Box 3445, Kampala.

Segujja said that when he returned to the bar with the fan he did not find Serukeera in the office and Makumbi told him that he did not know where he was. He said that Makumbi sent him to look for him and later told that he had been taken by a car. He continued to say that some people who were outside the bar told him that three cars had been involved in this kidnapping. Certain portions of the statement he made to the police on the same night suggesting that he had not only been present when those two men came in but also had witnessed the subject being taken away by them in a car, were put to him. He denied being present or witnessing the taking away of his cousin and explained that he mentioned the incident in that form "in collaboration with Makumbi as both of us are one." He denied further suggestions that the removal of Serukeera meant more money for him and greater control of the bar. He said that the bar is now being managed by Nampera who is said to be a niece of Serukeera.

On 18th January, 1973 Fred Segujja reported to AIP Otim (W. 139) of Mukono police post that Serukeera's body had been found at Kivuvu sugar estate. He accompanied Segujja, the subject's wife and another man to the scene which was in one of the plantations. He saw a decomposing body which was identified by Segujja and the lady as that of Serukeera. The police officer saw six stab wounds in the back and other cuts on the lower jaw and on the side of the head. The hands of the deceased were tied with a rope. After the post mortem the body was handed to the relatives for burial.

Under/...../174.

Under further examination the police officer said that Segujja had reported that the deceased was counting money in his office when certain people forced him into the boot of a BMW car and took him away.

We are satisfied that Charles Serukeera was taken away from his night club on the night of 9th January, 1973 by two unknown men. We are also satisfied that his body was subsequently found on 18th January, 1973 in Kivuvu sugar estate. We do not think that there is any evidence which might implicate either Makumbi or Segujja in the murder of Serukeera. Neither the deceased's wife nor any other member of his family gave evidence and, relying on the evidence of Makumbi, it is plain that the two men who carried the deceased away in a vehicle using false number plates must be the people who murdered him. Their identity is not known nor is there any evidence to suggest any motive for his killing.

66. Subject No. 47 - SWAIBU KIVUMA.

Witness: 119 Deborah Nantongo - Part 2, p. 1140-1148.

The subject was employed as a special taxi driver and used to live at Natete. He was married to Deborah Nantongo (W. 119) and they have five children, including twins, who were born after the subject's disappearance.

The subject had two friends called Godfrey Kiwanuka and Nyanzi. According to W. 119 her husband used to tell her of some conflicts between them which she described as springing from jealousy as her husband was making more money. She said that one day Godfrey Kiwanuka went to her and said, "I am praying for your husband." She also mentioned another incident where Godfrey Kiwanuka owed her husband some money.

As a result of his report at Natete Police Station, Kiwanuka was arrested and detained. Later when released, Kiwanuka accused the policeman who arrested him. W.119 also referred to another incident which was narrated to her by Kiwanuka's wife that Kiwanuka had tried to get some people from Naguru to come for the subject.

W. 119 mentioned a court case in which her husband was a witness against his two friends. Speaking of the background to that case she said at p.1146:

"....one time my husband told a certain man that I have got two young men who can get you Kenya currency. And when my husband took this man to Kiwanuka and Nyanzi they ran away and left him there after which my husband was arrested. This man was telling my husband that you are the one responsible and you brought these two young gentlemen to me and so took my money. And this case was coming in court on the 24th and that is when my husband was going to give evidence against these two people; and that is the day when he disappeared."

She went on to say that during the pendency of the case Kiwanuka once said to her:

"Your husband has given evidence against me. O.K., we shall see who is better in pleading."

On 24th May, 1974, the day on which the subject was supposed to have gone to court, he told his wife that he was going with his two friends, Kiwanuka and Nyanzi, to Luwero. This surprised her and she advised him against accepting this fare but he persisted in taking them as his taxi had been hired. The subject did not tell her any other reason for this journey.

The subject did not return home and has been missing since then.

The following day, Kiwanuka came to enquire about her husband. She told him what her husband had said to her about taking him and Nyanzi, whereupon Kiwanuka denied going with him and said that the subject had misled her.

She / . / 76.

She made enquiries at the Central Police Station and was sent to Natete Police. She also went to Kibuye Police but there was no news or information about her husband. She said that she had been told by some people who used to see the two men who were saying "let his wife do something else but we finished him" (p.1142). She was unable to mention any of such people by name.

She has not seen either Kiwanuka or Nyanzi since this incident. According to her Nyanzi is supposed to be in Nairobi.

There is no direct evidence from any person who might have seen the subject in the company of Kiwanuka and Nyanzi on 24th May, 1974. Likewise, there is no evidence to substantiate the conflict about which her husband is alleged to have told her, neither is there any evidence to support the allegation that the subject was a main witness in the criminal case against those two men. Her evidence that he was going to testify against those two men the same day is contradicted by herself when she said that her husband instead went on safari that day. Her evidence about what people told her regarding the claim of those two men as having finished the subject is suspicious and it would be wrong to place any reliance on it. We find that the evidence is almost negligible in this case. We can only say that the subject disappeared on 24th May, 1974 after leaving his home in Natete and has not been seen or heard of since. There is no evidence of what happened to the vehicle which he used to drive and if that too disappeared, then it would be reasonable to speculate that their disappearance may have been due to 'kondos'. In all the circumstances, we think that the probability is that he was unlawfully disposed of by some unknown people.

67. Subject No. 48 - P.C. AREMU.

68. Subject No. 49 - P.C. RUTENGA.

Witness: 122 Station Sergeant Joseph Olupot

- Part 2, p. 1167 - 1174.

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Both subjects were policemen with the Railway Police, Kampala. P.C. Aremu used to stay at the barracks and P.C. Rutenga had been transferred to Tororo. The witness said that both were friends.

P.C. Aremu was engaged in investigating theft of goods at the goods shed during off-loading from railway wagons.

The witness was responsible for preparing the duty roster of various policemen. He recalled making such a roster in early October, 1972, which included P.C. Aremu.

On 19th October, 1972, the witness saw P.C. Aremu leaving the barracks in the morning and assumed that he was going on duty at the Railway Station, about ¼ mile away. At about 5 p.m. that day P.C. Aremu's wife went to him and enquired about her husband who had not been home since morning. His enquiries revealed that Aremu had not reported for duty that day. Later the O.C. Railway Police arranged for the transport of Aremu's family to their home in Lango.

Regarding Rutenga, the witness said that he came to Kampala for his salary and never returned to Tororo.

The evidence is very sketchy. Nobody from the homes of these two policemen gave evidence. From the evidence of the only witness, it seems that P.C. Aremu disappeared on 19th October, 1972 and has not been seen or heard of since. He was then engaged in investigating thefts at the goods shed and,

although the witness said that none of his investigators had ever been threatened or molested, it is reasonable to infer that he might have made some enemies during the course of his duties. As he has been missing since October 1972, and has not been heard of since, the probability is that he was unlawfully disposed of by unknown people.

Regarding Rutenga, there is no evidence at all upon which we can reach any conclusion. The witness was unable to say specifically whether Rutenga returned to Tororo or left the country and went elsewhere. As such we are unable to make any finding in his respect.

69.

Subject No. 50 - DAVID OCHAYA.

Witnesses: 125 Harriet Ochaya - Part 2, p. 1196 - 1201.  
132 Sarafino Okot - Part 2, p. 1249 - 1269.  
135 Venancious Okoya - Part 2, p. 1293 - 1298.  
166 Vincent Kitara - Part 2, p. 1006 - 1610.  
372 Judy Atim - Part 4, p. 3795 - 3820.

He was the Deputy Secretary of the Lint Marketing Board and was married to Harriet Ochaya (W.125), aged 21 and working for the Bank of Uganda.

On 2nd January, 1973, the subject picked his wife from the bank for lunch in his dark blue Fiat car, Registration No. UVE 931, and drove towards their home along Jinja Road. Near the 2nd roundabout, a BMW car overtook them and stopped in front of them blocking their way. David Ochaya stopped and got out of the car. There were two men in the BMW and they asked him for his car keys. Two of them in civilian clothes came out and pulled him into the

BMW. They drove away with him towards Wampewo Avenue. Harriet also came out of the Fiat and started running along the road following the BMW. The third man drove away in Ochaya's car.

According to ex. 151, no change of ownership seems to have been registered on the Central Registry so far. Harriet saw the BMW stop at the petrol station in Wampewo Avenue. She reported the incident to a policeman who was on traffic duty at the roundabout. He stopped a police patrol car and passed on the report to the policemen in it. The police car went up to the petrol station and Harriet, who was then approaching the petrol station, saw the policemen talking to the men in the BMW. She saw the police car coming back and it stopped near her; she did not hear what the policemen told her as a crowd had already started gathering. She then went to the Lint Marketing Board and reported to the Chairman who took her to the Central Police Station via the Public Safety Unit, Naguru. She said that she has not seen her husband or the Fiat car since then.

Sarafino Okot (W.132), the Chief Security Guard of Transocean Ltd., is the subject's uncle. He received information about the incident at about 2 p.m. He went to the Central Police Station and Naguru but failed to find any information about his nephew. He saw Harriet who told him that she had not been able to note the BMW's Registration number. Harriet said that later Okot gave her the number of the BMW as UUV 520, but Okot denied doing so. He alleged that Ochaya's sister, Judy Atim, (7.372) had given it to him at a party at the house of one called Mr. Orach. Judy Atim admitted that she was at the house of Mr. Orach where she saw Okot, but denied giving him the BMW's number. She said that nobody mentioned the car number at all, and added that the only person who could have given her the car

number/. ...../180.

number was Harriet and she had not noted it. According to Ex.152, the number UUV 520 belongs to a volkswagen of the President's Office, P.O. Box 7168, Kampala.

Okot mentioned two other eye witnesses to this kidnapping. The first Venacious Okoya (J.135) is a Det/Asst/Insp. of the Special Branch and is married to Okot's distant clan sister. Okot alleged that he met Okoya the following day at Drapers when the latter told him that he had witnessed Ochaya being overpowered by four men and taken towards Kololo airstrip, when he was driving home for lunch. Okoya said that he was stopped by Okot near Drapers and told about the kidnapping of Ochaya by unknown people. He denied witnessing the incident himself. The second person mentioned by Okoya is Vincent Kitara (W.166) who was working for Gailey and Roberts Ltd. near the scene of this incident. Okot alleged that he went to Kitara's home the same evening when Kitara told him that he had seen this incident. Kitara, however, denied this allegation and maintained that he had called Okot into his house for a cup of tea at breakfast time.

Okot made no secret of his feelings against Harriet. He suspected her of being responsible for Ochaya's kidnapping and disappearance and gave two reasons. He said that on 1st January, 1973 he had spent the night with Ochaya, and at about 11 p.m. had seen Ochaya and Harriet quarrelling, the quarrel being about her abortion. He said that Ochaya assaulted her and she said to him, "Ochaya David has assaulted me, he will see what will happen within two days." Okot said that she went on to threaten that "She will use her brother who is in the Army and another brother who is a businessman to get hold of David." He said that on 2nd January, 1973 he was told by Ochaya's messenger, after this incident, that Harriet's brother Ongom, who



the businessman, had gone to his office with four people wanting to see Ochaya. He said that he saw the visitors' form bearing Ongom's name on it and the messenger told him about the other four people. He said that he tried to look for Ongom with some Army intelligence men and the police but found that he had already gone back to his home in Lango.

On 4th January, 1973, Okot wrote to the Central Registry of Motor Vehicles (Ex.31) asking the officer-in-charge "Not to bow down to any intimidation" from any person who may attempt to change the registration number of Ochaya's Fiat and to report any such persons to the police.

We are satisfied that David Ochaya was kidnapped on 2nd January, 1973 in the manner narrated by his wife Harriet. He has been missing since then. With regard to the evidence of Okot, we would like to say that we found him very loquacious with a very fertile imagination. He was contradicted by the two men who he alleged had witnessed the incident. We are satisfied that neither of them saw the kidnapping. There is also the contradiction regarding the registration number of the BMW, and we are satisfied that there was no possibility of Judy Atim giving it to Okot. His evidence about the threats allegedly made by Harriet on New Year day, also looks extremely suspicious when contrasted with the evidence of Judy Atim who spoke of happy relations between the two and also about the contemplated marriage between them. We are in agreement with Okoya, who has known Okot for a long time, that he is not reliable. In addition to this, we would say that there was no evidence at all to show how and from where the number HWV 520 was obtained or how it found its way to Okot. Although we have seen cases where vehicles have been displaying false number plates we are unable to say the

same about the BMW as we do not know who actually noted down its registration number. None of the witnesses who appeared before us claimed to have seen the registration number of the BMW. As such, we cannot say if at the time of the incident, the BMW was displaying such a false number.

In view of the nature of the kidrapping and the fact that Ochaya has not been seen or heard of since 2nd January, 1973, we find that the probability is that he has been disposed of unlawfully by his unknown kidnappers.

70. Subject No. 51 - WALTER KUNGU KARUMBA.

Witnesses: 117 Haji Habib Gabukoba - Part 2, p. 1298 - 1301.  
137 Mrs. Susan Wamaida - Part 2, p. 1317 - 1331.  
140 Jane Nambi - Part 2, p. 1443 - 1349.  
143 Margaret Katende - Part 2, p. 1384 - 1396.  
144 Det. AIP S. Ekeyu - Part 2, p. 1396 - 1401.  
145 No.1595 Det/Cpl.G. Nyongesa  
- Part 2, p. 1401 - 1407.  
146 G.P. Kyambadde - Part 2, p. 1408 - 1430.  
433 Dr. Wilson K. Kisubi- Part 5, p. 4576 - 4578.

The subject was a Kikuyu from Kerya. He was a trader in clothes and also a landlord.

He seems to have come to Jinja in May, 1974 and there is ample evidence, which is not denied by the witnesses concerned, that on 26th May, 1974, he went to the shop of Mrs. Katende (W.143), where another commission agent Graceford Patrick Kyambadde (W.146) of Mukono Quick Service, bought some items of clothes worth Shs.5,200/- from two Kikuyu ladies who were acting on behalf of

the old man. It is also not in dispute that Kyambadde took one order leaf No. 405 (Ex.32) from an order book belonging to Mrs. Katende which he signed in the space provided as "For M. Katende and Sons". He promised to pay the amount to the Kikuyu ladies the following day. Kyambadde said that the shop assistant, Margaret Kagoro, asked him to leave a dozen shirts worth Shs. 720/- for Mrs. Katende's shop.

The following day he returned to the shop wanting to tell the two Kikuyu ladies that he did not have the money. This time he affixed his rubber stamp on to Ex.32 and, after going back to Kawolo, managed to return with Shs. 1,000/- which he paid over and also entered it on Ex. 32. He promised to settle the balance two days later. He said that he fell sick and did not go to Jinja as he had promised. Meantime the Kikuyu ladies kept on pestering Mrs. Katende about the money and, according to Jane Nambi (W.140), a seamstress who sits in Mrs. Katende's shop, they had sent a message to Kyambadde through his brother about this matter. It seems that things dragged on till June, 1974 and on 11th June, the subject came to Jinja in his Datsun pick-up, No. KPD 304, and stayed at Munaba Lodge. According to W. 137 the subject came to Jinja for collection of his money and also to have his vehicle registered in Uganda so that he could sell it.

On 14th June, the old man saw Detective AIP Ekoyu (W.144) and asked for his assistance to recover the balance of a 4,220 due to him under Ex. 32. Ekoyu asked him to return the following day at 9 a.m.

On Saturday 15th June, the old man, his son Karanja and W. 137 went to the Police Station to see Ekoyu, who was not in. They proceeded to Mrs. Katende's shop and the old man demanded his money and also informed her that he had already reported the

matter to the police. According to W. 137, Mrs. Katende is alleged to have exclaimed, "Report me to the police" and laughed. The old man then returned to the police station leaving W. 137 in the shop. This time Cpl. Nyongesa (W.145) saw him. Ekoyu was still not in and the old man again returned to Mrs. Katende's shop. W. 137 said that during the old man's absence, Mrs. Katende rang up somebody. The man she wanted was not in and she left her number to ring her later. Mrs. Katende's evidence on this point is that she had tried to speak to someone at Jinja printery. W. 137 again tried to persuade Mrs. Katende to talk to the old man but she refused saying that she will speak only in the presence of the police.

The old man then left with his companions to buy some milk. He left the other two at the dairy and went back to the police station, about 1½ miles away. The time then was about 11.30 a.m. He never came back.

On the same day Jane Nambi got to Mrs. Katende's shop at about 12.30 p.m. She said that after lunch she received a telephone call from Kyambadde during Mrs. Katende's absence saying that he was sick at his brother's house and asked her to tell the Kikuyu to be patient, Mrs. Katende stated that she left her shop that day for lunch at a nearby hotel at about 1.00 p.m. and returned soon after lunch. She denied being told by her shop assistant about Kyambadde's telephone call.

Kyambadde said that he did not go to Jinja on Saturday. He maintained that he was in Jinja the previous day, Friday, 14th June, and said that it was on Friday that he rang up Mrs. Katende's shop from his brother's home to say that he was sick and could not settle the balance with the Kikuyus that day. He was confronted with his statement dated 21st

June, 1974, in which he is recorded as having said that on 15th June, 1974, he arrived in Jinja at about 1.00 p.m. with half the balance. He admitted saying this but explained that he did not then know whether Friday was the 15th or another date. He maintained that he made that statement not at the police station as is indicated on it, but at Gadaffi Barracks, Jinja where Nyongesa had recorded it, after he had been tortured by the soldiers. He said that he was then taken to Naguru and on 3rd July, he made an additional statement at Impala house correcting the date when he had gone to Jinja. He was subsequently released on 11th July, and told to try to get some useful information about the missing Kikuyu.

Mrs. Katende said that she was also taken to the police station on 28th June and that was the first time for her to see the Ex. 32. This was contrary to what Kyambadde said that when he returned to her shop on 27th May, he had informed her about Ex. 32.

One last piece of evidence worth mentioning is that Kyambadde stated that on 14th June, when he was suffering from ear trouble, he was treated by a Jinja doctor called Kisubi (W.433). According to him the doctor recorded his name on a piece of paper. Dr. Kisubi denied this evidence and said that having looked at his record of patients for the whole of June 1974 he had failed to find the name of Grace Kyambadde.

On or about 24th and 25th June, Haji Gebukoba (W.117) lent his car to the station master, Buikwe, to search for a missing person in Najjembe forest. (Also mentioned in the case of Anna Kampi, subject No.43 - p.161) Cpl. Nyongesa was informed by the husband of W. 137 about a rumour that the old man's vehicle was seen being driven in Buikwe direction and he followed it to

Near the forest, he found two or three shirt wrappers and, in the forest, he came across six or seven human skeletons. He said that he had not been able to search through the whole forest as he was afraid of wild animals. His investigations proved fruitless.

There can be no doubt that the old man was pressing Mrs. Katende for settlement of his outstanding money and it is also clear that this matter was dragging on. His recourse to the police for assistance did not seem to improve matters. From the evidence of Kyambadde himself, it is manifest that at no time did he have enough money to settle the outstanding debt. The telephone, which Mrs. Katende made on 15th June, in the presence of W. 137, appears to have no connection with this matter and we accept her explanation about it. It seems to us that Kyambadde was untruthful about the date he visited Jinja. According to his first statement he was in Jinja on the day that the old man disappeared. That is also the same day on which Jane Nambi received his telephone about his being ill from his brother's home. He admits making such a telephone call but maintained that it was on the 14th. We do not believe him on this point. Another factor which exposes him as untruthful is the doctor's evidence denying having any record of treating him on any day in the whole month of June. It is possible for us to accept him as a witness of substantial truth even if in some parts of his evidence he has been untruthful. He admitted the transaction with the Kikuyu ladies. He admitted that he was having difficulty in finding the balance as his other customers were not paying him. He admitted using a leaf from Mrs. Katende's order-book and gave an explanation for doing so, which we think is reasonable.

We have considered the reason for his telling a lie with regard to the date. It seems to us that the only reason could be to avoid any suspicion attaching to him about the disappearance of the old man. The old man left the dairy at about 11.30 a.m. when, according to Kyambadde, he had not arrived in Jinja. In his first statement he said that he arrived in Jinja at about 1 p.m. This is in some way corroborated by Jane Nambi who received the telephone from him after lunch. We are satisfied that when the old man left the dairy at 11.30 a.m. Kyambadde was not in Jinja. Nobody knows where the old man went from the dairy, nor is there any evidence of what might have befallen him. We appreciate the fact that Kyambadde still owed him Shs. 4,227/- and that the old man's car also has not been seen since. The debt could possibly raise suspicion against Kyambadde but if he was not in Jinja between 11.30 a.m. and 1.00 p.m., we find that this factor by itself is very much weakened and we are reluctant to say that Kyambadde is implicated in the old man's disappearance. The evidence of the search in Najjembe forest is not helpful either. The shirt wrappers could have come from anywhere; they were not identified as being those of the old man. No fresh body was found in the forest, and, according to Nyongesa (W.145), those skeletons were some years old. None of the villagers, who are alleged to have seen a Datsun vehicle being driven towards the forest, was located. For these reasons, we feel that even the circumstantial evidence is totally lacking and unconvincing.

We find that Walter Kungu Karumba disappeared on 15th June, 1974, after leaving the dairy in Jinja and has been missing since. We accept the evidence of his relative Mrs. Wamaida (W.137) that her enquiries in Nairobi and at Malaba Border indicated that the old man had not returned to Kenya. The probability clearly is that he might have been kidnapped by robbers because of his vehicle which too has disappeared.

71. Subject No. 52 - ERIDADI WILLIAM WALUGEMBE NAKIBINGE.

72. 53 - JOSEPH NDYAHIKAKI.

73. 54 - HASSAN SIMBWA.

Witnesses: 141 Mohamed S.A. Mulendwe - Part 2, p. 1350 - 1374.

188 Jenaro Charles Olok - Part 2, p. 1874 - 1881.

370 SP Constant Ojulong - Part 3, p. 2996 - 3010.

508 Ali Toweli - Part 6, p. 6068 - 6122.

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Messrs. Nakibinge and Ndyahikaki were employed by the Uganda Sugar Factory Ltd, Lugazi; the former as the personnel manager and the latter as the senior purchasing officer. Simbwa was the manager of a sister company, UGMA - Usuma Steel and Engineering Company Ltd.

There was evidence from the secretary of the company, Mr. Mulendwe (W.141), and the Government Agent at the factory of the time, Olok (W.188), that on 10th July, 1973 five workers including subject 52-53 and W.141 were arrested by the PSU and taken to Naguru on the allegations of misuse of the company's property. It seems that the allegation mainly was against Simbwa concerning the theft of some steel. According to W.141 when he heard of Simbwa's arrest at UGMA, he went there to enquire and found some police officers in uniform addressing the workers. He said that it was Mr. Ali Toweli who was addressing the people and, after telling the crowd that he had removed bad people asked the people if they had any other complaints. One voice from the crowd, mentioning the names of W.141 and subject 52, said that if they were removed there would be no more trouble at the factory. Mulendwe said that he was then caught and thrown into a car. They went around the garages looking for subject No.52 and he too was arrested from his office. He did not know how the fifth man Kamulia was arrested.

In/...../189.....



In the end, all five of them were taken to Naguru where they were put in a cell, which already had three or five other people in it in connection with a robbery at the Uganda Commercial Bank. Mulendwe said that he, Kamulia and Gabriel were released on 13th July, 1973 after enquiries had indicated that they had nothing to answer. Subject 52 and 54 were released on 17th July, and the PSU wrote to W.188. The letter which is dated 17th July, 1973 reads as follows: (Ex.34):

"Messrs. Simbwa and E.W. Nakibinge released  
Lugazi CRB 611/73

C, With reference to the people mentioned above, I had to inform you that your employees have been released to resume their duties as soon as possible. I hope you will solve their misunderstandings with the workers of UGMA and Uganda Sugar Factory, and the workers should not misbehave to them or else disciplinary action should be taken to any worker who misbehaves. I shall call them wherever they are needed."

This letter is signed by one called B.K. Farjala.

Mr. Olok spoke of the misunderstandings as follows -  
(p. 1880):

"The gentlemen (that is Nakibinge and Simbwa) were arrested by the PSU and after a thorough investigation they found that the alleged misuse of the property was not correct and the conclusion was that this was a result of misunderstanding between these gentlemen and the workers which led some workers to giving information to the police that they were misusing company's property and this led to their arrest. That is why it is stated that we should try to solve the misunderstanding between the workers and those officers."

Mr. Mulendwe ascribed these arrests "to typical African Fitina" and said (p.1371):

"That is why I said, Sir, it is African Fitina because it has got many things. It could be by virtue of your qualification, by virtue of your office you are holding, by virtue of your progress, it could be anything."

Olok/ /199

Olok explained that the Factory had been taken over after the departure of the Asians and it had become necessary not only to up-grade people to higher posts - Nakibinge was promoted to Personnel Manager - but also to recruit senior people from outside, Simbwa being one of them. He felt that the grudge could have stemmed from the aspirations of some people who had been with the company for years and were superceded.

Olok said that after the release of these people, the Minister of Commerce addressed a cross-section of the workers of the factory and expressed disappointment at the manner in which the arrests had been made without proper previous investigations. He promised that someone from the PSU would come to address workers again.

Those arrests adversely affected morale at the factory, particularly amongst the higher cadre who were prone to the threatening remarks of the workers 'you will be next'.

On 13th August, 1973 the three subjects were rearrested. At about 9.30 a.m. Mulendwe was in the office of the Government Agent, Mr. Seruwamukoko, when Nakibinge came in with a man who has been referred to as 'an officer.' This man told them that he was from Naguru and Mulendwe got the impression that he was either a policeman or an Army officer. He did not produce his identity card but stated that he wanted to take Nakibinge to complete the statement which he had earlier made at Naguru. Mulendwe accepted this as true because of Nakibinge's previous visit to Naguru. The man also said that he wanted Joseph, "the man with some marks on his face." Mulendwe said that this description was of Joseph Mnyahikaki. All of them then went to Olok.

Olok/..../191..

Olok had just arrived in his office and these people came in and Seruwamukoko told him excitedly that the strange gentleman was trying to arrest Nakibinge, purporting to have come from Naguru PSU. The man ignored what was being said and instead asked Olok if he was Joseph Ndyahikaki. Olok told him he was not and asked him why he wanted to take Nakibinge away. The reply was - (p.1875):

"He told me that that was none of my business, he was given instructions from the highest authority and all he wanted was Mr. Joseph. All this time he was speaking in Swahili."

When he told him that Joseph would be in his office the man left with the others to go to that office where Joseph Ndyahikaki too was arrested. Meanwhile Olok rang the District Police Commander, Lugazi, Superintendent Ojulong and reported the matter to him and asked for assistance. Ojulong is alleged to have told him that he had no transport and Olok should ask the man to stop at the Police Station, "if indeed he was sent from Naguru PSU" as he alleged. Olok pointed out to Ojulong that the man seemed to be "uncontrollable." He explained that this observation was based on two things. First, the man did not listen to them and secondly, Olok could see a pistol from inside his jacket. Ojulong however denied this evidence and maintained that he told Olok that he was going to his office immediately but soon after Olok rang him again to say that the man had left in his car.

However, Olok narrated the subsequent event as follows - (p.1876):

"I then left my office and went out. As I left the verandah, I saw the gentleman coming back from Mr. Ndyahikaki's office preceded by Mr. Ndyahikaki himself; Mr. Nakibinge and Mulendwe. All along Mr. Mulendwe was trying to find out why he was taking the two gentlemen but he persistently refused to be disturbed. I then joined the group walking towards the car

and/...../192.

and he requested Mr. Niyahikaki to enter the car as well as Mr. Nakibinge. He also entered the car in the driver's seat, and I finally asked him why he was doing this? He said I should never get myself involved, he said, "you should not get yourself involved and don't waste my time." I also told him that the Police Commander requested him to go through the Police Station. He did not answer but drove off at a very high speed."

The car was a green BMW 1800, whose colour according to Mulendwe, was bluish and according to Olok, greenish. The witnesses said that its registration number was UYM 742. Immediately, Olok rang Superintendent Ojulong again and the Superintendent who was then looking through his window, told Olok that he had seen the car at the roundabout, opposite the Police Station, going towards Kampala direction. Mulendwe also got into his car and gave chase. There was a difference of three or four minutes but no where on the way to Naguru did he see the BMW. At Naguru Mr. Obura denied sending anybody for these people and Mulendwe was given an officer to go to the Central Registry of Motor Vehicles to check on UYM 742. It was found that this number belonged to a different car. According to Ex. 152 this number belongs to an Opel vehicle of Joseph Senoga, Box 19 Iganga. Lugazi Police organised a patrol some two hours later but, as expected found nothing.

Nobody offered any resistance to these arrests. Mulendwe said that his suspicion had been aroused because the man did not even know the full name of the person he was supposed to arrest. Olok said that they only tried to persuade him through 'talking' and did not offer any physical resistance. He said (p.1879):

"The biggest problem was that he was definitely armed and none of us was armed, secondly, when he said that he was sent from Naguru PSU I remembered that a month before when the same

people were arrested a letter was written to me by the O.C. PSU to say that the two gentlemen, Nakibinge and Simbwa, were released after investigations and they should be reinstated in their duties and that if they were required they would be recalled. So whereas I was suspicious, I still thought that may be this was following the letter which I received from the O.C. PSU."

On the same day, at about 10.30 a.m., Olok received news of Simbwa's arrest from his factory. Later in December, the bodies of these three subjects were found in Bombo area and, on 14th December, 1973, the relatives went to collect them from Bombo Police Station.

Ali Toweli remembered dealing with the case file of Nakibinge and his group after their arrest and finding no evidence against them, he ordered their release. He said that later he went to Lugazi and addressed the workers, urging them to stop their 'fitinas.' He denied telling the people that he had removed bad people and asked them if they had any more bad people. He further denied keeping these prisoners in the cells at Naguru and said that his Deputy may have given them a chit to take to their employers so that their salaries were not deducted. He denied any knowledge about the arrest of these three subjects after Nakibinge's previous release by him.

We think that there is convincing evidence of the arrest of five people, including subjects 52, 54 and W. 141, on 10th July, 1973. The reason for their arrest is disclosed by the two main witnesses to be certain allegations about the misuse of the company's property and also the alleged theft of some steel which was said to have found its way into UGMA. There is no doubt that these five were arrested by the PSU and, from the evidence of Mulendwe which we have no reason to doubt, it is abundantly clear that the head of the PSU,

Mr. Ali Toweli, addressed the workers at UGMA and, having informed them that he had removed bad people, asked if they had any more complaints. Although Ali Toweli's memory seems very hazy, Mulendwe was emphatic that he and Nakibinge were then arrested when one of the audience informed Ali Toweli that if they were removed, there would be no more trouble. We accept that Mulendwe and the two others were released three days afterwards and Simbwa and Nakibinge on 17th July when Ex.34 was also sent to the Sugar Factory.

On 13th August, 1973 when the strange person appeared at the premises of the Sugar Factory wanting to take away Nakibinge and Ndyakikaki saying that he wanted the former to complete the statement which he had previously made at the PSU, it would seem to be perfectly reasonable for Mulendwe and Olok to link his visit with the previous incident. We think that their reason and their conclusion that these people were in fact wanted, as indeed was stated in Ex.34, by the PSU was not only logical but the only conclusion at which any reasonable person would have, and the same would go for the strange man. The evidence that the number plate, which was on the BMW being driven by that man, being false is all too common; we have seen in other cases soldiers using false number plates to hide their identity. Because this pattern has been consistent, Mr. Obura readily provided Mr. Mulendwe with an escort to go to the Central Registry to check on the number, which he knew in advance would prove quite misleading. Taking the evidence as a whole we are of the opinion that the probability clearly is that these three people were re-arrested at the behest of the PSU, Napuru. We cannot say where they were detained, nor do we have evidence of the circumstances in which the bodies were found in Bombo area.

We can, however, say that the bodies of these three subjects were found and subsequently buried by their relatives. On the basis of these findings just as the probability is that they were re-arrested by the PSU, Napuru, the other probability is that the PSU is clearly responsible for their deaths as well.

74. Subject No. 55 - CAPTAIN ADONI AVUDRIA.

Witnesses: 142 Joyce Nabirye alias Cissy  
- Part 2, p. 1374 - 1383.  
170 Steven Isingoma - Part 2, p. 1653 - 1671.  
489 WA 8179 Abdu Ismail  
- Part 6, p. 5578 - 5618.  
508 Ali Toweli - Part 6, p. 6068 - 6122.

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The subject was a Captain in the Uganda Army.

On 9th June, 1972 he was at the Nile Hotel at night, drinking in a group including Mr. Senci Nyanzi, the Chairman of WDC, and another man called Didi.

Working in the same hotel was a bar maid, Mariamu Yebu who, according to the Chief Security Officer, Steven Isingoma (W.170), was the Captain's girl friend.

As a result of what Yebu told W.170, he went out to the car park to check on the Captain's car, a 4 door BMW. He found a Volkswagen and a Peugeot 504 parked not very far from the BMW. Two men were standing near the Volkswagen, and some other people were in the Volkswagen and Peugeot. On being questioned the two men denied trying to tamper with the BMW. W. 170 asked them to identify themselves. One of the two pulled out a card, bearing the National Coat of arms. The Security Officer did not take a proper look inside the card to ascertain what it was about. He said that he did not argue with them as they were rude to him and

this rudeness was reflected in their reply to his question as to what they were doing there when he was told curtly 'don't ask us'. W. 170 reported to the Captain who went out to see those men. On his return he said that he knew them and there was 'no problem'. He said that they were his colleagues and were from 'the Defence.'

At about 10.30 p.m. the cashier, Joyce Nabirye (W.142) took the cash to the reception and locked it. As she was leaving to wait for the hotel van, the Captain offered her a lift which she accepted. He told her that he first wanted to assist his friend whose car had broken down near the Crested Towers. This friend was WO2, UA. 8179 Abdu Ismail alias Titi (W.489), who at one time was working as Your Excellency's body guard. According to him, his Peugeot 304 car No. UUT 007 broke down near the Crested Towers and he walked to the Nile Hotel to buy a box of matches. There he was invited by Captain Bunyenyezi for drinks and about ten minutes later the subject told him that some people had surrounded his car. Captain Avudria asked him to accompany him to his car to see what the matter was. Then W.142 also arrived and got into the BMW. Ismail said that as his car had broken down and he and the Captain lived in the same direction, he asked him for a lift which the Captain agreed. The Captain stopped near Ismail's car, and both of them went to it; the girl remained in the BMW. According to the girl, Captain Avudria opened the bonnet of the other car and Ismail stayed at the steering wheel; Ismail said that he opened the boot and he was bending to look at the engine while the Captain went to the steering wheel to switch on the car's lights. Immediately, four to six cars came out of the Nile Hotel and stopped near them. The girl said that one of these cars was



Some people got out of those cars and the girl saw them fighting. She heard noise of struggling and thumping of people falling and punches. Ismail said that as he was bending down over the engine, someone pulled him from his shirt collar and he started fighting someone. The girl tried to come out of the car but was confronted by a man who threatened to shoot if she tried to run away. The man assaulted her, pulled her wig and removed her shoes. He then went back to his group and she ran back to the hotel. She found Nyanzi still there with his friends and, looking back towards the scene, she found that all the cars, including Ismail's, had disappeared from the road. She reported to Nyanzi and they rang up 999. Soon a police vehicle arrived and the girl together with Isingoma were taken to the police station. The girl maintained that they passed by the scene where nothing was found, but Isingoma said they went straight to the Central Police Station (CPS) from the opposite direction of the Standard Hotel.

Ismail said that he also managed to escape and made for the Nile Hotel. He only found a watchman there who said that the manager had gone away. He then ran towards the Parliamentary Buildings. He could not get a lift as nobody was around. He went to the Military Police Guard at the Parliamentary Buildings. He was challenged and, after he had told them who he was, he was asked to turn about and march away. He then ran towards the CPS. He met a 999 car on the way which was going towards the Crested Towers. He reported to the policeman, and went back to the scene with them. After the 999 car left he went up to the General Post Office and rang up the Commanding Officer, Military Police, Makindye. Marella asked him to wait at the scene and he started going back to the scene. Marella met him near the

Fresh Foods and drove up to the scene. He then walked home near the Golf Club, leaving his car behind. The Head of the PSU, Ali Toweli (W.508) was patrolling the city that night in a staff car. According to him he met Ismail near the roundabout opposite the Grand (now Imperial) Hotel, running towards the police station. He said that Ismail reported to him that "they" had been attacked without saying who the others were. He took Ismail to the scene but found nothing there. He then alerted the control room and drove Ismail to his home. He denied receiving any report regarding Avudria but the report of Ismail was passed on to the PSU.

Ismail, who knows Ali Toweli, maintained that he did not see him on the night of this incident. His statement which he made to the police on 19th June, 1972, (Ex.122) was read to him but he denied telling the police, as stated there, that he had met Ali Toweli that night. He said that what he had told the police was that he met a patrol car with some PSU men in it. He was emphatic that Ali Toweli did not drive him home but he walked all the way to his home.

On the following Monday, Joyce Nabirye was taken to Naguru for her statement and there was shown the shell of a burnt out BMW, which was said to be Captain Avudria's car. She said that she has not seen the Captain since then.

We find that there is clear evidence that the Captain was at the Nile Hotel on 19th June, 1972. It is also clear to us that some people, whom the Captain took as his colleagues from 'the Defence,' were seen near his car by the Security Officer. We are also satisfied that Abdu Ismail did go to the hotel that night but we are of the opinion that his presence at the hotel was not accidental. Although Ismail denied that his going to the hotel was part of a pre-conceived plan to kidnap the

Captain, the evidence of the girl, which we believe and accept as true, indicates that Ismail and those other men seen near the Captain's car were in fact after the Captain. We say this for the following reasons:

- (1) The reason given by Ismail for going to the hotel is most tenuous and unconvincing. There is evidence that there were some street lights where his car was alleged to have broken down. We do not see how the light from a match stick would have helped him in any way in repairing the car.
- (2) Amongst the cars which W. 142 saw coming out of the gate of the Nile Hotel was one Peugeot 504; a similar vehicle had been seen near the Captain's car a few minutes earlier.
- (3) The entire conduct of Ismail subsequent to the attack was most suspicious. We find it ridiculous that a man of his calibre, who was then in dire need of police assistance, could not ring the police from the hotel even if the manager was not in.
- (4) His evidence about his visit to the Military Police guards outside the Parliament Buildings also looks unconvincing, particularly when he himself is a soldier and had told those guards his name and the unit he was attached to.
- (5) He claims to have met a police patrol car on the way in which he drove back to the scene. We fail to understand why he had still to ring Marella by walking back again to the General Post Office or to have to walk all the way to his home, even after Marella arrived and could have given him a lift to his house.
- (6) There is also the contradiction between his evidence and of Ali Toweli. Ismail admitted the statement which he made on 14th June, 19... (Ex.122) to be his but denied, as is recorded, his meeting Toweli that night. That statement was made five days after the incident when everything must have been very fresh in his mind. By denying meeting Toweli after the elapse of so many months he was obviously trying to circumvent his initial report to Toweli that he had been attacked by people who he thought were murderers and that he was alone at the time of the attack.
- (7) and lastly, the girl said that when she looked back on reaching the hotel she found all the cars, including Ismail's, had left the scene. Ali Toweli says that he found the car at the scene when he went there with Ismail.

In view of the contradictions to which we have already referred we are unable to accept Towell's evidence on this point.

We find that Captain Avudria was kidnapped in accordance with a pre-conceived plan in which Abdu Ismail played a leading role by providing the bait. We accept the girl's evidence that the following Monday she was shown the Captain's burnt out car, and we have no hesitation in saying that the Captain must have been killed by his kidnapers. No. W. 8179 Abdu Ismail is, in our view, clearly implicated in the Captain's disappearance.

- 75. Subject No. 56 - NAFUTALI MADIRA.
- 76. Subject No. 57 - MOHAMMADI OGA.
- 77. Subject No. 58 - ZAVERIO OGA.

Witness: 149 Abusolom Kokwa - Part 2, p. 1458 - 1470.

Subject No. 56 was a Director of Savena Bus Company, where his brother Abusolom Kokwa was the Manager. Madira was married and has seven children.

The other two subjects were brothers and were employed in the same Company as drivers. They were both married and have families.

On 18th October, 1973, Madira went to Nairobi to fetch three newly purchased buses. Those buses were refused entry into Uganda at Malaba Customs Post as the documents were not in order. Madira came to Kampala and, on 20th October, 1973, flew back to Nairobi for the documents. The following day he rang his brother - W. 149 - asking him to meet him at Entebbe Airport the same evening.

W. 149 sent the two drivers (subjects No. 57 and 58) to

collect his brother in a white Peugeot 504, No. UUZ 037. They never returned, and all three have been missing since then. This vehicle is not included in either Ex.151 or Ex.152. No other evidence was adduced about its ownership or the change of its registration numbers.

The following morning W. 149 checked the passengers' list and found that his brother was one of the passengers in the evening plane on the previous day. He also rang the friend with whom Madira had stayed, and he confirmed that subject No. 56 had caught the plane to Entebbe. On his way back from the Airport W. 149 checked at Makindye and also reported the disappearance of these three persons at the Central Police Station and at Naguru. He did not get any information about their whereabouts.

Kokwa said that some three weeks later, he saw the same Peugeot car stopping at his garage gate at about 3 p.m. He noticed that its colour had been changed to green. Two men came out and then the vehicle drove away.

According to the witness his younger brother, Wadria (he was not called) hired a vehicle similar to the Peugeot, some three months after this incident. The vehicle was being used as a taxi; its top was painted red and it had different number plates. On recognising the vehicle Wadria immediately got out of it.

The evidence before us is very little. If W. 149 is believed then it would seem that Madira was in the evening plane from Nairobi on 21st October, 1973. W. 149 said that his enquiries at the Airport revealed that his brother had in fact been received by the two drivers. On this point also there is no direct evidence and none of those who might have seen the three together was called as a witness.

This is understandable because W. 149 was unable to mention any particular names of people he interviewed at Entebbe Airport. The fact, however, remains that all three have been missing since 21st October, 1973. We find that the probability is that they were all unlawfully disposed of by the people who made off with the Peugeot car. The same vehicle was subsequently seen by W. 149 three weeks after this incident when its colour had been changed to green. The identity of the people in the Peugeot is not known, nor the identity of the driver plying it as a taxi.

78. Subject No. 59 - JOSEPH KIZITO.

Witness: 150 Mrs. Sarah Kyambazi Kizito - Part 2, p.1470 - 1478.

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The subject used to work for the Standard Bank, Kampala. He was married to witness W.150, and they have five young children.

At the time of this incident, they had separated. The subject used to live near the Military Police Headquarters, Makindye and his wife used to stay at Kibuye. According to the evidence of Mrs. Kizito it seems that just before the disappearance of her husband the staff of the bank were being taken individually by Army Intelligence Officers to Napuru for some investigations. She said that almost the entire staff was involved in these investigations. The nature of those investigations was not made known to us.

Mrs. Kizito last saw her husband on 21st September, 1973, near the Military Police premises. They discussed the children's school fees and the subject promised to give her some money on 25th September, 1973.

Her husband did not turn up as promised. Her enquiries revealed that he had been on duty at the bank the previous day and that he was last seen by some neighbours going to a bar the

same evening. She was told by some neighbours that they had heard some people calling him at about dawn on 25th September, 1973.

She reported his disappearance at Katwe Police Station and asked the Officer-in-Charge for an escort to take her to Makindye and Naguru to look for her husband. She was told that the Police were also scared to go to those places.

Mrs. Kizito said that she took over the household property but she did not know about his bank account. She said that her husband was insured.

In this case also the evidence is almost negligible and it is impossible to say what might have happened to Joseph Kizito. We can only say that he has been missing without any trace since 24th September, 1973. It is impossible for us to hazard a guess as to whether he is dead or alive, or whether he absconded due to the investigations which were then going on.

79. Subject No. 60 - JOHN K.Z. BARIJUNAKI.

Witnesses: 151 Deziderio Bwabihiigi - Part 2, p.1479 - 1485.

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The subject was working at the Railway Station, Kampala as the station foreman. He used to live in Nakawa with a girl friend. The only witness, Bwabihiigi, is his friend and both came from Kigezi. W. 151 is the Assistant Traffic Superintendent and was transferred to Kampala from Nakuru on 10th November, 1971. He had a Benz Car, No. KHM 743.

On 13th November, 1971, W. 151 went on duty to Kasese for one day, and left his car with the subject. On his return on the following day he found his friend missing. He reported at the Central Police Station and was asked by the Police to wait for a

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few days in case he had gone home.

He saw the subject's girl friend who told him that the subject went shopping and never returned. Another friend told him that the subject and his car were kidnapped at Nakulabye by some people, and he later learnt that his car was at the Military Police, Makindye. He went to collect it and was told that the car had been involved in a robbery at Masaka and was ambushed on its way back by the Military Police at Kibuye. He was told that when the car failed to stop on being challenged the Military Police opened fire., killing three men. The bodies were taken to Mulago Hospital where the subject's brother saw them, but did not find his brother among them. The witness said that in the pockets of one of the bodies was found the subject's tax ticket.

He also reported the matter to the Railway Police but has not received any information about his friend since then.

The witness said that the subject's girl friend, with whom he used to live, was pregnant at the time of this incident and now has a baby.

Our Counsel did not call any evidence about the alleged robbery or of the shooting by the Military Police. But from the evidence of the witness we are satisfied that he collected his car, which he had left with the subject on 13th November, 1971, from the Military Police, Makindye. This fact seems to lend some support that the vehicle might have been seized by the Military Police during the ambush at Kibuye. It might well be that the subject was in fact kidnapped, as is alleged, by some men at Nakulabye as is manifest from the finding of his tax ticket on one of the bodies. On this basis we would say that the subject was kidnapped by kondonos who, having eliminated him, used the witness's car in the commission of a robbery at Masaka.



80. Subject No. 61 - MICHAEL EGARU.

Witness: 152 Christopher Odeke - Part 2, p. 1485 - 1493.

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The subject was employed at the Railway Station, Kampala as the Chief Reservations Clerk. He was married and has eight children, the eldest being about 17 and is an apprentice at the Ministry of Works.

Christopher Odeke (W 152) knew the subject since 1953. He said that he was a jovial person who got on well with people. The witness described him as a man with "the heart of an African." According to W.152, he spent the entire evening of Friday, 23rd April, 1971 with the subject. He said that at about 6 p.m. he took the subject to Nakawa to see his sick brother. On the way the subject changed his mind and instead wanted to go to Kireka. The witness refused to oblige and turned back. At Jinja Road roundabout the subject asked to be driven to Kampala International Hotel to see Dr. Kabete. They found the doctor had already left and they went to the Park Hotel for some drinks. They left for home at 7.30 p.m. and the subject asked to be taken to Nsambya Market to buy some provisions. They picked up some children from the subject's home, bought some eggs and fish from the market and returned the children home. The subject was then dropped at the Railway Club and the witness went home.

At about 1 p.m. the following day the subject's two boys saw the witness and enquired about their father. He told them where he had left him and then reported to the Railway Police.

According to unconfirmed rumours which the witness heard, the subject was picked up from the Club by some Army men in a landrover at about 11 a.m.

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The subject has never been seen or heard of since.

It is clear from the evidence of the single witness that he dropped the subject at the Railway Club at about 8 p.m. on 23rd April, 1971. What happened to him thereafter is not known. Our Counsel was unable to get any witness from the Railway Club who might have witnessed any incident such as the unconfirmed rumours about the subject being taken away by some soldiers.

We think that it would be wrong for us to rely on these unconfirmed rumours to say categorically that the subject was taken by soldiers. There can be no doubt, however, that the subject has been missing since 23rd April, 1971. We think it is reasonable to say that he must have disappeared after being dropped at the Railway Club. As he has been missing now for about four years without any word, and in view of the rumours which were mentioned, we are of the opinion that there is a probability of his not being alive.

81. Subject No. 62 - DR. SSEMBEGUYA.

Witnesses: 153 Yeronimo Waswa - Part 2, p. 1493 - 1496.

176 Yekoniya Mukwaya - Part 2, p. 1732 - 1743.

247 Constant Okumu Okello  
- Part 2, p. 2432 - 2437.

The subject was a medical doctor practising in Kampala. He had another surgery in Kawempe. He was a former member of Parliament and a political detainee at Luzira. He was released from custody just before the Army takeover. He was also the Managing Director of Nazigwe Farmers' Union of which W.176 is the Director.

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On or about 19th February, 1973, W. 176 went to the doctor's dispensary in Kawempe to discuss some business matters. He found some patients waiting. At about 1 p.m. the doctor rang to enquire from the nurse if there were any patients. On being told that there were two men and two women, the doctor came to attend to them. He asked W. 176 to wait for him in the patients' examination room. The doctor treated a woman. Then the witness saw two strong men entering the room. Without saying a word they caught the doctor and handcuffed him. The witness said that another old man deliberately obstructed his view by asking him if he was the doctor. The doctor was taken to a yellow vehicle which the witness said was an LUDI. W. 176 said that the nurse noted down its registration number, later handing it over to him, as UUZ 096.

According to W. 247 this registration number was of his V.W. BEETLE which had been out of order and off the road since 18th August, 1972. This corresponds with the details of ownership of this vehicle as set out in Ex.152. On the advice of the Licensing Officer, he had removed the front number plate, leaving the rear on the vehicle. He said that the vehicle was stolen from the car park where he had left it on 24th February, 1973.

However, W.176 came out of the dispensary following the kidnappers. He saw the old man waiting at the bus stop and, on seeing the witness, hurried away. The witness reported the incident at Kawempe Police Station.

About a week later, on Friday, 24th February, 1973, W. 153, a farmer of Bbya village, Kyaggwe, found a body tied to a tree near his home. As it was late in the evening he

reported to Luzizi Police Station the following morning.

The police visited the scene with W.176 who identified the body as that of Dr. Ssemberuya. The opposite limbs were tied to the neck and the body tied to a tree. His lips were cut and both eyes removed from the sockets.

From the evidence of W.176, we are satisfied that the body found in the bush was that of the subject. We also find that he was taken away from his dispensary in Kawempe on 19th February, 1973 by two unknown men. If the vehicle in which he was taken was an AUDI then it seems quite obvious that it was displaying false number plates. We have considered the discrepancy in the dates mentioned by the two witnesses. We have no reason to doubt the integrity of W.176 who was given the AUDI's number by the nurse. On this basis, it must follow that W. 247 was mistaken about the date on which his V.W. was stolen. The identity of these two men is not known and, although W.176 said that these two had paid for treatment and their names recorded by the nurse, we have not been able to get any such record. Mukwaya said that he had heard on the Radio that some "murderers" had infiltrated the country from Tanzania but there is nothing in the evidence to suggest that those two were such guerillas. The motive for the kidnapping is also not clear. Although the subject was a former member of Parliament and had served some time in Luzira, there is no evidence to suggest that after his release he indulged in any political or subversive activities against the government. The only conclusion we can reach is that the doctor was kidnapped by some unknown people who subsequently murdered him and mutilated his body.

82. Subject No. 63 - JOSEPH MUKASA.

Witnesses: 155 Haji Ali Mbazira Mwangi - Part 2,  
p.1501 - 1516.

171 Irene Lubega - Part 2,  
p.1672 - 1681.

The subject was a coffee processor and used to live at Kabwoyo. He was also a partner in a beer agency in Kinoni Trading Centre and one of the other partners was a man called Sendawula. He had two wives, one of whom is Irene Lubega (W.171).

From the evidence, it appears that the partnership in the beer agency was not proceeding well. There were some conflicts between the partners, particularly between the subject and Sendawula. According to Mwanza (W.155), Sendawula had once managed to get some beer from Jinja through 'improper' means. The subject confiscated the beer and later sold it. The amount involved was to the tune of some Shs. 30,000/=. The people who got that beer for Sendawula were demanding money from him and he in turn threatened to take 'drastic measures' against Mukasa if the money was not paid.

On 16th April, 1974 the subject returned home in Kabwoyo at about 8.30 p.m. Irene Lubega went to the kitchen to fetch his dinner. She found a stranger standing in the door-way and two others outside lurking in the dark. She was frightened and ran back. The narrative in her own words is as follows -  
(p.1674):

"I entered the house and when I was trying to shut the door, these people pushed it and entered. One of those who entered had handcuffs and was putting on army uniform; he had a hat with white and red insignia in front. When he entered he said "Joseph toka", then he immediately handcuffed him - then he pushed Joseph outside and the other two also helped him to take him away in a hurry.

When Mukasa was being handcuffed, I cried and this man pushed me. I did not hear what he was talking because he was talking in swahili. They took him and at that time the watchman had arrived."

The watchman tried to follow them but was threatened with a gun.

She reported to Mukasa's younger brother, Steven Ddungu, who saw his cousin Muwanga, (W. 155). At about the same time a white Peugeot 404, similar to the vehicle in which the subject was alleged to have been taken, stopped outside Muwanga's home for a short time. Muwanga decided to stop it and gave chase in his Mercedes Benz car. He managed to overtake the Peugeot after about 10 miles at Matanga Trading Centre. He reversed but the Peugeot disappeared in the village. He said that during the chase, and with the help of his spotlight, he managed to see its registration number which was UBO 135. He tried to look for it in the village and, failing to find it, returned to Masaka to report to the police, leaving another man to guard the only access road to the village. He said that the only action taken by the police was to send a message to Buwama police to set up road blocks. He said that a young policeman expressed the fear that if they stayed at the police station, those who took the subject might come and take them also. He went on to say that the police were so scared that whenever they saw a car they would run away!

After reporting to the police, Muwanga returned to the village and parked near the road. At about 1.00 a.m. a man, who was subsequently identified as Sendawula, 'erupted' from a shop about 100 yards from them and stopped a bus. He told the driver not to stop on the way as those cars had been chasing him and wanted to kill him. The bus driver stopped near the witness's car and enquired what the matter was. He was told that they wanted to take the man to the police in connection with a missing person.

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The bus then drove to Masaka police station and Sendawula was handed in. He was later released and he still seen driving about.

Muwanga said that Mukasa has been missing since then. He said that his family had announced an award of Shs. 50,000/- for any information about him. He mentioned some rumours about Mukasa having been found stabbed by the roadside by some M.O.W. staff who took him to Jinja Hospital. He said that his wife and two brothers went to the hospital and later said that the man was not Joseph Mukasa. Muwanga said that the relatives of Mukasa were divided into three groups. The first wanted to take possession of all his property, the second were for looking for him and the third did not want him at all.

It is clear that Joseph Mukasa was taken from his house by three men on the night of 16th April, 1974. His wife gave details of the uniform which one of them was wearing. The details seem to tally with the uniform of the Military Police. She was emphatic that she is able to differentiate between the various types of uniform. She was unable to recognise any of the kidnappers and there is no evidence before us to say whether the man wearing the uniform was in fact a regular Military Policeman. We cannot shut our eyes to the fact that cases have occurred where people have personated as army officers. Muwanga was able to see three occupants in the fleeing car and, although he did not know who they were, it seems fairly clear from what Sendawula later told the bus driver that he must have been in the car which was being chased by Muwanga. If Sendawula was not involved in anything wrong there was no need for him to flee in the car as he did, or to hide from the pursuers as he did. His conduct was thoroughly suspicious and we are inclined to believe that he was in fact

with the kidnapped subject in the same car which was being pursued. Notwithstanding the fact that we did not have evidence about the subject's business conflicts with Sendawula we find, for the reasons we have given, that there is evidence to indicate that Sendawula is implicated in the subject's disappearance. In view of the fact that the subject has been missing since 16th April, 1974, we think the probability is that he has been unlawfully disposed of by his kidnapers and as there is some evidence of Sendawula's involvement we recommend that further investigations be carried out by the CID.

83. Subject No. 64 - OBONG NAM.

Witnesses: 157 Jackson Ojik - Part 2, p. 1517 - 1520.  
161 John Ondoa - Part 2, p. 1560 - 1566.  
249 No. 6567 Det/Sgt. Samson Edwan  
- Part 3, p. 2451 - 2469.  
254 No. 1647 Det/Sgt. Asaf Bahemuka  
- Part 3, p. 2560 - 2566  
and 2953

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The subject was employed in the Prisons Service as Inspector of Works. He was stationed at the Prisons Headquarters, Parliament Building.

There was some confusion about the exact date of the incident in which the subject was involved; but according to the entries in the Public Safety Unit Station Diary Serial No.13 and minute No.12 of 26th January, 1973 in the police file, the date was confirmed as 23rd October, 1972.

There were two versions of the incident. W.157, who is a Sergeant, said that the incident happened at 9.30 a.m. The other witness, W.161 who was then a messenger, mentioned



the time of the incident as 2 p.m. However, on that day W.161 was at the gate when three people asked him for the subject. He took them to his office and stood outside the door which was open. He denied seeing W.157 anywhere near the room. Those people asked the subject for the keys of his car and its insurance. They went away to the car where a man in army uniform saluted the inspector of police who was one of the three. W.161 said that the inspector asked the soldier why he was saluting him when he did not have a "crown" on his hat. He said that they drove away in the car.

W.157 maintained that he was present outside the office when five men, two of whom were in uniform, came and asked the subject where he had got the Volkswagen from. He said that all of them went to the car park where the subject told the others that the car had been given to him by the garage for use while his own car was being repaired. According to W.157 they took the Volkswagen away, leaving the subject behind, and they asked him to report at the Central Police Station the following day.

The subject has been missing since.

On 5th January, 1973 Detective Sergeant Edwan (W.249) was instructed to investigate this case. He has a service of about eighteen years in the police force, of which he has served twelve as a detective. He said that he recorded statements from the previous two witnesses and traced the Volkswagen to the P.S.U. Yard, Nguru. Its Registration Number was UVE 902. Sergeant Bahemuka (W.254) produced the Station Diary and read entry S.No.13 of 23rd October, 1972, which reads - (p.2560):

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"Mr. Ayub Hassan of Maliro Regiment, Intelligence Section, P.O. Box 7095, hands in one motor vehicle, registration number, UVE 902, Volkswagen, light blue in colour, which is believed to belong to Greyhound Ltd for safe custody."

Edwan admitted that he was criticised by his superior officers in a minute dated 17th March, 1973 for lack of proper investigations in the case. His only other investigation was that on 12th December, 1973 he sent a WT to Lira, enquiring if the subject's wife was still employed by the Ministry of Education. The reply was in the negative. He also checked with the Registrar of Motor Vehicles with regard to the ownership of UVE 902 and found that it belonged to someone in the Uganda Transport Company.

According to Sgt. Bahemuka all the vehicles at the FSU Yard were subsequently sent to Naguru Airstrip for auctioning. He said that this was in accordance with orders. He produced the acknowledgement receipt issued to him in respect of this particular vehicle, Ex. 64.

Notwithstanding the obvious contradictions in the evidence of the two main witnesses, it is clear that on 23rd October, 1972 some people did approach the subject with regard to the vehicle which he was then driving. The garage in which the subject is alleged to have taken his car for repairs and from where he was given the V.W. for temporary use was not mentioned. It seems to us that the investigating officer deserved all the criticism that was made by his superior officer with regard to the lack of proper investigations. With some reluctance, he admitted that there was an atmosphere of fear at the relevant time and this was not the only time that such fear in the minds of the police was expressed. It is possible that this fear was the only cause

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which prevented him from making thorough investigations into this disappearance. Having traced the vehicle to the PSU Yard, he did not bother to get a statement from the people concerned, ~~...~~ who took the car to the Yard. We feel that had this lead been followed in time, it might have proved fruitful and might have disclosed first, the reasons for taking the vehicle and secondly the identity of the persons who collected it and lastly what they did with the subject. Unfortunately this was not done and our counsel seems to have been unable to trace the man Ayub Hassan. The investigating officer does not seem to have taken any note of what he found at the Central Registry of Motor Vehicles and he does not seem to have interviewed the owner of the V.W. However, we find that Obong Nam has been missing since the 23rd October, 1972. If the entry in the Station Diary of the PSU Yard of 23rd October, 1972 is accepted as true, and we have no cause to dispute its authenticity it must follow that Ayub Hassan of Malire Intelligence Section not only handed the car in but must have been one of the five who saw the subject at his office about the car. We do not know why an Army Intelligence Officer should have been involved in this matter. The subject was only asked to report at the Central Police Station the following day. We do not know if he did this. The evidence indicates that no body saw him after closing time. One of the possibilities is that he might have got cold feet on being questioned about the car by Army Intelligence and the Police and decided to escape; the other possibility being that he may have been kidnapped by unknown people. We have not been able to get any conclusive evidence that his disappearance was linked with the matter of the car. We are thus unable to say whether he is alive or dead.

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84. Subject No. 65 - STEPHEN KULU.  
85. Subject No. 66 - D.S.P. ODUR.  
86. Subject No. 67 - ASP OKELLO.  
87. Subject No. 68 - AIP OTTO.

Witnesses: 158 Dan Kiwanuka - Part 2, p. 1520 - 1530.  
159 Serina Kantono - Part 2, p. 1531 - 1542.

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Subject No. 65 was the Ag. Chief Fire Officer, and was stationed at the Fire Brigade Headquarters, Kampala. He was married to two wives; Serina Kantono (W.159) and Margaret Manji (she was not called). He was a man from Kakoro in Bukedi. W.159 has seven children and the co-wife three. Kantono said that she lives with her parents and is not getting any support from her brothers-in-law. Two of her children, who used to attend school, are no longer reading due to her financial problems.

On 26th September, 1972, the subject drove in his car to Mbale Fire Station. He told the Fire Officer, Assistant Inspector Dan Kiwanuka (W.158) that he came to visit his family in Kakoro, 17 miles from Mbale. He told Kiwanuka that he had come in a hurry and 'the situation in Kampala is very dangerous,' (p.1523). He asked for a lift as he was short of petrol and Kiwanuka provided him with an official landrover and a Kenyan driver, who has since returned to his home country. The subject then changed into civilian dress and went away in the landrover, leaving his car with its keys in it at the Fire Station.

The driver returned twenty minutes later and informed Kiwanuka that he had dropped the subject at his request at Mbale Hospital. Kiwanuka has not seen the subject since that day.

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On the following day Kantono delivered some keys to Kiwanuka and said that they had been left with a child to be returned to Kampala. Kiwanuka reported to the District Police Commander and Kulu's vehicle was subsequently removed to the Police Barracks.

About six months later Kiwanuka learnt that the subject had reported himself at Mbale Police Station. Kantono also learnt about this from her co-wife who told her that their husband came home after reporting to the Police and said that he had been given the option of either resuming duty or resigning. W.159 continued that during her absence when she had gone to see her sick mother, on her return her co-wife told her that their husband had been taken away in a vehicle which came to their home one day. She was told that when Manji tried to enquire what was happening she was brushed aside. And Kulu's mother told the co-wife "those people have taken your husband and sent me away."

Kiwanuka denied knowing that Kulu was in trouble in Kampala and denied that he had assisted him to escape.

He said that when he was in Kampala, he found DSP Odur (Subject 66), ASP Okello (Subject 67), AIP Otto (Subject 68) missing but did not know the circumstances of their disappearance. He mentioned another fire officer, DSP Okidi (Subject 237) as having disappeared also and he is dealt with at p.

With regard to subjects No. 66, 67 and 68 no direct evidence was adduced; no member of their families came forward to testify about their disappearance. These three were mentioned by Kiwanuka in passing and, as there is no other evidence, it is impossible for us to make any findings in their respect.

With regard to Stephen Kulu we take into account that he

left Kampala at the time of the invasion of the country by guerillas from Tanzania. It is obvious from Kiwanuka's evidence that he went into hiding for about six months. The fact that he had deserted his office is manifested by his action in sending his office keys through his son to Kiwanuka. Notwithstanding that no evidence was available from Mbale Police Station about the report which the subject is alleged to have made, we are satisfied that he did in fact return home as was reported to Kantono by her co-wife. The subject's mother, who allegedly witnessed the incident at which Kulu was taken away from his home, did not give evidence. Without trying to comment on this piece of evidence we would like to say that having stayed in hiding for the previous six months, there is a clear possibility that Kulu may have gone back into hiding or slipped outside the country. We find some support for this in Kiwanuka's testimony about the remark which Kulu made to him about the situation in Kampala being very dangerous. It seems obvious to us that Kulu was running away from that situation for reasons best known to himself. The reference to his mother's report to his wives can be interpreted to mean that he was taken by his collaborators for, had he been wanted by the police, there was nothing to stop the police from arresting him when he reported there.

- Subject No. 69 - DSP OCITI (See JOHN OKIDI - Subject No. 237, p. 440)
88. Subject No. 70 - EZERA MALOBO.
  89. Subject No. 71 - AMISI SENDOZOZA.
  90. Subject No. 72 - SEE p. 222.
  91. Subject No. 73 - MOHAMMEDI KITAYIMBWA.
  92. Subject No. 74 - NASALAMU LUBEGA.
  93. Subject No. 75 - BADEU EYEYUNE.
  94. Subject No. 76 - P.C. OBYO.

Witnesses: 162 Margarita Nakulugo - Part 2, p. 1567 - 1573.  
163 Juma Bashir - Part 2, p. 1573 - 1585.  
164 Silvester Waswa Kiyimba  
- Part 2, p. 1585 - 1593.  
165 Petero Mukasa - Part 2, p. 1594 - 1606.  
545 No. 6260 FC Ernesti Atrobi  
- Part 7, p. 6906 - 6911.

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The first four subjects were Muluka Chiefs in Bugerere. They were appointed during the previous regime when all the former chiefs under the Kabaka's Administration were removed and replaced by new ones. According to Juma Bashir, (W.163), when the Military came into power, chiefs appointed during the previous regime were removed. He said that his house was burnt on 26th January, 1971, by people "of the other side" and Amisi Sendoweza was made to eat raw meat.

On 1st October, 1972, at about 9 p.m. W.164, was arrested from his home by some people travelling in a MAZDA Pick Up, on the allegations that he was a confusing agent. Also to be arrested from his home was W.165, who said that the captors were armed and in civilian clothes.

At about 10 p.m. the vehicle stopped at the home of the Muluka Chief, Juma Bashir (W.163), and he was asked to lead them to the home of Subject No.73. He did as he was asked. At Kitayimba's home, he called out for him and, when he opened the door, one of the people pointed a gun at him and ordered him on the vehicle. They went to the homes of Subject No.74 and Subject 71. Both of them were also arrested in the same manner. The house of Sendoweza was searched and certain things were taken. Then they drove on to the home of a former councillor, Ziyadi Wagubi, who was not at home.

They drove off to Nacalama Police Post where the captors said, "Give us our man." PC Obayo was handed over to them. It was there that for the first time, the captors alleged that the people they had arrested were guerillas. They were then taken to Nyenza village to the house of an Army Officer, to whom the captors reported that they had arrested guerillas who had maize mills and were sending money to Obote. They added that they had taken W. 164 and W.165 as witnesses to confirm those allegations. These two witnesses, not only confirmed those allegations, but added that on 17th September, 1972, when Uganda was attacked by guerillas, the prisoners had celebrated the Invasion by slaughtering a goat and claiming that Obote was coming back. These two witnesses, however, denied the allegation that they had reported the others. They maintained that they were arrested just like the others and their account of the incident at the Army Officer's house was a little different. According to them, the things found at the home of Sendweza were produced and these were some photographs of Obote and a book. The Army Officer was alleged to have said, "It is you the chiefs who are confusing people because, it is you who have alleged, people are guerillas and, yet Obote's photographs can be found in your homes."

W.164 and W.165 spent the night at the Army Officer's home and the prisoners were taken to the Central Police Station, pending further investigations. According to the station diary, Entry No.2 of 2nd October, 1972, (Ex.172) five men, i.e. No.72, 73, 74, 76 and witness No.163 were handed in at the Police Station, at 0455 hours, by Captain Juma of Uganda Army. The same five people are recorded in the Lock-Up Register, Entries No. 5068, Ex.173.

On 2nd October, 1972, at about 7.30 p.m. a vehicle stopped



at the home of another Muluka Chief, called Ezera Malobo ( Subject No.70). Two men asked him to accompany them to the car and, on being asked where he was being taken, they told him, "You will see there." The subject tried to resist but the people fired twice. According to the evidence of his wife (W.162) the shots were fired in the air. Her husband was taken away and he is included in the Central Police Station Lock-Up Register, Entry No. 5066 of 3rd October, 1972, the second person being the Market Master, Badru Kycyune (Subject No.75), Entry No. 5065 - Ex.174.

According to the Central Police Station's Lock-Up Register, entries No. 5065 - 5068 (Ex.175) Kitayimbwa, Juma Bashir, Mesalamu Lubega and, PC Obayo were handed over to Captain Juma on 7th October, 1972, to be taken to Makindye. On the same day, Malobo was also taken by Captain Juma to Makindye - Ex.176. According to Juma Bashir, he was released on or about 11th October, 1972, and told that he would be called back later.

Our Counsel seems not to have been able to trace the soldier, Captain Juma.

According to Margarita Nakabugo (W.162) her husband Malobo was next found on 8th October, 1972, in Rubigi River with bullet wounds. He was taken to Rubaga Hospital where he stayed up to 17th November, 1972, when he died. She said that he had bullet wounds on both sides of the chest.

None of the others has been seen or heard of since.

There is no direct evidence about the arrest of Subject No.75 - Badru Kycyune. There is no doubt, that he was arrested and taken to the Central Police Station as is clearly shown by the police records.

We are in no doubt at all that the four Muluka Chiefs, that is, Subjects No. 70, 71, 73 and 74 were arrested on allegations of being confusing agents and being sympathizers of the former regime. We do not have enough evidence as to the reason for the arrest of the Policeman and the Market Master. The fact, however, remains that they were all handed in at the Central Police Station from where Malobo was removed on 7th October, 1972, by Captain Juma to be taken to Makindye. We accept the evidence of his wife in that he was found the next day shot in the chest, lying in Rubigi River. We are also satisfied that he succumbed to his bullet wounds on 17th November, 1972. The evidence of the Police records and the discovery of Malobo with bullet wounds the following day clearly points to the fact that he must have been shot by the people who collected him from the Central Police Station, that is, Captain Juma and his companions.

With regard to the other five people, we do not have any evidence except that they, too, were collected by Captain Juma to be taken to Makindye. As the records of Makindye Prison were not available, there is nothing before us to indicate whether they reached Makindye or not. Basing ourselves on the incident of Malobo as an example, we find that there is a strong probability that the five other subjects must have been disposed of in similar manner.

95. Subject No. 72 - DAVID LIVINGSTONE KAZIBWE.

Witness: 189. Maurice Kamukama - Part 2, p. 1832 - 1886.

He was a member of Council in Fagerera and stopped being one after the 1971 Military Takeover.

He used to work with Amisi Sendowala (subject 71).

On 23rd September, 1973, at about 7 p.m. some people knocked at the door of his house. Mrs. Kazibwe, heard him being called out by name. One man was saying, "I want you to help me, my wife is in labour." The subject asked who he was, and got the reply that he was Lukwago from Wabwanabo village. Neither the subject nor his wife knew any such person and did not open the door. This was followed by kicking at the door until it was forced open. She saw her husband being taken away in a vehicle and, as she went outside the house, those people fired in the air. She ran back into the house. She reported to the Police. Her husband has disappeared since then. They have two children. He had a bank account but was not insured. W. 189 has not applied to the Court for an order to administer his estate.

From this evidence, it is clear that Kazibwe was arrested by unknown people from his house on 23rd September, 1973. As he has been missing since then without any trace and, in view of the nature of his kidnapping, we find that the probability is that he was unlawfully disposed of by the people who kidnapped him.

96.                    Subject No. 77 - JOHN BAPTIST KASASA.  
97.                    No. 252 - LWASA.

Witnesses: 167	Mary Christine Kasasa	- Part 2, p. 1611 - 1621.
368	E.K. Sekawa	- Part 4, p. 3769 - 3772.
374	Mohamed Wamala	- Part 4, p. 3823 - 3837.

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The subject Kasasa was the agent manager of the Uganda American Insurance Company.

He was married to Mary Christine Kasasa (W.167) and at the material time they used to live in Kiwafu village. They have four children between the ages of 19 and 3, all of whom are schooling.

The subject Lwasa was a B. Com. student at Makerere University, and used to work part-time for the Insurance Company.

W.167 last saw her husband on Saturday, 2nd December, 1972 at 7.45 a.m. when he left for work.

He was next seen in his office the same morning by Sekawa (W.368) and Wamala (W.374). Sekawa saw him at 9 a.m. when Kasasa asked him for change for Shs. 100/-. Wamala, who had been promoted by Kasasa only the previous week as a Unit Manager, went to his office to greet and inform him that he was going to Jinja on business. Kasasa advised him not to go alone. Wamala left for Jinja with the Company's Surveyor and was to have returned to Kampala the same evening for a meeting of his unit.

At about 2.30 p.m. two men, one of whom was said to be from the insurance company, reported to Mrs. Kasasa that her husband had been arrested. She was told that, as he was driving in his green Citroen car, No. UYK 701, opposite Linda bar in Entebbe Road, another vehicle, a BMW, with two armed men in it, stopped her husband who was with Lwasa. Both subjects were bundled into the BMW and one of the kidnappers drove away Kasasa's car. These two informers told Mrs. Kasasa that they gave chase but were unsuccessful.

Wamala returned from Jinja at about 5.10 p.m. for his meeting, where he learnt of the kidnapping of both men. He then went and saw Mrs. Kasasa.

Mrs. Kasasa said that she went to the Central Police

Station. She described the BMW car which took her husband and was told by the police that it belonged to the Military Police. She went to Jinja Road Police Station and was told the same about the BMW. She said that she was afraid to go to the Military Police, Makindye, but some relatives and friends checked there, though nobody actually was allowed to see her husband. She said that there were rumours that her husband was at Makindye, and others that he had been removed to Malire. She has never seen her husband since 2nd December, 1972.

After sometime, an employee of Hunts Motors told her that her husband's Citroen had been taken to the garage for repairs to a door which was dented, and re-spraying it white. He told her also that a new number plate, UUB 359, was to be fitted to it. She said that she started seeing the white Citroen with this number on Entebbe road. She did not pass this information to the police through fear of retaliation. According to Ex.151 Kasasa's Citroen is still registered in his name and the number has not been officially changed.

Mrs. Kasasa spoke of another rumour to the effect that Wamala had reportedly said, "We shall see who has got more power over the other. You will not manage to find him because you are working under me," (p.1616). This allegation was denied by Wamala, who said that Kasasa was his intimate friend. He said that as Unit Manager he was not responsible for Kasasa's agency and, as he had only recently been promoted, he could not have aspired for a further rise so soon. He said that another man was acting as manager for Kasasa's agency. According to W.368, Kasasa was very popular amongst the agents to whom he used to give advances and dealt with them very carefully.

Mrs. Kasasa said that the flats which he was building came to a standstill after his disappearance. The house he

had built was rented but she was having difficulty with collection of the rent. She has applied to court for an order to manage the estate of her husband.

We are in no doubt that John Baptist Kasasa and the University student, Lwasa, have been missing since 2nd December, 1972. Unfortunately, Mrs. Kasasa was unable to say who those two people, who broke the news of their arrest, were. We think that it is unfortunate also that, having received the information about her husband's car, Mrs. Kasasa did not inform the police about it. It may well be that both subject were kidnaped in the manner stated by Mrs. Kasasa according to the information she had received. The fact that the Military Police had some BMW cars was not denied (see W.109). It is sad to note that the police did not take any action to follow up the report, nor did they try to assist Mrs. Kasasa in any way to trace her husband. The registration number of the BMW was not mentioned by anybody and it is impossible for us to say whether that was one of the cars belonging to the Military Police. We think that merely relying on reputation in such a matter can be dangerous and we are reluctant to say categorically that the vehicle in which the two subjects were taken away came from the Military Police. Such a finding would have been easy had there been any other satisfactory evidence of either subject having been seen at Makindye. None of Mrs. Kasasa's relatives or friends who might have visited Makindye came forward to say that he found him there. But the important fact remains that according to Mrs. Kasasa none of them actually saw her husband at Makindye. We now turn to the remark attributed to Wamala. Wamala himself denied uttering those words and we have not heard any direct evidence from any person in whose presence such words were spoken. On the other hand, Wamala had been

promoted unit manager by Kasasa only a week before his disappearance and we think that it is reasonable to say, as Wamala said, that any other rise in so far as he was concerned was out of the question. In any case, Wamala never became manager in Kasasa's agency. We are not satisfied that Wamala was in any way implicated in his disappearance.

We find that both subjects were kidnapped by two unknown men in a BMW car on 2nd December, 1972, since when they have been missing. We think the probability is that they must have been disposed of unlawfully by those kidnapers.

98. Subject No. 73 - GONZALEZ MUYONZE.

Witnesses: 168 Mrs. A. Mukankuzi - Part 2, p.1622 - 1631.  
172 J. Mudahera Mutenda - Part 2, p.1682 - 1704.  
183 Mrs. Bagakunde Orahineza  
- Part 2, p.1817 - 1824.  
185 Christopher Kigundu  
- Part 2, p.1829 - 1833.

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The subject used to work for Lufthansa Airline in the Passengers Department. He was married and used to live in Bugolobi.

On 10th January, 1973, Mrs. Mukankuzi (W.168) went to the subject's home for lunch. She said that three men, including Mutenda (W.172), came to see the subject who accompanied one of them into one of the rooms. W.172 admitted going to the house accompanied by his cousin, Brother Gilbert, to give the subject an insurance brochure. He said that he was then working for the British firm, see Germany and was trying to give the subject a policy. W.172 maintained that there was no body else

in the house, Mutenda said that there were a lot of people and after taking a bottle of beer Mutenda and his cousin went away. The subject asked W.172 to see him the following afternoon.

After lunch, the subject dropped W.168 at her office and Kigundu (W.185), who was working with Lufthansa as driver/messenger, saw him going into his office at about 2.15 p.m. This witness said that fifteen minutes later, three men arrived and he saw them talking with the subject. The witness wanted to go to the German Embassy but the subject asked him to wait as he was going out with those three men. Kigundu was emphatic that Mutenda was not one of those three men. He waited for the subject until about 5.15 p.m. and then reported to his superior officers who contacted the Police. This witness saw the subject's Volkswagen car parked outside but was told next morning that it had been taken to his house.

The following day, the subject's wife rang Mrs. Mukankuzi to say that he had not returned home since leaving after lunch the previous day.

W.172 went to the subject's office as arranged at 3 p.m. and was told by the Manager, one called Mr. Burnt, that he had gone out. On this point Mutenda was certain that he went to see the subject not on the afternoon of 10th January, 1973, but the following day. He did not wait for the subject but left a message that he had called.

Some time in May, 1973, Mutenda met the subject's sister, W.183, and asked her, "Where have the people of Muyenze gone? I do not see them these days." He was told that Mrs. Muyenze had gone to Zaire but she did not know where Muyenze "has gone." Mutenda said that this reply referred to the whereabouts of Muyenze for that particular day and he maintained that he did not know that the subject had been missing since his



meeting at his home in January. This conversation was denied by W.183. Mutenda said that he also enquired about Muyenze from some one working for the Ministry of Information, who also told him that Muyenze having gone to Zaire. In about July, 1973, W.172 went overseas for about six months.

W.183 said that on 20th January, 1973, she went to the Nile Hotel to see their former King and there met a man called Kabalinda near the lift. The conversation, in her own words, was as follows (p.1819):

"He first told me something in a sort of story and the story he narrated was that a certain lady had kept her milk somewhere, a rat came and fell in the milk. After that her mother-in-law came and removed it and threw it away where it could not come back again. After that story, he pointed his fingers as if he was going to beat me at that time."

He said that the man also told her, "You will see me." She understood this story to refer to her brother who had disappeared. She denied telling the Police as is recorded in her statement that Kabalinda further commented:

"He thinks that we did not know him, he thinks that we do not know his movements."

She did not know where Kabalinda lived or worked.

It seems obvious that the subject was taken away from his office by three unknown men in the afternoon of 10th January, 1973, and has been missing since then. From the account of the incident given by W.185 it seems to us that the subject must have known the three people with whom he went out of his office. Kigundu did not know those men but was certain that Mutenda was not one of them. The story told by Kabalinda to W.183 seems to have obvious reference to her brother who was then missing. Unfortunately, the men have not been traced and we are of the opinion that in the circumstances considerable suspicion about his involvement in the subject's disappearance attaches to him.

We had evidence from W.183 that Mrs. Muyenze had been writing to her to say that her husband was not in Zaire. We are of the opinion that the probability is that the subject was unlawfully disposed of by these three unknown men.

99. Subject No. 72 - EDWARD KWOBA MASINDE.

Witnesses: 173 Faibe Nasimanyi - Part 2, p. 1704 - 1711.

174 Mike Odhiambo Masinde  
- Part 2, p. 1711 - 1723.

487 Lt. Col. Ghitre Sana  
- Part 5, p. 4634 - 4657.

The subject was working as a clerk in the Personnel Office of the East African Railways, Kampala. He had been in Kampala for three years. He was married to Faibe Nasimanyi and they have seventeen children between the ages of 23 and 2; the eldest being Mike Odhiambo Masinde (W.174). W.173 last saw her husband on 6th December, 1971, when he went on duty. He never came back.

She went to his office the next day to enquire about him. She alleged that the Regional Manager told her that her husband had been taken by some "Big men" from the Army to Makindye. She maintained that the name of Lt. Isa Abdalla of the Army Headquarters was mentioned as one of those soldiers, who does not seem to have been traced by our Counsel.

W.174, who was a Teacher at Iwualira Primary School in Samia Bugse, Bukedi, got news of his father's disappearance from some neighbours who returned home from Kampala on 10th December 1971. He waited for his mother and when she came, she too narrated the story to him. After about a month W.174 and his mother came to Kampala and saw the Personnel

Officer. He is alleged to have told them that three men had been taken together on the same day to Makindye and that he was in touch with the Ministry of Defence. Mike said that he took a trip to Makindye but the tight security there scared him and he did not even try to make any enquiries there. On 7th March, 1972, he went to see the Minister of Internal Affairs, who then was Lt. Col. Obitre Gama (W.437). The details of the interview, in the words of Mike, are as follows - (p.1717):

"When we went there, he checked some of the files and told us that, well that matter, means my father's name and two others had been reported to him in writing by the Regional Manager of E.A. Railways Corporation and that he had made enquiries about this and the Ministry of Defence Headquarters had assured him that those people were at Makindye pending further interrogations on a subject he could not reveal to us for security reasons."

Mike continued to say that the Minister then sent him with a written message to Republic House where he saw a Major. The Major rang somewhere and then told him that "the person in Charge of Makindye... was out and, therefore, we could not go there, we could not be allowed to go there to see our person." The Major further told him to be patient for his father would be released after the enquiries were completed. He said that they waited for a very long time and, as they were very worried about his father's whereabouts, they wrote several letters to the Secretary for Defence, the Minister of Defence, and to Your Excellency, without getting any reply from any source.

W.437 did not recall the alleged interview with Mike but said that he used to see relatives of people who had disappeared. He said that his reaction was to tell these people that after Police investigations either the Police or he himself would let them know.

He said that in normal circumstances he used to write to the Commissioner of Police to cause enquiries to be made and, in cases where he received reports from the Police that the missing person was not traced, he used to inform the relatives concerned. He said that in cases where Army soldiers were involved, he used to contact the Minister of Defence. He thought that he did not tell Mike that his father and others were at Makindye pending enquiries. He said that he was not telling relatives about people who were in detention at Makindye but used to direct them to the Minister of Defence who would arrange for them to see the prisoner at Makindye.

There is scanty evidence concerning the disappearance of the subject. We failed to get any eye witness. We have considered the evidence which is before us and we find no reason why the mother and the son should fabricate evidence that the subject was arrested from his office with two others and taken to Makindye. They could not have dreamed the name of Lt. Isa Abdalla. We consider those two witnesses as truthful. They did see the Minister of Internal Affairs and we accept their evidence in preference to the general denial of the Lt. Col. who probably saw a lot of relatives enquiring about their missing people and was thus not able to remember their interview clearly or what he told them. The fact of the subject's detention at Makindye would have been proved or disproved by the production of the D.O.B. which, as has already been seen, was not available. However, we find that the subject was arrested and taken to Makindye and as he has disappeared only the appropriate authority can know what was done with him.

The obvious finding, of course, is that he was unlawfully disposed of while under detention at Makindye.

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100. Subject No. 80 - S.S.P. CLEMENT EBOKORAIT.

Witness: 175 Elizabeth Asiyo Ebckorait - Part 2,  
p. 1723 - 1732.

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He was a Senior Superintendent of Police, in charge Busoga District, and was stationed at Jinja, since October, 1972. He was married to W.175, who was living at their home in Pallisa. They have eight children between the ages of nineteen and three months; except for the two youngest, the rest are at school.

On 30th January, 1973, a police officer, called Chedikol, who was also stationed in Jinja, reported to W.175, that her husband had been arrested and taken away on 29th January, 1973. She went to Jinja and, on making enquiries at the Police Station, learnt that her husband was taken by four men, dressed in a uniform similar to the Army uniform. The details of the vehicle in which he was taken were not recorded and no body seemed to know the identity of those four men. She saw the Assistant Commissioner of Police, Mr. John Walusansa, at the Police Headquarters, after about two weeks of the arrest. He denied any knowledge about this incident and asked the woman to confirm that her husband had been arrested and the reason why he was arrested. This was after she told him that she was not sure whether he had been arrested because she was not present when he was taken. She was also not certain as to whether he had gone to Kirezi on safari as he used to. She was, however, definite that he had not run out of Uganda, or he would have written to her.

The evidence is very sketchy. We find that the subject was arrested by four men, dressed in Army uniform on 29th January, 1973, from his office at Jinja. We find it odd that no body at the police station took the trouble of asking for the identification of those four men, or of recording the registration number of their vehicle.

We are sure that he has been missing since then and we find that the probability is that he was unlawfully disposed of by those four unidentified men in Army uniform.

101. Subject No. 81 - RASHID SURURU.

- Witnesses: 177 Sulemani Naku - Part 2, p. 1743 - 1753.  
186 William Wetaka - Part 2, p. 1833 - 1849.  
187 Victor Owori - Part 2, p. 1850 - 1873.  
250 Mwanabani Kusuf - Part 3, p. 2469 - 2482.  
363 Aida Nzuki - Part 4, p. 3734 - 3739.  
364 Abdala Ititia - Part 4, p. 3740 - 3745.  
365 Wilson Maberu - Part 4, p. 3746 - 3761.  
373 AIP J.K. Oweka - Part 4, p. 3820 - 3822.

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The subject was a Muslim religious leader and a witchdoctor. He used to live in Bugema Nabwayo near Mbale, and was married.

On Friday 23rd November, 1973, he went to Mbale for Friday prayers. A newspaper vendor Sulemani Naku (W.177) was with him at the prayers, after which they returned to the Maluku bar where W.177 used to sell his papers on the pavement.

At about 2.15 p.m., two men in a green BMW car No. UUN 353 went to the subject's home and asked W.250 about the subject. They said they wanted him to do something for them. As Rashid had not returned home, they asked the porter, also called Suleman, to take them to him. As W.250 and Rashid's wife were going to town, they offered to take them to where Rashid was. They took the car to Maluku bar and Rashid talked to the people in the car. According to W.177, Rashid appeared to know those men with whom he was laughing. He sat in the car in the rear

seat and the car drove away.

That was the last that Rashid was seen or has been heard of and has been missing since then.

At the time of the disappearance but the funeral rites of his mother continued. W.250 said that they reported his disappearance to the police the same day. Some police dogs searched for him in the forest without any success.

The following day, that is, Saturday 24th November, 1973, W.177 went to the Mbale Motor Trading Company Ltd., and saw the man with whom the subject had gone in the car the previous day. This was Wilson Maberu (W.365), who used to work as an accountant. Naku said that on being told about the disappearance of Rashid, Maberu looked surprised and said that he had been dropped in the town and his friend who was working for the Uganda Commercial Bank, Soroti, had gone with the subject. He promised to contact his friend in Soroti by telephone and when W.177 saw him at 2 p.m., Maberu told him that he had been through to Soroti and had been told that his friend and the subject had gone to a place about 5 miles from the town. Maberu admitted seeing this newspaper man but said that this was on Monday, the 26th November and the enquiries were about the car in which he was travelling on Saturday. According to Maberu, that was a Peugeot 403 saloon the registration figures of which were O37. He admitted making a telephone call to Soroti on 26th November but denied that this was in connection with the subject. W.363, who was then the telephone operator, stated that after he had spoken on the phone, Maberu told her that he had wanted his brother in Soroti to get him some sacks of groundnuts. Maberu said that on Friday, 23rd November he was on duty and had his lunch at Mbale Hotel at 1 p.m. He said that he spent the whole of the afternoon at his

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place of work and at 5 p.m. was driven home by the workshop foreman. He denied being in the BMW car that day at 1 p.m. as alleged.

Regarding this vehicle, it was not denied that it belonged to the Mhale Motor Trading Company Ltd. Victor Owori (W.187), a brother of one of the directors called Okumu, testified that he had been authorised by his brother who had gone to Nairobi to use this vehicle on Saturday, 24th November, to go to Tororo in connection with his impending marriage. The foreman (W.364) stated that on Friday, 23rd November, he was asked by Maberu to check the car as it was to be used by Owori the following day. He said that its clutch was faulty and the engine misfiring. He repaired the car on Saturday, 24th November, and the clerk, Wetaka, handed over its keys to Owori. Owori said that he went to Tororo on Saturday and on Sunday had an accident with a Land-cruiser, allegedly belonging to Mr. Oboth Ofumbi, registration No. UYL 605 on the Tororo/Mulanda road. The offside mudguard was dented and the head lamp broken. On Monday, 26th November, Owori told the foreman that the car had broken down at his home. The foreman went and found that the gears did not engage, and he managed to drive the car to the garage for repairs. On the same day, some people, including Naku and W. 250, went to the garage where they identified the car as the one in which the subject was taken away the previous Friday, and also Wilson Maberu as one of the people in the vehicle. The police were contacted, and the car taken to the police station together with Wilson Maberu and Wetaka: this was on the 29th November. Subsequently, Wamboga who is Maberu's cousin was also fetched from Soroti. On 13th December, 1973 AIP Oweka (W.373), conducted an identification parade in respect of the car. None of the identifying witnesses, who

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included W. 177 and 250, identified him. Wilson Maberu refused to take part in the parade on the ground that the witnesses had seen him before a number of times at the police station and the witnesses identified him with the identifying witnesses one by one. All of them identified him as the person they had seen in the car in which Rashid Sururu was taken on 23rd November, 1973. Maberu said that after witnesses had made their statements, he was told by the O.C. Police that he was alleged to have kidnapped someone. He said that he was subsequently taken to court but the case was later withdrawn.

Naku and Mumbani Yusuf (W.250) saw the car in which the subject was taken away from outside Maluko bar. The time was soon after 2.15 p.m. W.250 actually travelled in that car from her home. We think that these two witnesses were not mistaken in their identification of the vehicle in which the subject was last seen. Furthermore, after the subject was reported missing, these witnesses went to Mbale Motor Trading Company where they identified the car and reported Maberu to the police the following week. On the other hand, there are the denials of the people working for Mbale Motor Trading Company that the BMW left the showroom on Friday, 23rd November, 1973. This is significant because if this were so, then quite obviously Naku and W. 250 would be grossly mistaken about the vehicle in which Rashid was taken. In considering their evidence, we should like to emphasize that Victor Owari (W.187) turned out to be a most unsatisfactory witness. In a matter of fact, he admitted that he had told deliberate lies to the police with regard to the accident he allegedly had in the BMW on Sunday, 25th November, 1973. In his statement to the police he admitted saying that the vehicle was being driven by Mrs. Okumu when the accident occurred and that she ran into a wall. He admitted that both these statements were wrong and he had deliberately lied to avoid getting into trouble.

A self-confessed liar cannot be trusted in anything and it seems to us that, realising that the vehicle belonging to the company had been sufficiently recognised as having taken the subject away and also one of the company's employees, that is, Maberu, the other employees must have tried to fabricate evidence in order that they be not implicated. We see no reason why Naku and W. 250 should tell lies either in respect of the vehicle or Maberu. We accept their evidence and find that on 23rd November, 1973, Maberu and another person took the subject away in the BMW, UUN 353. From the replies which Maberu gave to Naku on being asked about Rashid's whereabouts, we are inclined to the view that Rashid was taken to Soroti to do something for these men. It will be recalled that Maberu refused to participate in the identification parade on the ground that the identifying witnesses had seen him before. We are of the opinion that this was a deliberate move on his part to avoid being identified, but nevertheless was identified subsequently when the witnesses were called into the office where he was.

We do not know the reasons for withdrawing the police case against Maberu. We are of the opinion that there is prima facie evidence implicating Maberu to a very large extent with the disappearance of the subject, and we would certainly recommend the Director of Public Prosecutions to reconsider the police file.

As the subject has been missing since 23rd November, 1973, we find that the probability is that he was disposed of unlawfully by Maberu and his unknown companion.

102. Subject No. 82 - L.L. KISADJA.

Witnesses: 179 Ruth Bokibwona - Part 2, p. 1773 - 1781.

110 ... /230..

376 Abiyasali Edmond - Part 4, p. 3847 - 3852.

377 John Mugobere - Part 4, p. 3913 - 3925.

383 Nasani James Nabeta  
- Part 4, p. 3926 - 3929.

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The subject was the Personnel Manager of NYTIL, Jinja. He had worked for the company since 1955. He was married to Ruth Bokibwona (W.179) and they have ten children between the ages of 20 and 4. He had some money in the bank which his wife has not been able to operate. He had a house. His wife has not applied to court for an order to manage the estate.

W.179 last saw her husband on 22nd September, 1972 when he returned to his office after lunch in his car, UVG 583.

That morning John Mugobere (W.382) was in the company's shop which is near the offices. At about midday, he saw a black Peugeot 404 saloon entering the compound through the public gate, with three men in civilian clothes in it. He was asked if the subject was in and he told the men that he had gone out. Two of those people also saw the assistant personnel officer, Opio (W.376) and on being told that he was out, the two men said that they would return in the afternoon. According to W.382, the subject returned to the office at about 1.45 p.m. and the same three men returned in the same car at about 2 p.m. Two of them went inside the office and W.382 went and stood near the car. The two went into the subject's office and came back with him. He told his assistant, Opio, that he was being taken by security officers. On getting outside the subject was heard by W.382 asking the men if he could take his car. He was asked to get inside their car.

The subject was driven away in the black Peugeot 404, never to be seen again.

At about 2.15 p.m. the subject's brother, Nabeta (W.383) received information on the telephone from Opio about his brother's arrest. He made enquiries from people he knew at Makindye and Naguru but without success. At about 4 p.m. W.382 informed Ruth Bokibwona and later Nabeta collected his brother's car. Nabeta said that as far as he knew his brother had no connection with the Invasion of the country or the people responsible for it.

Nobody tried to take down the registration number of the Peugeot 404 in which the subject was carried away. Likewise, there is no witness who was able to identify any of those people who took him away. We find that the subject was taken away by three unknown men claiming to be security officers from his office on 22nd September, 1972, since when he has been missing. We find that the probability is that he was unlawfully disposed of by his captors.

103. Subject No. 83 - HAJI ALI BALUNYWA.

- Witnesses: 180 Hezron Kakuyo - Part 2, p. 1781 - 1802.  
184 Hajit Azem Kitimbo  
- Part 2, p. 1824 - 1829.  
518 Clement Kintu - Part 7, p. 6260 - 6266.

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The subject was the Administrative Secretary of Busoga District Administration and was the District Deputy Chairman of the Uganda Muslim Supreme Council.

He had four wives and thirty-five children, twenty of whom are now at school. Two wives are employed and the other two are unemployed.

He had two houses, one of which is a semi-permanent house with twelve rooms. W. 184 is responsible for the children. The subject was insured. No application has been made to Court so far for authority to administer his estate.

On 6th October, 1972, Clement Kintu (W.518) drove the subject to the District Commissioner's office for a meeting. The subject then asked him to fetch a file which he had forgotten. The driver left in the subject's car and, when he was about to reach Bugembe, a car overtook him and stopped in front of him, forcing him to stop. When he came outside, three men in the other car caught him and asked him if he was Balunywa. When he denied, they alleged that he was lying as the car he was driving was that of Balunywa. They asked him to take them to him. Two of the men sat with him in his car and the third followed in the other car.

Meantime, the subject was with the D.C. Busoga, Kakuyo (W.180). Kakuyo said that he had called the subject to brief him about the Friday prayers and also to give him a cheque of Shs. 1,700/- to distribute amongst the Saza Chiefs for the Independence celebrations.

The driver returned to the D.C.'s office with those men. He knocked at the door, whereupon the D.C. asked him to wait. But those men then opened the door by force and burst inside. The driver identified the subject and those men who, according to Kakuyo, numbered six, grabbed the subject by the arm and asked him in Swahili 'Unakataa ku Kamatiwa', that is, do you resist being arrested? The subject replied that he was not resisting but wanted to return the cheque to the D.C. They refused his request and proceeded to handcuff him. Kakuyo said that these people looked 'terrible' and he was scared for his life. He said that the entire incident was over

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within about three minutes and he described it as 'the whole thing is frightful'. Those people took the subject away to their car which was parked about two hundred yards from the offices.

Subsequently, the D.C. reported this incident to the District Police Commander, Ebokorait, Subject No.80, p 233, who himself has since disappeared and also to the Permanent Secretary, Ministry of Provincial Administrations, and the Secretary of Religious Affairs. He also saw the Adjutant of the Jinja Barracks, Captain Marjan, who said that he did not know who those people were.

Mrs. Balunywa stated that the District Commissioner told her that those men who took her husband away were in uniform. She said that the DC. told her that when he enquired at the Army Barracks he was told that if handcuffs were used in the arrest of her husband then those people were not from the Army as they did not use handcuffs.

It is clear that Haji Balunywa was arrested by unknown men from the D.C.'s office on 6th October, 1972. The driver, who was stopped on the way by those men, was unable to recognise them, nor did he take down the particulars of their car. Notwithstanding the little discrepancy in the evidence as to their dress, we are satisfied that those people were in civilian clothes as is maintained by W.180 and W.518. Even the D.C. was unable to identify any of those men. In any case, he was scared for his life and the incident was over within three minutes. In view of the nature of this kidnapping and as the subject has been missing since October, 1972, without any trace or news, we find that the probability is that he was unlawfully disposed of by his unknown kidnapers.

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104. Subject No. 84 - ERIYA BYARUHINGA.

Witness: 181 Samuel Mugisa - Part 2, p. 1802- 1811.

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The subject was a young man aged about, nineteen. He left school in 1972 and joined the Uganda Hotels as a trainee. He was undergoing some course at the Management Training and Advisory Centre. Samuel Mugisa (W.181) is the subject's young brother and used to live with him in Rubaga Road. Living with them also was the subject's girl friend, Jalia. According to Mugisa his brother had some trouble over this girl about two weeks before his disappearance. He said that one evening two men - Ginger Wine and Lukwago - beat up his brother and snatched Jalia from him. She returned to him the following day. Two weeks later, on 1st October, 1973, the subject went to the market to buy food at 8 a.m. and never came back.

Mugisa enquired at the market and also at Old Kampala Police Station, Central Police Station, and Wandegaya Police Station but did not get any information from anywhere. He also checked at the Mulago Hospital.

This is an unfortunate case where there is no evidence at all as to what might have happened to the subject. The evidence is very scanty and it suggests some trouble over the girl, Jalia. The witness did not know about the whereabouts of the other two men who created the trouble over this girl. It is impossible to say if these two are, or either of them is, responsible for his disappearance. All that we can say is that the subject has been missing since 1st October, 1973 and, as there has been no news about him since, the probability is that he is dead.

105/...../244.



105. Subject No. 85 - PAULO KIZZA TOMUSANGE.

Witnesses: 190 Sarah Alexandria Tomusange - Part 2,  
p. 1887 - 1892.

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The subject was employed by the East African Railways as Industrial Relations Officer, and had a service of seventeen years with the Railways. He was married to W.190, and they have four children between the ages of nine and three. He was insured and had a bank account but his wife has not applied for a Court order to manage his estate.

W.190 last saw him on 31st January, 1973, when he left home for duty in the morning. Between 10 and 11 a.m. she was told that her husband had been arrested by two men. No body seemed to know who they were, or where they took her husband to. Her father-in-law, Bishop Tomusange, enquired from his superior officers but he did not tell her what he was told. She herself made enquiries at the Central Police Station but no body know of the whereabouts of her husband. She said that he was quite happy with his work and had never complained about any workers who might have threatened him.

There is no evidence as to how or why the subject was arrested. There must have been some eye witnesses but our Counsel was unable to trace any. The subject's father-in-law, Bishop Tomusange, did not come forward to speak about the result of his enquiries. The only finding we can make is that the subject was arrested on 31st January, 1973, from his office by two unknown men and, as he has been missing since then, the probability is that he was unlawfully disposed of by his captors.

106/...../245.

106. Subject No. 86 - SSP. JOHN ODONGO.  
107. Subject No. 87 - DET/ASP GABRIEL ENGOLA.  
108. Subject No. 88-UA 4069 PTE EMENYO OBONG.

- Witnesses: 191 Wilson George Cankwo - Part 2, p. 1892 - 1914.  
191 Wilson Odongo Cankwo - Part 3, p. 2298 - 2302.  
204 Margaret Anyinga Odongo Part 2, p. 2053 - 2057.  
437 Lt. Col. Obitre Gama - Part 5, p. 4634 - 4657.  
487 Capt. Michael Kakora Osele  
- Part 6, p. 5508 - 5512.  
497 John Malusansa - Part 6, p. 5809 - 5856.

The three subjects and the witness Cankwo (W.191) are cousins, having the same grandfather. The first two were policemen and were stationed at Jinja; the 3rd was a private in the Uganda Army and was stationed at Masindi. Odongo was married to two wives and had twelve children between the ages of 26 and 6 years: ten of whom are at school. Engola also had two wives and five children between the ages of seventeen and four years. The private used to live with a girl-friend and had no children.

According to the evidence, SSP Odongo was first arrested from his office in Jinja on 19th February, 1971 by Captain Michael of the Uganda Army, Jinja. He was detained for about five days and subsequently released. He resumed his duties and did not appear worried. His wife (W.204) then moved to their village home in Iira where they were building a house. Mrs. Odongo said that she was later handed a letter from her husband by Mrs. Angellete Ayum; it was dated February, 1971 and her husband had asked her to look after his children if he died.

Mrs. Odongo spoke to her husband on the telephone on 29th March, 1971. On 1st April, 1971, his houseboy called Casto rang her to inform that her husband had been arrested the previous day from

the police officers' mess, Jinja by four Army men. Mrs. Odongo and Gankwo went to Jinja and Casto repeated the story to them about what the bar man at the officers' mess had told him that Odongo had been taken by four men travelling in a Landrover. They saw the barman who confirmed the story. Odongo's car was seen parked outside the officers' mess and Walusansa (W.497) who was then the O.C. Police Station, subsequently had it removed to the police station. The witness then saw Walusansa at the police station and he denied knowledge about the arrest, except for saying that he too had heard from the barman, Ogutu, of the arrest. He said that neither Ogutu nor Inspector Odeke who was present at the place was able to recognise any of the four men. W.204 said that Walusansa whom she knew well, tried to shun her and said that he knew nothing. The witnesses then went to the Army barracks and saw the Adjutant who denied any knowledge about the arrest of Odongo. According to Mrs. Odongo, the Adjutant rang Mr. Walusansa and blamed him for not reporting the arrest of Odongo to him. This was denied by Walusansa who maintained that upon hearing of Odongo's arrest he had rang up the Adjutant and asked if Odongo had been taken to the barracks. He said that the Adjutant had denied this. Walusansa further said that Mrs. Odongo did not see him at all but went straight to the barracks.

The witnesses said that Walusansa referred them to Makindye on the basis that people arrested by soldiers were normally detained there. At Makindye, they were shown a list of detainees which did not include Odongo's name. They returned to Jinja and asked Walusansa for transport to take Odongo's property home. W.204 also took Odongo's car to their home in Jinja. Mrs. Odongo said that she is having financial difficulties in supporting the children.

Jinja

Her husband's property had been taken over by her father-in-law and she maintains the children by brewing enguli.

in November, 1971. He knew Odongo but denied ever arresting him. He said that he knew two other captains with the name of Michael; one being Michale Kulyesubula of Jinja School of Infantry who had been discharged from the Army.

With regard to subject 37, Engola, Cankwo said that Engola spoke to him on the telephone after the trouble in Jinja Barracks on 11 July, 1971 and said that the situation in the barracks was "terrible". Subsequently he learnt from some women returning from Jinja Barracks to their homes that his brother, Engola had been arrested and again saw Walusansa who told him that he too had heard that Engola had been arrested by some Army men at about 3.30 p.m. D/SP Ongom, who was Engola's boss, denied knowledge of the arrest but the O.C. Barracks, Okongo, told him that some Army men had gone to the barracks looking for another policeman called Olwal and had seen Engola in the Army vehicle. Cankwo said that all these officers knew everything but were afraid to tell. He said that he managed to get the number of the vehicle which took Engola away from the police station as UQV 641. Later the O.C. provided him with transport to take Engola's personal property to his home.

On the next day over the District five days after the disappearance of Okongo. He was the District Police Commander when Okongo disappeared. He denied seeing Cankwo about Engola and the latter telling him that he had been arrested by Army men. Okongo said that at the time of the Army takeover, when Okongo was on leave and he was the senior most officer left in the District, practically the entire police force of Jinja police station was comprised of about eight officers and 30-90

constables, deserted their duties and only two to three constables were left behind. He said that most of them came back later and he re-assured them. A group of army officers also came to the police station and asked him to control his policemen. He said that as the District Police Commander, he was mostly concerned with the administrative side and the SP/CID, who then was Ougon, was responsible for investigating cases including such disappearances. Walusansa said that he left the investigation of these disappearances to the CID.

Conato took up the disappearance of Engola with the authorities. On 4th August, 1971, he wrote to the Minister of Internal Affairs - Ex.42. The Minister Internal Affairs, who was then Lt. Col. Obitre Gama (W.437) in turn wrote to the Minister of Defence on 20th August, 1971 - Ex.43 - forwarding a copy of Mr. Cankwo's letter. He asked the Minister of Defence "to direct your army headquarters to investigate the circumstances under which Mr. Engola Awani was arrested and also inform the brother whether or not this Engola is in your custody." The Minister of Defence replied by his letter dated 9th September, 1971 - Ex.44 - enclosing a copy of a letter which he had received from G2, General Headquarters ref. G2/ UAI/1016/C of 7th September, 1971 and said :

"You will note from the attached letter which G2 had received from the Adjutant Burma Battalion that after thorough interrogation of the police officer he found that he had no case to answer and he was released through the Battalion gate at about 18 hours."

On 25th November, 1971, Mr. Cankwo wrote back to the Minister of Internal Affairs - Ex.45 - disputing the information that Engola had been released after interrogation. He said that he should have been taken under escort to the O.C. barracks or to the police station where he should have been released.

He received a reply dated 9th December, 1971 - Ex.46 - from the Permanent Secretary, Ministry of Defence which stated as follows:

"I am directed to acknowledge receipt of your letter P.P/WOC/ of 25th November, 1971 which you addressed to my Minister on the above matter. I am afraid I have no further comment to make to what has already been conveyed under S.554 Vol. II dated 9th September, 1971 which was addressed to my Minister and copied to the District Commissioner, Lango by the Minister of Defence. Should you, therefore, not agree with the facts contained in that letter, I would advise you to contact the Minister of Defence direct."

Regarding Obong, about a month after Engola's disappearance, Cankwo heard rumours about the arrest of Private Obong. He went to Masindi Army Barracks where he learnt that some Langi and Acholi soldiers were arrested on 11th August, 1971. He found many women weeping, also his brother's Ugandan girlfriend was crying. She told him that Obong was arrested with many others and taken to the quarter guard. She said that when she went to the quarter guard the following day she did not find anybody there but she saw blood and some soldiers cleaning the quarter guard. He was scared to make any further enquiries. The girlfriend was unwilling to accompany him to their home. He packed up Obong's property and took it to his mother.

We are satisfied that SSP John Odongo was arrested on 31st March, 1971. Unfortunately the barman, Ogutu and Inspector Odeke, who witnessed the arrest, were not traced and we are left with the evidence of W.191 and W.204 about what they were told by the barman. Although this piece of evidence was hearsay, we have the evidence of Odongo's previous arrest in February, 1971. That incident was confirmed also by Walusansa who saw him under arrest at the Army barracks. It may well be that the authorities were still not very happy with Odongo and had him re-arrested on 31st March, 1971.

Proceeding on this basis, the hearsay evidence given by the witnesses that Odongo was arrested by four Army men from the officers' mess looks credible. We, therefore, say that the probability is that SSP Odongo was arrested by Army soldiers whose identity has not been established. He has been missing since then and we find that the probability is that he was unlawfully disposed of by the soldiers who arrested him.

Regarding Engola, we are satisfied that he was arrested on 15th July, 1971 and the evidence of Cankwo about what he was told by the C.C. Barracks, Odongo, of having seen Engola in an Army vehicle was subsequently confirmed by Ex. 44, from the Ministry of Defence where it was stated that after interrogation Engola was "released through the battalion gate." It follows that after arrest he was taken to the barracks for interrogation and the Adjutant of Burma Battalion maintained that he was released at about 6 p.m. The fact, however, remains that Engola has never been seen since he was arrested and we think that had he run away from the country he would have at least contacted members of his family from wherever he was. Furthermore, we find it rather odd that whereas he was arrested from his office in the presence of other people, the Army authorities should have found it convenient to release him at their battalion gate without anybody being present to witness the release. It raises considerable doubts as indeed Cankwo stated in his letter dated 25th November, 1971, Ex. 45. We find it equally heart-breaking for the Permanent Secretary to ask Cankwo to contact the Minister of Defence direct rather than try to assist him by dealing with the matters he had raised. Where the subject concerns the life of any individual, we find that the proper official, to whom approaches are made for

information/...../251.

information, cannot be so callous and uncooperative as was this particular permanent secretary. We are of the opinion that the disappearance of Engola cannot be explained on the basis that he was released through the battalion gate. We find this naive and incredible, to say the least about it. We find that the probability is that Engola was never released and was unlawfully disposed of while in detention at the Burma Battalion.

With regard to Private Obong, there is only the evidence of Cankwo of what he was told by Obong's girlfriend. Unfortunately she was not traced, and Cankwo himself was scared to make any further investigation while in the barracks after what the girl told him. As Obong has been missing since 11th August, 1971 we think that he may have <sup>died</sup> with the other fellow tribesmen as the girl reported to Cankwo.

109. Subject No. 89 - LEVI JACKSON OMARA EBOK.

- Witnesses: 192 Mika Ebek - Part 2, p. 1915 - 1927.  
193 AIP Geresom Wamushii  
- Part 2, p. 1928 - 1944.  
436 Superintendent of Police Timothy Odyek  
- Part 5, p. 4612 - 4633.  
98 Detective Inspector Vicent Godfrey Odwe.  
(recalled)- Part 6, p. 5859 - 5869.

The subject was a former Administrative Secretary, Lango District Administration, which post he resigned in 1952. He was a member of the U.P.C. and, at that material time, was a

shopkeeper/...../252.



shopkeeper in Alemere Trading Centre. His father, Mike Ebek, (W.192) used to help him in the shop. He was also a partner in the Lake Kioga College, which was closed down after his disappearance. He was married to two wives and has eight children.

On 20th April, 1971, the father and son were in the shop when, at about 2 p.m., three men in a white Peugeot Car No. UUI 129 stopped outside. The three men entered the shop, one of them was armed with a pistol. They searched the residential part of the building and found a shotgun No. 61942, the firearm certificate for it being No. 90234 which the subject's father produced. They arrested Omara and took him in their car to Amolatar Police Station. One of them also took with them Omara's ISUZU Car No. UQT 390.

The father went to Amolatar Police Station where he saw his son making a statement. According to A.I.P. Wamshii (W.193), the subject was brought in by three men, one of whom identified himself as No. UA 5871 Lance Corporal William Isabirye, who told him further that they were taking the subject to Kampala for interrogation. They handed in also the subject's ISUZU car and the shotgun with instructions to keep them until further notice. The A.I.P. said that later the same evening another lorry, allegedly belonging to the subject, No. UQU 756, was also brought into the Police Station. According to Mike Ebek this Bedford truck belongs to him and he produced its registration card. W,193 said that those three men later left with the subject in their Peugeot Station Wagon UUI 129. He denied that any statement was taken from Omara and produced the Station Diary in which the relevant entries had been made. Entry No.8 of 20th April, 1971 (exhibit 35) reads as follows:

"1415 hours. No. UA 5871, Isabirye William, Lance Corporal from Kampala came to arrest Omara Ebek of Alemere village, his car UQT 390, was brought to the Police Station for safe

custody and one shotgun, No.61942 and 6 keys also were handed in for safe custody - Mr. Omara taken by a car No. UUI 129 heading towards Lira under escort by the same No.Lance Corporal Isabirye to Kampala."

Entry No. 12 (exhibit 36) is in respect of the Bedford truck UQU 756 which was handed in by the driver called Okello. ~~Mr. Okello said that he was scared to ask those three men~~ for their identification papers as the one claiming to be Isabirye was armed with a pistol. He said that he was told by this man that they had been sent by the "big man" to take the subject for interrogation. The Police Officer said that the authorities were then looking for some people, mostly the supporters of the former regime, and he thought that Omara was one of such people.

The District Police Commander of the time, Superintendent Odyek (W.436), explained that at the relevant period all the security forces had powers of arrest and soldiers used to bring in civilians at the Police Stations for safe custody and collected them later whenever they wanted them. He explained that policemen were scared to ask such soldiers for their identification papers and the fear also was lest they too be arrested for doing their duty.

According to Inspector Odwe, (W.98), in April, 1971, recruitment of guerillas had started in Oyam county and also in Dokolo, Moroto, Erute and Kioga courties. He said that some people were lending their vehicles for transporting recruits and added that Omara Ebek's lorry had been used for this purpose.

On 23rd April, 1971, the two vehicles, that is, the ISUZU Car and the Bedford Truck were sent to Lira Police Station. Station Diary Entry No.14 of 23rd April, 1971 - Ex.37 refers. W.193 said that some time later the shotgun was taken by a Senior Officer from Lira Police Station and, on 12th June, 1972, Mike gave a receipt headed "Deposit of firearm"

in respect of the shotgun which was said to have been brought in by Superintendent Afidra for safe custody. According to exhibit 151 the ISUZU car is still registered in the names of Omara Ebek.

We are satisfied that Omara Ebek was arrested by the three men in the Peugeot UUI 129. We are also satisfied that one of them introduced himself to Inspector Wamushi as UA 5871, Lance Corporal William Isabirye. Although we appreciate that there were cases of personation taking place, here it would seem that the circumstances negate any such possibility. The subject was taken to a Police Station and the Lance Corporal does not seem to have made any secret of his identity. Notwithstanding the fact that Wamushi did not ask him for his identification papers, we have no doubt that at least one of the people who arrested the subject was an Army Officer, UA 5871 Lance Corporal William Isabirye. The evidence suggests that, and this we accept as a possible reason for the subject's arrest, in April, 1971 recruitment for guerillas had started in some counties of Lango and some people were assisting in transporting the recruits. Omara Ebek's father had a truck and it may well be that the son was suspected of assisting guerillas in their transport. This would strengthen our finding that the subject was in fact arrested by men from the Army. There is no evidence except for what Odyek said of where the subject was taken from Lira Police Station. If he was taken to Gulu we did not have evidence to show that he reached Gulu Airbase. The fact, however, is that he is missing since 20th April, 1971, and in view of the manner of his arrest and the reason for his arrest, we are of the opinion that he was unlawfully disposed of on the way to Gulu by the people who arrested him, including UA 5871 Lance Corporal William Isabirye who, according to our Counsel in his final address, died sometime ago in a traffic accident.

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110. Subject No. 90 - BENJAMIN BONEFESI KANJE ODUR.

- Witnesses: 194 Dolotia Odur - Part 2, p. 1945 - 1956.  
197 George Wilson Obotol  
- Part 2, p. 1967 - 1979.  
Part 2, p. 1987 - 1988.  
198 Placid Weri Iga  
- Part 2, p. 1979 - 1987.  
237 Capt. Mark Chandia  
- Part 3, p. 2342 - 2364.  
434 Supt.G.W. Ochepe  
- Part 5, p. 4578 - 4609.  
98 Insp. Vicent Godfrey Odwe  
- Part 1, p. 961 - 969.  
Part 6, p. 5857 - 5869.

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The subject was a nephew of the former President, Milton Obote. At the time of the incident, he was the personnel manager at Lira Spinning Mill. He was married to Dolotia Odur (W.194) and they have nine children, between the ages of 25 and 2½.

According to Mrs. Odur, he was arrested once before about a year previous to the incident of 5th February, 1973. His car was taken away and he had to go to Kampala and, according to Odwe (W.98) Your Excellency had had to intervene to release his car.

On 5th February, 1973, at about 11 a.m., the senior accounts clerk of the Spinning Mill, Obotol (W.197) took some payment vouchers to Mr. Odur for signing. He met him in the courtyard and just then a V.W. Kombi, registration No. UYZ 410 came with four men in civilian clothes. According to Obotol they looked rather serious; by their tone they appeared not to be friendly and to him they looked like thugs. They asked where Mr. Odur was and when he identified himself, he was told to get into the car.

He/...../256.

He did as was told, and they drove away with him.

According to Captain Mark Chandia (W.237), who was the O.C. Military Police, Lira, the Kombi UYZ 410 was an abandoned vehicle which had been taken over by the Military Police. It was used solely for the purposes of his Unit and it was also made available to Military Police personnel, State Research Department and Intelligence Officers from outside Lira whenever their vehicles broke down.

Mrs. Odur said that at about 10.30 a.m. her husband was taken to their home by some Army people who came in two cars. They were four men in Army uniform and were armed with guns, two in Military Police uniform and four in civilian dress. They came in a light blue car and a white mini-bus. She said that Captain Mark Chandia was one of those people and was in the blue car. He simply stood-by and did not appear to take part in what was happening. They searched the house, and took away a shotgun, two children dresses with Obote's picture and three group photographs including Obote. After the search, they took her husband in the mini-bus and drove away.

Chandia said that on learning of the arrest of Mr. Odur, he went to his house, accompanied by two Army officers. He asked Mrs. Odur about him and was told that he had disappeared. She handed him some files which he kept; and later in September, 1973 handed those files and a payment voucher book to the administration manager, Mr. Iga (W.198). The voucher book - Ex.38 - was the one which W.197 had taken to the subject for signing when he was arrested.

Oboto waited for Mr. Odur till about lunch time and then

reported/...../257.

reported his arrest to Lira Police and U.D.C. Headquarters. The report was made to Superintendent Ochepa (W.434), who was the District Commander, Lango and he instructed the D.C. CID, Emergo to get all the details of the vehicle and the Army personnel from Mr. Obotol. As a result, a general enquiry file No. 12/73 - was opened and a statement recorded from Mr. Obotol. The following day Captain Chandia called at his office at his request and upon being told about the statement made by Obotol, Chandia said "yes, I took Mr. Benjamin Odur for inquiries on security matters. When the enquiries are finished, I will report to the Emergo Project, Kampala." Ochepa said that he asked to be informed about the result of Chandia's enquiries and kept a minute to that effect on to the police file - Ex.104.

Odwe, who was then the District Special Branch Officer, heard the news of the arrest from Rose Abongo who rang him. He confirmed with the D.C. Captain Henry Agech, who promised to look into it, and the same day he went to Kampala on official duty. On his return, on 8th February, 1973, he was told by Ochepa of Odur having been detained by Chandia for security matters.

No more was heard of Mr. Odur, nor did Chandia report to Mr. Ochepa about the result of his enquiries. Ochepa, who stayed on in Lira for the whole of 1972, said that he did not again ask Captain Chandia about Odur, although he did ask for his statement which he refused to make as he was going away.

Mrs. Odur did not make any enquiries for the reason that she had heard that "whenever a person is arrested, he might be taken before court and he is tried," (p.1950). On being pressed why she had been so complacent, she repeated that she was under the impression that he was perhaps detained somewhere pending his trial like many other people.

Upon this evidence, we are satisfied that Mr. Odur was arrested by four people in civilian dress who were in the V.W. Kombi, UYZ 410, admitted by Captain Chandia to be the property of his Unit in Lira. Mrs. Odur next saw her husband being brought home by about ten people, four of whom were in Army uniform and two in Military Police uniforms. She also mentioned a mini-bus and that Captain Chandia was present during the search of her house. Captain Chandia gave a different account of his visit to the home of Mr. Odur and we must say that we were not impressed by his explanation. Mrs. Odur spoke of the search which must have followed closely her husband's arrest at the Spinning Mill. We refuse to believe that these unknown people would have been able to use a vehicle belonging to the Military Police, Lira without Chandia's knowledge. We believe that after arresting Odur, these people must have gone to Chandia who accompanied those four with some of his own officers to Mr. Odur's house for the search. In the light of all this, we believe Superintendent Ochepe to whom Chandia admitted freely that he had detained Odur because of security reasons. There was no reason for Superintendent Ochepe to fabricate such evidence against Chandia and, for the reasons which we have endeavoured to give, we find that on 5th February, 1973, Chandia sent the Kombi UYZ 410 to Lira Spinning Mill to arrest Benjamin Odur because of some security reasons. We find that he has been missing since then. He does not appear in the DOB kept by the Military Police, Lira. Ochepe said that he thought that Odur had been taken to Kampala for interrogation. As he has not been heard of since his arrest, we find that the probability is that he was unlawfully disposed of by the Army personnel who had been detailed to escort him to Kampala from Lira, whose identity must be known to Captain Chandia.

111. Subject No. 91 - MARTIN ABANYA.

Witnesses: 195 Washington Anyek - Part 2, p. 1957 - 1961.

196 Charles V. ...

- Part 2, p. 1961 - 1967.

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The subject was the sub-county chief of Minakulu, Lango District. He had been a chief for about one year. He had three wives, two of whom have since remarried according to custom. He had ten children, the eldest W.196, aged thirty-three and the youngest being nine. Six of the children are still at school being supported by W.196.

On 27th September, 1972, the subject went to the County Headquarters, Anyeke, to arrange the prize-giving function for the double production competition which his Gombolola had won. During his absence, at about 3 p.m., four men in civilian clothes and travelling in a van, similar to those used in the Governors' offices stopped at his office in Minakulu and enquired from the clerk (W.195) where the subject was. On being told that he had gone to the County Headquarters, they drove away without saying anything more. Those people later returned and called W.195. He found the subject in the van, sitting between two people. He was not handcuffed or tied but was weeping. His captors handed to the clerk the subject's bicycle, office keys and his brief case, and then drove away in the direction of Gulu. The clerk reported the incident to the D.C.

W. 196 made enquiries at the County Headquarters but did not see any person who might have witnessed the incident. He learnt from a woman called Eremu that the subject was picked

up/...../260.



up by those people from Tochi Swamp, beaten up and put in the car. The son made enquiries in Gulu without success. He also enquired at Lira Police Station and from friends at Luzira Prison. No body had any idea about the whereabouts of the subject. W.196 stated that he did not go to any Military Camp as he was scared. After the disappearance of the subject his son Charles was appointed the heir. He was insured and had money in the bank. No body has so far applied to Court for an order to manage his estate.

This is yet another case where the evidence is very scanty. We are in no doubt that the Sub-County Chief of Minakulu, Martin Abanya, was arrested by four unknown men on 27th September, 1972, and had been missing since then. The Chief's clerk said that those people talked in a "brutal" way and this probably scared him. He certainly did not take down the particulars of the van and there is nothing in the evidence before us about the identity of any of those four men. This arrest came soon after the Invasion of this country when, according to other witnesses from Lira Police Station, for example, W.98 and the D.C. Captain Agech (W.331), many people from the District were arrested on suspicion of being involved with the Invasion. It may well be that Martin Abanya was also arrested for the same reason. As we shall shortly see, in the case of the Administrative Secretary of Lango, George Olong (subject 94) at least one of the people who arrested him was identified by Captain Agech as Corporal Okello of the Intelligence Section who claimed to have been sent by Lt. Col. Marella to arrest these people. It may well be that the subject was also arrested by people who had been sent out by Marella from Kampala, but we do not have any such

direct/...../261.

direct evidence. As Abanya has been missing since 27th September, 1972, we find that the probability is that he was lawfully disposed of by the unknown people who arrested him.

112. Subject No. 92 - ABSOLOM OTIM.  
113. Subject No. 93 - BEN OTIM.  
114. Subject No. 94 - GEORGE OLONG.

Witnesses: 199 Irene Otim - Part 2, p. 1989 - 1998.  
200 Popiya Otim - Part 2, p. 1998 - 2010.  
201 Mary Auma Olong  
- Part 2, p. 2011 - 2019.  
282 Lucy Akello - Part 3, p. 2794 - 2806.  
295 John Ochepe Alaga  
- Part 3, p. 2905 - 2910.  
331 Captain Henry Agech  
- Part 4, p. 3311 - 3345.

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These three subjects were arrested and taken on the same day, that is, 23rd September, 1972.

Subject 92 - Absolom Otim - was the Gombolola Chief of Bala, Lango District. He was married to Irene Otim alias Adye, (W.199), and they have eleven children, between the ages of twenty-eight and ten. She said that only the youngest child is at school as she cannot afford the others to go to school.

Subject 93 - Ben Otim - was a former Secretary General of Lango District and since 1971 was the Chairman of the District Land Board. He was married to Popiya Otim (W.200) from whom he has six children. He had another wife called

Lucy/...../262.

Lucy Auma from whom he has four children. Each wife looks after her children. W.200 said that she has applied to Court for authority to manage his estate.

Subject 94 - George Olong - was the Administrative Secretary of Lango District. He had three wives, that is, Mary Auma Olong (W.201), Desimenti Ataro and Lucy Akello (W.282). He had nine children with W. 201 and eight with Ataro. W. 201 has already obtained a Court Order to manage his property but she complained that she has not been able to continue the premiums on his life insurance due to lack of finances.

On 23rd September, 1972, Absolom Otim had returned home from Lira. At about 10 a.m. he was getting ready to go to his office when five people travelling in a Peugeot 504 car came to his home looking for him. They told him, "We want you at Lira". He told them that he had just returned from Lira and did not know those people. He went inside his house, whereupon two of them stood at the front door and the other two at the rear. When he came out he was ordered into the car. His wife (W.199) looked inside the car and saw a gun. She started crying and the vehicle drove away. She asked a boy to jot down the registration number of the vehicle which he gave her - Ex.39. According to it, the original registration letters were UUK but were altered to UYO 606. She did not know who had done this alteration. After their departure, W. 199 managed to go to Lira and saw the District Commissioner, Captain Agech. She showed him Ex.39 and he promised to look into the matter. She said that her husband was not against the present Government.

At about 1 p.m. the same day, the same vehicle with

five/...../263.

five men and Absolom Otim went to the home of Ben Otim in Aduku Road and asked his wife, Popiya, about him. She told them that he had gone to the home of the co-wife, Lucy, in Anguta-Angwet village. She jotted down the number of the vehicle on a piece of paper - Ex. 40, as UYO 606. At about 3 p.m. Ben Otim was drinking with his porter, John Ochepe Alaga, (W. 295) and his wife Lucy when the same car with Absolom Otim in it as a prisoner, stopped near the home. Four men got out of the car, two came from the front and the other two from the rear of the house and told Otim that they wanted to take him to the Police Station for a statement. Ben Otim dashed inside the house and locked himself in. They threatened to shoot if he did not come out. W. 295 and Lucy appealed to Ben Otim to come out as there were children in the house. He came out and they made him walk in front up to the car. W. 295 heard the Gombolola Chief tell Ben Otim not to worry and they will see what will happen. Ben Otim gave him Shs. 500/- and a bunch of keys which the witness later handed to Popiya, (W. 200). W. 200 reported to the D.C., Captain Agech, who told her that her husband had been arrested with George Olong on orders which came from Kampala. When Popiya saw the D.C. again on 25th September, 1972, she was told that her husband had been taken to Kampala. She said that at the beginning of October, 1972, some men went to her home and said that they had heard that she was crying for her husband and was disturbing the D.C. about him. They told her that they would come back later to take her to her husband. She was scared and the following day, left the home and went to live with her parents. The D.C. said that Ben Otim's wife saw him five days after his arrest and directed her to report to the Police.

Or/...../264.

On the same day in the afternoon George Olong was at the home of his wife, Lucy Akello (W.282) at Adyere Primary School. She said that the Health Inspector, Omule, (who also disappeared and is subject No. 135, p. 302) delivered a message to Olong that the D.C. Agech had suggested that Olong should move to a place with a telephone in it so that he could be contacted easily "in case something happened." Olong then went away to see the D.C. for an explanation. She accompanied him to Lira where she wanted to go to the hospital to see Olong's sister. Before reaching the hospital, they met Mrs. Absolom Otim who told her about the arrest of her husband by some people in civilian dress travelling in a Peugeot vehicle. Just then, the same vehicle stopped on the road and as Olong drove to the D.C.'s home the Peugeot followed them. At the D.C.'s home the people in the Peugeot asked Olong to get into their car. But Olong said that he had something to tell the D.C. They told him that the D.C. was not at home but when Olong knocked at the door Captain Agech came out. The D.C. spoke to them first in the garage for about ten minutes and then in the sitting room for about five more minutes. According to Mrs. Olong - (W. 201):

"Afterwards they came out. The D.C. talked to Mr. Olong that these people came from Kampala and they want you that the President wants you" (p. 2800). When he pressed him for the reason why the President wanted him he is alleged to have commented that "Many people were called for interview in connection with the incident of Mutukula." (p. 2801).

Olong drove back to the home of his wife Mary Auma (W. 201) with the Peugeot following them. Olong told her that there had been some trouble and Your Excellency wanted him. He handed her the car keys and his personal property and he was then driven away in the Peugeot, whose number W. 201 also noted as UYO 606. She said that neither Ben Otim nor Absolom Otim was in the car at that time.

W. 282 saw the D.C. again on 25th September, 1972, when she was told that the telephone lines were out of order and that he had sent Captain Chandia to Kampala to find out about her husband. She saw him again on 27th December 1972, when the D.C. told her that he had been told by Chandia that her husband was detained at Makindye. The other wife (W. 201) says that she saw the D.C. about two weeks after Olong's arrest and the D.C. told her that her husband was wanted by Your Excellency in Kampala. About a year later, the D.C. is alleged to have told W. 201 "Your husband is no longer living" (p. 2015). She said that she went to Kampala to look for her husband but did not achieve anything as she did not know Kampala well and secondly she fell sick.

Captain Agech said that on Saturday 23rd September, 1972, two men who came with Olong to his house told him that they had been sent by Lt. Col. Marella to take all the Administrative Secretaries to Kampala. The D.C. said that one of those two was Corporal Okello of the Intelligence Section of Malire and that their vehicle was a Peugeot 504, UYO 606. He tried to contact Marella on the telephone but the lines were out order. About a week later he went to Kampala and found Marella very busy and he then reported to the Permanent Secretary, Mr. Mugoya, about these arrests.

It is obvious that these three men were arrested on 23rd September, 1972, by the men who were travelling in the Peugeot 504, UYO 606. The D.C. Lango, Captain Agech, said that one of these men was Corporal Okello of the Intelligence Section of Malire who told him that they had been sent by Lt. Col. Marella, the then Commanding Officer of the Military Police Makindye, to fetch these people and other Administrative Secretaries in connection with the Invasion of the country at

Mutukula by guerillas. We have no reason to doubt this evidence and we find that all these three people must have been escorted to Makindye by Corporal Okello and his companions. As none of them has been heard of since and the records of Makindye were not available, we think that the probability is that they were unlawfully disposed of by the military authorities in whose custody they were. Corporal Okello, who was not traced, is clearly implicated in their disappearance.

While still on this subject, we should like to point out that according to the records maintained by the Central Registry of Motor Vehicles, the number plate H10 606 belongs to a SUBARU Vehicle, registered in the names of H.M. Mukwaya and Amlani Motors of Kampala - see Ex. 152. We do not know how Corporal Okello managed to put this number plate on the Peugeot 504, but this case does indicate that even members of the Intelligence Section of the Army were using false number plates obviously to camouflage their identity.

115. Subject No. 95 - M. OKUJA.

- Witnesses: 202 Mary Ekit - Part 2, p. 2027 - 2039.  
203 Benjamin Ekalu Opio  
- Part 2, p. 2040 - 2053.  
303 No. 7584 P.C. Robert Ajenga  
- Part 3, p. 2947 - 2952.  
436 Sup't. Timothy Odrek  
- Part 2, p. 4612 - 4633.  
511 Emanuel Kasujja  
- Part 6, p. 6164 - 6168.  
98 Insp. Vincent Godfrey Oawe  
- Part 6, p. 5857 - 5869.

The subject was aged 42. He was a shopkeeper and had

a Mercedes Benz lorry No. UQZ 447. He was married to Mary Ekit (W. 202) and has five children between the ages of 14 and 4. They are all at school and the subject's mother supports them. No one has so far applied to court for an order to manage his estate.

On 24th April, 1971 the subject left his home in his lorry with the turnboy, Okudu, who is said to have died in an accident, to distribute cotton seed. At about 6 p.m. Okudu returned alone and reported to W. 202 that her husband had been arrested in Alito by some people who stopped them and ordered the subject to drive to Lira Police Station. W. 202 said that Okudu told her that he had left the subject and the lorry at Lira Police Station.

The subject's brother, Opio (W. 203) learnt about his brother's disappearance and sent his sister-in-law (W. 202) to the Police Station to ascertain if the report was true. He said that he was afraid to go and felt that "Women were in a better position" to make such enquiries. W. 202 went to the police station and found their lorry parked outside. She enquired from a policeman about her husband and was told to return the following day. She went to the police station the following day and was told that her husband was no longer there. The policeman told her that possibly he had been taken to Gulu. She did not see their lorry at the police station either. Opio said that he went to the police station on the 25th April, and asked a friend, who was in the Special Branch, to try to find out the reason for his brother's arrest. He did not receive any assistance and then sent W. 202 to Gulu Police Station where she was taken around the cells about his brother's lorry and was advised to 'forget' it. A week later, Opio found his brother's lorry at Gulu Bus - park

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with a tall fat man in civilian clothes in it. He did not speak to the man nor did he report to the police as he was afraid. Instead he reported to the National Insurance Corporation. He saw the lorry again at D.T. Dobbie garage in 7th Street, Kampala. He was told that it had been taken there by officers of the Uganda Army. He saw the private secretary to the Minister of Defence and with the garage manager and the secretary, one called Otto Okello, went to the garage where the secretary took down the registration number of the lorry and the business title which was written on the lorry, that is, Sundry Enterprises Ltd. He was asked by Mr. Okello to wait for his communication. He never heard from him and subsequently handed the lorry's registration card to his lawyer, Mr. Ariko.

The assistant workshop manager of D.T. Dobbie, W. 511, said that the lorry UQZ 447 was first brought into the garage for repairs by Sundry Enterprises of Lira. According to his records, it was next sent into the workshops on 22nd June, 1973 by the Ministry of Works and Housing with an order No. 270/72 - Ex.130. W. 511 said that they claimed their charges from the Ministry of Defence as stated on Ex. 130. The vehicle next came into the garage on 7th January, 1974, again sent in by the Central Workshop (see order Ex.131), but this time it was displaying a different number, i.e. No.12 UA 98. Kasujja said that having checked the engine and chassis number of the lorry - 12 UA 98 - with his records he found that both corresponded with the engine and chassis of the lorry No. UQZ 447. He produced a certificate to that effect (Ex.132) dated 29th November, 1974 which reads:

"M/Benz L.1113 Registration No. UQZ 447, engine No.352.908 - 20 - 081849 chassis No. 358.002 - 20 - 64619 was sold to M/s. Sundry Enterprises Ltd., P.O.Box 185, Lira on 2nd November, 1970. On 7th January, 1974 the same vehicle was

brought in our workshop for repairs from Ministry of Works and Housing, Central Workshop P.O. Box 7174, Kampala with Registration No. 12 UA 98 (Order No. CW/3773/74."

According to the records of Lira Police Station, which were produced by No. 7584 P.O. Ajenga (W. 503), it seems that on 23rd April, 1971, Private Khamis handed in one man and a vehicle UQZ 447 for safe custody. This is according to station diary entry No. 108, Ex. 60. The Lock-Up register entry No. 794/71 reads:

"John Akuja for safe custody was admitted on the same day which is 23rd April, 1971, and the prisoner's property book reference No. was 456/71. He was taken to Gulu on 23rd April, 1971 by an army officer" - (Ex. 63):

There is another entry in the station diary No. 112 of the same date, 23rd April, 1971, which reads:

"Lt. Nalumosu reported his departure to Gulu with two persons, (1) John Akuja, (2) Misaki Anyik with a car registered UQX 447 and a lorry UQZ 447." - (Ex. 61)

Superintendent Odyek (W. 436) was then the District Police Commander, Lango and Inspector Odwe (W. 98) was the District Special Branch Officer. According to Odwe, in April, 1971, people were being recruited as guerillas in some of the counties of Lango notably, Oyam, Dokolo, Moroto, Erute and Kioga. He said that some other people were providing transport for these recruits and he mentioned particularly the names of John Okuja and Omara Ebek (subject No. 89, p. ). The District Police Commander knew of the arrest of John Okuja and, after looking at Ex. 60 and 63 admitted that he had been kept at his police station. He explained that at the material time members of the Armed Forces had powers of arrest and it was difficult for policemen to check on the identity of all such persons who were bringing in prisoners for safe keeping at various police stations.

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He said that the difficulty was that some of the soldiers were uncooperative and stubborn and refused to properly identify themselves. He said that such prisoners, who were kept at Lira Police Station, were subsequently transferred either to Kampala or Gulu.

There can be no doubt that the subject John Okuja was in fact arrested but according to the police records, he was arrested on 23rd April, 1971, and not 24th April as stated by his wife. According to Lira Police Station Diary Entry No. 108 (Ex. 60), it is obvious that private Khamis handed in one man and a vehicle No. UQZ 447 for custody. This registration number is that of the Benz lorry belonging to Okuja and it will follow therefore that the man who was handed in by Khamis must have been Okuja. A similar entry is reflected in the Lock-up register (Ex. 62) and also in the station diary entry 112 (Ex. 51) which indicates that Lt. Nalumoso escorted Okuja and another man called Onyik to Gulu with a car No. UQX 447, and lorry UQZ 447.

We are satisfied that the subject, Okuja and his lorry UQZ 447 were in fact transferred from Lira Police Station to Gulu Air Base by a soldier called Lt. Nalumoso. That this must be so is further witnessed by the fact that when the same lorry was sent to D.T. Dobbie garage on 22nd June, 1971 by the Ministry of Works and Housing, it still bore the title Sundry Enterprises Ltd. and the same registration number UQZ 447. The bill of the repair charges was paid by the Ministry of Defence. When it was sent in again on 7th January, 1974, by the Central Workshop, its registration number had been changed to 12 UA 98. We have no doubt at all that the lorry belonging to Okuja was in fact taken over by the Ministry of Defence.

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From the evidence of Inspector Odwe, it is obvious that in April, 1971 some guerillas were being recruited in various counties of Lango District and other people, including Okuja, who were sympathetically inclined to the cause of the guerillas, and provided their vehicles for their transportation. We are in no doubt in finding that Okuja was in fact arrested by the security forces in the person of Private Khamis because of such a suspicion. The records indicate that he was taken to Gulu Airbase by Lt. Nalumoso, but there is no evidence to show that he reached that destination. The fact, however, remains that he has been missing since then and we have no hesitation in saying that he must have been unlawfully killed by the people who escorted him to Gulu, including Lt. Nalumoso.

116. Subject No. 96 - CIRILO ENGANANG.

Witnesses: 205 Clement Ojok Eliak - Part 2, p. 2053 - 2057.  
206 Faibi Alobe - Part 2, p. 2057 - 2064.  
213 Erieza Okello Adupa - Part 3, p. 2126 - 2145.

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The subject was a business man and a partner with Eliak (W. 205) in quarry at Ngeta, near Lira, called the Lango Quarry. He was also a member of the Uganda Land Commission. He had four wives including Faibi Alobe (W. 206) and a total of twenty-three children between the ages of twenty and fifteen. One of the eldest children, Opio, looks after the other children but, according to W. 206, he is now complaining about the burden on him.

On 22nd September, 1972, the subject left the home of W. 206 to go to the quarry. He spent the night there and on 23rd September, at about 5 p.m., went to the shop of his

partner/...../1972.

partner, W. 205. He sat in the verandah of the shop with Eliak and Adupa (W. 213), who is a Magistrate Grade II. Eliak said that he saw a Toyota vehicle, whose colour resembled that of an Army vehicle, parked near the shop by the Tip Top Hotel. He went inside the shop for about five minutes to ease himself and when he returned he found the subject missing. He said that Adupa informed him that some people dragged the subject up to the vehicle and took him away in it. Adupa denied this evidence and maintained that on 23rd September, 1972, he was 35 miles away in Dokolo. He produced his court diary to confirm that this was so. Adupa said that he used to buy goods from Eliak on credit and by the time of this incident, owed him about Shs. 500/-. He said that in 1974 Eliak sued him for some money which he still owed him. He could not give any reason for Eliak mentioning him as a witness to the kidnapping of Egwang.

Eliak kept the subject's bicycle in the shop till it was subsequently collected by W. 206. Faibi said that no search was made for her husband as nobody seemed to know who took him or where he was taken. She said that she was told by Eliak what Adupa had seen and, after waiting for her husband's return, she concluded that what she had been told about his arrest by Army men was probably true.

According to Eliak, the only eye witness in this case was the magistrate, Mr. Adupa, who denied being present when the subject was kidnapped. We have considered this contradiction seriously. Mr. Adupa did produce his diary according to which on 23rd September, he was in Dokolo. If Adupa had stuck to the schedule as per his diary, then it would be obvious that Eliak had told a deliberate lie about him.

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On the other hand, if Adupa had not followed his itinerary properly, then he might have been at any place except Dokolo. We can think of no reason why Eliak should mention Adupa if he was not there. We fail to see what Eliak was to gain by telling such a lie. We appreciate that Eliak was the subject's partner in the quarry, but there is no evidence to suggest that their business relationship was not friendly. Adupa mentioned his indebtedness to Eliak to the tune of Shs. 500/- in September, 1972, but he did not say that Eliak had been pressing him for payment. On his own admission, it was not till 1974 that Eliak sued him. We are of the opinion that Eliak was a truthfull witness and we accept his evidence. We find that Adupa was in fact at his shop when the subject was kidnapped and we think that Adupa denied witnessing the incident for fear of being implicated and/or of any retaliation by the people who kidnapped the subject. As Adupa chose not to speak the truth, we do not have much material upon which to make our findings but, having accepted Eliak's testimony, we are able to say that he was taken away in a Toyota vehicle, whose colour resembled that of an Army vehicle. He has been missing since 25rd September, 1972 and we are of the opinion that the probability is that he was unlawfully disposed of by the people who kidnapped him.

117. Subject No. 97 - UA 6137 ITE KOSMATINO OJOK.

See G.H.Q. Nbuya, p. 66.

118. Subject No. 98 - UA 6169 ITE STANLY OJOK.

See Border Guard Unit - ORABA

- 617.

119. Subject No. 99 - SAMSON OCHEMI.

120. Subject No. 100 - LEKOBOAM AJAL.

121. Subject No. 101 - CHARLES GIEP.

Witnesses: 208 Yokana Otim - Part 2, p. 2077 - 2086.

292 Geoffrey James Otim

- Part 3, p. 2884 - 2894.

293 Betty Margaret Ajal

- Part 3, p. 2896 - 2901.

These three subjects were related. Yokana Otim (W. 208), retired county chief, says that subject 99, Samson Ochen, and subject 101, Charles Olet, are his nephews and subject 100, Lekoboam Ajal, his cousin. Otim (W.292) said that subjects 99 and 100 were his stepbrothers, and Olet was his real elder brother.

Samson Ochen was the Deputy Commissioner of Prisons. He was married to Georgina Ochen who did not come forward to give evidence, and they have ten children. Both W. 208 and 292 first came to know of his disappearance when sometime in 1972, they heard an announcement on the radio that Ochen had fled the country to Tanzania. After the announcement, Georgina went to their home in Lango and told W. 208 that her husband left their home in Kampala one day in 1972 and never came back.

Lekoboam Ajal was an officer in the defunct General Service Unit. He was married to Betty Ajal (W. 293) and he had another wife also. He has five children between the ages of twenty and ten, the eldest son is a telephone operator in the Agriculture Office, Soroti and the other children are still at school. W. 293 said that she has not applied to court for an order to manage her husband's estate.

According to Betty Ajala, she took the children home to Lango at the time of the takeover of the Government by the Army. This was followed by an announcement by the Government disbanding the General Service Unit and all GSH Officers were asked to report to the nearest police station. We might say at this juncture that Charles Olet also was a General Service Unit man and was the Assistant District Commissioner, Gulu; he was trans-

ferred to Kampala in January, 1971 just before the Army takeover of the Government. According to his brother, after this unit was disbanded, Olet was sent home to Lira pending assignment of other duties and, following the government announcement, Olet reported himself at Lira police station.

When Betty Ajal returned to Kampala, she found their house locked and everything in it taken away. She learnt that when her husband went to the Permanent Secretary and asked for his pay he together with about 85 others were arrested and detained at Murchison Bay Prison, Luzira. She saw a friend, Warder Charles Bun, who confirmed that Ajal was in the prison but refused her permission to see him.

Regarding Charles Olet, and as already stated, after the disbandment of the General Service Unit, he returned home to Lira and reported himself at Lira Police station. He had a Peugeot 404 car, No. UQV 141. On 14th February, 1971, Olet was driving in his car with his family going to church for a service. He was being followed by his brother (W.292) on his scooter. Olet was stopped by two people standing by the roadside, opposite Lango D.A. workshop. When he stopped, W. 292 heard them introducing themselves to Olet "we are the people from the security." They told him that he was wanted at the Police Station and asked him to come out of the car. When he and his family came out they asked him for the key of the car and took him away in the car to the police station. W. 292 did not follow them to the police station as he was more concerned with finding transport for the rest of the family. According to him, Olet's wife Anna, who is now a mental case in Kaberamaido, saw her husband in Lira police station and later twice in Gulu at the Army barracks. Otim said that he later saw his brother's car at the Central Police Station, Kampala, but with a different registration number which

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he did not note. He identified it from a scratch on the steering wheel. Olet had six children between the ages of nineteen and five. According to Otim, all his property was stolen from his house in Kampala and no one has applied for a court order to manage his property.

Ex. 125 is a list of General Service Officers who were detained at the Uganda Government Prison, Murchison Bay. It lists 90 people, but neither Lekoborn Ajal nor Charles Olet is amongst them. We would say that No. 45 on the list is one called Robert Ajal, who must be a different person all together.

There is no direct evidence with regard to Samson Ochen except for the radio announcement which W. 208 and 292 heard. There is no evidence before us to dispute the truth of the announcement as heard by these two witnesses, and we are of the opinion that the probability certainly is that he might have fled the country.

Regarding Lekoborn Ajal and Charles Olet, we are satisfied from the evidence that both of them were men of the now defunct GSU Ex. 125 makes it abundantly clear that 90 such officers were detained at Murchison Bay Prison. Although Betty Ajal said her husband was also detained at the same prison, his name does not appear in the list - Ex. 125. Nevertheless, we are of the opinion that her evidence has a ring of truth, and we find that her husband was arrested and detained at Murchison Bay Prison.

Regarding Charles Olet, we accept the evidence of his brother, Otim and find that on 14th February, 1971 he was arrested by men claiming to be security officers and taken to Lira police station. The evidence is that he was transferred to Gulu Airbase after two days but we have not been able to see any records from either Lira Police Station

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or Gulu Airbase to confirm whether this was so. Unfortunately, Mrs. Olet is a mental case but we are inclined to believe Otim that she did see Olet at Gulu Airbase on at least two occasions.

Our finding in respect of Lekoboam Ajal and Olet is that they were in custody at Murchison Bay and Gulu Airbase respectively. Neither has returned home and both are missing since February, 1971. The authorities in whose custody they were, ought to know how they were dealt with, and we believe that the probability is that they were unlawfully disposed of while under detention.

- 122. Subject No. 102 - G.G. OGWANG OLET.
- 123. Subject No. 103 - P.Y. OKELLO OKUM.
- 124. Subject No. 104 - HENRY OKETTA.

- Witnesses: 209 Eriya Olet - Part 2, p. 2089 - 2096.
- 346 Mrs. Joice Okumu  
- Part 2, p. 3560 - 3568.
- 372 Miss Judy Atim  
- Part 2, p. 3795 - 3820.
- 488 UA 12648 Cpl. A.A. Wila  
- Part 6, p. 5512 - 5577.
- 491 UA 12686 Cpl. Onziga Safi  
- Part 6, p. 5659 - 5693.
- 493 UA 15432 L/Cpl. Abdunuru Pasikale Bondo  
- Part 6, p. 5705 - 5750.
- 542 Captain Bashir Juma  
- Part 7, p. 6849 - 6878.

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The three subjects were technical officers in the Agriculture Department, Gulu.

Mrs. Joice Okumu (W. 346) was a secretary employed by the Tobacco Cooperative Union, and working with her in the same

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office but for the Small Holders Tobacco project was Miss Judy Atim (W.372).

On 22nd September, 1972, both these ladies were in their office. At about 10.30 a.m. a V.W. Kombi stopped near the window of the office and a man jumped out of the vehicle and went into the office. W. 372 recognised this man as Onziga (W. 491) whom she knew before. Onziga asked them the whereabouts of Oketta and Ogwang, without telling them why he wanted them. The ladies told him that they would be in the Agriculture Office, whereupon Onziga asked both girls to get into the car. They found Okello Okwar and another lady called Mrs. Margeret Odwar and some others in the Kombi. They drove up to the Agriculture Office. Onziga went in and soon came back with Oketta and Ogwang Olo. Mrs. Margeret Odwar was dropped at the Middle North Tobacco Office and then they picked up the Superintendent of Works from the Ministry of Works. They drove on to the Army Barracks, Gulu Airbase. On the way Onziga told Oketta "You will see". At the barracks, they were all put together in one office.

Their personal belongings were removed from them and the two girls were asked to remove their clothes. They refused and the soldiers became nasty. The girls agreed to remove their blouses, whereupon the soldiers left them in the room and went away. Later an officer came and asked what they had done. He was told by another officer that they had been brought in by Onziga. Then a man came with a basin of paraffin and, after pouring the paraffin on the floor, told the prisoners not to move. They stayed there until lunch time and when food came they refused to eat. Soon after 2 p.m. W. 488 came and asked who had taken them there. Judy told him that he should know better but he denied any knowledge and asked her to accompany him to another office.

1279.

She insisted that her co-prisoner went with her but W. 488 agreed to let Joice accompany her to the other office where both of them were interviewed. Judy Atim refused to speak until she was told the reason for her arrest. This made the officer annoyed. Then Onziga came back and asked if they had eaten their lunch. They were taken by two Army Officers to the adjoining office where Judy saw one of her relatives, by name of Oyat and another man, sitting there. W. 488 came to that office at 7 p.m. and Judy heard an Army boy at the door shouting "towa Mulefu". Judy said that she is taller than Joice and she, Judy, was asked to go out. She refused unless she was accompanied by Joice and then both of them were taken to the Sergeants' Mess. They spent the night in the room while being guarded by a soldier and the next day Captain Bashir Juma, (W. 542) saw them at about 3 p.m. in the same bedroom. Judy asked him the reason for their arrest but the Captain shouted her down saying 'you girls must stop going to guerillas' meetings'. She tried to argue with him and told him that he had no right to question them like that. He was annoyed and told the girls not to interfere in 'men's affairs'. He said that he knew of the meetings the girls had been attending and this, the two girls denied. Mrs. Okumu said that she asked him (p. 3565):

"I asked him, him being an African like myself and he knows how a man is strict with his wife, then I said supposing he was my husband and I am his wife, a mother of a child who was three months old, could he allow me to go out at night leaving that child alone, going somewhere he did not know and for the purpose he did not know."

The Captain thought about this and then decided to release the girls after a long lecture and a warning. Later he drove them to their office.

Judy/...../280.

Judy said that she was not sure whether Oyat was subsequently released or not. But she did see the Superintendent of Works later and has not seen Ogwang Olet and the other two Agricultural Officers since then.

Ogwang Olet's father, W. 209, received information of his arrest on 29th September, 1972. He sent his sister and daughter to check on the report and when it was confirmed, he went to Gulu on 4th October, 1972, and saw the Agricultural Officer. The arrest of his son together with some others was confirmed and he then saw the D.C. who rang up the Airbase Commander while W. 209 waited outside. Later the D.C. asked him to go home and 'stay quiet' until he had finished his enquiries. He waited for three months and when he saw the D.C. again in January, 1973, he was told that there was no news about his son. He returned to Gulu in June 1973, and was asked to remove his son's property from his house. He said that Ogwang Olet was aged about 29 and single but had two illegitimate children. The father said that he has already obtained an order from the Court to manage his son's property.

The three Intelligence Officers of the Gulu Airbase, that is, W. 488, W. 491 and W. 493, all denied being involved in the arrest of these Agricultural Officers and the two girls. Ali Wila, W. 482, said that people accused of holding secret meetings or being in a possession of firearms for subversive activities were cases for Police to investigate. He denied that either he or his two colleagues, Bondo and Onziga, took any people to the Airbase for interrogation. Similarly, Onziga denied the entire evidence of the two women and maintained that he had not arrested any of the Agricultural Officers or the girls as alleged. He also denied taking them to the Airbase Barracks.

He said that a written record in the form of a report is kept whenever somebody is arrested and this is sent to the Commander of the Airbase who keeps it in a file. He did not produce any such a file. Bondo said that he was not at the Airbase on 27th September 1972, but was on stand-by duty at the Airfield. He contradicted his other two colleagues by saying that people were being taken to the Barracks for interrogation.

Notwithstanding the denials of Onziga and his other colleagues, we are satisfied from the evidence of the two girls that these three Agricultural Officers and the two girls were arrested from their offices by the Intelligence Officer, Onziga on 27th September, 1972. At least Miss Judy Atim knew Onziga before and she said that he had a reputation of arresting people in similar fashion. She also knew Ali Wila and said that he was not with Onziga that day. We accept the evidence that all of them were taken to the Airbase Barracks and the two girls were released by Captain Bashir Juma, after being detained overnight at the Barracks. It seems that they had been arrested on suspicion of attending what the Captain termed as "guerillas' meetings". If those allegations of the activities of the girls were true and the Captain also knew about those meetings, we fail to see why he released them, except for the reason which Mrs. Okumu advanced. The other three agricultural officers were last seen at the Gulu Airbase Barracks by the two girls and there is no evidence that they or any one of them ever came back. The Superintendent of Works was seen later by Miss Judy Atim but not any of the others. As they have been missing since 27th September, 1972, and were last seen at the Gulu Air Base Barracks, it would follow that the authority in whose custody they were ought to know how they were dealt with. For our part we say that the probability is that they must have been unlawfully disposed of while in custody at the Gulu Airbase.

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125. Subject No. 105 - SUPT. FAUSTINO HARRY GEORGE APUNYO.

Witness: 210 Constance Neko Agulo Apunyo

- Part 2, p. 2096 - 2115.

The subject was a Superintendent of Police and was stationed at Fort Portal as in-charge of the Station since 1969. He was married to W. 210 and they have six children.

According to the evidence of Mrs. Apunyo their house was attacked by a large number of people, some in military uniform, others in commando uniforms and some in civilian dress, on 31st March, 1971, at about 1 a.m. She said that she first heard two vehicles stopping in their compound, followed by foot steps of many people going around the house. She then heard some body knocking at the door and shouting "we are police and we want you." W.210 and her husband kept quiet, and then someone from outside asked "Mukyala, Mukyala is your husband around?" She still kept quiet. These people outside started knocking at all the windows and they were saying, "Today you will see. Even if you keep quiet, we know you are inside." From here onward we would let Mrs. Apunyo narrate the gruesome incident in her own words - (p.2097):

"Some were using English and some were using Kiswahili, then a few minutes afterwards I heard a gun shot at the front door. We still kept quiet but some people then came inside the house in the sitting room. Then they went to the middle door which was only shut, not locked, and it was also broken. They entered into one of the rooms but they did not know which one we were occupying. They broke the door leading to the children's bedroom. They asked the children to tell them where we were sleeping, then the children showed them where we were. They forced us to open the door but we did not, eventually they broke the door. They then found us standing at the door. Some people caught me and the others caught my husband. Their faces looked like those of Europeans except one who looked like that of an African. The faces were painted red but their arms and legs were not painted, they

were/...../283.

were black. Some people were assaulting me and others tried to drag him outside. Then they brought him back in the bedroom. He was then taken from the bedroom and brought him in the sitting room. Some people caught me when I was following him. Some people were taking away the property from the house and others were assaulting me and he was then thrown outside and he was shot twice and I was in the sitting room when I saw him being shot and I heard him say "I am dead."

Some people argued that why do we leave the woman - let us kill her too and others said that let us leave her, what will she do with all these many children. Then they threw me outside, and those who were outside returned me inside. When I returned in the house then one of them ordered me to sit down. He held his gun and shot but he missed me. One of them then picked me up and took me back to the bedroom. He picked up a bottle of beer which was there and he hit me on the head with it. He then commented that you Apunyo, is it not you who were boasting and where are the girls with which you were boasting and the beer."

She said that the man who took a shot at her and made the comment about boasting was Lt. Col. Toloko, the officer commanding the Army Barracks, Fort Portal. She continued to say that Toloko was talking to himself. He referred to her as "Akokoro" and that "You used to boast saying that you are a big man in the police." Akokoro is a sub-county in Lango District and is the place from where the former President came. She said that they collected all the children when she was being beaten. Some of them suggested killing all of them to avoid any trouble subsequently, but others said, "No, let us leave them; this is a bloody woman." They took away most of the things from the house, like cutlery, record player, plates, transistor radios etc. Then Toloko asked her for the car keys. She told him that the keys were on the table which had been taken away by his men. He then left saying he would come back for her, and she should prepare him a bed. He went as far as the fence and came back, still asking for the keys. She told him to look in the property they had taken. He beat her up and kicked her all

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over the body. Then they went away taking her husband with him. She crawled up to the bush and hid there until the morning. In the morning she went to the house of the Regional Police Commander, Mr. Mutazindwa, who is now alleged to have retired from the Police Force. She was absolutely naked and the Police Commander's houseboy ran away on seeing her. His wife gave her something to cover herself and after she reported the incident to him, he simply said "It is up to him". He appeared to be so scared that he was reluctant to do anything for her. Two other Police Officers, Omaset and Malinga, decided to go to her home to see what had happened, much against the advice of Mr. Mutazindwa. Mrs. Apunyo does not seem to have got any assistance from any of the Senior Police Officers in Fort Portal. Her request for transport to take her home was refused and she decided to walk all the way to Lira.

She took her six children, and two of her brother-in-law, and started walking out of Fort Portal. She had a lot of difficulty walking because of the beating she had received and spent the night on the way within Fort Portal. After walking for about twenty miles she got a lift in a lorry which dropped her at Masindi and the driver also gave her Shs. 40/- to help her on the way. She managed to get a car and got to Atapara in Lango where she fell ill and spent about four days in the hospital. Later her brother-in-law, who was teaching at Atapara, took her home.

She paid off the balance of the loan of Shs. 1867/- left on her husband's car, which she later sold to pay off other debts. She said that her husband left a house in Dokola but his people ordered her out of it and she is being bothered a lot. She looks after her children and gets fees by brewing waragi. Regarding the administration of Apunyo's estate, she said that the authorities were insisting upon a death certificate.

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before they could deal with her application. She did not know about the procedure regarding the estates of missing people.

She has not seen her husband since 31st March, 1971, after being shot and taken away from their home in Fort Portal.

From the clear and detailed account of the incident given by Mrs. Apunyo, it is manifest that the hooligans who attacked their home on 31st March, 1971 were under the command of Lt. Col. Toloko, whom she knew before. There is no question of mis-identification because, after these people had broken into the house, they switched on all the lights. Mrs. Apunyo said that when her husband was shot outside the house in the compound, she heard his cry "Oh, I am dead." Later the following day the two police officers Omaset and Malinga saw blood in the compound. The only person who was shot and fell in the compound was Apunyo. His wife said that these soldiers took her husband away in their vehicle when they left. In those circumstances we are satisfied that Mr. Apunyo was shot and hit by the bullet as is evidenced from his cry. We accept the evidence that he was carried away while injured and we are certain that either he was dead when he was taken away or he must have died after removal from the compound. In either case we find that he was mercilessly killed by some Army soldiers who were being commanded by Lt. Col. Toloko. We are not very sure about the reason for such barbaric retaliation against Apunyo except for what his wife heard Lt. Col. Toloko say about his boasting about girls and beer. We would be shocked and stunned if the price of such boasting were to be paid with one's life! Had there been any other reason for this murder, we do not know.

This is yet another case where the police was so cowed by fear of the Army that even highly placed officers, like the Regional Police Commander of the day, Mr. Mutazindwa, were

scared of their lives to intervene or even help Mrs. Apunyo slightly by giving her a lift. As far as these police officers were concerned it seems obvious that there was no question of investigating this dastardly murder of a police officer by some Army Officers, and bring the culprits to justice.

126.           Subject No. 106 - UA 7728 PRIVATE NICHOLAS OCWANG.  
                  See Moroto Soldiers, p 664.
127.           Subject No. 107 - ISAAC OWINY.
128.           Subject No. 108 - CIRILO OKOKO.
129.           Subject No. 109 - SOLOMON AWAL.
130.           Subject No. 110 - MISAKI ONYIK.
131.           Subject No. 111 - JOHN OYITE.
132.           Subject No. 121 - ALFRED ATINE.

- Witnesses: 212 Venturina Owiny - Part 3, p. 2119 - 2126.
- 222 Albina Ayo Okoko - Part 3, p. 2215 - 2225.
- 274 Alice Adero Awal - Part 3, p. 2715 - 2736.
- 275 Gaburiela Nyakalal  
  - Part 3, p. 2736 - 2746.
- 288 Rose Atiang - Part 3, p. 2849 - 2857.
- 289 Mary Achieng - Part 3, p. 2857 - 2864.
- 303 No. 7584 P.C. Robert Ajenga  
  - Part 3, p. 2947 - 2952.

These six residents of Minakulu sub-county in Lango District were arrested on 20th April, 1971.

Isaac Owiny (subject 107) was a teacher at Minakulu P.VII school. He was married to W. 212 who also is a teacher. They

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have three children and, according to W. 212, the 4th who was born after his disappearance is not his.

Cirilo Okoko (Subject 108) was formerly working for the Railways but at the material time was a business man. He was married to W. 222 and had a second wife also; each having two children from him.

Solomon Awal (Subject 109) was also a teacher at Minakulu P.VII school. He was married to W. 274 and they have eight children between the ages 18-12, of whom only four are at school.

Misaki Onyik (Subject 110) was a carpenter and was married to W. 275. They have seven children, of whom only the eldest is at school.

John Oyite (Subject 111) was the Gombolola Chief of Minakulu and was married to W. 288; he had a second wife also. He has eighteen children between the ages of nineteen and seven.

Alfred Atine (Subject 112) was the manager of Adokomit ginnyery. He was married to W. 289 and Martha Ayuru. He has twelve children, of whom four are from W. 289, between the ages of fourteen and three. Only four children are now at school.

On 20th April, 1971, W. 212 saw a vehicle coming from Gulu direction. It stopped near the road and three or four people in civilian dress walked up to their home. They greeted her and at their request, she called out her husband. He came out and after greeting him, they said "We are taking you to Gulu". They did not tell him why they were taking him, but they took him to the car which was white colour. She did not notice its registration number. She reported to the Headmaster of his school who, in turn, reported to the D.C. W. 212 said that she did not try to trace her husband,

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as one of his colleagues had also been taken in similar fashion and his people were looking for him. She said she would ask them if they saw her husband anywhere.

W. 212 is a teacher at Abongobera Girls School and gets a salary of Shs. 400/- p.m. She has not re-married. She was able to collect the money which was on his bank account without getting an order from the court to manage his estate and she also got some money from the Teachers' Association. She did not know if her husband was insured.

At about 8 a.m., on the same day, Cirilo Okoko and his wife W. 222, were having their breakfast when two vehicles, a blue Peugeot 404 and a white Mercedes Benz, Registration No. USW 129, came and stopped; the Peugeot stopped in front and the other at the back of the shop where they were living. She said that four people came out of the Peugeot and told her, "We have come to collect your husband." They said they had been sent from Kampala to take him for interrogation and they asked him, "Have you received letters from abroad?" Her husband denied, and they searched the house without finding anything. Then they told her husband, "Put on your shoes. Let us go. We are unfortunate." At the same time one of those said that as the subject had nothing and had committed no offence, they should leave him alone. Nevertheless, he was taken to the Peugeot and driven away. She said that the same people also collected Isaac Owiny, Solomon Awal, John Oyite and Alfred Atine. According to this witness, a Volkswagen came later the same day and took away the carpenter, Misaki Onyik, and a young girl aged fourteen, called Adong. She said that this girl came back after three weeks but refused to talk

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as she had been warned against speaking. Unfortunately, she died three days later in a traffic accident. W. 222 said that her husband never came back. She made enquiries after a few weeks at Gulu, and Army officers to whom she mentioned the registration number of the Benz car allegedly told her that the vehicle was from the Cabinet Office and that she should go to Kampala. She was also told that if she went to Kampala to the Cabinet Office, she too would be killed. While in Gulu, she saw two of those people who arrested her husband at the shops wearing plain dress. She saw the same two in Lira town on a number of occasions going about in Army vehicles. She did not report them to the Police; instead she went to Luzira from where she was directed to Makindye. She did not find her husband and she checked at Kige Prison. Failing to find him there she went to the Mbiri and failing again to find him there she gave up the search. W. 222 said that her husband left some money in the bank and his shop had been taken over by her father-in-law who has chased her away.

At about 8.30 a.m. the same day three vehicles, a Peugeot, a Volkswagen whose registration figures W. 274 recalls as 122, and a Benz, went to the house of Solomon Awal. Only the Volkswagen entered their compound.

Mrs. Awal was scared and started crying. A young boy aged about twelve called Ago took down the registration number of the vehicles on a piece of paper - Ex.69. The numbers so noted are UHI 122 and UHW 200. A statement dated 2nd October, 1974 in which she mentioned only two vehicles was put to her but she maintained that only the Volkswagen stopped in their compound, the other two stopped a little beyond their home. She said that two people, one with a gun, came out of the Volkswagen and told her husband, "Come here."

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We have been sent to collect you." They put her husband in the vehicle and drove away, saying that they were taking him to Gulu. According to her the other two vehicles took the other subjects on the same day.

W. 274 went to Gulu Prison after three days and did not find her husband there. She did not check with the police and on 20th April, 1971 went to the Army Barracks, Gulu. The soldier at the gate told her that they did not have any prisoner. She also went to Makindye but failed to find her husband there.

She said that all the eight children used to go to school before her husband disappeared, but now she can afford to send only four to school.

At about 10 a.m. a green Peugeot No. UUV 200 went to the house of Misaki Onyik. W. 275 said that three men in civilian clothes, one with a gun, came out and said to her husband that they wanted him. Her husband went away with them. They removed his shoes, put him in the car and drove away without saying what they were going to do with him. Like W. 222 Mrs. Onyik also mentioned Adong who was also arrested with her husband. She said she saw her being arrested from Minakulu shops. Adong came back after three days and told her that she left Onyik at Lira Prison. W. 275 went there and was told that her husband was not there. Then she went to Gulu and enquired at the police station. Nobody seemed to know about him. Then she went to Makindye after about a week but did not find him there. She had no idea of what might have happened to her husband.

W. 275 produced the station diary and lock-up register of Lira Police Station. According to Ex. 62, which is the

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lock-up register, entry number 768/71 of 23rd April, 1971, Misaki Onyik had been admitted to the police cells on 20th April, 1971 for safe custody and according to Ex. 61, which is the station diary, entry number 112 of 23rd April, 1971, Lt. Nalumoto took away John Akuja and Misaki Onyik together with car No. UGX 447 and Lorry No. UUZ 447 to Gulu.

With regard to the Gomb. Chief, John Oyite, his wife W. 288 said that on 6th April, 1971, six men dressed in army uniform went to their home at about 4 p.m. Three of them carrying guns came out and asked her where her husband was. When she told them that she did not know, they told her that the "Big man" wanted her husband because he had not detained the Army officers who were in his area. She said that they asked her to tell her husband to detain all the Army officers who were in the village and they would be collected later. She passed this message to her husband. And she said that he did not arrest any of his soldiers from the Army between 6th and 20th April, 1971 because his askaris failed to get any.

On the 20th April, 1971 at about 8 a.m. two vehicles went to the home of the gomholola chief. Both these vehicles were white Peugeot 403 saloons. She saw six people in the cars, four with guns who came outside. She said that one of the four armed men was amongst those who had called previously on 6th April. They told her husband that they had been sent by the "Big man" to collect him. They took him to the office and searched it. They took him away in the direction of Gulu. W. 288 said that she did not try to look for her husband and thought that as he was a government servant he would return. She did not report the incident to any

authority/.....292.



authority except for the county chief who came to check on the cash. She said that of the eight children, five used to go to school but she now finds it difficult to send any of them to school. She was not sure if he had any money in the bank or if he was insured. He had a car but thieves have stolen all its parts. The Lango D.A. paid her his half salary for three months. She said that she had not applied to court for an order to manage his property.

On 20th April, 1971 Alfred Atine left his home at 7.30 a.m. to take his sick child to hospital. His wife W. 289 saw him again when he was brought home together with the child in a different vehicle which was also a Peugeot but bigger than her husband's car in which he had gone earlier. She saw the gombolola chief, John Oyite in her husband's car whose registration number is UQO 983. Those people in the cars, except for Oyite, came out. One of them had a gun and he ordered Atine to take the child inside. The man with the gun ordered her husband to tell her whatever he wanted. Atine told her to look after the children properly and also to tell the co-wife because he did not know where he was being taken. W. 289 asked them where they were taking her husband. They told her they were going to the Gulu Airbase. Then both vehicles drove away. She said that the people in the cars were all dressed in civilian dress. She called the one who did the talk a soldier by the way he spoke. She described his speech as 'brutal'. She saw the vehicles taking Gulu direction.

On 23rd April, 1971 she went to Gulu Airbase and asked about her husband at the gate. She was told that people brought from Lira had been taken to Arua by plane. As a result, she went to Arua Airbase on 30th April, but the

soldier/.....293.

soldier at the gate told her that her husband was not there.

W. 289 said that she saw her husband's car being driven by a civilian in Gulu town. She claims that she still sees it but with a different number plate which she does not remember.

She said that all the twelve children used to go to school before her husband disappeared but now only four are at school. He had some money in the bank and also some land and houses. She said that she has not applied to court for an order to manage his property.

It is evident that all these six people were arrested from Minakulu by people who have been described as soldiers. To Okoko, they asked if he had received any letter from abroad. To Isaac Owiny, Awal and Oyite they said that they were taking them to Gulu Airbase. To Oyite they said that the 'big man' wanted him because he had not detained Army deserters.

When all this is considered in the light of the evidence of the District Special Branch Officer, Odwe (W. 98) who said that in April, 1971 recruitment of guerillas in certain counties of Lango had started and some people were assisting in the transport of those guerillas, it would seem obvious that the arrest of these six people from Minakulu sub-county was probably due to the guerilla activity which was prominent at that time. There is also the evidence of the District Police Commander, Odyek (W. 436) who said that people arrested by the Army sometimes passed through Lira Police Station and all such prisoners were taken either to Kampala or Gulu. In the case of these six people, there is police record at Lira Police Station only in respect of Misaki Onyik.

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It would seem that either no record for the other five was kept at the police station or they were taken straight to their destination. As the police lock-up register indicates that Misaki Onyik together with John Ak (subject No. 95) was taken to Gulu by an Army officer called Lt. Nalumoto, the probability is that the others were also taken to the Gulu Airbase. None of them has come back and all of them have been missing since April, 1971. We find that the probability is that all of them were unlawfully disposed of by the people in whose custody they were. With regard Misaki Onyik, we can say for sure that Lt. Nalumoto, who escorted him from Lira, must bear full responsibility for his whereabouts. And regarding the others, as we have already said, the probability is that they too were taken to Gulu Airbase. Unfortunately, the DOB of Gulu Airbase was not made available to us and we cannot say whether they did in fact reach that destination. Likewise none of the witnesses recognised any of these people who arrested them but if Onyik was arrested by Army people and taken to Lira Police Station, we think it is reasonable to say that the others must also have been arrested by soldiers of Uganda Army, as some of the witnesses say.

133. Subject No. 112 - IRUNASANI OGWANG.

Witnesses: 213 - Ericza Okello - Part 3,  
p.2127 - 2145.

The subject was the county chief of Erute in Lango District. While giving evidence on subject No. 96, Mr. Adupa said that he had heard of many people who disappeared and mentioned this county chief as one of them. We did not hear any other direct

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evidence about Mr. Ogwang, nor did any of his family come forward to depose about the circumstances which led to his alleged disappearance. In the circumstances, it is impossible for us

134. Subject No. 113 - UA 4099 - VINCENT OMARA.  
See Moroto Soldiers, p. 664.
135. Subject No. 114 - Cpl. SAMUEL ODIDI.  
See Mbarara Simba Battalion,  
p. 618.
136. Subject No. 115 - UA 6726 PRIVATE MANASI OTIM.  
See Mbarara Simba Battalion,  
p. 618.
137. Subject No. 116 - UA 2950 L/Cpl. RAYMOND OGWAL.  
See Mbarara Simba Battalion,  
p. 618.
138. Subject No. 117 - UA 6697 PRIVATE ABUMERIKI OKABO.  
See Mbarara Simba Battalion,  
p. 618.
139. Subject No. 118 - UA 5289 JOHNSON OKELLO.  
See Jinja Soldiers, p  
p. 580.
140. Subject No. 119 - DRIVER OTIM.  
See Jinja Soldiers, p. 580.
141. Subject No. 120 - UA 3083 S/SGT. MESUSERA OGWANG.  
See Mbarara Simba Battalion, p. 618.
142. Subject No. 121 - ALFRED ATINE (See p. 286).
143. Subject No. 122 - UA 6092 PRIVATE MATHEW OKUNY.  
See Malire Soldiers, p. 598.
144. Subject No. 123 - S/Cpl. CHRISTOPHER OKELLO.  
See Jinja Soldiers, p. 580.

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145. Subject No. 124 - UA 6048 Cpl. PHILIP OLUONGA.  
See Malire, p. 598.
146. Subject No. 125 - UO 229 Lt. WILSON GIBSON OGWAL.  
See Mbuya Soldiers, p. 565.
147. Subject No. 126 - UO 139 Lt. LIYA OTIM.  
See Mbuya, p. 565.
148. Subject No. 127 - UA. 4846 L/Cpl. PETER OCEN.  
See Magamaga, p. 594.
149. Subject No. 128 - UA 1845 PRIVATE LEON OTIM.  
See Moroto, p. 664.
150. Subject No. 129 - UA. 4973 PRIVATE ALFRED OKELLO.
151. Subject No. 130 - UA. 6127 PRIVATE LUCAS OKELLO.
152. Subject No. 131 - CPL. KONSTANTINO OGEMA.  
See Mbarara Simba Battalion, p. 618.
153. Subject No. 132 - ALFRED OLWE.  
Witnesses: 232 Margaret Adero - Part 3, p. 2290 - 2298.  
331 Captain Henry Agech - Part 4, p. 3311 - 3345.

The subject was a Health Inspector until 1969, and started keeping a shop in 1970. He was married to Margaret Adero, W. 232, and they have three children aged fifteen to eleven months.

W. 232 said that her husband was first arrested by the O.C. CID Lira Police Station in March, 1971, and was kept in custody at the Military Police, Gulu, for two weeks. He was then transferred to Makindye where his wife saw him and was subsequently released after two weeks with a letter of his release. He did not tell his wife why he was arrested and detained.

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On 6th February, 1973, at about 9 a.m. the subject and his wife were in their shop in Lira town. Two men came into the shop and spent about three minutes looking at the various goods. Then they left. About 30 minutes later an Army Landrover came and stopped outside the shop. Mrs. Olwe said that she identified the vehicle from its colour. Four men came out; two in Army uniform stopped at the shop door and the other two, who were those who had been to the shop a little earlier, came inside and asked the subject if he was Alfred Olwe. The subject said he was, whereupon one of those two produced something, which to Mrs. Olwe looked like a small diary, black in colour, which he held in his hand and said that he was a soldier from Kampala and "The President wants you". Mrs. Olwe said that she looked at the card but did not read it. She noticed that it had no photograph, nor was there any writing at the back. However, they did not tell her why the President wanted him and they did not even allow the subject to talk to her. She said that she did not know if the subject was known to the President and he had never talked about meeting him. One of the men handcuffed the subject and Mrs. Olwe felt from that time that they were perhaps not taking him to the President. They told him to get into the landrover for being taken to Kampala. She did not notice the vehicle number as she was crying.

She shut the shop and saw the D.C., Captain Henry Agech, at about 2 p.m. the same day. He did not know of the incident at all, when she described the people involved in the arrest of her husband to him, he told her that those people were 'visitors'. The D.C. rang up the Police Barracks and was told that the subject was not taken there. The D.C. asked her to go home.

Captain/...../298.

Captain Henry Agech testified that when Mrs. Olwe reported to him, he asked her to report to Captain Chandia. Captain Agech agreed that he advised her so and also spoke to Captain Chandia about investigating this case. He, however, denied telling her that those people were 'visitors' from Kampala. The D.C. remembered asking Chandia about people who were arresting others and Chandia is alleged to have replied that he did not know who those people were. He went on to say that during February/March 1973, many people were arrested in his area but he said, "When these arrests happened I was not there so, when I came back, somebody told me that there were some people arresting some people here" (p.3323). He also said that Captain Chandia was a member of the District Security Committee but never briefed the Committee about such arrests.

In March 1973 Mrs. Olwe received information that her husband had been taken to Makindye and she went there to make enquiries. She was stopped at the gate and one soldier allegedly told her that the prisoners from Lango were released on Friday. Later someone higher in rank told her that nobody from Lango was being kept there.

Two of her children are at school. She has taken over the shop goods but has not been able to draw money from the Bank which insists on seeing the death certificate. She has been using their joint account since.

As this incident occurred in broad daylight, it is reasonable to say that Mrs. Olwe had good opportunity of seeing those who arrested her husband. She said that two of the men were in Army uniform and they were all in an Army landrover. Although we appreciate the fact that it may be dangerous to accept such identification which is

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based partly on the colour of the vehicle and partly on the so called Army uniform, we are nevertheless of the opinion that people like Mrs. Olwe could be trusted at least in their identification of the vehicle, if not the people from their dresses. Taken together with this, is the fact that the D.C. also said that around February/March, 1973, many people were being arrested by people from Kampala. We have already seen in some cases, with which we have dealt already, about certain Security Officers coming from Kampala and arresting people in Lira. We find that the circumstantial evidence points to the fact that Alfred Olwe was in fact arrested by some Security Officers who came from Kampala. We are unable to say why he was arrested. We have not heard of any crime which he might have committed or any activity in which he might have been involved which was considered by the authorities to be undesirable or subversive. We accept Mrs. Olwe's evidence that when she went to Makindye she did not see her husband there and, as a matter of fact, there is no evidence that the subject ever reached Kampala. The evidence that we have is that he has been missing since 6th February, 1973 and, for the reasons which we have endeavoured to give, we feel that the Security Officers, whose identity remains unestablished, who arrested him might have unlawfully disposed of him on the way to Kampala.

154. Subject No. 133 - MICHAEL OPETTO.

Witnesses: 233 Nora Opetto - Part 3, p. 2302 - 2310.  
237 Captain Mark Chandia  
- Part 3, p. 2342 - 2364.  
301 Michael Oboto  
- Part 3, p. 2323 - 2341.

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The subject was the Deputy Treasurer of Lango District Administration. He was married to Nora Opetto (W.233), and they have nine children, between the ages of twenty to three. Seven of the children are at school and their mother supports them from her earnings out of cultivation.

The subject had a Datsun Pick Up vehicle, No. UYZ 441. Michael Obote (W. 301), who was described by Nora as her husband's brother, a driver working for the same District Administration, occasionally drove this vehicle.

On 15th February, 1973, the subject's vehicle was with W. 301. According to him some people in civilian dress went to the District Administration Workshop in a red Fiat Car, No. UUP 937, which used to belong to Captain Chandia, and asked the witness where the owner of the Datsun was. They told him that something was wrong with it which, according to the witness, was untrue. He told them that the owner was at home. They arrested him, put him in the car and took him to the Military Police barracks where he was handcuffed. Opetto's car was also driven by one of those men to the barracks. W. 301 said that he did not see Captain Chandia at the barracks. He was then asked to take those men to Opetto's home.

About 2 p.m., Nora left her husband sleeping in the house and went to the field. Meantime, W. 301 took those people to Opetto's home. On seeing them, Opetto started running towards his wife in the field, followed by those men who were in civilian clothes. On reaching her, the subject lay down on the ground and started crying. Mrs. Opetto said that those people greeted her in Luganda and Kiswahili. They asked him to stand up and then they escorted him to the house where Nora saw the red Fiat with Michael Obote in it being guarded by an armed man.

Their/..... /301.

Their home was searched and those people took three guns - a rifle, a .22 rifle and a shotgun - and their radiogram. Nora said that the three firearms were properly licensed. These men then handcuffed the subject, tied him with a rope and put him in the boot of the car. The boot was then closed.

According to W. 301, they were driven back to the barracks and he noticed that the vehicle was not stopped at the gate of the barracks, indicating that the guards knew both the vehicle and the men in it. Those in the car told some other soldiers in uniform in the barracks, "We have brought them." The witness said that Chandia was not one of them. Michael Obote was then released but Opetto has not been seen since then, nor has his car been seen.

Captain Chandia admitted that he owned the Fiat No. UUP 937 in February, 1973, and said that he has since sold it to one called Thompson Ayen. He denied hearing of the subject and said that there was no record of his being taken to the barracks on 15th February, 1973, in his D.O.B.

There can be no doubt that the subject was arrested by some soldiers who have not been identified by anybody. It is not disputed that those soldiers were using Captain Chandia's Fiat UUP 937 and as the subject was taken in its boot to Lira Military Police Barracks, we find it incredible that the Captain's car would be used in such a manner by strangers without his knowledge. We find it apparent that Captain Chandia not only knew the identity of those men but also allowed them to use his car knowing full well the nature of their mission. This will also explain why on its journey to the barracks with W. 301 and the subject in the boot, it was not stopped at the gate of the barracks.

The/...../302.

The Barracks' D.O.B. may have no record of Opetto being taken there. We do not find it odd because our experience during this Inquiry has been that whatever few records have been produced they can in no way be described as either comprehensive or a complete record of all the prisoners. We are satisfied that the subject was in fact taken to the Military Police Barracks, Lira. As those arrests came at a time when many others were being arrested by Security Officers from Kampala, we feel that the people who arrested him were also Security Officers from Kampala. There is no evidence of what became of him after his arrival at the barracks in Lira, and if he was taken to Kampala by those Security Officers, we did not have any evidence to say that he did in fact safely reach Kampala. As he has been missing since 15th February, 1973, we find that the probability is that he was unlawfully disposed of by the unknown Security Officers who arrested him, but whose identity was known to Captain Chandia.

155. Subject No. 134 - UA 4993 PRIVATE CELESTINO OPIO.

See Jinja Soldiers, p. 580.

156. Subject No. 135 - DAVID OMULE.

Witnesses: 236 John Okila Okello - Part 3, p.2323 - 2341.  
237 Captain Mark Chandia  
- Part 3, p.2342 - 2364.  
Part 3, p.2374 - 2386.  
297 Erinayo Okulo - Part 3, p.2916 - 2920.  
331 Captain Henry Agech  
- Part 4, p.3311 - 3345.

David Omule was the District Health Inspector, Lango and was stationed at Lira. He used to live in Ireda village where

Erinayo/...../303.

Erinayo Okulo (W. 297), a treasurer of Lango District Administration, was his neighbour. He was aged about forty-three and was married, but his wife died in 1965, and was the sister of the subject of this incident Joyce, who was a telephone operator with the Agriculture Department, was living with him.

On Sunday 24th September, 1972, he informed his neighbour, W. 297, that he was going to his office as something was urgently required by his Ministry. He was in his car, Peugeot 504 No. UYO 528. This was followed by a message which his brother John Okila Okello (W. 231) received from the subject's son, also called Okello, that his father had been arrested at the Post Office. W. 236 went to the Police Station where he saw his brother's car parked outside and another car, also a Peugeot 504, dark blue in colour, No. UVI 296 was parked beside it. On making enquiries at the counter, he was told that his brother was with some Army officers being interrogated in the CID Office. W. 236 asked the Constable if he could see his brother. The Constable soon returned with a message that he should go away. He sat down underneath the mango tree outside the Police Station and after about 30 minutes, he saw his brother coming out with four Army Officers. He was handcuffed. Two of his escort were in uniform and the other two in civilian clothes. He sat in the front seat of UVI 296 between the driver and another man. The other two sat in his brother's car, and then both vehicles were seen driving away towards the Military Police, Lira. W. 236 then went to his brother's home in Ireda and saw Erinayo Okulo who is alleged to have confirmed his

brother/.....304.

brother's arrest upon being told so by the subject's houseboy.

Captain Chandia (V.237) was then the O.C. Military Police, Lii. He said that he did not know if the Peugeot UVI 296 belonged to his unit. But he produced his D.O.B. According to Entry No. 4 - Ex. 48 the subject, David Omulo, was taken into his barracks on 24th September, 1972, at about 1005 hours by UA 8638, Cpl. Ismail. Entry No. 5 was in respect of another man called Martin Ogenyo, about whom we did not have received any evidence. Entry No. 6 of the same date is the booking out entry, that is, Cpl. Ismail taking the two prisoners to Kampala - Ex. 49. The Captain denied knowing Cpl. Ismail and said that according to these entries he had come from Kampala. He said that Omule was detained at his barracks and, at his intervention, Cpl. Ismail agreed that the subject's car be taken to his home together with a cheque of Shs. 100/- which Omule wrote out for his wife. Then Captain Chandia drove the subject's car to his home and put it in the garage. He handed its keys and the cheque to Erinayo Okulo. The car was on loan and it was subsequently sold by the Lango District Administration to recover the balance of the loan which amounted to about Shs. 22,000/-.

W. 236 said that he saw the D.C. Captain Henry Agech (V. 331) at his home and reported the matter to him. He was asked to see him the following day. He tried to see him on Monday and also the following two days but without success. When he finally saw him on the 4th day, the D.C. had nothing to tell him except "Not to bother him because Omule's arrest was not his concern and he should go away". (p.232). He also tried to see Captain Chandia at the

Barracks/...../305.

Barracks but without success. Captain Agesh, however, said that he never received a direct report about the arrest of Omule but only heard it from others in the town.

his brother's arrest but returned after about a month. On 12th March, 1973, the Lango District Administration asked them to quit the house and he transferred all the property to their village home. According to him, some two months later, Joyce went to their home with some Army officers and removed all the property belonging to Omule. He tried to stop her but the three Army officers who were armed with pistols became very 'cruel' to him. He again reported to the D.C. the following day but nothing was done about it.

At the time W. 236 made his statement to the Police and when he was looking for his brother's insurance papers, he came across the draft of a letter which his brother had written, addressed to his father-in-law, Enoka. The draft is not dated and p.2, which is relevant, reads as follows - (Ex.47):

"But as far as I know Joyce, when she has made up her mind, she does not want any advice from me, she does not recognise me as her husband, she has no respect for me at all. A lot of things she told me are very bad. When she came here on 31st March, 1972, she told me about her brother who is in the Army, she will ask him to take my head to her (Joyce) and she will be very happy indeed. My life is now threatened by her as you are aware of the present situation. I have already conveyed that information to the higher authorities for security reasons only."

Before we move on to our findings we should like to revert to Captain Chaudin. He said that such arrests which were then being made by Security Officers from Kampala were without his knowledge and he could not stop them, even if he wanted to, because :

"11/...../306.

"If they could come here and say they want to take somebody when they have got authority from higher authority, I could not refuse" - p.2385.

He went on to say that one could easily be 'deceived' by such verbal instructions. And it was not until much later that a circular was issued about the procedure for such arrests.

There can be no doubt that Omule was arrested on 24th September, 1972, by UA 8638 Cpl. Ismail and some other soldiers. He was kept at the Military Police Barracks, Lira and later taken away together with another man called Martin Ogenyo, by Cpl. Ismail. This is confirmed by the entries in the D.O.B. of the Military Police barracks, Lira. We have no evidence if Omule ever reached Kampala. Our Counsel was unable to trace this soldier who perhaps is the only person who knows what was done with Omule. We were unable to get the records from the Military Police Makindyo where such people arrested from up country were normally taken to. In the circumstances it seems obvious that, as he has been missing since 24th September, 1972, without any trace, the probability is that he must have been unlawfully disposed of by the people, including Cpl. Ismail, who were recorded in the D.B.O. of Military Police, Lira, to have escorted him and the other man to Kampala.

157. Subject No. 136 - UA 2020 Cpl. NIKANOLI OPIO.

See Masindi Soldier, p.615.

158. Subject No. 137 - PRIVATE EUSTABIO EPWO.

159. Subject No. 138 - UA. 8964 PRIVATE JOHN AWANY.  
p. 580.

See Jinja Soldiers, p.580.

160. Subject No. 139 - UO 89 Lt. JOHN JAMES OKODI.

See Masindi Soldiers, p. 615.

Witness No. 242 - ALUFUNSI OKOR.

Witness: 242 Alufunsio Okor - Part 3, p. 2398 - 2402.

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The subject was aged 28. After leaving the Lira Technical School about nine months before his disappearance, he took on the job of a painter at the school. He used to live at Boroboro with a girlfriend called Verina Ayo.

The witness said that on 20th October, 1972, he received a letter from this girl, as a result of which he went, to see her at Boroboro. She told him that on 18th October, 1972 at about 2.30 p.m. three people, two in civilian clothes and the third in an Army vest, picked the subject from his office. She said that she heard them telling him to sit in the car, which drove away in the direction of Lira Town. She enquired at Lira Police Station without any success.

The witness reported to the D.C. Captain Henry Agoch, who rang up the Military Police, Lira. Later the Captain told him that the name of his brother was with the Military Police but his person was not there. The DC asked him to wait till he found out why his brother was not there. He saw the DC after two weeks when the DC told him that he should not bother him as he was not the one who arrested his brother, (p. 400). He did not enquire from the Military Police but there is the evidence of Captain Chandia (W. 237), who was the in charge of the Military Police, Lira, that entry No. 1 in his DOB for 18th October, 1972 indicated that some five civilians, whose names were not given, had been detained.

It/...../308.



It may well be that the subject was one of them.

The subject had no children and left only his beddings. The witness could not say if he had money in the bank. His brother said that the girl Ayo was a loose-type of woman and was unable to say if any soldier was interested in her.

The evidence is mostly hearsay. The girl did not come forward to give evidence. There is the evidence of Captain Chandia about five civilians who were detained in his barracks but whose names were not recorded. The possibility of the subject being one of them cannot be completely over-looked. One thing we can say, and this is that the subject has been missing since 18th October, 1972. The probability is that he was unlawfully disposed of by the people who arrested him. We can only express our strong suspicion that he might have been one of those five civilians who were detained at the Military Police, Lira on 18th October, 1972, and Captain Chandia should know how the subject was dealt with.

162. Subject No. 141 - UA 4587 Sgt. RAPHAEL EDYONG.

See Mubendo Soldiers, p. 675.

163. Subject No. 142 - Lt. Col. GNDOGA.

- Witnesses: 244 Supt. David C. Psomegen - Part 3,  
p. 2408 - 2423.  
252 George William Luzinda Mukasa  
- Part 3,  
p. 2493 - 2537.  
253 Deputy Supt. Paul Ekocu - Part 3,  
p. 2537 - 2559.  
529 Dr. Lameck Mutesasira - Part 7,  
p. 6573 - 6577.  
531 No. 5045 P.C Wilberforce Ongyera  
- Part 7,  
p. 6583 - 6590.  
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the/...../309.

The subject was a Lt. Col. in the Uganda Armed Forces, At the time of his disappearance he was the Minister of Foreign Affairs in the Uganda Government. He was married and had two children who used to go to Nakasero Primary School, Kampala. The subject used to take them to school in the mornings.

On 6th March, 1974 at about 9 a.m., Superintendent Psoomegen (W. 244), who was then the Ag. Head of the Special Branch, received an anonymous call in the following terms: "The caller said that someone believed to be Lt. Col. Ondoza who had just dropped his children at Nakasero Primary School had been seized by about five people and forced in their car and taken away." The superintendent reported to the Commissioner of Police and the Minister of Internal Affairs. He also instructed the O.C. Special Branch, Kampala area, Richard Odongo, to go to the school and check up on the report. At the same time he passed on the report to the Director of the CID, Mukasa (W. 252), who directed the O.C. CID Central Police Station, Deputy Superintendent Ekocu (E. 253), to open a file and carry out the necessary enquiries. W. 253 duly opened a general enquiry file, No. CRB 14/74.

W. 244 said that 'at least someone' went to the school and later informed him that he had interviewed the teachers who claimed to have seen the children stampeding and when they went to see what was happening, they found the people gone. He said that the same afternoon "'someone' was sent to check at the subject's house and he was later told that the subject had not returned since taking his children to school. The Superintendent said that 'someone' went back to the subject's house the following day and found

his/...../310.

his wife not there.

Ekocu gave an account of the enquiries which he carried out. He said that he went around the city trying to get people who could assist in the enquiries. He said that from the Central Police Station he went to Nakasoro Market, Nakivubo and on to Kisenyi looking for information. He admitted that this was a route in the other direction of the school and explained that when he received the instructions from Mukasa on 8th March, the school was not mentioned as the place from where the Lt. was picked up!

On 7th March, 1974, P.C. Ongyera (W. 531) was on duty in the MCB office of Nalufenya Police Station, Jinja. At about 2.45 p.m. some firemen reported to the Station Diary constable of having received a phone call from Owen Falls Dam of a body floating in the water. The constable was ordered to accompany them to the dam, where the body was removed from the water. The body was naked, it was decomposing, its eyes had come out of the sockets and the tongue was protruding from the mouth. The body was taken to mortuary and entered in the mortuary register as No. 135. According to this entry under the column 'name', at first the word 'unknown' was inserted and it was later struck out and the full name of the subject with his rank substituted instead. The post-mortem was done by Dr. Crowden whose report - Ex. 146 - was produced by Dr. Lwiza Nutesesira (W. 529) who identified Dr. Crowden's signature. The injuries found by the doctor and the cause of death as stated by him are as follows:

External Injuries: Post-mortem abrasions of skin.

Internal Injuries: 1) fracture of ribs in mid-axillary line, right 4-9; stomach (?) present in left chest. Haematoma of left side of abdomen and also right. Skull - no injury; no haematoma.

Cause of Death: Massive injury to right chest; haemorrhage in the muscles(?)

No/..../311.

No evidence of drawing -  
Death by violence accidental  
or otherwise.

Dr. Mutesasira found his colleague's handwriting most difficult to decipher and we are not surprised. There is some mention on Ex.146 of the estimated time of death which just cannot be read. W. 529 said that although the body is described on the post-mortem report as 'unknown', the name of the subject is stated on the police form requesting the post-mortem and the number of the post-mortem, 69/74, is reflected in the mortuary register. Ex.145. The doctor, therefore, deduced that the post-mortem done by Dr. Crowden and his report, Ex.146, was in fact in respect of the body of Lt. Col. Ondoga.

On 9th March, 1974, the Director of CID went to Jinja to check on the body which was then lying in the mortuary. He was accompanied by Lt. Col. Maliyamungu, Major Hussein and Captain Okech. Captain Okech identified the body as of the subject. The Director of the CID, then obtained a copy of the post-mortem report from Dr. Crowden as it was required by Your Excellency. He also alerted all the staff to keep their eyes and ears open for any information.

On Saturday 9th March, 1974, the 'Voice of Uganda' carried a directive in bold print issued by Your Excellency. The heading was "OBADO ORDERED TO INVESTIGATE DISAPPEARANCE, Reasons given for Ondoga's removal."

The article reads:

"President Amin has directed the Minister of Internal Affairs Mr. Obado and the head of the State Research Centre, Lt. Col. Itabuka to make full and thorough investigation on the circumstances leading to the reported disappearance of Lt. Col. Ondoga, the former Minister of Foreign Affairs. The official

letter/...../312.

letter to this effects reads:

I have received a report from the Special Branch that Lt. Col. M. Ondoga (former Minister of Foreign Affairs) had not reported back to his home since about 8 a.m. on Wednesday when he took his children to school. I am directing you to make full and thorough investigations on the circumstance which have led to the reported disappearance of Lt. Col. Ondoga. All your intelligence should cooperate in the investigations and try to establish the whereabouts of Lt. Col. Ondoga. When I appointed Lt. Col. Ondoga as Minister of Foreign Affairs and after a few months, received numerous reports from Intelligence that there was misunderstanding and dissatisfaction among the senior staff and junior staff of the Ministry of Foreign Affairs because of his administration. I received a report that there was a major reshuffle in the Ministry involving senior staff and the Ag. Permanent Secretary was sent on forced leave.

We have officers from our embassies abroad were recalled but some of them refused to return and went into exile abroad. Two officers in Paris, a lady and a man, who were alleged to be connected with Muwanga's mis-use of public funds decided to abandon duties and refused to return to Uganda when recalled; also Major Obom the Military Attache refused to return. Another officer in Bonn also refused to return to Uganda. With all this confusion in the Ministry of Foreign Affairs, I decided to remove Lt. Col. Ondoga from the Ministry and assign him other duties in the Government which I was going to announce in the due course.

I have also been informed that Lt. Col. Ondoga has businesses in Kampala known as Anguruma Company at Kawempe which makes soap, oil and maize meal. I direct that you check all these businesses which were allocated to him and find out whether he has some partners in these businesses. It is important to find out whether

hc/.....313.

he has had any misunderstanding with anyone in these businesses who might have planned to sabotage him. I direct to take up these investigations as top priority and submit your report as soon as possible."

Meantime, the investigations continued. W. 244 said that the Special Branch were interested in motive more than perhaps what happened - p. 2411. He was not aware if his Branch tried to conduct investigations within the Army. According to Superintendent Psomegen 'perhaps this escaped our attention'. He admitted that none of the subject's children was interviewed, nor was any attempt made to trace his wife, yet he maintained that 'normal investigations' which he described as 'intensive to that extent' were mounted. Ekocu maintained that he did his best but was unable to achieve anything as he did not have any 'open lines' from the very beginning. He admitted that the part he played was to open the file, paste some newspaper clippings in it and submit the file to the Head of the CID without a single statement. He said that normally they seek directions from their superior officers but he had not sought any such directives from the Head of the CID because 'he had not reached that stage.' He said that, although he should have visited the school, he did not go there but 'time would have come when he would have gone to the school.' He continued that the main difficulty in the investigation was that he did not find any witness who could feed him with information and none came forward. Although he had the file with him for about eleven days, he did not keep notes of the investigations which had been conducted or of the telephones which were made by him during the course of these investigations. He explained the reason for this omission in that the matter was being treated as confidential.

or later involved on this matter, he said that he did not have enough time to put down any such minute. He admitted that except for going in the opposite direction, he did nothing to help the investigation and he could not do anything. He summarized his part as follows:

"Without the clue, no one could make real investigations into any case."

The Director of the CID and the Special Branch officers made a joint report (ex. 54) to the Minister of Internal Affairs on 14th March, 1974. The first paragraph deals with the information received at the Special Branch Headquarters in the form of the anonymous call about the kidnapping. The second paragraph states that when they rang the subject's home they were told that he had not returned since taking the children to school. The third paragraph deals with the interview of the teachers who spoke about the stampeding children and the physical check made at the subject's home later that evening. It also sets out the subsequent visit to the school on 15th March, 1974, when it was learnt that the subject's wife had come away without saying where she was going. The fourth paragraph deals with the sighting of the body in the Owen Falls Dam and its recovery, identification and the post-mortem. Five and six read as follows:

Ever since then till today, the enquiries by both Special Branch and CID have failed to uncover the actual kidnappers and subsequent killers. This has come about because the teachers deny having seen Ondoera being kidnapped and also because the anonymous caller refused to tell who he was. Enquiries of Cururuma Company, which Lt. Col. Ondoera owned, revealed that all the staff in managerial position are close relatives of the ex-Minister.

There is no reason known to us to show that any of these people could have been against Lt. Col. Ochoa. However, there is general dissatisfaction in the Ministry of Foreign Affairs where the ex-Minister was said to have shown open favouritism for some individuals. It is also reported that the manner the late..... of the Ministry of Information when it was under his portfolio was not fair and subsequently he offended many people there. Notwithstanding the alleged mis-handling of staff in the two Ministries, we have been unable to establish whether or not anybody there had a hand in his disappearance and the subsequent death.

6. As their former command that the Government should consider appealing to people like the anonymous caller to come forward and assist the police in these enquiries. The enquiries are continuing and anything uncovered which is relevant to the case will be reported."

In May, the Director of the CID received the police file from DSI Lkoen. It had only seven minutes in it which were as follows: The first one is dated 8th March, 1974 and is about the instructions to open a GEF re: disappearance of Lt. Col. Ochoa; the next one is a cutting from the 'Voice of Uganda'; the third minute just says: matter appeared in the press as per above, the fourth minute comprises of another cutting from 'Voice of Uganda'; the fifth minute is about the Director's order to open enquiries as reported in the press; the sixth minute is another press cutting and the seventh minute is referred to the head of the CID. -

11. The Director of the CID agreed that he did not consider the investigations as adequate and was critical of his officer for not keeping a proper record of the people they interviewed and what they said. He said that this was to be done on the file to show what had been



... the fact of the body and, when questioned by ... to whether the omission did not indicate ... of interest, he said:

... on the face of it yes, but I am sure they were interested and were interested ... still interested to get any ... which will enable us to establish the ... - p.29d.

... file ... away, but investigations ... of the file ... should any ... to light.

... with the initial report by the anonymous ... at this time, it is sufficient that the ... of the Special Branch received the report very soon after the ... of the subject from ... primary ... The 'intensive investigations' mounted by his ... Branch on the ... day ... to be nil, except ... to my ... going ... and ... there. The Director of the CID instructed the ... Station, on 8th March, 1974, to ... on the disappearance of the subject. ... the ... of the ... on his inquiries on a route which took him further and further away from the scene of the ... Although he continued with the 'normal investigations' for several days before he handed over the file to the Director of the CID, it is amusing to note that the ... of the investigations consists of only seven ... of which ... outwards. The ... that, ... during the ... investigations of any kind were ... carried out by the investigative ... In Your Excellency's ... in the 'Voice of Uganda' dated ... you directed the Minister of Internal

Affairs/...../317.

affairs and the Head of the State Research Centre 'to make full and thorough investigations' on this disappearance. We know what the police investigations amounted to but not what the report which was submitted to the Minister of Internal Affairs is nothing but a repetition of what Your Excellency had suggested as a basis for the investigations and we find that there is nothing new in that report. The Director of the CID was of the opinion that the main difficulty was lack of cooperation from the public. The in-charge case said that he found no open lines from the very beginning. With respect to the Director, we find no basis for his criticism of the public. We say this for the simple reason that, although it is claimed that some police officers visited the school and interviewed the teachers, there is no where any record kept of that interview or what the teachers might have said. We do not know who went to the school and when he went there. We do not know the names of the teachers who were said to have been interviewed in this manner. What we do know is that the in-charge case started his investigations miles from the school. What we do know is that, although the school is 2½ km from the Central Police Station, DSI Ekocu had no time to visit the school as he had other pressing engagements. We would say that Your Excellency's directive was absolutely clear and emphasised the importance of the matter, yet it was completely ignored and nothing whatever was done by the police to try to solve the kidnapping of Lt. Col. Ondoga.

We are satisfied that the body which was found in the Owen Falls Dam on 7th March, 1974, was that of the missing Lt. Col. The details of the injuries are set out in the post-mortem report and it is obvious that the subject died

of/...../318.

of massive injury to the right chest, as the doctor says.

In the absence of any other evidence, we can only say that the subject was kidnapped by some unknown people on 6th March, 1974 from Nakusere Primary School where he went to drop his children and it must follow that he was murdered in cold blood by those unknown kidnappers who threw the body in the dam.

164. Subject No. 143 - WAKUMA MALINA.

165. Subject No. 144 - OYAMO.

Mentioned in passing in the case of Daniel Ojamba W. Jora, Subject No. 28 - (p. 101).

166. Subject No. 145 - PATOLO MASABA.

Witnesses: 256 Misaki Kimuli - Part 3, p.2577 - 2583.  
306 Rose Mutonyi - Part 3, p.2975 - 2996.  
435 Captain Hussein Adda  
- Part 5, p.4609 - 4612:  
544 Omar Nasser - Part 7, p.6900 - 6906.

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The subject was aged 42 years and was a transporter living in Mbale. He was married to two women, one of whom is Rose Mutonyi (W. 306), who is a primary school teacher. The subject has nine children, six being looked after by their grandfather, W. 256.

The subject had three vehicles: an Isuzu tipper No. HVE 431, a Isuzu pick-up No. HYZ 554 and a V.W. Car. The Volkswagen broke down in November, 1972, and was taken to a garage for repairs. According to W. 306, the subject left the tipper at the home of the former Minister of Finance, Mr. Bahwya, and the pick-up was being driven by a man who, according to W. 306, was the cause of all that happened.

She said that the man was Mawambe who had disappeared from the area for almost a year. On his reappearance he told her husband that he had been working at Kilembe and had arranged for a new job in Kampala from the end of the year, that is, 1973. He requested the subject to engage him as his driver for transporting teachers and books of the Busisu Education Office. She said that she later learnt from people that the pick-up was found abandoned about 15 miles from Mbale in North Bugisu and the Security Forces suspected her husband of helping the guerrillas.

His father said that he last saw the subject on 23rd January, 1973, when he went to his usual work in Mbale. He said that he knew that his son went to Kampala as the Security Forces were chasing him in Mbale.

Rose Mutonyi was then undergoing some training at the Shimoni Teachers' Training College, Kampala. She said that on 23rd January, 1973, her husband called at the T.T.C. at 4 p.m. and asked her to accompany him with her radio to the Tourist Hotel. After supper they went to their room and listened to the news at 8 p.m. We will let Rose Mutonyi talk about the news broadcast in her own words - (p.2977):

"We listened to the news and it was said that he had met the President at the Parliamentary Buildings and told him that he had been told in Mbale that army men were looking for him and they were going to kill him but he did not know the reason for their chasing him, but because there had been the night before on the 22nd, I think, some of us in Mbale and they discovered guerrillas who were being trained, and they suspected him, that is why they were looking for him. So when he explained this to the President, the President told him that since this was a very serious case, he would go to Makindye, make a statement, after which they would make investigations in Mbale, if he was innocent, he would be given a card and he would go back to Mbale to continue with his business.

But/...../320.

But if they would find that he was one of those who were training guerillas after the investigations in Mbale, he would be tried by the Military Tribunal."

This news broadcast was also heard by the subject's father on the 24th January, 1973, and was printed in the local press the following day. In the 'Voice of Uganda' of 25th January, 1973 (Ex.169) produced by W. 544, appears the following:

"SUBVERTERS TO BE DISMISSED FROM SERVICE.

"ANYBODY working against the interests of the Government - be he a minister or a high ranking officer - shall be kicked out of Government service.

"This was disclosed by President Amin yesterday when he met Mr. Natolo Masata a private transporter of Mbale, Bugisu, who called on the President at the Command Post complaining that he was being looked for in connection with guerillas.

"President Amin told Mr. Natolo that he had been advised by the Defence Council to kick out of Government service anybody who works against the interest of the Government. He further told Mr. Natolo that he had a very bad record in files, especially during the Obote regime when he was being looked for in connection with his political activities and getting arms and ammunition from China.

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"But the Military Government is not like political Governments and if anybody has done nothing wrong, soldiers cannot bother him. But if anybody involved himself in subversive activities, whether he is a Minister or not, he can be arrested and put before the Military Tribunal and can be executed.

"We are responsible for the lives and property of all people in Uganda. We cannot allow anybody to bring

confusion because that would bring suffering to innocent people.

by the Military Tribunal, but that if he had done nothing wrong, nobody will follow him.

"The President further disclosed that the Defence Council had brought it to his notice that the Lugri were making propaganda and confusing people in the country. Some people were being killed because of this confusion he added.

"That he said, was confirmed in the Lango Development Plan made by Obote where it was stated that scholists would be burnt like elephant-grass.

"The former regime, said the President, was promoting tribalism but in the Military Government, there is no place for tribalism or religionism.

"The General said, 'You look at the Government Ministers, there is none from my 'tribe' and there is no modicum.'

"General Amin told Ntolo 'since my Government took over power, nobody has followed you.'

"He warned him that if he tries to involve himself in any subversive activities it is him who will suffer with innocent people. The General gave the example of the incident in Mbale where guerillas terrorized the people and said it was the soldiers who were killed. He said that if anyone brings trouble in the country, it is the soldiers who suffer in the defence of the country.

"President Amin said that he will be meeting representatives of the people of Bunisu some time in future and explain to them certain important points.

"He criticized the address by the Acting Commander of the Army, Colonel [Name] and said the people should believe it. He said he blames the Bunisu elders for what happened in [Name].

"The President added that when he met Bagisu elders recently, one of them told him that the Bagisu were hiding guerillas, and now I have come to believe that what he told me was true."

"The General pointed out that out of the ten guerillas killed in Mbale most of them were Bagisu who have been in Tanzania."

"The General told Mr. Ntoto that he will be taken to the Military Police to explain his points and if nothing wrong is found within him he will be given a letter with which to go back to Mbale without anybody disturbing him."

"Earlier, Mr. Ntoto told the President that he had walked all the way from Mbale to Kampala on foot to know why he was being looked for in connection with guerillas."

"He said he was transporting things in Mbale and he was employed as a driver. The incident which happened at Mbale when 10 guerillas were killed in a Volkswagen happened near the home of his father."

"Mr. Ntoto said that during his days during the colonial regime and said he was not killed by Obote and suffered only under Obote's regime. After the Second Republic was created, he has been progressing well in his business. He said it was Obote's agents who did not like him to come up."

"The meeting was also attended by the Minister of Finance, Mr. E. Wike, who took Ntoto to the Commission of Enquiry."

Ms. Mutonyi was crying and weeping. Her husband told her that everything would be alright and that all of them would go to E. Kinoy and he would explain to her that he had done nothing wrong, he would be allowed to go home. Instead of running out of the country, he had come to report.

They went to Makindu the following day at about 10 a.m. She went in the ambulance 15 minutes later she also followed and said that he was waiting for her, by else who would interrogate her husband. About an hour later three Intelligence men in plain clothes came out, after confirming that he was the man they were looking for, they said this is the man who has been trouble maker in the country. They told him that they would 'teach him a lesson.' According to her, Mutugi and other soldiers in uniform also came out, they said 'We have got food for the day' - (p. 295-296). Many soldiers gathered around the office and some asked him whether he was carrying bullets in his pockets and they searched him. They picked his pockets and found some bullets. He admitted it amongst themselves. Her husband takes up the story in her own words - (p. 297-298)

"When they had finished searching him they told him to put off his shoes that he was too bold he could not even respect a man or like that to come with shoes when he was a criminal.

"He was ordered to put off his shoes and he did so. They asked me what I had in my handbag. They asked me whether I had a pistol or bullets in my handbag. I told them that I did not have those things which they were asking for and one of them checked my handbag."

During the interview they called in a boy who was the driver who had received in the training of guerrillas. They asked him if he had seen the subject before and he told them that he had never seen him before but he told them that it was a British Jerry which was transporting the subject. The boy insisted that the man was not a guerrilla but a British Jerry.



It was then getting on to 12.45 p.m. and they started closing up for lunch. Those in plain clothes declared that she was innocent and did not see why they should 'punish' her and offered to take her wherever she wanted to go.

She was then dropped at Kitante round about by those soldiers, who were driving a white Peugeot 504.

Three weeks later, after her daily visits to Makindye to see the subject had proved useless, she found a note from him on her bed in the dormitory, advising her to go to Mengo where he was going to collect beer. Staff Sgt. Ojale (W.439) corroborated this when he said that Makindye was getting its beer supply from the unit shop in Mengo. She saw Masaba from a distance. He asked her if she had been home to tell their people about his detention at Makindye. She nodded that she had. She returned to the same place the next day but did not see him. A week later she went to Makindye. While waiting at the gate, she saw a truck coming from inside and on the cases of beer she saw her husband with other prisoners. They waved to each other. A few days later she received another note from her husband. She did not know who brought these notes or how they found their way to her bed. She went to Mengo again where she saw him loading beer on the truck. She saw some scars on his head and he told her that "he had been knocked with a hammer by a military man." He told her to collect some of his outstanding from certain Departments in Mbale, which she did. She returned from Mbale after three weeks and other staff told her that some army men, who had been looking for her, had left a

letter/.....325.



... photograph in it which was ... accompanying the photo- ... The photograph was ... contents of the

... to cure for ... any other person who ... to get married

... Makindye at the ... fence almost ... very successful ... to see Col. ... chased away

... saw the pick- ... at Makindye ... tipper parked inside ... later on whenever ... the tipper on ... She did ... Wakhroya's ... testified that he ... public auction ... auctioned. ... for Shs. ... transferred into

... the subject ... 1974, and explained his

... /226



difficulties to Your Excellency as is preserved for posterity in the form of the report of the interview which was published in the 'Voice of Uganda' of 25th January, 1973 after broadcast of the same on the radio the previous evening. We find that the subject followed Your Excellency's directions and went to Makindye on 24th January, 1973, to make his statement. Although we have not been able to see the D.C.Bs of Makindye and the Adjutant of the Military Police, Captain Bogere (#.169) denied keeping him, and so did Lt. Col. Albert Drajua (#.528) who went on to say that he could not explain about things which occurred during the time of Marella who used to do things himself, we are satisfied that Natolo Mumba did in fact go to Makindye, and his wife left him in custody there on 24th January, 1973. Captain Bogere said that during those days some people were going to Makindye on their own accord for their own personal safety and were allowed to go home later. But he did say that such people, who came for personal safety, were not sent out on duty or fatigue. According to the evidence of Rose Mutonyi, her husband was in fact being sent out, at least to Mengo to collect beer. When the evidence about the notes, which Rose Mutonyi was receiving from her husband, was put to Captain Bogere, he appeared to be fearful at first saying that those letters could have come from God or from Heaven! In the next breath, however, he agreed that it was possible for a friend to deliver such letters. We have no reason whatever to doubt the evidence of Rose Mutonyi. We accept every word of her evidence. Her evidence makes it clear that the Intelligence Officers, who inter-

viewed/...../327.

viewed the subject at Makindye in the presence of his wife, started from the proposition that he was guilty of training and helping guerillas and of creating confusion. What Your Honorable Court should do is to have the subject make a statement which would then be investigated. It is manifest that those investigators were totally prejudiced against him and even after the identifying witness had denied knowing the subject, those officers were not satisfied and detained him. The prejudice of the soldiers was high-lighted by their remark, "We have got food for the day." We do not know what they actually meant by this but the meaning can quite easily be read in the words. We are satisfied that during his period of detention the subject was assaulted and we accept his wife's testimony that he attributed the scars on his head to an assault with a hammer.

The subject's father said - (r.2581):

"I am sure he is there because it is the President himself who said, he should be taken to Makindye, so it will be for this Commission of Inquiry to find out whether he is there or not --- I did not try to find out since the President himself had assured him that he would be safe at Makindye, so I thought that he is in safe hands."

As we have already stated we have no doubt that the subject was detained at Makindye; likewise we have no doubt that he never returned home and has been missing from Makindye since his wife last saw him or heard from him. The Military Police authorities, in whose custody he was, ought to know how he was dealt with. The obvious probability is that he was unlawfully disposed of while in detention at Makindye Military Police Headquarters for which this institution must take full blame and responsibility.

167. Subject No. 146 - GEORGE WILLIAM WAISI.

Witness: 257 Eriya Waisi - Part 3, p. 2584 - 2593.  
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The subject was aged about 47. He was a businessman keeping a shop and a bar. He also had a farm. He was married to two wives, the first having seven children and the second five. The subject's father (W. 257) looks after the children, all of whom are at school. He has obtained authority to manage his estate from the Administrator General.

On 24th January, 1973, the subject went to his shop in Mbale in a friend's car. His Volkswagen was in the garage and the other red car was at home. We were not told why he took a lift from a friend to go to his shop. His father later went to town and saw him in the shop, but he never returned home that evening. His father went to his shop the following day and found it locked. He started looking for his son in all the possible places where he could have been but without success. On 25th January, 1973 he received information that there were some bodies lying in a forest. He contacted the police and went to the forest where they found the body of his son near a foot-path. It was removed to the mortuary; and the postmortem examination was done on 27th January, 1973. The doctor's report is Ex.56, according to which the deceased died of haemorrhage due to a stab wound in the chest.

The witness denied knowing one called John Wemumbo who had written to this Commission saying that the deceased was a 'mafuta mingi'. The witness denied this allegation and said that his son had got those two businesses before the Asians left.

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The witness also said that it could not have been possible for his son to be seen driving a Volkswagen in town on 26th January, 1973, as stated by Womumbo in his memorandum, dated 19th March, 1973, as the forest.

Later, on 19th March, 1973, the District Police Commissioner, Nbalu, gave a letter to W. 257, certifying that the subject 'was killed by unknown persons on 26th January, 1973,' - Ex. 57.

It is obvious that the subject was stabbed to death on or about 26th January, 1973, and the body dumped in the forest. The evidence is extremely scanty, and there is none at all about the movements of the deceased, or the persons in whose company he might have been seen before his death. Womumbo's memorandum, which was put to the subject's father, is clearly in an attempt to link the army with the death of the subject, which cannot possibly be true for the simple reason that the date mentioned in the memorandum when the subject was allegedly seen driving a Volkswagen was about a month after the deceased's body had been discovered in the forest. In the circumstances, we are bound to agree with the District Police Commissioner's conclusion, as stated in Ex. 57, that the deceased was killed by unknown persons.

RE. Subject No. 147 - DAVIES RAJIB W.M. NDU.

Reference to Arushans Rutabala Inloha - Part 3, p. 2593 - 2597.

The subject was aged about 21 and was a Cooperative Assistant

in/...../330.

in the Cooperative Department, Mbale. He was a bachelor but had one illegitimate child.

His brother Kuloba (W. 258) last saw the subject on the morning of 26th April, 1971 when he left home for Mbale to attend a staff meeting. He did not return home and on 28th April, 1971, the witness went to the Cooperative Office where he was told that the subject had left the offices after attending the meeting. He reported the disappearance to his cousin and they looked around for him. Subsequently, he received information that some bodies were lying about five miles from the town and, together with the Police, his brother Matela went to the scene where two bodies were found - that of an unknown person and of his brother. The witness saw the body of his brother on 29th April, 1971 when it was taken home for burial after the postmortem. He saw 3-4 gun shot wounds on the temple and in the chest.

This is another case where the evidence is totally lacking about how the deceased met his death. There is no evidence of what happened to him after he left the cooperative offices on 26th April, 1971. It is impossible for us to make any finding except to say that he was killed by unknown persons.

169. Subject No. 148 - AKISOFERI MUKAMA.

170. Subject No. 149 - DHAMUZUNGU MUEANIKWA.

171. Subject No. 150 - NTALO NAMUDIA.

172. Subject No. 294 - ISABIRIYE NTALO.

Witnesses: 262 Wakabi Sala - Part 3, p.2632 - 2637.

304 Maciro Kibombozi  
- Part 3, p.2953 - 2961.

305 Bonifacio Isiko/..... /331.

- 305 Bonofansio Isiko - Part 3, p. 2962 - 2975.  
441 V.O. Othieno - Part 5, p. 4700 - 4704.  
442 James Mainsi Kibwika  
- Part 5, p. 4705 - 4707.  
474 Sgt. Insp. J. Ayumu  
- Part 6, p. 5274 - 5286.  
475 Benjamin Obbo - Part 6, p. 5286 - 5296.  
510 Lt. James Mainsi Obbo  
- Part 6, p. 6130 - 6164.

Benjamin Obbo (W. 475) was the Kisoko Chief of Nakalama. At the time of this incident, his son, Lt. James Obbo (W.510), was stationed at Isabek on the Sudan Border,

Benjamin Obbo was attacked by 'kondos' during the night of 28th and 29th December, 1971. He was assaulted and slashed on his face. He claimed to have recognised five 'kondos', three being the present subjects and the other two being Bonofansio Isiko (W. 305) and Kafuko. Subjects No. 148, 149, 150 and Kafuko are the sons of the old man Wakali Sali, W. 262.

The village chief of the time was Mugino Kibombozi (W. 374). He said that he had heard an alarm from Obbo's home at Isabek and met him also when he was going to the Mukuru chief. He noticed a cut on Obbo's forehead and his face was covered with blood. To him, Obbo said that he had met four of the robbers as they had covered him with blankets. W. 475 denied meeting the village chief but the police also denied telling him, as alleged, about his inability to recognise any of the robbers. But upon further examination he admitted that during the

robbery/...../331.



robbery he was covered by a torn bedsheet and, as it only partially covered his face and one eye was not covered, he saw the robbers and also heard their voices. In his statement to the Police, which seems to have been recorded by Det. Insp. Nyema (W. 474), to whom the complainant reported the same morning, he is recorded as having said:

"I could not see them all that time they were in my house until they left but during that time they were talking I managed to hear their voices of Ntalo, Bonfansio and others."

He retracted this statement and alleged that, as the recording officer did not know Lusoga, he had left out certain words.

However, on the same morning the Gombolola Chief of Nakalima and the Muluka Chief saw the village chief (W.304) and together five people were arrested in connection with this alleged robbery, that is, the first three subjects, W. 305 and Kafuko. According to the Ar. County Chief (W. 442) his clerk forwarded the five prisoners to Iganga Police Station with a letter - Ex. 108 - which reads:

"Regarding attempted robbery: Hereby sending to you the undermentioned person who are charged to went to Mr. Obbo Benyamenyi's home idle and disorderly robbery, house brake and cutting Obbo Benyamenyi's head. This was happened last night at Busenyi village.

Robbery No.1. Ntalo Ngulya Coloneri  
of Busenyi village

Robbery No.2. Bonfansio Isiko  
of Busenyi village

Robbery No.3. akisoferi Mukama  
of Busenyi village

Robbery No.4. Dhamusungu Mwanika  
of Busenyi village

Robbery No.5. Kafuko Wakabi  
of Busenyi village.

The accuse person are sent to you escorted by ASKR. No. 1800 Cpl. S. Katwala, with exhibit stone."

/s/

Those five suspects were duly handed in at Iganga Police Station, S.D. No. 45/29/12/71 and Lock-Up Entry No. 2500/71 (Ntalo), 2502/71 (E. Gyagenda alias Akisoferi), 2503/71 (E. Gyagenda alias Akisoferi) and 2504/71 (E. Gyagenda alias Akisoferi) - Ex. 105. Later, on 4th January, 1972 after W. 482 had reverted to his substantive post as Gombolola Chief, he forwarded three more suspects in connection with the same alleged robbery to Iganga Police Station under the escort of No. 2280 Askari Mutyaba with his letter, Ex. 109. Those three were Siriver Teco, Isibirye Ntalo (Subject No. 254) and Edward Mukama. According to the Station Diary entry 6d of 4th January, 1972, Ex. 110 Mutyaba handed in only one person, Isibirye Ntalo, at the Police Station. Isiko stated that they were told at the Gombolola Headquarters that they had been arrested for robbing Obbo. All five of them were kept in one cell at the Police Station and he complained that the Policemen beat them up. According to him, Lt. James Obbo (W.510) came to the Police Station on the 3rd day with eight others, W. 305 and the other prisoners involved in this alleged robbery were taken outside where the Lt. and his companions are alleged to have whipped all five of them. Isiko said that the Lt. was in white clothes and his friends were in Army uniform.

Ex. 111 is in respect of three prisoners, including Ntalo, (the other two do not seem to have any connection with this incident) who were returned to the Police from the hospital at 10 a.m.

According to Inspector Ayema, the first visit of Lt. Obbo took place on 7th January, 1972, in the evening when he came in a white Land-Rover 504. He was with another man and both were in civilian clothes.

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The Lt. asked the Inspector what he intended to do with the five suspects and the Inspector told him that he intended to take them to Court. The Lt., who had properly identified himself by producing his identity card, alleged that the Police were not torturing the prisoners. He asked the five suspects to be brought out and then the Lt. who had a pistol and his companion a swagger stick, assaulted the five prisoners. The Inspector watched the incident helplessly; he was even afraid to protest as the Lt. was armed. During the assault one of the accused is alleged to have confessed to the robbery. They were then returned to the cells and the Lt. went away saying that he will 'see' them later.

The Inspector went to Jinja the following day and on his return was told that the five suspects had been taken away by Army personnel. The Lock-Up Register entry for the 8th January, 1972, in respect of No. 2500/71 (Ntalo), 2502/71 (A. Mukama Gyagenda) and 2504/71 (D. Muwanika) - Ex.106. - indicates that they were 'taken to Makindye by Army Intelligence.'

The account of this incident is also given by Isiko who said that on his second visit, the Lt. read out their names from a letter and they were again taken outside. His companion, also a soldier, said that he wanted the stronger ones and selected the three subjects, Mukama, Dhamuzungu and Ntalo Namudia, with whom they drove away.

According to Ex.112, where these three subjects are indicated as having been taken to Makindye by Army Intelligence, there appears also the name of Ntalo Isabirye (Subject No. 204) with a similar comment.

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Lt. Inq. Ayema stated that the two left in the cells were later released. Isiko said that he and Kafuko were in the lock-up Register, they seem to have been released on the 11th January, 1972.

The Lt. said that upon receiving the information of the attack on his father he obtained permission to go home. He saw him unconscious in the hospital. He was told by his father that the 'kondos' had been arrested and were in custody at Iganga Police Station. He said that he stopped at the Police Station and the Policeman at the counter confirmed that the suspects were in the cells. The Lt. did not see the suspects or beating them on his first visit. He said that he went and saw Marella, who was then the officer commanding, Military Police, Makindye. He said that he went to him because he was the 'Chief' of the kondos operation and also because he did not think that the people who had been arrested were in proper hands. He thought that they would be in better hands in Army custody to protect the public from kondos. Marella gave him six Intelligence Officers and ordered him to take the kondos to Iganga. He went to Iganga Police Station. He stayed at the counter and the Intelligence men went to the cells and returned with four men, of whom he knew two as Isiko and Dhamurungu. He said that these suspects refused to come out of the cells; that is why they were arrested. He claimed that he stopped them from further beating and asked, "Could they have existed had I not been there?" He said that he was very annoyed over the whole incident and had intervened because the kondos had killed his father. He took those four men

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He walked and marched out of his office, leaving those four men with him. He did not see any record of those four men

Under further examination the Lt. admitted not only that his companions had whips but that they had lashed the prisoners. He also admitted that when they reached Makindye the names of the prisoners were entered in a register. But he denied, as was maintained by Isiko and the Inspector, that he himself joined in the beating or ordered them to suck blood from each other.

There is ample evidence to indicate that these four subjects were arrested by the Chiefs and forwarded to Iganga Police Station as suspects in the alleged robbery at the home of E. 425. This old man was certainly very inconsistent, and from the evidence of the first report made by him we are satisfied that during the robbery his face had been covered and he had not been able to see any of the kundos at all. He may have heard their voices but we would not be too sure of a certain identification, particularly when the victim had been out on the forehead and must have been in pain. The fact, however, remains that these people were arrested and detained at Iganga Police Station. There is some confusion about the second lot of suspects who were forwarded by E. 442 under cover of his letter, Ex.109. It will be recalled that the latter sets out three names, of whom only one, that is, Isi Kirya Mbatia, was received at the Police Station according to Ex.110. We do not know what happened to the other two suspects; no complaint was made before us about them.

The first part only of Lt. Odo is not denied by him.

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It is not denied also that he stopped at Iganga Police Station on 7th January, 1972, but he denied that the prisoners were assaulted that day. We have the evidence of Isiko and also the Det. Inspector that the prisoners were whipped by his companions and he also assaulted them with his pistol. On the following day these three subjects and Isabirye Ntalo were collected by the Lt. and taken away. This is admitted by him and he maintains that he took them straight to Marella. It is here that his evidence became suspicious. At first, he denied that any records were kept of those prisoners at Makindye, but later he admitted that their names were in fact entered in a register. Another unsatisfactory feature of his evidence was that he had denied the assault of the prisoners in the first place. Again he did not seem to have any convincing reason or argument for intervening in this matter after knowing that the suspects had been arrested and were in police custody. There could have been no threat to the public so long as they remained in police custody. His argument that he thought that they were not in good hands, besides sounding very hollow, indicated, to our minds, the utter contempt in which the Police was held by the soldiers, more so where their own relatives were involved. Unfortunately, Marella was not available to give evidence, and as we have said many times before, the records of Makindye were not also available to check and see how far they would have supported the Lt. We offered the Lt. time to go to Makindye under escort and see if any of the Intelligence Officers he went with to Iganga Police Station was at Makindye. It was at this juncture that he changed his evidence and said that the names of the prisoners were recorded in the register.

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He was not impressed by the veracity of the Lt. We were of the opinion that he was the kind of person who has no qualms in telling only so much of the truth as suited his convenience

suit him also. Such a witness cannot be relied upon. Accordingly, we find that there is no evidence to prove that the four prisoners, who were admittedly collected by the Lt. from Kasesa Police Station, ever reached Makindye. On the other hand if what the Lt. said is true, which we very much doubt, then there is only one possibility, that is, that the prisoners were unlawfully disposed of while in custody at Makindye. In view of our comments on the evidence of the Lt. we are of the opinion that the prisoners never reached Makindye, otherwise the Lt. would have accepted our offer to go there with an escort and fetch any of the Intelligence Officers he could find there. We find that the probability clearly is that those four prisoners were unlawfully disposed of by their escort, who included the Lt., on the way to Kampala.

173. Subject No. 151 - DAVID MAISE.

Witnesses: 263 Akosemuri Kuluma - Part 3, p.2638 - 2646.

307 Superintendent C. Cjulong  
- Part 3, p.2996 - 3010.

447 Lt. Col. Elly Lassen  
- Part 5, p.4796 - 4817.

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The subject was a young man aged twenty. He was a teacher in school, and used to live with a woman from whom he has had a child who is now being looked after by the woman's father.

Th/..... /340.

The subject's father, W. 263, last saw his son going to his work on 19th October, 1970.

On the same day, the subject was taken into Lugazi Police Station on a charge of adultery. According to Entry No. 79 of the same date in the station diary, (Ex. 65), produced by Superintendent Ojulona (W. 967), it is obvious that a man called Kiala, Manager of Uganda Sugar Factory, Lugazi, handed the subject in at 1.30 hours on a charge of elopement. The husband of the woman was private Kusiano, who was then attached to the 1st Battalion King's, whose Commanding Officer was Major (now Lt. Col.) Billy Mwanza (W. 487). According to his evidence, the Intelligence Officer of the unit, Lt. Isen, told him about Kusiano's report that a man of Lugazi had committed adultery with Mrs. Kusiano. The Intelligence Officer said that Kusiano was very annoyed and he could go to the village with a gun and to kill. The Commanding Officer told him that, as an Intelligence Officer, it was his duty to take action and find out exactly what was happening. The Lt. Col. said that he instructed the Lt. to contact the Police, repeating that he had instructed Lt. Isen himself to go to Lugazi Police Station to find out the truth. From the evidence of Superintendent Ojulona, it seems that a party of soldiers under one Corporal saw him and told him that they had been sent by the Commanding Officer to collect the subject for interrogation. The Superintendent said that he thought this was dangerous but the Cpl. assured him that he would bring the subject back after finishing with his interrogation. Furthermore, he mentioned some verbal instructions from his Regional Police Commander, who then was Assistant Commissioner of Police, Mr. John Johnson, which were, "Whenever you are approached by

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the Army personnel for any assistance, prisoners or administrators, etc. you will have to give them assistance.' -  
1970. The Superintendent was of the view that such co-  
of prisoners in Police custody for the purposes of inter-  
rogation by the Security Forces. He handed over the  
subject to the Corporal and made him sign the entry in his  
Station Diary. This entry 122 - Ex. 66 - reads:

"S.D. 122/19/10/72, time 1845 hours.  
One accused David Waize taken by Army  
personnel up to Borbo. In charge of  
the party Lt. 7670, Cpl. Otuko, wit-  
nessed by Mr. Ojulona Superintendent  
of Police and Mr. Okobon, Det. SP.  
The present was the husband of the  
wife P. 17165 Kasiano and two other  
officers of the Army Unit Bombo. On  
arrival the accused will be taken  
before the Commandant, Borbo, Train-  
ing Wing for interrogation."

The Lt. Col. said that he felt that it was wrong for  
the complainant, Private Kasiano, to have been sent with  
parties. After giving those instructions to Lt. Isen, the  
Commanding Officer went away to Kampala and on his return  
after three days, the Intelligence Officer told him that  
the subject, who had been brought from Lucazi, had escaped  
from the barracks. He said that there were no cells in  
the barracks, nor was there a fence around the barracks.  
The Lt. Col. said that civilians could be detained in the  
barracks for up to two days and, after their statement was  
recorded, they had to be handed over to the Military police.  
He said that he did not know why the subject was kept in the  
barracks for three days. He believed this report of the  
subject's escape and on 20th October, 1972, wrote to Lucazi  
regarding this matter. Ex. 87 reads:

" Mr. David Waize

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"Reference our yesterday's telephone conversation about the above mentioned man, who stayed in camp with the wife of Kaduna our soldiers. This man was brought here and by that time I had heard from Kaduna very busy as you are aware that we are on strike by. He was detained in our custody, unfortunately before I have interviewed him, I found he had already escaped and when seen please arrest him then, inform me immediately, so much that I can interview him and find out if this illegation is true. Please ACK. the receipt."  
Police

The letter, which is dated 19th October, 1972, bears the reference of Lugazi Police Station of 13th November, 1972.

Meanwhile on 20th October, 1972, the father of the subject, S. 122, called at Lugazi Police Station upon learning of the arrest of his son. He was told by a Policeman about his son having been taken to Bombo and the Police officer obviously read the details of S.D.122, which were taken down by a child who was with them - Ex. 58. He went to Bombo Police and was told that his son was not there. This, again, surprised him and he returned to Lugazi Police Station and told the Constable about this. He said that he went to Lugazi Police Station thrice but received no further assistance.

There is clear evidence that the subject, who had allegedly been booked in at Lugazi Police Station on a charge of elopement, was on 19th October, 1972, collected by a party of three soldiers from Bombo Training Camp. The in-charge of that party was H.A. 2470, Cpl. Otuko and the husband of the woman involved, that is, H.A. 17165, Kasiano, was also present. The subject was allegedly taken for interrogation by the Commanding Officer and, although Superintendent Officer of the station, agreed to hand his prisoner over and allow the latter to be taken to take the prisoner before

Court/..../342.

... within 24 hours, he felt that he had no alternative but to hand him over in order not to spoil the co-operation of the subject. The first assurance given to him by Lt. Otake that he would deliver the prisoner back to him the following day. The next development was that the subject was said to have escaped from Army Barracks, Bombo. We do not know whether any record was kept in the barracks of his arrival there. What the Lt. Col. said was that he believed his Intelligence Officer when he told him that the subject was a prisoner. We find this hard to believe. We think that a prisoner is well guarded in Army Barracks and we find it incredible that he would have been kept in the open when we all know that the barracks were not properly fenced. We find that he would have been kept in custody in some part of a room being used as a cell in the absence of a proper cell. In other words, it is manifest that an escape would have been extremely difficult. We are not persuaded by the naked comment that the subject escaped, without any escort supporting evidence. There are, therefore, but two possibilities. First, that the subject never reached the barracks in Bombo and was unlawfully disposed of on the way by his escort. Secondly, he did reach the barracks where he was unlawfully disposed of by the escort. The Intelligence Officer told that he had no record of the subject to cover up. Either way, we are of the opinion that, as he has been missing since 10th October, 1971, without any trace, he must have been unlawfully disposed of by those soldiers who collected him from the area of the barracks. The story of his escape is a complete fabrication and the truth.

17th/...../344.

179. Subject No. 152 - SEVERINO OBONG.

Witnesses: 264 Brian Okok - Part 3, p.2647 - 2660.

265 Dayen Ejang  
- Part 3, p.2660 - 2666.

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The subject was a young lad used to be studying in IV. He had an elder brother called Atiya, who did not come forward to give evidence, and we assumed that our counsel was unable to trace him. From the evidence of the subject's mother (S. 264) and sister-in-law (S. 265), it seems that Atiya was in love with the wife of a soldier, a sergeant in Malina, called Ocola, who lived about a mile from them. Ocola had his brother, Martin Okolo, also in the army. Sometime before this incident when Ocola was at home on leave, he is alleged to have said at a meeting, attended also by a village chief, Lucepo Ocio, that as Atiya was committing adultery with his wife, he would kill him.

On 2nd July, 1961 at about 10 a.m. three army officers went to the subject's house in an army landrover. According to S. 264, she had seen Okolo riding his bicycle in front and was followed by the army vehicle. One of the soldiers asked S. 265 if Atiya was in. She said that both brothers, Atiya and Obong, were inside the house but on 1st night when Atiya ran away into the garden and Obong came out. The soldiers searched him by the arms and asked him to get into the vehicle. S. 264, who was also present, started to weep and, when the ladies appeared and started to talk to her, they said that they had come out to fetch Atiya, and forcing him, to come along. S. 264 said that they did not say who sent them or where they were taking him.

... not been seen again and eventually on ... Station

... the witness of these two women, it seems clear ... Malire ... it seems obvious that the three soldiers ... 264 on 2nd July, 1971 were really ... brother Martin ... three soldiers to the house of the ... where they came ... perhaps they came from Orola's ... is not the only case where a soldier has ... to settle personal matters. ... case of David ... subject ... looks reasonably possible ... assistance of his soldier ... to arrest Atiya whom he had vowed to ... the three soldiers told them ... instead of Atiya ... this also ... previous threat. We are ... taking the young lad was a manifest ... family for his affairs with ... which though abhorrent looks quite ... the young lad was arrested by the ... of the Uganda army ... Orola allegedly of Malire, ... missing since July, 1971, ... he was unlawfully ... three soldiers.

175/.....346

Subject No. 153 - FEKONI, OKOL.

Witness: 266 Joyce Alum - Part 3, p. 2666 - 2673.

The subject was in the Prison Service of Uganda and was stationed at Lira Prison as Principal Officer. He was married to W. 266 who used to stay in the village in Boroboro, and living with the subject at the Prison Barracks was his wife, Sophia, whose whereabouts were unknown to Joyce. Joyce had seven children, of whom five are living, between the ages of 12 and 30.

W. 266 said that she last saw her husband at Lira Prison on 27th September, 1972, at about 6.30 p.m.

On the following day, as a result of what her daughter Helen Akol who was living with the subject told her about her husband, she went to the Prison Barracks and saw Sophia. She was told that her husband had attended a parade after which, at about 10 a.m., he took her a chicken for cooking. He returned to the field and never came back. She saw the O.C. Prison in the afternoon. He is alleged to have told her of learning from another prison officer of her husband's arrest by the Military Police. He also told her that he had learnt from the Military Police that he was 'being kept on remand'. She said that she found a prison officer who witnessed her husband being arrested. She did not know his name, nor where he is now stationed. He told her that one of the people who arrested her husband was W. 266 and advised her to wait at home and believing that he was in custody of the Military Police, on 29th September, 1972, she went to Military Police, Lira. She was told that her husband was not there and she did not try to see the O.C. She has since been looking for her husband in Gulu and

Kampala/...../347.

who arrested him. The evidence suggests that he was taken to the Military Police Lira and he has thereafter been missing since 25th September, 1972. The probability clearly is that he must have been unlawfully disposed of during custody by the officer responsible for his arrest.

176. Subject No. 154 - UA 1861 PRIVATE LEVI OBONG.

See Moroto Soldiers, p. 664.

177. Subject No. 155 - UA 6085 TOM OKELLO.

See Malire Soldiers, p. 598.

178. Subject No. 156 - UA 5868 PRIVATE YOVASI OKULLI.

See Border Guard Unit, Bibiya, p. 575.

179. Subject No. 157 - JOHN CRETTO.

Witness: 270 Alice Ejum: - Part 3, p. 2689 - 2695.

The subject was a Magistrate Grade III stationed at Lira. He had been a magistrate for five years. He was married to W. 270 and they have seven children between the ages of 13 and 3½. The children go to school.

On 10th February, 1973, the subject and his wife went to Lira town for shopping on a bicycle. W. 270 went to the market and the subject went to the shops nearby. While still in the market, she learnt that her husband had been arrested by some army officers. As she dashed out of the market, she saw her husband being driven away in a green bus with three men in green uniform, whose caps were partly red. The car was being driven towards the D.C.

Basing ourselves on the evidence of Alice, we can only say that her husband was arrested by people wearing Army uniform and whose identity and destination remain unknown. It is however, clear that he has been missing since February, 1973 and the probability certainly is that he was unlawfully disposed of by his unknown captors.

180. Subject No. 158 - UA 4086 L/Cpl. YUVENTINO OKULO.

See Mbarara Soldiers, p. 618.

181. Subject No. 159 - U.A. 5492 PRIVATE MUDESTO AGWA.

See Oraba Soldiers, p.687.

182. Subject No. 160 - UO 45 CAPT. FREDRICK HENRY OGWA.

See Malire Soldiers, p.598.

183. Subject No. 161 - SUPERINTENDENT SAMSON AKOKO.

Witnesses: 276 Alex Okello - Part 3, p.2747 - 2768.

386 Catherine Akoko  
- Part 4, p.3948 - 3957.

508 Ali Toweli - Part 6, p.6068 - 6122.  
7, p.6499 - 6515.

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The subject was a Superintendent of Police and was stationed at the Police Headquarters. He used to live at the barracks at Masuru with one of his three wives, Catherine Akoko (W. 386). His other two wives were Mary Omolo and Gertu Atim. He has seventeen children the eldest, Wilson Okello, is a Corporal in the Uganda Army and the youngest is aged five. Nine of the children are at school.

on/...../ 351.



On 19th September, 1972, the subject and his family were having supper at about 9.20 p.m. when there was a knock at the door. W. 276 opened the door and saw about eight policemen standing in front of the door in the barracks and some were of the PUBLIC SAFETY UNIT. One of the policemen told him that they wanted to see his father. He passed on the message to the subject who spoke to those outside through a window. The conversation was in Kiswahili which his wife does not understand clearly but, according to W. 276, the policemen told the subject that he was wanted at a meeting as the then Minister of Internal Affairs, Mr. Obeth Ofumbi, had complained that a guard had not been posted at his home. The subject is alleged to have told them that he had in fact posted a guard and the reference to the incident of the non-posting of a guard at the Minister's home occurred about a week before this incident. She said that during the conversation, she heard the name of Ali Toweli being mentioned, and later her husband told her what was being said, (p.3949):

"He then told me he wanted to go and ring Mr. Ali Toweli to ask him if he really wanted him on duty because the other policeman had told him that he wanted him on duty and they were sent by Mr. Ali Toweli to call him on duty".

Her husband also told her that those policemen were from the ISU and had worked with them in the Special Force.

The subject put on his uniform and, together with his wife and three sons, including witness 276, accompanied the other policemen to Nguru Police Station. Mrs. Akoko described what happened there as follows. (p.3950):

"He picked the receiver to ring Mr. Toweli but then one of the policemen told him that we just wanted you to come out of the house, we have been told to come and arrest you.

... they/...../557,

They started removing the belt, the hat (the police cap) and they started pushing him towards the car while others were trying to push us to go back to the house. But I did not want to go, they dragged me back to the house. I told them I would rather go with my husband where they were taking him on seeing how they were handling him. Then one of them threatened to shoot me if I did not go back to the house. Of course, we were dragged back to the house by force while they took my husband. But on the way while they were dragging me I could see them opening the boot of a car and put my husband in. Then they went away. I went back to my house."

The following day she saw her husband's friend ASP Okabo (he also disappeared) of the Training School so that he could inform people at home about her husband's arrest. Okabo also appears on the list of policemen who are missing - Ex.139. On his advice, she saw Mr. Barlow, the Assistant Commissioner of Police at the Police Headquarters. He called in Ali Toweli and later told her that they were not aware of her husband's arrest. Ali Toweli, in his evidence, said that he had not been aware of the subject's disappearance before and maintained that he heard it for the first time when he gave evidence, that is, on 5th December, 1974. He said that he had not seen him since the Military Takeover and on 19th September, 1972 he did not hear of any arrests by his men.

The same evening the driver of the vehicle which took the subject away from Naguru brought Mrs. Akoko a note from her husband. The driver also told her that her husband wanted her to take him the cheque book so that he could sign a cheque to enable her to draw money for the children's school fees. On 21st September, she went to Makindu with her son called James. She went to an office and was told that visitors could not see prisoners during week days, but the officer, on being told about the nature of her mission to have a cheque signed, had

on /...../553.

one signed by her husband. He also told her that her husband wanted a bank form for withdrawing his savings. She returned the following Sunday at 7 a.m. and found many men there. All of them said that their husbands had been transferred to Luzira. Before she could go to Luzira, she was asked to quit the barracks and was provided with official transport to take things to their home. On her return to Kampala, she heard an announcement on the radio that her husband was one of the many people who had run away to Tanzania. This announcement was possibly based on the Government Statement dated 9th January, 1973, (appendix 5) which listed 85 persons by name alleged to have disappeared, in which the subject appears as No. 46 with the following comment:

"(46) S. Akoko, formerly Superintendent of Police, reported missing soon after recent Invasion of September, 1972 but is believed to be in Tanzania."

On hearing this announcement, she destroyed the note which she had received from her husband from Makindye. On being asked if she still believed that her husband was in Tanzania, she said at p. 3956:

"It is very difficult to tell. First of all I cannot believe that he escaped from Makindye or managed to get away from Makindye."

According to ix. 139 which is a list of officers and men of the Police Force who have disappeared since the birth of the independent Republic and was produced by the present Commissioner of Police (W. 520), the fourth person listed there is the subject and in the column headed 'circumstances' appears the word 'arrested.' This would seem to be in line with the evidence of his arrest as narrated by his wife.

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The subject's car was also confiscated but later released. It appears that none of his family has applied for a court order to manage his estate.

There is credible evidence that the subject was arrested on 19th September, 1972 from his home in Naguru barracks at about 9.20 p.m. With regard to the reason of his arrest, we are inclined to rely on the evidence of Mrs. Akoko rather than the young lad, Alex Okello. She was certain that he had been called on duty by the Head of the ISU, Mr. Ali Toweli as she had heard this name being mentioned during the conversation. Also her husband told her about this and she accompanied him to Mbaruru Police Station from where he tried to bribe Ali Toweli. That he was arrested seems to be borne out also by Ex.139. We accept the evidence of Mrs. Akoko about her visit to Makiindye on 25th September, 1972 when one of the officers got her a cheque signed by her husband. This is nothing new because we have heard similar evidence in other cases. Although she stated that, on a subsequent visit, she and other women were told that their husbands had been transferred to Luzira, we have no evidence that amongst those so transferred was the subject. He does not appear in the list which the prison authorities prepared of people who had been sent to Luzira for detention - Ex.124. We think that the probability is that he never went to Luzira.

Having accepted Mrs. Akoko's evidence and there being no evidence of the subject's transfer to Luzira, it would follow that he must have been kept at Makiindye. The concept that he should have escaped and managed to find his way into Tanzania looks most

and sincere, and we should like to say that we share Mrs. ...  
... contact that he could not have managed to escape  
... The fact remains that he is missing since  
... We do  
not think that he could have escaped from custody and we  
find it most improbable that he would have made for  
Tanzania. On the other hand, we are of the opinion that  
as he was not amongst those transferred to Luzara, and he  
subsequently disappeared, he must have disappeared while in  
custody at Mekiende. As such the authorities of the  
Military Police, Mekiende, ought to know how they dealt with  
the subject. As he has been missing since September,  
1972, we think that the probability is that he was unlawfully  
disposed of by the authority in whose custody he then was.

184. Subject No. 162 - UA 4078 PRIVATE ELIEZA AYO OBWOK.

See Moroto Soldiers, p. 664.

185. Subject No. 163 - UA 6557 PRIVATE FRANCIS OPIO.

p. 594.

186. Subject No. 164 - UA 7693 PRIVATE JOHN OCHEN.

See Marumaga Soldiers, p. 594.

187. Subject No. 165 - UA 5000 PRIVATE LEO SHABANI.

See Moroto Soldiers, p. 618.

188. Subject No. 166 - CYPRIAN OCHIENG.

Witnesses: 281 David Anyona - Part 3, p. 2786 - 2794.

331 Captain Henry Aroch

- Part 4, p. 3311 - 3345.

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The subject was the Manager of Moko Ginney. He was

married/.....5566

married to two wives and has seventeen children, between the ages of eighteen and four; three of whom are now at school.

On 23rd September, 1972, at about 6 p.m., the subject was driving a Union lorry and was going to the pinnery. He had his young brother David Anyona (W. 281) with him. A BMW car, brownish in colour, overtook them and stopped in front. The driver of the BMW, who was identified by W. 281 as a soldier called Mustafa s/o Hassan, asked his brother to come out of the lorry and sit in their car. The subject obeyed and he was made to sit between two people on the rear seat. One of the four in the BMW then started driving the lorry and they went to the pinnery. The lorry was left at the pinnery and his brother handed him the keys of the house, and was taken away in the BMW.

W. 281 reported the incident to the cashier and, the following day went with a man called Ejura, to the District Commissioner, Lunzo. He was told by the D.C. that 'these people were being collected for a meeting, you do not worry they will come back', (p. 2790). W. 281 said that the D.C.'s comment was interpreted to him by Mr. Ejura. The D.C., however, said that although he knew the subject, nobody had directly reported to him about his disappearance and he had only heard about it from other people. It might be pertinent at this stage to mention also that when the D.C. was talking about the arrest of George Olone (subject No. 94), which also took place on 23rd September, 1972, Sgt. Finch said that two men, one of whom was Okello of Malindi had told him that he had been sent by Lt. Col. Marshall to take all the Administrative Secretaries to Kapiti.

About/...../ 357

About two months later, the subject's brother saw Mustafa at his home in Aboko Trading Centre but was 'shy' to approach him about his brother.

Not even reported to police and it seems to us that no effort was made to interrogate Mustafa about his involvement in the arrest of the subject. Nevertheless, if the comment of Captain Aroch is true, and we see no reason to doubt the subject's brother, then it would appear that at least the L.C. knew about the arrest of the subject who was being taken to Kampala for a meeting. This seems probable in view of the fact that on that particular day there were Security men from Kampala who had come to Lira to arrest certain other people. This would seem to indicate the probability that those who arrested the subject were probably the same security men from Kampala who had used Mustafa as a guide to take them to the subject. The subject had been missing since September, 1972, and we feel that the probability is that he must have been unlawfully disposed of by the Security officers who arrested him.

189. Subject No. 162 - U. 2862 - PRIVATE GEORGE OTWOMA.

See Murara Soldiers, p. 618.

190. Subject No. 168 - U. 5331 L/Cpl. STANLEY OTTO.

See Binja Soldiers, p. 580.

191. Subject No. 169 - N. 53353 RSM ELLI TARI OTUCHI.

192. Subject No. 170 - CAPTAIN ABELLO OGUNG OTUCHI.

See Binja Soldiers, p. 508.

193/..... 753.

193. Subject No. 171 - NO. 2310 P.C. PETER ETEM.

194. Subject No. 286 - AIP OMONY.

Witnesses: 286 Alice Aloyi - Part 3, p. 2830 - 2837.

436 Supt. Timothy Odyek  
- Part 5, p. 4612 - 4633.

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Both these officers were stationed at Attiak Police Post. There is no direct evidence of what happened to them. According to 436 he received a report from the Police Post sometime in September 1972 to the effect that these two policemen and a third one had been 'kidnapped by unknown people'.

According to Mrs. Etem (W. 286), she went to Attiak upon receiving a letter from one called Florence Akulu on 5th October, 1972 asking her to collect her husband's property as he had been arrested. On her way to Attiak she saw Superintendent Odyek, who was the District Police Commander. She said (p.2833):

"He told me that my husband with two others had been arrested while on duty at around 9 a.m..... on the 18th September, 1972.... He told me that they were soldiers who arrested them ..... that they were from Gulu.... that they were arrested and taken to Kampala."

She was also advised by Mr. Odyek not to go to Kampala for 'it would have been a waste of time as he believed that I would not find him there'. She collected her husband's property and returned to Gulu.

Mr. Odyek said that he reported this incident to the Provincial Police Commander who then was Mr. Odria, now the Commissioner of Police (W. 520) and he went to Attiak immediately to investigate. According to Odyek, that

was/.....599.



was the only investigation that was done, but we were not told what the result of that investigation was. Mr. Odyek, however, did say that the police did not suspect any Army

In Ex.139, which was a list of policemen reported missing, both these subjects are included and are said to have been 'arrested' - Omony on 18th September, 1972 and Etem on the following day. The Commissioner of Police spoke about this exhibit and the circumstances in which it was compiled. He said - (p.6312):

"About the circumstances, I think this is quoted from various reports received in from districts where these people are reported to have disappeared or arrested, because these reports are normally made by signals to Police Headquarters giving the circumstances of their either arrest or disappearance and this, I think, recorded from various signals received at Police Headquarters from the districts."

We must add that later in his evidence, the Commissioner said - (p. 6336):

"What I know is that the policemen who were arrested and disappeared were arrested by unknown persons; but it has not come to me that they were arrested by Army Personnel."

If Ex.139 was in fact prepared from reports originating from District Police Stations then it is manifest that what Odyek was saying that these policemen had been kidnapped was wrong. We believe that 'kidnapping' is not quite the same as 'arresting'. We also take the view that Mrs. Etem would have had nothing against Superintendent Odyek to fabricate evidence in so far as it concerned the information he gave her about her husband. We are of the opinion that he did tell this lady that her husband had been arrested by soldiers from Gulu together with two other policemen, who included in Omony. Mrs. / . . . . .

Mrs. Etem also spoke of the possibility of her husband having been killed at Karuma Falls. The transcript reads - (p. 2835):

- Mr. Mulenga : Who heard?
- Mrs. Etem : This was not a rumour, it used to happen.
- Mr. Mulenga : About when did this happen; the people being killed at Karuma?
- Mrs. Etem : This was sometime after the takeover.
- Mr. Mulenga : Which year?
- Mrs. Etem : From 1971 to 1972.
- Mr. Mulenga : What sort of people used to be killed at Karuma Falls?
- Mrs. Etem : Those who were arrested from the armed forces and the police.
- Mr. Mulenga : Did you know of any body that was found at Karuma Falls who had been arrested before?
- Mrs. Etem : Only what I saw when I was being transferred from Kampala to Gulu, I just saw a lot of blood on Karuma Bridge."

She said that they were transferred during January, 1972, and was told by the driver that the blood was human blood. In evidence regarding subjects No. 214 and 215, an Alur soldier at Makindye was alleged to have told Mrs. Betty Adene (W. 337) - "sister you go home. Don't waste your time. We are now as dogs. Sometimes you may leave your husband in Karuma Falls or in the forest there."

Mrs. Etem has five children aged between nine and two, of whom only two are schooling. Her husband was insured and had money in the bank. She has not applied for court order to manage his affairs.

As already stated, we are of the opinion that these

the soldiers were arrested by army soldiers from Gulu. They were taken back to Gulu, that is, Gulu. There is no evidence of how they were disposed of. The probability clearly is that both of them were unlawfully disposed of during their military detention.

195. Subject No. 172 - UA 3714 L/Cpl. WILLIAM ODONG.

See Barrera Soldiers, p. 687.

196. Subject No. 173 - UA 5920 PVT. PETER OLET.

p. 57.

197. Subject No. 174 - PRIVATE OOK NYANYA.

p. 687.

198. Subject No. 175 - PRIVATE ODOT.

See Border Guard Unit, Oraba, p. 687.

199. Subject No. 176 - UA 6051 SEREMIAH ONGOM.

p. 598.

200. Subject No. 177 - PRIVATE JACOB OKELLO.

See Police Soldiers, p. 598.

201. Subject No. 178 - UA 6965 PRIVATE KEN ODEPE.

p. 556.

202. Subject No. 179 - STAFF SGT. WILLIAM OMARA.

p. 556.

203. Subject No. 180 - UA 7079 PRIVATE CHRISTIAN OBONG.

See Inform, Entebbe, p. 556.

204. Subject No. 181 - UA 1/Cpl. GEORGE BROWN OGWAL.

See Heavy Soldiers, p. 555.

205. Subject No. 182 - PRIVATE EMBITINO AKORO.

p. 618.

206. Subject No. 183 - UA 445 PVT. LT. YOSAM LAVEO OBIT.

See Heavy Soldiers, p. 618.

207. Subject No. 184 - Sgt. JONAM OTIM.  
See Mukoto Soldiers, p. 675.
208. Subject No. 185 - PRIVATE FRANCIS OTOM.  
See Jinja Soldiers, p.580.
209. Subject No. 186 - LT. JOHN MARIA VALENTE OBWOYA.
210. Subject No. 187 - UA 2280 SERGEANT DAVID LOUM.
211. Subject No. 188 - JOHN VALENTE OKELLO.

Witnesses: 310 Valente Otto - Part 3, p.3043 - 3074.  
521 Solomon Anonyi  
- Part 7, p.6333 - 6339.

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These three subjects were brothers and the sons of Valente Otto (W. 310), the town agent of Kituum. Lt. Obwoya was stationed with the 2UA Moroto and UA 2280, Sergeant Loum was with the EME/Macomara. John Okello was an agent of the Crusader Insurance Company and he used to live in Kampala.

On learning of the arrest of his sons, Lt. Obwoya and John Okello, from some women who returned home from Mbarara Barracks, their father went to Kampala on 21st June, 1971, to see their wives. He learnt that those two firearms with them, both belonging to Okello and properly licensed, a .375 rifle and a double-barrel shotgun. They were arrested on 19th June, 1971 from Mbarara Barracks and then taken to Lubiri in Kampala. Okello's Volkswagen was confiscated. The witness was unable to give its registration number. Their wives

... the ... and used to take them things like razor  
... . They were told that the soldiers in Mbarara  
had allowed that it. Always was going to join the guerillas.  
...  
... trying to ...

Their father tried to ... Your Excellency but did not  
succeed. Later, ... the old man went to Makindye  
and gave the names of the two sons to the soldier at the  
gate. The soldier looked at a list which he had and told  
the old man that the two names appeared in the list but both  
had been transferred to Luzira due to lack of accommodation  
in Makindye. At about the same time the subjects' uncle,  
one called Mutayo Owar, who had previously been a prisoner  
at Makindye and was released and had gone to the prison to  
see his nephews, came out and told the old man to forget  
his sons because he had learnt that they had been killed.  
He explained this at - p. 3051:

"When these men of mine were arrested,  
Owar was already in the cell there. When  
they were taken to Makindye they found him  
there on his release when he heard that  
these boys were taken to Makindye, he again  
went back to meet them. He told me that  
Okello was not taken so seriously but  
Owar was so seriously beaten so that he  
was unconscious. On hearing this from Owar,  
that I told him that I will go and try to  
meet them or Okello because he was told  
that prisoners there are only seen on  
Sunday."

The old man ... to say where Owar worked and,  
... to look for his nephew, never informed  
our ... of his ...

He then managed to take Okello's things home. Okello  
had written ... which he told to W. 521 for

Obs./...../364.

Shs. 17,000/-, of which Shs. 15,000/- was paid, as is evidenced by their agreement dated 11th September, 1972, Ex.6. W. 521 stated that sometime later, some people in civilian clothes saw him and introduced themselves as Military policemen from Lira. They arrested him and took him to Lira where he was detained for a week. His Benz car was also kept there. On 31st October, 1972, he was taken to Nakinyo before Major (later Brigadier) Marella who allowed that, as the vehicle belonged to John Okello, who had disappeared, the car was abandoned property which he could not own. Marella told him that he would keep the vehicle and on 9th November, 1972, he was taken back to Kitgum. W 310 was called and made to refund the money to him.

It Obwayo had an Austin Westminster and, according to his father, it was taken away from his home in Mbale by soldiers who alleged that it was purchased on Army loan. He has since seen it being driven in Kampala.

Sergeant Loum was stationed at Maramba. His wife returned home in August, 1971 and reported to the old man that one night there had been some confusion in the barracks. She said that when they were asleep she had heard some people running. Her husband went out to see and on finding nothing he returned to bed. Soon a gang of people came in and, after arresting him, dragged him outside where he was pierced with a bayonet. She said that he died in the doorway of the house and these people took his body away. Later she was told to pick up and she also learnt that the assailants were soldiers from Kampala.

Okello had seven children of whom five are schooling and all seven are being looked after by the old man.

He/....., 365.

He had left a lot of money in the bank which his father had not been able to use as he had been asked to wait for seven years. Obwoya had five children, between the ages of fourteen and eight. Only two are at school and one also left some money in the bank. The informant had five children, the eldest is twelve and the youngest is an infant. Three children are with their mother and two are with their maternal grandmother. He, too, is said to have left some money in the bank.

It seems that the entire evidence in the case of these three subjects is based on hearsay. Even Olwar did not come forward, nor did W. 310 give his proper address to be summoned. The only evidence which we have is about the visit by the old man to Makindye when he was told that his two sons had been transferred to Luzira. This would indicate that previously both were detained at Makindye. There is considerable support for this in the evidence given by W. 521 who had purchased the Ford, belonging to John Okello in September, 1972. It will be recalled that when he was taken before Marilla on 31st, October, 1972, he told the witness that the owner of the car, John Okello, had disappeared. If John Okello was not at Makindye and had never been arrested, we fail to see how Marilla would have known either about John Okello or his car's make. This witness would, therefore, offer substantial corroboration for the rest of the evidence that It. Obwoya and John Okello were in fact in detention at Makindye from where both disappeared, as indeed Major Marilla told W. 521, particularly in respect of John Okello. But as both of them were together and both have

been/....., 366.

been missing since then, it is reasonable to find that both disappeared together and the obvious inference is that they must have been unlawfully disposed of while under detention at Makindya. Sergeant Loum's wife did not come forward to give evidence. It must be that her report to her father-in-law represents the truth. According to Ex.136, which is a list of the Army personnel who have disappeared, the names of Lt. Obwoya and Sergeant Loum appear in this list and the date of disappearance for the first is indicated as 16th June, 1971, and of the latter 12th July, 1971. Regarding the Sgt. we have no reason to doubt his wife's report to her father-in-law and find that he was killed by other soldiers in front of their quarters in Bagumara Barracks.

212. Subject No. 189 - W. 2289 Cpl. ZAKAYO OCERO.

See Mbarara Soldiers, p. 618.

213. Subject No. 190 - RAYMOND LIVINGSTONE  
OPIDI NYECOMOYI.

Witnesses: 312 Margaret Jean Opidi - Part 3, p.3095 - 3199.

321 Solomon Amoyi - Part 7, p.6333 - 6339.

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The subject was formerly the Secretary/Manager of the East Acholi Co-operative Union and, since 1971 before the Takeover, was appointed the Assistant Administrative Secretary of the East Acholi District Administration. He was married to Margaret Jean (W. 312), from whom he has two children, aged three and two. He has seven other children from another woman and two from a third.

According to W. 312 some army people in a landrover were paying them nocturnal visits which frightened her.

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When she told her husband, he said that he would go and see Your Excellency to ascertain if he was being looked for. He left Kitum on 17th October, 1972, for Kamula.

On 17th October, 1972, he rang up the Treasurer of the District Administration, W. 521, from Kampala and asked him to pay his September salary to his wife. W. 521 refused to do this and then the subject asked him to tell his wife that he would return during the third week of October. Margaret said that this witness told her that her husband would report back on duty on 1st November, 1972. However, on the same day, that is, 27th October, 1972, Margaret heard rumours that her husband had been arrested from the Kamula International Hotel where he had been staying by Security Officers. She approached the Administrative Secretary who did not know anything about it and, as she did not know anybody in Kamula, she did nothing else to trace him whereabouts.

Subsequently, she received a letter from the Administrative Secretary dated 18th December, 1972, - Ex. 62 - for the transport of her things to her home. She said that she had received no communication from the Kamula International Hotel or from the District Administration about her husband or his salary.

This is yet another case where the evidence is not sufficient. We have no doubt that the subject did go to Kamula on 17th October, 1972, to see Your Excellency about being looked for in Kitum. According to Margaret he was staying at the Kamula International Hotel and we have no idea of what might have happened to him while

he..... 362.

he mentioned that he had talked of some rumours about his  
uncle and that there was no evidence of the actual incident.  
In the state of the evidence it is we are unable to  
make any further about him except to say that he has been  
missing since he went to Kampala on 17th October, 1972.

314. Witness No. 191 - S/P NAK.NOLI MCHC.

Witness: W 313 Anyoni Acha - Part 3, p. 3109 - 3116.

314. W 314 Anyoni Acha - Part 4, p. 3373 - 3392.

314. W 315 Anyoni Acha - Part 6, p. 6068 - 6122.  
7, p. 6499 - 6515.

314. W 316 Anyoni Acha Elori  
- Part 7, p. 6878 - 6887.

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The witness is a retired Inspector of Police and was  
stationed at the Headquarters, Kampala. He used to live  
at home with his wife and his children. His wife, Yomima Acha  
(W. 314) and his daughter Anyoni Acha (W. 315), lived in  
the same house. He has eight children between  
the ages of 10 and 15, four of whom are at school  
but he is not aware of the names of three others who used to  
live with him at the time of his disappearance. W 313  
said that the subject left early in the bank but was afraid  
of being caught if he went to the bank to make enquiries

about his disappearance, but the subject and his wife  
were sleeping in the back and were woken up by  
the sound of the door. The subject went out and  
did not return. He came back and told Yomima  
that he had been to the bank but had been their neighbour

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but did not stop visiting them on being promoted, was outside and wanted him. He asked her to close the door and switch off the lights. He went away and she heard the sound of a bicycle. Her husband never came back.

At about 6.30 a.m. in the morning, two policemen came to check her where Mono was as he was not on duty. She told them about the incident at night. And those two went away. Later in the evening, at about 8.30 p.m., two other men in police clothes came and asked her about the office key and some files. As she did not know who they were, she did not show them the files; instead she started crying. In reply to this witness, those two policemen told her that her husband 'will be there for two weeks and he will be back.' Before these two policemen left, they left her a note (Ex. 74) from her husband. She recognized the handwriting and the signature to be of the subject. It is in Luo and when translated, it reads -

"Wakandye  
20.9.72

"To Mrs. Y. Anyeso.

"It is likely that my life is going to be short. You go home and inform the people at home. My passbook is in my handbag. Tell Anyeso to keep my cattle for the up-keep of the children.

Sol, Mono."

Witness said he had never collected Mono from his house. He had not been going to his house ever since the day he started and said that they always met at the police station. He said that he did not know that his brother had been murdered on 19th September, 1972.

Witness wrote a letter to her co-wife, Anyeso

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and in the case with Mono's mother. They went to Makindye but were chased away from that gate. Once they were told that people were not allowed to go to Makindye as they were keeping guerillas there; at another time the gate keeper told them that there was nobody in the cells. They finally gave up and at last they were asked to quit the barracks.

In the measure dated 5th October, 1972 emanating from the Police Commissioner (Ex.167) listing officers who were dismissed and others retired, appears the subject as having been dismissed with effect from 15th September, 1972. His dismissal appears also in Ex.144 which is the Part II of the Force Orders dated 15th October, 1972.

We are satisfied that Ex.74 was written by the subject from Makindye and was taken to W. 334 by the two policemen who wanted the key and some office files from his house. To his wife, W. 334 he said that he was going away with Ali Towli who was outside and who besides being a Senior Police Officer was also his friend. We accept that evidence and find that he was arrested by Ali Towli and taken to Makindye from where he wrote Ex.74 the following day. The evidence is that he never came back and has been missing since. It is obvious that the Military Police authorities of Makindye must know how he was dealt with, but the probability is that he was lawfully disposed of during his stay at Makindye.

Subject No. 192 - UN 15222 PRIVATE MOHAMMED YAMBA.

See Myanmar Soldiers, p. 618.

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116. Subject No. 193 - ASP SEZI LANGOL OJOK.

- Witnesses: 315 Lucy Ojok - Part 4, p. 3127 - 3149.  
455 Deputy Supt. Benjamin Alfred K'lega  
- Part 3, p. 4324 - 4338.  
505 Inspector John Kojoi  
- Part 6, p. 6019 - 6027.  
508 Ali Toweli - Part 6, p. 6068 - 6122.  
7, p. 6499 - 6515.  
512 Inspector Michael Koma  
- Part 6, p. 6168 - 6181.  
527 No. 1812 Sgt. Driver Byaruhanga  
- Part 7, p. 6536 - 6555.  
106 Supt. Kosi Ochoa  
- Part 7, p. 6719 - 6723.
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The subject joined the Police Force in 1958 and at the material time was an Assistant Superintendent of Police stationed at Naamya Barracks. He used to live with his wife, Lucy Ojok (W.315) at No. 134, Bukoto Street. The subject has five children, two from Lucy, aged seven and five, and three from another woman.

He was arrested on 17th September, 1972, from his home at about 8.55 p.m. We would let Lucy Ojok narrate the incident in her own words - (p.3127 - 28):

"I think it was five minutes to nine when some people came; three were dressed in Uganda Army uniform and one was in civilian clothes. They came and knocked at the window while I was sitting in the sitting-room with my husband and children. When they knocked at the window, I got up and peeped through the window and asked them what they wanted. They asked whether my husband was in. I told them that he was in. They said that they wanted him on duty. I asked them by whom they were sent and they said that they were sent by Mr. Ali Toweli.

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Then Mr. Ojok told them that he had just been on duty and so he could not go back again on duty. Then they told him to go out. So when they told him like that I went and asked them through the window, do you want him to go in uniform. They told me that what they wanted was Mr. Ojok and nothing else. So I advised my husband to go in uniform. So my husband dressed in his uniform but before he came out, I also asked them whether they wanted my husband to go in his car. They said they wanted my husband and nothing else. So he went out and when he was trying to enter the car - those people had come with two vehicles, one was a Peugeot 404, I did not note down the number, and the other one was an army jeep. I did not know whether there were some people surrounding the house. When my husband was trying to enter the Peugeot 404, he was just pushed inside the car. So I drove straight away to Masanya Barracks where he was working and when I reached the gate those people could not even allow me to enter."

She went to the gate and told them that her husband had been taken away by Army people and was told that he was not taken to the barracks. After telling her sister at Nakawa about this incident, she returned home.

The following morning, she went to Kira Road Police Station to find out if her husband had been taken to the Police Headquarters. She rang up Mr. Barlow (W. 540), who was then the Assistant Commissioner of Police, in charge training and operations. He denied any knowledge about the arrest and advised her to make a statement at the Police Station which she did. As a result, Kira Road Police Station sent out a W.P. message to REGPOL, repeated to MICHIE. This message, Ex. 149, is as follows:

"MSG/26/18/72 (.) REPORTED HER BY MRS OJOK THAT HER HUSBAND MR. OJOK LSP OF MASANYA BARRACKS WAS TAKEN AWAY FROM HIS HOUSE NO. 134 BUKOTO STREET BY ARMY MEN AND POLICEMEN IN UNIFORM (.) WHO TOLD HER THAT THEY WERE TAKING MR. OJOK TO POLICE HEAD. FOR DUTY (.) SHE HAD CONTACTED OPER. STION ROOM SHE WAS TOLD THAT MR. OJOK HAD NEVER REPORTED ON OPER. STION ROOM FOR DUTY (.) HE IS STILL MISSING (.) ANY INFORMATION (.)"

this/.....373.

This message was seen by .GP Barlow on the same date. He said that it reminded him of an incident a few days earlier when the subject got drunk at the officers' mess and started to go to the police station. He said that he had picked up this information from 'some talk' and explained that PSU was at that time operating with the Military Police and it was not uncommon that people who were arrested were detained either at Makindye or at Busuru. Accordingly, he put a note below this message for the M/P's which reads:

"Mr. Ojok ASP was arrested by PSU for his conduct in the Police Officers' Mess and is detained at Makindye."

Acting on this information, a message was sent back to Kira Road Police Station on 19th September, 1972 - Ex. 150 - as follows:

"O/215/372 (.) YOUR SD/26/18/9/72 (.)  
INFORM MR. OJOK ASP MR. OJOK ASP IN POLICE  
BARRACKS NOT (R) NOT MISSING (.)"

Mrs. Ojok was told of this message on 21st September. Nevertheless she was not pacified and by 22nd September, was still very worried. She enquired from the O.C. Barracks, Ojic, to try to find out where Ojok was kept. He knew nothing. She then went to Makindye and was refused entry. She was told by a soldier on the gate, who had a list of names, that her husband was not there.

On 27th September, she saw Superintendent Ochom (W. 160) who gave her an introductory letter - Ex. 70 - to take to Makindye. This letter, which is addressed to the Commanding Officer, Military Police, Makindye, is on the following terms:

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"The wife of B. Ojok who I understand is detained here, called at Police Headquarters, complaining that she and children have nothing to eat. The only way for her to get money is for the detainee to sign the cheque, so that his wife may draw money from the bank. So would you kindly assist."

When he took this letter to Makindye, she was told that many mailbags had been brought the previous day and the prisoner who had been at Makindye before had been transferred to Malire. She went to Malire on 28th September, and did not know whom she knew before. He told her that the suspect was not at Malire, and instead advised her to check at Malira Prison. She went there and saw her husband, Charles Odeng'anyi. He told her that two long-stops of dead bodies had been taken to Luzira and Luzira - p. 3137. She did not enquire any more because she did not want to involve this warder in this matter.

On the October, 1972 Lucy saw her husband's Toyota car No. 488 (C), which had been left at Kira Road Police Station, and took away. Sgt. Driver Byaruhanga (W. 522), who was then in charge of the Transport Section of KPS, advised that he had been instructed by Ali Toweli to collect all abandoned vehicles in Kira Road. He said that when he reported to the C.O. Kira Road Police Station, he found the Toyota car and also a white Benz. He took the car to 197 York and an entry was made in the Station log book at 11 - W. 152 - which was produced by Detective Inspector (W. 152); no similar entry was made in respect of the Benz car. She then saw Mr. Barlow about the car. After confirming with the Finance Section that the loan on the car would be repaid, he sent her again to Ali Toweli who was in charge of 197 Kira (W. 455) who was sent for a report on the car, the car was handed to Mrs. Ojok.



Kidega said that he had heard that Ojok had been picked up at about midday and taken to Nacuru in the boot of a car. He went on to say that this had been done by Inspector ..... the staff officer of Ali Toweli. Loloi denied Kidega's allegation that he was involved in the arrest of Ojok and maintained that when Mrs. Ojok went to see Ali Toweli he had been instructed by his superior officer to assist her.

Mrs. Ojok said that she also saw Ali Toweli and asked him where her husband was. He is alleged to have replied that 'he was not sure as to where he was, but he was alive', p. 3134. She warned him that if her husband did not come she will hold him responsible for his disappearance and added "I further told him that I am now confident that you have killed my husband because if my husband was to be alive, you would not have called for the car," - p.3147. This annoyed Ali Toweli who very nearly beat her up and told her 'do you think I have come here to kill?'

Ali Toweli said that he first learnt of the disappearance of Ojok from his wife when she told him that he had been arrested by unknown people. He said that he sent a message to all Police Stations and also directed her to go to Nacuru to make a statement. He saw her again about the car which he arranged to be released to her. He denied that he had sent for the car and said that it was a general order issued by the Minister of Defence for the collection of abandoned vehicles to be taken to Nacuru for auction. He said that sometimes his subordinates did collect cars wrongly and owners would come to claim them back.

...../376.

He complained that not only did his junior officers use his name, the public also did and even went on to say that Your Excellency's name was being used by the public. He denied telling Mrs. Ojok that although he did not know her husband was but he was alive.

Mr. Barlow, who used to be on a sub-committee of the Police Council, was reminded of a long list of officers - Ex. 141 - who were retired. Ex.167 is a message from COMPOLICE dated 5th October, 1972 and, according to it, the subject was retired from the force with effect from 15th September, 1972. Mr. Steri (W.453) was the Permanent Secretary Ministry of Internal Affairs and Secretary to the Police Council could not tell the reason why Ojok and other officers were retired in this fashion.

We are satisfied that the subject was collected from his house in the night of 17th September, 1972. His wife heard the people who went for him saying that they had been sent by Ali Toweli. Although this was denied by Toweli, we are of the opinion that this denial could not be true. There is first of all the comment made by Barlow on Ex. 149. Barlow tried to explain this note on the basis that he was reminded of an earlier incident where Ojok had been taken away from the mess by ISM men to Makindye. We were not impressed by this explanation. The message, which Kira Road Police Station had sent, was quite clear and we refuse to believe that an Assistant Commissioner of Police would read such a message so casually and perfunctorily as to confuse it with something else. He must have realised that his note would be the basis upon which Mrs. Ojok would/...../277.

would be told about the whereabouts of her husband and indeed this is what happened. We are rather inclined to the view that Barlow's note on Ex.149 was deliberate and represents the entire truth. It is in simple plain English, and for ease of reference we set it out verbatim: "Mr. Ojok SI was arrested by PSU for his conduct in the Police Officers' Mess and is detained at Makindye." There can be no doubt that this note indicates clearly that Ojok was arrested because of his earlier conduct at the Police Officers' Mess and was detained at Makindye. Furthermore, the evidence given by Byaruhanga exposed him as unreliable. At first he said that his instructions were to collect all abandoned vehicles in Kira Road area but later admitted that Ali Toweli had in fact sent him to Kira Road Police Station to fetch Ojok's car. Whereas this showed that Byaruhanga knew much more than he was prepared to say, it also indicated that Toweli was very much in the know, and was not willing to own-up anything. And lastly, there is the retirement of Ojok from the police with effect from 15th September, 1972. This is puzzling because the order seems to have been issued on 5th October, 1972 long after Ojok had disappeared.

We were left with a strong impression that the main witnesses from the police side were not prepared to come out with the entire truth. Barlow's note on Ex.149 says Ojok was arrested because of his previous bad conduct at the Officers' mess and taken to Makindye and the rest of the evidence indicates that his arrest and detention was on the orders of Ali Toweli. It would be a worthwhile way to confirm this had the records of Makindye been made available to us.

Nevertheless./...../378.

Nevertheless, Ojok has been missing since 17th September, 1972 and as his name does not appear in the list of prisoners who were transferred to Luzira, he must have disappeared during his detention at Makindye. The probability clearly is that he was unlawfully disposed of during his incarceration at Makindye.

Subject No. 194 - UA 5073 Sgt. MAJOR GABRIEL ODIDA.

See Mbarara Soldiers, p. 618.

Subject No. 195 - TORIA OKOT.

Witnesses: 317 Simon Mususu - Part 4, p. 3162 - 3202.  
343 Det/MSR J.C. Okipi  
- Part 4, p. 3503 - 3550.  
377 Lt. Col. Emilo Mondo  
- Part 4, p. 3861 - 3885.  
464 Judith Okot - Part 5, p. 5082 - 5118.  
465 Kalidani Farjalla  
- Part 5, p. 5118 - 5142.  
488 UA 12648 Cpl. Ahamed Ali Wila  
- Part 6, p. 5512 - 5577.  
491 UA 12686 Cpl. Onziga Safi  
- Part 6, p. 5659 - 5693B.  
493 UA 15432 L/Cpl. Abdunuru Paskali Bondo  
- Part 6, p. 5705 - 5750.  
542 Capt. Bashir Juma  
- Part 7, p. 6849 - 6878.

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The subject was a cashier at the Grindlays Bank, Gulu. He was married to Judith Ogot (W. 464) and has five children. The children are under the care of another child's mother who looks after them. W. 464 had also obtained a court order to manage the estate of her husband.

According to the evidence adduced before us, it appears that the subject was in trouble with the Army Intelligence Officer of the 3rd Brigade, namely, Cpl. Onzira (W. 491) in July, 1972. On 7th of that month in the evening, the subject was at the home of Onzira. Onzira alleged that the subject, pointing to a signature of Your Excellency, said, "Look at this piece of paper. The Education has seized the Government." Onzira did not make other comments also 'bospising' the Government. He fetched a constable, arrested the subject and handed him to the Gulu Police Station at about 11.15 p.m. Detective Assistant Superintendent of Police Okipi (W. 343) produced the Crime Report Book (CRB), entry No. 800/72 - (C. 83). The subject was taken to court on 10th July, on a charge of being idle and disorderly and was subsequently released on bail. According to Okipi that case is still pending.

Mrs. Ogot was running a small shop in Laliya village. She was asked to produce about who the landlord was. She said that the landlord was a brother of Kalifai Farjalla (W. 429) and she also claimed to be the owner of the building. The landlord, being his tenant. On 3rd September, 1972, she went to the shop and he alleged that during his absence she had sold the shop to Mrs. Ogot. He found this out on 20th September, 1972, when he returned to the shop.

When he returned on 23rd, Farjalla told him to ask Mrs. Okot to quit the premises. When she refused, he accompanied his nephew and asked her to vacate. She refused again and fetched her husband, Tobia Okot, who came with a hoe making a lot of noise. The subject tried to hit W. 465 with the hoe but Farjalla's brother, Jumo, snatched it away. It is alleged that Mrs. Okot then picked a firewood and struck Farjalla's mother, who came to the scene wanting to know why the subject wanted to assault her son, on her ribs. Farjalla reported this to the police and his mother was sent to the hospital. He was emphatic that he had accused Mrs. Okot for assaulting his mother and not the subject. Farjalla alleged that during the quarrel at the shop, the subject abused him, his tribe and the Government. He is alleged to have said, "You Hubians, you are proud here. This is not your country. You have come here to be proud in our country." Regarding the Government he is alleged to have said, "This Government of yours is useless."

This version was denied by Mrs. Okot. She said that when Kalifani came to her he asked her to close the shop. When she asked him the reason, he started throwing their shop goods out and slapped her twice. She sent for her husband and he advised her to get the police. When she got to the police station after a change of dress, she found Farjalla already making a report that he fought with her husband. A little later, her husband was fetched to the police station in a Landrover and, on being asked what had happened, said that he did not know what Farjalla wanted. Mrs. Okot said that their statements were not recorded that

day/...../1961.

and were asked to return on the 25th September,

She alleged that during the quarrel, Farjalla ...  
... said, "We can slaughter you like goats." She said that when she made her statement to the police on 25th September, she did not include this comment as she was afraid that this might endanger her life. They were again asked to return on 26th September, 1972 and on that day, Simon Mususu (W. 317) gave the subject a lift on his bicycle. Mrs. Okot followed them to the Police Station on foot.

Mususu had also fallen foul of Onziga whom he described as a notorious character. This incident seems to have taken place quite earlier on when Mususu and some of his colleagues from the school went to Rozina Bar where Onziga was drinking with his colleagues. Onziga objected to Mususu's friend talking to the bar-maid and was heard telling his friends in Swahili "These boys will really suffer in our hands today,"- (p. 3194). W.317 said that they were then beaten up and taken towards the Police Station. His money amounting to Shs. 107/- was removed from his pocket and they were later charged with personation. After four months, he was set free by court as Onziga and his friend never turned up to give evidence.

Reverting to the 26th September, 1972, when the scene was set at Gulu Police Station where the subject had been carried by Mususu on his bicycle and Mrs. Okot had followed them on foot. The subject went to the Post Office nearby and, on his return, was stopped in the doorway of the Police Station by Onziga and Ali (W. 488), who

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had come in a green Cortina. Mrs. Okot knew the third person in the car by appearance. These two Intelligence Corporals ordered Okot into their car. According to Mrs. Okot, they knew their husband well as they used to drink together in bars. She said that Farjalla was not present at that time. Okot refused to obey but Onzira and Ali, who had pistols, forced him into the car, saying that they were taking him to their barracks for a statement and would bring him back. Mrs. Okot commented sally that they took him away for good. Mususu's evidence was slightly different. He said that Farjalla came with Onzira and his companions in their car and pointed out Okot to them. When Okot was driven away he followed them on his bicycle. He saw Okot sitting in the rear seat with Ali pointing a gun at him. Farjalla was dropped near the M.C.T., and the vehicle drove on to the barracks. Mususu saw it entering the barracks through the gate and he came away. Mrs. Okot's evidence about the non-presence of Farjalla at the Police Station on 26th September, is borne out by Farjalla himself who denied going to the Police Station that day. Detective ASP Okipi was in his office when this incident occurred but refused to assist Mrs. Okot by saying, "It is no good; I am also afraid of them." This Police Officer said that he last saw Okot when he was released on bail and he saw him leaving the Police Station limping slowly towards Acholi Inn. He said that he watched him for a distance of 30 yards because he was once his prisoner. He said Okot was with some people but did not see any man with a bicycle. He said that when Okot's wife came to see him, he did not accept any statement from her but took her to the District

Police/ ..... /23.



Police Commander who referred them to the District Commissioner. He said that he did this as he felt that the District Police could not assist them urgently by contacting the Base Commander. He said that the relationship between the Police and the Intelligence Section was not very good and he was afraid to contact the Base Commander himself. His reluctance to get in contact with the Intelligence Section was based on past experience when he was in Kampala and had arrested a lieutenant for corruption and charged him in court; the army takeover intervened before judgment was delivered and the lieutenant came looking for him. He said that he was given leave to go to Soroti and judgment in that case has not been pronounced till now. He cited another incident of one of his constables who was instrumental to the conviction and sentence of 10 years of one of the brothers of an army soldier, who also started looking for the constable. Okipi said that the same fear kept on haunting him. He said that subsequently he learnt that the same two women had reported their husband missing to the uniformed branch who started investigating the disappearance.

On 29th September, 1972, Mususu and Mrs. Okot went to Kampala where they saw Okot's friend, Lt. Col. Mondo (W. 377), the Secretary to the Defence. The Lieutenant Colonel phoned Gulu Airbase and spoke to Captain Isalit, the Base Commander. He denied knowing anything about this matter and promised to make enquiries. Later on Isalit rang up to say that he was unable to get any useful information and even his staff did not know anything about the subject. Mususu said that after speaking on the phone,

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he felt that the Lieutenant Colonel's expression and voice changed and he told them, "I am very sorry for Mr. Okot." Mrs. Okot, however, said that the Lieutenant Colonel merely said that the Intelligence Officers had denied taking her husband, from which she concluded that Okot was already dead.

The three Intelligence Officers, that is, W. 488, W. 491 and W. 493 all denied taking Okot as stated by the other witnesses.

Their superior officer, Captain Bashir Juma (W. 542) had only 'heard' of the first incident at the Acholi Inn in which the subject had been involved. He did not seem to know anything about the second incident. He said that his three junior officers always kept him informed of their movements and did nothing without his information.

This would have closed the case of Tobias Okot but we should like to include an incident which subsequently befell Mususu on 3rd March, 1974. He alleged that during the night Onziga, Ali, and Abd unuru Bondo went to his home and fired seven shots at him. He was hit by one bullet in the leg and they put him in the car, UUN 720, and took him near the mosque where one of them fetched a knife. They took him to Akera Forest, seven miles from Gulu, and threw him out. They changed their mind and then took him to Gulu Police Station where they were given a form to take him to hospital. They threw him near the outpatients' building. Later he was taken to the ward and given treatment. He said that on 24th March, 1974 the same people came and wanted to take him away on the pretext that they would take him to Mulago.

Their scheme was thwarted by a medical assistant who was seen running out of the ward. After their departure a report was made to the Medical Officer who instructed that

On 11th March, 1924 Onzira came back with some other people and said that they went to take him away. Their request was refused by the Askari and the last he saw them was when they came back and were walking outside the ward. He was in the hospital for three months and was then discharged with a deformed leg. Onzira admitted this incident but said that he together with Bowdo and another soldier went to his home after getting a report that an Army officer with a long knife was harassing people. W. 493 said that Mususu started running on seeing them and, failing to stop on being asked, he admitted shooting him thrice and hitting him once in the leg. They took him straight to the Police together with an officer's sword which he had with him. A report was lodged with the Police Station that Mususu had been personating an Army officer and this report was being investigated by Inspector Mwesi. According to Okipi, the Inspector filed another file cover to the original, upon which the charge is shown as attempted murder by shooting. He said that the enquiries were not completed and the Inspector's Report had directed the investigation to be speeded up but the investigating officer was transferred to another Police Station before completing these investigations. He produced Police Criminal File No. 499/24 - Ex. 54.

When being discharged from hospital, Mususu wrote

to/...../ 386.

to Your Excellency about these incidents - Ex. 71 - and received a reply from the Governor of the Northern Province asking him to go and see him - Ex. 72. Mususu wrote back to the Governor giving reasons why he could not see him - Ex. 73.

There can be no doubt that on Sunday, the 24th September, 1972 there was some incident at Mrs. Okot's shop, as a result of which Mr. and Mrs. Okot went to Gulu Police Station. We did not have any evidence to corroborate Farjalla's allegation that Mrs. Okot assaulted his mother. Mususu said that Farjalla came with Onziga and his companions and identified Okot to them. Farjalla denied this and so did Mrs. Okot. This contradiction in the evidence seems to be of no avail, for the evidence of both Mususu and Mrs. Okot tallies as to the subsequent occurrence in which Okot was driven away by Onziga saying that they were taking him to the barracks' for a statement and Mususu followed them on his bicycle right up to the barracks' gate. We are satisfied on this evidence that Okot was picked up from the Police Station by Onziga and his two friends, Corporal Ali and L/Cpl Bondo, who did not inform Capt. Bashir Juma about this arrest. We have taken into account their denials which have not impressed us in the face of other direct evidence. Lt. Col. Mondo admits seeing Mususu and Mrs. Okot and said that the Intelligence Officer of Gulu Airbase denied any knowledge about the subject. Here also is the slightly exaggerated evidence of Mususu of what exactly the Lieutenant Colonel said but Mrs. Okot corroborated the Lt. Colonel. This interview was three days after Okot had been picked up and we think

that, under the circumstances, any eye witness to the kidnapping would reach the same conclusion at which Mrs. Ojok reached on being told that the Intelligence Officers of Gulu Airbase were denying any knowledge about the disappearance of the subject. The subject was taken from the Police Station by Onzien, Ali and Bando to the barracks of Gulu Airbase. We find that the probability clearly is that he was unlawfully disposed of by those in whose custody he was last seen.

219. Subject No. 196 - SUPERINTENDENT M. THEO ODWONG.

Witnesses: 315 Lucy Ojok - Part 4, p. 3127 - 3149.  
344 Zefaniya Anyo -  
- Part 4, p. 3551 - 3555.

The subject was a Superintendent of Police and, according to his father, Zefaniya Anyo (No. 344), was stationed at the Police Headquarters, Kampala. His father said that he disappeared on 26th September, 1972, and on a day when he was in Gulu, a Police truck brought his household property to their home and the relatives were informed that Odwong had disappeared. Ex. 139, the list of Police personnel allegedly missing, includes the subject's name and in the column 'circumstances' is indicated 'disappeared.'

His disappearance was also mentioned by Lucy Ojok (No. 315) who is the wife of 15F Ojok (subject No. 193). She said that amongst the Acholi and Lendu people who were arrested were Mr. Lecko and Superintendent Odwong. She did not know the circumstances of their arrest.

The subject's father also said that his son's car

UQR 307 disappeared with his son. According to Ex. 151, this vehicle is a TOYOTA CORONA whose owner is stated as Mr. Justus Rupiny of Box 2539, Kampala. There is also a note to the effect that this vehicle was to be transferred to Mr. Mungonyo of Box 7162 (letter ref: FC/130/56 dated 25th October, 1974, from C/T.O.A.).

His father said that he had no power to contact Police about his son and he asked the Commission to tell him where he was. His son was married to two wives, neither of whom was living with him at the time of the disappearance. Each wife has two children, below school age.

With this scanty evidence it is almost impossible to arrive at any finding. The only conclusion we can reach is that he has been missing since around 28th September, 1972. The probability is that he must be dead. The circumstances of his disappearance are not known and it must be presumed that he was arrested by unknown people.

220. Subject No. 197 - U.A. 5563 L/Cpl. THOMAS ONEN.

See Moroto Soldiers, p. 664.

221. Subject No. 198 - JEFANIAH OOLA.

Witness: 319 Filda Atto - Part 4, pp. 3208 - 3217.

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The subject was aged about 42 and was a retired Magistrate Grade II. He was married and had ten children between the ages of twenty-three and ten. All but the youngest three go to school and they are being maintained by the subject's mother.

he/.....

He was staying at home waiting for the result of his application for Paul to start a ranch.

Billie (p. 310) was the subject's younger sister. She is the Social Auxiliary Officer, Kitgum. She last saw her brother in Gulu Hospital on 8th May, 1971, on her way back from Kampala after attending an interview. She said - (p.3209):

"I did my interview on the 7th, then on the 8th May, 1971, when I was coming back I stopped in Gulu, my mother was waiting for me. She told me that my brother was beaten so badly, I better go and see him before I go back to Eitrus. I told her that I better go to Kitgum first to report for duty then I will be back. I was teaching temporarily at Gulu High School after my S.V.I results. I went to Gulu Hospital with my mother from Bus Park, it was in the afternoon. I found him lying on the bed on his back, he greeted me. He stated that he was beaten by Army people from the Airfield. I was in hurry for the same bus which was coming to Eitrus. He told me that he did not know when he will be back or where he was going, so I better go back and encourage his small children to study hard that he knows they will face a lot of problems if he was not around, these were the last words he said to me."

His mother and his wife were looking after him and the witness was told that the Army soldiers were also checking on him. Then the witness went to Entebbe for a course and later her mother told her that the subject had sent his wife away to look after the children. Her mother also informed her that some Army soldiers from the Airbase went to the hospital and took him away to the Airbase for treatment, taking the medical forms with them. The subject has not been seen since.

His mother said that no body ever went to the Airbase

He was staying at home waiting for the result of his application for land to start a ranch.

Ellen Otto (W. 319) was the subject's younger

She last saw her brother in Gulu Hospital on 8th May, 1971, on her way back from Kampala after attending an interview. She said (p. 390):

"I did my interview on the 7th, then on the 8th May, 1971, when I was coming back I stopped in Gulu, my mother was waiting for me. She told me that my brother was beaten so badly, I better go and see him before I go back to Kitgum. I told her that I better go to Kitgum first to report for duty then I will be back. I was teaching temporarily at Gulu High School after my S.V.I results. I went to Gulu Hospital with my mother from Bus Park, it was in the afternoon. I found him lying on the bed on his back, he greeted me. He stated that he was held by army people from the Airfield. I was in a hurry for the same bus which was coming to Kitgum. He told me that he did not know when he will be back or where he was going, so I better go back and encourage his small children to study hard that he knows they will face a lot of problems if he was not around, these were the last words he said to me."

His mother and his wife were looking after him and the witness was told that the army soldiers were also checking on him. Then the witness went to Entebbe for a course and later her mother told her that the subject had sent his wife away to look after the children. Her mother also informed her that army soldiers from the Airbase went to the hospital and took him away to the Airbase for treatment, taking the witness along with them. The subject has not been seen since.

His mother and his wife were looking after him and the witness



to check on him because they were all afraid. She hoped that, as he had been taken from the hospital, the soldiers would inform the hospital what his condition was. She did not try herself because she thought that she too would not get any useful information as their mother and his wife had failed previously. She did not know why her brother was assaulted in this manner. She said that previously some soldiers had gone to his house looking for him and had left a message that he should report to the D.C., Mr. abbe.

Like many other subjects, the evidence here also is very scanty. We do not know what difficulties our counsel met in trying to get the records of Gulu hospital with regard to this patient. If the subject was taken away from the hospital, we should have thought that the hospital records would have made this clear. Also the mother of the subject, who seems to have nursed him until he was taken away, did not come forward to give evidence. There was evidence about the previous visit by some soldiers to the subject's home. We do not know what happened when he went to see the D.C. In the state of evidence as it is we can only find that the subject has been missing since May, 1971 after being removed from Gulu hospital by soldiers from Gulu Airbase. This fact and also whether he arrived at the Airbase would have been clarified by the production of the D.C.B. of the Airbase, but surprisingly we were told by the Intelligence Officer, Onziga (W. 491) that no such D.C.B. was being kept at the Airbase. As the subject has been missing since May, 1971 without any trace, and in view of Onziga's evidence regarding the D.C.B. we think that the probability is that the subject

must have been unlawfully disposed of by soldiers from the Gulu Airbase.

221. Subject No. 199 - U.S. 5221 PRIVATE ALFRED BAIYI.

See Jinja Soldiers, p. 580.

223. Subject No. 200 - U.S. 0419 PRIVATE KASIO OKENY.

See Moroto Soldiers, p. 664.

224. Subject No. 201 - U.S. 3206 PRIVATE DONATO ODUR.

See Moyo Soldiers, p. 671.

225. Subject No. 202 - U.S. 5297 PRIVATE MICHAEL OKULU.

See Malin Soldiers, p. 598.

226. Subject No. 203 - U.S. 3204 PRIVATE FESTO OCHAYA.

See Border Guard Unit, Oraba, p. 687.

227. Subject No. 204 - U.S. 5506 L/Cpl. KCSBA OTTO.

See Mbuja Soldiers, p. 565.

228. Subject No. 205 - E.S. 18114377 Sgt. MAJOR  
MUSEMTO OBUCH.

See Jinja Soldiers, p. 580.

229. Subject No. 206 - PRIVATE PABKULMO ODUR.

See Malin Soldiers, p. 619.

230. Subject No. 207 - U.S. 0005 L/Cpl. G. BUON OSONYO.

See Gulu Airbase, p. 556.

231. Subject No. 208 - GEORGE WILLIAM ABCDA.

Witness: 330 William Aboda Lulom - Part 4, p. 3299 - 3310.

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The subject was the Gombolola Chief of Attiak in West Acholi. He had three wives and seven children aged between thirteen and two. He left some money in the bank and one of his brothers has now applied for a court order to manage his estate.

The witness is the subject's nephew, a Court interpreter at Kitrum. Upon hearing rumours of his uncle's arrest on 15th October, 1972, the witness went to Attiak to confirm. On 18th October, when he was on his way, he met the subject's wife in Gulu. She told him that on 11th October, 1972 a policeman from Attiak went to their home looking for the subject who had gone out somewhere. On his return the following day she told him about the policeman's visit and, when he went to the Police Station to find out why he was wanted, he was detained. The subject's wife and her sister saw him at the Police Station and the O.C. told them that the orders for his detention had come from Gulu. After about four hours, a Volkswagen Kombi, white in colour, with three Army Intelligence Officers, came and took him away saying that they were going back to Gulu. The witness also saw the O.C. Police, Attiak, and this is what he said about that interview - (p.3304):

"When I went to him, I asked him what had happened to my uncle. He told me that I should not disturb him because the man was not arrested at his own interest, he only was directed to do it.

when/...../393.

When I asked him who directed him, he said he received a message from Gulu Airbase Intelligence. They may let it know, that they had to

The D.C. said that one of the Intelligence men, who was a lieutenant, had signed in the visitors' book but the rest of the book to him. According to Captain Airbase (No. 960), there was no lieutenant in the Intelligence section of Gulu Airbase at the material time.

The witness saw the Administrative Secretary who denied receiving any official message about the subject's arrest. The witness thought that he was 'reluctant' to make enquiries. He saw the District Commissioner who rang up the Base Commander who was said to be at a meeting. He also saw the District Police Commander who denied ordering the arrest of the subject. He saw the D.C. again the following day and after speaking to the Base Commander on 14/10/72, he told him that those arrested after 20th October, 1972, had been taken to Kampala. He tried to go to Gulu Airbase but was refused permission to enter.

Subsequently, the District Administration sent transport to assist in transporting the subject's wife and their property to the house.

He spoke to some people there. The subject's wife told him that five days prior to his arrest the D.C. Gulu, Mr. ... county chief approached the subject ... on a hunting trip. In

the rush those two tried to persuade him to join them in running away to the Sudan. Subject turned this proposition down and later those two were said to have fled the country.

The evidence is very scanty and it is extremely difficult for us to make any findings of fact. The subject's wife, who was living with him at the time of his arrest, did not come forward to give evidence. It is obvious from the witness' interview with the O.C. Police, Atiak, that the subject was arrested on orders coming from the Gulu Airbase. Regarding the speculation, it is true that the D.C. Mr. Abbe also disappeared and there was evidence that he might be in the Sudan; Atiak is on the road from Gulu going to the Sudan. It is difficult to go on speculating and we can only say that the subject has been missing since 15th October, 1972 after having been arrested by the police Atiak on orders from Gulu Airbase. The evidence suggested that he was subsequently collected by three men in a Volkswagen Kombi. Their identity is unknown but we think that the probability is that they were in fact Army Intelligence officers from Gulu Airbase who had asked for his arrest. The O.C. could be mistaken about the rank of one of them. The probability further is that the subject was unlawfully disposed of by the said Army Intelligence officers, from Gulu Airbase, on their return journey to Gulu.

209. Subject No. 209 - M. Sgt. ELSNYC MUNGVI.

See State Research Centre, Nakasero, p. 684.

210. Subject No. 211 - M. SGT.

211. Subject No. 212 - M. SGT.

- Witness: 334 Yerima police - Part 4, p. 3373 - 3392.
- 340 Lucia Lero - Part 4, p. 3547 - 3466.
- 543 Stanley Matindi - Part 7, p. 6878 - 6887.

These three policemen were first mentioned by W. 334 as having been arrested. He said that Ogiya used to live at Naamiya and the other two at the Police Training School, and all three were school.

We heard evidence on Ogiya only from his wife Lucia (W. 340). She used to live at home in addition and the other wife, Verina Oyo, (she did not give evidence) used to live with the subject in the barracks. Also living with them in the barracks was their son called Estero Ojura.

W. 340 came to Kampala upon getting news from Ojura that the subject had been arrested and the son told her that the subject was a police officer, policeman, called M. Sgt. Matindi that he was required on duty and returned home later and had a letter dated 14/11/61, from the assistant Commissioner. It was a letter from the assistant Commissioner, M. Sgt. Matindi - (1.3461-0):

"I have already been arrested. Inform my son Petero Ojara that Obia has been arrested and I am at Makindye. There is Shs. 20/- in my pocket and Shs. 400/- in my books of account with the Uganda Government no more. I your father

Sgd.  
Obia."

The witness approached the C.C. Barracks, Opio, who denied any knowledge about the subject's arrest. She went to Makindye where the soldiers at the gate told her that he was not there. She returned to Opio who told her that he could do nothing and asked her to pack up and be ready to leave the barracks on 5th October, 1972. She asked him for a few more days to look for her husband but he refused and on the 5th official transport came and they moved with their property to their village home.

The witness said that the police did not give them even the salary for September, 1972. Her husband has twelve children between the ages of 21 and 3, seven of whom are at school being supported by the eldest son. Her husband's rifle was deposited with the police. Nobody has so far applied to court for the management of his estate.

Of these three policemen only Obiya appears in Ex. 141 and Ex. 167 as having been dismissed from the Force with effect from 15th September, 1972.

With regard to Obiya, it seems manifest from his letter Ex. 76 that he was detained at Makindye Military Police. It will be recalled that WIP Mone (subject 191) who also was arrested from Nsambya barracks was similarly detained at Makindye. It may well be that the other two policemen, that is WIP Onen and P.C. Oyoallo, who were said by T. 344 to have been arrested,

were also detained at Makindye like their colleagues.  
Although the evidence of W. 340 is hearsay, it seems that  
the common factor in the cases of Ochiya and Mondo was the  
fact that they were told that they were required on duty  
and in both cases the head of the BSB, Ali Toweli, was  
mentioned as being present.

Ochiya's letter (Ex. 70) is dated 20th September,  
1972, and he has not been heard of since. He does not  
appear in the list of people who were subsequently trans-  
ferred from Makindye to Luzira nor is there any evidence  
to show that he was amongst those transferred to Mutukula.  
We are satisfied that he is missing since September, 1972  
and, in these circumstances, he must have disappeared  
during his detention at Makindye. The probability  
clearly is that he was unlawfully disposed of during his  
detention.

236. Subject No. 213 - BUREAU ARMY.

- Witnesses: 335 Adjutant Clerys - Part 4, p. 3392 - 3401.  
336 Miss Clarity -  
- Part 4, p. 3402 - 3411.  
343 B/SP J.O. Okipi  
- Part 4, p. 3503 - 3550.  
488 W. 561 Lt. Col.  
- Part 6, p. 5512 - 5577.  
491 W. 562 Cpl. Rafi Onyia  
- Part 6, p. 5659 - 5693B.  
493 W. 563 Lt. Col. Mungu Bukali Pondo  
- Part 6, p. 5705 - 5750.  
567 W. 564 Lt. Col.  
- Part 7, p. 6849 - 6878.



were also detained at Makindye like their colleagues. Although the evidence of W. 340 is hearsay, it seems that the common factor in the cases of Ochiya and Mondo was the fact that they were told that they were required on duty and in both cases the head of the ICS, Ali Toweli, was mentioned as being present.

Ochiya's letter (Ex. 70) is dated 20th September, 1972, and he has not been heard of since. He does not appear in the list of people who were subsequently transferred from Makindye to Luzira nor is there any evidence to show that he was amongst those transferred to Mutukula. We are satisfied that he is missing since September, 1972 and, in these circumstances, he must have disappeared during his detention at Makindye. The probability clearly is that he was unlawfully disposed of during his detention.

236. Subject No. 213 - HUMAN AGENCY.

- Witnesses: 335 Adjutant Cherya - Part 4, p. 3392 - 3401.  
336 Miss Clarity -  
- Part 4, p. 3402 - 3411.  
343 W/SGT J.C. Okipi  
- Part 4, p. 3503 - 3550.  
488 W/SGT J.C. Okipi  
- Part 6, p. 5512 - 5577.  
491 W/SGT J.C. Okipi  
- Part 6, p. 5659 - 5693B.  
495 W/SGT J.C. Okipi  
- Part 6, p. 5705 - 5750.  
567 W/SGT J.C. Okipi  
- Part 7, p. 6849 - 6878.

The subject was aged about 58. He was married to Ajulina Adeny. (W. 335) and they have twelve children, including Charity Acan (W. 336), aged twenty-five and a State Registered Nurse. Some of the children are at school. The subject used to live in his village home at Paicho, while his wife had a shop in Gulu.

The subject was arrested on 12th September, 1973, from his wife's shop and taken to the Police Station, Gulu. The reason for this arrest was given by Captain Juma (W.542) of the Army Intelligence, Gulu Airbase, as follows - (p.6850):

"This man was in Gulu and we received information that he was keeping some automatic Chinese rifles for subversive activities. I started working on the information and we received it. He was keeping these rifles, of course, not in his house which he has in Gulu but somewhere else. He was arrested on the day he made arrangement to remove the firearms from the place where they were hidden to be taken to Gulu and he was a recruiting agent, according to the information we received. I instructed my staff to get hold of this man because he was supposed to lead the way to where they were to deliver these firearms and he was kept at the Police Station for a couple of days or three. We laid the trap to get this vehicle which was taking the firearms, and unfortunately we did not succeed. On failure, there was no evidence so as to charge the man. I was coming from the barracks and Cpl. Ali Wila and Onziga took him from the Police Station; they were taking him to me for interview. Then I met them near at the former District Administration Block. There, I told them to release him since there was no proper evidence under which we could charge the man, from that day he was released, and what happened after that is what I do not know. Probably he might have fled the country on the point that his movements were being watched."

That is the gist of the case which the subject had and the action which was taken against him. Captain

Bushir Juma said that he had instructed his junior staff to go and get hold of him from his shop and to take him to the Police Station. According to Officer (S. 491) the Captain sent him and another officer to 'check' on the subject and both of them approached the O.C. Grimo, Okipi, for a police constable to help them. Bando said that their instructions were to arrest the man. Okipi confirmed that on 12th September, 1973, these two Intelligence Officers asked him for a uniformed constable 'for a job they had to do in the town'; they did not tell him the nature of the job but he ordered one constable in uniform to accompany them. He said that they were in a hurry and were engaged in a job similar to his.

Mrs. Adanya was in her shop and her husband was also with her. A policeman came and told her husband that he was wanted at the Police Station. Her husband asked the policeman why he was wanted. He was told that he did not know as he had been sent by someone else. Then the subject agreed to go with him to the Police Station and his wife followed him. The two Intelligence Officers left the policeman escorting him on foot and they went to the barracks to report to their Captain, who ordered them to fetch him as he wanted to interrogate him. Mrs. Adanya found her husband handcuffed, sitting behind the counter at the Police Station. She also found many people there who were talking to him and amongst them, she saw the O.C. Grimo, Okipi. Without speaking to him she ran to the I.C., Mr. Estemba, and advised him to go back to the Police Station which he tried to do immediately her husband's arrest. In the meantime the two Intelligence Officers returned to the Police Station for the subject. Grimo said that only

he and Bondo went to fetch him, but Ahmad Wila (W. 488) maintained that he also went with his two colleagues. The account given by Wila of what happened at the Police Station is somewhat different from that of his other two colleagues. According to Wila, they first saw Okipi and informed him that they had been sent to fetch the man who had been arrested for transferring guns and ammunition to Tanzania. He said that it was Okipi who told them the name of the man as Adenya and he accompanied them to the cells where he handed over the subject to them. According to Onzira and Bondo, they found the subject at the counter and told him that the Captain wanted to interrogate him, where upon the subject agreed and got into their vehicle. Wila said that he was in Toyota Mark III car, UVN 719.

Okipi, who was in his office at the Police Station, said that he went to the counter on hearing people shouting and he found the subject behind the counter. It was the subject who was shouting in his mother tongue, Acholi, and Onzira and Bondo were shouting at him in Kiswahili 'Tuchukwe Mtu hii' (p. 3530), that is to say, 'let us take him'. He said that the subject was handcuffed and he was bundled into the car. Okipi went on to say that no record was kept of this incident in the Station Diary and he informed us that the Lock Up Register was missing. His explanation was that the counter officers were perhaps afraid to enter the name of the subject in the Station Diary. Okipi himself did not interfere as he did not want 'to get involved' in the matter. He thought that the Intelligence men knew what they were doing and it was no longer his concern. He was bold enough to admit that he did not ask them what they were doing as he feared them and did not want to submit himself/...../401.

himself to any blame by them. He said that he preferred to be blamed by the society so long as the society did not arm the police. He said that the police were armed with pistols and this probably had frightened the other policemen at the Station.

However, there is yet another account of the incident in the Police Station. The subject's daughter was then working at Gulu Hospital and, at about 3 p.m. on 12th September, 1972, her attention was drawn to the Police Station by some noise. She saw a crowd and went to the Police Station. She found her father in a white saloon car with his hands and legs in handcuffs. She dashed to the people in the car and asked why her father was handcuffed and where they were taking him? She said - (p.3403):

"I entered the car and asked them where they were taking him, why they had arrested my father, I wanted to know. Then they started pulling me out and they were many of them around the car. They started to fight me, one of them was having a gun. When they overpowered me and pulled me outside the one with the gun entered the car and another one also entered the car and they drove off towards their barracks."

She said that the only answer she received to her queries was that if she wanted to go with her father she could. She sustained some minor injuries during the incident. She stayed there crying and it was then that her mother came back and told her about her report to the D.C. Both of them went to see Okipi in his office, and Okipi told them that he had been asked by somebody for a policeman to fetch the subject from the shop without disclosing the name of that person. Okipi, however, maintained that he told them everything, including the names of the Intelligence Officers.

The subject's wife said that they have not seen Adenya since then.

These Intelligence Officers said that they met their boss, Captain Bushir Juma, in front of the former District Administration Block, a little distance from the Police Station. There, the Captain interrogated the subject for ten or fifteen minutes and then ordered that he be released. The Captain also maintained that Ali Wila was not there at that time and, according to Onziga, Ali Wila came when the Captain was interviewing the subject. Ali Wila said that when they met the Captain, they handed Adenya to him and then all three of them, that is, Onziga, Bondo, and Ali Wila, went away to Lira to see his sick sister. He said that he had permission from the Captain for all three to go to Lira and they returned at about 5 or 6 p.m. Later he was told by the Captain that he had released the subject on the spot as there was no evidence against him and the following day the Captain ordered them to go to Attiak to fetch some five guns and 120 rounds of ammunition. The evidence of the other two Intelligence Officers and the Captain is that the Captain interrogated the man on the spot and then released him, after which the three Intelligence Officers went to Attiak to intercept the vehicle which was supposed to be carrying the firearms and ammunition. That mission proved unsuccessful and they went back to Attiak the following day (13th September, 1973), when they managed to arrest three with five guns and 100 rounds of ammunition. One of those three managed to escape but the other two were later taken to Your Excellency's Office, Kampala, and handed over to Lt. Col. Francis.

The evidence in this case seems to be fairly straight

forward/...../408..

forward. It is not denied that at least two of the Intelligence Officers did ask for a uniformed constable to arrest the subject from his wife's shop and take him to the Police

officers subsequently collected the subject in the car to take him before their superior officer, Captain Bashir Juma. The difficulty we have encountered is to reconcile the rather shifting evidence of Cpl. Ahmed Ali Wila with that of his two colleagues. At first he seemed to say that he knew nothing about the arrest of the subject by the Police at the behest of his two colleagues, but later on he maintained that he was present when this was done. Also he changed his earlier evidence about handing the subject to Captain Bashir Juma on the road and immediately leaving for Lira to fall in line with that of his two colleagues. His two colleagues called him an outright liar and they denied going with him to Lira to see his sister as he maintained. We asked ourselves whether this witness, Ali Wila, was so dim that he could not be expected to be consistent or he was giving testimony in this manner deliberately in order to confuse the evidence and thus try to shift the blame elsewhere.

We do not think that he was a dim witness. We think that he was confused and worried. His evidence about collecting the subject from the Police Station was very much similar to that of his two colleagues. He also talked about meeting Captain Bashir Juma on the way. This indicated that perhaps he was with his two colleagues when they went to fetch the subject from the Police Station. The question is what happened thereafter; would they hand over Aderya to the Captain and immediately set out for Lira as he maintained, or would

they wait throughout the Captain's interview until the prisoner was released as the others maintain? This interview took place about three hundred yards from the Police Station. The Captain denied any knowledge about the Police having been used in the arrest of the subject. We find it odd that the Captain, who had received such important information against the subject, would have dealt with him in such a casual manner by the roadside and in sight of the Police Station and then released him. Wila said that the idea was that they would re-arrest him if further evidence was discovered against him. We were not impressed with his argument. The country was then in a state of turmoil because of the guerillas, and it is obvious that people against whom such reports of conveying firearms and ammunition in assistance of the guerillas were being received were being treated as enemies of the country and in no better way than the guerillas themselves. His argument was that his first trap had failed and no evidence had been disclosed against Aderya. He went on to say that the subsequent arrest of two other people, together with the guns and ammunition, at Attiak had nothing to do with Aderya. This is not the impression one gets from the evidence of his three junior officers. The impression we had is that the arrest of the others and the discovery of five guns and some ammunition in the vehicle was due to the information which the Intelligence Officers had received, in which Aderya was first mentioned. As such we think that no reasonable person, in his proper senses dealing with such a serious report involving the security of the country, would have risked releasing such a person after a casual and cursory interrogation by the roadside, particularly so when further investigations in the form of a follow-up of the

report/...../405;



report were still in progress. We know, and it is not denied, that a follow up of the report led to the arrest of some other people together with some firearms and ammunition. It is for these reasons that we find it difficult to believe that the subject, who has been reported to be conveying firearms and ammunition to the guerillas, would have been released before the follow up of the report to ascertain its truth. In any case, we fail to understand why the junior officers, who had in fact used the police for arresting the subject presumably to keep their identity unknown, would have risked the subject's release pending further investigations, as such release would obviously have demolished their argument that the police had to be used so that the subject could not get in touch with his colleagues. It is clear that once released, he would have been able to contact the rest of his party and put them on the alert. This is another argument which militates against his having been released as maintained by Captain Bashir Juma. Captain Bashir Juma is not borne out either by the police or by his junior officers in that the subject was kept in detention at the Police Station for a couple of days. Nevertheless Adenya has not been seen or heard of since September, 1973. For the reasons we have given, we are not persuaded by the Captain's comment that the subject might have fled the country after being released. We would have agreed with him that such a possibility existed only if we were satisfied by his evidence and that of his junior officers that the subject had in fact been released by them. The only other possibility which comes to mind is that the Captain might have ordered the release and gone away leaving the

subject/...../ 406.

with his junior officers. Even so, we are at a loss to understand why the subject, if he was to be released, was not taken back to the Police Station and set free in the presence of Okipi who had been used as an instrument in arresting the subject in the first place. We are of the opinion that, in view of the various contradictions and discrepancies in the evidence of the Intelligence Officers and their boss, they have tried to suppress the truth so far as the whereabouts of the subject are concerned. What is definite is that the subject was collected from the Police Station by the three Intelligence Officers and was never seen again. If their explanation is rejected, and we are of the opinion that it should be so rejected, then the probability clearly is that the subject was unlawfully disposed of by them after being handed back to them by their superior officer by the road side, a little distance from the Police Station.

237. Subject No. 214 - GEORGE OLENG.

238. Subject No. 215 - P.C. OWEKA.

Witnesses: 337 Betty Adongo - Part 4, p. 3412 - 3423.

471 No. 3994 P.C. William Ojen

- Part 4, p. 5215 - 5228.

George Olong was the postmaster of Moyo Post Office. He was married to W. 337 and they have two sons, aged 4 and 2½, both of whom are alleged to have been taken away from her after her refusal to marry one of her brothers-in-law.

Oweka was the P.C., Police Station, Moyo.

on/...../497.

On 4th October, 1972, W. 337 was in Moyo Hospital when she received a report from her husband's colleague, Isse, that two people from Kampala, claiming to have been sent by Your Excellency to attend a conference in Kampala, had arrested the two subjects at about 3 p.m.

P.C. Ojen (W. 471) was at the Police Station when, at about 3 p.m., he saw the Postmaster with two men. One of whom said, "Policeman come and take the keys from the Postmaster, we are taking him away." This frightened the police constable. He said that as he came out of the police station, one of the two men pulled out an identity card. On it he saw the drawing of swords and the letters "U.S."; he also saw a photograph on it but it was not handed to him for proper scrutiny. The postmaster asked these men who they were and where they were taking him. W. 471 did not intervene or try to assist the postmaster because, according to him, the situation in those days was not normal as the country had been invaded by guerillas. He suspected that those two could have been guerillas or persecutors but he had no means of stopping them as he was not armed; and the other police constables were on duty at some road blocks. He said that, although they had identified themselves as Army soldiers, he did not believe them as 'anyone can get an identity card'. At the same time he said that he thought that they could be genuine, but he did not try to find out as he was afraid. He took the keys and those people went away. He said that they were at the police station for a very short time of about three seconds. He saw the vehicle in which they were travelling, and he made an entry in his Station Diary - Entry No. 29 made at 1500 hours (Ex. 12C), reads as follows:

"M.V. UVK 358 Volkswagen Motor Omnibus by Uganda Army personnel into the station with the postmaster and handed-in post office keys and postmaster to accompany them."

It is obvious that at first the constable had written 'unknown persons' but later the same day, amended this to read "Army personnel".

There is evidence that on their way back from the police station, they stopped at the Court where they found P.C. Oweka. They asked him to handover the files to the magistrate and took him along with them in the same car.

According to Ex. 152, a list of different vehicles giving details of the registered particulars of ownership, motor vehicle No. UVK 358, a Volkswagen is registered in the name of the Ministry of Defence.

W. 337 rang up the Commanding Officer, Moyo Barracks. He denied any knowledge of these two arrests. The following day she saw the D.C., and found him with the Commanding Officer, Mustapha and Lt. Ogwal. They said that they were sending an ADC with a letter to Kampala to find out, and on Saturday the ADC went to Kampala. On the return of the ADC, she was told that neither subject was in Kampala. On 17th October, 1972, she went to Makindye where she asked an Alur soldier at the gate about the two subjects. He told her 'sister you go home. Don't waste your time. We are now as dogs. Sometime you may leave your husband in Karuma Falls (see also subject No. 171, p. 360) or in the forest there.' - (p. 3417). On hearing this, she lost all hope and thought that her husband was dead. On being asked about the reference to Karuma Falls, she said, 'that would mean that they used to throw some people in the Falls'

- p. 3421; and about the forest she said, "As he is an army man, I thought they might have been throwing some people in the forest," - p. 3421. She could not explain what the

Notwithstanding the fact that W. 471, No. 3994 P.C. William Ojen, was scared of the two people who took the postmaster to the Police Station and was not prepared to risk anything by trying to intervene or stand for or assist the postmaster, it must be said in his favour that he kept his eyes open and had the presence of mind, which unfortunately cannot be said about many other policemen under similar circumstances, to jot down the vehicle involved in his station diary. Being ignorant about the ownership of the vehicle and considering that the country had been invaded by guerillas not very long ago, he may have thought that they were personators or guerillas, but he made it clear that he had an equally strong doubt in his mind, because of the identity card, that they might be genuine army soldiers. Ex. 152, which contains the particulars of registration of this vehicle, makes it absolutely clear that on the day the vehicle was seen in Moyo taking the postmaster and P.C. Oweka away, it was registered as the property of the Ministry of Defence. There is thus overwhelming evidence to say that those two who stopped at the Police Station were in fact people from the Ministry of Defence. They could not have been anybody else and we refuse to believe that other people outside the Army would have hijacked the army vehicle. We are satisfied that both these subjects were taken away by these two soldiers in the army vehicle on the pretext that they were required in Kampala for a special case. There is no evidence that they

reached Kampala and it seems to us that the comment made by the Alur soldier at the gate of Makindye referring to Karuma Falls and the forest is pertinent. As both of them have been missing since 4th October, 1972, we have no hesitation in finding that they were unlawfully disposed of by their army escort on the way to Kampala.

It should not be difficult to trace the movements of this army vehicle from the transport records maintained by the relevant department, which should also disclose the identity of the people using it on the 4th October, 1972. We think that further investigations should be carried out in this case on these lines.

239. Subject No. 216 - NO. 4875 STATION SERGEANT

OBOTE NYWALOVOK CELESTINE.

Witnesses: 336 Besemesi Achana - Part 4, p. 3423 - 3432.

470 No. 3294 Station Sergeant Benedicto  
Balamusana - Part 6, p. 5204 - 5214.

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The subject was a Station Sergeant at the Railway Police Station, Gulu. He was married to W. 338 and they have five children between the ages of seventeen and five, all of whom are at school.

On 2nd October, 1972, the subject left home informing his wife that he was going to Pakwach to pay the staff.

At about 9.15 a.m. S.D. Constable Adwere called the other witness (W. 470) from the barracks saying that the subject had been arrested by three people. They dashed

together/...../411.

together to the Police Station and on the way, W. 470 saw a Volkswagen Kombi, white, with three people in it with the subject. One of them threw the keys out of the window and but not the figures. The witness made an entry in his Station Diary (9/2/10/74) at 9.15 a.m. as follows:

"Station Sergeant, Nyxalowok taken away by the 'Ua Gu' from the office. Reason not known on 1 October, 1972, at 0915 hours."

The witness explained that the registration letters which he had seen on the vehicle, that is, 'Ua' gave him the impression that it was an Army vehicle notwithstanding the fact that the three people in the vehicle were in civilian clothes and there was nothing else to indicate where the vehicle came from. He said that he had seen the rear number plate of the vehicle which was not yellow like other civilian vehicles but the background of the number plate was black. He said that he had written in the Station Diary that they were Army people of Gulu because there were soldiers stationed at Gulu.

Within half an hour of her husband's leaving home, Esimesi heard that he had been arrested and taken away. She also dashed to the Railway Police Station and was in time to see the white Kombi driving away at great speed. She ran up the head of the Railway Police in Kusaia but he denied any knowledge about the incident. She went to Gulu Police Station but her husband was not there either. Her statement was not recorded, nor was her report taken down. She went to the Army Barracks, Gulu, where the gate keeper told her that her husband, who she said he was in a cell. She asked to see him and

he went away to get permission. She waited there for three hours but he never came back. She returned to the Airbase the following day and was told to come back after the Independence Day celebrations. When she went back on 11th October, 1972, she was told by another gate keeper that he had been taken to Makindye. She proceeded to Makindye and was asked to return the following day, Saturday. She did and the gate keeper asked her for her tribe and the tribe of her mother. She told him that she was a Langi and her mother a Muruka. She was then asked to go away as her husband was not there. She said that she stayed on hoping that he might change his mind but he threatened to shoot.

She has no idea of what happened to her husband. She said that her husband had money in the bank and a Court Clerk told her to wait for three years before she could get an order to receive the money from the bank.

The constable who was at the Police Station when the subject was taken did not come forward to give evidence. The only evidence we have is that the subject was seen being taken away in a white Kombi by three men and only the registration letters of the vehicle. We have given this matter some thought and we think that the other station sergeant - P. 470 - is right when he says that the registration number plate of any Army vehicle is different from that of a civilian motor vehicle. It may very well be that the vehicle which took away the subject from the Railway Station was an Army vehicle. None of the three men who took him was identified, nor is there any evidence of where he was taken to. We appreciate that there is evidence of his wife, who went to the Airbase on the following day, being



told that he was in the cells. As against this, we have the evidence of Captain Bashir Juma (W. 542) and his three Lieutenants (W. 488, W. 491, and W. 493) who maintained that the subject was not taken to the barracks at the Gulu Airbase. No records of Gulu Airbase were made available to us, and there is no way of checking whether the subject was in fact taken there. On the other hand, we see no reason why the subject's wife should tell deliberate lies. We can only say that there is considerable suspicion that the subject was arrested by Intelligence officers from Gulu Airbase and later transferred to Makindye, as the subject's wife maintains she was told by the gate keeper at the Gulu Airbase. As he is missing since 2nd October, 1972, we think that the probability is that he was unlawfully disposed of during his detention at Makindye Military Police.

240. Subject No. 217 - ICINJEL OYAM.

Witnesses: 339 Rev. Isaac Okumu - Part 4, p. 3433 - 3457.  
438 Benon Jackson Twodo  
- Part 5, p. 4657 - 4676.  
439 UA 13915 Staff Sergeant Mohamed Ojala  
- Part 5, p. 4676 - 4695.  
440 Lt. Yusuf Omara - Part 4, p. 4695 - 4700.  
489 UA 8179 Edo Ismail  
- Part 6, p. 5578 - 5618.

The subject was a Statistician with the Uganda Coffee Marketing Board and used to live at No. 2 Bazarabusa Drive, Bugolobi, with a girl friend from whom he had two children, aged four and three. At the material time his younger brother Twodo (W. 438), a University student, was living with him.

The subject's father is Rev. Isaac Okumu, (W. 339) and was the Archdeacon of Acheli. He last saw the subject on 11th January, 1972, at Mukono where he was attending the provincial assembly meeting. On 13th January, 1972, the Rev. received a report that his son had been arrested on 12th January, 1972, at 5.30 p.m. from a petrol station. According to the house-boy (he was not called), the subject was taken to his home by two men in Citroen car and the house was searched. A red UPC shirt and some documents were taken away by these men. According to Twodo, the subject, who was a member of the UPC, was contemplating standing for Parliamentary elections before the Army Takeover of the Government.

The Rev. and his son Twodo went to Makindye where they saw his car, BMW 1800, No. UUV 832, in a shed in front of the duty room. The Rev. maintained that they were told by Lt. Mohamed Ojale (W. 439), a school mate of Twodo, that his son had been brought in on 12th January, 1972, at 6 p.m. by UA 8179, Cpl. Abdu (W. 489), to whom he was subsequently returned to be taken home and released. This was denied by the Lt. and Twodo also did not hear any such thing being mentioned although he said that this information might have been given to his father when he himself was ringing home to find out if the subject had reached home. He admitted, however, that they were told that Cpl. Abdu of Malire had brought his brother into Makindye. Twodo further denied, as was maintained by the Rev., that they were also told that the Cpl. was Your Excellency's bodyguard. Twodo thought that they met Lt. Ojale after receiving all this information and the Lt. only undertook to try to look for the subject. In his

evidence, the Lt. said that the Rev. only told him that he was looking for his son without giving any details about what might have happened to him and he denied offering any help. He also denied seeing the BMW there, and that he knew Cpl. ...

The Rev. and his son Twodo then proceeded to Makindye where they met Captain Omara (N. 440), who said that he was a Lt.) The Rev. knew him before and told him about his son. N. 440 is alleged to have confirmed that he knew Cpl. Abdu and promised to let the Rev. know the result of his investigations. Lt. Omara denied knowing the Rev. and meeting him as alleged. He also denied knowing Cpl. Abdu.

On 17th January, 1972, the Rev. returned to Makindye to collect his son's car as he had been told at his previous visit that the car and the keys of the house could be collected at any time. He found the car was not at Makindye and no body seemed to know what happened to it.

On 20th January, 1972, he collected his son's property from his residence and took it home.

On 31st January, 1972, he wrote to Your Excellency - Ex. 75 - regarding his son's disappearance in the following terms:

"The Diocese of Northern Uganda,  
P.O. Box 232,  
Gulu, Uganda.

31st January, 1972.

His Excellency the President of the Second Republic of Uganda, General Idi Amin Dada.

The Arrest and Disappearance of my son,  
Mr. Isimuel Oyamo at the Uganda Coffee  
Marketing Board on 17th January, 1972.

As your Excellency may be aware, I am deeply sorrowful following the arrest and disappearance of my son, and I have had conflicting reports about him and this is adding more sorrow in my house. I am to invite your Government to tell us where my son might be and also who may have arrested him. I have come to Kampala again for the second time for the following reasons:

1. I should really like to understand whether my son is still living or not;
2. I should like, your Excellency, to use your good offices to return my son's car UNV. 832 BMW 1800 because I have established that my son had already paid all the expenses on this car and as far as I know there are no outstanding debts on the car and I do not see any reason why his car should be retained.
3. My last and not least request of your Excellency is about money because my son was on a three months holiday which he started last November and during his holiday he has had many calls back to duty and he still had one month to finish when he was called again in January. As far as we know he has not received any salary for the month of November to date. I would like to have this money paid to me so that I can take it back with me. I also request that if Your Excellency is aware that my son is no more and as he disappeared on duty I should like the Government to consider making some payment for this. I should also like to have his gratuity paid over to me together with the Social Security Fund and any other outstanding money due to him.

My wife and I would like to end on a deep note of regret and to say that if your Government will not tell us whether my son is still alive or where he is, we will remain deeply sad about it.

Secondly, if you see his car being used when, in fact, he may not be living, this is also very sad and we hope that Your Excellency will do everything possible to remove this sadness.

Yours servant,  
Srd. I. Chumu  
Archdeacon of Acholi.

copies to:

Coffee Marketing Board,  
The District Commissioner Acholi  
The Most Reverend E. Sabiti  
The Rt. Rev. James Iwama,  
Bishop of Northern Uganda.

The Ministry of Agriculture  
The Ministry of Internal Affairs."

The Rev. spoke of all the other attempts he made to trace his son, with a Mr. Miller of the Uganda Coffee Marketing Board, he saw the then Minister of Foreign Affairs, Mr. Kibasi on 14th February, 1972. He also saw the Permanent Secretary of the Ministry of Internal Affairs, and the Minister of Defence. He said that he tried to see Your Excellency but did not succeed. On 4th February, 1972 he inserted a notice in the 'Uganda Argus' headed "WHERE IS MY SON" - in the following terms - (p. 3449):

"I most respectfully request your kindness to include in your paper this sad announcement. My eldest and dearly loved son, Mr. Icinael Oyam who works with the Uganda Coffee Marketing Board as a statistician, disappeared suddenly on 12th January, 1972. By then was staying in Kampala. Since his disappearance I have heard no news about him or his whereabouts. My family and I are now so deeply worried. Therefore, I am appealing to the public if any body has any news of his whereabouts or might have seen him somewhere please kindly let me know either in person or in writing at the following address:

The Rev. James Iwama C.S.S.  
Archdeacon of Acholi,  
P.O. Box 136, Gulu.

I shall be most thankful for your cooperation and sympathy.

Rev. J. Iwama,  
Archdeacon."

UA 8179, WO2 Abdu Ismail denied that he knew the subject. He denied having arrested any body from the C.M.B. and denied categorically that he arrested the subject on 12th January, 1972, as alleged.

We have been unable to hear any direct evidence about the arrest of the subject. It seems that our Counsel was unable to trace the houseboy who was present during the search of the house. We have the Rev's evidence about what Lt. Ojale is alleged to have told him at Makindye. As has been seen the Lt. denied saying any such things to the Rev. The question is, why should a religious person tell deliberate lies against the Lt. Of one thing we are sure and this is that the Rev. did not know of any soldier by the name of Cpl. Abdu Ismail of Malire. Even if he might have known this name, we doubt very much if he would have known his force number. He said that when he was given his name and the force number, he recorded both in his diary which he produced at the time of the hearing. It is, therefore, evident that someone must have given him the name of this soldier and his force number when he was at Makindye enquiring about his son. Lt. Ojale is Twodo's school mate. What better person to approach for information than Twodo's school mate. Notwithstanding Lt. Ojale's denials, which we find as completely baseless, we find that Ojale did in fact tell the Rev. about the person who took the subject to Makindye on 12th January, 1972, at about 6 p.m. and also gave his force number. We are also of the opinion that Lt. Omara did confirm that Abdu Ismail was attached to Malire and he knew him. To think that these two soldier witnesses that is, Ojale and Omara, told lies deliberately to cover up Abdu Ismail.

We have considered the evidence of Abdu Ismail very carefully but, in view of our findings above, there is only one conclusion at which we can arrive. That conclusion is that Abdu Ismail was telling lies, the same as his two other colleagues, in order to escape any blame for the disappearance of the subject. Accordingly, we find that Abdu Ismail arrested the subject, took him to Makindye but the subject was handed back to him to take to his home for being released there. The subject never reached home, and has not been seen since. No. UA 8179 W02 Ismail is the only person who must know what he did with the subject. As far as we are concerned the probability is that the subject was unlawfully disposed of by this W02.

- 241. Subject No. 218 - INSPECTOR OF POLICE WILSON ANYWAR.
- 242. Subject No. 219 - A.S.P. MARTIN OGABA.
- 243. Subject No. 256 - POLICE MATRON JOYCE AKELLO.

Witnesses: 341 Christine Anywar - Part 4, p. 3466 - 3491.  
384 Insp. Amos Kibalizira  
- Part 4, p. 3929 - 3944.  
486 Col. Joseph Ozo - Part 6, p. 5468 - 5507.

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These three Police Officers were stationed at Koroto Police Station. Inspector Anywar was married to Christine (W. 341), who is a staff nurse, and they have six children between the ages of seven and three. He had one child from another woman. ASP Ogaba was in Charge of the C.I.D.

Inspector Kibalizira (W. 384) was transferred to

Moroto as the District Special Branch Officer about four days before this incident in which these three subjects were involved. He said that he knew of 'a lot of speculations that Mr. Ogaba was going to be taken away'. He gathered this information from people talking in the bars and it was being said that the Langi and Acholi were going to be killed. W. 384 said that he warned Mr. Ogaba that he was in 'trouble'.

There is evidence that on 11th July, 1971, at around 6 p.m. fourteen recruits and three instructors lined up near the kitchen at Moroto Army Barracks for their meal, when the Guard Commander, Cpl. Ogaba, an Acholi, opened fire and killed all seventeen. The Cpl ran away, and so did some other recruits. This incident led to further shooting in the barracks throughout the night which was heard by the residents of Moroto, including Mrs. Anywar who was taken to Moroto Hospital for delivery by her husband the same evening. This incident occurred during the absence of the Commanding Officer, Col. Ozo, who learnt of it on his return on 12th July, 1971.

It was agreed both by Kibalizira and Col. Ozo that the barracks had not been attacked by any forces from outside and that the only incident which occurred was this sudden shooting by Cpl. Ogaba of the recruits and their instructors. W. 384, said that during the course of his duties he had not received any information or news of the presence of any guerillas in Moroto area and he insisted that this incident in the barracks was due to the presence of 'internal guerillas'. This shooting was followed in the barracks by a search for guerillas, mainly Acholi



and Langi', and W. 384 heard that the soldiers in the barracks had been rounded up, but whether they were killed or not he did not know.

On the following morning, W. 384 was with ASP Ogaba in the office and at about 9 a.m. left to go to the town. On his return to the office he found some shoes, belts and chevrons. He found some sad looking people who told him that 'the army had taken' the three subjects. We did not hear any direct evidence about the arrest of these three and the C.C. Police of the time, Mr. Ombayo, who was a Kenyan, subsequently fled to his home country.

Mrs. Anywar received news of her husband's arrest on 12th July, 1971, at about 8 a.m. from her house boy who told her that Anywar had been arrested from his office.

W. 384 commented as follows on these arrests -  
(p.393C):

"I believe that they were arrested on tribal basis because all of them were Acholi and Langi, and that day even after that we were all rounded up, the whole barracks, and picked all those who were Acholi but later on they were released at about 3 p.m., a radio constable was picked and killed in front of us. He was also a Langi. At about 11 a.m. some army personnel came to the Police Station and the bugle was sounded."

The parade was formed in the Police ground and they were addressed by a soldier. The substance of the speech was that there were some guerillas amongst the Police Force in Moroto. Then the Head Constable Dada was asked to pick out all the Langi and Acholi Officers who, on hearing this, stepped forward themselves.

The Army soldiers wanted to take away all of them but after a conference with the O.C. Police and Mr. Dada they were released.

At about 3 p.m., some other soldiers came and picked up the radio Constable. They stabbed him to death just behind the police offices. The body was then put in the landrover and a police driver was asked to take it away. It was after this incident that Ombayo fled to his home country, Kenya, and never came back.

Mrs. Anywar came out of hospital after 2 days and saw the O.C., Police. He rang up the Army barracks and was told that the prisoners were under detention at Moroto Barracks and would have to make statements before their release. After a few days, the O.C. told her that the Commanding Officer had suggested that she went home as the prisoners were being taken to Kampala for their statements. She tried to see the Commanding Officer but, as he was on safari, she saw the Acting Commanding Officer who said that Anywar and Ogaba were still in the barracks but were not allowed to receive visitors. She said that Ombayo was afraid to find out what had happened to her husband. Subsequently, she was given transport and she returned to her home in Gulu. Between 21st August and the end of the year, she wrote letters to various people asking for news of her husband. She first wrote to the Chief Justice of Uganda who, by his letter dated 21st August, 1971, forwarded a copy of her letter to the Minister of Defence Ex. 77. On 23rd September, 1971, the Ministry of Internal Affairs wrote to Mrs. Anywar (Ex. 78) sending her a copy of a letter dated 11th September, 1971, (Ex. 78a), addressed to the

Minister/...../

Minister of Defence in which it is stated that there was no record of the Police Officers in any of the Government Prisons and the Minister of Internal Affairs wanted the Minister of Defence to assist him in his investigations as the Police Officers were 'picked up by Army men of 2nd Bn. of Moroto on 12th July, 1971, and, therefore, it is impossible for me to investigate unless I know who those soldiers were'.

On 28th October, 1971, Mrs. Anywar wrote to the Minister of Internal Affairs through the District Commissioner, Acholi, asking for information about her husband's whereabouts and asking the Minister for financial assistance as she was completely helpless with five children, two of whom had to stop going to school. She also asked for his salary for the months of July to September, 1971, to be paid to her. Forwarding this letter to the Minister of Internal Affairs, someone from the District Commissioner's office endorsed on it, 'Please kindly think about the children,' Ex.79. Later Mrs. Anywar, together with Mrs. Omor whose husband had also disappeared, saw Mr. Adroni of the Police Headquarters who advised her to see the Chief of Staff for a letter to go and see her husband. She said that Mr. Adroni had information that her husband had been taken to Luzira Prison. She wanted such a letter after the officer in charge of the Upper Prison, Luzira, had asked for confirmation that she could see her husband. As a result, she saw Major Ozi on 9th November, 1971, who, after speaking to somebody in Luzira, gave her a letter dated 9th November, 1971, Ex. 80. It is headed:

"Mr. Wilson Anywar and Peter Omer," and is addressed to the O.C. Romand. It reads:

"The wives of these two Policemen who are mentioned above came to complain to the Ministry of Defence about the financial problems which were left by their husbands.

2. They also reported that their husbands are at the moment in detention at Luzira, therefore, they request to see their husbands so that they can arrange to withdraw some money from a Joint Bank account with their husbands. They said that without the signature of their husbands, the Bank could not allow them to draw some money to help their families.

I would, therefore, be very grateful, if you would allow the two ladies to see their husbands so that they could finish up their financial problems."

Mrs. Anywar said that when they took this letter to the Prison, the Officer in Charge asked them to return to Ozi and tell him that if he really wanted them to see their husbands he should ring him up. They did this and Ozi said that the letter he had given them was the usual letter and if the O.C. Luzira could not help them there was nothing else he could do.

On 13th December, 1971, Mrs. Anywar wrote a letter to the Chief of Defence Staff regarding her husband - Ex. 81 - and copied it to the Bishop Ordinary of Uganda Armed Forces, the Rev. Cyrillino K'hangire.

The letter reads:

"I am Mrs. C. Anywar, the wife of the above mentioned Inspector V. Anywar.

My husband was wrongly and unjustly arrested by some army men at Moroto on 12.7. 1971 when he was on duty giving the salaries to his fellow policemen. He was taken to Karamoja at ... At the time I was in the maternity hospital expecting a baby. When I returned home I found my husband already

taken/...../ 425.

taken away and he had no chance to see a new member of our family. I was obliged to return home. All our children and especially those grown up had to stop their schooling! I have many difficulties and sorrows for my husband and family. There is also financial difficulty.

sufficient for the maintenance of the school.

I am therefore asking you to set free my husband and come back home. I have heard and confirmed through reliable sources that my husband is in one of the prisons around Kampala. Have pity on me, poor wife and mother, and please send back my husband as soon as possible so that I and my children can have moment with our dear beloved Wilson anyway.

By this copy I am also informing the Rt. Rev. Cipriano Dr. Kihanciro, the Bishop Ordinary of Uganda Armed Forces and who is also my bishop because I belong to Gulu diocese.

Yours in sorrow,

(Mrs.) Christina Anywar  
Wife of Inspector Wilson Anywar."

This letter was followed up by the bishop who wrote to the Chief of Defence Staff Officer on 3rd January, 1972, and asked to be told what steps had been taken on Mrs. Anywar's letter - Ex.61 Mrs. Anywar said that all her attempts in trying to trace her husband had failed completely.

She said that two of her children are at school and the others are still very young. Her husband had some money in the bank but the manager refused to let her use it. Her brother-in-law had taken over all the property belonging to her husband after she had refused to marry one of them.

The C.O. Police Ombayo told her that he suspected W. 384 to have been responsible for the arrest of these three Police Officers. W. 384 denied any connection with their arrest and stated that he had previously warned Ombayo about the rumors he had heard.

He had a relative in Moroto Barracks called Lt. Byakagwa, who once told him that the prisoners had been taken to Kampala but when their head office made enquiries in Kampala they failed to trace them.

We are satisfied that these Police Officers were in fact arrested from Moroto Police Station on 12th July, 1971, after a whole night's shooting at Moroto Army Barracks which started after the incident of 11th July, 1971, when Cpl. Ogaba shot dead the fourteen recruits and three Instructors. Col. Ogo said that Ogaba was a Sergeant and he had not known him to have any mental history. This incident led to what we can only describe as a 'witch-hunt' for all Acholi and Langi men within the barracks and outside. After these three subjects had been arrested from the Police Station we see all policemen being gathered at the police ground and all Acholi and Langi policemen being separated. We are glad that better counsel prevailed and they were spared. From the evidence given by the Special Branch Officer and Col. Ogo, it is quite clear that Moroto barracks did not come under attack from any forces from outside, by the guerillas or otherwise. The only incident which led to the shooting on 11th July, 1971, at the barracks was the killing of the 17 personnel by sergeant Ogaba.

This is one of the cases where the wife of a missing subject did almost everything within her power and reach to try to trace her husband. Not only did she make direct approaches but she moved through the Bishop Ordinary of the Uganda Armed Forces, who also happened to be her Bishop.

unfortunately/...../43-

Unfortunately, she did not get any assistance from any quarter and this is to be greatly lamented for we feel that, had proper investigations been made in time, some of the three would have been saved. There is no doubt whatever that these three police officers, who incidentally do not appear in the list compiled by the Police Department of the Policemen who have disappeared - ex. 119 - have been missing since 14th July, 1971, after having been arrested from Moroto Police Station by soldiers from Moroto Army Barracks. We do not know whether they were in fact transferred to Injira but what seems obvious is that none of the three has ever been seen alive again. The probability, therefore, quite clearly is that all three must have been unlawfully disposed of while still under Military detention.

244. Subject No. 220 - NO 230 Lt. CELESTINO LOUIS ANONE.

See Mubende Soldiers, p. 675.

245. Subject No. 221 - No. 4546 P.C. CLEMENS OKONG.

246. Subject No. 222 - No. 1693 P.C. GIOE.

247. Subject No. 223 - No. 2404 P.C. ASUMAN OCHILLO.

248. Subject No. 224 - No. 1510 P.C. OCHAYA.

249. Subject No. 225 - ALFONSO OCHANG.

250. Subject No. 226 - JACOB ETIM.

Witnessed: 54 Lt. Kasim Kamathan Mursale alias, Lt. 'No Parking'

- Part 7, p. 697 - 698.

307 Cf Constant Oolong

- Part 4, p. 380 - 381.

- 345 Celestino Engole - Part 4, p. 3556 - 3560.  
445 Det/AIP Dominic Semiti  
- Part 5, p. 4741 - 4771.  
448 Head Constable Major Christopher Balikumbuga  
- Part 5, p. 4818 - 4842.  
468 No. 982 Det/Constable John Kanabi  
- Part 6, p. 5182 - 5194.  
469 No. 1727 Det/Station Sgt. A. Musoke  
- Part 6, p. 5194 - 5204.
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The first four subjects, all police constables, were stationed at Lugazi Police Station. Alfunsio Ogwang was an office messenger at the same police station and was living in the servants' quarters of the O.C. Subject No. 226 used to work for Lugazi Sugar Factory.

The news of the invasion of the country by guerrillas from Tanzania on 17th September, 1972 was broadcast on the radio. As a result, the Head Constable Major (W. 448) gave the general alarm and the policemen were put on stand-by; the armory also was alerted.

At about 5 p.m. the Head Constable Major saw P.C. Okello carrying a tin on his bicycle into the barracks. It may be said here that as a result of what transpired soon afterwards Balikumbuga, who at first did not suspect anything, later said that the tin contained local beer called 'malwa'. It may also be said that there was shortage of water in the barracks at the time and it was not uncommon for the residents of the barracks to fetch water in tins in this fashion.

On the following morning, Balikumbuga received inform-



ation that Okello and Ojok had been in the house of Ogwang drinking and dancing. The witness inferred that they were 'in hiding' at the attack on Mutukula, Eyeter and Elorara. It was also reported that after the standby warning to the policemen the previous day, Olong had gone to a village outside the barracks to a beer party where he had been allegedly heard saying 'kiviri will come back,' which meant 'a head with long hair', and was the former President's nickname. W. 448 reported this intelligence to SP Ojulong on 20th September. Balikumbuga disclosed that he had been given this information by Detective Constable Kamubi (W. 468) and Detective Sergeant Masoke (W. 469). Both these policemen denied these allegations and both maintained that they had not heard any singing or dancing from the barracks on the night of the invasion. W. 469 did say, however, that he had heard the former President being called by the nickname 'Kiviri' and some used to call him 'Kitwe'.

Semiti, who was then the Ag. District Special Branch Officer, claimed to have received similar intelligence from some informers and he also passed on this information to SP Ojulong. He denied receiving any particular names of people who had participated in the celebrations but said that, according to his information, some people had visited friends in Luzazi Sugar Factory and had gathered at Katwe village for 'malwa' drinks and there was local dancing. His information also was that a tin of 'malwa' was subsequently taken to the barracks where further rejoicing took place. He said that he did not report any statements from his informers and his information was only hearsay and not conclusive as regards the people

had not been mentioned to him.

However, on 21st September, Lt. 'No Parking' arrived at the Police Station. According to Ojulong, the Lieutenant had a list of the names of some people and alleged that, according to his information, those people had rejoiced at the Invasion. He asked Ojulong if he knew those men and Ojulong told him that he knew them and was still enquiring into the allegation. The Lieutenant then left saying that he would return the following day for those people.

On 22nd September, Ojulong ordered the Head Constable Major to bring in the four constables and the office messenger. W. 446 returned with Okello and Ojok and found the other already in front of Ojulong in his office; also present in the office was Lt. 'No Parking'. Appearing in the Station Diary of the Police Station is Entry No.76 (Ex.90) which indicates that the six subjects together with one called Okello Wange, who was later released as per Ex. 91, had been brought in by Mr. Ojulong at about 10.30 a.m. Entry No. 80 (Ex.92) is in respect of some four other people who had been brought in from Buikwe Police Station on similar allegations of rejoicing at the Invasion and all these people were then handed over to Lt. 'No Parking' who said that he was taking them to Makindya. Mr. Ojulong told him that his enquiries had not been completed but the Lieutenant is alleged to have replied, "It is O.K. I will make enquiries and return them after enquiries are over." Semiti said that these people were taken away before his information was confirmed but he could not prevent Lt. 'No Parking' taking them away as he had no such power and the Lieutenant was acting as an Army officer/...../431.

officer. Appearing in the Staff Diary is Entry No. 85 (Ex. 90), according to which eleven people were taken away

about a month later, Lt. 'No Parking' went back to Lusizi on another investigation and, on being asked about these men, told Ojulong that they were under detention at Makindye being interrogated. The Lieutenant denied the account of this incident as given by the police officers and said that when he stopped at Lusizi Police Station and told Ojulong that he was on patrol looking for people suspected to have come from Tanzania, he was told by Ojulong that he had arrested some people the previous night for holding a meeting. The Lieutenant had then suggested that these people should be taken to the Commanding Officer, Makindye Military Police for interrogation. He said that he took these people to Makindye and handed them to the Commanding Officer, and did not know what happened to them afterwards. The four constables are included in the list of officers and men of the police force (Ex. 139) as having disappeared and are there indicated to have been arrested.

Subsequently, Ojulong arranged to send the property of these people to their respective homes and on 15th October, 1971, the property of P.C. Obong was taken to his home in Pobi (Acholi) and his brother, Enrol (S. 345) took over the property. He did not try to make enquiries as he had been told not to bother himself if his brother was under detention. He said that Obong was married and had seven children between the ages of five to ten and three. Only two children were at home as they did

not have sufficient money to educate the others. His brother had about Shs. 11,000/- in the Uganda Commercial Bank but, as he was ignorant of the law, he had not applied to court for an order to manage his brother's property.

There is no doubt that these people were arrested on the allegation that they had celebrated the Invasion of the country by guerillas from Tanzania. What is surprising is that the police officers to whom the reports were made appear to have done nothing to try to ascertain the truth of those reports. The people involved were either Acholi or Langi, and it was not denied that the possibility of false reports being made was always present. According to Ojulong Lt. 'No Parking' came to the police station on 21st September, the very next day after Ojulong had been told about the alleged celebrations, with a list of the names of persons who were alleged by the Lieutenant to have celebrated the Invasion. Semiti denied having passed on the information to the Lieutenant in Kampala. The Lieutenant refuted Ojulong's evidence. This contradiction does not matter because the fact remains that these people were ultimately taken from the police station by the Lieutenant to Makiodye Military Police for interrogation by Marella. Ojulong admitted that they were taken away before his enquiries were completed and Semiti of course said that he had no power to stop the Lieutenant from taking them away. The most disturbing aspect of this case is that it is impossible to say whether these six subjects had in fact participated in these celebrations as alleged or not. They may have done so but, at the same time, there is equally a strong possibility that they were all innocent.

W. J. .../13/...

do not know what the result of the so called inter-  
rogation by Marilla was. The Lieutenant was emphatic

This may be so and we think, in the absence of the DOB  
of Makindye which was not available and there being nothing  
else to contradict the Lieutenant's evidence, his  
evidence on this subject ought to be accepted. This  
will mean that these six unfortunate people were taken  
to Makindye, and as they have been missing since then  
without any trace or news, they must have disappeared  
during their detention at Makindye Military Police.  
The Military Police therefore will know how these people  
were dealt with but as far as we are concerned, we can  
only say that there is a very strong probability that  
all of them were unlawfully disposed of by the Military  
Police during their detention at Makindye.

251. Subject No. 227 - LIEUTENANT KIMTRI OKOT.

See Mubende Soldiers, p. 675.

252. Subject No. 228 - L/Cpl. YOBE NGEN.

See Malire Soldiers, p. 598.

253. Subject No. 229 - MAJOR JABUICEL OKELLO.

See Mubende Soldiers, p. 675.

254. Subject No. 230 - CAPTAIN GERESON OKELLO.

See Mubende Soldiers, p. 675.

Subject/...../ 434.

- 255. Subject No. 231 - BOB KENNETH OKETTA.
- 256. Subject No. 232 - J.O. APUDA.
- 257. Subject No. 233 - ANNA.
- 258. Subject No. 234 - Cpl. WARDER INSTRUCTOR OGWAL.
- 259. Subject No. 257 - SUPERINTENDENT OCHITTI.
- 260. Subject No. 258 - SSP. P.P. OKETTA.
- 261. Subject No. 253 - S.S.P. B.K. BAMWINE.
- 262. Subject No. 254 - S.S.P. L.W. OMECH.

- Witnesses: 348 Christine Grace Oketta - Part 4, p. 3581 - 3589.  
379 Adoniya Ochieng - Part 4, p. 3892 - 3902.  
7, p. 6487 - 6490.  
380 ASP Joseph A.A. Etima - Part 4, p. 3903 - 3914.  
385 Justine George Onen - Part 4, p. 3945 - 3948.

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These subjects were all prison officers. Subject 231 was a Principal Officer at the Prison Training School. He was married to W. 348 who is a Prison Warderess and is now stationed at Gulu Prison. He had another girl friend Regina Namatovu. He has six children from W. 348 between the ages of six and 2½, of whom two are at school. From Regina he had three children who are now staying with their mother.

There was no direct evidence on any of the other officers. Subject 232 was an ASP of Prisons; Murchison Bay Prison. Subject 233 was a tailor instructor at the Upper Prison with No. 5461 C. I. Warder Instructor Ogwal.

Superintendent Ochitti was the Departmental Transport Officer and was stationed at the Prison Headquarters, where SSP. P.P. Oketta was also stationed.

SSP/...../435.

Senior Superintendent of Police Famwine was the Officer in Charge of Murchison Bay Prison and Acting Commander Buganda Region.

Charge of the Remand Prison, Kampala.

According to the evidence, there used to be a European prison officer, Humbley, who was attached to the Photographic Unit and was responsible for showing films at the mess. It seems that he showed a film of the former President just before the invasion, which led to his dismissal and also arrests of certain other prison officers.

On 25th September, 1972, at about 8.15 a.m. Adoniya Ochieng (W. 379), who is the father-in-law of subject 231 and was himself a Principal Officer, was on duty at the Prisons Training School. Etimu (W. 380) went to the Bank to cash some cheques. At about 8.15 a.m. W. 379 saw two vehicles enter the Training School. The leading car was a 999 Police car and behind it was a Zephyr car. In the Zephyr were four men in civilian clothes. Two of them came out and asked the witness for the Commandant, who was not in. The witness directed them to the Deputy and then saw the Deputy taking those two men to the office of his son-in-law. They came out with Bob Oketta and, after removing his stars of rank, they took him away in the Zephyr car.

W. 379 saw the Deputy Commandant, Mr. Ayerikeri, who said that Oketta was wanted 'somewhere'. When Etimu came back Ochieng reported to him about Oketta's arrest and he

was advised to wait until the matter was reported to the Prisons Headquarters.

Ochieng also informed Mrs. Oketta about the arrest of her husband.

Later that evening Oketta's brother Onen (W. 385), who was then in Nairobi on some official business of the East African Airways, received a telephone call from his brother Bob Oketta telling him that he had been taken to the Parliamentary Buildings where he was waiting for someone. He also told the witness that he was with Superintendent Ochitti and the other Oketta. Onen caught the next plane and returned to Kampala where W. 379 confirmed that her husband had been arrested. According to these witnesses some other prison officers were also arrested the same day. W. 379 mentioned Cpl. Ogwal, SSP Apuda and the tailor instructor Numa. W. 380 mentioned the names of SSP, Bamwine and SSP, Omech. The present Commissioner of Prisons, Mr. George William Sentamu, (W. 519), who at the material time was a SSP, and had been recalled from the Eastern Province for special duty at the Prisons Headquarters, testified that on 25th September, 1972, when he got to the Prisons Headquarters he saw three of his officers, namely, P.P. Oketta, Ochitti, and another called D. Odong being arrested by the Police and taken away in a usual Police car. He said that he saw this from the window of the Conference Room and maintained that the Policemen were all in uniform.

On 27th September, 1972, W. 380 sent his report about the arrest of these prison officers and some others to the Commissioner of Prisons - (Ex. 137(2)). Included in the various correspondence and lists which Mr. Sentamu produced,



is a letter dated 1st November, 1972 (Ex. 137(5)), addressed by the then Commissioner of Prisons, Mr. Alex Owar, to the Permanent Secretary, Ministry of Defence, Internal Affairs Division, and marked "For the attention of Mr. S.T. Awuyo". It is headed "Against the background of the information that have been arrested and those who have run away." The information being sent in that letter was in answer to the Minister's letter C. 10584/2 of the 17th October, 1972. The first part of the letter is in respect of 'persons reported arrested' and this includes all the subjects, except for Mr. Omech, and are stated to have been arrested on 25th September, 1971 by the Police. In part two of the letter which is for 'persons who withdrew from duty' is Mr. Omech, who is said to have deserted on 25th September, 1972.

There is no doubt that on 25th September, 1972, the Principal Officer, Bob Kenneth Oketta, was arrested at the Prisons Training School by four people who were in a Zephyr car and which was escorted to the school by a Police patrol car. There is also sufficient evidence to show that on the same day the other subjects, were also arrested and at least three of them were seen by the present Commissioner for the Prisons being taken away by policemen in Police uniform in a Police vehicle. Although we did not hear evidence about the arrests of the other officers we are relying on the information which the Prisons Department sent to the Ministry in their letter, Ex. 137 (5). As stated above, the information contained in this letter states that all these prison officers were in fact arrested by the Police. Were it to be that the responsible Prison Officer did not know about the identity of the people who arrested his colleagues, with whom we

are now dealing, we would have thought that the Commissioner of Prisons would not have stated categorically that the arresting agency was the Police; instead he would have stated that they were arrested by unknown people. We find that the mention of the Police as the arresting agency was deliberate and put in the letter after collecting all the relevant information about the arrest of these Prison Officers. We are, therefore, satisfied that all these seven prison officers, with exception of Mr. Omech, were in fact arrested by the Police. With regard to Omech, the official information is that he deserted his office, and we have not heard any evidence to the contrary.

No body had any useful information about where those prison officers were taken by the Police after arresting them but we think that there is sufficient evidence to show that they have been missing since then. There is the evidence of Mrs. Oketta that when she and Regina went to Makindye they were told by a Private that their husbands were at Makindye. There is a clear possibility that all these prison officers, except for Omech, were in fact taken to Makindye and this could have been easily checked from the D.O.B. of Makindye Military Police, which, as we have said time and again, was not made available to us. As they have been missing since their arrest by the Police it follows that the policemen who arrested them, and whose identity is unknown, must know what they did with their prisoners but the probability clearly is that all seven of them were unlawfully disposed of while in custody of Military Police, Makindye where Mrs. Oketta was told they were being kept.



applied to court for an order to manage his property.

There was no eye witness to the arrest of the subject but we believe the subject's wife in so far as her interview with the District Engineer was concerned. From her evidence of the information to her, it would seem obvious that her husband was arrested by some unidentified Army officers who must have come from Gulu Airbase. This arrest came soon after the invasion of the country when the situation was indeed terrible. One cannot blame the witness for not going to the Airbase to make enquiries for her husband. We have no doubt that the subject has been missing since 29th September, 1972, and the probability quite clearly is that he was unlawfully disposed of by the unknown soldiers who arrested him from the Post Office.

265. Subject No. 237 - JOHN OKIDI.

Witness: 351 Joyce Okidi - Part 4 - p. 3599 - 3607.

The subject was the Deputy Chief Fire Officer, Kampala. He was married to Joyce Okidi (W. 351), now a wardress with the District Administration Prison, Gulu. They have four children between the ages of twelve and three. None of the children is now at school due to lack of money.

On 19th August, 1972, the subject went to Mulago Hospital and, during his absence at p.m., four people went to the Fire Brigade in a Peugeot car. They were

all in civilian clothes. They asked a fire officer, Otto, about the subject. On being told where he was, they went away towards the hospital. They returned thirty minutes

later. A fire officer called Odur, they went away towards Mulica.

Joyce reported this to the Chief Fire Officer and he promised to make enquiries. Later on Joyce was told that there was no information about his whereabouts. She also went to the Police Headquarters and was advised to wait at home. She stayed in Kumpala for another week and a half, after which she went to her village home. She said that her husband had a Taurus car which was under repairs in one of the garages in Lira. She took a cheque which her husband had earlier given her to Mr. Odyek, who found that the vehicle had been confiscated and taken away from the garage by the hire-purchase company.

Joyce said that she has obtained a court order to manage her husband's property but had not so far contacted the Insurance Co. about his life policies.

This is one of those unfortunate cases where, even though there is an eye witness, there is no useful information about the identity of the persons who arrested the subject and the particulars of the vehicle in which they travelled. These four people were in civilian clothes and were travelling in a four-wheeled vehicle. The identity of both remains unknown. We are nevertheless satisfied that the subject was arrested on 10th August, 1972, by four unknown persons and was taken away to an unknown destination together with another fire brigade officer called Odur.

266. Subject No. 238 - NICKOLA ODONGO.

Witness: 352 Julia Abwono Odongo - Part 4, p. 3608 - 3618.

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The subject was the County Chief, Omoro, in Acholi District. He was married to W. 352 and another woman and they have sixteen children between the ages of 24 and 1½. Before the subject disappeared, ten of the children were at school but now only three are, and the rest have left school due to lack of school-fees.

On 23rd September, 1972, W. 352 and the subject went to Gulu town. The subject dropped her in the market and started walking towards his car. The witness, who was following her husband, saw four people in civilian clothes grab her husband. They took him to a vehicle. The vehicle then drove away with her husband towards the town. She did not shout for help and the people also appeared very much confused. She waited near the car thinking that her husband would come back. She waited there for about seven hours but he did not return. She went home to report the incident to her relatives and went to the Police Station the next day. She was told that her husband was not there. Her statement was not recorded by the police. She then saw the Administrative Secretary of Acholi District Administration and he advised her to go to the D.C. She saw the D.C. on 26th September, 1972, and he rang up the Base Commander. He later told her that they did not know about her husband and that she should not bother them.

She went to the Army Barracks at the Gulu Airbase

on/...../1973.  
445.

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She went to the Army Barracks at the Gulu Airbase

on/...../1973.

on 27th September. She was with her daughter who, she said is a mature girl. Mrs. Odongo said, (p.3615):

"As soon as we arrived at the gate, my child started crying. When one of them saw the child crying, he asked why she was crying and she said she was crying because she was there."

After that they were asked to leave the place. She returned to the Administrative Secretary who advised her to be patient. Later the witness learnt that her husband's car had been taken to the District Administration Workshop as there was some leak left on it. In December, 1971, she was asked to vacate the official house.

She said that at about that time there were other people also being arrested in Gulu and she mentioned one such person, Simayo Oryem (Subject No. 296).

She has applied for an order to manage his estate. The witness said that her husband was insured but she has not contacted the Insurance Company.

Like the previous case, here too the wife of the subject who saw him being arrested did not keep a note of the car in which he was taken away. The only other evidence is the finding of the subject's car at the Army Barracks. The car had been left at the market overnight and when the witness returned on 25th September, she found it gone. If it was an abandoned vehicle, the most appropriate place where it should have been taken to would have been the police station. The fact that it was taken to the barracks from the market would suggest that the people who arrested the subject must have been Army soldiers. The identity of these people



is not known. The fact remains, however, that the subject has been missing since the 26th September, 1972, and for the reasons we have given the probability clearly is that the subject was arrested by the Mbuya Soldiers who arrested him.

267. Subject No. 239 - Sgt. MATIYO OPOK.

See Mbuya Soldiers, p. 565.

268. Subject No. 240 - H. 5525 Sgt. CONSTANTINO OMARIA.

See Mubende Soldiers, p. 675.

269. Subject No. 241 - Y. KORO ODI.

Witness: 356 Yunia Atto - Part 4, p. 3645 - 3653.

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The subject was a shopkeeper in Gulu town and was married to Yunia Atto (T. 356). They have six children, four of whom are at school and the other two suffer due to lack of school fees.

356 last saw her husband on 25th September, 1972, when she left him in the shop at about 8.30 a.m. to go to the market. She returned to the shop at about 10 a.m. and saw her husband being taken away in a blue car by four men.

She went to the police station but did not find the subject there in any of the cells which she inspected. She then went to the DC's office where a clerk told her that the matter was beyond their powers. She saw the Base Commander, Captain Emdit, who was their neighbour and the

following ..... 445.

following day he told her that, as her husband's arrest took place during his absence, not only was he not aware of it, he did not know where he was taken.

She went to the bank in order to get her husband's money, but was asked to wait for three years.

This is one of those unfortunate cases where the evidence is so scanty that it is virtually impossible to make any finding of fact. There is no evidence about the identity of the four people the witness saw in the car, nor did she care to take down the registration number of the vehicle. In the circumstances what we can say is that the subject was arrested on 25th September, 1972, by four unknown men and taken to an unknown destination. As he has been missing since then, we find that the probability is that he was unlawfully disposed of by the people who arrested him.

270. Subject No. 242 - Sgt. ALFRED OCEN.

See Airforce Entebbe, p. 556.

271. Subject No. 243 - MARTIN OKETTA.

p. 556.

272. Subject No. 244 - LUKA OKELLO.

See Airforce Entebbe, p. 556.

273. Subject No. 245 - UA 2287 Cpl. RUFUS ODWONG.

See Gulu Airbase, p. 577.

274. Subject No. 246 - SIMAYO ORYEM.

275. Subject No. 247 - MATIYA AKEMA.

witnesses/...../446.

- Witnesses: 359 Lucy Oryem - Part 4, p. 3673 - 3691.  
466 Jerida Adongo - Part 5, p. 5142 - 5152.  
467 Nekoniya Obote  
- Part 5, p. 5152 - 5181.  
472 Yowari Lawot - Part 6, p. 5259 - 5274.  
473 Yowari Lawot - Part 6, p. 5259 - 5274.  
488 W. 12648 Cpl. Ahmed Villa  
- Part 6, p. 5512 - 5577.  
491 W. 12686 Cpl. Safi Onrira  
- Part 6, p. 5659 - 5693.  
493 W. 15432 I/Cpl. Abdul Faskali Bondo  
- Part 6, p. 5705 - 5750.

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Simayo Oryem was the Administrative Secretary of Acholi District Administration. He was married to W. 359 and they have sixteen children, between the ages of thirty-one and four, eight of whom are at school. No application has yet been made to court for an order to manage his estate due to ignorance of the law.

Matiya Akema was mentioned by only one witness, Nekoniya Obote (W. 467). Akema was the manager of a cotton ginnyery. W. 467 only heard from some other people that Akema also had been arrested and W. 467 said that he has not seen him since. There is no other evidence on Matiya Akema and we are unable to say whether he is alive or where he is or what became of him.

With regard to Simayo Oryem, the evidence which we report briefly is as follows. On 21st September, 1972, he returned home at about 5 p.m. He refused

ten and told his wife (W. 359) that he was in a hurry as Musa Faraj (he has also been referred to by some witnesses as 'Pere' or 'Fere') wanted to see him, and promised to be back before 7 p.m. The subject drove away in his car and never returned home.

Musa Faraj lives in Igibi and opposite his home across the road are the premises of the West Acholi Cooperative Union. W. 467 used to work for this union and was occupying one of the servants' quarters. At about 8 p.m. he was cooking when he heard a human cry, "Fere, you are killing me for nothing. My blood will follow you." The witness said that the cry was also saying, "You called me here for nothing, only to trick me." The witness said that it was a dark night and he ran towards the direction of the voice, with the intention of offering any assistance that he could. On the way he met some people who were running away from the scene, and they told him that some nine people had arrested Simayo Oryem. The witness stopped near the bar which is about 24 ft. from the home of Musa Faraj. He saw a Landrover with about nine people in it and he also saw Simayo Oryem standing in the Landrover, crying. On seeing the Landrover the witness was frightened and he thought that Oryem might have been caught with somebody's wife and was being escorted to the Gombolola Headquarters. He did not proceed any further as he thought that he would be beaten up if he tried to intervene. W. 467 said in contradiction to his earlier testimony that it was a moonlit night, with half moon shining and, in the Landrover, he saw people in white shirts and some in red shirts. The front lights of the Landrover were on and although he could not see Oryem, he was lying down in the back portion of the Landrover.

Next morning W. 467 saw Simoyo's car in the compound of Musa Faraj, about 10 ft from the house and 14 ft from the bar. He also met the subject's brother, Lawot (W. 473), and narrated the incident to him. W. 473 sent to Lucy Oryem (W. 356), W. 467 told her that he had seen her husband being put in a small Landrover and mentioned the names of two persons as Ali and Onziga. This evidence was denied by W. 467 and also W. 473.

Lucy Oryem then went to the home of Musa Faraj. She said that there is no fence around the house and the bar next to it. She found her husband's car facing the home of Musa Faraj. She learnt that Musa Faraj had gone to the DC's office and she followed him. W. 473 also proceeded to the DC's office. They met Musa coming out of the DC's office and the DL, who was then Mr. Abbe (subject No. 294) and was to disappear later the same day. told them that Musa Faraj had reported that Simoyo Oryem had been arrested by nine people, six of whom were in Army uniform and three in civilian dress. The witness said that Mr. Abbe rang up the Army Barracks at the Airbase and, failing to get an answer he went to the Barracks. On return he told the witnesses that he had failed to see Oryem at the barracks.

Irene Abbe (W. 472) is the sister of Mrs. Oryem and she testified that on 22nd September, 1972, her husband Abbe rang at 9 a.m. to tell her about the disappearance of Oryem and Akem. Later he rang her again at 11 a.m. and told her that neither of the two was at the barracks and added that the man in the barracks, a soldier, had told him that he himself, that is, Abbe, was lucky as

he/...../449.

Next morning W. 467 saw Simayo's car in the compound of Musa Faraj, about 10 ft from the house and 14 ft from the bar. He also met the subject's brother, Lawot (W. 473), and narrated the incident to him. W. 473 sent a message to the subject's brother, according to Lucy Cryem (W. 396). W. 467 told her that he had seen the incident being put in a small Landrover and mentioned the names of two persons as Ali and Oniga. This evidence was denied by W. 467 and also W. 473.

Lucy Cryem then went to the home of Musa Faraj. She said that there is no fence around the house and the bar next to it. She found her husband's car facing the home of Musa Faraj. She learnt that Musa Faraj had gone to the DC's office and she followed him. W. 473 also proceeded to the DC's office. They met Egan coming out of the DC's office and the DC, who was then Mr. Abbe (Contract No. 294) and was to disappear later the same day, told them that Musa Faraj had reported that Simayo Cryem had been arrested by nine people, six of whom were in Army uniform and three in civilian dress. The witness said that Mr. Abbe rang up the Army Barracks at the Airbase and, failing to get an answer he went to the barracks. On return he told the witnesses that he had failed to see Cryem at the barracks.

Irene Abbe (W. 422) is the sister of Mrs. Cryem and she testified that on 2nd September, 1972, her husband Mr. Abbe rang up to tell her about the disappearance of Cryem and Akere. Later he rang her again at 11 a.m. and told her that neither of the two was at the barracks and added that the man in the barracks, a soldier, had told her that he himself, that is, Abbe, was lucky as

h./...../448.

he too was supposed to have been arrested, but as he was hard working he had been allowed to go. Abbe told him wife that he was planning to go to Kampala to see Your Excellency about these arrests.

On 23rd September, Oryem's mother (W. 466), an old lady of 90, and his brother (W. 473) saw Musa Faraj. The old lady asked him about her son and she said - (p.5144):

"He said why have you come to disturb me. Then my daughter asked why Fere was quarrelling. He said he was on the right hand of God and told us to go back home and we should come back the next day because he was going to the garage to see something about the vehicle."

Later, on, the old lady said that the reference to the garage was in fact barracks where Musa Faraj promised to check for her son. W. 473, however, denied hearing anything about 'the right hand of God'. According to him this is what happened - p. 5265:

"Musa Faraj answered in a hot tempered manner that he did not know anything about Simayo Oryem, Jerida should not disturb him about Simayo Oryem. Then Erina Ayako came in, she told Musa Faraj that you were a big man don't quarrel, Jerida is only wanting to know where her child was, she can see his car in front of your house. Then on hearing that Musa Faraj cooled down. He said I think your child is alive. While demonstrating by knocking his head, he said he will be going to find out where her child was."

The old lady also saw Musa Faraj striking his head with his fingers, when telling her that he would go to the barracks to enquire about her son. On being asked to repeat what Musa Faraj had said upon being asked about her son, W. 473 said (p.5270):

"that/...../450.

"That when asked Musa Faraj said that he did not know where our child is and when your child disappeared I was praying; you know that we pray even at night, and we pray for the safety of our hands."

Benjamin denied hearing anything being said about the right hand of God.

When these people returned to his home the following day, they found that the house was locked.

The three intelligence officers, that is, S. 488, S. 491 and S. 493, denied any knowledge about the arrest of Simayo Oryem.

From the evidence, it seems obvious that near the house of Musa Faraj is a bar and it seems like that there is only one entrance leading to his home and the bar. According to Lucy Oryem, her husband left home at around 5 p.m. in great hurry to go to see Musa Faraj. It was about three hours later that, S. 467 allegedly heard the cry mentioning the name of Musa Faraj. There is an obvious contradiction in the evidence of Lucy Oryem and this witness in that the former stated that S. 467 mentioned the names of Ali and Onzira, which the latter denied. S. 467 found S. 467 rather unsatisfactory. At first he said that the night was dark but later said that there was moonlight. He said that the people running away from the scene told him that Simayo Oryem had been arrested by nine people. On seeing the handcuffs he stopped at the bar and said that in the light of its bright lights he was able to see five people sitting in the



This sounds most unlikely, and we find his conduct after the Landrover had gone difficult to reconcile with his initial urge to offer assistance to Oryem. He does not seem to have done anything whatever, not even to go to the police to report. There is also the evidence of Simayo's brother, W. 473. It will be recalled that certain discrepancies are apparent in his evidence and that of his mother with regard to their interview with Musa Faraj on 23rd September, 1972. According to him Musa Faraj told them that Simayo Oryem was taken when he was praying, but offered to go to the barracks to find out. There is also the evidence that Musa Faraj went to report to the DC about Oryem's arrest and it is manifest that if he were in any way implicated in the arrest of Simayo Oryem, he would have been the last person to go to report.

Upon a general reappraisal of evidence, we are of the opinion that the evidence of W. 467 is not wholly convincing and we take the view that, being a coward as he claimed to be, on seeing the Landrover and on being told about Oryem's arrest by those running away from the scene, he also returned to his home, and finding Oryem's car near the home of Musa Faraj the following day he tried to embellish his testimony by introducing the human cry which he allegedly heard. From the evidence of Oryem's brother, we are satisfied that Musa Faraj was not involved in the arrest of Oryem but only offered to assist in looking for him.

The result is that we find that Simayo Oryem was arrested from near the home of Musa Faraj by nine people

was found missing from his bed.

His brother, W. 366, said that the subject had been mentally disturbed for about three days during 1973. He had not been treated but had gone back to work after three days. He said that he did not look for him at any mental institutions, except for looking for him at his village home and announcing his disappearance on the radio. His disappearance was also reported at Masindi Police Station.

The subject shared a room with four or five other teachers. From the evidence of his brother it seems that he had a mental history and, in view of whatever little evidence we have, it seems probable that during the night of 16th January, 1974, he had suffered a relapse and while the balance of his mind was upset walked out of the dormitory never to be seen again.

277. Subject No. 249 - CAPT. JOHN WELUKUSANGA.

See Army Headquarters, p. 561.

278. Subject No. 250 - GEORGE WILLIAM KAYEMBA.

Witnesses: 370 No. 3423 Det/Cpl. Mulekwa

- Part 4, p. 3778 - 3781.

371 Det./AIP Constantine Okot

- Part 4, p. 3782 - 3795.

378 Charles Musisi- Part 4, p. 3885 - 3891.

449 Mada Nakarwagi- Part 5, p. 4842 - 4850.

451 Joyce Nassiwa - Part 5, p. 4858 - 4886.  
p. 4996 - 5011.

.452/...../454.

- 452 Hajjat Joweliya Nabawesi - Part 5, p. 4886 - 4906.  
456 George William Lutaya - Part 5, p. 4938 - 4975.  
457 ..... - Part 5, p. 5032 - 5070.  
463 Edward Jjuko - Part 5, p. 5070 - 5082.  
483 Dorothy Kayiba Myakatta - Part 6, p. 5409 - 5421.  
504 Major Gen. Francis Nyangweso  
- Part 6, p. 6012 - 6019.  
535 Capt. Kiryona Naggasi - Part 7, p. 6649 - 6677.  
6760 - 6761.  
538 John Baptist Mujuzi - Part 7, p. 6756 - 6760.  
539 Rexide Mukasa - Part 7, p. 6784 - 6791.

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The subject was working as the executive officer of Buloba College. He was married to Nada Nakanwagi (W. 449), but the subject's sister, Joyce Nassiwa (W. 451), described her as his girl-friend only. The subject was said to have separated from his wife and had ten children; three from his wife and seven from other women. Some of these children are now at boarding schools, some with their grandparents, some with the subject's elder sister, Hajjat Nabawesi (W. 452), and other women. Some of these children are now at boarding schools, some with their grandparents, some with the subject's elder sister, Hajjat Nabawesi (W. 452), and others with their mothers.

The subject had a light-green Peugeot 204 car, No. PYY 425. According to W. 449, the subject went to see her at Matete in his car on 28th May, 1973. This evidence contradicts the rest of the evidence, particularly with regard to the subject's car which

to have been stolen soon after the middle of April, 1973.

Dorothy Nyakatto (W. 483) is a teacher at Buloba Collere, whose Director was Charles Musisi (W. 378). Musisi went away to Nairobi on 14th April, and returned on 29th April, 1973.

Christopher Mwonje (W. 462) is the subject's brother-in-law and he testified that sometime in April the subject told him that his car was stolen the previous night in Kololo area during the time when he had gone to fetch a mechanic to repair the car which had broken down. W. 462 gave him a lift to Jinja Police Station where the subject reported the matter and also made his statement, which is dated 19th April, 1973. Accordingly the car must have been stolen on 18th April, 1973. W. 462 then took the subject to his Insurance Company and the subject rang up the college. According to W. 483, who seems to have received the call, the subject told her also that his car was stolen the previous night.

On the same day, that is, the 19th April, three men went to the collere in a car. Two of them asked W. 483 about the subject. She told them about the theft of his car and they left a message for the subject - "Your friend George William of E.A. Community wanted to see you and will come back on Saturday." Later when she passed on this message to the subject he denied having any such friend. The same two men returned to the college on Tuesday after Easter and, on being told that the subject had not been on duty since the theft of his car, they promised to come back in the afternoon. Instead, they returned on the 25th April when one of them was armed.

... 483 met them on the way to her office with the typist  
Rexida Mukasa (C. 539) and they told her, "Miss Nyakatto,  
come and produce Mr. Kayemba." They went to her office  
where the man who was armed asked for the subject's

Then the man produced a paper containing the names of  
the employees of the college with the subject's  
signature. She told the man that the signature was of  
Kayemba, whereupon he replied - (p.5417):

"Then he answered yes, we found this  
in his car. We have found his car.  
Will you tell him to go to Makiodye  
to answer some few questions, and then  
his car will be given to him."

As Kayemba never returned to the college, she did not tell  
him about this incident.

About three days after the return of the director of  
the college from Nairobi on 2nd May, 1973, two men went to  
see him about the whereabouts of the subject who, accord-  
ing to them was required for making a statement about his  
car which was in the custody of the Military Police,  
Makiodye. The director told them that he did not know  
where he was and was himself interested to know of his  
whereabouts because he had the safe key with him. When  
the director reported this to the Chief Inspector of  
School, he was advised not to associate himself with the  
subject who was considered to be 'dangerous'.

At about this time Kayemba rang up Lutaya  
(C. 456), an accountant with Drapers and an old friend,  
and told him about his car which had been stolen. They  
talked on the telephone and the subject gave him the  
details of the theft. Lutaya waited for the subject

to turn up again and on the third day he rang up his office at Buloba College and was told that the subject was not in and some people had been looking for him. A few days later, the subject dropped in at Lutaya's office and asked him to meet him at a private drinking place, about 3½ miles on Entebbe road. Lutaya went with his friend Semu Kanakulya to keep the appointment, when the subject told him that he had moved from his home to another place as some armed people were looking for him at his home and office. He told the witness that he had learnt that his car was at Mukindye and wanted Lutaya to find someone in the security forces to help him to locate the car and tell him who took it there and why.

With the help of another friend, Daniel Ndaula, W. 456 met Edward Jjuko (W. 463), an office messenger in Your Excellency's office. On being told of the nature of the mission, Jjuko promised to help.

At about this time, Lutaya received a letter from the subject dated 2nd May 1973 posted from Tororo (Ex. 115). He was enquiring how far Lutaya had gone and asked him to contact his sister, Joyce, in case he had delivered anything fruitful.

Jjuko saw one called Agi in the same office about the subject's car and Agi asked for the registration card of the car. Lutaya sent a message to Joyce through Muwonge for the card and, some five days later, the subject himself delivered the card to Lutaya. Lutaya also received a second letter from the subject, this time posted from Bombo and dated 14th May, 1973 - Ex.116 - (p.4963):

"How is life, it is good that Lord God is keeping me up to this time, it is true that there is nobody who can cure death except sickness; and it is the same that nobody can bring death except God, therefore, I am still here."

My friend since we separated, I have never heard of you, and I would be very pleased if I get a letter from you, just a letter from you, and where I am at the moment, even if I get the letter, it looks to me as if I have received a visitor. Hal my friend this world is very difficult, to convince somebody of death because of this nonsense or useless little thing because trivial matter. I am surprised how this young man alleged that I was a guerilla, a murderer.

I remember that we had talked about that gentleman, I do not know where it stopped, I think even Makiala came there, if you could write a letter and give it to that child Joyce, she can find ways of delivering that letter to me, as I do not know how this thing will go on, it is only God who knows, I have got some problems which I would or want you to help me with, this is domestic rather, in cert in cases. This I shall tell you when I have heard from you.

Hal my friend, you must pity me about my children because I do not know how they are, I do not know whether you have understood about her father being about to die. I have received the information that although he was discharged from hospital, and took him home, but his condition of health is very bad, anyway, I do not know when God shall allow us to meet, but I am cork sure that we shall meet very soon, may be we shall have a bottle of bull together. Alright, may the lord God be with you !! This time he did not sign."

Jjuko collected the registration card and gave it to Lapi. Later four men came and asked Jjuko about the owner of the car. He took them to Lutaya who explained them how he got the card and told these people also that Kayembe was in hiding. These

people said that the government was trying to help him as well as the subject and asked Lutaya to take them to the subject. He went with them in a 504 car to Kololo Secondary School where Joyce worked but found that she had already left. He then decided to check up with Muwonge who denied any knowledge about where the subject was. But now those people asked Muwonge to go with them to Makindye for a statement. They were taken to Makindye where Lutaya was pushed and beaten and was told by somebody big that they wanted a statement from him about the whereabouts of the owner of the car. He was threatened to be kept in the cells overnight to make him disclose the truth. He offered to try again and was allowed to go away in the same car with those people, leaving Muwonge behind.

Lutaya saw Joyce who took them to her elder sister, Juliana's (v. 452) home. There, Lutaya met the subject and talked to him privately in the absence of both sisters. Lutaya said that the subject agreed to go with him and Joyce accompanied them in the same car. Both of them at first said that Joyce left alone about twenty minutes of the departure of Lutaya and Kayemba. But after Lutaya's evidence, and when Joyce was recalled, she admitted that she had told a lie and explained that this was due to fear before going to the Parliament Building to give evidence. However, they were all taken back to Makindye and kept waiting for some time. Later they were asked to go away and told that they would be contacted if they were required any more. Then Kayemba got up to leave the same big man told him - (p.4952):

"Mr. Kayemba/...../460.



"Mr. Kayemba, how is it that you are going. We have been looking for you. Now that I have brought you here what if our boss comes and asks for you, what are we going to tell him. He is coming to take your statement anytime."

allowed to go away and the subject, who was left at Makindye, has never been seen again.

According to Muwonge, this happened on 8th June, 1973, and Joyce also seemed to remember the same date. Mada Mukanwari said that some strangers - two men and two women - told her also that her husband was arrested from the home of W. 452 on 8th June, 1973. She said that on 9th November, 1973, she saw her husband's car near Nakasero Market and reported this at the **Central Police Station**. It may be pointed out that Joyce also spoke of having reported the disappearance of her brother at Kawempe Police Station but she was very uncertain about the date when she reported. However, on 14th November, 1973; Detective Corporal Mulekwa (C. 376) was handed CRB 4396/73. The Corporal checked with the Registry of motor vehicles and found that the vehicle was registered in the name of Kayemba. He started looking for the vehicle and on 14th December, 1973, found it in Nakasero car park. He arrested the driver and took him together with the car to Central Police Station. The driver said that the car belonged to Captain Ngusi (C. 535) who was contacted. The Captain came and claimed the car to be his. He was handed over to the officer in charge.

On and January, 1974 100/111/1000 (C. 535) was

summoned into the office of the Regional Police Commander, Mr. Adroa where he found Captain Magasi and also the Deputy Commissioner of Police Mr. Toweli asked him why he was not releasing the car to the Captain. This surprised the Assistant Inspector because he knew nothing about the car. Mr. Adroa handed him two photostat copies of letters, one was a letter dated 22nd October, 1973 signed by Major General Francis Nyangweso addressed to the Licensing Officer (Ex. 89) and the other was an agreement of sale regarding the subject's car (Ex. 88 and 147). The witness said that he had no power to deliver the car as he did not have the case file and his superior officer was not available to deal with the matter. He went to check with the file and found that Inspector Muwonge, who was dealing with the file, was not present. He returned to the Regional Commander and asked to be given time till the following morning, but Mr. Toweli instructed him to hand over the car to the Captain not later than 9 a.m the following morning. On the following day the Assistant Inspector found the Captain waiting for him and, after seeing the second in command, CID, Mr. Ochera, released the car to the Captain. The Assistant Inspector, who has been a police officer for eighteen years said that it was not proper for any police officer, no matter how high-ranking he might be, to release something which might be an exhibit in any case. He said that as the police were investigating a case of kidnapping he felt that the finding of the car of the victim was very relevant to their investigations, which would have become much easier. Ali Toweli (T.508) did not

remember going to the Central Police Station with Captain Muralidhar, while denying instructing any police officer to release the Captain's car of which only the  
it was improper to release the car pending investigations.

Captain Muralidhar stated that he first came to know Kayamba on 15th March, 1973 when he went to his home in 10/11A Avenue and offered to sell him his car for Shs. 35,000/-. The Captain said that he needed a car at that time and negotiated the price with the subject. The deal was closed at Shs. 25,000/- and he asked Kayamba to come back on 20th at Makiindye for the money. And Kayamba went to Makiindye on the 20th March, 1973 at 4 p.m., they signed an agreement for sale after which he handed him the money and Kayamba gave him the keys and the registration card. This agreement is not dated and, after setting out the name of Kayamba and his address, reads:

"To whom it may concern.  
Vehicle YY 425 - licensed at 274  
The above mentioned vehicle was  
sold to Mr. Kilyona Muralidhar of  
P.O. Box 3384, K'L. by the above  
address car at Makiindye Military  
Police at the price of Shs.  
25,000/- cash. In words, twenty  
five thousandis only.

Signature of Mr. G.J. Kayamba

Signature of Mr. Kilyona  
Muralidhar.

Signatures of witnesses are set out as follows:

Signature of P.O. David Mwan

Signature of Sgt. Sami Biimbo."

The Captain said that he could not read but could tell that this agreement did not have a date. He explained that the witness and he of the club typed it out.

He went on to say that soon after buying this car he met with an accident and the car was under repair. Also he did not have sufficient money, amounting to Shs. 210/=-, to register the transfer of the vehicle into his own name. He went on to explain further that another factor to delay registration of the transfer was that Kayemba who had promised to return the following day with the transfer forms did not come and he said - (p. 6675):

"I gave him that money at about 4.30 p.m. in the afternoon and after getting the money he told me he would come back the next day with the transfer form, he never turned up."

He said that it was unusual for a buyer not to insist on the transfer form at the time of the payment of the purchase price. However, according to Ex. 89, it was not till 22nd October, 1973 that the Minister of Defence, Major General Nyangweso authorised the Licensing Officer to register the transfer of this vehicle. The Registrar of Motor Vehicle, Mr. Nsubuga Kyajusa (N. 42), confirmed that the transfer was completed on the strength of Ex. 89 which was attached to the form applying for the transfer - Ex. 153 - which seemed to have been signed by the previous owner, Kayemba. This witness also produced another form signed by Kayemba dated 6th October, 1971 - Ex. 154 - and said that the signature on Ex. 153 was different from that on Ex. 154.

The Captain was shown Exhibits 94 and 94a bearing the subject's signature. These two cards were produced by the Director of the college and the Captain admitted that the signature on the agreement Ex. 147 differed from that on the two cards.

The typist, Rexida Mukasa (No. 359), handed over some four letters which had been written by Kayamba, that is Exs. 163, 164, 165 and 166 to Mr. Mubiru (No. 358) for comparison. Mr. Mubiru is the Government handwriting expert with an experience of about 10 years. He also had the subject's statement to the police dated 9th April, 1973 and he compared the signature of the subject appearing on these five documents with the signature appearing on Ex. 147, that is, the agreement of sale. He expressed the opinion that the signature on Ex. 147 is not the same as on the other documents. On seeing Ex. 94, he was of the opinion that it had all the qualities which he had observed in the signature on the four letters and the statements. Regarding Ex. 94, he said that, as the signature was in a very restricted space, he could not express any opinion without a thorough examination.

The Captain also said that, after the car had been seized by the police, he was asked to produce all the documents and when he returned to the police on the second occasion after two days, he met Ali Toweli at the Central Police Station and was taken into the office of the Regional Police Commander where he ordered the release of the car.

There is no doubt that the subject, George William Kayamba, was the registered owner of Peugeot 204, UYY 425. There is ample evidence to indicate that this vehicle was stolen from Kelolo area on the night of 18th April, 1973, during the time when Kayamba had gone to fetch a mechanic to repair it. They then have the

evidence of certain people going to his place of work on the very next day looking for him. According to witness No. 483, it was on the 25th April, 1973 that one of the men, who went there again looking for the subject, produced a document bearing the subject's signature, which is said to have been recovered from the subject's car and a message was left to tell Kayemba to go to Makindye, answer a few questions and collect the car. This evidence indicates that the subject's car was in fact taken away to Makindye Military Police on the night of 18th April, 1973. Why it was taken by the Military Police is not very clear, except for the subject's comment in his second letter dated 14th May, 1973 (Ex. 116) where he referred to some young men who alleged that he was a guerilla and a murderer. Nevertheless, there is then the evidence of his approach to Lutaya culminating in their being taken to Makindye together with the subject and Joyce. We appreciate that both Joyce and her elder sister tried at first to suppress this evidence and it was not till after Lutaya's evidence which Joyce heard that she finally came out with the truth. It may be said that Joyce was unreliable as a witness but even if so there is clear evidence from Lutaya and Muvonge about Kayemba being taken to Makindye Military Police. We are satisfied also that, whereas the others were asked to go away, Kayemba was kept behind allegedly for his statement. We are satisfied that Kayemba has been missing since 18th April, 1973 when he was last seen by Lutaya, Muvonge and his sister Joyce at Makindye Military Police.

One of the interesting aspects of this case is the Captain's evidence that Kayemba should have gone to his house by himself offering to sell his car. Another inter-

15th March, 1973 and the transaction completed on 20th March, 1973, when there is evidence that the car was with Kayemba throughout till 15th April, 1973, when it was stolen from him. If the subject had in fact handed the car to the Captain on 20th March, 1973, as maintained by the Captain, then it would follow that the car could not have been stolen from Kayemba on 15th April. This confusion can best be resolved by looking at the paper exhibits bearing Kayemba's signature. First of all, we have the two Security Fund Cards, Ex.94 and 94a, and then the four letters signed by Kayemba during the course of his duties as executive officer of Fuleba College. That is Ex.163, 164, 166. There is also a form signed by him, Ex.154. The signature in question appears on the agreement for sale, which was allegedly signed by Kayemba on 20th March, in the presence of Captain Masasi. Captain Masasi admitted that the signature on Ex. 147 was not the same as the signature on Ex.94. This indicated that even to the naked eye and to a layman, the signature on Ex. 147 was not that of Kayemba. And this was subsequently confirmed by Mr. Mujuzi, the experienced handwriting expert. There cannot thus be any doubt that the person who signed Ex. 147 was not Kayemba. The Captain seemed to suggest that a person can change his signature, we are not persuaded by this argument and, in view of the expert's evidence, which we accept, and let us say also that the Captain himself admitted that the signature on

Ex.147/...../467.

Ex. 147 was quite different, we find that it was not Kayemba who signed Ex. 147. Proceeding further, we find that it is again not Kayemba who signed the transfer form Ex. 153. Here again the evidence of the Capt in is suspect, in that he said that he was not given the transfer form at the time he paid over the money to the vendor and that the vendor never came back again. If that was so, we fail to see how somebody claiming to be Kayemba would have signed the transfer form dated 23rd October, 1973. The Captain's evidence is again suspect because the rest of the evidence suggests that immediately after the theft of his car in April, the subject went into hiding on learning that some armed people were looking for him. The most odd thing about the Captain's evidence is that, although he is alleged to have bought this vehicle on 20th March, 1973, it was not till 23rd October that he managed to get the transfer registered into his name. We do not accept his explanation that the delay was partly due to the fact that he did not have the transfer form, and partly due to the fact that the vehicle was involved in an accident. The Captain of course stuck to his evidence up to the last and throughout maintained that he bought this car from a man calling himself Kayemba, who was the same person who signed Ex. 147. It seems to us that either the Captain was hoodwinked by someone claiming to be Kayemba or the Captain himself fabricated evidence to make his ownership of the car genuine. We do not think that the first possibility applies to him for the simple reason that the evidence which we accept is that the car was in Kayemba's possession till 1st April, and as such nobody would have gone to the Captain to sell it so much earlier.



The evidence subsequent to the theft of the car indicates that someone at Makiodye, where the Captain also worked, saw very close to the car of the car and saw the car at a distance to the subject's place. It was by people looking for him. We think that it was a coincidence that the subject himself was arrested when trying to find an answer to the question, why the car was taken to Makiodye and by whom. His approach to Lutaya seems to have initiated the subsequent events, culminating in his arrest and detention at Makiodye. We are of the opinion that Captain Morsel is extremely implicated to a very large extent in the subject's arrest at Makiodye and we think that this was due primarily because of the car. It is not without cause or interest that the Captain should ask "WHO BROUGHT THIS MATTER UP?" - p. 4761.

The subject was never seen again after 14th June, 1977, as he was last seen alive at Military Police, Makiodye, where of the opinion that he never came out of that place. In other words, he disappeared while in custody of the Military Police Makiodye and the authorities of the Military Police ought to know how he was dealt with. As far as we are concerned, we think that the probability clearly is that he was unlawfully disposed of while still in custody of Makiodye.

176. CONFIDENTIAL

Reference: 473. File July 1977 - Part 4 - 4795 - 3820.

Directly from the witness's report.

176. ....176.

Miss Atim mentioned him while giving evidence about the three agricultural officers of Gulu, that is, Subjects No. 102, 103 and 104. She said that when she and Mrs. Okumu were taken to the Army Barracks at Gulu Airbase she saw Oyat, who was her relative, under custody together with another man. After she had been released she learnt from Oyat's relatives that he went to town on the same day, that is, 27th September, 1972, and never came back. She said that it was not her duty to find out whether Oyat had been released or not.

Accepting Miss Atim's evidence we can say that Oyat was last seen in custody at the barracks of the Gulu Airbase on 27th September, 1972. If he has disappeared, the probability is that this happened during his detention at the Airbase, for which the Officers concerned would be responsible.

280. Subject No. 252 - IMASA.

Dealt with Subject No. 77, p. 223.

281. Subject No. 253 - SSP (PRISONS) BANWINE.

282. Subject No. 254 - SSP (PRISONS) OMLAH.

Dealt with Subjects No. 227 - 234, p. 433 - 434.

283. Subject No. 255 - JAMES BI. MSE.

Witnesses: 363 Erica Olin. - Part 4, p. 3914 - 3921.

443 Naman Rubanga - Part 5, p. 4723 - 4728.

444 Augustine Lukwale Mugoda  
- Part 5, p. 4728 - 4741.

447 SP Joseph Chura  
- Part 7, p. 6677 - 6689.

407 ...../470.

207 - B. 2643 Col. Salomo Salujo Gali

- Part C.p. 6057 - 6059.

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The subject of this report is a former police officer, No. 381, formerly attached to the ... It was discovered that he had been dismissed from the Police Force.

His father (No. 381) said that the subject was not married but had a girl friend with whom he has one son.

No. 381 said that in August, 1973, a Government vehicle from Haguru took the subject to Jinja and he was then given a bus warrant to go home. He said that his son was given a raincoat, books of law, and some carbon papers, and was posted at Kumbya Gombolola Headquarters.

The County Chief of Lusuka (No. 453) said that he met the subject when was touring his county, and the subject told him that he was a police officer whose mission was to reduce overcharging and hoarding.

On 2nd August, 1973, the subject went to the Gombolola Headquarters, Kaituma, where the Muluka and Batoropole chiefs were meeting the Gombolola Chief. The subject said that he was a police officer and has come to enquire about the people who were overcharging. The Gombolola Chief gave him an Askari to work with and some people were arrested by the subject. Later these people were released by the subject. He worked in the ... until 5th August, 1973. After he had left, some people complained that he had taken bribes from them. The Gombolola Chief sent a letter reporting this to Gombolola Chief, Busaba, where the subject was supposed to be, he was arrested. He was then taken to County Headquarters Lusuka.

470...../471.

At about this time the Administrative Officer of Nagamaga Ordnance, Captain Akin, received a report from a Muluka Chief that a man was harrasing people in his area and confiscating their property. The Captain instructed W. 507 to bring this man in. The Cpl. went to the county headquarters where he found the subject under arrest. He took the subject after signing in the book and produced him before Captain Akin. After interrogation the Captain asked the Cpl. to hand him over to the police which the Cpl. did.

According to the police records a report was received at Jirja Police Station on 15th August, 1973, against the subject of assault, wrongful confinement and theft of Shs. 100/- and the complainant was a man called Beneteta Mitama. On the same day Captain Akin of Nagamaga Ordnance also reported the arrest of the subject on charge of alleged corruption. The first report was made at 1400 hrs and the second, which was registered as CRB/SD/21/15/8/73, at 1530 hrs. According to Minute No.2, the first report was registered as CRB/971/73 and the subject was by then already in the police cells. On the following day, 16th August, 1973. Emuron gave directions in Minute No. 4 inter alia to take the subject to Court, if there was any evidence against him. Minute No.6 of the same date reads:

"B4 (this is the Minute made by Emuron) noted but the accused is not to be taken to Court yet as he is to be taken to PSU for trial for H.M. of PSU questioning the accused on the charge of corruption and false statement."

This Minute was made by a B/H whose signature is not decipherable. This minute is on the file which was opened upon the complaint of Captain Akin. It seems that the file

and the ... were then forwarded to Mbaruru as confirmed by  
... Obura (p. 97), who admitted writing Minute No. 5 of  
16th August, 1972, on the Police file JINJA ... 743/73

"I return herewith this file for your  
filing away. The accused person has  
been dealt with - accordingly, ordered  
by the Head of ISB."

Mr. Obura said that Mr. Ali Toweli interviewed the subject  
when he arrived at Mbaruru. It was then found that he had been  
dismissed from the Force and that he had not been sent by  
Mr. Toweli on duty as he claimed. Mr. Obura continued  
(p. 6677):

"On checking we found that this man had  
nothing brought with him as an exhibit and  
there, Mr. Ali Toweli ordered for this man  
to be released. So, that man was set free  
and went away".

Mr. Obura denied a suggestion that he and Mr. Ali Toweli  
had interfered with the investigations of Jinja Police and his  
reason for saying so was that the subject had been arrested by  
the Army men who had demanded that he be taken to Mbaruru.  
Mr. Obura further agreed that it would have been proper for  
the Jinja Police to go ahead with their enquiries to find out  
whether the subject had committed any offence and to take him  
to Court, and he continued (p. 6679):

"But according to what Mr. Ali had found  
out that this man, he did not send him  
that way, his interest was only to find  
out that man; his interest was only to  
know the man. After he found out that  
he did not send him that way then he  
decided there and then, and then released  
the man."

Later on, he went on to say that what Mr. Ali had said was  
(p. 6681):

"O.K. this boy is small, let him go, I  
think, what he was doing he didn't intend  
it."

Mr. Obura again admitted that at the material time there were many cases of personation and the Government was making statements disclaiming any responsibility, but he clung to what he had said earlier about the decision taken by Ali Towali. He also agreed that corruption is a serious case and advanced two reasons for setting the man free. The first was that he had been released by the Jinja Police, which he corrected when his attention was drawn to the fact that the subject had been brought to Nacuru under custody.

The second was again what Ali Towali had said, but he now put it this way (p. 663):

"Yes, number two, Mr. Ali, I think, became too lenient to this man because, the man, before he went out, was working with him. So at that point he said, Okay, I think, the boy did'nt intend on what he has been doing and the reason why Jinja have sent this man here, may be they do not want this man back there again. So, he said, 'release the boy and let him go.'

Mr. Obura said that although the man had been sent under custody from Jinja Police Station his instruction was just to release him and he could not have gone 'outside' that instruction by sending the man back to Jinja.

Mr. Obura was asked what he meant by his comment that the accused had been 'dealt with'. He said that he meant by that expression what he was now 'translating' it to mean that the man had been released. He agreed that the expression 'dealt with' was pregnant with many possibilities. He steadfastly held on to his view that the man had been released. He was asked by the Chairman why he did not put the word 'released' in

the minute book is as follows (p. 668):

"Witness - Did not get it but now I am translating and I had written them."

about the war (p. 668), he said that he might have forgotten. He was told to get the order given by Ali Tew li was no where to be seen in the file. He said (p. 668):

"Yes, it is not there. I know, but it is now what I am telling you, Sir."

It is obvious from the reports made against the subject; the first was about the alleged successful confinement and the second about corruption which was reported by Captain Akim. On the first report it seems that the police had done quite a lot of work and a number of statements had been recorded. According to the minutes on the file, we are satisfied that the Public Safety Unit of Naguru had asked the subject to be transferred to them with the case file. Mr. Gburn admitted to the subject, who had once worked at Naguru and he said he was facing serious charges. If anything, a few more points surprised at his lack of loyalty to his superior officer, he would have any one, who might have the opportunity of going through the evidence and these comments believe that his superior officer took a completely fair view of the subject because Mr. Gburn is a former police officer who had worked with Ali Tew li and Mr. Gburn. It is felt that the subject had not intended to do anything. Both statements do not mention how Mr. Gburn felt that the investigation carried out by the police was not sufficient for the subject should be taken to court.

It is again astonishing to hear an experienced Police Officer like Mr. Obura say that Ali Toweli's action in dealing with the subject the way he did was not interference with the duties of Dinja Police. We think that this action was not only a direct interference but a deliberate **abuse** of authority and misuse of duty vested in Ali Toweli. It was also thwarting the orderly and regular process of the law and a fair trial of the citizen as guaranteed by the Constitution. Perhaps both Obura and Ali Toweli felt that, by their summary action, they were favouring the subject. It seems favouring to the unfortunate subject; indeed, he is to be found to be able to come forward and tell us about all the favours and the compassion bestowed upon him by these two Senior Police Officers!

Mr. Obura was content with 'translating' his comment 'the accused has been dealt with' to mean that he had been released. A person with the slightest knowledge of English language would appreciate at once that this phrase 'dealt with' is indeed pregnant with many possibilities. We should think that even a VII student in this country would be able to say that the phrase 'dealt with' cannot be equated with 'released'. The minute which Mr. Obura put on the file does not even say what the instructions of Mr. Toweli were. Like everybody else, he knows that it is always easy to be wise after the event and we are sure that he must have realized that what he was then trying to 'translate' was a desperate attempt at creating something out of nothing. He knows that no one would give the slightest credence to his explanation, which we reject with the utter contempt that it deserves.



What the police file and Mr. Obura helped to clear away is the fact that the subject appeared before him and Ali Toweli at Mbaruru on 16th August, 1973. Mr. Obura says reject this explanation. We say that the subject never left the premises of the Public Safety Unit, Mbaruru, that day. We say that Ali Toweli did not treat the subject leniently as Obura says. We also say that Ali Toweli did not show any compassion to the subject, and we say that the subject disappeared while still on the premises of the Public Safety Unit. We also say that Obura and Ali Toweli are the two people who know how they really dealt with the subject. As far as we are concerned we would say that the probability clearly is that the subject, James Biondi, was unlawfully disposed of while in Police custody at the P.S.U., Mbaruru.

284. Subject No. 256 - POLICE R. M. MOYCE AKELLO.

Dealt with Subjects No. 218 - 219, p.419.

285. Subject No. 257 - SUI FRATELLI (FRISONS) (CHITTI).

Dealt with Subjects No. 227 - 234, p.433.

286. Subject No. 258 - ASI (FRISONS) P.P. OKETTA.

Dealt with Subjects No. 227 - 234, p.433.

287. Subject No. 259 - BEN OCHAN.

Witnesses: 387 Grace Lida Ochan - Part 4, p. 3958 - 3969.

459 Masur Amin - Part 5, p. 5012 - 5022.

460 Juliana Larero - Part 5, p. 5022 - 5026.

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The subject was a renowned boxer and news reader. Record-  
...../477.

ing to his sister, Juliana Imoro (C. 460), he was married to a Guineese lady who is living in London with four of their children.

In November, 1972, the subject was doing a residential course at the Institute of Public Administration.

On 18th November, 1972 the subject was at the City Bar with his friend, Nick Labeja. At about midday, Grace Aida Ochan (W. 387) and Nusura Amin (U. 459) were going past the bar when the subject called them in. They were with him till about 2 p.m. and the men dropped them at Naguru where they were living. The subject and Labeja picked them again at about 4 p.m. and spent some time at the Institute of Public Administration. W. 387 said that Nusura accompanied the subject to his bedroom but this was denied by Nusura who maintained that she had not known the subject before. However, later in the evening they went to Winpey Restaurant for their supper, which they finished at about 10 p.m. W. 387 then went for a short call, and she described the incident in the following words (p.3960):

"When I returned, I found them outside near Labeja's car, it is a white car. There were two men on the other side just some distance from Labeja's car, who came when we were entering. Ben was sitting in the front seat, he came out to open the door for me so that I may enter. One man came and asked Ben. When I heard him speaking to Ben I also opened the door and came out. He asked Ben when I was hearing in Swahili that "Jina yako ninani. He told him I am called Ben Ochan and they handcuffed him, I asked the man why they were handcuffing him, he could not say anything to me but he only told us in swahili that if you want to save your life, you better drive away your car. I told them that I am not going away, I want to see where you are taking him. If you don't want me to go with him where you are taking him, let me know the car number in which you are taking him to the Central Police Station as you told us to go there. They said, 'do you think you are the most important woman only'.

they/... .. /478.

They went to Labaja and threat to his  
at the time of the ...

...

According to V. 459, three men accosted them outside the restaurant and, after the subject had confirmed that he was Ben Ochan, they asked him to go to them as they had something to tell him. When he refused, they asked him to go with them as they knew what they wanted to tell him.

She continued (p. 5013):

"Then we asked these people where they were taking this man. Then they said 'if you think we are taking him somewhere you come with us to the police we are taking him to the police'. So we do not want him to be taken away we wanted also to know the reason. So they pulled the man and when we were trying to help him they said that we should leave the man and if not they were going to shoot us. After hearing that we got frightened."

V. 387 said that when the subject was handcuffed, Nusura Amin was the first person to get in the car. Labaja then drove with the two girls to the Central Police Station and was told that the subject was not taken there. Statements were recorded from Labaja and Nusura Amin.

On the way to the police station, Nusura Amin, who said that she speaks Mubian but does not know her tribe, allegedly told her companion, V. 457, that these three people were speaking in Kuku. But Miss Amin denied this.

On 19th November, 1972, a policeman told the subject's sister, Juliana Lagere (V. 460), a police nurse, that her brother had been reported missing at the Central Police Station the previous night. She went to Gulu to inform the relatives and to look with her mother who insisted on

seeing Your Excellency. The old lady waited for about three weeks while the police tried to get her an appointment for an audience but this was not possible. She said that although her brother was a quiet man, when she saw him at the beginning of November, 1972 she thought that he was 'quiet in an unusual manner'. But when she asked him if he was sick, he denied.

The subject has not been seen since then.

We find that the evidence is again very scanty. Nobody seems to have identified any of those three kidnapers and Lubeja was forced to drive away with the two ladies before the kidnapers took the subject into their car. So there is no evidence about what type of car was used in this kidnapping. We do not know what action the police took on receiving this report but it seems that they were least concerned. We have considered Miss Ochan's evidence that after the subject was handcuffed Miss Amin immediately sat in the car. We think that this conduct is not per se proof to implicate Miss Amin; in our view it is also capable of innocent interpretation on the basis of being scared and frightened by the three hoodlums who were threatening to shoot if the subject's companions did not go away.

In the circumstances, we can only say that the subject was kidnapped by three unknown men. As he has not been seen since, the probability clearly is that he was unlawfully disposed of by his unknown kidnapers.

288. Subject No. 260 - NIKEMER BAN MUKA.

289. Subject No. 261 - DAVID BAJURE.

His three sons had gone on to Lwebushuri in their father's Ford to fetch milk. Having waited for their return until about 4 p.m., Bwanuka said that he was going after his sons to look for them. He left in a friend's car but soon came back saying that he had been stopped on the way and very nearly shot. He spent the night at home.

On the following day (18th September, 1972), having heard the sound of gunfire throughout the night, at 8 a.m. on seeing some neighbours hiding in the bush, they also took to the bush near the house. Bwanuka stayed with them in the bush for a little time and returned to the house to wait for his other three sons. Juliet said that she could see him sitting in the verandah of the first floor. She said that at about 10 a.m. some Army soldiers came to the house and she and her companions moved to a better hiding place from where she could still see their home. When she looked towards their home again she did not find Bwanuka sitting in his previous position and a little later the soldiers, who were about six, left in their jeep. She said that she did not know whether Bwanuka was also taken away in the jeep as she was far from the vehicle. After their departure she went to the house and found everything scattered and she returned to the bush. At about 11 a.m. she saw the bus belonging to her father coming to the house; it was hooting and she went to it with her younger brother, Henry. She found their regular driver, Khamsi, with soldiers in the bus. The soldiers asked her about her father and when she told them that her father had been in the house at the time when some other soldiers came earlier on but was missing after their departure, they also went away in the bus.

Bwanuka's/...../482.

Bananuka's bus was operating between Mbarara and Mulama Hill on the Rwanda border; its conductor was Rugutu (C. 404).

On 16th September, 1972, the bus was at Mulama Hill

17th September, 1972, at Mulama Hill but at about 6.30 p.m. they decided to move to Ishaka as the soldiers were disturbing them. They had also heard about the fighting which had broken out and they thought that they would get more information at Ishaka. Rugutu said that they did not pick up any passengers on the way and they arrived at Ishaka at about 9 p.m. The following day, 18th September, 1972, they drove on to Mbarara and were stopped by soldiers at mile four and checked. When they were leaving the bus park in Mbarara some soldiers got hold of the driver and started beating him. They took over the bus and Rugutu was thrown out of it. The soldiers were asking in Swahili if it was Bananuka's bus and when the driver confirmed that it was, one of the soldiers drove it away and they took the driver with them. The conductor said that the driver is now working with the U.D.C. in Kampala.

Rugutu went to Bananuka's home at about 11.30 a.m. and saw Robina in the Banana plantation with small children. He said that she looked shocked and she stood there like a 'statue'. He handed her the days' takings and went away.

Then the children were hungry and Juliet returned to the house to get them food. When they were cutting a bunch of bananas, a single soldier was seen moving about in the house. She was alarmed and all ran back to the bush, each

one taking his own direction. At about 4 p.m. some more soldiers came in a vehicle, which they left on the road, and she heard shooting at their home. The shooting lasted until about 7 p.m.

Juliet went with Robina to the Bishop's house but she did not know about the rest of the family. After about two or three weeks the Bishop took them to the Brigadier who installed them back in their home.

When Janet came to Mbarara the first time she learnt that none of her relatives was in the house. The second time, she stopped at a bridge and was told that some children were alive and others could not be traced. She also heard that Robina had committed suicide. This information proved false when later she found Robina and Juliet staying with the Bishop. She managed to collect the other children also. At their home in Mbarara she found window panes broken, the doors and walls had bullet marks. Her husband and the three step sons have not been seen since then. Janet said that 139 head of cattle were taken away by the soldiers together with some goats. Her husband's bus was not returned and the Ford car also seems to have disappeared. She said that the third vehicle, Daihatsu pick up, was being driven in Mbarara by an army soldier. After all these troubles, Janet heard that the reason why their home was attacked was because Binamuka belonged to the party of the former President and it was also suspected that he was assisting the invaders and had been sending money to them in Tanzania.

The other account of this incident was given by Brigadier Ali Padhal. He was sent to Biko Battalion,

Mbarara, as Commanding Officer, in April, 1971. We shall have occasion to go back to his evidence with regard to the other incidents. For the time being we are restricting ourselves to the evidence of the first incident.

The Brigadier said that on 17th September, 1972, at about 6.15 a.m. he received information that there was trouble at Mutukula and he decided to go there personally to check the border. This was really the first indication of the invasion on Uganda. He said that his instructions always were for a platoon to be on the stand by in the Battalion and it seems that when the Brigadier left the barracks the platoon officer also followed him in another lorry.

The Brigadier said (p.5637/38):

"I got my vehicle a Peugeot 504, I took two soldiers, one Corporal and one Private. When I reached where the tarmac stops along Mbarara/Kikagati Road, I cannot remember the name of that place, I met Bananuka's bus coming from Kikagati side and there were many people in it and it was going towards Mbarara. I did not stop that bus to know who were inside because my intention was to go and check my border. When I reached a place called Kaberebera where there is a trading centre, and very often when I was going to the border, I used to see Bananuka's car in that trading centre. When my vehicle was about to reach Bananuka's vehicle, Bananuka himself came out and stopped me. I had nothing to do with Bananuka at that time, except I was concerned with Mutukula trouble and also I wanted to know what was happening in my border. I passed Bananuka, after passing him, I looked behind and I saw that in Bananuka's car there were some armed people. Although these arms were not exposed but I as a soldier if I see a small part of a weapon, I would be able to know that there are weapons in that car. After I had passed Bananuka, he tried to chase me in his car. I became suspicious because I did not



know why he was following me, so, with all my strength I speeded up because I knew that if I did not, his car was bigger than mine perhaps he would catch me. So, I speeded very much and I left him behind although I knew that his car was speedy than mine. After driving for about one mile, I met a lorry carrying some people whom I did not know and it was going towards Mbarara. After about four miles from the place that I had met the lorry. When I reached that place where there is a junction, one way goes to Tanzania but it passes through another way and another one was also going to Tanzania, I found some people there and I enquired of them what was happening in the area. They told me that Banauka's bus was in that area and it had taken some people after which another lorry came and took some people. They said that those people who were transported were soldiers in that area and they were armed and they thought they were our soldiers. After driving for about two miles, I met a fleet of vehicles and soldiers in them. I stopped the first lorry which was a Mercedes Benz. I did not know from where was that vehicle. Behind that Benz, there was another Isuzu, behind the Isuzu, there were two Bedfords. The Benz and Isuzu passed and one Bedford came and stood near me. As I was there, one of my soldiers told me that these are not our soldiers but they are guerillas, you have stopped enemies and we are going to die. I told them that if these people attack us, I do not want to be taken as a prisoner, please shoot me and kill me. I told this to the Private who was a Langi by tribe and the other one who was a Musoga was steady in the vehicle. That soldier removed my nyotas from my shoulders and also took of my hat and I remained without them ready in my vehicle.

The Brigadier said that when the Platoon Officer's lorry reached Kaberebere, he met the first lorry carrying the guerillas and Banauka's vehicle and the invasion was on. He said that fierce fighting took place and he expressed the opinion that Banauka may have disappeared at Kaberebere.

The fighting was so fierce that it took him five days to reach his barracks. He went on to give an account of the fight at Bananuka's home. He said (p.5639):

"On the 15th at Ikondi Road near the  
guerrilla were looking for food."

That was the incident that took place along the area where Bananuka's house is.

Regarding the bus he said that any vehicle carrying guerrillas captured during operations was treated as guerrilla property and confiscated. He denied suggestions about confiscating cattle and keeping them at the barracks.

The Brigadier also mentioned the other incidents in which he was involved with Bananuka's family. The first one involved one of Bananuka's sons who was arrested by some soldiers on 15th September, when he was heard saying in a bar that 'in about two or three days something will happen.' He also told the soldiers 'your pride should end today in about two or three days you will see' as we know, the country was attacked on the 17th. The Brigadier, however, said that he decided to release him on Sunday, thinking that he was drunk when he uttered these words. He then met his father and told him about his son's release on Sunday. Bananuka was alleged to have retorted, 'never mind if he is not released he will come out from the Prison through another way'. The Brigadier said that Bananuka was then wearing a UFG shirt and carrying a stick marked in UFG colours.

The second incident in which he was involved occurred on Sunday when the boy was to be released. The boy's mother saw him at his home at 9 p.m. and insisted that he

took her home in his car. He agreed very reluctantly and, when he got to Bananuka's home, he saw many people on the first floor. His suspicion was aroused and, as soon as Mrs. Bananuka left the car, he immediately drove off at great speed.

It was unfortunate that Bananuka's other wife, Robina, was not available as she is said to have gone to Tanzania to live with her other son. The only other witness is the young girl, Juliet. On the one hand we have her evidence that her father left their home at 8 a.m. on 17th September, 1972, and, on the other, there is the evidence of Brigadier Ali Fadhil of having met Bananuka near Kaberebere Trading Centre. He also saw Bananuka's bus near the same place coming from Kikagati. Juliet gave her age as 13 and at the time of this incident she would have been about 11. Normally one has to be very careful with the evidence of such young witnesses and we are of the opinion that similar caution is necessary in considering Juliet's evidence. There was a little discrepancy in her evidence. She said at first that Bananuka did not tell them where he had left his three sons when he returned home. But later on she said that the three brothers had gone to Lwebushuri to fetch milk. It also looks strange that Bananuka should insist on going back to the house to wait for his three sons when the house was under attack and the neighbours were hiding in the bush. Juliet also said that their bus came to their home at about 11 a.m. being driven by their regular driver. When this is contrasted with the evidence of the conductor it becomes apparent and likely that the girl was obviously wrong because it

was the conductor who went at 11.30 a.m. and accounted for the takings to Robina. Juliet's evidence seems to corroborate the Brigadier in one respect and that was that the explosion, however, was quite different to his account in the Brigadier's evidence. We take the view that, had Bananuka been in the house during all this firing when the soldiers were actually inside the house on more than one occasion, he would not have come out alive. No one saw him leave the house or his body being brought out by the soldiers. Some blood was seen in the house but that could have been any body's. We think that, in view of Bananuka's previous political career and his continued loyalty to the old order as exhibited in his conduct during his meeting with the Brigadier before the invasion, it is only reasonable to say that not only he but also his sons were fully aware of the impending invasion on the 17th September, 1972. This knowledge on their part indicated also that they were actively involved with the guerillas and the Brigadier's evidence thus looks all the more credible in that he met Bananuka and his bus on the way. According to the Brigadier, a fierce battle took place at Kaberebere and there are but two possibilities; either Bananuka was killed at Kaberebere or he fled to Tanzania as his wife Robina later did. No body seems to have seen his three sons, except for the evidence of the little girl that they went together with their father. If this were so and if they were with Bananuka on the 17th September, 1972, when the first hits were at Kaberebere, it is obvious that they too must have ended up with their father, either killed in battle or fled to Tanzania with him.

(Next page is 490)

292. Subject No. 264 - ZEDEKIA KASISI.

293. Subject No. 265 - AMOS BUTENESHA.

Witnesses: 390 Ruth Bangobulungi - Part 4, p. 4015 - 4024.

391 Fidelasi Kyadugamunda  
- Part 4, p. 4024 - 4029.

392 Esta Nabasa - Part 4, p. 4030 - 4049.

393 Laurensie Nzalo - Part 4, p. 4037 - 4049.

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Subject No. 264, Zedekia Kasisi, was the muluka chief of Gayaza villare, Kabingo Gombolola, Isingiro. He was married to W. 390 and they have five children, three of whom are at school.

Subject No. 265, Amos Butenesha, was the Gombolola chief of Kabingo and had held this post for eight months only. He was married to W. 391 and they have twelve children, between the age of thirty and ten. W. 392 is one of their children and eight of the others are at school.

Subject No. 266 Amos Rwabatizi, was a Reverend and used to live at the Gombolola Headquarters, Kabingo.

On 23rd September, 1972, the Gombolola Chief (Subject 265) and his daughter (W. 392) went to Gayaza village to see his wife, Fidelasi Kyadugamunda. They left for the Gombolola Headquarters at around 5 p.m. together with the Health Assistant called Muini.

The Muluka Chief (Subject 264) was last seen by his wife (W. 390) on the same day when he left home after lunch saying that he was going to the Gombolola Headquarters, Kabingo. He never came back.

On the way to the Gombolola Headquarters, W. 392 said that they met a Landrover coming from the direction of the Gombolola Headquarters. She saw three soldiers in Army uniform in the vehicle and some other people, including the muluka chief (subject 264) and the county chief called Kotebelirwa. The landrover stopped and the soldiers asked them about the Gombolola Chief of the area. When her father identified himself as such, the soldiers asked him to get into the vehicle. Nothing else was said and the Landrover then drove up to the house of Subject No.266. According to W. 393, who was the D.A. askari, the vehicle first stopped at the Gombolola Headquarters and when he and a clerk went to the office, the soldiers asked them to get into the vehicle and, in the Landrover, he saw the muluka chief, the gombolola chief and also the county chief, besides some others. It was then that the Landrover carried on to the Reverend's house and he too was asked to get into the vehicle. The Reverend asked the soldiers where they were going, and the reply was 'you simply get in' and the Reverend was pushed into the Landrover with the butts of their guns. W. 392 said that, after collecting the Reverend, the vehicle went to her father's office, which was searched, and thereafter was driven away towards Kikagati. The D.A. askari said that the vehicle drove straight to the Saza Headquarters where the county chief was dropped and, subsequently, about three miles from the Gombolola Headquarters, the D.A. askari and the clerk were dropped after the soldiers had ascertained what their occupation was. The three subjects have not been seen since.

On the following day, Mrs. Kasisi (W. 390) met W. 392 and was told about the incident. She saw the county chief and his wife, Mrs. Kasisi, who was his wife. She then sent her daughter, Joyce, to Mbarara in search of the subject which proved futile. She said that she herself did not go to make enquiries about her husband because she was afraid as 'people were dying.' The muluka chief had money in the bank but she has not applied for Court's order to manage his estate due to ignorance of the law.

Mrs. Butenasha (W. 391) also saw the county chief the following day and, while denying knowledge about the whereabouts of her husband, he admitted that he had been in the same vehicle which took him. She saw the DC of the time, Mr. Toskir, who also denied any knowledge about this incident but made enquiries. W. 391 said that her husband was in no way connected with the Invasion of the country by the guerillas and maintained that he was actively engaged in hunting and arresting the guerillas hiding in the hills. The DA askari confirmed this activity of the Gombolola Chief. She too has not applied to court for an order to manage his estate.

There is sufficient evidence to show that these three subjects were arrested on 23rd September, 1972, by three people dressed in Army uniform and travelling in a Landrover. The witnesses, particularly W. 393, could be expected to know the Army uniform but there is no other evidence as to whether these three were genuine Army soldiers or mere imposters. None of the witnesses had the presence of mind to take down the

registration number of the Landrover. The county chief did not come forward to give evidence. These arrests took place immediately after the Invasion of the country by guerillas and there is evidence that the Gombolola Chief at least was very active in chasing the guerillas hiding in the hills and arresting them.

We have considered this very carefully. We think that the fact that the county chief, the D.A. Askari and the clerk were released by those people demolishes any notion that they might have been guerillas, masquerading in Army uniform. Such guerillas, who were then being hunted by the Security Forces assisted by the local chiefs, could not possibly release some of their captives; and the fact that the government did not take any retaliatory action against those three so released is ample proof that they were not considered either as accomplices or sympathisers of the guerillas. From this we draw the inference that the authorities, particularly the county chief, knew the identity of those people as Army soldiers. None of the witnesses knew any of those soldier kidnapers. The three subjects have been missing since 23rd September, 1972 and, in our opinion, the probability clearly is that they were unlawfully disposed of by the Army soldiers who took them away in the Landrover.

295. Subject No. 267 - JOHN NYAKATAKURA.

Witness: 394 Violet Kabungali - Part 4, p. 4050 - 4059.

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The subject was an employee of the Ministry of Works, and had a service of twenty years. He was stationed in



Fort Portal as a road supervisor and in September, 1972 went home in Gombolola Kachika, Kachare County, on leave.

On 19th September, 1972, about a week after his arrival, five people in civilian clothes went inside; one had a gun. They caught the subject in the presence of his wife (W. 391), and pulled him to their car. They drove away with him, and he has not been seen or heard of since.

W. 394 said that she was confused and did not know what was happening. She just stood there weeping. She did not raise the alarm. She saw her husband being put in the boot of the car, which was then closed and the vehicle driven away. She was sure that her husband had been killed.

They have six children between the ages of 13 and 1½, five of whom are at school. After a week of her husband's disappearance, she went to her husband's office for financial assistance but was disappointed. She said that she saw the District Commissioner for his help to get the money in the bank but was told that he did not have any such power. She has not applied to court for an order to manage her husband's estate.

There is not much evidence in this case. The witness was shocked and it seems that she was crying throughout this incident and did not even have the courage to note down the number of the vehicle. She did not know any of those people who took her husband away. We cannot say who they were, nor can we make any comment about the car. But we accept the evidence that the subject has been missing since the 19th September, 1972, and we also share his wife's comment that he must have been killed by his unidentified kidnappers.

296.     Subject No. 268 - ALFRED RUBASHOKA.  
297.     Subject No. 269 - AZALIA KABATERAINE.  
298.     Subject No. 270 - ESAMU KIBEHEREYE.

- Witnesses: 395 Mary Rubashoka - Part 4, p. 4059 - 4078.  
396 Zelda Kabetaraime  
              - Part 4, p. 4079 - 4094.  
397 Zelda Kibehereye- Part 4, p. 4094 - 4112.  
398 Amos Kitutu     - Part 4, p. 4112 - 4126.  
405 John Wilson Nyakabumbiri  
              - Part 5, p. 4186 - 4206.  
408 Sulemani Byekwaso  
              - Part 5, p. 4234 - 4249.  
496 Bulaimu Mubihazalwa  
              - Part 6, p. 5793 - 5808.  
499 Leto Mukwasibwoga  
              - Part 6, p. 5913 - 5950.  
501 Haji Abbasi Kayemba  
              - Part 6, p. 5952 - 5996.  
502 Haji Abdunuru Mulele  
              - Part 6, p. 5997 - 6004.  
503 Nuru Mubiru Alias 'Mulefu'  
              - Part 6, p. 6005 - 6011.

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Subject No. 268 - Alfred Rubashoka - was the Gombolola Chief of Bumbere Gombolola in Igara County. He was married to W. 395 and they have six children between the ages of 12 - 3; three of whom are at school. W. 395 has not applied to court for an order to manage her husband's estate. This subject was arrested on the 20th October, 1972.

Subject No. 269 - Azalia Kabeteraine - was a cultivator and tea planter in Ishaka. He was married to W. 396 from whom he has seven children.

He has two other children from another woman, and they are all between the ages of 16 - 2½, six being at school. No application has been made for a court order to manage the subject's affairs.

Subject No. 270 - Esamu Kibheroye - was also a tea planter and had a shop in Ishaka Trading Centre. He was married to W. 397 and they have seven children, between the ages of 16 to 4. Four children are at school and W. 397 said that she cannot afford the fees of the other two. After the disappearance of her husband, one of the children had to leave school before sitting his examinations for P.VII to help out financially. No application has been made to court for a management order.

These three subjects were members of the Igara Tea Growers Society, of which John Wilson Nyakibimbiri (W. 405) has been chairman since 1971. He defeated Haji Abbasi Kayemba (W. 501) for this position in the elections of 1971 and 1972. His consecutive defeats had made Kayemba think that Nyakibimbiri was 'impossible' for him.

Subject 268 was the Society's managing director and the other two ordinary members.

On 16th September, 1972 was held the annual general meeting of the Society and there were two candidates for the position of chairman: Nyakibimbiri and Leto Mukwasibwoga (W. 499). The cooperative officers had arranged for police attendance as a big struggle was expected at the elections. Leto was being supported by Kayemba who said that their elections had always been peaceful. He explained that police was not called at the elections of 1971 when the membership was 1,500, and he agreed that in 1972, with

the same membership, the presence of the police at the elections implied a fear that peace may be breached, and he explained that this was due to the members being 'enthusiastic'. Again Nyakibimbiri won, and he invited his opponent to become his vice-chairman; but Leto refused saying that he would contest another election.

Mrs. Rubashoka spoke of 'terrible friction' within the society. Mrs. Kabateraine said that after the 1972 elections her husband told her, (p. 4094):

"He said that after the voting, Leto and Kayemba said to him that that election he had had was the last for him, he will never vote for the second time."

This allegation of threat was denied by the three principal characters, that is Nyakibimbiri, Kayemba and Leto.

The society's elections were followed the next day, the 17th September, 1972, by the Invasion of the country by guerillas from Tanzania.

On 19th September, 1972 Kibehereye left his home for his shop at about 2 p.m. His young brother, Amos Kitutu (W. 398), who was in the shop and had seen his brother approaching the shop, at the same time saw a Zephyr vehicle with about ten soldiers stopping near the shop. He saw four soldiers grabbing his brother and bundling him in the boot of the vehicle which was then driven towards the home of Nyakibimbiri, who later said that he too was put in the boot of the vehicle, which he identified as a Peugeot, where he found Kibehereye and he had to 'squeeze in a bent position' and the boot was closed. They were taken back to Ishaka and pulled out of the boot. There Nyakibimbiri saw Kayemba sitting by the road side on a cement block. The two

prisoners were taken to a 'mitoma' tree in the middle of the town where most of the soldiers were gathered. According to the report, the soldiers asked 'ndiyo hawa naita fuju?' ('are these the people causing trouble here?') Kayemba is alleged to have replied 'ndiyo hawa,' ('yes, these are the ones'). A Mukiga soldier then took the prisoners in front of his boss who eventually said, 'hiyo ndiyo fitina ya Ishaka' ('these are the jealousies of Ishaka'). Both of them were made to sign a statement to the effect that they had not been manhandled and nothing had been taken away from them and they were released at about 5.30 p.m.

Kibchereye told his brother that they had been arrested on the allegation that they had flown a flag of their tea society in Kyamuhunga. Nyakibimbiri admitted in his statement to the investigating team that he had stated the reason for their arrest as being an allegation that they had slaughtered a goat on Sunday, 17th September, praised the UPC and hoisted a UPC flag. That being the day of the Invasion, it was perhaps felt that this was done in celebration of the attack.

Later the same evening, Kitutu closed the shop and went to a nearby hotel. He saw three soldiers, one standing in front of his shop and two at the back. He went behind the shop to find out what was happening and, upon learning that he was Kibchereye's brother, they asked him to take them to his brother. He agreed and went with them in their car. They found Kibchereye sitting. One soldier had a list of names and he asked Kibchereye to accompany them. The subject asked him where he was

being taken and was told, 'you shall see'. He was taken to the car and the soldier then asked Kitutu to take them to the home of Kabataraine. They reached there at about 8 p.m. when the subject was having his meal with his wife (W. 396). One soldier with a gun went for him and his wife followed him up to the car. She said (p.4082):

"When we reached at the vehicle, that askari enquired whether I was the wife of Kabataraine and I told him that I was then he said raise your two arms for you will never see him again."

By this she understood that she should give up all hope for her husband. Kitutu said that the soldiers asked W. 396 to say goodbye to her husband "That we will never see him again." Kitutu left the vehicle which drove on and stopped at Kayemba's place. It remained there for about 30 minutes.

On the 20th October, 1972, at about 6 p.m. a blue Ford Escort vehicle stopped at the home of Nyakibimbiri. He hid himself in the house because 'it was known that such vehicles came to pick people.' He heard a man asking a child where he was and, on being told that he was out, the vehicle drove off to the home of Leto. Nyakibimbiri followed it there and noted its registration number which was UUH-528. He saw Haji Mulele (W. 502) and Nuru 'Mulefu' (W. 503) coming out of the house and getting into the vehicle which drove away towards Kyamuhunga. The same vehicle next stopped at the home of Alfred Rubashoka and his wife (W. 395) said that three men came into their home. They were all in plain clothes and she could see a firearm in the trouser pocket of one of them. They asked Rubashoka to get into the vehicle as they were

taking him to Bushenyi Police Station. Rubashoka asked those people what he had done and if they had any proof that he was wanted by police. They said that they had with them, they threatened to shoot him if he did not obey. He accompanied them to the car and was taken away. His wife said that she subsequently came to know two of those people as Haji Mulele (W. 502) and Nuru 'Mulefu' (W. 503). She also jotted down the vehicle's number which Nyakibimbiri saw the following day when he accompanied Mrs. Rubashoka to Bushenyi Police Station. He said that the number taken down by her was UUH 528. They did not find Rubashoka at the Police Station and they proceeded to Mbarara Police Station. W. 595 was taken round all the police cells and her husband was not there. They then saw the DC who called in some Intelligence men saying 'people were disappearing in unknown manner.' She made her statement to the Intelligence men and then she and W. 405 went to Mbarara town, where both of them saw the blue Ford Escort but this time with a different number plate which was UYO 040. They also recognised two of the occupants as Haji Mulele and Nuru 'Mulefu'. Mrs. Rubashoke was puzzled by this change of number plate but as it was then getting late in the afternoon, they did not think of contacting the police. She said that she was also afraid of being arrested like her husband and she still 'shivers' whenever she sees those men.

Mrs. Kabateraine also saw the DC, Mbarara, after about two days of her husband's arrest and she said (p. 4085):

"He told me that as that period was a bad one, such people who had disappeared in

that/...../501.

that manner could not be traced they could not do anything to search for them that they would only wait for the commission which might be appointed later on to enquire into those missing people."

She said that the DC referred to that period as 'bad' because of the guerillas who were then within the country.

Mrs. Kibhereye also saw the DC and she too was asked to wait. She said that the conditions in those days were bad as many people were running away due to fear.

Haji Kayemba denied the incident on 19th September, 1972, whereby soldiers were alleged to have asked him if Nyakibimbiri and Kibhereye were the people bringing trouble in the area, but he admitted that they were taken to Ishaka by some soldiers and released on the ground that they had no charge against them. He further denied that Kibhereye and Kabateraine were taken to him the same evening under arrest. Likewise, Leto denied that any Ford Escort vehicle with Haji Mulele and Nuru 'Mulefu', neither of whom is known to him, went to his house on 20th October, 1972. He went on to say that Nyakibimbiri might have lied against him due to differences based on different political affiliations during the old days.

Haji Kayemba was appointed country chief of Igara on 1st January 1973. Sulomani Byekwase (W. 408) seems to know him very well. During the old days he was a member of the UPC, the same as Kayemba. Talking of him as a man, Byekwase (p. 4238):

"As I have already told you that I know him very well, this man if he means to do something however difficult it is, he will go on to do it or solve it."



Byekwaso went on to give at least three examples of the kind of county chief that Kayemba was. He said that around April, 1974 Kayemba asked him to prepare a petition from Muslims to the District Khadi, Sheikh Ruhinda, and replace him with Sheikh Kaduyu. When Byekwaso refused to do this, Kayemba became very annoyed and, about ten days later, Kayemba had him arrested together with other ten people and they were locked up for about eleven days. Kayemba said that he does not support the return of Kaduyu as District Khadi and went on to explain the reason for the arrest of Byekwaso and the other people. His reason was that Byekwaso was inciting people not to work and was also spreading rumours that there was a market for human heads at Nyaruvuru. Byekwaso, of course, denied that he was guilty of any such thing. He said that on 22nd August, 1974 he was arrested by O.C. Police, Bushenyi, in connection with the case of Idi Basajjabalaba who had been shot in the leg by his son, also called Sulemani. Together with other accused people in the case they were taken to the Army barracks in Mbarara, where he was beaten up and later sent to the police station. He was subsequently released on the 28th August, and ordered to report to the police every day. Kayemba said that he had reported Byekwaso to the authorities, that is, the DC, about Byekwaso being one of the assailants of Idi after the victim himself had told him that his son associated himself very much with Byekwaso. He said that as far as he was concerned Byekwaso was quite capable of committing such a crime as previously he had been imprisoned for nine months for 'kondeism.'

The next incident mentioned by Byekwaso was a 'mauledi' on 1st September, 1974, where Kayemba was alleged to have addressed the people. Byekwaso was told the substance of his speech by Swalik Juma and W. 496 (p. 4243):

"He said that Kayemba had said that people who did not obey him he was prepared to get them out of Igara like Byekwaso, and you will not see him, he will disappear."

W. 496 admitted that he attended the 'mauledi' but left before Kayemba had made any speech. Kayemba himself admitted that he made a speech, impressing upon the people the importance of discipline and unity.

Byekwaso said that he again met Kayemba on 18th September, 1974, on Ishaka/Mbarara road and Kayemba asked him, "You Byekwaso haven't you weakened?" He went on to say,

"People who have opposed me or challenged me like Rubashoko, Kabateraine and Kibehoroye where do you see them now. If you soften, then come to me and tell me that you have softened" - (p.4245).

Later on Byekwaso reported this to the police and his statement was recorded.

Kayemba alleged that Byekwaso had told lies against him because he had once caught him selling salt on the blackmarket and his salt worth about Shs. 10,000/- was confiscated and resold to people for about Shs. 7,000/- He denied all the allegations which had been brought against him by Byekwaso.

Likewise, Haji Mulele and Nuru 'Mulefu' denied the allegations against them and maintained that witnesses had lied against them.

According to Ex.152, which is a list of motor vehicles stating particulars of ownership of vehicles and Ex.8, UUH 528 is a Peugeot and is registered in the name of Mr. Abdul Bindua of Box 35, Arua.

According to the evidence, it is manifest that there was indeed 'terrible friction' within Igara Tea Growers' Society. It is obvious that there were two factions, each led by Nyakibimbiri and Kayemba. The consecutive election defeats had frustrated Kayemba but at the last election of 1972 he still put up his candidate, Leto, to oppose Nyakibimbiri and again lost. This was followed immediately by the arrest of Nyakibimbiri and Kibhereye by soldiers on the allegations of having celebrated the invasion and the hoisting of a UPC flag. The evidence here points to Kayemba as the person being responsible for causing the arrest of these two men. Nyakibimbiri gave details of what happened to them when they were taken to Ishaka Trading Centre and the incident was also watched by Kitutu from a little distance. Subsequently, we have the evidence about the arrest of Kabateraine and Kibhereye where, besides the wives of these two subjects, Kitutu also testified about the arrests having been effected by Army soldiers. There is evidence also that, after the arrest of Kabateraine, his wife was told to raise her two arms because she would never see her husband again. With regard to Rubashoka, there was evidence by Nyakibimbiri and Mrs. Rubashoka, both of whom mentioned a Ford Escort UUH 528 with Mulele and 'Mulefu' in it. According to the records held by the Registry of Motor Vehicles, this number belongs

to/..... 4/75.

a Peugeot and is registered in the name of Mr. Abdu Bindua of Arua. This incident occurred at about 6 p.m. and both these witnesses saw this vehicle from close quarters. We do not think that they would have been mistaken about the vehicle, or the number which they saw. They claim to have seen the same vehicle the following day with a different number plate which would indicate that the people using this vehicle had, at their disposal, a number of other registration number plates, and it also indicates that they were involved in nefarious activities. It may be recalled that subject No. 22, who disappeared on 26th September, 1972, was taken away in a Peugeot vehicle, also displaying the same number plate. It seems obvious that the number plate UUH 528 was freely available for use on other vehicles in such illegal activities.

We have given considerable thought to the evidence as a whole and also why witnesses should give evidence against Kayemba and Leto. Besides the women, we have evidence from Nyakibimbiri and Kitutu. We do not think that these two men would give evidence against Kayemba about the incident in Ishaka Trading Centre if it had not occurred. We are satisfied that they were witnesses of truth. Both Kayemba and Leto were smarting from their defeat at the election; and it seems to us that Kayemba was an influential person within Icaro. Having seen and heard him give evidence before us, we agree with the assessment of Byokwase in that he appears to be a ruthless person who will do anything to achieve his purpose. It is just as well that he has been dismissed as chief.

We accept the evidence given by Byekwase about what Kayemba did to him and Kayemba did admit that he had in fact caused the arrest of Byekwase on the allegation of action without any basis at all. We are also not impressed by the simple and plain denials of Mulele and 'Mulefu', both of whom were seen clearly by Nyakibimbiri and also Mrs. Rubashoka. We, therefore, find that the arrest of these three men was clearly engineered by Kayemba who was assisted in some way by Leto. We find that Kabateraine and Kibehereye were arrested on the 19th September, 1972, by Army soldiers and Rubashoka on the 20th October, 1972 by Mulele and Mulefu. All three have been missing since their arrest and we are of the opinion that the probability is that they were unlawfully disposed of by the people who arrested them.

299. Subject No. 271 - BLASIO NTUNDUBYERE.

Witnesses: 403 Segerasi Ntundubyere - Part 4, p. 4164 - 4177.  
500 1P William Baraza - Part 6, p. 5950 - 5952.

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The subject was the Saza Chief of Kashara. He was married to W. 403 and they have sixteen children between the ages of twenty-five and three, of whom six go to school. W. 403 said that four had to leave school after the subject disappeared, and she has been able to operate the bank account which was in their joint names.

The subject was sick and admitted to Kitagata Hospital. His wife was with him in the hospital and on, 15th October, 1972, at about 2 p.m., three men in plain clothes came into his room and, after ascertaining his

name, told the subject that they had been sent to take him away and to get evidence from him. The man was speaking in Lunyankole and, when the subject asked them who had sent them, they simply said that they were taking him to Bushenyi Police. The subject took his car No. UYO 299 and two of these men sat in it. The subject asked his wife to drop down in Ishaka as he did not know where they were taking him and then her husband drove towards Bushenyi.

She followed him in a taxi up to Bushenyi Police where she saw their car parked outside. She also saw one of the two men, who had travelled with them in their car, standing in the entrance of the police station. She did not go into the police station but returned home to inform the relatives and then went to see the Commanding Officer of Simba Battalion, who was her husband's friend. Failing to find him, she returned to Bushenyi Police and was told that their car had been taken away.

According to Entry No. 19/18/10/72 - Ex. 126 - of the station diary of Bushenyi Police Station, the vehicle UYO 299 was handed in by Cpl. William of the Army, Mbarara for safe custody. According to Entry No. 12 of the following day, Ex. 127, the vehicle was collected by the same Army Corporal.

According to Ex. 151, which is a list of motor vehicle giving particulars of ownership, motor vehicle No. UYO 299 was a Datsun and is registered in the name of Blasic Ntundubwere.

W. 403 next went to Mbarara Police Station where

she saw their car but was told that her husband had not been taken there. She went to Kamukuzi where a secretary told her that he would see the DG. Subsequently, she was told that the enquiries had revealed no clues.

W. 403 said that she did not know of any reason for the arrest of her husband. She said that soon after the Army takeover, her husband was arrested and detained at Makindye for about three months. On his release, he had told her that the interrogation had proved him innocent.

We are satisfied from Ex. 151 that vehicle UYO 299 was in fact registered in the name of the subject. The two entries made in the station diary of Bushenyi Police Post sufficiently corroborate the evidence of W. 403, and we are satisfied that the subject was in fact arrested by Corporal William of Simba Battalion, Mbarara. Whereas this Corporal took the subject's vehicle to Mbarara Police Station on 19th September, 1972 he did not hand in the subject in the same police station. The possibility is that he either took him to the barracks or the subject never reached Mbarara alive. In either case, we are satisfied that the probability clearly is that he was unlawfully disposed of by Cpl. William and his other accomplices

300. Subject No. 272 - AFRICANO ARIKIGAMBA.

Witnesses: 406 Deziderata Tubakaraho - Part 5, p. 4206 - 4217.  
407 Sicolastica Kyaruhunda - Part 5, p. 4217 - 4234.  
453 Pankrasie Bamwebechire  
- Part 5, p. 4907 - 4914.  
454 No. 2002 Det.P.C.Ruhemurana Rwahoga Crescent  
- Part 5, p. 4914 - 4924.

The subject was a trader, having retired from the Ministry of Works. He was aged about 30 and was married to W. 406, from whom he has four children.

The subject had rented out a room in his house, adjoining the one in which he lived, to two girls, W. 407 and one called Namweza, who used to work in the bar of a man called Ntenje.

On 24th November, 1973, W. 407 was sick in bed and Namweza had gone on duty. Namweza returned at about 10 p.m. with two men, one of whom was her friend. W. 407 described them as 'foreigners' because they were not speaking Lunyankole and were conversing only in Kiswahili. She said that they used to frequent the bar where the two girls worked and used to tell them that they worked in the Army.

On seeing these two men with her companion, W. 407 left her bed and went to the subject's wife to sleep there. She said that she was afraid that either of the men might try to sleep with her. About half an hour later they heard Namweza raising the alarm, "They are killing me. You stay indoors and don't come out." This was followed by bangs at the doors of the subject's house. The doors gave way and Namweza and the other two men came inside. The occupants of the house were beaten and the subject was struck with a bench. The two assailants left for a little while and very soon after a Landrover came and stopped in front of the door with full lights on. Five men came out of the vehicle. They were wearing caps with red bands and also had red belts. W. 407 said that they were in Military Police uniform and were armed with guns. They were again assaulted and the subject, who had been rendered very...../510.



very weak by the extreme beating but was still alive, was put in the Landrover together with the two girls and driven away.

W. 407 said that they were first taken to Ntenje's home where Namweza was thrown down, beaten up again and then put back in the vehicle. She said that they were then taken to 'their houses' near the hospital and were put in a room where they found four men. The following day, the subject was asked to sweep in front of the house and was also kicked. He was then taken away and W. 407 never saw him again till she was released on the third day. Her companion, Namweza, was also released and she promptly picked up her belongings and left for her home in Kabwehe.

Meantime the subject's wife reported her husband's arrest to his brother, W. 453, who is a mukungu chief of Rukyindo village. He first went to Mbarara Police Station where he saw Detective Rwaheru (W. 454). They went to the Military Police and were told by the man at the gate that the subject was in the cells. W. 454 said that he was allowed to go through the book kept at the Military Police Barracks, similar to the police station diary. This must be what is commonly called the Daily Occurrence Book (DOB). He said (p.4915):

"In that book I found an entry made by someone who was on duty and it reads as follows:

'Sergeant Isa and Abake book c  
for Luti for duty'

He also found another entry which reads as follows:

'Sergeant Isa and Abake handed in one  
'trikigamba' - (p.4915).

We remember that the constable was referring to one

called/ ...../511.

called Sgt. Arthur and we have no doubt that the audio-typist seems to have been confused by pronunciation of this name. However, neither this constable nor the mukungu chief was allowed to see the subject and later constable Rwaheeru saw the O.C. Military Police, Lt. James Turyahikaya, who told him that the subject was to appear before the Battalion Commander, Lt. Col. Gowon, on the allegation that he had wounded someone. The constable said that he pointed out that it was a case which should go to court and the lieutenant promised to hand over the subject after the Commanding Officer and interviewed him. The constable was not satisfied and, fearing that the subject might have been killed, opened a General Inquiry file No. 201/73. He said that he also informed his O.C. Det/AIP Kawushi, about this matter but was advised not to involve himself in these matters.

About a week later, a body was recovered from Ruizi River and, notwithstanding its decomposing condition, it was identified by W. 453 and constable Rwaheeru as that of the subject. A post mortem was subsequently done, but our counsel was unable to produce the report.

Constable Rwaheeru said that the relationship of the police and the Military Police was not good in those days. There was no cooperation and the Military Police were always interfering in their duties. He also alleged that policemen were beaten up by the soldiers if they tried to interfere with the cases where arrests had been done by soldiers. He specifically mentioned P.C. Kunani who was alleged to have been assaulted by the soldiers in the town's thoroughfare for having talked to some of the Military men regarding the arrests they had made.

The mukungu chief said that after his brother's burial, he spent a few nights at his home in accordance with their traditional custom and, during the night, he used to hear a Volkswagen coming to the house and people were heard walking around the house.

It seems obvious that the subject was involved in some trouble brought about by his two female tenants. We do not know what happened between those two men and Namweza but, from what transpired subsequently, it is manifest that, when she gave the alarm, those men broke into the subject's house and beat him up together with the others. It is also clear that afterwards they fetched their colleagues and, from the description of their uniform, we have no doubt at all that the identification made by the girl, Sicolastica, was correct and that they were Military Policemen. Her evidence that they were in fact so is sufficiently corroborated by the evidence of the chief and constable Rwaheru, who was able to see the entry in the DOB, about the subject being taken to the Military Police. Although neither of them was allowed to see the subject at the Military Police, we are satisfied that he was in fact there and he spent the first night with his two female tenants and some others in the same room. W. 407 said that the last she saw of him was the following morning when he was asked to sweep outside and never came back. We are satisfied that the body which was recovered by the police from Ruizi river a week afterwards was in fact that of the subject, Africano Arikimbu. There is no evidence that he was ever released by the Military Police and in view of the proximity of time, we are of the opinion that he was unlawfully killed during his custody by the Military

Police and later his body thrown in the river.

301. Subject No. 273 - JOHN MUHIKIRA.

Witness: 411 Fidel Rusingasi - Part 1, p. 4265 - 4271.

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The subject was a herdsman and used to live about six miles from Gulu with his wife called Kamuhire, and a child of about a year. He had about fifteen heads of cattle.

The subject was the younger brother of W. 411, who is a teacher in Mbarara. Towards the middle of November, 1973, W. 411, went to Gulu after receiving a telephone from another brother in Kampala about the disappearance of the subject. In Gulu, Kamuhire told the witness that her husband disappeared around 3rd October, 1973, when he accompanied his father to the bus park to catch a bus for Lira. After the bus had left, the subject took his bicycle to a Musoga bicycle repairer under a mango tree where a police constable asked him to go with him to the Police Station as he was 'wanted.' Later the Musoga took the bicycle to the Police Station and he was asked either to sell it or keep it till it was claimed by the subject's relatives. This story seems to have been disclosed to the subject's father on his return to Gulu on hearing of his son's disappearance, and he took the Musoga bicycle repairer to the Police Station. It was then found that there was no record of the subject at the police station and, at an identification parade, the Musoga is alleged to have picked out one constable who admitted handing over the subject to a group of soldiers. The

subject's father did not go to the Army barracks.

Kamuhire told the witness that her husband was having an affair with a prostitute who was also being visited by a soldier.

The evidence is very scanty. Nobody from Gulu Police Station was called to give evidence. We think that in the absence of any proper records, nobody at the police station would have known any thing about this matter. In the circumstances, it is difficult to say what exactly happened but it appears to us from the hearsay evidence that the subject might have had trouble with some soldiers due to his affair with the unknown prostitute. He has been missing since 2nd October, 1973 and we find that the probability is that he was unlawfully disposed of by the unknown soldiers into whose custody he was given by the constable of Gulu Police Station.

302. Subject No. 274 - EDISON B LINDA.

Witness: 412 Wilson Wamukole - Part 5, p. 4272 - 4282.

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The subject was aged twenty-six and was employed by the Ministry of Culture since 1968. He used to live in Nakulabye and had a girl friend from whom he had a son.

On 21st February, 1973, the subject's step brother, Wilson Wamukole (W. 412), who is a shop attendant in Hima, heard an announcement on the radio by a friend called Arkanjelo Karubinda regarding the subject's disappearance and enquiring from the witness and his sister, Florence Lumbwa, for any information about him. The

witness came to Kampala with his sister and were told that the subject had been missing since Sunday, 18th February, 1973 when his landlady heard him going away in his car, Toyota UUB 316 at about 7.30 a.m.

The witness went round all the hospitals and police stations in and around Kampala but did not trace the subject.

The witness said that the subject was not interested in politics. He said that had he moved to another place, he would not have left his property behind, which included his poll tax tickets, his bank book and the registration card of his car. The witness said that there has been no response to his appeals on the radio for him to return home. He said that the subject's girl friend, Livia, who lives near Nakulabye Market, denied seeing him at all.

The evidence again is very scanty. It seems that the subject drove away from his home on Sunday, 18th February, 1973, at 7.30 a.m. in his Toyota car UUB 316 and never came back. He was not seen at any hospital or police station and there is no information at all about his vehicle. We are not in a position to make any finding about him except to say that he has been missing from his home since 18th February, 1973.

- 303. Subject No. 275 - JOHN KIVIRI.
- 304. Subject No. 276 - JANUARY SAMWEZI.
- 305. Subject No. 277 - RICHARD MURULI.
- 306. Subject No. 278 - AUGUSTINO NTAMBAZI.
- 307. Subject No. 289 - ABDU SILVANO BIGANUWENDA.

- witnesses: 413 Daudi Rwumutoko - Part 5, p. 4282 - 4292.  
414 Amosi Kaptenyi - Part 5, p. 4292 - 4301.  
415 Joseph Lomhanda - Part 5, p. 4301 - 4317.  
418 Faisi Kabarozi - Part 5, p. 4369 - 4378.  
420 Yozefu Kisebo - Part 5, p. 4387 - 4401.  
428 Emmanuel Kasinja - Part 5, p. 4536 - 4543.

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The first two subjects, that is, John Kiviri and January Samwezi, are the sons of Daudi Rwumutoko (W. 413). Kiviri was a bachelor and Samwezi was married but his wife had deserted him and gone away with their daughter.

The next two subjects, that is, Richard Muruli who was then aged sixteen and was a school boy and Augustino Ntambazi, aged twenty-five, are the sons of Amosi Kaptenyi (W. 414). Ntambazi was married and his wife seems to have gone away with his two children.

The last one, that is, Abdu Silvano Bimuwenda, is the son of Sulaimani Massa. He was a farmer and was married to Regina Kabahingi. They have three children between the ages of seven and three; the eldest is now living with his grandmother, Faisi Kabarozi (W. 418) and the other two live with their mother.

Living in Rwensenene village with these people, was a man called Maribo son of Benya Nkoba. His father was said to be very prosperous. There was evidence that Maribo was not living in the village continuously and used to go away for sometime and then return. According to W. 415, he came back to the village about two months before the invasion. There was evidence also

from W. 413 that he used to go to various homes and places of work and W. 415 said that Maribo used to send the children of Amosi (W. 414) to the Tea Estates.

In June 1972, Maribo offered to find Yosefu Kisebo (W. 420), a tea plucker and the younger brother of Subjects No. 275 and 276, a better job in Kampala. At the instance of Maribo, W. 420 told a lie to his mother in that he was going to Fort Portal for the night. He went to Kampala by taxi with two others, Nguru Kisebwi and Kankya, a schoolboy aged seventeen. He was taken to a house in Kanyanya village and his two companions to another place in Kampala. Kisebo said that Maribo saw him occasionally in the evenings. He remained idle for about six weeks and whenever he asked Maribo for money to return home the latter promised to find him a job. His patience gave out when he went without food for two days and left the house to go to the bus park. He met his aunt Kanyalia who gave him Shs. 25/-. He travelled up to Mityana where he stayed with a relative called Makute and it was not till Christmas that he finally returned home.

On Saturday 26th August, 1972, Subject No. 288 went to see his mother (W. 418) in Mburu village. He stayed for a very short time and left his wife Regina with her. W. 418 went to his home the following day and was told by Regina that her son had been collected by Maribo to go to Fort Portal. He never came back.

Amosi's son, John Kiviri, was the next to disappear. Amosi was told by someone that he had seen Kiviri with Ntambazi waiting for transport to go to Kampala. W. 414 said that Ntambazi disappeared in December, 1972 and was told by Fiseem (W. 428) of



having seen Mtambazi walking around with Maribo. But ten days later, January Samwezi said that he was going to collect Maribo's things and he too never came back.

Richard Muruli was also seen associating with Maribo and W. 428 said that Muruli first collected some money from their father, then his other property and went away telling Kisebo that he was returning to his school; that was in August, 1972. He was studying at Mutorero Secondary School in S. III. W. 428 said that Muruli went away with Maribo. His father wrote to the Headmaster of the school enquiring about Muruli but did not receive any reply.

Another man to be offered a job in Kampala by Maribo was Yowana Kamuhanda (W. 415). This was in September, 1972, and W. 415 agreed to accept the offer. Two others, Abdu and Samwezi, were also recruited to work in a garage. These three travelled to Kampala in a taxi and Maribo promised to meet them the following day at the bus park. They waited for him but he did not show up. They were hungry and W. 415 managed to get Shs. 10/- from Abdu and he and Samwezi travelled to Mityana to their relative Mukute, just as Kisebo had done in June before them. Three days later, on 7th September, Maribo also arrived at Mityana and tried to persuade them to return to Kampala with them. W. 415 refused and Maribo gave him Shs. 28/- to return home. Samwezi however decided to accompany him back to Kampala.

Three weeks later came the Invasion. A Gombolola chief saw W. 413 and W. 414 and both of them met

statements at Kyenjojo Police Station about the disappearance of these young men. There was evidence that Maribo was subsequently arrested for being a guerilla and recruiting people as guerillas and publicly executed in Fort Portal by firing squad.

It is manifest that Maribo was engaged in recruiting young people as guerillas. We are satisfied that these five young men fell prey to his overtures and were led astray by his promises of better work and better pay. Whereas two of the many recruits managed to return after being frustrated, the others have not been seen or heard of since their departure from their village with Maribo. It may well be that he succeeded in sending them out of the country for training as guerillas and the other possibility of course is that they may have been killed during operations against the guerillas who were at the material time known to be within the country.

SUBJECTS 279-288 - 10 POLICEMEN FROM FORT PORTAL.

- 308. Subject No. 279 - No. 4927 - R/H/C K. WARA.
- 309. Subject No. 280 - No. 5147 - Sgt. OHEKI.
- 310. Subject No. 281 - No. 3045 - Sgt. OPIKA.
- 311. Subject No. 282 - No. 4369 - P.C. OKELLO.
- 312. Subject No. 283 - No. 6610 - P.C. ONYAKI.
- 313. Subject No. 284 - No. 6061 - P.C. OPITTI.
- 314. Subject No. 285 - No. 3023 - P.C. OKEMU.
- 315. Subject No. 286 - No. 4340 - P.C. OMBETI.
- 316. Subject No. 287 - No. 7952 - W/PC ACHIENG.
- 317. Subject No. 288 - No. 4435 - W/C OPIKA.

Witnesses: 417 Supt. Augustino Odomei - Part 5, p.4328 - 4369.  
p.4500 - 4504.  
461 No. 4026 Cpl. Joseph Omara  
- Part 5, p.5044 - 5051.  
476 W/P Gabriel Luka Okil - Part 6, p.5296 - 5303.  
p.5408 - 5409.  
508 W/P Tow-ll - Part 6, p.6068 - 6122.  
545 No. 6206 PC Ernesti Atrobi  
- Part 7, p.6906 - 6911.

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The first nine policemen, including the policewoman, were stationed at Fort Portal Police Station and used to live in the police barracks. The last one was stationed in Kigezi and was in Fort Portal on a visit at the time of the incident.

They were mentioned by Supt. Odomei (W. 417) who was then the District Police Commander. He said that the O.C. Barracks, Baraza, reported to him that certain Acholi and Langi policemen had been drinking and shouting in the barracks on the night of the Invasion. According to Odomei, Baraza's reaction was: Why is it that during the Invasion Acholi and Langi should be drinking and shouting at night? Odomei reported this incident to the Regional Police Headquarters on 25th September, 1974. His letter of the same date (Ex. 102) to the Regional Police Commander reads:

"SITUATION WITHIN FORT PORTAL

POLICE BARRACKS

Enclosed for your information is a report concerning the activities of some police personnel during the time when Uganda Armed Forces clashed with Tanzania.

2. This is very serious allegation, especially during this period when things are quite critical and so arrest the situation. I think it would be better if you could call upon the District

in the presence of the Commanding Officer, Uganda Army, District Police Commander, Toro and the Regional Prisons Officer, Western Region. This is exactly what the O.C. Prisons Mubuku did last week when similar incident had happened in the Prison Barracks. In fact I attended and the address the District Commissioner, Toro gave apparently carried some weight as far as cooling the situation was concerned.

3. In view of the fact that the allegation is directly against Acholi/Langi I would like you to take a note that the tribal composition of Acholi/Langi within the District is 52 and 22 respectively. As you know, some of them are manning road blocks, armed with rifles and should something happen, I doubt very much whether they would be in a position to defend the Country."

On the advice of the Regional Police Commander, Supt.

Odomel later submitted a more comprehensive report on 29th September, 1972 and also sent the file to the Police Headquarters. His detailed report (Ex. 103) is as follows:

"SITUATION WITHIN FORT PORTAL

POLICE BARRACKS

MY LETTER A/SEC/1/4/ OF 25/9/72 REFERS

This is a report regarding allegations that when guerillas and Tanzania troops on the 17th, September, 1972 invaded Uganda and captured four Ugandan Towns Policemen of Langi and Acholi tribes celebrated and were jubilant about the situation within Fort Portal Police barracks. The brief details of what happened is as follows:

2. This allegations never came to my notice at all until the 25th September, 1972 when I received a written report dated 24/9/1972 from Assistant Inspector VENGENT BARASA KAMUZU who is the Officer in charge Barracks Fort Portal. Immediately I received the report I caused inquiries to be carried and statements were recorded from all persons who could assist.

3. The source of all this allegation appears to be Police Constable No. 7117 ONYANGO also of Fort Portal. Onyango states that on the 16th September, 1972 at about 1700 hrs. he was at Njara with Police Constable No. 606 OCITTI taking a vehicle. He stated that during the presence of a woman called Nam Milyan Ocitti said that Uganda was at war with Tanzania, and that some of the people had been proud of this Government, and he wondered where they would go if the Government is overthrown. Onyango says he was annoyed and so left the place and came back to the Barracks. In the same evening at about 1900 hrs while he was going to the Township he passed by house of No. 3045 Sgt OPIRA. He says he saw Sgt OPIRA, P.C. OCITTI, P.C. OMBILO AND P.C. ONEK. Here again he says that Sgt. OPIRA said in Luo that our Uganda is being returned back to us. At about 2300 hrs. Onyango states that while coming back from the Township, he heard drumming and shouting which are signs of jubilation at the house of No. 4346 P.C. Onek. He went there and knocked at the door and inside he found the following drinking kwezo beer P.C. OCITTI, SGT. OPIRA, P.C. ONYACH, P.C. OMBILO, P.C. ONEK and woman Constable MCHENGI. Onyango says he blamed them for making much noise while others were sleeping. The above mentioned policemen abused him and said that he should understand that Tanzania Forces were attacking Uganda.

4. This very constable stated that on the 20th September, 1972 he was at the Road barrier when he was approached by a woman called Hwa. He says that Hwa told him that Sgt. OPIRA had bought beer from her and are celebrating the fight up between Tanzania and Uganda. The two women Hwa and Hwa have both given statements and have categorically denied the allegation by ONYANGO and Cpl. OGDEN.

5. Another incident connected with this affair is reported to have taken place at Bwona Road barrier. Here No. 3406 Sgt. OPIO says that on the 18th September, 1972, he was detailed for duty with P.C. OK KILU OCITTI, AND P.C. OMBILO. He says that the three policemen mistreated him, and disobeyed his orders as in charge. He

said the three removed the road barrier and put it to another place and disappeared. He went looking for them, he said before the three went. P.C. OKELLO threatened to shoot by pointing a gun at him. While looking for them he was met by Assistant Inspector Akuma and some Military personnel. He said that he related the whole story of threats, misbehaviour to Assistant Inspector Akuma. Assistant Inspector Akuma has given a statement denying all charges. He in fact says that he found all the policemen at Road barrier.

6. As regards drinking and celebrations in the lounge of P.C. ONEK no one has come forward to say that such incident ever took place. There is no positive confirmation by two policemen that during the nights of 17th September, 1972 some school and large policemen gathered outside, talking, and appears very happy and jubilant. No one has come to say who these people were. It is true that native beer had been prepared in the lounge of SGT. OPIRA and it was sold, and this was on the 18th September, 1972. During this time SGT. OPIRA was not in for he was at the road barrier.

7. I have to state that they are many Senior Officers of the rank of Assistant Inspector and above who live in Barracks. This includes all the Special Branch personnel and the in charge District Special Branch. None of these officers informed me at all of what took place in the Barracks. All of them have given statements denying having heard or seen celebrations by school and policemen in the Barracks.

8. According to appearances and general feeling of the school and school policemen in this Barracks, I as District Police Commander would not hesitate to say that they are not happy with the present Government and follow in the line of those who are ill and to have rejoiced and celebrated during the time Tanzania invaded Uganda.

NO. 9977 R/W/O. OKELERA  
NO. 513 S/P ONEK  
NO. 5011 SGT. OPIRA  
NO. 5100 I/O OKELLO

No. 6610	PC	ONYACH	
No. 6061	PC	OCITTI	
No. 3032	PC	OKEMA	
No. 4346	PC	ONYK	
No. 7952	W/PC	ACHING	
No. 4435	H/C	OPIA	who had visited Fort Portal.

9. One thing I have to mention here is the mental condition of Police Constable Onyango. According to his AP he has got mental disorder history. He has already given to the army on the subject and in fact when I had not known of anything about this matter.

10. I suggest that this report together with statements of all witness be forwarded to Commissioner of Police for further action."

Odemel was subsequently instructed to round up these ten policemen with the assistance of the Army. He arranged with the Commanding Officer of the 2nd Paratrooper Battalion for assistance and a lieutenant, with a section of seven men, was sent to arrest them. All these policemen were arrested and detained at Fort Portal Police Station in readiness to be escorted to Kampala. Cpl. Omara (W. 461), who was then with the Public Safety Unit, was despatched in a Kombi to fetch them. He said that he was instructed by Detective Assistant Inspector Okila (A. 476) but the latter did not seem to remember if he sent any policeman to Fort Portal on such a mission. He went through the station diary of the Public Safety Unit for the months of September/October 1972 but failed to find any entry about any policeman having been brought from Fort Portal, or about Omara having been sent out to Fort Portal to bring them. He said that this was contrary to police procedure which makes it mandatory for an appropriate entry to be in the diary whenever some boy goes out or returns. Cpl. Omara however, was certain that he was sent to Fort Portal

from where he returned with ten policemen whom he handed in at Jinja Police Station. Omara said that later on he heard rumours that these policemen had been taken to Makindye for interrogation.

Ali Toweli denied receiving any report about these policemen and said that if they were taken to Jinja Road Police Station the record of that police station must reflect this. As against his denials, there appears an entry in the station diary (Ex.170) of the Central Police Station for 5th October, 1972 which reads as follows:

"Mr. Ali Toweli SSP Head of the Public Safety Unit Naguru hands in No. 7952 W/PC Achieng for safe custody. She is from Fort Portal Police Station."

Her name also appears in lock-up register of 7th October, 1972, Ex. 171.

It is manifest that these ten police officers were arrested for allegedly celebrating the invasion of the country by Tanzania. The file of this incident had been had been sent to the Police Headquarters and, from the evidence of Cpl. Omara, there can be no doubt that the PSU was not only interested in these policemen but also sent him to fetch them. He said, and in this he was corroborated by Odomei, that he collected all ten and, on arrival in Kampala, handed them in at Jinja Road Police Station. We have heard many times during the course of this enquiry that the PSU was using the cells at Jinja Road Police Station as the Unit did not have its own cells at Naguru. The Head of the PSU denied any knowledge about these policemen. We find this incredible; first because a Corporal of his



Unit was despatched to fetch them and, secondly, the entries in the station diary and the lock-up register of the Central Police Station make it clear beyond any shadow of doubt that Ali Toweli was deliberately lying. If he dealt with one of the group, he must not only have had knowledge about the others but must also have dealt with them the same way. All ten of them have been missing and, having said that the Head of the Public Safety Unit not only knew about this matter but also dealt with this case, we would say that they must have disappeared during their custody with the Public Safety Unit. According to the report which was submitted by Supt. Odomel there was considerable doubt not only about the truth of the allegation but also about the mental condition of at least one of the people who reported. It is sorrowful to see that the case was not investigated properly and we find that the case of these alleged revellers bears very close resemblance to the policemen who were fetched from Lugazi on similar grounds, that is, subjects No. 221 to 226. We find that the probability is that all of them were unlawfully disposed of during their custody with the Public Safety Unit.

318. Subject No. 289 - ABDU SILEMBO BIGAMUWENDA.

(Dealt with Subjects No. 275, 276, 277 and  
278, p. 515)

319. Subject No. 290 - PAULI BALUMUHLIHIWATI.

Witness: 419 Andersono Kambole - Part 5, p. 4378 - 4386.

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The subject was one of the newly appointed bakungu

chiefs in Bwera/Bukonjo after completing a three months' course. He was married and had seven children, none of whom is at school due to lack of money.

According to his father, W. 419, his nephew Yomasan Muhindo of the Veterinary Department told him on 12th September, 1973 that the subject had been taken by the Gombolola chief of Bwera, Yomas Tembo, on 7th September, 1973 to the Saza Headquarters. When asked what action he took on receiving this information he said (p. 4379):

"At ours you don't have to enquire for someone who is missing, if you do it they will ambush and kill you. I feared to make enquiries because I feared for my life that I would be killed."

He explained that the fear was of the chiefs because of their hatred for the people. He did, however, admit that, in his statement which he made before giving evidence, he had said that he had approached the Gombolola Chief about his son and had been told that he had been taken to Kabarole to the office of the D.C. He was also told that the subject would return. The witness said that he did not enquire any further, even after his son did not return.

The witness spoke about the 'committee of 82' called the 'Committee of Ruwenzori', who claim to be the leaders of the Bwera/Bukonjo. He said that their leader is Daudi Muhindo, who was also alleged to have been taken by the chiefs to Kasese to be 'killed' but at the intervention of the DC, the chiefs spared his life and is now living in Bwera at Kisaka village.

It is difficult to say how much credence one can place on this evidence. It is obvious that the witness belongs to an organisation calling itself the "Committee of 82"

or the "Committee of Ruwenzori", which holds itself responsible for the administration for the area concerned. It may well be that this political activity explains the fear, of which the witness spoke, of the chiefs who perhaps do not look with favour upon the so called "Committee of Ruwenzori." We do not know why the Gombolola Chief took the subject away or where he was taken to. In view of the obvious prejudice which the witness has against the chiefs, based primarily upon hatred and animosity generated by their opposition to the so called "Committee of Ruwenzori", we think that it would be unfair to accept this evidence against the Gombolola chief. We are, however, satisfied that the subject has been missing since 7th September, 1973; another probability clearly is that he has been unlawfully disposed of by his unknown kidnapers.

320. Subject No. 291 - ESTONI NYARUBONA.

321. Subject No. 302 - ODONGO KAGANDA.

Witnesses: 421 Yosia Kato - Part 5, p. 4401 - 4414.  
427 Abdu Kagoro - Part 5, p. 4505 - 4526.  
506 No. 1870 Station Sgt. Fred Kisubika  
- Part 6, p. 6027 - 6037.  
509 ASP Christopher Bakenga  
- Part 6, p. 6122 - 6129.  
534 UA 8255 Sgt. Jackson Songa  
- Part 7, p. 6601 - 6619.

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Estoni Nyarubona was a cashier at the bar of Abdula Kagoro alias 'Mukoronofa' in Muhocha. He was married and/...../529.

Jeep was in fact a Land Cruiser No. UG 2513. One of the soldiers pointed at Odongo Karanda and said, "This man in danger shirt is the one who beat us". He was arrested and taken away.

They left the bar and went straight to Kasasa Police Station. The officer-in-charge of the Police Station was ASP Christopher Bakemba (W. 509). He had already received a report from his staff that some Army personnel had called at the police station the previous night demanding the release of the three prisoners who were detained in connection with the alleged attempted robbery at Kakono's bar and threatened to break open the cell. W. 509 had left instructions that they were to be taken to him in case they returned. When these Army men called at the Police Station on 12th November, 1971 they were taken by him and he said (p. 6125):

"Indeed on that day in question, they were brought to my office, one of them identified himself as Sgt. Jackson Songa of Simba Battalion, in the Intelligence section, and another one Abdul whom I had known before even he is a country-man, he comes from Kigezi also, I had not known the names, but I then knew the names afterwards, so I asked them as to why they wanted the prisoners and the vehicle, and then after I was satisfied that they were Army personnel from the Intelligence section, Mbarara by asking the Sgt. to produce his warrant card to me and also seeing that they were using a Government vehicle whose number we recorded in SD here. On this question why they wanted the accused persons, then they told me that they had something to do with their investigation in their Intelligence section and that it was by then Major Gowon who had ordered that he would deal with this matter in their own way. That these people were

subjected/... /531.



**ADR**  
SYSTEMS

**ERROR**

**ADR**  
SYSTEMS

and had two children between the ages of eight and five.

Kaganda was a Jaluo mechanic living in the same trading centre and used to work for an Arab.

According to entries in the station diary of Kasese Police Station, this incident occurred in the night of 10th November, 1971. That night about 10 p.m., Abdu Kagoro (W. 427) and another man called 'Spear' were passing by Kakono's bar when they saw a man demanding money from the cashier, Nyarubona. There was an argument and the bar owner requested those present for assistance, saying that they were being attacked by 'kondos'. The man was arrested and put in Kakono's vehicle to be taken to the Gombolola Headquarters. On the way they met a Peugeot 404 in which the prisoner and his three other companions had come to the bar. They managed to arrest two of them and the third ran away. The three prisoners were assaulted on the way and handed in at Kasese Police Station. Later the car, No. UUA 773, was also taken to the police station and relevant entries were made in the Station Diary regarding the prisoners and the car - Ex. 128. The names of these three prisoners were set out in the station diary entry No. 57 of 12th November, 1971 - Ex. 129 - as Abdu Tumwine, George William Kayiwa and William Kasaja.

The day after the incident at the bar, W. 427 and his friend went into hiding near the water supply after learning that the Peugeot vehicle belonged to 'the head of the Army in Mbarara'. On the second night they saw an Army jeep with some soldiers stopping at the bar. According to Ex. 129, this

jeep was in fact a Land Cruiser No. UG 2513. One of the soldiers pointed at Odongo Karanda and said, "This man in danger shirt is the one who beat us". He was arrested and taken away.

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subjected to the Army questioning in the Intelligence way, I then questioned myself, point number one was that these were genuine Army Personnel, point number two they had power of arrest - powers of detaining members of the public, and powers of interrogating them, if they found it necessary. Then point number three, which was probably the strongest of all was when they told me that they wanted to question them in connection with, Intelligence affairs, I did not want to delay their further inquiries or rather I did not want to be accused of having leaked their ways of investigations, which could have probably been in the interest of the State Security, so on those grounds, My Lord, I decided to hand over the accused persons and the Exhibits and ensure that proper entries were made in the books and forms, knowing that I was doing it in good faith, and they were also doing it in good faith."

The relevant entry in the station diary is 57/12/11/71

(Ex. 129) and reads:

"Three accused persons Abdu Tumwine, George William Kayiwa and William Kasaja with Motor car No. Reg.UUA 773 Peugeot Saloon under CRB 2025/71 handed to Sgt. Jackson Songa, and Private Abdu Sobi both of Uganda Army Mbarara 4th Battalion by the order of O.C. Police, Kasese, Mr. Bakenga. Prisoners which were taken by members of Uganda Army were transferred in Toyota white in colour and the Registration number UG 2513 to Mbarara."

W. 427 and his companion 'Spear' saw the same vehicle return to the bar after about half an hour but this time the Peugeot 404 was also with it. They saw soldiers going into the bar and they also came out of hiding. The soldiers ordered sodas and then called the cashier and said that he had 'troubled' them very much the previous night. They ordered him and the turnboy to lie down and fired

bullets/...../532.



bullets at the floor. One bullet ricocheted and hit one of the soldiers in the mouth and he started bleeding. The cashier and the turnboy were taken away by the soldiers. This evidence was denied by Songa who maintained that he had been ordered by the Commanding Officer, Major Gowon, to investigate a report that some soldiers had fought at a place between Kasese and Mbarara and some had been taken to Kasese Police Station. His instructions were to collect those prisoners together with the vehicle and take them to Major Gowon for questioning and this was what he had done. He denied any knowledge about the cashier Nyarubona or the Jaluo, Karamba. Likewise he denied arresting anyone wearing a red shirt or calling him 'danger man' and he maintained that no one from Mbarara barracks was involved in this incident.

There is evidence that the Peugeot vehicle was the property of a policeman, Station Sergeant Kisubika (W. 506) and he had employed Tumwine as its driver. On receiving a message from Kasese Police he went there and identified both the vehicle and the driver and later made a statement. He said that some three weeks later this vehicle was handed back to him.

W. 427 stated that some more soldiers came afterwards, this time from Fort Portal and arrested a few more people. He named Constant Semakula, Rugadya, Kamadi and two Congolese brothers called Zan.

Nyarubona's father, Yosia Kato (W. 421) heard about this incident and also about the arrest of his son and went to Mbarara Police Station to enquire about him. He also saw the DC Mbarara who called in some Army Officers. The old man

turn  
up  
bar

said (p. 4406):

"He called one officer and a Sergeant. When they came he asked them to listen to me for what I had gone for. I explained to them the whole story and how the fight started and they confirmed to me that they had seen the people I was looking for but that they were brutally beaten and they could not solve their problem they referred their matter to Kampala."

So he went to Kampala and made enquiries at the Bulange. On Sunday he went to Makindye where he met Sergeant Scrumpagi. He found a lot of people there, including many Baganda, also enquiring about their relatives. The Sergeant made out a list of the people who were alleged to be at Makindye and went to the cells. He returned with some prisoners and some of the Baganda saw the list with some 'x' marks against the names of others who had not been brought out, and they started weeping. The witness was told that the mark 'x' denoted that the person against whose name it appeared was dead. When he asked whether the cross did not indicate that those people may never have reached Makindye, he said (p. 4409):

"You know they say in proverb that if you refuse the indigenous persons' advice then you go astray."

He looked for him at Luzira and, not finding him there either, he gave up the search. The old man said that he has not applied to court for an order to manage his property.

It is obvious that, as a result of the trouble at Kakono's bar, three men and the Peugeot vehicle were handed in at Kasese Police Station on the night of 10th November, 1971. We are satisfied that the vehicle belonged to the policeman, Station Sergeant Kisubika who had employed one

of these prisoners, Tumwine, as his driver. Kisubika said that his driver told him, when he saw him in the cells at Kasese, that he had been hired by some men from the Intelligence section to take them to Kasese. It will be recalled that one of their companions was said to have escaped and we think that it was his report which brought Sgt Jackson Songa and his party to the scene. The O.C. Police gave his reasons for surrendering his prisoners to Sgt. Songa, knowing full well that he was holding them on a report of attempted robbery. This is obviously another case where policemen have been brow-beaten into giving up their prisoners by sheer misuse of authority and power on the part of the military. We are satisfied also that, on their way back from Kasese, they stopped at Kakono's bar and arrested these two subjects. We appreciate that Songa denied taking them but we think that the evidence of Karoro, who was an eye witness, has a ring of truth for it was because of the Cashier Nyarubona that all this trouble came about. Songa said that they do not maintain any DOB in their section. This may be convenient but is certainly not true, because we know that such records are maintained at other Military Units and Battalions.

We accept the evidence of Yosia Kato that his son has disappeared since his arrest in November, 1971. It is clear that Songa and his companions must know what they did with these two unfortunate men and, as far as we are concerned, we think that the probability clearly is that both subjects were unlawfully disposed by them either on the way to Mbarara or subsequently.

323. Subject No. 293 - HENRY MBIKIRA.

Witnesses: 429 Maria Bakyeima - Part 5, p. 4543 - 4560.  
430 Fomehansi Tindyeita  
- Part 5, p. 4560 - 4567.  
431 John Natifu - Part 5, p. 4567 - 4573.  
517 Christopher K. Basajjasubi  
- Part 7, p. 6257 - 6260.

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The subject was the county chief of Bundibugyo. He had three wives, of whom W. 429 is one. He had sixteen children. W. 429 said that five children are at school and she cannot afford to send the others to school. Two had to leave school after the disappearance of their father, one from S. II and the other from P.VI.

On 5th October, 1972 the subject was at his home with his wife (W. 429) listening to the news. At about 9.30 p.m a Landrover came to the house. The porter (W. 430) went to see what it wanted. He saw three men in the vehicle and they told him that they were coming from Fort Portal and wanted to see the county chief. They went inside the house and were made to sit in the sitting room. When the subject confirmed that he was the county chief, one of the three straight away handcuffed him and asked him if he had received a reply to the letter he had written to his friend in Tanzania. The subject denied writing any such letter. They took him into his bedroom and asked him if he had a gun, which he denied. They then asked him to take money for his return journey. They picked Shs. 1,000/- from the box which the subject's wife brought, and another Shs.

1,000/-/...../537.

322. Subject No. 292 - JOSEPH KIZZA.

Witness: 425 Vera Kabayana - Part 2, p. 4463 - 4471.

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The subject was a young lad about fourteen and was studying in P.VI at Karambi Primary School, where his father Augustino Katemba is the headmaster.

Attending the same school was Kizza's brother Kahwa, and both were in the same class.

According to their grandmother (W. 425) the two boys disappeared from home on 14th May, 1974. Kahwa was known to have sold his bananas, and Kizza sold his chicken, obviously to raise money for transport. W. 425 said that Kahwa returned home on 17th June, 1974, and said that they went to Mbarara where he had been working for a soldier, upon whose transfer elsewhere he returned home. Regarding the subject Kizza, he said that he left him in Virika. His father did not seem to be concerned and was of the opinion that as one had returned home so would the other in due course. W. 425 said that they made enquiries at Virika and, not finding Kizza there, they reported to the police.

It seems obvious that the two youngsters went to Mbarara looking for a job. Whereas Kahwa returned, Kizza stayed on in Virika but we were not told what enquiries were made there for him. If the boy could leave home in search of work, he could also leave Virika and go elsewhere for the same reason. The evidence is very scanty and we are unable to make any findings about this subject....

had been taken over by the Uganda Army to assist them in their duties. He rang up the Regional Engineer and he also confirmed that the vehicle had been taken over by the Uganda Army. When it was subsequently returned to the Ministry of Works it needed certain repairs and it was not till 5th December, 1972 that it was returned to the Labour Office.

We are satisfied that the Landrover No. UG 0186 was attached to the Provincial Labour Officer in Fort Portal. It was the same vehicle in which the county chief was picked up from his home. We are satisfied from the evidence of the Provincial Labour Officer that on 2nd October, 1972, he was informed by his driver, and this was later confirmed by the Regional Engineer, that the Landrover had been taken over by the Uganda Army to assist them in their duties. This would indicate that it must have been taken over by soldiers from Fort Portal and they must be the people who went to collect this county chief on 5th October, 1972. There is some corroboration in this piece of the evidence of the porter (U. 430) to whom they said they were coming from Fort Portal. It seems to us that there must have been some allegation against the county chief of corresponding with people in Tanzania and this might be the reason for his arrest. Nevertheless we are in no doubt that some soldiers, whose identity is not known, from the Battalion in Fort Portal and using a Government vehicle No. UG 0186 of the Labour Office, arrested this county chief on 5th October, 1972. There is no evidence of where he was taken or what was done with him. He has been missing since then and we are of the opinion that the probability clearly is that he was unlawfully/...../559.

1,000/- from his trouser pocket. They handed over Shs. 300/- to the subject's wife for the children and then left saying that they were taking him to Mbarara 'from where he will never come back.' According to W. 430 when these people entered the sitting room, one of them, who was tall and brown and had a whip, started looking at the pictures on the wall and after the subject had been handcuffed, they asked him if he had a UPC card. The subject told them that all the members of the UPC had burnt their cards after the Military Takeover and it was then that they asked him about the letter from Tanzania. W. 430 said (p. 4562):

"They said that they were coming from Entebbe, we were sent to collect you. We are taking you to Entebbe to go and explain."

The porter reported the incident to the askaris. John Natifu (W. 431), who was on night duty, went to investigate upon receiving the report. When he approached the Landrover he was told to go back as they were also askaris like him. Natifu was afraid because he saw one of them standing behind the Landrover with a gun and to him, they said (p. 4570):

"They told me that we are Uganda Policemen and we are coming from Kampala we are taking your chief because we want him there."

They then drove away with the county chief.

All these witnesses gave the number of the Landrover as UG 0186. According to the Provincial Labour Officer, Fort Portal, (W. 517), this Landrover was attached to his office and used to be left at the Ministry of Works, Fort Portal overnight. He said that the driver left it at the Ministry of Works on 29th September, 1972 but when he went to collect it on 2nd October, 1972 he was informed that it

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He said that this warning was given to him by an Army soldier, Mrs. Abbe said that her husband told her that he wanted to go to Kampala to see Your Excellency about those two missing persons, if he found transport. He then went back to his office and Mrs. Abbe went to her shop.

She returned for lunch at about 2 p.m. and found soldiers on the path to the house. Her children told her that Abbe had been here for lunch and gone back to his office. She went back to her shop and returned home at 5 p.m. Her husband did not return.

She said that in the night of 24th September, 1972 a Landrover with three soldiers drove into the compound of their house and drove out again after stopping there briefly.

On 26th September, 1972 she went to the office to find out if her husband had left any message and found some soldiers and officials in the office. She returned home and sent her porter, Brunyo Odongo, with the office keys, and he was detained.

According to Superintendent Odyek, who was then the District Police Commander, they started enquiring about the whereabouts of the D.C. after about two days of his disappearance. He said that Mrs. Abbe did not seem to know anything and he instructed the CID to investigate. At the same time an A.D.C. was appointed to take over the office and, in the presence of Captain Bashir, the Base Commander and some others, the safe in Mr. Abbe's office was opened. Amongst the papers which were scattered on one of the tables they found the copy of a letter which was addressed to a D.C. of a border

town in the letter to permit a cool-will mission of seven persons, whose names were mentioned in the letter, to enter the Sudan. One of those seven, whom Captain Bashir and Supt. Odyek mentioned, was the county chief of Onoro, Nicholas Obongo (Subject No. 238). That letter was taken over by the Gulu District Commander, and Supt. Odyek said that police investigations with regard to those people mentioned in the letter were kept in abeyance till the letter was returned to them.

We should like to recall the evidence of Lulom (W. 330) in the case of George William Ouda (Subject 206), the Gombolal Chief of Attik. According to him, Mrs. Ouda had told him that five days prior to his arrest, her husband had accompanied Able and a county chief on a hunting trip. She told W. 330 that in the bush, Mr. Able and his companions had tried to persuade her husband to join them in running away to the Sudan which Ouda turned down. It is useful also to recall the evidence of Mrs. Oduro (W. 352) who said that her husband was arrested in her presence from the Gulu Market and subsequently she saw his car at the District Barracks. Ouda was arrested on 18th October, 1972 and Oduro was arrested on 23rd September, 1972.

After the discovery of the letter, Mrs. Able was taken to the police station by the Intelligence Officers, Onzi and Ali, for her statement. According to her she was detained there for about six days till 2nd October, 1972 during which she made no less than five statements. Supt. Odyek said that she was kept there for not more than two days with a view to assisting the police in their investigations. Mrs. Able subsequently visited the Government house and she reached the District Commissioner to

not guard at the home, which he refused. When she  
went back to the house for her property in November, 1972  
she found that everything had been stolen.

One of the baffling aspects of this case is the  
conduct and attitude of Mrs. Abbe at the disappearance of  
her husband. She gave us the impression of being completely  
complacent and least worried. She admitted that those were  
difficult days; the country had been attacked and there was  
talk of guerrillas. At one time she said, (p. 5292):

"It is not usually good to ring any how  
when you don't know the particulars of  
the person or to where about the person  
is."

She next said that she did not think of ringing anyone in  
Kampala 'because it might scare somebody for nothing.' -  
p. 5253. She said that she did not make any enquiries  
on Monday because her husband might have had more commit-  
ments and although she 'started' getting worried, still  
she did not ring anybody because she was 'still waiting'.  
She did not even try to walk across to the B.O.'s office  
to find out if her husband had in fact been able to get  
official transport to go to Kampala. It is noteworthy  
that, whereas Mr. Abbe disappeared on 2nd September, it  
was not till four days later that Mrs. Abbe went to his  
office to see if she had left any message behind. Accord-  
ing to her evidence, Mr. Abbe did not return home after  
disappearance and she did not tell how the keys of the office came  
to her.

Given the evidence as above, we doubt if  
Mr. Abbe ever went to Kampala. We are sure to believe that  
Mrs. Abbe did not know anyone in Kampala to whom she could  
refer to find out. She must have known Mr. Abbe's Minister,

if nobody else, whom she could have approached and, waiting for a period of four days before taking the first step, indicates to us that she must have known that her husband had in fact gone elsewhere and was by then out of reach and danger. We think that the probability is that he crossed into the Sudan. There was similar mention in the case of Subject No. 208 and Captain Bashir Juma also talked about getting some information from a driver of the repatriation team, who were taking the Sudanese refugees back to their country, of Mr. Abbe having been seen in Juba.

For these reasons, we think that the probability is that Mr. Abbe fled the country and may now be in the Sudan. It is difficult to say what made him take this action except for saying that he had been told that he too was supposed to have been posted and was asked to be careful. Two senior officers had disappeared and it may well be that fear produced by these occurrences might have been responsible for his running away from the country.

326. Subject No. 296 - MUMONY.  
(Dealt with Subject No. 171, p. 358)
327. Subject No. 297 - ASP. ALENDU.  
(Dealt with Subject No. 5, p. 26)
328. Subject No. 298 - REV. CAPTAIN HENRY OGWAL.  
(See Mburara Soldiers, p. 618.)
329. Subject No. 299 - FIRE CORPORAL ABEMERIKI OTUDA.

49. Subject No. 300 - FIRE CONSTABLE OROHO.

50. Subject No. 301 - SHERIFF BENNIKI.

Witness: 513 Det/Inspector Aloysius Olujot  
- Part 6, p. 6182 - 6203.

532 Det/Inspector Jones  
- Part 7, p. 695 - 6900.

536 Fire Constable J. M. K. K.  
- Part 7, p. 6735 - 6731.

Subjects No. 299 and 300 were Fire Officers stationed at the Jingo Fire Brigade. Other names of officers and men carried to Olujot's (513) sister. He has eight children between the ages of twenty-two and one.

Spoke was in shell and, although he was married, he did not get details of his family.

Subject No. 301 was a Superintendent of Police and, at the time of the incident, was commanding the Jingo, Miki.

On 27th December, 1972 at about 5 p.m., two men in plain clothes went to the Jingo Fire Brigade and saw the sub-fire officer, Det/Inspector Jones (No. 532) in his office. They told him that they were on duty. One of them took a list of names of men and listed the names of Spl. and Det/Inspector Jones (No. 532). They said that the two men look very nervous and looked like 'thugs'. This frightened him and he started firing. He said that they were 'terror people'.

At the time the two men mentioned, Det/Inspector Jones was in his office near the office building. On 1st December, 1972, he went to the office and took a

"Sir, you want me?" Those two men asked if he was Otuda and, when he confirmed that he was, asked him about Epaku. Otuda told them that he was in the barracks and then accompanied them to the Barracks.

Because of his suspicions, Tanga reported this matter to SSP Ebokorait (he too disappeared subsequently and is subject No. 20 at page 233) who said, "O.K. Leave it to me."

At the barracks Otuda told Epaku that he was required by the C.C. Fire Station (W: 532) for orderly room. Epaku went with them and the vehicle, which was a light green Fiat, drove towards Kamuli. On the way these people asked for his name and tribe and on learning that he was a Kuman, those people said that he was not the one they wanted. All this time a grey car was following them. They stopped the Fiat and the car behind also stopped. Otuda was transferred into the grey car and the Fiat turned round to go back to the barracks with Epaku. One of the men told Epaku, "You boy you are lucky; it was your end."

Later the same evening Epaku narrated this incident to Tanga. Fire Constable Opano was taken the following day. There was no evidence of the circumstances in which he was taken or the people who took him.

Otuda's brother-in-law, (Lupet (No. 513) went to Jinja on 4th January, 1973 from Gulu on learning of the disappearance of Otuda. He was told by Tanga and the C.C. SIB Ochanit (who also disappeared and is subject No. 7, p 36) that they had looked for Otuda but in vain.

Ex.139, which is a list of police personnel who are alleged to be missing, includes the names of both the first officers and one Police Constable having been kidnapped on 27th February, 1973.

Inspector Clupot said that in August, he was stationed at Epipi and that on the whole evening of 31st, 1972 with Const. Kwawika. The following morning Clupot learnt that the Superintendent had been arrested by the Public Safety Unit and taken to Kumasi. Clupot's local enquiries revealed that the Superintendent had been responsible for releasing six people, who had been arrested by IIP Petyalala on a charge of robbery, pending further investigations. Superintendent Kwawika has been missing since then. His name appears in Ex.167 which is a message from COMCLIME dated 9th October, 1972, regarding the decision taken by the Police Council to dismiss/retire certain police officers. Kwawika was dismissed with effect from 15th September, 1972 and the same information is repeated in the Police Force Orders dated 15th October, 1972 - Ex.141.

With regard to Otubi there can be no doubt that he was taken away together with Epaku (No. 536) by two men travelling in a Fiat car. From Epaku's evidence, it is clear that he was carried by his tribes, and this also indicates that these unknown people are in fact after one of certain tribes only. Epaku said that he was not able to see the number plates of either car, nor was he able to recognise any of these people. Otubi was then transferred into the other car and he had not been seen since.

With/...../167

With regard to Opolo, who is reported to have been picked up the following day, there is no evidence at all before us except that he too has been missing since the 28th December, 1972.

With regard to Supt. Mwarika there is only the evidence of Det/Insp. Clupot to say that he was arrested on 1st September, 1972, by men of the Public Safety Unit, possibly for the release of the six suspects in a robbery case pending further investigations. It is strange that he is not included in Ex. 139 which is a list of police personnel who are alleged to have disappeared, but does appear in the police Force Orders - Ex. 141 - and in the police message - Ex. 167 - as having been dismissed with effect from 15th September, 1972. We have no reason to doubt Clupot's evidence and we are of the opinion that there is a strong probability that as the Public Safety Unit was at that time actively engaged in operations against kendos, the Superintendent's action might have brought upon him the wrath of the officers of this Unit, who must be held responsible for his subsequent disappearance.

As these three subjects have been missing since their respective dates of arrest and have not been seen or heard of since, we are of the opinion that they must have been unlawfully disposed of by the people who arrested them.

332. Subject No. 302 - OROMBO KAGUMBA.

( dealt with Subject No. 291, Estoni Nyarubona,  
p. 528)



333. Subject No. 303 - MARTIN LUTHER KING,

334. Subject No. 304 - EYUR

335. Subject No. 305 - JOHN ENCUR

Witness: Det/Inst. Vincent Geoffrey Odwa

- Part 6, p. 5857 - 5869.

These three subjects were mentioned by the witness in passing while giving evidence about the arrest of Benjamin Star (Subject 20). He said that soon after the takeover, in March or April, some people in London District were involved in the recruitment of guerrillas and were arrested. During interviews some of them confessed to this activity. He acted on to say that together with the C.I. Police, Olyak they went to look in Cyam county on receiving information that one called John Encur (Subject 305) and others were involved in such recruitment and, during their search, came across a note written by one called Eyur (Subject 304) concerning the transport of recruits in a lorry from Kaka. The note was also taken to Martin Luther King (Subject 30) of Ayer Trading Centre who was advised to keep his men ready. The contents of the note, according to the witness, were as follows (p. 5861):

"The writer said: 'I am sending a lorry to Ayer Trading Centre, get your men ready. Have courage to do these things properly or do not start to fail. That is the language. I have ready for lorry and make sure that these people pass through Subin.'"

The witness said that they arrested John Encur and, on their return, they went through Ayer Trading Centre to find out if they could find out which at what time they were going to pass through Subin.

arrest him also about 4 a.m. the following day. The writer of the note Eyur, was also arrested from John Engur's home. The witness said that during interrogation all these three said that they had recruited people to go to Sudan, and some had passed through Tororo.

The three subjects were handed over to the superior officer, Mr. Amuchand, after recording their statements, all three were collected by officer who came from Kampala.

According to the witness, several counties of Lango District were affected and he named Oyam, Dokolo, Moroto, Erute and Kyoma.

According to Inspector Olwe, this situation in the District was brought about by certain politicians who were confusing people and he said that the author of the note, Eyur, was hoping to contest an election in the South East constituency while Engur was the chairman of the UFC, Oyam Branch. He said that with the arrests of these three and others, people realised that they were doing wrong and, according to him recruitment of guerrillas then stopped.

During the rest of his stay in Lira till his transfer in 1973, he did not see any of these three subjects back in the District and he did not know whether they were ever released or charged with any criminal offence.

It is quite clear from the evidence that these three people were actively involved in the recruitment and dispatch of guerrillas to their training bases outside the country. It seems fairly clear that the people who came from Kampala

to collect them must have been Army Intelligence officers and, as they have been missing since then, it is probable that they were dealt with as guerrillas.

13c. Subject No. 306 - SULTAN ALI KHAN LADHANI.

(written Memorandum)

The subject's wife, Mrs. Bekkar Khan S.A. Ladhani, wrote to us from London with regard to the disappearance of her husband, a Hazara citizen, who was a trader at Kabul. The letter, which is dated 25th November, 1974, and was sent through the British High Commission in Kabul, is accompanied by her memorandum of facts and copies of other enquiries made through the International Red Cross and the Inter-governmental Committee of European Migration. Our Council pointed out we were entitled to accept this memorandum under the terms of our reference and he submitted that this subject is not covered by the exception, which reads as follows:

"I do hereby direct that the enquiry shall not extend to any person expelled from Hazara under any authority conferred by law or who has suffered a change of birth imposed upon him under the provisions of law. Nor shall the enquiry extend to persons of Indian origin or extraction who, though domiciled in Hazara, are citizens of India either now or outside Hazara or of any territory now or formerly a part of India for any reason whatsoever."

There is a report that the subject is an Indian and was expelled from Hazara. The order of expulsion is said to have been issued in 1964.

satisfied that he was not out of Uganda at the material time nor had he run away from Uganda to be excluded from this Inquiry. We agree with the submission of our Counsel and applying our discretion to receive written memorandum, accepted Mrs. Ladhani's documents in evidence as Ex.179.

The subject was born on 25th May, 1930 at Kaliro in Uganda and, as already stated, at the time of this incident, was a shopkeeper at Kabula. Following is an extract of the events as set out in the memorandums

"Events taken place: On 17th September

1972, at Kabula about 1.30 p.m. my husband, Sultan Ali Mursi Ladhani (Mawji) was taken by two local policemen, in uniform, along with our neighbour Mr. Amritlal Suchdev to the local police station in a white pueget car.

After about half an hour five persons believed to be military persons with arms brought back my husband and Mr. Suchdev in white mercedes car to Mr. Suchdev's house. At that time myself, my daughter and Mrs. Manjula, Suchdev were all at Mr. Suchdev's house, who were our neighbours.

Following day on 18th September, 1972, at about 1 p.m. my husband and our neighbour Mr. Suchdev were arrested by the same persons who brought them before my husband and Mr. Suchdev from the police station. But now they were in military uniforms. They demanded money which whatever I had, I gave them and also they snatched some of our possessions and textile from the shop in Kabula. One of the African gentlemen, who was also our friend informed, there was possibility that there may be another attempt in few minutes by the same persons for the looting of our remaining possessions, as they saw the same white mercedes car approaching slowly towards our shop from the side of Mbarara.

Hurriedly my daughter along with myself ran to the backyard and into the bush and hid ourselves to save

our lives and what happened to our property, possessions and belongings of the shop is not known to us till today. As myself and my daughter spent the whole night in the bush and tried to find out what happened from the people who were there. We were for all the time in the bush were our neighbours and finally by the help of the British Gentlemen who were kind to call my family, we managed the next morning, 14th September, 1972, to reach Masaka.

It is my own belief that Mr. Luckhoo was arrested by the British military units, they were thrown in the bush of the area like animals and they were left there for some time. I am informed that the British military units that were in the area were to Masaka.

It is not possible to say for both that to survive and to be alive in this area and I have not heard anything about my husband since that time.

Mrs. Luckhoo decided to escape with her daughter with the help of some friends and finally left the country as a refugee on 23rd October, 1972. Later in her statement she said:

"Basically another theory is that some of the members of the military uniform by my name as well they put up a military road in the area on the 23rd October 1972 and they committed the first and inhuman crime, but it is definitely sure that the two police officers of the police station in Masaka definitely know about these circumstances."

At the end of the names of four people who witnessed the incident.

It is noted that this memorandum was received from Mrs. Luckhoo and she is able to make enquiries about the incident and the names of our account

of the incident, and she was an eye witness, indicates clearly that the pattern was no different from many other cases where people were picked up in this manner. Mrs. Ladhani has herself referred to the theory that the kidnapers might have been personating Army soldiers and we appreciate that this is a very real possibility. During the progress of the Inquiry we have seen that even when an incident occurred in the presence of a police officer and he was called to give evidence he did not prove of much value, primarily because he did not try to intervene out of fear and also because he did not care to note down the registration number of the vehicle involved. We met the same difficulty in a majority of cases with civilian witnesses and it was only in a very few cases that any witness had in fact the presence of mind to note down the registration number of the vehicle involved in the abduction.

In the circumstances and considering the facts as stated by Mrs. Ladhani, we can only say that her husband has been missing since 18th September, 1972, and we share her fears that the manner in which he was taken did clearly indicate the probability that he may not be alive.

337.

Subject No. 307 - RAJIB MUKHERJEE.

(Written Declaration)

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Mr. Mowann, formerly Mumbai's Ambassador to France, Spain, Italy, and Switzerland, submitted a lengthy declaration supported by numerous documents to explain

the /...../554.

(the background to my exile and the circumstances which made my return to Uganda impossible at least for the time being.)

This being one of our terms of reference we accepted his declaration as a memorandum and took it in evidence as Ex. 177.

In a nutshell it appears that Mr. Musamira was called back to Kampala and he arrived on 15th October, 1973, and had an audience with Your Excellency on 22nd October, 1973. According to his declaration - 1.2:

"After the meeting I saw various statements distributed to all news media and broadcast in all languages found on radio, radio and TV channels. I regret to inform the Commission that the statement did not give a fair picture of what actually happened to be the record of the meeting. The President was his own master and I was alone. There was no secretary in attendance. Most of the time he was talking and abusing the meeting as a kind of a political lecture. He told me that he was convinced after a lot of evidence that in 1972 you were preparing the children of the people of Mr. Bantaby, and his wife, and Mubulera and others who ran away because they are enemies of Uganda and they want to work with their imperialist masters and Zionist Jews, further, accused of mistreating all the people who support of your tribe like Wiga. One of the things that you were doing was to give people jobs and they are of your tribe. He also said that you were referring to people that were connected with the government, people who were to be arrested, and people who were to be killed."

Mr. Musamira said that the above statements are not true. The first report of the meeting was given in a letter dated 22nd October, 1973, which was sent to the Commission.

"The President, General Ili Amin Dada, has suspended the Uganda former Ambassador to France, Mr. Paul Mwangi, with immediate effect because of his misusing of the Government and taxpayers' money in his Embassy in Paris."

The statement then goes on to give details of the alleged misuse of public funds. Mr. Mwangi then gives the reasons for his fleeing the country on pages 3 and 4 as follows:

"After the meeting with President Amin I decided to leave Uganda immediately. Public denunciation of my actions by the President is a bad omen. It has in the majority of cases been followed by 'disappearances' of the accused by murder squads. I was able to convince the officials of the ministry to re-route me via Nairobi to be able to leave the country by the first available and quickest means. I had been tipped by friends that there had been suspicious characters at my Hotel inquiring about me that day. They were still waiting at the hotel when I left without being there to collect my personal effects."

He has gone on to explain the various allegations regarding the finances and has also referred to an article which appeared in the 'Voice of Uganda' of 14th February, 1974, the title of which is "HE WENT FOR FOREIGN NEGOTIATIONS AS AMBASSADOR TO FRANCE" - Annex. 'B'. He has asked us to try to facilitate settlement of his outstanding amounts due to him from the Government.

Without going into details we think that Mr. Mwangi has sufficiently explained the reason why he left the country on 20th October, 1973, and as far as we can see this was due to the allegations of misuse of public funds at his Embassy in Paris and also that he felt that his stay after his audience with Your Excellency posed a danger to his security and life.

328.

Subject No. 302 - 17. P.I. ORRE.

See Minis Solihana, 1.580.



OTHER MATTERS - (A) PEOPLE WHO REAPPEARED:

427. (1) JAMES KADDU (W.124) Part 2, p.1190 - 1196.

James Kaddu said that on 9th July, 1974 he was in a bar at Makindye where he made friends with a woman who gave her name as Sarah of Ndeeba. He gave her Shs. 30/= and promised to meet her on another day and then walked home about a quarter mile away. He said that, as he was drunk, he did not close the door.

He was woken-up at about 3 a.m. by three people who said, "Let us go". He raised an alarm calling his brother Samuel, who does not seem to have responded. Kaddu said that he was blindfolded and put in a car. He was slapped and questioned about the woman who he had met in the bar. He said that he was dropped by the roadside after these people had taken away his wrist watch and his money amounting to Shs. 800/=. He found himself about eighteen miles from Kayunga and managed to return to Kampala the same day at about 7 p.m., when his brother told him that he had already reported him to the police as missing. He then informed the police at Katwe about this incident.

This was obviously 'woman trouble' as one of the causes which could have possibly led to the disappearance of people.

428. (2) PETER MPIMA SEMPA (W. 160) Part 2, p.1543 - 1559

Witnesses: 136 Deborah Apio Part 2, p.1302 - 1317

375 Tom Kigongo Part 4, p.3837 - 3846

Paulo Mpima Sempa used to work as a transporter with Robbialac paints. His girlfriend was W.136, who used to work as a bar maid at Nakilowa bar, Luzira.

693.

On 3rd February, 1974 Tom Kigongo (W.375) was arrested in Kampala on allegations of theft of a car and was taken to Kibuye Police Station. He said that he was assaulted at the police station. The police demanded Shs. 2000/= from him in respect of the spares which were said to be in the car. He alleged that the police removed Shs. 300/= from his pocket and, as he expected to be killed, he asked to be taken to Peter Mpima Sempa to borrow the money. He went with the police to his home twice without finding him and the following day he was taken to court.

Sempa was told by Apio about the visit made to their home by Kigongo and some other strange people. However on 10th February, 1974 five men went to his home, while Apio was at the bar. They arrested him alleging that he had a charge against him and they were taking him to the police. They told him that if he did not want to go to the police he should hand them all the money he had. When he denied having any money he was beaten up and two of them took away his wallet which contained Shs. 700/=-, his driving permit and a graduated tax ticket. They went to the bar from where Apio also was arrested and both of them were taken in the vehicle which was an estate car. Apio alleged that she was also assaulted by those people who were speaking Lugbara, which she did not understand. Apio was later released but three of the men stayed with her, and Sempa was taken away in the car. Sempa said that he was so badly beaten that he was semi-conscious and later, when he gained consciousness, he found himself at Rubigi in Mityana road. He had been stabbed in the back, both sides of the chest and also behind the left ear. He managed to go to a house in Busega village and later Natete Police collected him and

...../594

took him to Mulago Hospital.

Apio said that at about 1 a.m. those people again collected her from the very small room where she had been left and drop her at stage five in Port Bell Road. Later she visited Sempa in the hospital and found that he had been stabbed in the chest, and the left arm.

None of the witnesses was able to identify any of those people and it seems to us that this case indicates the possibility of people posing as policemen and 'arresting' innocent citizens for the sake of money.

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429. (3) JOHN NTARUSOKE (W.148) Part 2, p.1438 - 1458.

Witness: 251 Badru Semakula Part 3, p.2482 - 2492.

W. 148 was arrested at a traditional kiganda dance which had been arranged at the bar of John Lule in Nkokonjeru Trading Centre. There are two version of the incident leading to his arrest. It is agreed that a group of traditional dancers, including UA 17098 Private Badru Semakula alias Masavu (W.251), from the Army had come to perform at this dance. Ntarusoke said that he bought an entrance ticket for Shs. 3/= and gave the gatekeeper a Shs. 5/= coin. The gatekeeper asked him to collect the change later. When he asked him for the change after about half an hour, the gatekeeper alleged that he was a thief and he was thoroughly beaten up by the soldiers who were there.

The other version is of Masavu who said that Ntarusoke came with a gang of about ten people, attacked the gatekeeper and robbed him of Shs. 200/=. He said that Ntarusoke

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was armed with a knife and a cable and his kondo companions had whips and sticks. He said that they managed to arrest only Ntarusoke who was then taken to Ilbaya Headquarters where, at gun point, he is alleged to have disclosed the names of his other colleagues and is alleged also to have said that his was a big gang who robbed and cut off people's ears. Later on he was taken to Makindye.

Ntarusoke said that he stayed at Makindye for five months. He was first questioned by the officer-in-charge after he had been there for two months. He was kept in a huge cell with about hundred other prisoners, there being two other similar cells besides. According to his evidence, people used to be paraded every day and separated into two groups depending on the nature and severity of the crimes they had allegedly committed. Those accused of graver offences were kept together in one cell and those accused of petty offences were kept together in another cell. He said that the cell which housed suspects of serious crimes was opened only when food was taken to them, and that cell was surrounded by barbed-wire. Prisoners used to be assaulted and he said that they were caned all over the body and kicked. A prisoner whose condition became critical as a result of such beating was then transferred to another cell. He claimed that three of his fellow prisoners were removed to another cell and only one of them returned. He said (p.1455):

"Some of these people were beaten severely and these people did not want us to see them die there. So they were being taken to other cells so that they die in privacy."

The dead bodies were then loaded into a Landrover. He said (p.1456):

...../696.

"After beating them and seeing that they were in a critical condition they were taking them to another cell. I have said they had a Landrover and this Landrover was always there and after seeing that somebody had died, they could put him in that Landrover and take him away ..... We only lifted one dead body because there was a cell from which they used to collect people to go and lift the dead bodies to the Landrover but in our case it was only once when we were taken to lift the dead body."

The body which Ntarusoke helped put in the Landrover bore signs of severe beating.

He said that the inmates comprised all sorts of people and the offences they were suspected to have committed included robbery, car thefts, personation etc. He saw many prominent people amongst the prisoners. He did not know the former Chief Justice but mentioned the name of one prisoner, Danny Kyazze, who was alleged to have flashed the former President's picture on the television.

He said that five months after his arrival at Makindye the officer-in-charge released him on the ground that the soldiers who had taken him there and were from another unit had not come to make their statements.

The importance of this case lies in the little first-hand information about the treatment of prisoners at Makindye and also about the disposal of the dead bodies. It also indicates how people could be arrested and forgotten at Makindye, completely unknown to their relatives.

430.

(4) EDIRISA YIGA

Witness 182 - Joseph Wamala Part 2, p. 1811 - 1817

The/..../697.

The witness said that on 17th November, 1973, late at night, he had witnessed Mr. Yiga fighting with some people who later took him to Malire Barracks. The witness reported this matter at Old Kampala Police Station and when he returned home he found Mr. Yiga had been released. He had some injuries and they took him to the hospital.

The evidence is very sketchy. Mr. Yiga, who was said to be at the Law Development Centre, did not come to give evidence. From the account given by the witness, it seems that this was perhaps a brawl and the men being soldiers took him along with them to the barracks. This case would indicate that it is possible that in cases where soldiers are involved, the tendency is for them to take anybody they arrest to their barracks rather than to the nearest police station.

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OTHER MATTERS - (B) POSSIBLE CAUSE OF DISAPPEARANCE:

431. BARABU OKWERE (W.7) Part 1 p. 94 - 105.

The witness is a security askari working for the East African Airways Corporation, Entebbe. He gave evidence about the arrest and subsequent death of his father Kolonerio Ovogo and his brother Tito Owinyi. He said that both were arrested by Army personnel subsequent to a report allegedly made by his uncle Filliam Onyai accusing his brother Ovogo of being a guerilla. He said that his father died on 6th January, 1972, at Pakwach Dispensary and his brother at Arua Police Station, where he was in custody, after being transferred there by Pakwach Police Station.

/698.

He said that this was due to some family grudge between his uncle and his late father, because his uncle's children were not educated whereas the witness and his brothers were. The witness alleged that at the time of the burial his uncle allegedly said of his late brother Ovogo "he was too proud I managed him. He went with his son. Only one is left; I will finish him also."

The witness said that his uncle saw him in Pakwach waiting for a bus to go to Kampala, and fetched some Army soldiers from the police station. But as the soldiers did not know him he was not recognised and escaped. He admitted that nobody has ever tried to look for him again and that, though he goes home every month-end, his uncle has not reported him to any authority.

Although the evidence indicates the possibility that domestic quarrels and family grudges may lead to intervention and retaliation by soldiers approached by either side, we are not in a position to say that Onayi was in fact responsible for the arrests of Ovogo and Wonyi. We say this because, notwithstanding his threat against the witness, he does not seem to have done anything bad towards him although he goes home every month-end.

As we have stated, the only important issue we see in this evidence is that soldiers may be only too ready and willing to try to assist, by force if necessary, their relatives or even friends, who may complain to them against other people.

432. OTHER MATTERS-(C) BODIES IN THE MORTUARIES:

Witness: 19 Ester Lusira Semanzi Part 1 p. 232 - 241.

The/./ /699.

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The witness is a nursing sister at Mulago Hospital. She is a U.K. trained nurse and has worked at Mengo Hospital, Jinja Hospital and, since her transfer to Mulago Hospital, has been working in ward 3A dealing with head injury cases.

She said that she deals with people who are admitted to hospital unconscious; some are brought by the police at night and their identity may be unknown; some are brought in by civilians and their identity is known. She said that where patients die, the bodies are sent to the mortuary where they are kept for two days, after which those left unidentified or uncollected are buried at the City cemetery as unknown people.

The evidence of this witness indicates that there are times when patients taken to the hospital by the police have no papers of identification on them. Such patients remain unidentified after their death and their relatives may never know about their whereabouts. This is a situation which must be universal in character.

~~OTHER MATTERS - (D) VEHICLES' REGISTRATION NUMBER~~  
439. OTHER MATTERS - (D) VEHICLES' REGISTRATION NUMBER PLATES:

We treated this as a separate subject in order to highlight the evidence which we heard of false number plates being carried by some vehicles which were involved in the commission of crime and also the disappearance of some people.

According to Mr. Gafabusa (V. 541), who until recently was Ag. Principal Accounts Officer in the Treasury Inland



Revenue Department (now retired), the sole manufacturer of number plates in Uganda is TUMPECO. When the Road and Safety Act, 1970 came into operation all the number plates had to be changed for new under the new Act. That is when the confusion in the Central Registry of Motor Vehicles really started.

W.541 said that a written order signed by a most senior officer of the Inland Revenue Department is normally sent to TUMPECO for the supply of new number plates. When the orders were completed and the number plates were ready the manufacturer would inform the Inland Revenue Department who would then arrange to collect delivery or ask for the number plates to be delivered direct to the officer who had initially signed the order. The new number plates were then issued to the licensing officer who is responsible for their safe custody in a strong room, after entering all of them in his register. The licensing officer also distributes these new numbers to up-country stations.

At the time of the switch-over to the new system where the motorists were required to obtain new number plates and were asked to submit proper documents to any counter clerk in the Inland Revenue Department, the clerk would then issue a temporary receipt indicating the old registration number and the fees chargeable, which was not paid at that particular time. The car owner was then asked to return after a couple of days with the old number plates, pay the fees and collect the new number plates, the receipt and the new license sticker. In this exercise, where quite obviously the Inland Revenue Department

naa/...../701.

had to deal with a big rush, some new clerks, mostly students, were also employed. Some car owners holding the temporary receipts did not return as instructed and the counter clerk was then left with those few number plates. Those left-overs brought confusion, as indeed is quite obvious, and the counter clerk keeping them issued the same number plates to other people by striking out that number from the original receipt, a copy of which he had initially issued to the previous person, without correcting the duplicate. Mr. Kyejusa (W.42) gave similar evidence of this confusion.

Mr. Gafabusa said that there were many such cases which were reported to the police. These cases were being handled by Det/Inspector Koma (W.512) whose instructions were "to investigate cases which were reported by the Revenue Office where some number plates of vehicles were stolen" - (p.6172). During his investigations Inspector Koma found that some number plates were stolen from the Revenue Office "probably with the knowledge of the officials from the Revenue Office." - p. 6172.

He compiled a list of the cases which were reported to the police - Ex.133 - according to which they were no less than 32 number plates involved. Talking further of his investigations he said that he found that "some officers in the Revenue Office had connection with the outside people who probably went there for number plates and used to give these to their friends illegally" - p.6173. According to him the motive for these illegal activities was money. His investigations did not go as far as finding out how members of the public got such number plates as on 15th February, 1972 he was instructed by the Director of the CID to hand-over these investigations and the number plates listed in

Ex. 133 to SSP Salongo of Central Police Station.

Inspector Koma said that some such number plates were traced and at p.6176 he said:

"These people were promised to go to Revenue Office and get these labor plates, then after going to the Revenue Office they were stopped by the official and they were taken to me to the Police College and that was when I removed some of the plates."

He thought that some of these unscrupulous vehicle owners were trying to avoid paying for the number plates; others wanted to go through illegal means to "disguise" their cars and he also thought that it was possible for some number plates to be stolen before delivery to the Revenue Office.

Mr. Gafabusa said that the police carried out investigations during which some clerks were taken away for interrogation and many cases of forgery were also detected. But he did not know what happened to those clerks as most of them were later released; some were interdicted and others reinstated. Inspector Koma said that nobody was prosecuted for any of the offences (p.6178):

"Because these vehicles were belonging to Government even a car owned by CID at CPS was having a false registration plate'..... yes we called an officer from police mechanical workshop, he told us that he got the number plate from the Revenue Office so we seized the number plate."

He added that when he was conducting the investigations there was no sufficient evidence for prosecution and he did not know if any more came to light afterwards.

434. OTHER MATTERS - (E) APPENDIX 6:

Our counsel submitted a summary, which had been received from the Ministry of Foreign Affairs, based on information/ 703.

information received from our Foreign Missions, of Uganda who were initially thought to have disappeared but were living abroad.

435. OTHER MATTERS - (F) ICJ REPORT - APPENDIX 7:

This appendix is the report of the International Commission of Jurists and, as we said much earlier on, 25 of the people listed in that Report were mentioned before us. That Report was submitted by our counsel at the close of the hearings. We would like to say that in some cases the evidence which we heard tallies considerably with the Jurists' Report; in other cases there are obvious differences. We heard evidence on oath from witnesses, all of whom are known, and our final findings and conclusions are based on their testimony. All we would like to say is that before anybody, who is interested in what happened, comes to any final conclusions, he should read the Jurists' Report in the light of our Report and, as our Report is based on sworn testimony of witnesses, it should be preferred to the ICJ Report wherever there is conflict and divergence between the two.

general/...../704.

- 704 -

GENERAL COMMENT ON THE LOGICAL AND NATURAL EVENTS  
OF THE MILITARY TAKE-OVER AND THE INVASION.

436. The evidence indicates that in so far as the soldiers, except for subjects No. 6, 29, 38, 55, 142, 192 and 249, were concerned, the incidents after the take-over continued till around July, 1971, and a few isolated ones thereafter. The most affected at that time of the take-over was Malire. where, according to the evidence, the take-over really started when certain soldiers of the Acholi and Langi tribe tried to disarm soldiers of the other tribes. Also affected on the same day was Entebbe Airforce, and a support Unit was dispatched to take-over Gulu Airbase. Then came the Moroto incident of the 11th July, 1971, when Cpl. Ogaba, an Acholi, shot and killed seventeen soldiers who were queuing up for their supper. We heard evidence from Brig. Ali Fadul (W.490) that a message was sent out by the Army Headquarters about the incident and we see its repercussions at a number of Army barracks like Simba, Ordnance Depot, Magamaga; Jinja; Moyo and the Boarder Guard Units of Bibiya and Oraba. We have considered these incidents carefully and, in view of the very little space of time within which they occurred in relation to the 25th January, 1971, it would seem to us that they were by way of mopping-up operations within the Army to deal with the dissenting elements and the pockets of resistance within the various Units. Reverting to the Moroto incident, we should recall that most of the recruits who were killed were men from the Western part of the country, and the Commanding Officer of the time was emphatic that he had not known Cpl. Ogaba to have had any mental history previously. That incident was a violent expression of opposition which was then felt

by, .../705.

*Western  
men*

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by certain elements, as personified by Cpl. Ogaba, within the Army to the present Regime. The pattern of the incidents at other barracks, particularly Jinja, clearly indicates that it led to a break-out of shooting between the rival groups as a result of which some soldiers died, mostly Acholi and Langi, and others were arrested and detained. Of those detained many did not reach Kampala but some did and were detained at Luzira till the 28th December, 1971 when they were transferred to Mutukula Army Camp, ostensibly for some sort of a trial. These mopping-up operations were, in our opinion, logical and natural events of the Military take-over of the Government in January, 1971.

437. Regarding the police and prison officers, most of whom seem to have been picked up during September, 1972, we fail to see any connection between the Invasion and their arrests. There is no evidence at all to suggest that any of them was either directly or indirectly connected with the Invasion in any manner whatsoever. We have dealt with them on individual basis, except where so many were picked up in one group. We see the first concentration of numbers of police officers in July, 1971 and amongst them are the three arrested from Moroto Police Station following the shooting incident within the barracks. The evidence, as we have seen, indicated that soldiers from the barracks were on the verge of herding away all the Acholi and Langi from the police barracks but were prevailed upon by better counsel, and instead took away only these three police officers. During the same month also, some police officers were taken from Jinja Police Station, again for no obvious reason. The next concentration appears in September, 1972, when a substantial number of police and prison officers was arrested. There were the two

groups of 'revellers' allegedly celebrating the Invasion. The first group was arrested from Lugazi Police Station, and the second from Fort Portal Police Station, but in neither instance were any investigations carried out to substantiate the allegations. The same goes for all the other policemen and prison officers who were arrested and it would appear that the only reason for their arrest was that, being Acholi and Langi tribesmen, they were perhaps under suspicion. We should like to recall here the evidence of Lt. Col. Mondo (W.377) where he talked about the arrest of Lt. Liya Otim. He said (p.3863):

"I believe that Liya Otim himself being a Lango, you know at the first instance, he could have been a suspect connected with the general confusion that led to the Military Take-over. I do believe that is the reason ..... this is my own opinion of course."

This should be read together with his evidence later when, explaining the confusion, he talked of the Acholi and Langi soldiers trying to take up arms against other soldiers of the Armed Forces. So it would appear that the same argument would apply to the serving officers within the Police and Prisons. The net result therefore is that, in so far as personnel from these two services are concerned, they seem to have been arrested and dealt with in the manner as already stated in their individual cases merely on the basis of suspicion and nothing more. We shall be talking about this at a later stage but we should like to condemn here the summary manner of their arrests and disposal, without proper investigations having been carried out by those responsible for their arrests.

438. We shall now say something about the civilians where

Acholi +  
Langi

the evidence shows that they were arrested by members of the security forces, including the police and the Public Safety Unit. Looking at their list one is at once struck by the preponderance of people from those two Northern tribes. We mention this so as to offer a reasonable comparison with the other tribes and we find that, with the exception of a very few cases where a reason for the arrest of the others. The comment made by the Lieutenant Colonel of suspicion would therefore seem to apply to civilians, not only from these two Northern tribes but also to people from other areas, who were arrested by the security forces and have ever since disappeared.

439. For these reasons we can say that, subject to our comment presently regarding detainees generally, with the exception of the soldiers whose arrest, detention and even death can be attributed to the logical and natural events of the Army take-over of the Government and the Invasion, the same cannot be said of the police and prison officers and the majority of the civilian subjects. The few whose arrests and disappearances, like Bananuka and his sons, Omara Ebek, John Okuja, Yosefu Magembe and January Samwezi and his group, was explained by the reason of being sympathizers of the invading guerillas or being recruited as such, which would be a natural and logical event of the Invasion of September, 1972. Only two were arrested for being members of the now defunct GSU but neither appears in Ex.125, which lists ninety GSU officers, of whom only three were released, and the others detained at the Murchison Bay prison.

440. With regard to the detainees at Luzira (Ex.124), there may be a tendency to treat them also on the same footing,

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that is, to ascribe their detention to such mopping-up operations. We think that this is only partially true to the extent of their initial arrest leading to detention. Special legislation was promulgated to give their detention legal backing in the form of the Detention (Prescription of Time Limit) Decree, No. 7 of 1971, which was made on the 12th March, 1971. Through subsequent amendments, culminating in Decree No. 31 of 1971 made on the 11th September, 1971, such detainees could be held only "up to the 12th day of December, 1971". Those detainees will, therefore, have to be considered in the light of this special law which, besides prescribing the maximum time up to which they could be held under detention, also spelt out other procedure for the consideration of each detention by a review committee.

SYNOPSIS.

441. When dealing with the case of the former Chief

Justice we promised to discuss and consider in the light of all the evidence the second part of Mr. Kibedi's "Open Letter" as embodied in his affidavit with regard to the cumulative effect of the disappearances and the inferences which he deduced. As we pointed out earlier, we have no intention of writing any reply to that "Open Letter". Let us begin by saying that there was no evidence where there was even the remotest suggestion that Your Excellency had directed the disappearance of any person or the annihilation of any ethnic group of persons. Whatever the international news media, upon which Mr. Kibedi seems to have relied and drawn considerably for his conclusions, may say, we are convinced that, and we say this at the expense of repetition, we are guided by the evidence we heard and nothing else. The second part of the "Open Letter", however, contains some matters which are peculiarly within the ambit of this Inquiry but, lest our comments be taken as a reply to Mr. Kibedi's accusations, we should like to re-emphasize that our comments and any conclusions at which we may arrive will be confined strictly to only such matters as are relevant to our terms of reference.

442. We shall start with the POLICE FORCE which is established under the Police Act (Cap. 312).

Section 4 of the Act states:

"4. Subject to the provisions of this Act, every police force shall be employed in and throughout Uganda for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of property and the due enforcement of all laws and regulations."

Who is Kibedi?

Your excellency is not implicated in the least...

ions with which they are directly charged; and as a military force when called upon, in pursuance of section 10 of this Act, to discharge such military duties within or without Uganda as may be required of them by or under the authority of the Minister; and for the performance of all such duties shall be entitled to carry arms".

These are the general duties of any police force anywhere in the world. Having studied the various incidents in which the police as such was involved, it is easy to discern a systematic degeneration of the police morale and the complete disintegration of the police effort in trying to execute those duties which the law of the country has entrusted to them. When the police becomes so ineffective that not only the public, for whose protection and assistance it is established, loses confidence in their police force, but the policemen lose confidence in themselves, a situation is reached where one can safely say that the end result is a complete break-down of the law and order. The prominent question in such circumstances always is, what led to the creation of such a situation. The most obvious answer of course is that some impediments were placed in the way of the police which hampered the proper and efficient execution of their recognised duties without fear or favour from any quarter. We shall now endeavour to see what those impediments were.

443. Two witnesses, that is, Captain Bogere (W. 169) and Lt. Col. Obitre Gama (W. 437), who at one time was the Minister of Internal Affairs, said that the tribulations of the police started with the promulgation of a decree which gave powers of arrest to

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the soldiers. They were obviously referring to the Armed Forces (Powers of Arrest) Decree, No. 13 of 1971. We shall come back to this evidence presently, but we think that the difficulties of the police started even before the Decree was promulgated. We refer to the evidence of Deputy Supt. Kidega (W. 455). He had been summoned to Gulu for a court case and said that he was arrested by some soldiers from his home on 29th January, 1971. He was taken to the barracks and beaten up on the allegation that 'the Acholi people are the people who were intending to break the government', p.4930. After being shot in the leg <sup>he</sup> was left at Gulu Hospital with a warning that they would take him if they wanted him again. While in hospital he heard news of the death of ASP Cyet (of Jinja Police Station) who had been shot dead. Talking of that period, Kidega said (p. 4928):

"Because during that period everybody was scared because all the police officers were being picked from time to time and some of them are still not known where they are. Everybody was scared."

There was SSP John Odong (subject No. 86) who was arrested on 19th February, 1971 from Jinja Police Station by a Capt. Michael of the Army Barracks, Jinja. He was detained for five days and released. On the following day, that is, 20th February, 1971, ASP Byabasajja (W. 455), who was then the C.C. Masaka Police Station, went through a ritual of humiliation and indignity, coupled with the pain of assault, at the hands of some soldiers who told him (p. 3727):

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"That you are the O.C. here, you tell me why your men are not working?"

He was kicked and made to roll on the ground. He was released after an hour. He also cited the case of IP Hagumakubaho of Mutukula who was taken to Kasagyagirwa Barracks. He was accused of 'not bringing them information from Tanzania,' and was made to roll on the ground as well.

444. The incident which occurred very soon after the takeover is that of Inspector Okipi (N. 343) who had investigated a case of corruption against an Army Lieutenant. The lieutenant was tried in court but judgment was reserved, and the Army takeover of the Government intervened. Okipi was then on leave and, when he was recalled after the takeover, he learnt from the Central Police Station that the Lieutenant had been looking for him. He had to be sent back on leave and afterwards transferred elsewhere. We may add that, according to IP Okipi, judgment in that corruption case was never pronounced.

445. These four cases which were mentioned before us, and there may be many others besides, clearly show that some soldiers had already started exerting their authority over the police, irrespective of the rank of the policeman, and without caring whether their action was right or wrong, justified or unjustified. This evidence would, in our view, clearly support the assessment of Kidega about the degree of fear which must have run throughout the Police Force during those days.

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We shall now revert to Decree No. 13 of 1971 which conferred certain powers of arrest, search and detention upon soldiers of the Armed Forces and Prison officers. The Decree was promulgated on 15th March, 1971 and was to remain in force for twelve months only. Section 2 (1) of the Decree reads:

"2. (1) A soldier or a prison officer may, without an order from a court and without a warrant, arrest any person whom he suspects on reasonable grounds of having committed or being about to commit any of the following offences;

- (a) an offence against public order;
- (b) an offence against the person;
- (c) an offence relating to property; or
- (d) malicious injury to property.

(2) In this section the offences mentioned in sub-section (1) thereof are those respectively contained in Divisions I, IV, V and VI of the Penal Code Act."

It also empowered them to enter and search any premises or person in the execution of these duties. Section 10 created an obligation for such arresting officers to show their identity cards to any one who asked to see them, and section 11 made it mandatory for the prisoner to be handed over to the officer-in-charge of a nearest police station within 24 hours together with any articles which the arresting officer may have taken over.

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Under Section 13 the officer-in-charge of the police station was required to deal with the prisoner in accordance with the provisions of section 30 of the Criminal Procedure Act which states, inter alia, that the prisoner must be produced before a court within 24 hours.

446. After the expiry of the twelve months the Decree was replaced by Decree No. 26 of 1972 which was promulgated on 18th March, 1972 and is a verbatim reproduction of the previous Decree, except that no restriction of time for its life span was prescribed.

447. It will be noted that the powers of arrest, search and detention given by these Decrees were subject to certain measures which were clearly aimed at safe-guarding the rights of the citizen and his speedy trial by the courts of the country. The intention obviously was not that soldiers should arrest members of the public indiscriminately, but to arrest only where the pre-requisites as set out in the Decrees existed. It was taken for granted, if not expected, that those upon whom such burden of invoking the provisions of these Decrees lay not only fully comprehended the responsibilities and obligations which were involved, but also clearly and fully understood those provisions and the rights of the people they arrested.

448. Another comment which we may make on these two Decrees is that, although at first sight they might have looked objectionable to many people, particularly those who are concerned with the

supremacy of the Rule of Law, upon careful and critical consideration of the provisions as a whole and the safeguards which were incorporated, we are of the opinion that, had the powers<sup>been</sup> invoked and the provisions enforced honestly and sincerely and in the spirit of the law as promulgated, the Rule of Law would have reigned supreme and the citizens would have had nothing to fear.

449. But the evidence which we heard indicated that this was not to be; it showed that soldiers, who were required to enforce the provisions of these Decrees, were themselves the worst offenders in not complying with their part of the responsibilities and obligations. We got the impression that these Decrees were taken as a license by certain irresponsible soldiers to behave in an arbitrary manner and in total disregard and excess of their powers and obligations as were clearly spelt out in these Decrees. Such soldiers became pinchbeck dictators in their own right where they abused those powers and obligations and, in so doing, ridiculed the provisions of the Decrees. Those who were expected to uphold a law which the Military Government promulgated did not live up to the expectations as envisaged.

450. In the circumstances, these excesses of such soldiers were bound to have an adverse effect on the entire police force which, as we have seen already, had had a foretaste of things to come.

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451. The immediate effect of this law was that police stations became the dumping grounds for prisoners and exhibits. We heard a lot of evidence complaining that some soldiers, whether in uniform or not, would take a civilian prisoner to a police station and, without disclosing the reason for the arrest, order him to be detained there till he was collected later. If the duty constable asked for their identity cards or other particulars about the prisoners, he invariably received a contemptuous reply. If he asked them to make a statement, that request too was refused. The classic example is that of Dr. Edward Kizza Kizito (Subject No. 45), and the evidence of DSP Kabwiso (W. 457) in the case of Lt. Celestino Louis Amoné (Subject No. 220).

452. Coupled with the foregoing was another factor which illustrates the abuse to which these Decrees were employed. We heard evidence that some Army Intelligence Officers who, though having powers of arrest, would nevertheless enlist the services of a policeman to arrest a civilian and detain him at the police station till they went for him. The attitude of the police at the time was that they had been instructed by their senior officers to cooperate with the Army and carry out their instructions without asking any questions. The result was that, whereas the record of a person so arrested may appear in a police station diary, no corresponding record would be available in the books maintained by the Army Intelligence, if at all any were kept. Prominent examples of this were the cases/...../717.

cases of Henry Sekwe (Subject No. 18), Omara Ebek (Subject No. 89), Jean Okuja (Subject No. 95) and Ephraim Adenya (Subject No. 213). The aim of this practice quite obviously was to shift the blame on to the police who would in the end be called upon to explain how such prisoners, who invariably disappeared after being collected from the police station by the Intelligence Officers, had been dealt with or disposed of. This was high lighted by the case of Adenya who, having been arrested initially with the help of a policeman and kept at the police station, was ultimately alleged by the Intelligence Officers to have been released by them, less than a hundred yards and within sight of the police station but in the absence of any policeman!

453. Another misuse to which the powers conferred by these Decrees were put was the settlement of personal grudges and old scores. This may be illustrated by the pitiful and manifestly pointless arrest of the young boy aged ten, Severino Obong (Subject No. 152), as a substitute for his elder brother who was alleged to have committed adultery with the wife of a soldier and who sent some of his companion soldiers to get the alleged offender. That boy was never seen again. There was another similar case of David Whise (Subject No. 151) who had been handed in at Lugazi Police Station on an allegation of elopement with a soldier's wife. The soldier was from Bombo Training Wing and, on his complaint to his Commanding Officer, Lt. Col. Elly Assen, (W. 447),  
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the prisoner was removed from police custody, allegedly for interrogation by the Intelligence Section of the Training Wing and was never seen again.

454. Another case which we might mention in connection with the abuse of the powers conferred by the Decrees for personal ends is the case of the suspected robbers, Damurungu and his co-villagers (Subjects No. 148 - 150 and 294) who were in custody at Iganga Police Station around Christmas 1971. The complainant in that case happened to be the father of Lt. Obbo (W.510) who, on hearing of the robbery, took trouble to come all the way from his Border Guard Unit, Palabek and, after mercilessly assaulting the prisoners at Iganga Police Station in front of some helpless police officers, took them away allegedly to be dealt with by 'the chief of kondo operation', (p.6132) Brigadier Marela of the Military Police Makindye. Bearing some similarity to this case is that of Myarubona (Subject No. 291), the cashier at the bar of 'Mukonome', Muhoca. It will be recalled that some soldiers, who had been drinking in the bar were involved in a fight, were arrested and handed in at Kasese Police Station together with their vehicle. The evidence was that soon afterwards some Intelligence men from Mbarara had their colleagues released from the police station and instead they arrested Myarubona and the Jalu, Odongo Kaganda (Subject No. 302) for bringing all this trouble; neither was seen again. The last case to be mentioned under this heading is that Supt. Apunyo (Subject 105). We need not repeat the grisly details of his murder but the point

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we should like to emphasize is that, according to his wife, the background to the murder simply was some boastful remarks which Lt. Col. Toloko attributed to him about girls and beer. If ever there was a tragic and pathetic case where some misguided soldiers used their powers under this Decree for their personal ends and to settle old scores, the case of Apunyo surely must rank second, if not first, after the young lad, Severino Obong.

455. The arrest of two policemen (Subjects No. 218, 219) and a policematron (Subject No. 256) from Moroto Police Station in July, 1971 is also relevant. The Decree was already in force and, keeping in mind the shooting incident within the Army barracks which led to the visit to the Police Station of some soldiers, was in consequence of that incident. The first visit in the morning where all policemen were called out on parade ended in some sort of a compromise. The second visit by some other soldiers in the afternoon first saw the wanton killing of the radio constable, followed by the arrest of the two police officers and the police matron. We do not know the reason for the killing of the radio constable, nor is it known why the other three were arrested. Even if this incident be attributed to the shooting incident, the fact remains that there was no evidence whatsoever for the killing of the radio constable or the arrest of the other three. The law applicable at that time giving powers of arrest to the soldiers

provisions of this Decree were not complied with. Another comment which we may make on that incident is that the manner in which the soldiers acted must have induced terrible fear in the minds of all the policemen who were then stationed at Meroto. This was quite obvious and there was evidence that the O.C. Police actually fled the country soon afterwards.

456. The next subject which follows automatically is the abuse and misuse of power by certain high ranking military officers. In order to understand this topic clearly, we should like to start with two cases which are extreme in nature but offer convenient and ample comparison of what such officers are capable of doing. We will first of all cite the case of the District Commissioner, Bukedi, Mulekezi (Subject No. 16) and the manager of the Eock Hotel, Tororo, Nshakanabo (Subject No. 17). It will be recalled that the Commanding Officer of the Air and Seaborne Battalion, Lt. Col. Toloko, ordered their arrest in the hotel bar after a small altercation between a customer, Adrole (W. 68) and Nshakanabo over the bar bill which was presented to Adrole for payment. We understood that the main reason for the arrest of these two unfortunate men was the Lieutenant Colonel's allegation that the manager was 'cheating' and the District Commissioner had tried to step in on behalf of the manager. There was in fact no possible reason or excuse for the arrest of these two citizens who, for all intents and purposes, had committed no crime, nor had they done anything wrong so as to forfeit their liberty and, as it turned out, their

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lives. At the other extreme is the case of Kandole (Subject No. 24) and his brother Kateera (Subject No. 25) in Fort Portal, where the Commanding Officer of the 2nd Paratrooper Battalion then was Lt. Col. Onah (W. 360). Although he denied authorising their arrest we found, when discussing their case, that the minutes of the meeting, which the Lieutenant Colonel had called and addressed, indicated that his comment about those arrested referred to these two subjects who had already been arrested. As we have seen, there were very serious allegations against the two of subversive activities and, in these circumstances, the Commanding Officer, to whose attention Kandole's letter had been brought, would have had every reason to order their arrest.

457. The other Commanding Officer who deserves mention under this heading is Lt. Col. Gowon. He intervened on behalf of Sobi Salim (W. 134), who had been handed over into police custody by the Military Police on a charge of assault and personation. After the police had taken him to court and were in the final process of gathering their witnesses, the Lieutenant Colonel ordered the withdrawal of the case and the transfer within three months of the investigating officer. We have already referred to the case of David Waise who was also removed from police custody in Lugizi on the orders of Lt. Col. Elly Assen. These were clear cases where high ranking army officers abused their authority and office which halted the due process of the law to take its course and thus contributed significantly in disrupting the local machinery of the Government for

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the maintenance of law and order. At the same time, we should not forget the conduct of soldiers of lesser ranks like Lt. Obbo (W. 510) and Lt. Muanu (W. 178) of Busia. The latter was responsible for the arrest of Wedakure (Subject No. 2) for reasons which remain a mystery. There were some Intelligence Officers also who committed certain excesses and we shall deal with them a little later.

458. We shall now say a little about the activities of the Military Police. From a perusal of each subject history it will have been seen that we were able to follow certain subjects up the Military Police, Makindye. We do not propose to list all of them here, or to repeat all the evidence on each of them. What we would like to say is that the Military Police also was functioning under the Armed Forces (Powers of Arrest) Decree, till Decree No. 26/72 was repealed on 24th August, 1973 by Decree No. 21/73. Thereafter another Decree, the Military Police (Powers of Arrest) Decree, No. 19 of 1973, was promulgated and came into effect on 27th August, 1973. We should now mention a few cases in which the Military Police was involved before the 27th August, 1973.

459. We should start with three policemen: ASP Nakumusana (W. 484), AIP Kasule and Insp. Olupot (W. 513), who were arrested by the Military Police in November, 1972, for allegedly failing to do their duty properly. It appeared that a stolen vehicle had been recovered by the police and Nakumusana had placed a guard on it for the night; nevertheless, the vehicle was stolen again. They were kept at ...../723.

at Makindye for eight days and then released. No charges were brought against them and none of them was told the reason for his arrest and detention.

460. The next case involves two other policemen: ASP Walendu (Subject No. 297) and IP Cume (Subject No. 5), who were arrested on 31st August, 1972. From the details of the evidence already narrated it seemed that SSP Ali Toweli, Head of the PSU, was not happy at the manner in which these two police officers had handled the case of a dead body which was lying by the road side near the railway footbridge in Entebbe Road. He gave vent to his displeasure by immediately arresting them and handing them in at Makindye in the custody of the Military Police. Inspector Olupot later visited them at Makindye for their statements and there was no more news about them thereafter. This case brought to light the obvious contempt in which the Head of the PSU held the law which required prisoners, no matter who they were, to be taken to the nearest police station within 24 hours. The Commanding Officer, Military Police, was just as much guilty of shutting his eyes to the provisions of the Decree which we have just cited.

461. There was the case of the four policemen and two civilians who were fetched from Lugazi Police by Lt. 'No Parking' and handed in at Makindye for interrogation regarding the allegations of celebrating the Invasion.

462. The case of the two prison officers, Mulondo and Labwota (Subjects No. 19 and 20), who were fetched from Fort Portal, also needs special mention. It will be recalled that Lt. 'No Parking' was again

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involved in delivering a letter from the Commanding Officer, Military Police, Makindye, to the Public Safety Unit, Nguru, for an escort to fetch them from Fort Portal. Both of them were handed in at Makindye. Nobody knows the reason for their arrest.

463. And lastly, we should refer to the case of Natolo Masaba, (Subject No. 145) the transporter of Mbale, who saw Your Excellency in an endeavour to clear his name of any allegations which might have been brought against him. Following Your Excellency's directions he went to Makindye on 21st January, 1973 and disappeared. Your Excellency's directive was quite clear in that he was only to make a statement which was then to be investigated. Instead the Intelligence Officers, who seemed to have received him with apparent glee as 'food for the day' (p. 2982) detained him for months on end.

464. These are but a few glaring examples where people were traced up to Makindye and then the clues gave out completely. They show clearly that the Military Police authorities detained them in contravention of the provisions of the Decree.

465. We think that this is an appropriate place where we should say something about the Military police, Lira. We should like to put on record our thanks to Capt. Chandia (#. 237) for his cooperation and for the production of his Daily Occurrence Books for our examination. As a matter of fact, those were the only DOBs that were ever produced before us. The DOBs of Makindye were said to have been damaged by water when a shell from an attacking APC pierced a water tank during/...../725.

during the troubles of April, 1974 and the water flooded into the unipot where these record books were being stored. The evidence was that subsequently the Commanding Officer ordered that these books be burnt. When we asked Sgt. Nale (No. 522) of the Military Police, Ndale for his DOB, he promised to produce it but he appeared before us the very next day and said that he had been 'reminded by God' (p. 5396) that he had sent all the previous years' DOBs to the Military Police Headquarters, Makindye, for safe custody. He went on to say that his record books were included amongst those which were destroyed. We did not believe that evidence because the Military Police, Lira was keeping its DOBs of the previous years and Capt. Chandia did not mention any such practice whereby all record books of the previous years had to be submitted to the Military Police Headquarters.

466. However, according to Ex. 48, 50 and 51, at least four subjects who were mentioned before us, that is, Subjects No. 92, 93, 94, and 135, appear in the DOB of Lira Military Police, which also indicates that all were taken away to Kampala. In the case of the first three they were escorted to Kampala by Cpl. Okello of Intelligence Malire; Subject No. 135 was escorted to Kampala by Cpl. Esmail. These subjects would have been taken to the Military Police Headquarters, Makindye, but again there was nothing to show that they ever reached there.

467. This was another example of the contravention of the provisions of the Decree. It also indicated that up-country Military Police Units were either forwarding

prisoners to Makindye or soldiers from the Intelligence Section, SIR and also the Military Police were going out from Kampala up-country to fetch prisoners. This was one of the difficulties to which Capt. Chandia referred that during September, 1972 civilians were being arrested by soldiers from outside Lira without his knowledge. We found this difficult to believe for at least four people appeared in his own DOB as having been arrested by soldiers who came from Kampala. While still dealing with the Military Police, Lira, we should also mention the case of Ben Odur (Subject No. 90) who was arrested on 5th February, 1973. A Volkswagen Kombi belonging to Captain Chandia's Unit was used and Capt. Chandia was not only aware of this arrest but was present when Odur's house was searched. He too seems to have been dealt with in complete contravention of the provisions of the Decree.

468. We should mention only three cases to emphasise that after 27th August, 1973 the Military Police continued with their obvious abandon and persistent contravention of the provisions of the new Decree which specifically gave them powers of arrest and detention. We start with the case of Africano Arikigamba (Subject 272) of Mbarara. As has already been seen, he was the landlord of two barmaids and got caught up in the affairs of those girls quite unwittingly and innocently. After being beaten up he was taken to the Military Police, Mbarara and about a week later his body was found in Ruizi River.

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Under section 8 (1) of the Decree (No. 19/73) the arresting officer is required within 24 hours of the arrest to take or send the person arrested to the nearest police station, unless the prisoner is suspected of having committed an offence triable by a Military Tribunal. In the first place this subject had not committed any crime at all and there was no reason for arresting him for anything as enumerated in section 2 of the Decree. It was incumbent upon the Military Police of Mbarara to take him to the nearest police station within 24 hours, but instead it seems they took his dead body to the river.

469. The next case is of a young man called Joseph Ouma (Subject No.8). He was arrested by Sgt. Abdu Sulemani Semakula of the Military Police, Makiindye, after a fight over a girl on 10th December, 1973. Ten days later, when Insp. Lobe (W. 92) took the other three men involved in the same fight to the Military Police, Makiindye, he noted in his minute that he had not been able to see Joseph Ouma. We rejected his subsequent evidence of having been told that Ouma escaped but we should like to emphasise that Ouma was kept at the Military Police, Makiindye for well over 24 hours and we are certain that his crime, if he had committed any, was not one of those offences which are triable by a Military Tribunal.

470. The last case we should like to mention here is that of John Ntarusoko (W. 148) who was arrested at a local dance held at the bar of John Lule at Mkokonjeru by some Army men who had gone to the bar  
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to perform at the dance. He is one of those people who was forgotten by the prison authorities after his admission into Makindye. According to him it was after five months that the Commanding Officer released him as the soldiers who took him in had failed to come to make their statements.

471. From all these cases, and the others which we have not repeated here, it is quite obvious that even the Military Police had no regard whatsoever for the Decree which had been promulgated with the sole aim of maintaining law and order and at the same time up-holding the Rule of Law which is apparent within these decrees from the various provisions about the maximum period of detention of the prisoners at the prison premises and thereafter their delivery to the nearest police station within 24 hours unless, and this was after 27th August, 1973, the prisoner was arrested for any offence triable by a Military Tribunal. Even in such cases sufficient provision was made to safe-guard the prisoner till he was produced before the Military Tribunal for trial. The comment we made earlier on that those upon whom fell the burden of enforcing the law as promulgated in these Decrees were themselves the worst offenders is amply borne out by these cases.

472. We shall now devote some time to the activities of the Intelligence Officers of the Army. We came across them in Mbale, Gulu, Fort Portal and Mbarara. The man in Mbale is Sgt. Male (W. 522) whose memory appears very short indeed.

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He was emphatic that his Unit could detain civilians for only 24 hours and not any longer. Mr. Ochen (W. 221) proved him quite wrong when talking of his own arrest by the Military Policemen from Mbale and his detention at Mbale from 26th September, till 16th October, 1972. This surprised Sgt. Male but we thought that it was not a genuine surprise! The evidence of Mr. Ochen clearly showed that civilians were being detained by the Intelligence Section for much longer than 24 hours, sometimes without even keeping proper records of their detention.

473. In Gulu we had Cpls. Onziga (W. 491), Bondo (W. 493) and L/Cpl. Ali Wila (W. 488). This 'trio' seemed to have built up for themselves quite a reputation and we started hearing about them from Lira. Besides other activities about which we had occasion to speak when dealing with the cases of Ephraim Adenya (Subject No. 213) and Tobia Okot (Subject No. 195), we should like to mention the case of the agricultural officers, that is, Subjects No: 102, 103, 104, who were arrested by these officers together with two female secretaries and taken to the Gulu Airbase Barracks. Whereas the girls were released the three men disappeared from the barracks. We cite this example of these agricultural officers to emphasize that this trio were engaged in terrorizing the public and were arresting people and taking them to their barracks without maintaining any proper records and ignoring the 24 hour rule of taking them to the nearest police station as the Decrees stipulated.

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474. We said that their reputation had extended as far as Lira and we heard evidence about the arrest of certain people from Minakulu sub-county of Lango District, bordering Acholi, all of whom were said to have been arrested by people from Gulu. We should point out that according to Ali Wila (W. 488), they were not keeping any DOB like other Units, but were only keeping a record by way of a report which was filed away. This appeared quite a convenient system when it came to producing their records, because none was available. This again was in complete contravention of the provisions of the Decree. Moreover these three were not content with their illegal activities and, in at least one case, they tried to eliminate a witness, that is, Mususu (W. 317) who was an important witness in the case of Tobia Okot (Subject No. 195). They shot him in the leg which is now completely deformed. On their report he was charged with personating an Army officer but, as we have seen, during investigations the police officer went on a different tangent and thought, rightly in our opinion, that this was a case of attempted murder. The poor man went into hiding and, like many other cases, the police made no further progress with their investigations.

475. The case of Ephraim Adenya (Subject No. 213) also brought to light one other irregularity. We were told by the Intelligence officers that they arrested people in Attiak with five guns and a hundred rounds of ammunition on 13th September, 1972, of whom they escorted two to Kampala and handed them over to Lt. Col. Francis. The way this matter was handled also contravenes the provisions

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of the Decree for rather than the prisoners being handed in at the nearest police station within 24 hours, we see them being taken elsewhere and though handed into the custody of Lt. Col. Francis, we have no idea if the Lieutenant Colonel then complied with the mandatory provisions of the Decree (No. 26/72) and handed them over into police custody to be dealt with according to the law.

476. In Fort Portal we had the privilege of seeing WO2 Smart Jackson (#. 424). According to the evidence which we heard about Kardole (Subject No.24) and Kateera (Subject No.25) it was this Intelligence officer who arrested them on 18th September, 1972. We heard evidence about the meeting which Lt. Col. Onah called, the minutes of which indicated that the people who had been arrested had been sent to Kampala. As we found when we were dealing with these cases, there was no doubt that they had been arrested on the day mentioned above and we found that they disappeared thereafter. This was another case where the Intelligence officer had blatantly contravened the provisions of the Decree (No. 26/72).

477. The last subject to be mentioned with regard to the activities of the Intelligence officers is the incident which occurred at Muhoca in the bar of 'Mukonomoja'. There we had an Intelligence officer called Sgt. Jackson Songa (#. 534) who came from Mbarara and arrested Nyarubona (Subject No. 291) from the bar. He also collected the three prisoners from Kasese/...../732.



Kasese Police Station together with the Peugeot vehicle, and his version was that the Commanding Officer of Simba Battalion wanted those in police custody for questioning about the fight in which some soldiers were involved. Although Songa denied any knowledge about Nyubona and his arrest we found that he had in fact arrested him together with the other civilian Odongo Kaganda (Subject No. 302). Like the cases we have already mentioned, these men also do not seem to have been dealt with in accordance with the provisions of the same Decree.

478. We now come to the stage where we should say a little about the Public Safety Unit - PSU. Nobody was able to say exactly when this Unit was established except that it was sometime in 1972. At the time of its inception, it was under the Police Operations' section whose responsible officer at the time was ACP Barlow (W. 540), now retired. According to him, this Unit was established as an anti-kondo unit and its training was based on that purpose but subsequently it was given the duty of patrolling in and around Kampala to curb kondoism - p. 6814. SSP Toweli (W. 508), who was the third person to take command of the Unit, said that the purpose of this unit 'was to safeguard the public and their property', p. 6069. He expanded this definition a little more when he said at p. 6070:

"The Public Safety Unit performs the operations of the usual police force, but when there is a situation of fighting kondoism somewhere it is the Public Safety Unit which is called upon to go and do that work."

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... of the Unit, ASP Abou bin Sebi (W. 93)

... functions of this Unit as follows - (p.919):

"The most important work is to combat kondoism. When people are robbed at gun point, their property is robbed from them, kondos murder people and all sorts of crimes committed by kondos. We do our best to help the public on kondoism, and when we work hand in hand with the Military Police. Very often we travel in their vehicles, and if there is any operations outside, we go together."

From these explications of the main functions of the Public Safety Unit it is manifest that it was established solely as an anti kondo unit. In other words, it was a Unit in support of the Police but mainly concerned with fighting kondoism and, according to Mr. Ali Toweli - (p. 6116):

"When they are not fighting kondoism they are friends (of the public), they are moving together, no trouble."

In discussing the role of the PSU we shall consider how far this Unit stuck to its initial functions and also see the kind of relationship they developed with the members of the public.

Mr. Barlow said that after sometime the Unit was made independent with its own Head and, although it remained part of the Police force and thus came under the direct control of the Commissioner of Police, it seems to us from the evidence which we heard that the Head of the PSU could, at his choice and of his own volition, go in any region or province and carry out operations during which he could also command the regional or provincial police commanders. We are supported in this by the evidence of SSP Wabwire (W. 524), when he was giving evidence on the case of Insp. Oumo (Subject No. 5) and ASP Mwanika (Subject No. 297). We shall revert to these two witnesses a little later.

It seems that as time went on, the role of the PSU grew and went far beyond the purpose for which it was initially established. This was a great pity. If the Unit stuck to its functions, it would

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have retained the quality of which Mr. Towell spoke that it was a friend of the public. As we shall see presently the way it behaved, rather than staying a friend of the public who needed it most in times of distress and emergency, it earned itself a notoriety of an oppressor who was to be dreaded. As a matter of fact the rôle of the PSU, in the eyes of Mr. Towell, became so bloated that he was prepared to equate it with that of the Military Police and to ascribe to it the same rôle and function similar to those of the Military Police, - p. 6513.

482. There are a number of cases which we can cite in support of what we have said just now. To do so would merely add to the volume of this Report and make it tedious. Nevertheless we should refer to just a few cases to illustrate how friendly Mr. Towell's PSU was.

483. Let us start with the case of two police men, Oumo and Walendu. It will be recalled that both of them were attached to Katwe Police Station and fell victims of the road of the PSU on account of a body which was lying by the road side near the railway foot bridge in Entebbe Road, and which was being investigated. There was evidence that Oumo, who was then in the process of handing over to Walendu before proceeding on transfer, had issued instructions for the removal of the body.

To Mr. Towell all this meant nothing and he preferred to take the extreme view, for which we have no evidence, that both of them were guilty of gross neglect of duty.

It will be recalled that according to SSP Wabwire, if there was any neglect of duty, which he thought it was

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not, the matter could have been dealt with by way of disciplinary proceedings for which sufficient machinery already existed in the Police Standing Orders. Also here we see two police officers of the same rank, one a mere regional police commander and the other the Head of the PSU, taking different views of the same matter; one preferred the more sensible view which, let it be said, was the legal view, and the other, who perhaps being obsessed with power, took the opposite attitude to show his authority by ordering their immediate arrest. We might add that we rejected Mr. Mr. Towell's evidence about certain remarks which Oumo is alleged to have made at which Walendu is alleged to have burst out laughing. In other words, there was no legal reason for the arrest of these two policemen. They were arrested and taken to Makindye. Here also there was no reason why they were handed in at Makindye, except for what Mr. Towell said about the advice given to him by the two Army soldiers who were with him.

484. There was then the string of arrests of police officers from barracks, in most of which his name was mentioned. Those names were put to him but every time Mr. Towell professed ignorance. Whereas we believe that sometimes ignorance may be bliss, we are firmly of the view that all these incidents in which Mr. Towell was said to be implicated, could not be explained away by pleading ignorance. A look at the case of Insp. Momo (Sub No. 191) indicates that Towell was actually present outside his house when he was arrested by his men. In the case of all these policemen who

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... responsibility to ... who also was given ...  
... at least in the cases of Hono and ...  
... that both of them sent little ...  
... not to their lives from ... These cases suf-  
... ficiently illustrate that the Head of the PSU, a Unit  
... which Mr. Towell ... a friend of the people, acted  
... in a very ... manner in arresting fellow police  
... officers ... and detained them at the  
... Military ... which was not only against  
... the legal provisions but, as far as we are concerned,  
... the Military Police seem to have been also guilty of  
... in complete disregard to the  
... Decrees about which we have already spoken.

485, Mr. Barlow (No. 540) made a half hearted attempt  
to explain what was happening. He said -

(p. 6826):

"I think basically what brought this about  
was that facilities for detention were  
sometimes not sufficient in one place and  
they had to be taken somewhere else and it  
so happened that when these two units co-  
operating that they could use the facilities  
of either of the units."

We refuse to accept this explanation which we find most  
illogical in view of the fact that there are a number of  
police stations dotted in and around Kampala which would  
have offered sufficient accommodation for the policemen  
who the PSU took as prisoners. Furthermore there was  
evidence that PSU was taking all its prisoners to Jinja  
Road Police Station for custody, and we fail to under-  
stand why the usual facilities were not used by  
Mr. Ali Towell in respect of the policemen who were  
arrested.

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486. The next case which we should like to mention is that of Supt. Bwarika (Subject No. 301) of Mpigi Police Station. His 'crime' was that, because he did not find sufficient evidence on record about the suspected robbers who had been detained, he released them on police bond pending further investigations. The same night he was picked up by men of the PSM. We should like to remind ourselves of Your Excellency's advice to those concerned with investigating cases that they should arrest only when there is sufficient evidence to justify arrest and so forfeit the liberty of the subject. We have no doubt that Supt. Bwarika's action was quite in order and legal. Here again we see the working of the Unit in its true colours!

487. The case of the Fort Portal Police men, including a police woman, who, together with others from Lugazi Police Station, were termed as the 'revellers' elsewhere, must also be mentioned. True to fashion Mr. Toweli again denied any knowledge but he forgot one little thing. He forgot that he himself had handed in the woman police constable Achionz (Subject No. 287) at the Central Police Station where the duty constable, who deserves our commendation, made an entry in the Station Diary, Ex.176. This single piece of evidence was of such a devastating nature that it exploded completely the facade which the Head of the PSM had put up, based on mere ignorance. This lone piece of evidence proved to us beyond any shadow of doubt that Mr. Toweli was not to be trusted and was a completely untruthful witness. He certainly knew about those policemen and also what was done with them.

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This was another classic example of the manner in which the PSU had charted out its course of operations in direct contravention of the laws of the country.

482. The story of the innumerable excesses of the PSU would not be complete without the case of the ex-policeman, James Ryansi (Subject No. 255). This case brought to light the involvement of Mr. Ali Toweli's subordinate officer ASP Obura ( . 97). ASP Obura was attached to the Unit as the CID officer and was charged with the duty of investigations. Ryansi's case illustrated what he understood by the word 'investigations'. Our counsel was able to pin-point these two men of the PSU in this case because he managed to get the police file from Jingo Police Station. Had that file not been available, there was nothing to prevent both of them from relying on their denial and ignorance. Ryansi was alleged to have committed some serious offences; Jingo police had almost completed their file and were ready to take him to court when the Head of the PSU intervened. The poor man appeared before both of them at Naguru and according to Obura's minute on the file was 'dealt with' (p. 6677). Mr. Obura vainly tried his best to 'translate' that phrase and we take the liberty of saying that we have never seen such a sorry sight in the witness box. Let us say again that his 'translation' did not convince us in any way, but went a long way in buttressing the obvious inference which was that the man had been done away with. That case illustrated also the abuse of authority of the Head of PSU.

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This was the uncolled for and improper interference in the work of the CID and illegally stopping the due process of the law in respect of a prisoner who was about to be taken to a court of law. In other words, due to the deliberate illegal actions of these two officers, justice was denied to a prisoner. The question we ask is, how can any one, even Mr. Obura himself who seems to be so fond of translating his own writing and actions, translate this denial of justice and say that it was done in furtherance of the functions of the I.W., that is, anti-kondo operations.

489. The next example in which Mr. Ali Torli seems to have interfered with the investigations of the police is his arbitrary action in ordering the release of the car of M. Kayamba (subject No. 250) which, according to the evidence, was being detained by the police as an exhibit concerning the case of Kayamba's disappearance. We think that he had no business of releasing the vehicle in such a manner merely because the person who came claiming for it was Captain Mwangi. His intervention seems to have brought to a complete stand-still any further police investigations.

490. To get further evidence about the role of the PCW and the conduct of its Head from the evidence of Mr. Mulardwe (J. 141), when he was testifying in the case of Makibinge and his other colleagues Subjects No. 52 - 54. On 10th July, 1973, Mr. Toweli visited the local bus works in connection with certain materials



which were reported stolen, and addressed the workers. It will be recalled that when he asked the workers if they had any other complaints they said that if Makibingo and Mulendwe were removed there would be no problem left in the factory. This brought a sudden reaction from Mr. Towell who forthwith arrested both and took them to Naguru. Mulendwe was released three days afterwards. This incident high-lights the illeral arrest of a citizen merely on some unfounded allegations of the workers. It showed that Mr. Towell was willing to sacrifice the liberty of an innocent subject for the sake of expediency to temporarily please the workers without considering the consequences of such an action in so far as the other senior officers of the factory were concerned. Here again he acted in contravention of the established laws of the country.

491. All these cases would no doubt indicate to any right thinking person that the PSB had significantly changed its character with the passage of time and, as Mr. Ali Towell himself said, was trying to assume the role of the Military Police within the Police Force. We have considered this remark very carefully and the implications which it involves. Leaving aside the Military Police for the time being, we see no need for having another body within the Police Force with far greater powers over the policemen. The record of the PSB is a sad commentary upon its efficiency and, when all is said and done, we think that in changing its colour it ended up not as a friend of the public but its foe. To give this body  
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any further and extended powers would bring utter havoc and chaos within the Police Force which will always be scared of the "Big Brother" watching all the time, not knowing how he was going to act but being sure all the time that chances were that in 99% of the cases his action would be dictatorial, arbitrary and in contravention of the laws of the country. On the other hand, if the Unit were to function as it started nobody would quarrel with it. Had it done its work efficiently it would have won laurels for itself and its staff; it would have been a real friend of the public in times of urgent need. But it did not function that way. Besides the cases which we have mentioned already, there was another incident which occurred at Fort Portal Police Station where men of the PSU had been sent to bring back two prison officers, Mulondo and Labwota (Subjects No.19 and 20). The evidence was that those men from the PSU had all the prisoners from the police cells brought out and caned in full public view and in the presence of the local police officers who could not even lift a finger. Such people are better out of the Public Safety Unit and ought to be censured for their actions.

422. The question we asked was whether Mr. Toweli should be allowed to convert his Unit into something of the status of the Military Police in the Armed Forces. We think that we have sufficiently answered that question. Neither has he the calibre nor the courage of his convictions to be in a position to canvass support for such a wild idea which, we think, must have erupted in his mind to get more power and prominence than before.

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Whatever power he had seems to have corrupted his mind already and any further power will automatically corrupt his mind absolutely. As a part of the Police Force, the Commissioner of Police ultimately takes full control over it and Mr. Ali Toweli, or any other Head of the PSU who might come after him, must be directly responsible to the Commissioner.

493. Another weapon in the arsenal against this Unit was that it was called upon to provide escorts by other agencies and escorts were provided without even trying to find out the nature of their mission. This was done in a spirit of cooperation but, as is obvious, when nothing is known of the mission or the use to which the escorts were to be employed chances were that more harm than good could come out of such practice.

494. And lastly, a practice grew within the PSU, which again can be attributed to the consistent and sustained effort of Mr. Toweli to make his Unit supreme within the Police Force, of his men arresting senior police officers. We know that there is nothing wrong, and indeed it is lawful, even for a junior to arrest a senior officer where an offence is being committed but such arrests for a disciplinary matter cannot be condoned or supported in any way.

495. We should like to end this chapter of the PSU by repeating the words of the Head of the PSU, Mr. Ali Toweli - (p. 6514):

"....but I would like to mention that here in Uganda, people are being arrested and taken

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to court of any category, be he sander, junior or what, but he can be arrested by a constable or a private on duty if he commits an offence and he can be charged in court and that small man even the private can explain to the magistrate."

Our comment on this remark is that his own deeds and actions did not live up to these high and noble ideals and, no matter how learned and noble a person may appear, he is always judged by his deeds and we regret to say that, in our estimation, Mr. Ali Toweli did nothing to uphold the high ideals he speaks of in this quotation but his actions were throughout geared in the opposite direction which completely demolished these principles. We would add that such words do not suit Mr. Toweli who seems to have condoned the practice of transporting prisoners of the PSU like baggage in the boots of their cars as is exemplified by the case of the two prison officers, Mulondo and Labwota, who were brought all the way from Fort Portal to Makiyoo in the boot of a Peugeot 404 car by the two PSU constables. Reference to similar transport in the boot of a car is further found in the statement of Inspector Cume - Ex.143 - which he made to Inspector Olupot. This was done in the presence of Mr. Ali Toweli himself and we find it abominable for people to be carried in such a manner. It is an illustration of the most undignified and inhuman thing one can do to a human being.

496. Having dealt with the respective roles of the Military Police and the PSU, we should now mention what was termed before us as cooperation between the two. We thought it necessary to deal with this cooperation because, as has already been seen, both these institutions

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were in fact cooperating at the expense of the law which they were expected to uphold. We should be clearly understood that we are not against cooperation as such where circumstances make it necessary that there should be cooperation. It was known that the PSU started as an anti-konde unit but we did not know till Lt. Obbo (W.510) gave evidence that there was another 'chief of konde operation' and he said that this chief was the Commanding Officer of the Military Police, Brigadier Marala. During those early days of the setting up of the PSU for that particular purpose we knew, and heard evidence from ASP Abdu bin Sabi (S. 93), about the difficult task of combating kondoism in which it might have been necessary at times to enlist the assistance of the Military Police. Such cooperation would have been quite valid and useful. This may be illustrated by the confrontation with some robbers at Kibuye, which was revealed in the case of Barijunaki, Subject No. 60. The quarrel obviously arises where the Military Police is used not for combating kondoism, but rather as a repository for such people as were arrested by Mr. Toweli and who could have been, any ought to have been, taken to other places of custody which abound in and around Kampala. As we have had occasion to remark earlier we do not find, and there was no evidence about it, that any of those people who were so arrested had committed such grave offences which might have necessitated either maximum security or trial by a Military Tribunal. Not only that, from the evidence we heard, even Makindye was not a place of maximum security and there was evidence of some alleged escapes from there.

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So, the cooperation about which we heard was misconceived by those who thought that by getting together and contravening the 24 hour rule, which was inserted in the Decree to which we have referred, they were cooperating in the fight against kenelism and generally maintaining law and order.

497. We should here mention the arrests of at least three citizens, that is, Ochen (W. 221), Mulendwe (W. 141) and Ntarusoke (W. 148). It will be recalled that Ochen was kept in Military Police custody at Mbale for twenty one days; Mulendwe was kept in the custody of IGP at Masuru for three days and Ntarusoke was kept in Military Police custody, Makindye, for five months. None of them appears to have committed any offence known to the law but were nevertheless deprived of their freedom for the period mentioned above. We have already stated elsewhere that their custody contravened the 24 hour rule and, as far as we can make out, this high-handed action of the authority concerned was manifestly not under the general protection or immunity from civil litigation for damages or compensation as provided by Decree No. 8 of 1972. These cases sufficiently illustrate that some unscrupulous officers tend to resort to the harassment of citizens with impunity because of this general immunity provided by this Decree.

498. We spoke about the Armed Forces (Powers of Arrest) Decrees of 1971 and 1972 and said that had the provisions of these decrees been strictly adhered to and

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the responsibilities and obligations they created honestly and sincerely executed by the arresting officers the Rule of Law would have reigned supreme. The Military Police was, till August, 1973, also covered by these two Decrees in so far as the arrest and detention of prisoners was concerned. On 27th August, 1973 came into force the Military Police (Powers of Arrest) Decree No. 19 of 1973, upon the repeal of Decree No. 21 of 1972. The effect was to restrict the powers of arrest to Military Police OFFICERS in uniform only without in any way affecting the already existing powers of the civilian police under the Police Act and other legislation. Decree No. 19/73, like the two earlier ones of 1971 and 1972, also retained the 24 hour rule in respect of people who were arrested for offences not triable by a Military Tribunal and such prisoners had to be taken or sent to the nearest police station within 24 hours. For those who were triable by a Military Tribunal there were certain other provisions incorporated in the Decree like, for instance, that they could not be detained for more than 24 hours without the order of the officer commanding, Military Police, and in any event could not be kept in custody for longer than 28 days without a charge being preferred against them. As seen in this Decree a clear division based upon the nature of the offence allegedly committed by the prisoner and the point which, for our purposes, ought to be emphasized is that those arrested for offences not triable by a Military Tribunal, had still to be handed in at the nearest police station within 24 hours. By retaining this provision we

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see the clear intention of this Decree to employ the Military Police not as a substitute for the civilian police, but as complementary to it, in the all important task of maintaining law and order in the country. We think that the promulgation of this Decree and the provisions that it contains based on the clear separation of the nature of the offences committed by the prisoner offers the best example of cooperation between the two police forces, and is the kind of cooperation that we should like to see developed, and not the cooperation about which Mr. Toweli was bragging about. The emphasis which we are trying to bring out is not to choose which of the two is better suited in the fight against crime for being engaged to achieve the same end, that is, maintenance of law and order, a comparison will really be out of place; the emphasis is that one supplements the other in the task to which they are committed, both under the Police Act in so far as the civilian police is concerned, and under Decree No. 19/72 in so far as the Military Police is concerned.

499. According to the evidence what was happening was a direct contact and approach between the Commanding Officer Military Police and the BSU. This was illustrated in the evidence of Lt. 'No Parking' who delivered a letter from Brigadier Marela to ASP Abdu Sebi for delivery to the C.C. Police, Fort Lortal. Although Mr. Toweli denied any knowledge about such direct approach we think that there was sufficient evidence which showed that the senior officers,

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like the Commissioner of Police, were being kept in ignorance of the activities of these officers.

500. What we have said above is, in our opinion, sufficient to make an over-all assessment about the cumulative effect upon the police force as a whole. It is obvious that from the very early days after the takeover the police had started suffering from indignities and as time went on they progressively increased in intensity and frequency. The foremost effect which these excesses had was over-all fear in the police force. We should recall a comment made by the chairman to one of the police witnesses who was asked if the police were being referred to as a 'force of women.' Many police witnesses who appeared before us made no secret about it, indeed the Minister of Internal Affairs of the time, Lt. Col. Obitre Gama, was well aware of this aspect and it seems to us that nothing was done to arrest the situation from becoming worse. After fear had set in, it led to indifference on the part of the police who started referring cases which were being reported to them for investigations to the Military Police, Makindye. Fear engendered lack of interest and killed all incentive. To support what we are saying we need refer to just a couple of cases. The most prominent of course is the case of the former Foreign Minister Lt. Col. Ondoga (Subject No. 142), where Your Excellency had directed exhaustive investigations to be carried out. We have seen what sort of investigations were carried out and it is manifest that the police officer who was handed the file handled it as a hot potato; he put to shame his instructor when he

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they had been incarcerated. Yet no action whatsoever was taken by the CID to try to follow-up the report nor was any attempt to secure the persons of the two prisoners into their custody. The investigating officer admitted that there was an atmosphere of fear which prevented him and Qjulang from even interviewing the Lt. Colonel. Going further the same fear was reflected in the incident in the portuary after the two bodies had been recovered from River Malaba. The police officers had been so scared of the Army personality involved that they went to the extent of depriving Mrs. Eshekamba of the body of her husband, thus committing a heinous moral wrong of denying a dead person the privilege of having the last religious rites and a decent burial. We see the degree of fear of the Army in the minds of the police to such an extent that, whereas under normal circumstances, these two lives might well have been saved, due to that fear they were lost. The loss of these two innocent lives was neither a victory nor a defeat for anyone in the country; if at all, it was a victory for barbarism and a defeat for humanity at the cruel hands of an irresponsible Army officer.

504. Another instance where the police were unable to carry out any investigations was that of Capt. Welukusanga (Subject No. 249). That kidnapping was also reported to the police very soon after the event but the investigating officer only went so far as getting the particulars of the car involved in the kidnapping and, on finding that it was registered as the property of the Uganda Army, conveniently misplaced the file for the next six months. another/..... /751.

was at the trial for school and, rather than starting the investigations from the scene, went miles away in the opposite direction. I am not surprised that the end result was a very flimsy file containing only some press clippings and a report of no consequence.

501. At the same time I may mention that the Director of GIB and the Deputy Director of the Special Branch, who submitted a joint report to Your Excellency, fared no better than the investigating officer. In short, their so-called 'report' was nothing but a repetition of the instructions which Your Excellency had issued. The Director of the GIB, and indeed the investigating officer, complained bitterly of the lack of public cooperation. There was in fact no evidence of any policeman having approached any members of the public for information. The alleged interviews with the teachers were not substantiated by any statement. The only thing that was done was the formality of opening a file and closing it.

502. The second case which I should like to mention in support of this thesis is that of the P.C. Tororo, Mulokezi, and the Hotel Manager, Nshakanabo (Subject No. 16 and 17). It will be recalled that Supt. Mubona (No. 397) had received the report of the incident the following morning and the identity of the persons entering their arrest, that is, Lt. Col. Toloko, was also mentioned. In other words, the police had, from the very beginning, a full account of the incident together with the identity of the persons responsible for their custody. They also knew the

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they had been incarcerated. Yet no action whatsoever was taken by the CID to try to follow-up the report nor was any attempt to secure the persons of the two prisoners into their custody. The investigating officer admitted that there was an atmosphere of fear which prevented him and Ojulung from even interviewing the Lt. Colonel. Going further the same fear was reflected in the incident in the mortuary after the two bodies had been recovered from River Malaba. The police officers had been so scared of the Army personality involved that they went to the extent of depriving Mrs. Nshakanabo of the body of her husband, thus committing a heinous moral wrong of denying a dead person the privilege of having the last religious rites and a decent burial. We see the degree of fear of the Army in the minds of the police to such an extent that, whereas under normal circumstances, these two lives might well have been saved, due to that fear they were lost. The loss of these two innocent lives was neither a victory nor a defeat for anyone in the country; if at all, it was a victory for barbarism and a defeat for humanity at the cruel hands of an irresponsible Army officer.

504. Another instance where the police were unable to carry out any investigations was that of Capt. Welukusanga (Subject No. 249). That kidnapping was also reported to the police very soon after the event but the investigating officer only went as far as getting the particulars of the car involved in the kidnapping and, on finding that it was registered as the property of the Uganda Army, conveniently misplaced the file for the next six months. another/..... /751.

Another case very similar to this one is that of the former Chief Justice, Mr. Justice Benedicto Kiwanuka (Subject No. 34). There also the police investigations stopped immediately it was discovered that the number plate, "WV 171", belonged to a vehicle which was registered in the name of the Ugandan Army. These cases are sufficient to illustrate that the police considered itself quite helpless when dealing with a case where the clues pointed towards the Army.

505. Likewise in the case of Mr. Kalema (Subject No. 35), the police investigations seem to have come to a premature and abrupt end after the return of the police party from Kisoro, who handed over their findings to the Deputy Commissioner of Police, Mr. Adroni. When considering that in this case we pointed out that the obvious inference was that the police investigations pointed to someone whose identity had been discovered but it was thought discreet to call a halt to any further investigations.

506. If any more cases of lack of investigations on the part of the police due to the overall fear are necessary, we need only refer to such cases as those of Capt. Avudria (Subject No. 55), George Kamba (Subject No. 36) and Hussein Luberozza (Subject No. 23). The list will not be complete if reference is not made to the case of Supt. Apunya (Subject No. 105), where the identity of the person responsible for his death was known to everybody, and he was the same person who was later on responsible for the disappearance of two others in Tororo, that is, Lt. Col. Toloko. Apunya's case illustrated the extent of fear in the minds of the Ugandan police.

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did not do anything to help the widow who was then in dire need of assistance.

507. Closely connected with this topic of fear is the interference by some Army officers about which we have already spoken but for the sake of emphasis, we should like to mention again the interference which, coupled with fear, made the prosecution department of the CID to withdraw cases from court upon being so ordered by an Army officer. The classic example of this was of Sabi Salim in Mbarara. This was not only an interference with the normal duties of the police but a direct interference with the due process of law as established in the country. It affected also the administration of justice. We should also mention that we heard evidence of the difficulties which the police were experiencing in serving summonses on soldier witnesses and also the reluctance and, in some cases, deliberate refusal of such witnesses, to come forward to testify in courts in cases where they were the main witnesses. The result was that a number of such cases had to be withdrawn; there was no other alternative but to withdraw. This affected the administration of justice in that many criminals, who might have been convicted, were set free just because of the incomprehensible attitude of some soldiers.

508. We now divert our attention away from the police and look at the general public. We confess that we find this a rather difficult subject but we shall try to do the best we can with whatever little evidence we heard to try to bring out the effect which these incidents had on the ordinary public. We would start with the premise that some people witnessed some kidnappings and others heard

about them. In view of the considerable number of people who disappeared we think that, while such instances were occurring, the disappearances were no longer a secret but were public knowledge. The inhuman practice of taking away people in boots of cars was also something which was public knowledge. Cases like Mulkezi's and Apunyo's, Ephraim Adenyi, the Agricultural officers in Gulu, Mulondo and many more, serve as clear examples of people who were either shot and killed or were taken away never to come back. The shooting and injuring of Mususu is also relevant, so is that of ASF Kidega. When such cases occurred it cannot be said that members of the public did not know about what was happening. They knew it but became resigned to such events: they learnt to be patient and tolerate these incidents. We think that there are many factors which, either by themselves or through interaction or by a combination of all of them, teach a man the virtues of being patient and tolerant. We do not propose to write a thesis on this subject, but we think that the one and only relevant factor for our discussion is that of general fear in the minds of the people who, either by actually witnessing such kidnappings or by hearing about them from their relatives and friends, must have felt that if they were to avoid meeting the same fate they had better be patient, tolerant and, above all, keep quiet. This attitude will explain what we said at the beginning of our Report that our invitation to the public to come forward to give evidence received very poor response and it was not till the files were provided to us by Your Excellency and witnesses summoned that people started coming forward. What we have/...../755.

have said just how any be taken in support of the complaint made by the Director of the CID, MCP Mukasa that police investigations were hampered due to lack of cooperation from the public. We should like to correct that impression. A distinction has to be drawn between two situations: first, where an investigating officer is given a report to investigate a crime and, instead of making the slightest attempt to visit the scene, look for clues and approach people in the vicinity, he goes out on a stroll in the opposite direction. There can be no question of lack of public cooperation in that case for the simple reason that nobody was approached for any assistance. The second situation is where the members of the public, having witnessed a crime being committed, shrug their shoulders and walk away even before the police gets to the scene. We admit that this nonchalant attitude would make the police work difficult but we know also that a persevering investigator with a little incentive and experience behind him would still be able to contact a few, if not all, such witnesses. We know all too well that certain crimes which had been said to be impossible for detection were not only solved but the offenders brought to justice. But what about kidnappings from the police stations where policemen were whisked away in full view of their colleagues at the police station? What was the impediment there to investigate and why were no investigations done? It follows therefore that, although there may be a few cases where Mr. Mukasa's complaint may/...../756.



may find a little justification, in the majority the police cannot take cover under the umbrella of the general complaint of lack of public cooperation. It will not be out of place to mention that, of the many disappearances which were reported, not a single case was solved by the police and all the files were perhaps tucked away under the heading 'un-detected'. The explanation of why not a single case was solved lies, in our opinion, in other factors with which we have already dealt earlier on. We were told that these files may be revived at any time if any new information comes to light or is received, but we take a very pessimistic view of this unless the CID personnel are permitted to execute their investigations, wherever there still is such scope which, in our opinion, is manifested in some cases, in conditions which are generally conducive to facilitating their efforts without fear or favour from any quarter but, as we shall be commenting on this topic presently, under the general guidance and supervision of the Director of Public Prosecutions.

309. The upshot of this discussion obviously is that the happenings with which we are now concerned instilled fear in the minds of the people themselves and they were scared also either to do something or say anything which might prejudice their own safety. We are reminded of the evidence of Mr. Kakuyo (W. 180) who was transfixed like a statue when Haji Balunywa (subject No. 83) was hauled away in his presence from his office. The only person with a little courage who tried to seek redress for his deformed leg, was the witness Mususu (W. 317). But he too had to write  
his/...../757.



On being asked about Army personnel dealing with civilians during times of peace, he said (p. 4650):

"This depends on the Government, when I say the Government I mean the Military set up as the defence of the country, how the Military should be used depends on the Government. So if the Government decide they should have direct dealings with civilians then as I said it depends on how the Government thinks the Army should be used."

This was a very general expression of opinion with which no one can quarrel, but the question which arose was whether there should be any differentiation in the role of the Military in its dealings with the civilians in times of emergency, like war or an insurrection, and in times of tranquility and peace. We should think that in times of peace nobody would think of bringing out the Army to control something which did not even exist. Nevertheless, the Lt. Colonel, by implication, touched upon the general responsibility of the Army in times of emergency.

322 . The same question was put to the Adjutant of the Military Police, Makindye, Capt. Bogere (W. 169). He was more specific and said (p. 1643):

"I would not like to handle civilian cases but there are some cases, say ever since 1972, when the Civil Police was sort of confused with what was happening and they used to send everybody to Makindye, say go to Makindye we cannot do anything, you go to Makindye. This was not partly because this was not their fault, I would say in some cases."

We have already discussed the problem to which Capt. Bogere referred but the opening few words of this quotation provide a categorical answer from a professional soldier. Further down on the same page of the transcript, he said:

"Under/...../759.

"Under normal (circumstances) but I think these days we have got a Decree whereby the Military Police is authorized to deal with civilians with some cases."

We have already referred to that Decree, which is No. 19/73.

The present Commanding Officer of the Military Police, Lt.

Col. Albert Dragun (No. 528) had this to say about the

Decree - (p. 6571):

"If a Military personnel finds a person committing an offence, he could take him to Military police and then eventually he is handed over to the police."

At page 6572 he said:

"The men who are under me then can arrest any person now who has committed an offence or suspected of committing an offence bring him to me, I can look into the matter, if I see it is a criminal offence I hand him over to the police; if he is an Army personnel, I deal with him under Army act."

And lastly, we will refer to the opinion of Staff Sgt. Ojala

(No. 439) who said (p. 469):

"Actually I should not arrest civilians because my main aim to join Army is to protect civilians who are within my country and if at all a civilian has done a mistake and I am directed, I will arrest according to the law; but it is not for me to decide within myself to go and arrest my brothers or sisters. No because it was not my ambition to join the Army."

To think that the views expressed by Capt. Rogore and the Staff Sgt. are fairly clear and give an indication of the general reluctance of the soldiers as such to have to deal with the civilians. On the other hand, Lt. Col. Dragun spoke about the local aspect of the powers of the Military Police of arrest and detention of civilians.

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Let us say that, because of the more sensible and legal attitude of Lt. Col. Dragun, we have been able to see a marked decrease in the complaints against the Military Police ever since the departure of the former Commanding Officer Brigadier Marela.

513. Now that the Military Police has been guided clearly with a Decree specifically aimed at their powers of arrest, and sets out the procedure and other provisions in simple, straight forward language we think that the role of the Civilian Police and the Military Police has been clearly defined and, as we have had occasion to mention already, one essentially supplements the other.

514. Lt. Col. Onah (W. 360) spoke of the role of the Intelligence Section vis-a-vis the civilians and he said - (p. 3711):

"Well, the Intelligence boys have got duties assigned to them, they deal more with the military work rather than the civilian work. And as Intelligence boys they don't forfeit their rights as citizens because if they see something very serious happening they don't wait for the police. Like citizens, they take steps to arrest a bad situation but they don't have instructions to deal with civilians as such. This can happen during a war situation, when there is war then they can control the situation because during a war the police not being properly armed they cannot push an aggressor out, so it is normally done by the Army boys. During such times the Intelligence boys can take full charge and with the Military Police they can control the situation."

Here again we see a clear distinction based on the situation in the country; the Intelligence with the help of the Military Police may control the situation where

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the country is on a war-footing but under normal times -

p. 3711:

"Unless the situation warrants during the normal times something very very serious like hunger in the town to which their attention is drawn."

Otherwise the Intelligence Section is not involved in dealings with the civilians.

315. As we have seen when discussing individual subjects, some members of the Army Intelligence did over-step and act in the way they did when the situation could have been sufficiently contained by the civilian police.

316. We think we have said enough by way of a conspectus to high-light most of the impediments which were in the way of the police in the effective performance of their duties as by law entrusted to them. We have tried to show how the police became ineffective, which ultimately resulted in a complete loss of confidence and contributed to the breakdown of law and order. We have tried to pin-point other factors which contributed to that state of affairs and, wherever possible, we have tried to support our comments with the evidence from the transcript.

517. At this stage we would say a little about the District Security Committees, of which formerly the District Commissioners were chairmen. Those committees comprised of heads of the Security Forces within the District. We heard about them from Mr. Kakuyo (W. 180) and Capt. Henry Apech (W. 331). The former was the chairman of this committee in Busoga District and he said that the situation caused by the disappearances in his/...../52

his district was never discussed at the security committee (p. 1775). When he was pressed further on the failure of his committee to discuss the situation he became non-committal and said - (p. 1800):

"Though it was something to discuss but unless I go back and see whether we had discussed."

He nevertheless agreed that the disappearances like those of SSP Ebkerait (Subject No. 80) and Haji Balunywa (Subject No. 83) who was hauled away from his office in his presence, should have been discussed by the District Security Committee.

Likewise, Capt. Anech was most critical of the members of the Lango District Security Committee. He complained that Capt. Chandia did not tell him anything and, in his own words (p. 3325):

"He also said he did not know; I asked him why since he had the intelligence, these people can inform you what is happening and he replied that he did not know."

As we have already seen Capt. Chandia not only knew what was happening but, in a few cases, himself participated in a few arrests.

Upon being asked why he had been unable to control the situation in his district, the Capt. had this to say - (p. 3343):

"I think the only mistake was that, as you know, the Special Branch and the Intelligence were there, these people would have informed me clearly as to what was happening in the District because there were going round and staying with people in every bar but when I asked them they said that we do not know also. That is why I was not happy. I asked them that if you do not know, what is your duty in a district?"

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We have been discussing this every time."

This evidence is sufficient to indicate that in some districts the local security committees were not functioning properly. The District Commissioner was not being briefed adequately and it seems that they felt content with merely sending reports of disappearances to their Headquarters, rather than discussing them on the spot and taking immediate action to control the situation.

518. We shall now try to see if the Ministry of Internal Affairs and the Ministry of Defence, both of which were mentioned by Lt. Col. Obitre Gama (W. 437), took any steps to break the slide downwards of the conditions then prevailing. We have always had a Ministry of Internal Affairs under whose surveillance falls the Uganda Police. This Ministry is also responsible for the maintenance of law and order within the country. The Minister of Internal Affairs of the time (W. 437) said that p. 4641:

"...there were these disappearances and I used to put them down in my report, there were so many incidents reported to me and I think some of them should be in the file, the Minister's personal file or whatever it is, in the Ministry of Internal Affairs, there were people disappearing."

There was evidence also that many relatives of the people who disappeared used to see the Minister of Internal Affairs, who would instruct the Commissioner of Police to mount investigations, except in cases which involved Army personnel where he would refer the cases to the Minister of Defence. For example, where it was alleged that the subject was detained at any Army institution he would refer such a case to the Minister of Defence for investigations and

subsequent/...../76



subsequent report to him. Although we did not have anybody to come forward from the Ministry of Defence to give evidence, it appeared to us that nothing constructive was done by these two ministries to combat the undesirable situation, nor was anything done with a view to strengthening the police or to give fillip to the sagging and fast deteriorating morale of the police. This was indeed surprising because the Minister of Internal Affairs fully appreciated the situation in so far as the police was concerned, for he said, on being asked about the morale of the policemen, at page 4651:

"I would say it was highly demoralised, if you want in other words, it was low."

Lt. Col. Obitre Gama's evidence gave the impression that the only matter which he seems to have taken up with his counter-part in the Defence was the general complaint of the police that people were being dumped at their police stations by Army personnel who refused to identify themselves properly.

519. The foregoing evidence of the Minister of

Internal Affairs of merely acting as a clearing house of complaints from distressed relatives of people who had been taken away in circumstances with which we have already dealt and sorting out of these complaints as one does with letters at a post office was just not enough. In our opinion the Ministry, which could have done a lot, for reasons which shall become obvious presently, did not play its full part and in allowing the situation to continue, contributed significantly to the general disintegration of the police effort.

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520. We shall be coming to the Uganda Prisons shortly, which also falls under the Ministry of Internal Affairs. That Department also fell victim to the general scourge of disappearances from its staff and those were brought to the notice of the Ministry. For the time being, it will be sufficient to say that the approaches made by the then Commissioner of Prisons to the Ministry seem to have met the same fate as the Police. The one and only conclusion one can possibly reach from what has already been said is that the Ministry concerned seems to have treated all these reports as a matter of course, without putting its foot down and demanding for ways and means, in consultation with all its other agencies who were responsible, to bring to an end the terrible loss of man power. We do not think it was enough for the Ministry to act as a clearing house and expect a pat on the shoulder for having done its duty efficiently!

521. The apparent complacency which was reflected by the Ministries of Internal Affairs and Defence in not putting up a united stand, besides reflecting morbid indifference, warranted abandonment of their prime duty of affording the citizens the protection and safety to which they are entitled. We are firmly of the view that had the two Ministries functioned properly in those trying days the situation would have been saved but due to the false, or perhaps misconceived, conception of having done all that was necessary by distributing the complaints, brought the entire government of the country to take the blame for the illeral activities of some of the irresponsible people as we have already seen. We think that it will be totally wrong to say that the Ministry/...../766.

Ministry of Internal Affairs was a passenger in the same boat as the Police or the Prisons or, indeed, the rest of the citizens who became victims to such excesses and misfortune. We should have thought that the Ministry would have maintained its role of the captain at the helm to steer its law enforcing agencies, who were floundering and were in need of immediate assistance, to carry out their statutory functions. It goes without saying that where the skipper, i.e., the responsible Minister, becomes despondent, the crew no longer stands as a united pack and they too get caught by the same influence and must surely fall one after the other.

522. As we have already said a little while ago, the Prison services also had a fair share of disappearances as is evidenced by the testimony of the present Commissioner (W. 519) and the exhibit which he produced, that is,

Ex.137. The Commissioner's attitude was - p. 6303:

"Normally we as Prisons officers once an officer is arrested by the authorised authorities we don't follow-up to find out how and why they were arrested. We are convinced that they are in safe hands until such a time that they are produced before a court of law or else until such a time they are remanded in custody; otherwise we assume that they are still in safe hands of the authorities which carried out the arrest."

We refuse to believe that this must be the correct attitude because it means that once a prison officer is arrested, he is to be forgotten on the presumption that he is in legal custody and will be taken to court. This is again being very complacent about the whole thing and, as we have already seen, not only was none of the hundreds of civilians taken to court, not a single serving officer from any of the services was produced before any court

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of the land. We are constrained to say that this indifferent attitude must have prevailed during the period with which we are dealing due to other factors set out supra. He admitted that, whereas normally the Prison Department would be notified whenever any of its officers is arrested, he had failed to find any record of such notifications in his files and he thought that perhaps such notification might have been made at the time by telephone. This again we find hard to believe.

523. The Commissioner also talked about the report of such arrests made to the Ministry and he said - p. 6305:

"Had this gone on the Ministry's level, to assume that the Minister must be taking some precaution to find out because he is fully aware of this letter or this report."

He "assumed" that the Minister "might have taken action with the Police."

524. This is a sorry tale. Everything seems to boomerang to the Ministry of Internal Affairs which, as we have said again and again, was content merely to act as a clearing house, or a post office. We think that the former Minister of Internal Affairs, Lt. Col. Obitre Gama, summed up the position of his Ministry admirably. Mr. Emesu asked him why the police were unable to resist the interferences about which they were complaining, and he said (p. 4653):

"Then if you can allow me to ask, how would you if you were in the position of police to resist the interference.... to answer your question, I think, it was beyond their control.....I would go back to say that probably because of force of arms."

These words apply, in our view, not only to the police but to the mother Ministry also which was just as impotent, if not more, to look after its charges. The whole thing is

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a sorry tale of desperation, pessimism and utter dejection which, together with the causes we have endeavoured to analyse, contributed to the unwholesome situation, thus bringing about what can only call an unmitigated disaster.

525. We have seen people being taken prisoner very soon after the takeover. There was evidence that many of them were transferred into the custody of the Upper Prison, Luzira. The list of prisoners, as prepared by the Prison is Ex. 124, according to which there were no fewer than 557 prisoners being kept there. A look at that list shows that, with the exception of a hand-full of civilians the rest were all soldiers. The admissions into the prison started with 27th January, 1971. The first law to be made to cover these prisoners was the Detention (Prescription of Time Limit) Decree, No. 7 of 1971, which was promulgated on 12th March, 1971, and Section 1 reads:

"Any person who, at the commencement of this Decree is in detention as a result of military operations consequent upon or incidental to the takeover of the powers of the Government on the 25th day of January, 1971, or for having been associated in any manner with the General Service Department, shall continue to be so detained, unless earlier released, for a period not exceeding six months beginning with the date of the commencement of this Decree."

The Decree went on to establish a tribunal to review the cases of persons so detained.

526. The Decree was amended by Decree No. 15/71 which was made on 7th May, 1971, and amended section 1 by adding the words "or within two months of such commencement" immediately after the words 'at the commencement of this Decree' appearing in Section 1. A sub-section (2) was added to section 1, according to which the Minister was empowered/...../769.

empowered to extend the period of six months in respect of persons where the Minister was personally satisfied that such continued detention was necessary. It made further amendments also and provision was made for a review committee whose chairman was to be a judge of the High Court. We did not hear any evidence as to whether this review committee ever functioned as envisaged by the provisions of the Decree.

527. A further amendment was made to the Decree on 11th September, 1971, by Decree No. 31 of 1971. It is a one section Decree which reads:

"The Detention (Prescription of Time Limit) Decree is hereby amended by substituting for the expression "for a period not exceeding six months beginning with the date of commencement of this Decree" occurring in sub-section 1 of section 1 therefore, the expression "up to the 12th day of December, 1971."

528. Before commenting on the prisoners in the light of these Decrees we should mention Ex. 125, which was also prepared by the officer-in-charge of the Upper Prison, which lists 90 names, allegedly GSU personnel, of whom three are indicated to have been released and the others were received from Republic House and transferred to Murchison Bay Prison, all on 2nd March, 1971.

529. It seems fairly obvious to us that the prison authorities were holding these prisoners by virtue of Decree No. 7/71 and it would follow that the authority sending them to prison was manifestly acting under Section 1(1) of the Decree; in other words, treating them as detainees as a result of military operations consequent upon or incidental to the takeover of the powers of the Government on the 25th January, 1971 or persons associating in/...../770.

in any way with the General Service Department.

530. During the period that these prisoners were being detained at Luzira, we saw in evidence frantic efforts being made by their wives, and relatives to see them. They were being told that either the names they mentioned were not in the prison or they could not see them. With regard to the first reason we have seen that in certain instances the information given by the prison warders to such relatives was wrong and the man they were looking for in fact was included among the list of detainees - Ex. 124. There was a third reason also for turning away such relatives from the gates of the prison and this was that it was alleged that the time for visiting the detainees had expired. We do not understand what this meant for it was not till 28th December, 1971, that they were finally transferred to Mutukula. Some explanation for not allowing relatives to see the detainees was forthcoming from Lt. Col. Mondo (p. 377). When asked about this matter and whether the detainees were being treated differently from other prisoners, he said (p. 3866):

"Well, naturally such an order would come from Army Headquarters, Commander of the Army or some senior staff officers would certainly give such an order for obvious reasons of trying to ensure that people detained don't get in touch with other people unnecessarily."

We have seen that the distress this order caused amongst the families of these detainees was tremendous and they were really shuttling back and forth between all the places of detention, desperately trying to locate their relatives. Many of them ultimately gave up in utter helplessness. We have also seen that this order of preventing contact with their relatives raised many other problems for their families, and the most prominent was that the families  
were/...../ 771.

were left without any financial means for their maintenance and school fees for their children. We have seen that in a very few cases indeed some assistance was offered to get the detainees to sign cheques, but in a majority of cases it brought untold misery to their families. The position was very much the same at all other places of detention like police stations, Napuru PSU and Makindye.

531. Nevertheless according to Ex. 124 all those detainees mentioned therein, with the exception of fifty-one who are indicated to have been released, all the others were transferred to Mutukula Army Camp on 28th December, 1971, which is about sixteen days after the time limit for detention as prescribed by Decree 31/71. This gap of sixteen days was left unexplained before us and prima facie the detention of those detainees beyond the 12th day December of 1971 thus became illegal.

532. Lt. Col. Albert Drajua (W. 528) testified that he was instructed by his superior officer, who was then Major (later Brig.) Marcla, to escort those detainees to Mutukula Army Camp. He said that he was not told the reason for the transfer of the detainees and he carried out the mission by using about seven to eight buses in which four to five hundred detainees were taken to the Camp. He stayed at the Camp with his men guarding the prisoners for about a week till Lt. Richard came from Bombo with a complete platoon to takeover the duties of guarding those detainees.

533. The reason for the transfer was explained somewhat by Lt. Col. Mondo (W. 377). He said that he was not in the country at the particular time, but added

(p. 3866) /... /772.



"Yes, they are required to inform the next of kin of any serious accident that has occurred, and where somebody had gone to, may be operations, in which he had been involved and naturally somebody killed he has got to be notified. However, this should not be taken from there and draw conclusions that under all circumstances this ought to be done. Not at all, particularly under the circumstances of January, 25th, as one would very much imagine the situation which is highly complicated, politically and militarily. One would not necessarily draw conclusions that this ought to have been done."

This comment would indicate that the records of the Army of those who were involved in active opposition to the take-over which lasted over a period of months were perhaps not maintained up to date and the next of kin not informed accordingly. There is support for this comment in Ex. 136, which was prepared by Col. John Mwaka, CID (W. 516), after a list of certain soldiers was served upon him by our counsel for certain details and verification. We find that the dates of disappearances as stated in the list which, according to the Colonel, was based on information fed to his office by the various units, conflict in many cases with the evidence of relatives who witnessed the taking away of their relative soldiers. Colonel Mwaka said that he always got the details from the battalions through Part II Orders, which the Commanding Officer, through his Administrative Officer, signs. His attention was drawn particularly to the case of Rev. Lt. Olit of Simba Battalion (Subject No. 183), who is stated on Ex. 136 to have disappeared on 25th January, 1971. When the rest of the evidence about the Reverend was put to the witness about being called to Kampala for a briefing as set out in Part I Order, he said (p. 6243):

"No/...../773.

"No I don't know about this, I only get what has been reported to me because I physically can't work with them I don't know them; I only knew them through paper."

Nevertheless he did not seem to be very much impressed by this because he maintained that, having heard the rest of the evidence, we were at liberty to draw our own conclusions, but he would draw his "differently" (p. 6250). It does seem that, relying as the Record Office does on information being fed to it by the various Battalions and Units, there is always a possibility that occasionally correct information is not given to the Record Office. We think there is sufficient evidence to support this conclusion. He was then asked about the Mutukula incident in so far as the records are concerned, and he said (p. 6252):

"These were eventually notified because, I may go back in case of a war where there are these things, I normally don't get the report immediately, it is really kept as security secret between the Unit and the General Headquarters, then at a later date is when they give the record of the position, well, I heard of that as it was widely published in the press but unfortunately the General Headquarters had never sent me any reports, may be they are working on it. The case has not been disposed of."

We think that this finally explains the reason why we did not get any evidence about the number of those who managed to escape from Mutukula and those who died in their bid to escape.

534. He also said that where a soldier disappears it is the duty of the Unit to inform the relatives. He went on to give evidence about the various Army procedures concerning dismissal of a soldier upon conviction by a civil court and after an internal trial by the Army subsequent to a Board of Inquiry. We do not think that we need waste any time in considering that evidence because we think that we are not/...../774.

concerned with these procedures in so far as this Inquiry is concerned, except for saying that, with Simba Battalion at least, no such Board of Inquiry seems to have functioned to ascertain the whereabouts of the numerous soldiers who were said to have deserted the Battalion.

535. With regard to the Police, the Commissioner submitted Ex. 139 of seventy seven police personnel who are said to have disappeared since the takeover. Very few of these people were mentioned in evidence before us and we feel that the comments which we have made about the Army Records would apply equally to this information. We need only mention the case of Supt. Apunyo, who is mentioned in the list as having disappeared, which we find completely ludicrous in view of the evidence that we heard, which was also known to many senior police officers who were then stationed in Fort Portal. He did not disappear, what disappeared, as we have already stated somewhere else, was his body which was carried away by the soldiers under the command of Lt. Col. Teleko.

536. The Prison Department also submitted their lists of people who had either been arrested or deserted - Ex. 137 and 138. Mr. Emesu was very critical of these lists as he found that certain names had been repeated elsewhere. We think that the Commissioner of Prisons also agreed that there were certain repetitions and we spent a little time in trying to arrive at the correct number, by deleting these duplicated. According to our arithmetic, and we must pray for indulgence for any errors, we arrived at a gross figure of one hundred and two disappearances as disclosed by the records of the Prisons/...../775.

Prisons Department which were put before us.

537. It will be seen from the foregoing that no great effort seems to have been put into maintaining a comprehensive and accurate record of the personnel of the various services who disappeared.

538. Another matter on which we should comment at this stage refers to the general topic which was introduced by Sister Semazzi (W. 19), with regard to bodies which are taken to mortuaries and are not claimed by their relatives for various reasons. We are alive to the situation, and we think that the case of the disappearance of Harijunaki (Subject No. 60) gives some indication about the difficulties involved. The evidence was that a friend's car which he was driving was hijacked and subsequently used in the commission of a robbery in Masaka. Upon information received, the Military Police ambushed it at Kibuye and during the encounter three people in the car were shot dead by the Military Police. We are not commenting on the action of shooting as the provisions of the Robbery Suspects Decree, No. 7/72, adequately covered that situation. These three bodies were taken to the mortuary and, from what we heard, it became apparent that none of these three could be identified. We were not told if any finger prints or photographs were taken for ascertaining their identities from the police records.

539. The last topic which we should like to mention in this synopsis is about the families and property of the persons who have disappeared. Starting with the army, we should refer to Lt. Col. Mondo's (W. 377) evidence, when asked about benefits and death gratuity, he said (p. 3879):  
"This/...../776.

"This is a unique situation. When you talk of benefits or death gratuities, or anything about that, it is a unique situation. Obviously the case has got to be handled very carefully by the Defence Council. But I would naturally think anybody who dies in such an unusual cause or who disappeared in an attempt, in an unlawful escape, I would not think he or his relatives would qualify for anything like death gratuities or anything of that kind. I think this would not be in order."

Regarding the loyal element he said that the position was quite different and in that case "there would be disability, pension and whatever, should be paid." This evidence suggests a distinction between the loyal and disloyal soldiers within the Army; the former being entitled to all the privileges of service and the latter forfeiting all of them due to their disloyalty. As we have already said elsewhere all the cases of soldiers, with which we dealt, barring a few exceptions, could be ascribed to the logical and natural consequences of the takeover of the Government by the Army on 25th January, 1971 which, in effect means that they were all opposed to the change-over and were either known to the authorities and were arrested or put up active resistance and died in the shoot-out. These 500 odd soldiers as mentioned in Ex. 124 and detained under Decree No. 7/71 also come under the same category; the difference, however, being that special legislation was made to deal with them and, as already seen, besides the provision for a review committee, by the end a final date up to which they could be legally detained was prescribed. In the case of all these soldiers, according to the evidence of Lt. Col. Mendo, they would seem to have forfeited all their privileges of service.

540. With regard to the police force and perhaps also the prisons service, we think the position should be the same. We may be excused for our uncertainty for the simple reason that we did not have sufficient evidence to guide us on the practice in these two services. For instance, according to Ex. 141, which is the Police Force Orders Part 2, under item 185/72 (b) Supt. Bwanika and DSP Walendu were dismissed with effect from 15th September, 1972. Under item 189/72 (b) Inspector J.A.F. Cuno and M.I. Mene were also dismissed with effect from the same date. Under item No. 190/72 (b) Head Constable L. Obiya was also dismissed from the same date. According to Ex. 147 DSP, S. Ojek was retired from the Police Force from the same date. As will be recalled we said with regard to Supt. Bwanika that his action in releasing the suspected robbers on police bond was quite proper and legal. In dealing with the case of Cuno and Walendu we also made a finding that, at the worst, they may have been guilty of disciplinary charges. Yet all three were dismissed and DSP Ojek was retired. The effect of dismissal is the loss of all privileges, whereas on retirement the officer retains his benefits. Whereas we should not be taken as trying to go behind the decision of the Police Council, with respect, we think that these cases indicate some inconsistency which might have to be looked into again. We do not know how the other police officers listed in Ex. 139 were dealt with by the Police Council, nor were we told about the prison officers who were missing.

541. With regard to their personal property we hear

complaints from relatives of soldiers from almost all the barracks that they were either not allowed to take their property/...../778.

property away as were others, or some of their property was snatched away from them by some soldiers either on leaving the barracks or on the way when stopped at road blocks. There was evidence that in some instances some relatives went to the barracks and were either refused entry or found the quarters being occupied by somebody else and the property of the missing soldier removed completely. With regard to the policemen, except for Supt. Apunyo, there was evidence that the property was delivered to their homes with a full inventory, but we did not hear any evidence about how the personal property of the prison officers was dealt with.

542. Some vehicles were also involved: cars of soldiers, police officers and also civilians. There was evidence that Lt. Celestino Amone's car was taken away from Heima Police Station by another Lieutenant from Mubende and has not been seen since. Also the car of RSM Otuchi was taken away from his home by soldiers who arrested him for being a deserter. With regard to the policemen we may mention the car of Insp. Oume which, according to the evidence, was taken to the CPS yard. The Prisons Building Inspector, Obong Nam, had his car in a garage for repairs when he disappeared. From amongst the civilians we may mention the cars of Dr. Kizito, Kalema and Icimael Oyam. There was clear evidence about Natolo Masaba's tipper which was not involved in any illegal activity having been sold to Capt. Hussein Adda for Shs. 45,000/- at a public auction. Masaba's other truck, which was alleged to have transported guerillas, was seen by his wife at the Military Police, Makiyo. With regard to that truck there was evidence that it was obtained on the

allegation that it was transporting guerrillas and the driver, Mumbwa, was also detained. At this juncture the evidence of Brig. Ali Fadul (R. 490) is relevant. When he was speaking of the confiscation of Bananuka's bus, he said (p. 1662):

"If Bananuka's bus was found carrying guerrillas and it was captured during that time it was treated as property of guerrillas and all this property is being kept in the barracks and is being used."

In view of our findings in Bananuka's case, and particularly about his bus, there can be no doubt that when the Brigadier met Bananuka at Kaserobere he also saw the bus and it would seem obvious that the bus was then engaged in transporting people who later turned out to be the invading guerrillas. From this point of view, the bus was properly enemy property liable to confiscation. The same considerations would apply to the lorry of Natolo Mumbwa which was detained on similar allegations. We have given this matter considerable thought and the question of knowledge about the actual use of the lorry, in so far as its owner was concerned, has exercised our minds actively. In the case of Bananuka he was actually present and obviously must have known that his bus was carrying guerrillas. In the case of Natolo Mumbwa he had engaged Mumbwa merely as a driver for transporting teachers and Books of Rurisu Education Department. The fact remains that when the lorry was detained it was being used, although unknown to its owner, for purposes prejudicial to the security of the country and, according to Brig. Ali Fadul, it too could be treated as enemy property and confiscated. We are not saying that Natolo Mumbwa was a guerrilla or was supporting them.

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The same consideration would seem to apply to the vehicles which were confiscated from Okujid and the lorry of Omara Ebek's father; but not to Matolo Masaba's tipper which was sold by public auction to Capt. Hussein Aida. There was no evidence of any illegal use of that tipper in any manner. This is evident also from the fact that it was not confiscated by the Government but seems to have been dealt with as abandoned property and sold at a public auction.

543. The case of Kayemba's car is another example of a citizen's car being taken away from him through apparently illegal means. We rejected the evidence of Captain Magarsi in respect of an alleged deal between him and the Subject where all the papers were proved to have been forged.

544. We would have said something about the properties of the former Deputy Commissioner of Prisons, Samson Ocen, former D.C. Uba, Kisedi and Muvone but it seems that this matter of the property belonging to exiles has been overtaken by events in the light of the recent Government pronouncement concerning the moveable and immoveable properties of such people who have fled the country.

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TERMS OF REFERENCE (a), (f) and (g):

545. At the beginning of the Report we said that we would deal with our terms of reference from (a) to (d) when considering the case history of each subject. That we did, and made specific findings wherever possible in respect of those issues. We are now going to deal with issue (e) which reads:

"(e) Whether there are any individuals or organisations of persons whether within or outside Uganda who are criminally responsible for the disappearances or deaths of the missing persons and what should be done to the persons criminally responsible for such disappearances or deaths."

During our discussion of each subject we tried to indicate, in the light of the evidence which was available, the circumstances in which the individual disappeared or died; at the same time we also endeavoured to pin-point any person or institution who might have been responsible for the unlawful disappearance or death of the subject concerned. It will be noticed that throughout we made use of the word 'unlawful' and this was deliberate. Criminal responsibility as such is usually based upon the well-known maxim 'actus reus facit reum nisi mens sit rea.' This envisages two requirements, namely, that there must be both a physical element - actus reus - and a mental element - mens rea - in every crime. Mr. Mulenga submitted at length on this topic and, in a very lucid and able address, pointed out various difficulties which are involved in this expression, vis-a-vis our task. We agree with him when he said that we are not vested with any criminal jurisdiction of trying cases and establishing guilt, and he preferred the phrase 'unlawful/...../782.

*Named  
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jurisdiction -*

lawful responsibility' instead which would enable us to deal with this issue a little more comfortably. Besides the difficulties to which Mr. Mulenga so ably referred, we would like to confine ourselves to one or two comments only. A study of the case history of each subject would indicate in no uncertain terms that whereas in some cases there was some evidence pointing towards the unlawful acts of a particular person, there was none at all in other cases. We lament the general paucity of evidence in a majority of cases which made our task much more difficult. In other cases, where the clues led to any particular government institution in whose custody the subject was last seen or heard of, the difficulty quite obviously was about the identity of the person who might have been responsible for either ordering the unlawful disposal or the identity of the actual person who carried out such illegal orders for such disposal of the subject.

546. We might also comment on the nature of the evidence which we heard: some was direct evidence and some hearsay. Mr. Emsu submitted that we should not accept or rely upon that part of evidence which was hearsay. The learned counsel obviously forgot that this was a Commission of Inquiry and not a proper trial, and the difference between the two is quite obvious. A perusal of the Legal Notice, which laid down the procedure by which we were to be guided, excluded hearsay evidence 'which adversely affects the reputation of any person or tends to reflect in any way upon the character or conduct of any person' and also 'the expression/...../783.

expression of opinion touching upon the character, conduct or motives of any person'; but we were given an overriding discretion to ever admit such evidence as was excluded where we considered it essential to ascertain the truth of the matter into which we were commissioned to enquire. If the rules of evidence as laid down in the Evidence Act (Capt. 43) were to govern such inquiries it would be virtually impossible, in view of the numerous restrictions concerning admissibility and relevancy of evidence etc., to make any headway at all. It is for this reason that hearsay evidence has always been admitted and, as will be seen from the manner in which we approached and tackled such evidence, we were fully alive to the dangers of relying upon it wholesale and, wherever possible we endeavoured to subject such evidence to close scrutiny and also, wherever possible, looked for corroboration for the same. This may not have been possible in all the cases but we treated such evidence with the care and caution that it deserves.

547. Having said this much about the legal aspect of 'criminal responsibility', we should like to add that what we think we succeeded in achieving to pin-pointing individuals or government establishments whose involvement in the disappearances or deaths of the subjects was manifested in the evidence which we heard; in other words, those who were implicated in the unlawful disappearances or deaths of those people. We agree with Mr. Mulenga that the expression used in (c) can only be judged and established by a court of law after a full trial.

548. We dealt with 306 cases and received written memoranda in respect of two other persons, thus making/...../784.

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making the total of subjects 308. We should first like to set out the details of these disappearances month-wise and for this purpose we think that the table below will give the figures fairly clearly. This table is based upon a breakdown of the subjects according to their actual date of disappearance, a list of which is appended to the indices: (See p. 820)

MONTH	1971	1972	1973	1974	TOT L
JANUARY	22	7	10	3	42
FEBRUARY	8	2	8	2	20
MARCH	13	-	1	1	15
APRIL	12	-	1	1	14
MAY	1	1	-	2	4
JUNE	11	6	3	1	21
JULY	35	5	-	-	40
AUGUST	2	5	14	-	21
SEPTEMBER	1	67	4	-	72
OCTOBER	1	33	10	-	44
NOVEMBER	1	4	3	-	8
DECEMBER	2	4	1	-	7
TOTAL	109	134	55	10	308

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549. The breakdown of the total of 308 is as follows:

(i)	Soldiers	-	93
(ii)	Police	-	49
(iii)	Prison Staff	-	13
(iv)	Others	-	<u>153</u>
			<u>308</u>
			=====

*Soldiers - 93*  
*Police - 49*

550. For the ease of reference we give below another table

showing the establishment to which we were able to trace these subjects, that is, detention in any government institution, those who fled the country, those who were engaged in guerrilla activity and lastly, those about whom we were unable to establish the identity of the persons responsible for their disappearances:

TRACED TO:	CIVILIANS	POLICE STAFF	PRISON STAFF	SOLDIERS	TOTAL
1. ARMY CUSTODY	54	12	1	3 <sup>(1)</sup>	70
2. <u>MILITARY POLICE</u>					
(a) <u>MOR</u>	1	2	-	-	3
(b) <u>MOR</u>	1	-	-	-	1
(c) <u>Kakindye</u>	13	12	9	-	34
(d) <u>Lira</u>	1	-	-	-	1
3. <u>PUBLIC SAFETY UNIT</u>	4	11	-	-	15
4. <u>ARMY PERSONNEL FROM UNIT</u>	-	-	-	87	87
5. <u>FLED COUNTRY</u>	2 <sup>(2)</sup>	-	2 <sup>(3)</sup>	-	4
6. <u>GUERRILLAS</u>	14	-	-	-	14
7. <u>UNKNOWN</u>	51	12	1	3	77
8. <u>OSU</u>	2	-	-	-	2
TOTAL	157	49	13	93	308

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Foot Note \*(1) Subject No. 9, Lt. Sikony Mwaka  
Subject No. 59, Capt. Mony Mvudira  
and No. 69, Capt. Lukusonga.

Foot Note \*(2&3) Subjects No. 9) and 294, 295 and 307.

(\*) See p. 830 for breakdown figures.

551. Based upon our findings, we recommend that in the following cases further investigations should be made under the general directions, but at the absolute discretion, of the Director of Public Prosecutions as we feel that the culprits may possibly be tracked down:

*cell for further inv's*

- (1) Subject No. 12 - Dahil Hassan
- (2) Subject No. 22 - Juveniah Mureho
- (3) Subject No. 30 - Christopher Sewandigi
- (4) Subject No. 34 - Benedicto Kiranuka C.J
- (5) Subject No. 43 - Anna Kampi
- (6) Subject No. 5 - Joseph Mukasa
- (7) Subject No. 81 - Rashid Sururii
- (8) Subject No. 90 - Benjamin Odur
- (9) Subject No. 133 - Michael Opetto
- (10) Subject No. 140 - Alfred Opori
- (11) Subject No. 214 - George Olong
- (12) Subject No. 215 - F.C. Owaka
- (13) Subject No. 249 - Capt. Welukusonga
- (14) Subject No. 268 - Alfred Rubashoka
- (15) Subject No. 269 - Azalia Kabaterine
- (16) Subject No. 270 - Esamu Kibehereye.
- (17) Subject No. 272 - Africano Arikigamba
- (18) Subject No. 279 - RHC Kibera
- (19) Subject No. 280 - Police Sgt. Onk.
- (20) Subject No. 281 - Police Sgt. Opira
- (21) Subject No. 282 - Det. Constable Okello
- (22) Subject No. 283 - Det. Constable Onyachi

- (23) Subject No. 281 - Det. Constable Ochiti
- (24) Subject No. 285 - Det. Constable Okuma
- (25) Subject No. 286 - Det. Constable Onok
- (26) Subject No. 288 - Head Constable Opiya

552. We recommend that in the following cases the Director of Public Prosecutions should at his discretion consider any possible charges as revealed by the evidence and in the light of our findings against the persons shown opposite each subject as they seem to be implicated in their disappearances:

*Lists those implicated for prosecution*

<u>SUBJECT NO:</u>	<u>PERSONS IMPLICATED:</u>
Subject No. 2 Geresom Wedakule	Lt. Muovu and Said Omari
Subject No. 7-D/DSP Nelson Ochant	UA 6111 Cpl. Okello.
Subject No. 8-Joseph Ouma	UA 12116 Sgt. Abdu Sulomani Semakula
Subject No. 16-Everest Mulekezi 17-Onesimus Nshakanabo 105-Supt. Apunyo	)- Lt. Col. Toloko.
Subject No. 24-Katayo Kandeke 24-Girigiri Kateera	)-UA 7911 WO2 Jackson Smart.
Subject No. 55 - Capt. Adeni Avudria	UA 8179 WO2 Abdu Ismael
Subject No. 70 - Ezera Malobo (dec'd) 71 - Amisi Sendoweza 73 - Mohamed Kitayimbwa 74 - Musulim Luboga 75 - Badru Kyeyuni 76 - P/C Obayo	)- Capt. Juma.
Subject No. 89 - Levi Jackson Omara Ehek	UA 5871 L/Cpl/William Isabirye - alleged dead but will have to be confirmed from Army Records)
Subject No. 92 - Absalom Otim 93 - Ben Otim 94 - George Cleop	)- Cpl. Okello of Malire ...../788





"(f) What should be done to the affairs and families of the missing persons bearing in mind the provisions of Decree No. 20 of 1973"

553. Decree No. 20 of 1973, which became operative on 1st October, 1973, deals comprehensively with the management of the estates of the missing persons. An application to court for the appointment of a manager with the concurrence of the family could be made after six months from the date on which the person was reported missing. Under section 1(6) of the Decree, provision was made in respect of the estates of missing persons where no such application was made after a period of 12 months next following the date of disappearance of the missing person in which case the Administrator General, if he thought it was in the public interest so to do, could apply for an order to manage the estate. Under section 19, the period for the presumption of death of such a missing person was fixed at three years beginning with the date of the disappearance of the missing person.

554. From the evidence that we heard, it appeared that many wives of such missing persons did not know of the existence of this law, with the result that very few applications for the management of the estates of their missing husbands have been filed. In some cases the period of three years has already expired and, under section 19 of the Decree, those people would now be legally presumed dead. In such cases, it would appear that a representative of the family would have to apply for letters of administration. We are of the opinion that the Administrator General should devise ways and means, if not done already, of giving the law with

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regard to the new court orders concerning the estates of missing persons under Decree 20 of 1973 and letters of administrative order under the Succession Act or the Administration of Estates (Small Estates) (Special Provisions) Decree No. 15 of 1972, extensive publicity in all the provinces so that the people concerned may understand the legal machinery by which they should be able to get the appropriate orders from courts and manage the property of such missing persons and also such of them as may now be presumed dead. It was due to the ignorance of these laws that many families did not take any steps at all in this direction.

555. One difficulty which we saw during our sittings concerned the personal property of a number of subjects which was either left in the barracks or was alleged to have been taken away from the families when they were leaving the barracks. We should like to emphasize that the personal property we are now speaking of is confined to the soldiers only and we would add that the distinction which Lt. Col. Mendó (W.377) drew between the loyal and the disloyal soldiers was not applied to the personal effects of the soldiers. We heard evidence from witnesses that in all the barracks, without exception, the families of such soldiers were given bus warrants and allowed to leave the barracks with their personal effects. There was in a majority of cases the families were able to leave with all their personal effects, in a few cases where, for instance, the soldier was a bachelor or being married, his family was at their village home, and was living alone, the personal effects of such soldiers were

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apparently I had their relatives I went to the bank and with the police went there. Again in a very few cases the police could not snatch more and had to be very careful to find out as they were leaving the barracks and in the area, where the buses carrying them. British were stopped at an Army road block at Karachi, some soldiers took away some of the personal effects from the buses. In another case in Dacca, Bangladesh, we were told that the soldiers, who shot and killed the British on 21/10, went back to his quarters and took away all his personal effects in the presence of his relatives by the way.

556. For the effective control of such situations recurring, we recommend that in the case of a missing serving officer or a soldier his family is required to quit the barracks, a full and proper inventory of the personal effects to be made by the relevant authority and a copy handed to the family concerned after acknowledging receipt thereof. In the case of bachelors or others not having any member of their families living with them, an inventory should accompany the property when sent home, as is being done in the police force. Alternatively, the same procedure should be adopted when any of their relatives calls for his personal effects.

557. Besides what we have said about the personal property of the soldiers, there were also the motor vehicles of some civilians whose arrest and subsequent disappearance was due to the involvement of either soldiers or the police.

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558. Those personal effects and the vehicles formed part of the collection of the subjects and their families were entitled to the benefits of these properties as part of the estates of the various subjects.

559. Listed below are the goods in which the personal effects of the soldiers from barracks were lost in the manner aforesaid:

<u>SUBJECT</u>	<u>ETHIO</u>	<u>PROPERTY</u>
No.9 - Lt. Silem Mwaka	Air gun Rifle Trunk	Some personal property.
105-S.P. Anung	Rifle (Ammunition)	All personal property.
114-Cpl. Samuel Gidi		Rifle, Red.
122-Pte. Mathew Okeny	Rifle	All personal property.
124-Cpl. Philip Aluanga	Rifle	All personal property.
125-Lt. Wilson Gibson Ogwel	Rifle	Rifle, gram and all property.
129-Pte. Alfred Guelie	Rifle	All personal property.
139-Lt. John James Okodi	Rifle	Household property.
154-Pte. Levi Obeng	Rifle	All personal property.
156-Pte. Yovani Okulu	Rifle	All personal property.
158-L/Cpl. Yaventino Okulo	Rifle	All personal property.
160-UO Capt. Frederick Henry Ogwal	Rifle	All personal property.
165-Pte. Leo Shaban	Rifle	Recordplayer.
169-RSM Elinzeri Otuchi	Rifle	Car, registration No. unknown.
182-Pte. Faustino Akoro	Rifle	All personal property.
199-IA 5011 Pte. Alfred Baiyi	Rifle	All personal property.
201-Pte. Donato Odur	Rifle	Recordplayer, and radio.
205-Sgt/Major Eudesto Odoch	Rifle	Property worth Shs.1000/-
206-Pte. Erubulano Odur	Rifle	All personal property.
227-Lt. Keneri Ogot	Rifle	All personal property.
242-IA 5353 Sgt. Alfred Ocen	Rifle Ammunition	Property worth Shs.3000/-.

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560. The names of the various other subjects mentioned are as follows:

<u>SUBJECT No.</u>	<u>NAME</u>	<u>VEHICLE</u>
5	Inspector Gumo	Sison UHQ 528.
35	... ..	BMW UUM 579.
45	Dr. Rikito Kizsa	Anglia UHZ 563.
55	Captain ... ..	BMW No. not known.
139	Lt. ... ..	Citroen USY 317.
145	... ..	Isuzu Tipper UVE 831.
160.	MC. ... .. Henry ... ..	Ford ... ..
217	James ... ..	BMW UUY 832.
220	... ..	... .. 456
249	Cpt. ... ..	Audi No. No. unknown.
250	... ..	Ford ... .. No. UYY 425.

561. The very root of this problem is that the families concerned are, as of right, entitled to the possession of all these properties and vehicles unless some were bought on any loans which might still be outstanding but which we doubt. It would be unwise to go any further, for doing so would be converting ourselves into a tribunal of another sort, and considering that those who took away these properties did so in their individual capacity or were acting in the course of their employment whereby the employer will be vicariously liable for making good that loss. That discussion is not within our province, but we would say that the families concerned should first of all be guided to make appropriate applications to court and upon the appointment of a manager or an administrator, as the case may be, for such managers or administrators to take up each case with the relevant authorities for the return of these items of property within the estate of the subject concerned or for some compensation in lieu thereof.

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562. We should also mention here the 500 odd detainees

who were kept at Luzira by virtue of Decree No. 7 of 1971. As we have already seen, that Decree was finally amended by Decree No. 31 of 1971, whereby those detainees were to be detained "up to the 12th day of December, 1971". It is manifest that the provision of a specific date up to which they were to be held in custody was deliberate and a decision for fixing such date must have been taken after considering what the Government intended to do with them. According to Ex.124 it was not till 28th December, 1971 that they were transferred to Mutubola Army Camp where Lt. Albert Drajua stayed guarding them for another week till Lt. Richard came with a platoon. In other words, these detainees were detained for about a month after the final date for their detention had expired, and this made their continued detention after the 12th day of December, 1971 without having any legal backing. We recommend that the Government considers making an ex-gratia payment by way of compensation to the families of such detainees who were held in continued detention long after the final date, that is, 12th December, 1971, had expired. We may comment that the GSU personnel as listed in Ex.125 were transferred to Murchison Bay Prison but we did not hear evidence about what subsequently happened to them; but the fact remains that they too could not have been kept in detention for a day longer after the 12th December, 1971.

563. Turning now to the families we readily confess

that this is a very difficult subject. We had the sad and unforgettable experience, when listening to the evidence, of sharing, if not actually living through,

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the moments of anguish, distress and hardship through which every family went, when these incidents occurred. The end result was that many married women who lost their husbands became widows, some of them at a very young age but with a few young children to look after. The number of children who lost the love and affection of their fathers is very high. Another sad twist to this tragic tale of love and mercy was provided by the traditional custom where a widow is required to remarry one of her brothers-in-law, upon her refusal to do so, we heard evidence that she was ostracised and the children taken away from her. Therefore we would not like to comment on the traditional custom as such, we would say that in the very few instances which came to light before us it added insult to injury and the widow concerned not only had to bear the misery and grief of having lost her husband but also her children and a roof over her head.

564. The problem involved is enormous; on the one hand we have the women and on the other the children with no satisfactory arrangement for their maintenance or livelihood. We may categorize the women into two, those fairly advanced in years who have grown-up children with some earning capacity and established homes which they have not been forced to quit. This category does not seem to offer much problem except where the children may be many and young of school going age. The second category of women is the much younger type with young children to bring up, and we think that their main concern is the future and welfare of the children, rather than their desire to remarry which they can at any time; some women have already remarried. Even the relatives, who are not

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so well to do and have their own family commitments, find it difficult, if not a complete burden, to make contributions towards the upkeep of such families. In the final analysis we think that the elder women may be well looked after but not the younger ones, and we also think that the problem posed by the children is common to both categories of women.

565. We would say that this is a great social problem of considerable magnitude. If these children are to become useful citizens of tomorrow then they should not be forgotten now, and now is the time to mould their future and their careers in a manner which will turn them out as useful citizens years from now. But if they are forgotten now, we can rest assured that we shall have a legion of destitute and, perhaps unwanted, orphans who will in a very short time become a nuisance to the society which will ultimately be held responsible for its failure to cater sufficiently for their future. We think that it will be unconscionable to make any child of a missing person, be he a soldier, a civil servant or civilian, a guinea pig or scapegoat for any wrongful or subversive activities of his father. That distinction based on loyalty and disloyalty would not apply to these orphans and indeed we heard evidence from Big. Ali Fadul that, after the Invasion, he reinstated Bananuka's family in their home, which was a commendable thing to do. Therefore all these children must be dealt with on the same basis. The question which arises is what is to be done with them. Some families may have, after obtaining appropriate court orders either under Decree 20 of 1973

or/...../797

or any other, qualified at all to which can be use-  
fully employed in assisting their children. What we  
are worried about are the children who come from families  
which are poor and the estates left by their fathers are  
of no consequence.

566. Our first recommendation, therefore, is that a  
census could conveniently be made with a drive to  
register such children who are in dire and urgent need  
of assistance. This could be done through the Ministry  
of Culture and Community Development. The full extent  
of the problem will then be known.

567. We are of the opinion that the entire Nation should  
be involved in finding a solution to this social  
problem. After the census is completed and the numbers  
known we recommend as the next step a general public  
effort to raise funds. We would lay special emphasis on  
this because the real work begins at here. The Govern-  
ment should launch a public appeal for raising money and  
other National, political and religious institutions  
should be asked to offer assistance in any manner  
that they possibly can. We think that such appeals  
should not be the first and the last but should be kept  
alive by periodic reminders to the public. The National  
charitable organizations in this exercise would also  
include such service institutions as the Lions Club and  
the Rotary Club, which should be asked to participate  
fully and actively in either raising funds or making  
alternative contributions which can usefully be employed  
in educating these children, such as building schools and  
hostels etc. If all the local means have been exhausted  
and/...../738

and a estimate of the gross collection made, we recommend that further assistance be sought from bodies of the United Nations which deal with the welfare of children throughout the world. And lastly we recommend that the Government appoint a committee of experts to control these resources and funds on a trust basis so that they are properly channelled and employed in the general welfare of such and other destitute children with particular emphasis on education and vocational training.

568. Another recommendation which we should like to make is in respect of such families as may have no other visible means of subsistence and have been living on such charity of relatives as may be available for the Government to consider making small allotments of unused land which could be utilized by such families not only for subsistence farming, but farming on a commercial scale. They could be established on such allotments initially on Government loans or grants repayable on easy terms.

569. We now come to our last term of reference (g) which reads:

"(g) That should the Government do to put an end to the criminal disappearances of people in Uganda."

We have tried to set out the most prominent and salient aspects of the problems in the synopsis based upon the evidence concerning the 308 cases that we dealt with. We do not propose now to go into any great details but will, wherever necessary, try to explain our recommendations. Having said this we recommend:

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REC'S

*Reorg-police  
force*

573. Everything possible must be done to re-organize the Police Force with special emphasis upon restoring morale and confidence within the Force and removing any impression of a "Big Brother" watching it all the time, to enable it to execute its statutory functions and duties efficiently without fear or favour from any quarter. This will involve the Commissioner of Police taking full, comprehensive and effective control of his Force in all its spheres without merely remaining a figure head. A few recommendations in this regard, which we think might be useful in the implementation of this general recommendation, are given below:

- (a) Whereas we fully appreciate the absolute necessity of discipline within the Force, we strongly feel that summary dismissals of officers on the spot in the presence of many others by senior officers is not conducive to the inculcation of the required standard of discipline and, where such dismissals are necessary, the superior officer should always send his recommendations based on the reasons necessitating such dismissals to the Commissioner of Police who would then inform the Police Council for its final decision. Whenever a senior officer is of the opinion that the officer has committed a disciplinary offence that should be dealt with in accordance with the
- Statute in force/...../800.

*- dismissal of  
officers*

established procedure laid down in the Police Act and that Standing Orders and a report submitted to the appropriate authority in due course. We recommend also that the practice, which seems to have taken root of condemning an officer unheard, which is contrary to the principles of natural justice, cease forthwith.

- (b) No officer, no matter what his rank or the standing in Police Force, should arrest anybody else within the Force on unfounded allegations or rumour mongering.
- (c) The work of the CID, which is of vital importance in investigating cases, collecting evidence and bringing offenders to justice, should not be interfered or tampered with by any officer who is not concerned with the CID. We have in mind particularly the activities of the PSU which calls for files, releases exhibits and deals with suspects in contravention of the law, but where such a course becomes necessary the request for the file, etc., should be made to the Director of the CID giving full reasons for the same.
- (d) An Army Commanding Officer should not involve himself in making an on the spot order trans-

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- Don't arrest other officers on rumours

ferring police personnel from any police station within his area elsewhere but should communicate his request, supported by his reasons, to the Commissioner of Police for appropriate action.

- (e) Where any branch of the Police Force, including the PSU, is approached for personnel for escort duties, details of the mission person to be arrested and the offence which is alleged to have been committed should be made available and recorded in the station diary and the escort should be given proper marching orders. Such cooperation amongst the security forces should not by-pass the chain of command and the superior officer of the agency asking for such assistance should channel the request through his appropriate officer to his counterpart and escorts provided only after approval. Unless such a request is made in an emergency situation when approval may be given verbally, it should be confirmed in writing thereafter within a reasonable period of time; otherwise the approval should always be in writing.

571. The PSU, which was initially formed as an anti-kondo Unit, should be restricted in its activities solely to combating kondoism and no more. It should be made to function under the umbrella of the Police Act and come under the supervision and the control of the Commissioner of Police, to whom the head of the PSU should be accountable for all his actions. We take the view that where a kondo is arrested by this Unit

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his case ought to be investigated by the CID and not by the PSU who, having done its part, should not further involve itself in the subsequent procedures that are necessary to take the man to court. We are also of the view that wherever possible duplication must be avoided as it brings complications and is a strain on man-power requirements. Our recommendation therefore is that the wings of the PSU be clipped considerably so that it reverts to its initial role and functions, and thus refrains from pulling the Government into disrepute. We recommend further that there is no need for turning the PSU into something of the status of the Military Police, within the Police Force.

572. Investigations which are initiated by the

CID should not be made to follow a course because they involve either an army officer or the clues point in the direction of the Army. Where the investigating officer may be scared of proceeding with his investigations for any reasons, the case should first be brought to the attention of his immediate superior officer who should try to take it up with the Battalion or Unit Commander of the area unit, failing to make any head-way, it should then be reported to the Commissioner of Police who should take it up with the Chief of Staff so that the investigations may resume and the offender brought to justice.

573. Arrest of any citizen must strictly be under the laws of the country, and the 14-hour rule

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must be complied with always, no matter what the circumstances or the status of the prisoner. Under this general heading, I command further;

Arrests of  
civilians

- (a) No member of the security forces should arrest a citizen on unfounded allegations or for the sake of expediency, e.g. to threaten some workers.
- (b) The practice of civilians using soldier friends or relatives to arrest other people in satisfaction of personal grudges or the settlement of old scores ought to be condemned and discouraged completely. In such cases the complainant should always be directed to the nearest police station. In cases where a complainant reports to the military police of having had no satisfaction either from the police or his chiefs, the military police should act only after confirming that the information given by the complainant is true and, having acted, should strictly follow the provisions of Decree No. 19 of 1973.
- (c) Whenever an arrest is to be made by a soldier other than a military policeman in uniform the soldier should be accompanied by a policeman from the nearest police station or the chief of the area concerned who should keep proper records of the identity of the soldier, the suspect, reason for the arrest and where he is to be taken.

10/10/1974



Likewise, where prisoners are taken to any police station by a soldier other than a military policeman in uniform the soldier must produce his identity card and make a full statement concerning the arrest and the offence which the prisoner is alleged to have committed and the police station must make appropriate entries in its station diary. Where any arrest is made by a chief or any other civilian the same procedure should be followed.

- (d) Where a security officer, like an Army Intelligence Officer, wishes to use a police constable to effect an arrest on his behalf, proper entries of the identity of the officer concerned and the person to be arrested and the offence which he is suspected to have committed must be made in the station diary and the same should be done when the person has been arrested by the constable and handed over to the security officer who should acknowledge receiving custody of the prisoner in the station diary, stating also the destination to which the prisoner is to be taken by him.
- (e) Any Army Officer, other than a military policeman, wanting to arrest a policeman, prison staff or any civil servant, should adhere to the proper chain of command i.e., he should inform the immediate superior officer of the person to be arrested, the District and

provincial/..../805

Provincial Officers and the Governor, stating also the reason for the arrest and the destination to which the prisoner is to be taken.

- (f) Where any civilian is arrested by any Army Intelligence Officer the arrest must be reported to the nearest police station together with the prisoner, and the procedure which we have stated above of keeping proper entry in the station diary should be complied with.
- (g) High ranking Military Officers are also bound by the law and they too should strictly comply with all these provisions when arresting or ordering the arrest of anyone.
- (h) Military policemen should not arrest any policeman or other civil servants for disciplinary offences but should report such cases to the Provincial Police Commander or the Governor. The same applies to Police Officers who <sup>should</sup> desist from arresting others for disciplinary offences for which sufficient machinery exists to deal with them. Under no circumstances should people arrested for such disciplinary offences, which is unlawful in any case, be retained at the Military Police Makinje or other Army Units.
- (i) Any civilian arrested for any offence either by the police or the military police should

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be detained at a civilian place of detention, unless the offence is such as is triable by a Military Tribunal in which case he may be detained at a military police institution under the provisions of Decree No. 19 of 1973.

- (j) Surreptitious arrests of citizens should be avoided, particularly in respect of officers in the Services and the civil service who are known and are actually on duty, unless there is credible information before hand that the man concerned is about to escape.
- (k) Prisoners in police custody should not be removed by soldiers for interrogation or other reasons unless such removal is authorised by the Commissioner of Police after a request has been made to him by the Chief of Staff. In other cases where the prisoner is liable to face a Military Tribunal and has not yet been taken to court he may be handed over to the Military Police after proper entries have been made in the station diary as aforesaid and thereafter be dealt with by the military police under the provisions of the Decree No. 19 of 1973.
- (m) In all cases where a citizen has been arrested either by the police or the military police for an offence triable by the civil courts the 24 hour rule must always be strictly complied with.

- (n) Members of the Security Forces, when out on a mission in mufti to arrest someone, should first report at the nearest police station and an entry should be made in the station diary regarding their identity and the nature of the mission. Having made the arrest, they should report back to the same police station with the prisoner whose particulars should be recorded in the station diary together with the destination station. The police station should inform the destination station immediately by RT of the departure of the arresting officer and the prisoner with full details and with copies to the Commissioner of Police and the Provincial Police Commander, and ask for a confirmation of arrival which the destination station must give immediately the prisoner is received. In case where the destination is a Military Police Unit, the police station should send a similar message to the Unit concerned which should confirm the arrival of the prisoner to the police station of origin.
- (o) Where prisoners in police or military police custody from one area are to be transferred to another for one reason or the other the procedure which we have set out in (n) above should be complied with.

574. No person arrested for any offence under the laws of the country should be treated in an inhuman manner. People concerned with law enforcement must appreciate that they are dealing with human beings like

themselves and, if they do not know it already, we recommend that they be taught that a prisoner taken by them for contravening the laws of the country is entitled to fair and humane treatment and, where he is to be transported elsewhere, must never be put in the boot of a car. We recommend that those found practising this inhuman and dastardly activity ought to be dealt with severely and even dismissed.

575. Soldier witnesses, and other soldiers required in civilian courts on criminal charges, should be allowed to be served with subpoenas properly and the adjutants concerned should always endeavour that such soldiers duly appear in courts to give evidence or answer charges against them, as the case may be. In cases where difficulties arise in securing the attendance of soldier witnesses or soldier accused the matter should be reported to higher authorities in the same manner as stated in 572 supra.

576. Cases already taken to courts by the police should not be withdrawn on orders of any soldiers or a Commanding Officer without reference to the D.P.F. Where it turns out that such a case is properly within the jurisdiction of a Military Tribunal and a transfer of the prisoner is being sought into military police custody an appropriate application should be made to the court which has taken cognizance of the case in the first place. Otherwise

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the case should be allowed to continue in the civilian court according to the due process of law.

577. The records, such as station diaries and lock-up registers, logs etc., of the inmates at all places of detention like the military police, police stations and quarter guards and prisons, should always be maintained comprehensively, scrupulously and correctly. All completed books of record should be stored in a place of maximum security to avoid damage through any means whatever for future use, at least for the period set out in the respective laws concerning archives.
578. In times of peace and tranquility the Intelligence Section of the Army should not deal with civilians but, where a civilian is involved in certain activities which come within the purview of the Intelligence Section, they should work in conjunction with the police. In an emergency situation the Intelligence Section should similarly work in conjunction with the police who should maintain proper records as aforesaid of any arrests made.
579. Intelligence officers who have worked together for long in one station, like the trio in Gulu, should be split up and transferred separately to other places and should always be strictly supervised by their Commanding Officer. In no case should they be allowed to stay in one place for more than twenty four months.

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580. Whenever cases of abuse of office and authority in unlawfully arresting subjects come to light the officer concerned should be dealt with severely under the laws of the land and he must understand, as Your Excellency has stated time and again, that no one is above the law, and the citizen arrested and detained unlawfully should be allowed the opportunity of seeking redress against such an irresponsible officer in a court of law so that he can expect compensation for the wrong done to him. We make this recommendation keeping in mind the existing restrictions of suing the Government in certain cases but, in view of the high-handed and illegal conduct of certain officers in unnecessarily depriving citizens of their freedom, we recommend that the law providing for the general immunity to the Government viz, Decree No. 8 of 1972, should now be reviewed, as we feel strongly that where such irresponsible officers will realize that they can no longer shelter under the general immunity they will surely desist from such unlawful arrests and detention.

581. Relatives of people detained at any place of detention, be it civilian or military, should be allowed to visit them within a specified period of time. Where a person is detained on security reasons the relatives should be allowed to see him in the presence of a security officer.

582. With regard to the Detention (Prescription Of Time Limit) Decree No. 7 of 1971, as amended by

decrees No. 15 and 31 both of 1974, the detainees were to be released "up to the 15th day of December, 1974". According to what we heard they were still in detention till 28th December, when they were transferred to Mutukula and for some time thereafter. We recommend that where time is specified for detention of persons that time limit must be honoured by the Government, and the legal procedure of the review of detentions as already provided for always complied with.

583. During evidence we got that in taking away a subject the captors were invariably carrying arms. Besides the security forces, we got the impression that there were still quite a lot of illegal arms within the country left either by the guerillas, members of the now defunct GSW and also some soldiers who deserted after the take-over. We have two recommendations to make in this respect. The first which concerns the illegal arms, we recommend that the Government seriously consider another amnesty in respect of people who hand in such arms, possibly with a small reward. With regard to the security forces we recommend that the use of arms in effecting arrests should be strictly controlled. Where a suspect is known to be unarmed there is no need for the arresting officers to be armed and, in cases where the security officers are faced with dangerous criminals or armed persons, we see nothing wrong in the security officers carrying arms but only reasonable



force should be used in effecting the arrest. In times of peace and tranquillity we recommend that security officers concerned with detection of crime or arresting criminals should not normally be armed. This recommendation of course does not affect any emergency situation where such officers have of necessity to carry arms in the defence of the country.

584. Where a kente is killed during an operation or someone dies in any other lawful operation or during an accident and the bodies are taken to the mortuary, we recommend that their finger prints and photographs be taken by the police for establishing their identity.

585. Reports of the coroner should be made in cases of dispute over the identity of a body which the police are unable to resolve and the body handed over in accordance with the coroner's ruling.

586. The Quarter Master General, Police Workshop and other Government Departments should always maintain accurate and up-to-date records of all vehicles in their respective departments, and particularly the Quarter Master General's records of army vehicles using civilian number plates must correspond with the records maintained by the Central Registry of Motor Vehicles.

587. The procedure of issuing new number plates by the Central Registry of Motor Vehicles should be up-dated and stringently controlled to avoid

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either double issues of number plates or misuse of number plates from one vehicle to another. We also recommend that the police investigations which were handed over to SSP, Salween by Inspector Kern should be revived and, wherever evidence so demands, people involved in those illegal activities be prosecuted for offences as disclosed by the investigations.

588. The record of personnel of all the services must be kept up-to-date and every effort must be made that information from other institutions of any officer missing through any cause is supplied to the Headquarters within as short a period of time as possible. Next of kin of the missing person must always be informed immediately, irrespective of the manner in which the officer disappeared or died. Every effort should be made for the board of inquiry to sit whenever a soldier is reported missing.

589. An inventory of the personal effects of a missing officer, or who may have died through any cause, should be prepared by the superior officer in the presence of the family members before they are asked to quit the barracks and they should be made to acknowledge receipt of the personal effects. In cases where the serving officer lives alone, within or outside the barracks, an inventory should be prepared and the property stored in a safe place till his next of kin, who will have been informed of his disappearance under the previous recommendation, calls to collect the property.

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590. The District and Provincial Security Committees should play a full and constructive role in controlling any unlawful disappearance of citizens and the chairman of such committees should take immediate action with higher authorities whenever other members of his committee, either through their indolence or indifference or fear, refuse to brief him properly and ultimately is controlling such incidents.

591. The Ministries of Internal Affairs and Defence should also acquit their duties efficiently and diligently in dealing with complaints made to them by members of the public and, where they find that they cannot effectively control the situation, they should at once brief the Cabinet and the Defence Council comprehensively so that the Government devises ways and means of controlling the situation before it becomes too late.

592. In our opinion most of the problems arise due to ignorance of the various provisions of the law governing the arrest, detention and

prevention/....315

prosecution of offenders. We recommend that such officers as are concerned with the administration, enforcement and maintenance of law and order should undergo a crash programme of legal training especially designed to meet their requirements in the proper, efficient and legal execution of their duties.

593. Lastly we should, with great respect, emphasize Your Excellency's repeated calls to the Nation, particularly those in the Security Forces, of being always guided by the three attributes of Loyalty, Discipline and Respect; Loyalty to the country and what the Government stands for; Discipline amongst their ranks of not only strictly following orders but carrying out their duties lawfully in accordance with the laws of the country, and Respect not only for each other but the general respect for the dignity of humanity as a whole, the fundamental rights of the citizens and for the laws of the country which do not discriminate amongst citizens and apply just as much to the rich and mighty as to the lowly:

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599. Nothing now remains except to take leave of this Inquiry which has been long, taxing and, at times, very emotional. As we will now return home we had the unforgettable experience of sharing a little of the emotional outbursts of some witnesses, who gave evidence in tears. Before we finally put down our pens, we should like to recall the general mandate which Your Excellency gave to us "to leave no stone unturned" to ascertain the truth about this source of dispute among within the country. We also recall the words of the Hon. Minister of Justice in his opening speech when he spoke about the importance and significance of this Inquiry to the Country and the Nation as a whole. Throughout this monumental task we were guided by the principle and aim that we have come to lay down in London, we believe in the firm belief that we have discharged our duties in complete satisfaction of our conscience and in strict compliance with Your Excellency's directives as contained in Appendix 9 and the Legal Notice.

595. We should like to express our heart-felt thanks to Your Excellency's Government for putting at our disposal all the files of the previous investigations carried out by the CID, which made our task much easier in getting the witnesses. The Provincial Governors and the District Commissioners of the areas we visited assisted us tremendously in making arrangements for our sittings and generally looking after our comfort, for which we are most grateful. We owe special thanks to the various Commanding Officers for their cooperation and assistance.

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596. This inquiry could not have been possible without the witnesses. Your Excellency's assurances for their protection in a consultation and personal safety went a long way in removing any fears which such witnesses might initially have harboured, and we were fortunate to have had an over-all turn out of 545 witnesses. To all these witnesses we owe a debt of gratitude for, without them, it would have been impossible to make any headway at all.

597. We should not forget the secretaries who worked long and tireless hours in preparing the transcript of the proceedings during the spring of 1986, split up into seven volumes, and we should like to put on record our appreciation for the wonderful job done by them. This work involved a team of technicians from Radio Uganda who worked on the tape recording machines, not always under comfortable conditions, and without their participation the task of recording the voluminous evidence would have been simply impossible. We are also grateful to our personal secretaries who were responsible for the final preparation of the Report, without whose assistance it would have taken a much longer period of time in compiling it. To our secretary, Mr. Mboziche, we have a special word of thanks for all his efforts in everything he did to make our work that much easier.

598. We should like to express our unreserved appreciation for the tremendous work done by our counsel, Mr. Mulamba, and the Government counsel, Mr. Emeau, who worked unceasingly and, through their perseverance, refused to be overwhelmed by the magnitude

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of their assignment. Without their loyal effort and assiduity we could have been lost in the maze of witness and testimony. At this stage we should also say a word of thanks for the hard work and excellent results produced by our counsel's investigating team who worked round the clock in following up clues and gathering as much evidence as was humanly possible.

599. Our thanks are due also to the Chief Registrar of the High Court for the use of the cyclostyling machine, and for providing us with the services of its operators, to whom also we are grateful.

600. We should not forget the Government Printer who found time at short notice for hitting the transcript of the report of this Report.

601. It is impossible for us to mention everybody by name or title who have made it the satisfactory progress of the inquiry, and we should like to say how very grateful we are to all such persons and institutions who contributed to the realization of this Inquiry.

602. And lastly we should take the liberty of expressing our hope that the guarantee given by the Government at the inception of this Inquiry of protection from molestation and personal safety of the witnesses and the Commissioners and those who played a prominent part in this assignment and by Your Excellency will continue in the future so that nobody will ever be able to say that any of them was victimized in any manner for having done their official and official duty in the execution of this Inquiry.

Oct. 4/....A10

Dated at Kampala this 13<sup>th</sup> day of June, 1975.

Signed:

(MR. JUSTICE M. MOHAMMED SAIED)

CHAIRMAN

(MR. S. M. KYESELUKWA)  
SUPERINTENDENT OF POLICE

MEMBER

(MR. A. ESAB)  
SUPERINTENDENT OF POLICE

MEMBER

(CAPTAIN HARUNA)  
UGANDA ARMED FORCES

MEMBER

— X —



RECORDS OF DEATHS IN THE SERVICE.

(Details of Table p. 74.)

MONTH	DATE	SUBJECT NO.	NAME		
		<u>1271</u>			
JANUARY	25th	97	UA 6137 Pte. Konstantino Ojok		
		98	UA 6169 Pte Stanley Ojok		
		122	UA 6092 Pte Mathew Okeny		
		124	Cpl Phillip Aluong		
		129	UA 4973 Pte Alfred Okello		
		155	UA 6085 Pte Tom Okello		
		160	NO 45 Cpt. Frederick Henry Ogwal		
		170	Ogyant Otuchi		
		172	UA 6365 Pte Ken Odape		
		176	UA 6051 Jeremia Ongom		
		177	Pte Lucas Okello		
		179	S/Sgt William Omara		
		180	Christian Obong		
		182	Faustino Akobo		
		237	L/Cpl Cannon Obonyo		
		235	UA 4612 Cpl Alfred Ayo		
		242	Cpl Alfred Ocen		
		243	Martin Okotta		
		244	Iako Okello	( 19)	
	29th	240	UA 5525 Sgt Constantino Omaria	( 1)	
	30th	169	Ram Eliazari Otuchi		
		245	UA 2277 Cpl Rufus Odvong	( 2)	22
FEBRUARY	3rd	136	UA 2020 Cpl Nkonali Opi		
		139	NO 89 Lt. John James Okodi	( 2)	
	4th	220	NO 230 Lt. Celestino L. Amone	( 1)	
	11th	168	UA 5331 L/Cpl Stanley Otto	( 1)	
	14th	101	Charles Olet	( 1)	
	20th	18	Henry Sackye	( 1)	
	25th	128	Private Leon Otin	( 1)	
	Un- known	107	Ikoloomu Ajala	( 1)	
					8
				2/F	30

Month	Date	Serial	Name	Rank	Count
MARCH	5th	181	UA 400 L/Cpl. ... Ogwai		( 1 )
	11th	194	UA 1461 Pte Levi Obong		( 1 )
	22nd	227	Lt. Kenari Okot		
		228	L/Cpl. Yese Anson		
		229	Major J. Okello		
		230	Cpt. S. Okello		( 4 )
	23rd	297	Cpt. H. Ogwai		( 1 )
	24th	183	UC 345 Lt. Y.L. Obit		( 1 )
	31st	86	301 John Olong		( 1 )
	Un-known	184	Sgt Jonan Otin		
		302	Muno		
303		Ayul			
304		Angor		( 4 )	
APRIL	4th	239	Sgt Matayo Opoka		( 1 )
	20th	89	Levi Jackson Omara Ebek		
		107	Isaac Oging		
		108	Cirilo Okoko		
		109	Solonon Awul		
		110	Misaki Onyik		
		111	John Oyite		
		112	Erunasani Ogunu		
	121	Alfred Atine		( 8 )	
	23rd	61	Michael Egaru		
		95	John Okuja		( 2 )
	26th	147	D.R. Tamandu		( 1 )
	MAY	8th	198	Jefania Oola	
JUNE	19th	131	Cpl. Kostantino Anson		
		158	UA 4080 L/Cpl. Y. Okulo		
		156	Lt. J.H.V. Obwoyo		
		187	Sgt David ...		
		188	John V. Okello		( 5 )
	21st	172	UA 3714 L/Cpl. J. Olong		( 2 )
	194	UA 5003 Sgt ... Obit		( 2 )	

Month	Date	Serial	Name	Count
JUNE (Cont.)	25th	109	Mr. T. ... Z. Ogoro	
		116	L/Cpl. Ogori	
		117	Mr. ... Okabo	
		120	D/Asst. ...	( 4 ) 11
JULY	2nd	152	...	( 1 )
	6th	200	Pte E. Olor	( 1 )
	11th	117	...	
		118	...	
		119	...	
		123	L/Cpl. Christopher Okello	
		134	...	
		137	Private ...	
		147	...	
		162	...	
		163	...	
		164	...	
	165	...		
	200	Pte Nadio Okeni	( 12 )	
	12th	197	UA 5543 L/Cpl T. Oren	
		218	I/P Wilson Anywar	
		219	Martin Oduka	
		250	Joyce Akello	
		141	UA 4527 Cpl R. Elyong	( 5 )
	13th	60	John K. ...	
		199	UA 5011 Pte A. Bayi	( 2 )
	15th	87	D/Asst Gabriel Engol	( 1 )
16th	114	Cpl Samuel Oledi		
	115	UA 5926 Pte Manani Otim	( 2 )	
18th	173	UA 5938 Cpl Peter Olet		
	174	Ojek Anyanya		
	175	Pte O ...	( 3 )	
17th	167	UA 2807 Pte G ... Otwona	( 1 )	
	106	Pte Nicholas Ogunu		
JULY KNCUN	125	...		
	126	...		
	127	Cpl. Peter Oguni		
	135	Pte ... Otim		
	201	Pte ... Oduka		
	308	...		
			( 7 ) 35	

B/F 102

AUGUST	11th	48	DA 4069 Pte Emeryo Ebong	( 1 )	
	Un- known	156	DA 5868 Pte Y. V. Si Okulu	( 1 )	2
SEPTEMBER	31st	109	Faustino Harry Apunyo	( 1 )	1
OCTOBER	15th	12	Damil Hassan	( 1 )	1
NOVEMBER	13th	60	John Barijunaki	( 1 )	1
DECEMBER	8th	59	Edward K woba Masinde	( 1 )	
	12th	170	Lucas Okello	( 1 )	2

1952.

JANUARY	8th	148	Akinofori Mwakama		
		149	Dhemamanga		
		150	Ntalo Samudia		
		203	Isabirye Ntalo	( 4 )	
	12th	217	Ismael Oyamo	( 1 )	
	20th		Lt. Charles S ikonyi Muka	( 1 )	
	21st	35	William Hilberforce Kalema	( 1 )	2
FEBRUARY	23rd	16	Everest Mulekezi		
		17	Ononimus Nshakanabo	( 2 )	2
MAY	29th	30	Christopher Sewandigi	( 1 )	1
JUNE	19th	55	Cpt. Adony Avudria	( 1 )	
	27th	36	George Kaaba		
		202	DA 5797 Pte M. Okulu		
		203	DA 3204 Pte O. Gehaya		
		204	DA 5506 Pte J. K. Otto	( 4 )	
	Un- known	39	Seaton Ochion	( 1 )	1
JULY	12th	6	Lt. Col. Valeria Achima	( 1 )	
	25th	10	DA 9422 Pte J. K. Otto	( 1 )	
				C/F	125

				D/F	125
JULY	31st	5	John Francis Omo		
(Cont.)		230	John Omo	( 2 )	
	Un-known	205	Sgt. Major M. Oloch	( 1 )	5
AUGUST	19th	232	John Omo	( 1 )	
	26th	240	Estoni Nyamken		
		324	Olong Omo	( 2 )	
	20th	39	Yovani Omo	( 1 )	
	Un-known	27	Basan Kaboza	( 1 )	5
SEPTEMBER	1st	24	SP. Pwaka	( 1 )	
	7th	276	Jeaning Samweni		
		217	Richard Maruli		
		278	Augustine Etakoni	( 3 )	
	13th	153	Takam Lohia		
		214	Oyasa	( 2 )	
	17th	193	SP. Sgt. Laurel Ojok		
		260	John Omo		
		264	Ben Omo		
		26	Albert Omo		
		267	Edward Kachet	( 5 )	
	18th	24	Matayo Omo		
		2	Heriberto Sateora		
		16	Dr. Omon Okoko		
		174	SP. Sgt. Peter Elem		
		20	John Omo		
		300	Salvador Amarahi Lohani		
		190	Ferny Oketta	( 7 )	
	19th	19	SP. Omo		
		210	SP. E/O L. Omo		
		211	John Omo		
		212	John Omo		
		257	John Omo		
		269	Amelia Kabateraine	( 6 )	
	20th	6	Lt. Col. Valerie A. Ochina	( 1 )	
	21st	94	Chief Justice Ben Kivanuka		
		246	Simon Oyem	( 2 )	
	22nd	2	L.L. Eamaha		
		221	SP. Sgt. Omo		
		222	SP. Ojok		

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DATE	NAME	NO.	NAME	COUNT		
SEPT	(Cont.)	223	Okello			
		224	F.O. Olayun			
		225	Alifansio Ovwang			
		226	Jacob Bika			
		227	Julio Peter Abbe	( 3 )		
		23rd	23rd	235	Cyprus Ochieng	
				236	Nikola Oleng	
				237	Zedekia Ewasi	
				238	James Puleosha	
				239	Sivilo Owang	
				240	Rev. Anasi Kwabatuzi	( 6 )
		24th		241	David Odule	( 1 )
		25th		242	Yehosh Akol	
				243	Bob Kenneth Oketta	
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OCTOBER (Cont.)	5th	27	Stephen Ocho			
		279	R. K. K. K.			
		280	Sgt. Cook			
		281	Sgt. Opira			
		282	P/C Okallo			
		283	P/C Onyach			
		284	DC Cehiti			
		285	DC Oksan			
		286	DC Onok			
		287	P/C Achiro			
		288	P/C Opiya			
		292	Mr. Mbirika	(12)		
		6th	83	Haji Ali Bulunya	(1)	
		7th	70	Esara Jaloba		
			71	Amisi Sandowaza		
		73	Mohamed Kitapimba			
		74	M. M. M. M.			
		75	Babu Kyeguna			
		76	P/C Abayo			
		190	R.L.C. Poromoyi	(7)		
	15th	208	G. J. Oboda	(1)		
	18th	37	Jasa. Tuogi			
		140	Alfred Opori			
		271	Bulanyiye Ntundulyere	(3)		
	19th	48	P/C Aramo			
		151	David Waise	(2)		
	20th	268	Alfred Rubashok	(1)		
	23rd	64	Obongnam	(1)		
	Un- known	49	P/C Rutengo	(1)	33	
NOVEMBER	2nd	33	Solevesta Kalyegira	(1)		
	13th	28	Daniel Ajanabo Wandera	(1)		
	18th	259	Ben Ochan	(1)		
	Un- known	288	Jesu Silvano Bimambwenda	(1)	4	
DECEMBER	2nd	77	John Baptist Kanasa			
		292	Iwasa	(2)		
	27th	298	Fire Cpl. Abemerike Otuda	(1)		
	Un- known	192	UA 1522 Pte M. Yamba	(1)	4	
			C/F	243		

				B/F	243
			<u>1973</u>		
JANUARY	2nd	50	David Ochaya	( 1 )	
	4th	2	Geresomu Wadhakule	( 1 )	
	9th	46	Charles Saerukeera	( 1 )	
	10th	78	Gonzalez Muyenzi	( 1 )	
	14th	32	Caxton Njuki		
		145	Natalio Masaba	( 2 )	
	25th	110	George Waize	( 1 )	
	29th	80	DSP Clement Ebokorait	( 1 )	
	30th	21	Samuel Kwaadha	( 1 )	
	31st	85	Paulo Kizza	( 1 )	<u>10</u>
FEBRUARY	5th	31	Paulson Kanyogote		
		90	Benjamin Bonafesi Odur	( 2 )	
	6th	132	Alfred Olwe	( 1 )	
	7th	1	Joseph Mucembe	( 1 )	
	15th	133	Michael Opeto	( 1 )	
	18th	274	Edison Salinda	( 1 )	
	19th	62	Dr. J. M. Obonyo	( 1 )	
	Un- known	275	John Miviiri	( 1 )	<u>8</u>
MARCH	2nd	45	Dr. Edward Kizito Kizza	( 1 )	<u>1</u>
APRIL	23rd	72	David Livingstone Kazibwe	( 1 )	<u>1</u>
JUNE	2nd	7	DSP Nelson Ochait	( 1 )	
	8th	280	Sgt. Opira		
		250	George Wilson Kayemba	( 2 )	<u>2</u>
AUGUST	5th	65	Stephen Kulu		
		66	DSP Odur		
		67	DSP Okello		
		68	SIP Otto		
		69	DSP Ociti	( 5 )	
	7th	43	Anna Kumpi	( 1 )	
	13th	53	Joseph Ndyahikaki		
		54	Hassan Mumbwa	( 2 )	
	16th	255	James Nyandi		
		4	Kwawo Ntalo	( 2 )	<u>2</u>
				C/F	266



AUGUST (Cont.)	21st	30	Lt. Col. Kukuikire		
		40	R/AF Margaret Hatuma	( 2 )	
	23rd	21	Uari Mbulindi	( 1 )	
	26th	27	Lt. Basil Isaac	( 1 )	14
				<hr/>	
SEPTEMBER	1st	2	Joseph Mwanje	( 1 )	
	7th	290	Joseph Mbulindi	( 1 )	
	17th	217	Sphraio Adenya	( 1 )	
	24th	59	Joseph Kibito	( 1 )	4
				<hr/>	
OCTOBER	1st	34	Felix Nyaruhanga	( 1 )	
	5th	379	Lt. E. Hangu	( 1 )	
	10th	197	John Opeto	( 1 )	
	20th	13	Jackson Bernard Okello (AIP)		
		24	Olont		
		25	Olont	( 3 )	
	21st	56	Kalusa Kadira		
		57	Robert Oga		
		98	Zaverio Oga	( 3 )	
	22nd	307	FRUIT Mwanja	( 1 )	10
				<hr/>	
NOVEMBER	23rd	21	Kushid Sururu	( 1 )	
	24th	272	Africano Arikagaaba	( 1 )	
	28th	11	Stephen Luboga	( 1 )	3
				<hr/>	
DECEMBER	10th	8	Joseph Ouna	( 1 )	1
1974.					
JANUARY	16th	248	Zaverio Nyaruhanga	( 1 )	
	30th	40	Christopher Kadira	( 1 )	
	Unknown	249	Cpt. John Telukusanga	( 1 )	3
				<hr/>	
FEBRUARY	2th	42	David Kakooza	( 1 )	
	16th	41	Lt. Charles Olont	( 1 )	2
				<hr/>	
				C/F	303

B/ 303

APRIL 1941 1 ( 1 ) 1

MAY 1941 1 ( 1 ) 1

JUNE 1941 1 ( 1 ) 1

JULY 1941 2 ( 1 ) 2

AUGUST 1941 1 ( 1 ) 1

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MONTH	1941	1942	1943	1944	TOTAL
JANUARY	2	2	1	1	6
FEBRUARY	1			2	3
MARCH	13	-	1	1	15
APRIL	12	-	1	1	14
MAY	1	1	-	2	4
JUNE	21			1	22
JULY	1	1	-	-	2
AUGUST			14	-	14
SEPTEMBER	1	12	1	-	14
OCTOBER	1		10	-	11
NOVEMBER	1	1	-	-	2
DECEMBER	2	1	1	-	4
TOTAL	67	16	27	6	116

25x10

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G. CIVILIANS.

Army Custody	Military Police.	PSM Custody.	Exiles & GSH.	Guerrillas.	Unknown.
16	17	52	295	1	3 10
17	18	53	307	8	11 12
24	25	54	100	95	21 22
34	35	155	101.	260	23 26
70	71	160		261	27 28
72	73	183		262	30 31
74	75	225		263	32 33
92	93	250		275	36 37
93	94			276	39 40
96	102			276	41 42
103	104			303	43 45
107	108			304	46 47
109	110			305	50 51
111	121			277.	56 57
132	133				58 59
139	151				60 61
152	155				62 63
195	198				77 78
208	213				81 82
214	236				83 84
238	246				85 91
251	264				112 143
265	266				144 146
268	269				147 157
270	271				190 237
273	281				241 247
293	302.				248 252
					259 267
					294 289
					290 292
					306.
54	16	4	4	14	61 = 153.

H. POLICE OFFICERS.

Army Custody	MP Custody.	PSM Custody.	Unknown.				
7	76	13	25	279	280	44	48
36	87	5	101	281	282	49	65
105	171	101	103	283	284	66	67
215	216	210	211	285	286	68	69
218	219	212	213	287	288	66	106
256	296	223	223	301.		299	300
		224	224				
12	14		11			12	49.

- 76: Public Safety Unit.
- 303: General Service Unit.
- The figures represent the total numbers.

SECTION OF THE

Army Contingent.	Military Police Custody.	Exiles.	Unknown.
153	19, 20, 231, 232, 233, 234, 235, 257, 258.	99 254	64
1	9	2	1 = 13.

ARMY SOLDIERS.

1. Army Headquarters, Muya.	: 97, 125, 126 151, 204, 239.	6
2. Army General Headquarters.	: 249.	1
3. Biliya Border Guard Unit.	: 156.	1
4. Entebbe Air Base.	: 178, 179, 189 202, 235, 242 243, 244.	8
5. Gulu Air Base.	: 249.	1
6. Jinja.	: 117, 119, 123 124, 137, 138 161, 185, 199 205, 208.	11
7. Masindi.	: 172, 163, 164 182.	4
8. Malindi.	: 122, 124, 129 130, 155, 160 169, 170, 176 177, 202, 228.	12
9. Masindi.	: 85, 136, 139	3
10. Mbarara.	: 114, 115, 116 117, 120, 131 158, 165, 167 172, 182, 183 189, 192, 194 206, 238.	17
11. Moroto.	: 106, 113, 128 154, 162, 186 197, 200.	8
12. Moyo.	: 201.	1
13. Mubende.	: 141, 184, 220 227, 229, 230 240.	7
14. Oraba Border Guard Unit.	: 98, 159, 173 174, 175, 203.	6
15. 2nd Paratrooper, Fort Portal	: 29.	1
16. State Research Centre, Nakasero	: 209.	1
17. Others dealt with separately.	: 6, 9, 38, 55, 142.	5

LIST OF REFERENCES TO THE REPORT OF THE COMMISSION  
OF INQUIRY INTO THE DEATH OF DR. MARTIN LUTHER KING, JR.  
LEGAL COUNSEL, DEPARTMENT OF JUSTICE

1. List of witnesses not heard in D.C.
2. List of witnesses not heard in D.C.
3. List of witnesses not heard in D.C.
4. List of witnesses not heard in D.C.
5. Sanitary Commission report dated 9th January, 1973.
6. Statement by the Ministry of Foreign Affairs.
7. Part 911 of the report by the International Commission  
of Enquiry.
8. Report of the Commission of Enquiry.
9. Commission of Enquiry report dated 1973.

LIST OF WITNESSES WHO DID NOT REGISTER WITH THE DISTRICT COMMISSIONER IN LIRA BUT TURNED UP TO GIVE EVIDENCE AND WERE NOT HEARD BY THE COMMISSION.

<u>Name of Witness</u>	<u>Address</u>	<u>Name of Officer</u>
1. Tenansio Olyet	Aboko	Wilbert Otim of UA
2. Benon Opic	Lira-Akodi	(i) Joseph Kola
		(ii) Adaron Atim
		(iii) Augustine Olyang (all UA)
3. Albino Nyit	Aboko	Augustine Olyang of U.A.
4. Naftali Ojuka	Kala	(i) Kolmorio Ojale
		(ii) Guarino Olyang
		(iii) Jacob Owa (all of U.A)
5. Mary Ejani	Akole	(i) Joseph Nyoma
		(ii) Willie Ojani (all of U.A)
6. Salim Kara	Lira	William Ojani of Uganda Army
7. Polichiro	Lira	James Ojani of Uganda Army
8. Erora Sami	Adekokwok	William Ojani of Cabinet Affairs
9. Posinia Opio	Alel	Moses Ojani of Uganda Army
10. Yosefa Odono	Alel	David Ojani of Uganda Army
11. Larina Apio	Alel	Antony Ojani of Uganda Army
12. Antonio Okello	Ayer	William Ojani of Uganda Army
13. Erro Nyole	Alel	Ojani Olyang of Uganda Army
14. Keleodia Arach	Kisakulu	Omara Arango of Post Office
15. Mary Auna	Anyere	Simon Ojale
16. Joseph Otim	Minakulu	Francis Ojani of Uganda Army
17. Venansio Eranyi	Minakulu	Julius Okello of Uganda Army
18. Ierodicto Ojongo	Minakulu	Siriro Akoko Businessman.
19. Charles Ojangu	Olaka Lira	Peter Omara of Uganda Army
20. Svirino Ojongo	Aroro	Livingstone Otim Odera of Uganda Army
21. George Ojani	--	Abdla Shona of Uganda Army
22. Margaret Eriti	--	Kamiro Eranyi of Uganda Army
23. Ayida Adero	Edekokwok	L/Cpl Lualle Akoko Uganda Army Malire.
24. Milton Aboko	Kala	Benon Okello of Uganda Army
25. Margaret Akello	Lira	Michael Ojani of General Service
26. Virginia Awere	--	Wilbert Ojani of Uganda Army
27. Jesefina Ayoke	Adekokwok	Gerechone Iyo of Uganda Army
28. Joyce Alobo	--	Just Fidiola of Uganda Army
29. William Ojwangi	Ojolin	Yekonia Bua
30. Margaret Akulu	Ojolin	Yekonia Bua
31. Masulamu Bua	Aboko	Richard Kula of Uganda Army
32. Elizabeth Alumu	--	Edward Ojani of Police Fire Brigade
33. Erini Angwede	--	(i) Peter Abe of Uganda Army
34.		(ii) Joel Odongo of Uganda Army
35. Alice Arango	Koro	Gidion Okabo ASP of P.T.S. Kampala
36. Pasimensi Koli	--	(i) George Emma Gemb. Chief Kala
		(ii) William Okabo of Post Office
37. Yekuseni Eriti	--	Bene Yokasi Omara of Uganda Army
38. Wikamu Ojongo	--	Livingstone Okello of Uganda Army
39. Jelena Nyana	Oger	Kosima Ojani of Uganda Army
40. Richard Atepo	Aboko	(i) Pte. Ocen of Uganda Army, Malire.
		(ii) Pte. Ageta of Uganda Army, "
41. Filida Akulu	Anio	2nd Lt. Opole of Uganda Army Masindi
42. Heneriko Okoko	Minakulu	No.3491 L/Cpl Elia Olyang.
43. Josephat Auna	Inono	George Ojani of Uganda Army, MBUYA
44. Beatrice Arongi	Achele-Kala	Pte Lucas Okello Uganda Army 6127, Malire.
45. Patrick Ocen	Achele-Aboko	John Peter Amoyo Uganda Army 1850 PTE Mb...
46. Angelo Opio	Ojongo-Kala	Sevirino Okello of Uganda Army Moroto
47. Tejira Akello	Akia-Adekokwok	Jaspa Bua of Uganda Army Malire.

Appendix No. 1.  
*[Signature]*  
 Chairman.  
 15. 11. 74.

LIST OF WITNESSES WHO GAVE EVIDENCE  
TO TURN UP TO GIVE EVIDENCE BEFORE  
IN LIRA

<u>MPR NO:</u>	<u>NAME OF WITNESS</u>	<u>ADDRESS</u>	<u>NAME OF MISSING PERSON</u>
147	John Ojuma	Adagapolo Dokolo	Charles Ogera Section Manager of Dokolo Growers.
149	David Onyiko	Alodi Pr.Sch.	Field Marshal John Okello
130	Isaka Ogwang	Adakakwok	Pte. Peter Olat of U.A. Moroto
182	George Okello	Alia T/Centre	I/pl. Okite Opari of Kibara
160	Lekotomamu Ojuma	Alpota Okolo	Cpl. David Ojuma of Maliba.
172	Boscho Odongo	Gleno Pala	I/pl. Okite of Kibara
144	Cemi Akello	Jekani Alur	Jonathan Ocan of U.A. Moroto
174	Mary Atyang	Lira Hospital	Cpt. Atyang, Satebe Airforce
197	Rose Abang	Alodi Isame	H. Yovani Aboke Garder
198	W. John Ogwal	Okwang Moroto	Edallip Nyangochari Okwang
196	Kuranimo Cyit	Aboke High School	P. Chaka S/Major of Kibara.
199	K.E. Esoma	Lango S/Farm Inst.	Albano Ayang of Dist. Farm
123	Margaret Kubita Odongo	Arum T/Centre	David Odong ASP of Prison Kitalya.
136	Aida Agola	Alia-Adakakwok	Pte. Erunayo Ogwal UA Moyo
200	K. Akello	Lira	George Obo of U.A. Kagamega.

Appendix No. 2.

Chairman

16.10.74.

LIST OF WITNESSES WHO HAD REGISTERED WITH THE DEPARTMENT  
COMMISSIONER, HUMAN RIGHTS AND DEMOCRACY DIVISION  
KAMPALA

## NAME OF WITNESS

- |   |   |
|---|---|
| 1. Valentino Nyeko<br>Lamola Vill. Gomb. Labongo,<br>Chua County      | Justice Oola, Lamola Vill. Gomb.<br>Labongo, Chua County.   |
| 2. Francis Nido, Lamola Vill.<br>Gombolola Labongo, Chua County       | Morris Oona, Staff Sergeant<br>Acohol Inn, Gulu.  |
| 3. Makarios Chech, Gomb. Labongo<br>Vill. Gomb. Paloni, Agona County. | Cpl. Mwinino Oding, U.A Mbarara   |
| 4. Stefano Ochwana, Lamola Vill.<br>Gomb. Labongo, Chua County        | U.A. 833 Pte. Lt. Army Jolly<br>Cotton, 1st, 1st Airforce.  |
| 5. Gidioni Oringa, Paloni Vill.<br>Gomb. Labongo, Chua County         | UA/162 Capt. Largo Okua,<br>Mbarara Barracks.   |
| 6. Innocente Okello, Lamola Vill.<br>Gomb. Labongo, Chua County.      | UA. 2927 Gabriel Okun, U.A. Mbarara   |
| 7. Johnson Ochaya, Gomb. Labongo<br>Gomb. Labongo, Chua County        | No. 444 Pte. Sergeant Samuel<br>Opiya Okula Police Kabale.  |
| 8. Marta Ochwana, Paloni Vill.<br>Gomb. Labongo, Chua County.         | Henry Ochwana, Kigoma High School.  |
| 9. Rosalia Abalo, Kook Vill.<br>Labongo Division, Chua County         | (1) U.A. Antonio Ochwana, UA Mbarara<br>(2) Venerable Ochwana, Bank, Kampala.                                   |
| 10. Luceto Lotwil Lukira Vill.<br>Labongo Division, Chua County       | UA. 2108 Sgt. Muciwari Okello,<br>Malindi Regiment Kampala.   |
| 11. Ezara Ario, Pankolo Vill.<br>Gomb. Labongo, Chua County           | UA. Pte Yoram Opiya, UA. Malindi.   |
| 12. Yonasan Akoko, Lukwor Vill.<br>Labongo, Acha county.              | UA Pte Muciwari Akut Uganda<br>Army Mbarara.  |
| 13. Kandita Laloyo, Ochwana Vill.<br>Labongo Division.                | UA. 1627 Pte. Benasiano Labjel<br>Uganda Army Jinja   |
| 14. Sererak Ayere, Pankolo Ochwana<br>Gomb. Labongo, Chua County      | (a) UA. Pte Yonasi Adong, Mbarara<br>(b) Sgt Godwin Ochwana, Mbarara-Toro<br>(c) UA Pte John Olal, Moroto Army. |
| 15. Matayo Nyeko, Lukira Vill.<br>Gomb. Labongo, Chua county          | UA. 18160741 Sgt. Manuel Ochwana,<br>Jinja Army barracks.   |
| Mori Agira, Lukwor Vill.<br>Gomb. Labongo, Chua County.               | UA. 5414 Pte. Jino Oling, Ochwana   |

Appendix No. 3.

*[Handwritten signature]*  
Chawama



THESE ARE THE NAMES OF THE  
INDIVIDUALS WHOSE NAMES  
ARE LISTED IN THE ORIGINAL  
REPORT TO THE DIRECTOR OF  
THE FBI.

NAME OF INDIVIDUAL	DATE OF BIRTH	WEIGHT
1. J. ROBERT [unclear] of [unclear] [unclear]	[unclear]	210
2. [unclear] of [unclear] [unclear]	[unclear]	210
3. [unclear] [unclear]	[unclear]	250
4. [unclear] [unclear] [unclear]	[unclear]	170
5. [unclear] of [unclear] [unclear]	[unclear]	250

*Approved by [unclear]*  
*[Signature]*  
 2/1/56

STATEMENT/I

(A)

9th January, 1973.

The Security Committee at its Meeting held Saturday the sixth January, Nineteen seventy three, reviewed in details cases of persons who have been reported missing from the country since the Birth of the Government of the Second Republic. A spokesman from the Security Committee has stated that as the country and the world at large will know, when the Government of the Second Republic of General Idi Amin Dada made it clear that there would be no question of political detainees anywhere in the country and as a result all people who were formally detained by the Obote regime, e.g. Ben Kiwanuka, George Magezi, Dr. Lumu Grece Ibingira, Mr. Ngobi, Salaki Kirya, Brigadier Opolot and many other prominent Ugandans were released from detention and became free citizens of this country. Some of them were subsequently given big posts like Ben Kiwanuka who became Chief Justice, Brigadier Opolot was appointed Uganda High Commissioner to Nigeria and Ghana; Grace Ibingira was appointed Uganda Ambassador to United Nations.

The country will however remember that since the Birth of the Government of the Second Republic of Uganda, Dr. Obote who run away to Tanzania and his henchmen have been mounting very intensive propoganda against the Government using all sorts of means, for instance Foreign Radio, Foreign Television and Foreign Press. They also went to the extent of recruiting guerillas from Uganda for training in neighbouring countries to come and fight and overthrow the Government of the Second Republic of Uganda. All these incidents have been publicly reported to the country and in fact eighty Langi who were recruited and were on their way to Tanzania through Kenya were intercepted at Busia in nineteen seventy one and later were pardoned by His Excellency the President at Lira. This was publicly annouced.

Other groups of guerillas who were captured were also released at mekindye. This was also annouced.

The spokesman further states that Obote's group and other enemies of this country resorted to another

....tactic,

Statement //

The Board of Directors of the Bank of Uganda, established in the month of June, 1962, consisted of several members in Council, many of whom have been reported to have fled from the country since the overthrow of the Government of the Second Republic. A resolution from the Security Committee has asked the Government of the United Kingdom to help to find out where these members of the Government of the Second Republic of Uganda are, and if possible, to facilitate their return to Uganda. It is noted that the President General Idi Amin has stated that there would be no question of political refugees, and that he would not accept any such people who were formerly members of the Government, e.g. Mr. Nkurunzira, George Nyanzi, Mr. Juma, George Mwangi, Mr. Ngugi, P. M. Nyanzi, Brigadier Opolot and many other prominent Ugandans who were released from detention and became free citizens of this country. Some of them were subsequently given big houses like Mr. Nkurunzira who became Chief Justice, Mr. Juma Opolot was appointed Uganda High Court Judge and Mr. Nyanzi was appointed Uganda Ambassador to United Nations.

The country will never recover until after the death of the Government of the Second Republic of Uganda. Dr. Chale who was very successful and has been very successful in running very intensive propaganda against the Government under all sorts of names, for instance Foreign Office, Foreign Intelligence and Foreign Press. They also went to the extent of recruiting people from Uganda for building a road through the mountains to the north and east and over the Government of the Second Republic of Uganda. All these incidents have been published in the press to the country and in fact about 1000 people who were recruited and were on their way to the mountains of Kenya were arrested at Kisumu for recruitment and were held in a camp in Kisumu. The Government of Kenya was asked to help in the recruitment of these people and they were probably recruited.

Other groups of people who were recruited to the Government of the Second Republic of Uganda were also recruited to the Government of the Second Republic of Uganda and they were recruited to the Government of the Second Republic of Uganda.

tactic, i.e. of kidnapping of prominent citizens of this country with a view to creating confusion and confusion in the country. These are a few examples of this and others will be given later. In some cases some of the Agents of Obote and other responsibilities and officials went to the extent of kidnapping some prominent Ugandans so that the blame could be put on the Government. An example of this is the case of Kawagongo which will be elaborated later.

Furthermore, these Agents persuaded some prominent innocent citizens of the country at one time so that they are reported as missing and the blame is put on the Government but such people have later been found well and alive in some countries. Their list is also going to be given below. While others having found their way to guerrilla training camps came back during the recent invasion to find the country. Some were captured, others were killed during the fighting.

The speaker further stated that in some cases a lot of rumors were created in the country with a view to causing confusion and in some of these rumors it was reported that some people were missing while they were well and alive and going about their normal duties. Their details will also be given.

The speaker stated that all the above points are being given in order to show the country that the Government of the Second Republic of Uganda, while maintaining its original objective of not arresting or detaining people unnecessarily, the enemies of the Government have tried to discredit the Government by making people disappear or accusing the Government falsely that people have disappeared while they are alive.

The Government has however done its level best to investigate extensively through the normal Government machinery i.e. Police CID, so called Branch, Military Intelligence and so on. Intelligence and so on to trace people who were reported missing and were not in the country.

The Government in the course of its operations to the ... of ... These are the ...

- (1) FRANZ BAVIA  
Former Minister of Commerce & Industry in the Omani Regime. Investigations have revealed that he is not in the country and nobody knows where he went.
- (2) AL ...  
Former Minister of Agriculture & Cooperatives in the Omani Regime. Investigations have revealed that he is not in the country and nobody knows where he went.
- (3) ... OUBA  
Former Minister of ... Investigations have revealed that he is not in the country and nobody knows where he went.
- (4) ... BABA  
A former Member of Parliament in Uganda and Deputy Minister of East African Community. Investigations have revealed that he is not in the country and nobody knows where he went.
- (5) ... BABA  
A former Minister in the Democratic Party Government and reported in the ... newspaper to have been killed by ... but later on it was found that he was much alive and he ...
- (6) ...  
Investigations have ... presently in Nairobi, ...

- (7) Mr. B. MURRAY, Former Director of Internal Affairs in the Obote regime, was reported missing but investigations have not revealed where he might be.
- (8) Mr. KISAKATA, Former Prime Minister in the Democratic Party Government and Chief Justice at Lunin. Detained by the Government and made Chief Justice. He was arrested by three unknown persons on twenty 22nd September, nineteen seventy two at about eight thirty a.m. from the High Court. These three unknown persons were travelling in a saloon car Buick Wildcat four door blue, having registration number UH. 171, once to the High Court Chambers where Ben Kiwanuka was working, identified themselves as security officers and said that Ben Kiwanuka was required at their office. They were armed with pistols. They hand-called the Chief Justice and took him with them in their car driving at a very high speed in the direction of the Kampala International Hotel. The men were all dressed in plain clothes and when they took him away most people working in the High Court were looking. When some of these bystanders tried to follow they were threatened to be shot. On investigation, the Government discovered that the people who posed as being security men were not in fact members of the security forces and the number plates of the car five were four one which they were using belongs to a Volkswagen Saloon car of the Uganda Armed Force, P.O. Box Seven Zero Six Nine, Kampala. It is therefore clear that the planner of this plot wanted to confuse the country that the people who arrested Ben Kiwanuka were members of the Security Forces, using an official vehicle. The Government investigation into this matter thoroughly set up the evidence and went to right up to the arrest of the Chief Justice and where he is.



He was one of people who later invaded Uganda during September nineteen seventy two. He was captured by members of the Security Forces and put under detention but later on he escaped together with Captain Oyite and six others who were captured during the invasion.

- (11) R. OROOT, A former prominent politician in the Eastern Region and former member of the defunct General Service Department. He was very much engaged in the recruitment of guerrillas in the Eastern region. He left the country and is reported to be staying in Tanzania.
- (12) FERREDA BAKAREKA, a former Secretary General in the Arhole Local Administration, ran away during the invasion of nineteen seventy two September.
- (13) DR. JIMLEBAZE WAZEB, Former Minister of Education in the Oboho Regime, was never at any one time detained by the Government but he decided on his own to go out of the country. He was subsequently reported by the foreign press as having been killed by the Government and yet his own father reported to the Government that his son and family had left for the United States.
- (14) GEORGE KAMBA, Former Uganda Ambassador to India and West Germany, who was later appointed by the Government as director of the East African Posts, Posts and Telecommunications Board was arrested by unknown persons from the International Hotel on extensive enquiries were mounted by the Government but so far nothing has come to light as to who arrested him or where he is.
- (15) GIBBY OCHTO, former M.P. Member of Parliament in the Oboho Regime, reported missing and investigations have so far revealed nothing as to where he has gone.



- (16) HASSAN KAZEM, a former student at Makerere University, Kampala, who left the country soon after the military takeover of the Government in January, Kampala. He eventually returned and started issuing malicious statements against the Government from neighbouring countries.
- (17) Lt. Col. G. OUD-ODDI, was the Chief Architect of 1971 Invasion, after the military takeover of the Government he followed Obote to Tanzania and became the Chief Instructor of guerrillas and later on attached Uganda in September, 1972.
- (18) Lt. Col. O. O. O. O. O., (Commanding Officer, the Second Infantry Brigade) also ran away to join Obote and became one of the instructors for guerrillas.
- (19) CAPTAIN BYRHO, former O.C. Military Police, ran away after military takeover of Government to the Sudan and became Instructor at Owingi-Khufi and invaded Uganda during September, nineteen seven two where he was killed.
- (20) Cpt. H. Okello, Former Company Commander, 2UA Moroto ran away after the military takeover of Government to the Sudan to train as guerrillas at Owingi-Khufi. He was later among those who invaded Uganda in September, 1972.
- (21) Captain Ogasong, Former Company Commander 4UA Ebarwa, ran to Tanzania to train as guerrillas and during the September, 1972 invasion he led a company of guerrillas to attack 4 UA Ebarwa where he was killed during the fighting.
- (22) Captain Jehonah Langoya, Former Quartermaster, School of Infantry - ran away to Tanzania soon after the military takeover of Government and was one of those who attacked the country during the September, 1972, invasion.

.....8/.....

- (23) Capt. G. G. ... 2 ... 19 ...  
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- (31) **CHARLES W. HAYES**, former deputy assistant lieutenant and later acting lieutenant colonel of the 1st Cavalry Division of the United States Army. He was reported to be with Rwandan people in the mountains.
- (32) **GARY J. HEDGECOCK**, former company commander of Royal Guard (North), reported missing and nobody knows where he is.
- (33) **Identical to Gault**  
Former instructor in Fort Belvoir.  
Reported missing and extensive investigations were carried out but he has not been found about his whereabouts.
- (34) **Captain Leach**  
Former U.S.G. II.  
Arrested by unknown people between the International Conference Centre and the Nile Hotel just before H.E. the President left for G.H. Summit Meeting in Addis Ababa. The country was informed about this incident and extensive investigations were started to reveal who arrested him or where he is. However, his car was found burnt on Koyala/Lemba Road.
- (35) **Identical to Colonel V. Colera**  
Was Commander, General Headquarters, Uganda Armed Forces. He was detained by the Government and later released by H.E. the President. After his release, he was reported missing but investigations have so far revealed nothing.
- (36) **Captain Christopher L. Jones**  
Former Lie of State Research Service, President's Office. During the September, 1972 invasion, he visited Tororo and Mbale where he was reported to have been arrested by unknown persons. The Government issued a statement about his disappearance and extensive inquiries were made but so far nothing has come to light as to who arrested him or where he is.
- (37) **Captain Lupa Lolinga**  
Former member, Committee 404  
Reported missing and extensive investigations were carried out to find out his whereabouts but so far nothing has been found.

- (38) Isaac Akundi, Former Deputy Commissioner of Police who went to Nairobi during the war, was reported missing in Nairobi. Has recently been reported to have gone to Britain where he has secured a job.
- (39) John Odoni, Former Regional Police Commander (East) reported missing but investigations revealed that he had gone to Tanzania in April nineteen seventy one and joined guerrillas.
- (40) Benjamin Gichira, Former Commissioner of Police, recently returned by the Government and reported missing but investigations have revealed that he is in Nairobi.
- (41) Eric Ngugi, Former ICP Extra Regional Commander, Kenya was recently retired and reported missing but investigations have revealed that he is with Gichira in Nairobi.
- (42) David KINYUA MBANI, Former Superintendent of Police in ICP Headquarters reported missing but investigations have revealed that he went to Tanzania in nineteen seventy one in February, where he joined guerrillas.
- (43) Assistant Inspector of Police Waco of rank Kosi, reported missing but investigations have revealed that he has joined guerrillas in Tanzania.
- (44) Waco G. Akiba, Former Inspector of Police was reported missing but investigations revealed that he joined guerrillas in Tanzania.
- (45) S. Akiba, Formerly Superintendent of Police, reported missing after recent invasion of September, nineteen seventy one but is believed to be in Tanzania.
- (46) Cadon G. Akiba, Formerly Superintendent of Police, reported missing but investigations have revealed that he is in Tanzania.

- (48) William Oduro, Former First Lieutenant, Police, reported missing in 1966. It was reported that he had run to one of the neighboring countries.
- (49) Stephen Kete, Former First Lieutenant, Broke to Hill, Ellice Hill where he claimed his one son and son to have died through Kenya. It was however reported in the foreign press that he had been killed by the Government.
- (50) Alton Oduro, Former Assistant Superintendent of Police and Director of Kenia, ran to London immediately after the military take-over and has since not returned.

**ETHIOPIA**

- (51) Degegnal Mengesha, Former Commissioner of Prisons, reported in the foreign press as having been killed by the Government, Mengesha had in fact been detained by the Government on security grounds and later released. He had since been given a flat located in Harar. Plot No. 106/12, Seventh Street Harar Industrial Area and he is running a business peacefully.
- (52) Sam Odeh, Former Deputy Commissioner of Prisons who had been transferred to Office of the President and H.E. the President, General Idi Amin Dada was about to make him Deputy Minister when he decided to run away to Somalia where he joined the guerrillas. He later issued ambiguous statements against the Government. He is believed to be still in Somalia.
- (53) Peter Odeh, Former A.C. Prisons was reported in the foreign press as having been killed by the Government but investigations have revealed that he ran to Somalia.
- (54) Alton Oduro, Former I.P. It was reported missing but investigations have revealed that he also ran to Somalia.

Chief Executives and Others

- (55) Michael Kawalya Kagwa  
Former President of Industrial Court.  
The circumstances surrounding the death of Mr. Michael Kagwa were widely reported in the press. On the morning of 10th September, 1971 at about 3.25 a.m. his body was found burnt in his Sports Mercedes Registration No. UMI 230 at Nenge on Kyadondo Road near Nenge Guest House. A Security Officer who saw flames from the car reported the matter to the Police at Old Kampala Police Station. It was alleged that he had left his office in Kampala very late on the previous evening after which he had gone for a swim at the Kampala International Hotel Swimming Pool. It was further reported that when he was travelling left the Swimming Pool alone in the car at about 7.00 p.m. It was further alleged that he was seen to have been followed by two cars. He drove towards Kyaggwe Road and that was the last time he was seen alive. Following the discovery of his body in the burnt out car, the Government offered a reward of Shs. 50,000/- to any one who might have any useful information for the Police regarding the death of Mr. Kagwa but so far no information has been received indicating as to who killed Mr. Kagwa or who burnt out his car and the reward of Shs. 50,000/- still stands.
- (56) Mr. Ezechia  
Formerly working with the Coffee Marketing Board has been reported missing but investigations have so far not revealed where he is.
- (57) Mr. Wandera  
Formerly working with Coffee Marketing Board Reported missing but up to now his whereabouts are not known.
- (58) Mr. Oyam  
Formerly working with Coffee Marketing Board Reported missing but up to now his whereabouts are not known.

- (55) Mr. Ouma  
Formerly working with Coffee Marketing Board.  
Reported missing but his whereabouts are not known.
- (60) Mr. Charles Kazora  
of Kazora Advocates and Company  
was reported missing in the foreign press but investigations have revealed that he went to Kenya with Kazora.
- (61) Patrick Ruhinda, of Kazora & Company Advocates reported missing but investigations have revealed that he went to Nairobi to see Kazora.
- (62) Wakuma Kaina, Formerly with Coffee Marketing Board reported missing but investigations have revealed nothing as to his whereabouts.
- (63) Adonia Fiserondwa, Former Director of National Teachers Training College, Kyambogo. He is now known to be in Zambia, reported missing but investigations have revealed that he left Uganda on official duty to Nairobi and decided to come back.
- (64) Dr. Obonyo, of Makerere University Kampala was reported missing but investigations reveal that he is in Nairobi.
- (65) J.P. ABE, former District Commissioner West Acholi, was reported missing but investigations have revealed that he is in Nukia Gurukia, Juba, Sudan.
- (66) Dr. Abner Martin, was reported missing, but investigations revealed that he went in United States of America, but he is now known to be practicing in Nairobi.
- (67) Mr. Wulushiki Mpanza, was alleged by the Foreign Press to have been killed by the Government, but Mr. Mpanza himself issued a statement that he was very much alive and running his business i.e. Alibhai's Garage which was alleged to be run by the Government.

- (68) V. J. Ovonji, Former Minister of Public Service and Local Administrations in the present Government. Reported missing but investigations have revealed that he is very much alive and has recently been allocated to Business in Entebbe.
- (69) John Kannyo, A prominent Lawyer in Kampala was reported missing but before the Government's investigations were carried out as to his whereabouts, Mr. Kannyo started issuing malicious statements from Kampala against the Government. Now reported to be in London. Over Christmas Holiday some persons were arrested by security personnel who were sent by J. Kannyo to come and assassinate prominent people in Uganda. The people were found carrying fifty thousand shillings and pistols in their car.
- (70) Mr. Joseph Kabiru, Former Governor of Bank of Uganda, reported missing. Extensive investigations have revealed no trace as to where he is.
- (71) Lingino Obwal, Former Bank Manager, Uganda Commercial Bank Mbarara was reported killed by the Government but during the recent invasion was captured by the security forces among those who had invaded Uganda. He later escaped from detention together with Alex Ojera and Captain Oyle.
- (72) Ficho Ali, Former Senior Civil Servant, reported missing but investigations reveal that he had run to Tanzania to train as guerrillas. He was one of the group that invaded Uganda in September, nineteen seventy two and was captured by the Uganda Security Forces. He later escaped from detention together with Alex Ojera.
- (73) Frank Kalinuso, Former Vice-Chancellor of Makerere University Kampala, was reported arrested by members of the Security Forces. Investigations have revealed that he was not arrested by members of the Security Forces and his whereabouts are not known.



(11)

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(18)

11/26/44 - 11/27/44 - 11/28/44 - 11/29/44 - 11/30/44

- (81) G. H. ... A ... lawyer, was ... by the ... of ... from ... by the Government ... he is ... and is in ...
- (82) ... Secretary for ... was ... by his wife as having ... but ... has revealed nothing.
- (83) ... brother-in-law ... reported missing; but it is ... to join his brother-in-law and ...
- (84) ... went for ... holiday to ... but ... did not return.
- (85) ... reported to have been ... by ... persons, ... revealed no trace of him.

... stated that ... David ... had come out with another ... to the effect that ... security ... persons who had ... the ... period for ... of ... Corporation ... revealed that the ... of ... Security ... from ... since the ...

The ... in accordance with ... the ... will be ... in respect of ... no clue on ... procedures ... in the ... of the ...

The ... of the above ... that the ... of ... and the ...

Information obtained from Missions on Uganda Exiles

12/1/72

1. Uganda Embassy Bonn

Members of this Embassy have no knowledge of any Uganda exiles in West Germany. They are, however, suspicious that Semphala may not have left West Germany. At one time, they had received information that he was in that country. But that could not be confirmed. If there is any exile who has come to the knowledge of the government they wish to be informed.

2. Uganda High Commission - London

Names of Uganda exiles in U.K. are Yemua Kibedi, Paul Kawunga, Geoffrey Binoyisa and Jean Kazorra. More enquiries are being made.

3. Uganda Embassy Paris

Following officers were transferred to home establishment but did not return - Kawunga, Major Oboro, Kasugisha, Lutalo.

Following were directed to return home to give explanation with regard to loss of Passports at the Embassy and they failed to return: OMBI and SHITTO. Of these, only one is said to be in France, possibly Paris - Fr. OMBI. KIWANDA is known to be coming to Paris frequently. Miss Ogwang has been transferred to home establishment, but this has not yet been accomplished. May not yet be category of exiles.

Regarding other countries to which accredited, they have no information because of long distances and irregular visits.

4. Uganda Embassy Moscow

Uganda residents in U.S.S.R. are known to the Embassy and are on their records. To the best of their knowledge, none of them is an exile.

5. Uganda High Commission Accra

There are no exiles in Ghana following Mr. Kabali, a former consul. He has discharged his duty and is known to be in Ghana.

6. Uganda Embassy Cairo

Best of the knowledge of the Embassy, the only Ugandan there is Ali Banyonga who has been living there since 1968.

7. Uganda Embassy Addis Ababa

There is only one person Ukidi a former official of the Embassy.

8. Uganda Embassy Kinshasa

Following are Uganda exiles in Kinshasa:-

John Edward Ota - former Chairman, Acholi District Public Service Commission, John Charles Oyema, formerly Assistant Superintendent of Police, Odera, formerly Sergeant, Police (special force). There is no up-to-date information of possible exiles in Eastern Zaire. It can be discreetly obtained on the spot and this would necessitate approximately three weeks' visit. Burundi returns Nil.

Ugandans who are believed to be living in U.S.A.  
or Canada

1. Mr. Loyd M. ... (Former Minister of Education) believed to be living with his family and employed at the University of UTAH, as a lecturer.
2. Mr. John ... (Former Senior Police Officer.) believed prohibited immigrant by ... reported with his family to U.S.A. last ... of March, 1974. He is now employed as a Security Guard or Official with a private firm in Philadelphia.
3. Mr. Brian ... (Former Chairman of U.E.S.) For the last one year has been a fellow (scholar) at Harvard University where he is believed to be living with one of his teenage daughter who is finishing high school in Boston.
4. Professor Ali ... (Formerly of Makerere University.) Reports of his academic tours in U.S.A., Canada and Europe are received from time to time in the news media, and he is believed to be based in California with some connections with the Northwest University in Chicago.

There are several Ugandans scattered throughout U.S.A. and Canada who either by their marriage to nationals of these countries or through extended academic or technical studies have managed to live and be employed on permanent resident permits. Most of such cases have been out of Uganda for over seven years and do not strictly fall in the "Exile" group. If names and known details of such Ugandans are available, we can compile and provide their names from our country files.

after Appendix No 6. pages 1-2

APPENDIX NO. 7

PART 111 OF THE STUDY BY THE INTERNATIONAL COMMISSION  
OF JUSTICE RELEVANT TO THIS INQUIRY

(S) THE UGANDA REVOLUTION - THE MILITARY TAKEOVER

The day after the military takeover, the general explained in his first press conference that there were 1100 soldiers who were not soldiers.

However, the general also stated that no political break had been made as a result of the takeover. At the beginning of this year, the army chief of staff had been dismissed and a battalion commander, Lieutenant Colonel, had been replaced by a police officer, Inspector Karpala. At least nine other officers had been removed from the rank of Lt. Colonel or above were killed during the takeover, as well as a number of other officers of lower rank (including the general). In addition, many army officers and civilian officials were arrested and detained. At one prison alone, it is reported, it is estimated that approximately 950 people were imprisoned.

Despite the general's statements, General Amin pledged himself to follow the 13 points, which had been the basis for the coup, the last of which stated: "We all want only unity in Uganda and we do not want bloodshed. Everybody in Uganda needs that."

In the first months of the new government, a pattern of random and continued violence began to emerge. One of the first groups to be affected were the police. By the end of February, barely one month after the coup, there were 100 killed, five injured, four missing, eight in detention, and 1000 in the army.

There also began a series of mass killings in the armed forces, aimed primarily at the soldiers of the Acholi and Langi tribes. These were tribes from which the general had drawn much of his support. On March 3, 1000 soldiers of the Acholi tribe were moved from their base to Makindye military prison. Some were probably killed when they arrived. The report states that several were shot to death in Makindye's "Singapore" camp. This prison has several rooms where there have been frequent reports of torture and killings. The rooms are called Singapore and Bay of Bengal, in reference to the fact that Roger Pakenham shot and overboarded while attending a conference in Singapore and subsequently received in Bay of Bengal.

On 5 March, the majority of the 30 officers were moved to Malindi where, on 8 March, there was a terrible explosion which was heard throughout Kampala. Radio Uganda reported the explosion and announced:

A spokesman for the military officer informed the public that there was no cause for alarm. All of the officers were taken to the hospital in Kampala and held in a special ward. This spokesman said that the reason for the explosion was that the man who was firing the rifle had been in a hurry. He said that the man who was firing the rifle had not been instructed to fire and that the explosion had not been intended. The spokesman also said that the explosion had not caused any serious damage and that the officers were all safe.

The government's explanation is challenged by several sources who charge that the Adversarial and Legal Officers were thrown into a small room and intentionally killed by the military police by the detonation of explosives.

Nothing could show more clearly the state of fear which resulted from these and others killings and disappearances than the following minute addressed to one of the Ministers by the government on behalf of a number of senior officials:-

"Minister,

1. It was agreed by the meeting of senior officers to consider the policy of your Ministry at 10.0 hours today in accordance with your directive, that I should minute to you separately on the following issues.
2. The problem is one of fear amongst public officers and others and the difficulty of providing guidance to those who ask for it; and of making a useful contribution in the matter of maintaining stability, morale, and confidence.
3. Each of the senior officers has and had been subjected to complaints, petitions and enquiries of the following kind:
  - (a) Enquiries for missing relatives who could not be traced at any known place of detention.
  - (b) Petitions from men who were afraid to go back to their homes or their normal places of work because they feared victimization and apparently have some grounds for fearing it.
  - (c) Enquiries as to the proper channel of communication to obtain guidance on these two issues and on how to deal with unusual circumstances, e.g. when men alleging to be army officers or men wanted to take over funds or equipment or to arrest personnel without any apparent legal backing or other authority.
4. There was no doubt that the continuance of this kind of situation adversely affected morale amongst public officers and it was spreading to members of the public.
5. It adversely affected discipline and control because senior officers were either powerless or as much in the dark as those who were petitioning them. Morale was also affected because the senior staff were not able to provide the protection which their subordinates were entitled to expect.
6. The meeting recommended for your consideration that a system be set up as quickly as possible so that all affected staff knew the place to which such enquiries should be sent. This might be a system set up under the Ministry of Internal Affairs but no doubt was expressed as to whether police morale was now sufficiently high for that organization to be able to do anything effective in the majority of cases.
7. It was agreed that it was not appropriate to have to go to the Head of State every time a case of this kind arises. On the other hand at the present time a number of cases which officers were concerned that they should at least have a such a review of.

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Many of those responsible for this letter were subsequently dismissed, killed or disappeared.

Another reaction in the civil service was a cabinet memorandum, written by senior civil servants suggesting the creation of a procedure for relatives to make inquiries as to missing people. The memorandum also suggested that a single military unit be set up to investigate alleged offences and take the necessary action to expedite the release of those unlawfully detained. The memorandum was blocked, and never formally reached the cabinet but it did prompt this reply from President Amin.

"His Excellency the President, has stated categorically a number of times that he is not in a position yet to state how many people have lost their lives ... he is not able to know how many people have crossed into Tanzania ... while it is possible therefore to provide a list of the persons now in detention, it is going to be very difficult to provide the figures and the names of the persons who have lost their lives ... The persons categorized as "missing" will for some time present a problem to the relatives and others concerned."

The killing began to spread to very segments of the society. In late April Dr. Vincent Kim Bahigye, a professor of ophthalmology at Makerere Medical School and practising doctor at Kampala's Mulago hospital was arrested by army troops at midnight. A government explanation of his disappearance, in January 1973 said only that he was "seen immediately after Military takeover of government in the company of Lt. Col. Oyite-Oyok /a close associate of ex-president Obote/ and has since not been seen". According to one source, he was sent to Makindye Military Prison where he was held for a long period until he was finally killed there.

Troops also surrounded the home of Dr. George W. Ebine, a consultant gynecologist at Mulago Hospital. Using infantry, armed troop carriers and armoured cars, they destroyed his house by shelling. The soldiers were apparently looking for Lt. Col. Cyril Gabaigo officer loyal to ex-President Obote who was killed in the shelling.

Shortly afterwards, Dr. Ebine was seized while performing an operation in Mulago Hospital. He was arrested by soldiers, taken away, compelled to write and sign a statement, and immediately thereafter murdered.

Among others killed in early 1971 are Colonel Mkingi, an Iteso officer, Albert Masarubu, the State House chief driver, and Alfred Oduka, the director of music to the Uganda police and an assistant superintendent of police. An official government explanation of Alfred Oduka's disappearance suggests that he "went to Bombasa immediately after the military takeover and has since not returned." Several sources dispute this account asserting that he was killed by members of the Uganda army. The most detailed account given of his death is as follows:-

"It is known that when Oduka was safely away in Bombasa, he had phoned Amin to explain his absence from Uganda, where he feared he might be killed to silence him. Amin had assured him that he was safe, urging him to return.

It was then that Oduka did return. When his presence was known, he was detained ... and taken to Makindye there to be bludgeoned by Amin's savage assassination squad within minutes of his arrival.

"Pressed, Amin later admitted his death, but tried, though unsuccessfully as far as Ugandans are concerned, to explain it away by saying that Oduka had died of fright when he saw soldiers point guns at him."

There has been no further official explanation of his disappearance.

Another incident occurred at the Kileleshwe copper mines where the President of the Uganda Mineworkers Union, Mr. Rurangashonge complained personally to President Amin about labor conditions there. Immediately following the President's visit, Rurangashonge was shot and killed, and his body thrown into the River Nyamwamba near the mine.

In another incident during this period a British journalist, Brian Tetley, and his photographer were attacked by a soldier at a roadblock near Jinja. Tetley described the attack where the soldier "knocked us out of the car with a rifle, struck the photographer several times in the chest with the butt and barrel, and whipped me on the legs and arms. His comrades restrained him when he threatened to shoot us."

It became clear to many people that no one was safe against such attacks. Thus during these early months of 1971 an unknown number attempted to seek refuge in neighboring countries. A large number were apprehended and killed while trying to flee from Uganda into the Sudan, though the number is impossible to determine.

Much of the early killing was done in the military prisons. Several incidents were witnessed by Joshua Makholi, a former Minister of Public Service and Cabinet Affairs, who was arrested and detained in Karch at Makindye Military Prison\*. While there Makholi witnessed the murder of 37 army officers in an adjoining cell, a scene which he later described as follows:-

"The prisoners started shouting and wailing and then the cell door was thrown open and we saw three or four soldiers move into it. They started shooting and when they stopped after a couple of minutes there was no sound except for the groans and screams of the wounded. Then they started dragging the bodies out and those who were still alive were killed with pangas (an African long knife like a machete) or shot. They did not seem to be able to kill one officer whom we thought was a military chaplain. He kept preaching and they kept shooting and slashing him. The bodies were loaded into an armoured personnel carrier and as they drove away we could hear the man still shouting Hallelujah!"

\* Makholi was later released and went abroad. He took part in the September 1972 invasion, was captured and killed (see Section 5 below)

"The next morning, that was Saturday the sixth of March, about six or one of us was handed either scrubbing brushes or a pail for carrying water and were told to go inside the house where these people were killed. When we entered the house the place was full of worms and old blood. In fact I think the dried blood that was on the floor was almost a quarter of an inch thick, and the whole place was full of pieces of skull bone, teeth, brain tissue and many other pieces of flesh from human beings."

Waholi's account was later corroborated by Lt. Silver Tibinika who was also an inmate in Bahi during that night.

Another account of the killings in Bahi is given by a man who spent 11 days in detention there in February.

"The first night I was there they killed forty soldiers in "Singapore" cell. They were a mixed group of Acholi and Langi officers and other ranks. Two armored personnel carriers arrived from the Malire mechanized regiment after dark. The military police in charge of the prison had been told not to let any soldiers in but they were frightened. The soldiers went into "Singapore" and bayoneted the prisoners. Then they calmly drove away. Those who were not dead were taken to Lusaka for treatment and the bodies (of the dead) were loaded into three-ton trucks and taken away."

Despite these and other incidents of violence the first five months ended with the people of Uganda still hopeful that President Amin's government would begin to return the country to civilian control and to a pattern of increased stability.

Though perhaps several hundred people had been killed in the first five months, the general public was not aware of the numbers, and tended to accept a certain level of violence as an inevitable consequence of the coup. However their hopes for the future were shattered in July when a series of mass killings began, particularly within the armed forces, directed primarily against the Acholi and Langi tribes.

#### (2) MASSACRES IN THE ARMY IN JULY 1971

In mid-1971 there began a series of clashes within the army, culminating in mass killings at several army barracks in July.

Much of the problem was tribal in nature, with the Acholi and Langi tribes the principle targets. These two tribes had provided the central basis of President Obote's support and were still a large and important segment of the security forces.

The government later explained that the killings in June and July were incited by subunits in the army composed of Langi and Acholi. Incidents also were in turn properly repressed by loyal government troops, under the direction of army chief of staff General Aruga.

One of President Amin's former ministers disputes this, stating that "in the first year of post-Amin concentration on systematically wiping out the Acholi and Langi in the army, the paramilitary unit (1) and the intelligence service. The Acholi and Langi constituted the majority in the security forces. In addition, as many able-bodied Langi and Acholi as Amin and his henchmen could find in the country were massacred."

According to Lady O'Connell (2) "the period of bloody events started when an Acholi soldier, on the 11th, a group of military police recruits, was going to kill him, was shot and killed with a light machine gun". While this may have triggered the riot, it is clear that a deliberate effort was subsequently made to isolate and kill the Acholi and Langi members of the security forces.

These killings were at a head when the time that President Amin left for Israel and Great Britain on July 11. The following is a chronicle of some of the incidents that took place during that period.

At Ibarawa barracks no place was sounded. The officers and men assembled without their weapons. The Langi and Acholi were separated from the rest and were backed to death or shot. One semi-official report places the estimate of deaths at 300; another reports as many as 250 killed.

On July 9, at Moroto barracks twenty new recruits were lined up and killed. The following day up to 100 Acholi were killed. An official explanation by the Acting President suggested only that the killings resulted from the actions of a Langi Lance Corporal who had gone mad.

At Jinja barracks there was fighting from July 10-14. Here the violence spread to the local villages. A majority of the 300 Acholi are believed to have been killed or disappeared. Any children living in the villages such as Rubega in Jinja, were also killed. Many of the bodies were simply thrown into the Nile.

One survivor later described the situation at Jinja where Acholi and Langi soldiers were imprisoned in one small building. They were separated from other prisoners and between July 10 and 14 forced to defend themselves with two machine guns against the constant attacks by government guards. While 17 eventually managed to escape, all the others were killed during the four days of fighting.

At Magaraga ordinance depot the Langi and Acholi were also separated, and according to one source 30 were killed.

Other military incidents occurred on a smaller scale at various places throughout the country. Among these were Masindi barracks, Soroti and Kityu.

(1) This refers to the police Special Force Units, armed units for dealing with riotous or other unruly mobs in the country.

(2) *Historical Dictionary of Uganda*, 1973, pp. 10-11, 1973

While concentrating on the Acholi and Langi in the army, the July killing also took a tremendous toll on the police. The effect here was twofold; isolating and eliminating the Acholi and Langi Police Officers; and at the same time further destroying the effectiveness of the well-trained and disciplined police force which stood as a major check upon the army's otherwise arbitrary power.

The army's attacks on the police had begun almost immediately after the coup. On March 9, a regional police commander, one of the force's ten most senior officers, had been detained and beaten up by troops. Similar incidents had continued until July and the government had made some preliminary efforts to absorb the 1000 nonpolice special forces into the army, 400 of whom were Acholi.

In July, the army effort against the Langi and Acholi police intensified. At Masindi, the Langi officer-in-charge was shot. On July 15 a directive was issued ordering the police special force units to disband, hand over their arms to the army, and report for duty at the nearest army post. Later that day, an assistant superintendent was murdered on one of the main highways of Kampala.

A contemporary account of the July 15 directive describes the purpose of this operation as follows:-

"The way in which this is being done is a cover for splitting the special forces so that Acholi and Langi in the special forces can be killed in army camps in relatively small numbers, and more conveniently."

In London, President Amin suggested that Chinese experts from Tanzania were partially responsible for the wave of attacks and violence in Uganda. He said that Chinese were known to have taken part in the attacks at Jinja, Nagamaga, and Moroto. These border attacks, he said, had already cost the lives of about 1000 soldiers. To date, the charge that Chinese guerrillas were operating in Uganda has not been substantiated. The body of one alleged such guerrilla turned out not to be of Chinese origin.

In Uganda, the Acting President explained in an interview on July 15 that by the time the army headquarters was able to intervene in any of the incidents at these various army outposts, it was always too late. He concluded that the situation was in fact out of control with the different tribal groups at each others throats.

In 1973, former President Obote, in a letter to heads of state of the Organization of African Unity, charged that the killings of thousands of Acholi and Langi soldiers and civilians in 1971 amounted to genocide.

(3) THE MURDER OF STROH AND SIEDLE

Another well-publicized incident during this period occurred at Mbarara barracks where numerous reports of continuous killing and torture had received considerable attention in Uganda. In early July two Americans, Nicholas Stroh, a free-lance journalist working for the Philadelphia Evening Bulletin and Robert Siedle, a sociology lecturer at Makerere University, went to investigate reports that as many as 200 Acholi and Nandi soldiers had been killed at Mbarara. The two Americans were killed several days later by members of the Uganda Army's Sirba battalion.

After nine months, as a result of a concerted effort by the U.S. Government on behalf of the families of the two men, an official inquiry into the disappearance was undertaken. The Commission of Inquiry was headed by a Uganda High Court judge, David Jeffreys Jones.

Despite numerous obstacles, which will be examined later, the commission investigation managed to piece together the circumstances of their killings. An affidavit by one Uganda Army officer who was stationed at Mbarara, Lt. Silver Tibihika, was accepted as truthful and accurate. It gives a detailed account of the events that surrounded the killing, and is quoted here in its entirety.

"Affidavit:

I, Silver Tibihika make this oath and says

1. In July, 1972, I was a Lieutenant of the Sirba Battalion of the Uganda Army stationed at Mbarara. The commanding officer was Lt.-Col. Mili and the second in command was Major Juma.
2. On the 8th of July, 1972, I was outside the Battalion Orderly Room with Lt. Toban the then Intelligence Officer in the Mbarara Barracks and saw a fairly heavily built white man with a slight beard come to the office block. He enquired for the Adjutant. The Adjutant later told me and others present that the man was a journalist who wanted to interview the Commanding Officer. The Commanding Officer was not in the barracks. It was then about 10.00 a.m.
3. On the same day I had lunch at the Agip Motel in Mbarara. I sat with Captain Mukasa. At another table sat some Ministers and at another the journalist. I noticed a priest there whose name I did not know. Mr. and Mrs. Heyle who manage the Motel know me well. The journalist left before I had finished my lunch.
4. On the next day, that is the 9th of July, the journalist came again to the barracks, I think at about 9 o'clock in the morning. I saw him drive in and stop at the Quarter Guard. I was at the Quartermaster's building nearby. About 15 minutes later I saw the car still there but did not see the journalist. About lunch time I saw him with his clothes covered in mud being forced by two Military Policemen to run with his hands above his head towards the Orderly Room. He went into Major Juma's office.

5. I never saw him again but later heard officers in the mess say that the European was "killed" which is a term used by Nubians to indicate that a person is dead. I do not know whether this statement is true or not. I remember that among the officers present in the mess were Lieutenant Moses Sali of "A" Company, Lt. Samwale also of "A" Company and Lt. Stephen Taban who was then Intelligence Officer.
6. I had shortly before this heard Major Juma say that "the Uzungu /British/ think that we /Nubians/ are shenzi /rotten/". He said that the European, by whom I understood him to refer to the journalist, had threatened to hit him, but the Major did not say what they had quarrelled about.
7. On the afternoon of 9th July, Major Juma drove the journalist's car. Lt.-Col. Alli was annoyed and told him not to do so.
8. About four days later I was instructed by Lt.-Col. Alli to go with the Intelligence Officer Lt. Taban to burn the car. Battalion Regimental Sergeant Major Stephen drove the car accompanied by Motor Transport Sergeant Major W.O. Il Linden and another person whilst Lt. Taban and I travelled in my personal car. We went to Rugsala Military Training Area 50 miles away and there burned the journalist's car using eight gallons of oil and 20 gallons of petrol. Lt.-Col. Alli had told us that to soak the upholstery first with oil and then pour the petrol would be more destructive. We waited until it was burned but still smouldering and then left it.
9. Lt.-Col. Alli told us about two days later after he had been to Kampala that the matter of two missing Americans had become serious. He told Lt. Taban and myself to collect the remains of the two Americans and burn them to ashes. He told us to do our best to see that everything was destroyed. I had not myself seen any European other than the one journalist in the barracks at any time. Lt.-Col. Alli did not tell us where to find the remains but Lt. Taban directed me where to go. I drove with Lt. Taban and two recruits to a place pointed out by Lt. Taban approximately 10 1/2 miles from Mbarara on Fort Portal Road. We then turned down a track on the left and stopped. Lt. Taban walked about 20 yards further and called me. I saw the rib bones of a person on the surface of a sand pit. The recruits used shovels and dug up the remains of two persons. There was some flesh on some of the bones which appeared to have been burned.
10. We collected the remains in two sacks and drove to the barracks. It was about ten at night and no one was in the mess. We burned the remains behind the mess using oil and petrol. The remains were almost entirely reduced to ashes except that next morning I saw a piece of arm bone and other small pieces of bone when we again put the ashes into sacks. We put the sacks into a room in the mess. That night Lt. Taban and myself took the sacks to the river which flows under the bridge just before the Kikagati turning off the Kabale road on the outskirts of Mbarara. After passing over the bridge we turned down a track to the right which went down to the river. There is a place where the river is shallow and which is a good place for crossing. We went down the track to the river, towards the bridge we stood on a log and emptied the sacks into the river.

11. The following evening we collected the burned car on a three-ton military lorry, breaking off the engine and gear box. I was then with Lt. Taban and P. M. Simpson in my car. There were twenty recruits in the lorry. We took the parts of the car to the barracks and it was kept under guard at the R.T. yard for the night. The lorry canopy was closed. Lt.-Col. Alli came and looked at the car.
12. At 9 o'clock next night the same twenty recruits with the lorry and myself in my car leaving the way, drove through Fort Portal to a place about 26 miles along the road to Pandibugyo. I know this road well from the time when I was an intelligence officer. The lorry stopped and the parts of the car were pushed over the bank of a steep valley with dense forest. The recruits had to go a short distance down the slope because the body of the car became stopped by a tree and had to be pushed again further down the valley.
13. We returned to Fort Portal after turning at the H.O.U. camp. It was then daylight and I was afraid the troops of the unit stationed there might regard us as enemies, so I decided to report to the Commanding Officer. I did so at the former Omukama's palace. I reported to the Adjutant who called the Commanding Officer from his quarters. I told him what I had done. He knew me by name. He was Lt.-Col. Toloko who I believe is now in Tororo. He did not believe my story, so I asked him to telephone Lt.-Col. Alli. He did so and afterwards the recruits were given breakfast at the new barracks on the road to the airfield. The Lt.-Col. took me to these barracks and showed me round the barracks which were then being put up. Also with us was the second in Command, Major Juma Doka, who I believe is now at Tororo. At lunch time we had drinks in the Officers' Mess at Fort Portal and among those present were Captain Ruchogoza, Captain Pangalaco, 2nd Lt. Keshundo, the Adjutant, Lt. Groite and a 2nd Lt. whose name I do not know but who is now, I believe Adjutant at Fort Portal.
14. After lunch I returned to Mbarara accompanied by the lorry and recruits. I reported to Lt.-Col. Alli who gave the recruits four days off duty.
15. In respect of the use of my car on these operations I made claims for mileage allowance from the Command Pay Office.

S. Tibihika, Lt.

Sworn at Dar es Salaam, Tanzania, this 18th day of April, 1962, before me. R.C. Gandel, P.O. Box 116, Dar es Salaam.

In his concluding comments Judge Jones writes:

"There was positive evidence disclosed in Lt. Silver Tibihika's affidavit which I have accepted as true, that they are dead. ... From paragraph 9 and 10 of the affidavit, it is obvious that the two Americans died an unnatural death. They were in fact murdered by one or more of the Shaba Battalion of the Uganda Armed Forces".



Judge Jones concluded that "His Excellency the President has publicly stated that anyone responsible, whether highly placed or not, would be brought to the bar of justice. I am sure he will honor his promise."

The official response stated:

"The government accepts the findings of the Commissioner that Mr. Nicholas Strach and Mr. Robert Mbitia went to Ibarara on the 7th July, 1971 and that they did not leave Ibarara alive, having met their deaths somewhere in Ibarara on or about the 9th day of July, 1971 at the hands of unidentified persons. The government further accepts that Lieutenant Tabilika may have more to do with the deaths than he cared to divulge (Paragraph 122, 131 and 142)."

In 1973 the government finally admitted responsibility for the killings and paid compensation to the relatives of the two men in the United States. Yet, to date, no action has been taken nor further investigation made into the evidence uncovered by Judge Jones' inquiry.

#### Difficulties encountered by the Jones Inquiry

Jones Inquiry is perhaps the most extensive official investigation of violence in Uganda in the past three years. The problems it encountered, as later described in Judge Jones' detailed report, are illustrative of some of the difficulties that plague the judicial process and make serious criminal investigation virtually impossible in Uganda.

To begin with, the commission received little support from the police force which now finds itself subordinated to the military. Commenting on this, Judge Jones wrote "It was no surprise when one of them / the police officers / admitted that the police had made no inquiries. There seemed to have been a sinister wall of fear enveloping most of these civilian and police witnesses."

As to the military witnesses, Judge Jones stated "The commission ran into some serious difficulties when dealing with these. Some were administrative troubles, some were due to the personalities of the witnesses." He explained that some difficulties developed when summons were required to be sent through the military rather than the police. "The frustration became almost intolerable, and the impatience and annoyance with the tribunal by the army became a sore point with the military personnel. It was becoming apparent that the army considered themselves to be above the law."

In mid-April, Mr. Justice Jones went to Fort Portal as part of the investigation into the killing. This was, in fact, to obtain confirmation of information contained in Lt. Tabilika's affidavit concerning the disposal of the car of the two missing Americans. This trip was publicly criticized by President Amin who claimed that the Judge was not keeping the government informed of his activities, thus conducting the inquiry in secrecy. In reply to this, Judge Jones wrote "As a matter of fact, no mission could have been less secret, and from the word 'go' the Minister of Justice and the President's own office knew about the journey, if not the reason for it".

In May, the commission became aware of the important evidence which Lt. Silver Tibihika could give. Because Lt. Tibihika was in Tanzania, and afraid to come back to Uganda, the commission sought to obtain permission to hear his evidence on excursions in Tanzania. Before the application was even submitted, an article appeared in the Uganda Argus quoting a statement by an unidentified government spokesman. The statement reads:

"All High Court judges appointed by the President have the power according to the law to preside and hear cases within Uganda and judges of the High Court of Uganda have no jurisdiction to hear cases outside Uganda. This statement is issued for the information of all the judges in Uganda and must be adhered to."

Commenting upon this, Judge Jones wrote: "It was a further example of a disturbing feature of the government's attitude to this inquiry, i.e. of sending notices and orders to the judiciary via the press." As a legal issue, the government statement was inaccurate in that Judge Jones wanted to take the evidence in his role as Commissioner of the Inquiry and not as a High Court judge.

He observed in his report that "these periodic incursions into the press could well have been taken as an interference with something which was 'sub-judice' - almost directives. It is something I had never experienced before, and I hope never again. To say that it made my task extremely difficult, if not impossible, would be an understatement." Shortly thereafter, the Minister of Justice directed Mr. Justice Jones to complete the inquiry within ten days.

A subsequent government statement on the inquiry explained this action:

- "As has been observed earlier, there was an urgency about the commission which it is felt was not appreciated by the commissioner. The government therefore felt it imperative to impose a time limit. Such limits are not inappropriate or unusual in commissions of inquiry. With hindsight, the government now regrets that such a limit was not imposed when the commission was first set up, having regard to the urgency of the inquiry."

Judge Jones concluded that "I was set a difficult task and had very little or no cooperation. In spite of his excellency the President's directions, about the production of all books asked for, I got none except a guard roll. The whole thing is unbelievable." He concludes by saying "I lay down the heavy burden with relief. Never has any inquiry been beset with such obstruction and confrontation as this."

The obstruction was so great that Judge Jones resigned from the High Court and secretly left Uganda, fearing for his safety. The report was ultimately sent to the government by post.

A government white paper, issued shortly thereafter, attacked Judge Jones for his prejudicial attitude in handling the inquiry. The white paper concluded that "The government finds little necessity to add that in Uganda the independence of the judiciary is not only protected by the Constitution but is a matter of fact. No person in the course of study the day to day affairs of the country since January 1972 will find a single instance of interference by the executive in the workings of the judiciary."

(4) AUGUST-DECEMBER 1972

The killings continued throughout the second half of 1972. In August one victim was Martin Cheliga, a former member of parliament.

In September Richard Kaggwa was found burned to death in his car. Mr Kaggwa was the Chief Justice of the High Court and then the President of the Industrial Court.

An official government statement later explained that

"Following the discovery of his body in the burnt car, the Government offered a reward to 50,000 shillings to anyone who might have any useful information for the police regarding the death of Mr Kaggwa but so far no information has been received indicating as to who killed Mr Kaggwa or who burnt out his car and the reward of 50,000 still stands".

This, like many similar statements, disclaims any responsibility on the part of the authorities. Other information suggests that the police investigation was in fact blocked by the army.

In early November, Mathias Genge, formerly of Uganda T.V. was called out of a meeting by several unidentified men. He was driven off in a Peugeot and is reported to have been killed the same day at Makindye. The official explanation of his disappearance is that he was "reported to have been arrested by unknown persons". Investigations have revealed no trace of him. Several sources reject this explanation, stating that Mr Genge was in fact arrested by Uganda Army troops and subsequently killed.

In another incident, the commercial manager of Uganda Television, Mr James Muti was also killed during this period.

(5) THE MASSACRE AT MUTUKULA- JANUARY 1973

By December, 1972 there remained a large number of detainees under civilian custody at Lusira prison (formerly Bushyiron Bay Prison) near Kampala. Police investigations indicated that there was no kind of evidence against any 500 of these men. After rejecting representations that they should be released and that their continued detention was illegal under the Government's own decrees, President Nadio ordered them to be moved into army custody in Mutukula prison on the border with Tanzania, and under the charge of Major Mbarika.

Included in this group were some high-ranking police officers and about 50 members of the General Service Department. The latter were to sell off their land to the army and to be recruited into the army. These men were to survive the first part of the war.

Among the police officers transferred to Butukula were Ibrahim Mohamed Hassan, the head of the C.I.D., and his deputies Faris Masayo and Ocupyi. Hassan and Masayo had headed the year-long investigation into the killing of Brigadier Okosa in 1976, which ultimately uncovered evidence at least indirectly implicating General Amin. Hassan had been imprisoned several weeks after the coup "purely for his own safety" according to President Amin.

The transfer from Luzira to Kutukula took place on December 28.

David Martin later interviewed 19 of the 23 army prisoners who managed to escape from Butukula into Tanzania, and the interviews were recorded on tape. From his records and others is drawn the following account.

One of the survivors has described the transfer to Kutukula from Luzira prison. An officer at Luzira told us 'Today you are leaving this place.' He did not tell us where we were going but we thought that we were going to be released, though we were not sure of what was going to happen. He told us to pack the prison's provisions and to leave them there in the yards. We did that and then in the afternoon we were all told to go to the reception room where we met soldiers all at arms standing on guard. A few of them started tying us with strings and then taking us to buses and lorries".

Another of the escapees added "We were originally transferred to Butukula at about 3 a.m. and then in the morning of the 29th Major Favella who is the commanding officer of the Military Police addressed senior officers and NCO's, that is from Major up to Corporal, gathered them outside in groups, and told them that the purpose of coming to Kutukula was for court-martial and that the officials for the court-martial would be coming in about a day or two to hear our cases. He told us to wait and indeed we waited but we could not see any of the officials because none was around. Then about the sixth of January some of what they call G-branch came from Kampala to write our statements. They asked us to write how we were arrested, whether we knew anything before the General went to Cairo, or were we in league with other big people to kill the General, that is before the 25th of January 1971 or were we with the General Service Department. We had to write all of this down. These statements went on for several days until the twelfth. That's when the statements ended and they started taking senior officers ... moving them from Butukula prison.

"During the process of removal we were told to close all of our windows, but we could see from a crack over the windows how these people were taken out. When they passed the last gate their hands were tied together with strings and they were taken away. Now that taking continued down the ranks, that is from Major --- next they came to Platoon and Sergeant-Majors. The next day they took 19 and then the next day they came and took Sergeants. After the removal of the Sergeants came the removal of those who came from Jinja and the Malire regiment, that is of all ranks now.

"We could see how all of these people were tied and conclude that was happening to them. Their ankles were tied and their hands were tied double. They were marched out. We were told that there was a line behind the main enclosure Butukula but that there was a way through the fence through a window

that the last group, instead of being led to where the trucks were, were being led outside in a different direction, where people had been coming from with spades and picks where we believe that the graves were being made. These people were being taken away in that direction and that was not facing the direction of the trucks.

Several days later, about 20 Acholi and Langi military handsmen were taken away, allegedly to practice for the 1st year anniversary of the second Republic on 25 January. The other prisoners were told that only a few of the officers would be court-martialed and the rest released on January 25.

During this period the General Service Department prisoners were asked to dig a series of trenches between 500 yards and 1 mile north of the prison. These trenches were, in fact, the burial place for the soldiers who were to be killed at Butukula.

One source, whose father was among those killed at Butukula explains that at this point "the Uganda army started a calculated and systematic operation of eliminating the detainees".

The General Service Department prisoners were the first to realize that the killing was going on. As one of the 23 escapees explained, "We heard from the G.S.D. that those who were being taken were killed. The first group taken were all officers and included Major Oyot, Captain Agug, Flight-Captain Atyang, and Flight-Lieutenants Okello, Chalo and Odro. They were taken with their hands tied behind their backs and our windows were closed so we could not see anything".

Several days later these prisoners tried to escape. Two were shot down in full view of the other prisoners. The other was killed before reaching the Tanzanian border.

On January 24 eleven prisoners were taken out. Included in this group were Corporals Pius, Lolo, Santo, Aldo and Privates Odongo, Black, Odong and Omara. Their hands were tied behind their backs and they were shot in full view of the remaining prisoners.

By January 25 all twenty-five of the officers had been killed as well as between 200-250 NCOs. On that very day, the first anniversary of the coup, President Amin announced a general amnesty for all detainees, who were to be released immediately, with the exception of 15 who, he said, would be held pending further investigations.

One of the escapees described the final ten days at Butukula. "On the twenty fourth, the day before the celebration there were a number of reinforcements in from Kampala. They told us that they were going to take five from each room for the celebration, and they took eleven people. These people were taken outside on the front and just about twenty yards from the front they were shot dead which we could see from our room. They were first fired with their hands and as they began running they were shot.

"The second killing that we could see came on the third /of February/. They came in the morning and asked for ten more people to be taken for fatigue that is for work. Then just as they were removed from our houses about ten or twenty yards from our buildings we saw these guys shoot and then those who didn't die on the spot were beaten with blms to the head to finish them off. This is what we saw directly from our window.

"The next day was the fourth. They told us that we are not going to eat and we overheard them outside saying that this was to be our last day of life so we knew we were going to die the next day".

A third man who was also able to escape from Mutukula describes the breakout that was attempted by the one hundred and forty Langi and Acholi prisoners who were still alive on February 5. "We made a hole in the wall of our room and at about 1.30 we broke through the passageway and we pushed one man out and he went and opened the door for the rest and they did the same thing in the other room ... We all tried to burst out but there was a tremendous machine-gun fire across the compound and at the door and also through the fence and through the barbed wire where people were running to get out.

"Many people were shot immediately in the compound and at the door, many also at the foot of the barbed wire".

Only 23 of the Acholi and Langi army prisoners managed to escape into Tanzania. Those few that had not tried to escape, numbering between 10 and 20, were killed the next day. These included C.I.D. Chief Mohammed Hassan.

The G.S.B. officers who were housed in a different barracks and thus not involved in the escape attempt, were ordered to collect the bodies for a mass burial. They counted 117.

The Langi and Acholi G.S.B. officers had already been taken away and killed. The remaining 69 G.S.B. officers were finally released.

On February 6, the following remarkable account of this incident was broadcast by Radio Uganda. It would seem that the only accurate statements it contains are that the incident occurred at Mutukula involving former army and GSD personnel and that some people fled to Tanzania.

"President Amin disclosed that there was a minor incident at Mutukula prison two days ago. The fifteen remaining detainees who consisted of former army personnel and former members of the General Service Department who are detained there pending court martial, he said, overpowered a guard, and there was an exchange of fire during which some of them managed to escape after wounding the guard. They fled to Tanzania where they were arrested by the Tanzanian Security Forces and handed back to the Uganda Armed Forces at Mutukula. These men who were handed over was Mohammed Hassan, the former head of the C.I.D. General Amin expressed his personal and Government's gratitude to the Tanzanian Security Forces at the border for their prompt and friendly action in escorting /only/ the escapees".

(6) JANUARY-DECEMBER

There were other killings in January 1972, apart from those at Mutukula prison. The victims included Will M. Kalege, Minister of Commerce and Industry under Obote, who suddenly disappeared on January 20. It is reported that he was kidnapped and later killed by military police. The official government explanation of his disappearance stated only that "Investigations have revealed that he is not in the country and nobody knows where he went".

On February 23, Mulaga, the District Commissioner of Bukedi District and Nshakanabo, hotel manager of the Rock Hotel at Tororo, both disappeared. They were taken away by army troops following a dispute between Nshakanabo and some of the troops over payment for their drinks. Nshakanabo had called Kulekezi to help him enforce his claim for payment.

It is now well-established that the local Commanding Officer, Lt.-Col. Tolcho ordered their removal. Indeed, in late 1972 the President acknowledged publicly that Tolcho was responsible for their deaths, but no action appears to have been taken against him. In early 1974 he was reported missing.

In February three employees of the Coffee Marketing Board named Kakyi, Oyaa and Osana, disappeared. The government's only comment on their fate was that they were "reported missing" but their "whereabouts are not known". It will be remembered that it was on May 8, 1972 that the government issued a Decree which placed the army beyond the reach of the law (See Part II).

A week later, on May 14, a prominent Asian lawyer, Anil Clerk, a former member of the Ugandan Parliament and once legal advisor to ex-President Obote was arrested by two men in civilian clothes, who identified themselves as officers of the state research department. He was subsequently killed. It seems that the reason for his arrest was that his name had been mentioned in a letter sent to the London Observer's African correspondent which fell into the hands of the police.

A government statement about Anil Clerk's disappearance was issued on May 26, 1972. It said that after receiving requests to investigate the situation from the British High Commissioner, Mr Richard Slater, "The Ministry of Foreign Affairs promptly informed the Uganda Security authorities who in turn immediately started investigations. These investigations are still going on". Nothing further has been heard of the case.

On June 7, Makumbi Kyungu, the chief coffee grader at the Coffee Marketing Board disappeared. According to the official government explanation he has been "reported missing but investigations have revealed nothing as to his whereabouts".

Two days later, an army officer called Captain Andria disappeared. The official government explanation states that he was "harassed by unknown people between the International Conference Centre and Nile Hotel just before H.E. the President left for Gulu en route to Rabat. He was last seen in Rabat."

was informed about this incident and extensive investigation have failed to reveal who arrested him or where he is. However, his car was found burnt on Kampala/Madaka road.

Another source gives this version of his disappearance.

"Captain Avudria, a Lt. Col. from Amin's own West Nile District, was drinking with friends in the Nile Hotel attached to the new International Conference Centre in Kampala. Avudria had expressed concern to his friends over the way in which Amin appeared to be filling command posts in the armed forces with Muslims. By June 1972 there was widespread public expectation that Avudria's Lugbara wife, still strong in the army, would move to alter what had already become an impossible situation. Avudria was approached by one of Amin's personal bodyguards, who asked for help. Avudria gave him the lift for which he asked, to where he said his car had broken down a couple of hundred yards away. A car was indeed parked at the side of the road with the bonnet and boot open. Avudria drove up behind it, any exit was blocked by a third car which drove up behind him. He was seized, beaten up, thrown into the boot of the first car. The boot and the bonnet were closed, and he was driven off. His own car was driven off - later to be found, burnt out, sixteen miles away. He has never been seen again".

On June 29, George Kamba was apprehended while attending an official cocktail party at the International Hotel. Mr Kamba was a former Uganda Ambassador to India and West Germany who was later appointed by the Amin government as the director of the East African Posts and Telecommunications Corporation.

One account of his arrest describes the events of that evening.

"He walked out of the hotel at about 10.p.m. only to come running back, terrified. He was seen and heard by numerous people shouting for help; he was followed by identified members of Amin's state research Department, one of whom carried a gun. Despite some attempts to help him, he was dragged off by this group".

Another source adds that :

"Many leading personalities in Kampala, including ministers, had been at that reception. Three men with dark glasses walked into the reception, seized Kamba by the arms, and dragged him out, amid Kamba's loud shouts for help. 'Help! Help! They are taking me! They are going to kill me! Help!'

"Everyone at the reception had witnessed the kidnapping that had preceded Kamba's death. No one could have done anything to save Kamba, not even the people who were sipping the drinks in the bar on the first floor, where Kamba, going into a lavatory, had possibly loudly appealed for help. Everyone in the hotel had been aware that the kidnappers were coming. No one had wanted to commit suicide.

After being dragged from the reception he was put in the boot of a car which was found a mile or more north with one door and a car. He has not been seen since.



The government's official explanation of his disappearance states that he was "arrested by unknown persons from the International Hotel and extensive inquiries were mounted by the government, but so far nothing has come to light as to who arrested him or where he is".

Thus far, the government's extensive inquiries have produced no suspects or clues relating to Kibuka's disappearance.

(7) THE SEPTEMBER 1972 INVASION AND ITS CONSEQUENCES: CHIEF JUSTICE KIWANUKA

On September 17, 1972, an invasion of Uganda was launched by supporters of former President Obote. The attack was mounted from Tanzania where Obote and many of those loyal to him had sought refuge after the coup.

While it appears that the Tanzanian government was at least indirectly aware of the planned attack, the Tanzanian army played no part in the fighting. The invasion was quickly put down by the Ugandan army.

There were several immediate effects inside Uganda. First, it re-inforced President Amin's control of the country and especially of the armed forces. Secondly, it led him to mount another major internal campaign aimed at eliminating his potential enemies within the country.

On September 21, the Chief Justice of Uganda, Benedicto Kiwanuka, was arrested in his chambers by members of the Ugandan army. According to one report Kiwanuka had approached one of his friends the night before he was taken away to whom he revealed: "I am expecting them to come and take me soon. There is nothing to do but wait".

Kiwanuka, a leader in the Democratic Party, became the first African Chief Minister of Uganda in 1961 and Uganda's first Prime Minister at the granting of internal self government in 1962. Appointed to the position of Chief Justice by President Amin in 1971, Kiwanuka's abduction and subsequent disappearance went totally unreported by the Uganda press and radio for more than 24 hours. A detailed explanation was finally given by the government in January 1973. It states that he was arrested by three unknown persons on September 21, 1972, at about 8:30 a.m. from the High Court. These three unknown persons were travelling in a saloon car Peugeot 504, light blue, bearing registration No. UUU 171, came to the High Court Chambers where Ben Kiwanuka was working, identified themselves as security officers and said that Ben Kiwanuka was wanted at their office. They were armed with pistols. They handcuffed the Chief Justice and took him with them in their car, driving at a very high speed in the direction of Kampala International Hotel. The men were not dressed in plain clothes when they took him away. Most people working in the High Court were looking. When some of these bystanders tried to follow, they were threatened to be shot.

"On investigation, the government discovered that the people who posed as being security men were not in fact members of the security forces, and the Peugeot 504 in which they were riding had false number plates. The number of that UUU 171 in fact belongs to a Volkswagen saloon car of the British Armed Forces P.O. Box 7039, Kampala. It is, therefore, clear that the abduction of

this plot wanted to confuse the country that the people who arrested Ben Kiwanuka were members of the security forces, using an official vehicle. The government investigated this matter thoroughly but so far no evidence has come to light as to who arrested the Chief Justice and where he is.

"In this connection, the spokesman wishes to draw the attention of the country to a press statement appearing in a foreign paper "Sunday Post" of December 31, 1972, where it was alleged that the Chief Justice was tied up in a jeep which was then set ablaze by members of the security forces on the Kampala/Entebbe Road. The country will realize that Entebbe-Kampala Road is an international route where people always pass up and down, night and day, but no one has ever seen the alleged car burning on the road at any time since Kiwanuka disappeared. This is another clear example of the enemies of this country trying to cause confusion in the country".

Kiwanuka had made several rulings against the government in the weeks before he was abducted. On August 28, 1972, one month before he was arrested, he granted bail to a man, warning "As I have said in many cases, the police should wake up and start to realize the importance of a citizen's freedom. Men should not be held in custody longer than is absolutely necessary".

On September 8, Chief Justice Kiwanuka granted an application for a writ of habeas corpus for a detained British businessman, He Donald Stewart. In issuing the order requiring the Attorney-General and the officer in charge of Makindye Military Prison to appear, the Chief Justice stated: "There was a prima facie case of wrongful detention that is required in a case of this kind". He added: "The military forces of this country have no powers of arrest of any kind whatsoever". (As noted earlier, President Amin subsequently signed a Decree on October 4, 1972, which retroactively granted broad powers of arrest to the military forces).

About a month before his arrest, President Amin referred publicly to a prominent Masaka citizen with a big job in government in whom the government had lost confidence. This was understood to be a reference to Chief Justice Kiwanuka.

The real reasons for Kiwanuka's arrest are a matter for speculation. His courageous decisions on the bench may have contributed. Also, it may have been thought that if the September invasion had succeeded, he would have been appointed President. There have been reports that President Amin learned that Chief Justice Kiwanuka had been in touch with Dr Chote in Tanzania. Whatever justification there may have been for his arrest, there can be none for the manner of it or of his subsequent execution without trial.

After his arrest he was taken to Makindye military prison. One eye witness account reported in "Brand", April 1974, states:-

"It was in September 1972, at Makindye, that I saw the former Chief Justice of Uganda, Benedicto Kiwanuka at night. He was brought in wearing an army uniform. By that time he had lost weight, he was unshaven and bare-foot. He looked very dirty. Some of the prisoners, particularly the Baganda, recognized him at once and crowded around him to talk to him.

By midnight he was taken out of the common cell and pushed into his own cell and instructions were given that nobody should approach that place.

On August 29, 1972 he was brought into our cells for his last day ... he was killed by a bullet through the back. Some Senior army officers watched the killing including Major A. The body was removed and placed in a jeep for disposal.

This account has been confirmed as accurate by a person who at the time was holding an important position in Uganda, in which he would be likely to know the true facts.

Mekuria Enyanga, a former Secretary-General in the Ankole District administration, also disappeared about this time. According to one source, "this man's three sons and himself were killed and the family house destroyed. Another reports that "Mekuria and his three sons were murdered by Brigadier Ali Fadhul Karim and his soldiers of the Giba battalion". The government explanation of his disappearance is that he "ran away during the invasion of September 1972".

Another who disappeared was Paul K. Batariganya, a former Minister of Internal Affairs. He is reported to have been "found hiding in a convent in Fort Portal after the September invasion and killed, and his head was exhibited in Mbarara barracks". Another report says that he was tortured and murdered". The official government report states only that he "was reported missing but investigations have not revealed where he might be". So far the government investigations have revealed nothing. Several close associates of Mr. Batariganya who are also reported to have been killed during this period include: M. T. Sanyal, the Administrative Secretary of the Ashali, and Messrs Katungira, Ishyamba, Eckunda, M. Mvonyore, Kibuharere, Bitare, Bitarisa, Ebobotina, Kannira and Parungu.

Also missing was Joseph Mubiru, the former Governor of the Bank of Uganda. The report states that "this man was threatened in a speech by the President of the Bank after his resignation as Governor of the Bank of Uganda". Another explains that Mubiru had written a letter about his resignation which was published in the government controlled newspaper "The People". "It was a minor issue but one which apparently stung Amin. He immediately issued a further statement in which he threatened that Mubiru would be detained 'under cold water'." This is a reference to a method of torture, where a detainee is held under cold water for hours. Another adds that "Mubiru, having been publicly threatened with cold water by Amin, was killed in Kabirye Military Police Barracks in October 1972". The Uganda government's report states that he was "reported missing". Extensive investigations have revealed no trace of where he is". Thus far Mubiru remains a missing person in Uganda, and the government's extensive investigations have revealed nothing.

This date is clearly erroneous and should probably read "September 29".

The scope of the violence during this period extended into every segment of the society. One prominent figure in Uganda's academic community, Frank Kalimuzo, the Vice-Chancellor of Makerere University in Kampala, was yet another victim. In August 1972, General Amin had asserted publicly that Kalimuzo was a spy for Israel. He had also publicly stated that he hoped to replace Kalimuzo with a "total Ugandan", implying that Kalimuzo was not. The circumstances of Kalimuzo's disappearance are well-established. He was arrested and subsequently detained in early September. Then on a day when he was attending a wedding of a member of the academic staff at Makerere, and was seen openly by some 100 people, Radio Uganda announced that he had disappeared with a number of other "enemies" of the state. As he left the wedding, someone told him about the announcement, but he refused to flee. He was arrested at his home the next day by members of the security forces. One source described the following by a number of individuals to intercede on his behalf, which continued a little while longer. Two or more guests who had been at the wedding again attempted to combat the accusation that Kalimuzo had, even temporarily, gone into hiding. But the man's fate seemed irrevocably sealed. An early newspaper report that he was in London proved inaccurate. It soon became clear that Mr. Kalimuzo was killed. The government explanation of his disappearance in January 1973 states that he "was reported arrested by members of the security forces. Investigations have so far revealed that he was not arrested by members of the security forces and his whereabouts are not known". Nothing further has been heard of him.

Another striking person in September was Peter Oketta, Assistant Commissioner of Prisons. The government report states that he "was reported in the foreign press as having been killed by the government but investigations have revealed that he ran to Tanzania". One Ugandan source, not a journalist writes this account:

"Oketta was on his way to the Prisons Headquarters early in the morning on a fine day in September 1972 just after he dropped his child at a day-school, when he was overtaken by a Peugeot 500, in which were three men. The Peugeot cut in front of him, and he was forced off the road. As soon as he had stopped, having narrowly avoided an accident, he was grabbed by the men from the Peugeot, thrown into the boot of his car, and taken away, in full view of many people, who recognized the men as being some of Amin's bodyguards. Oketta has not been seen since then".

There were many others reportedly killed during this period, among them Simeon Peter Crown, the Administrative Secretary of the Acholi District Council; Ben Siga, the leader of the local administration in Lango district; and Francis Bala, the former Mayor of Masaka. Several prominent Ugandans living in exile write that a week or hours after his arrest "Malugenbe was cut into pieces in the market in full public view by Lt.-Col. Malyamungu. This murder, which was one of the most heinous, was witnessed by people we know".

Another to disappear was Dr. Joseph, a self-employed chemist and a brother-in-law of the former Minister of Health. The government explanation of Dr. Joseph's disappearance is that he was arrested because "it is believed he went to join the East African Liberation Forces in Tanzania". One source

explains that "while he was arrested at Traffic Ujima, Kampala, after he had packed a Rubian shirt and some clothing in a shop". Another confirms that he was killed.

The invasion from Uganda killed many more lives, including many members of the Ugandan government, who were killed in the fighting. Others were arrested and held in custody by the army at the Kitale Mechanized Regiment headquarters at Entebbe. In early October, the government reported that five of these detainees had been killed while awaiting at Kitale. Among the seven prisoners who had been released was Griffin O'Neil, a cousin of former President O'Neil. Other sources indicate, however, that Mr O'Neil was also killed, probably at Kitale, Uganda, in Kampala.

Another who was arrested and was released was Alex Ojima, Minister of Information, Broadcasting and Public Relations under Gasto. A government account states that he "was never employed by the government at any one time." However, he decided to drop out and later it was discovered that he had travelled to Dar-es-Salaam to join a rebellion. He was one of the people who later invaded Uganda during September 1972. He was captured by members of the security forces and put under detention but later on he escaped with Captain O'Neil and six others who were captured during the invasion. Several sources dispute this, maintaining that he was displayed at a diplomatic reception at the State House when on British television and then killed. His body was later dumped over the rocks by Uganda army personnel.

Another prominent Ugandan killed in September was Joshua Mubhozi. An official government report stated that Mubhozi was shot while participating in the September invasion from Tanzania and taken on his way from Mutukula to hospital where he was being taken for treatment.

This account can hardly be accurate in the light of the fact that after being captured he wrote a lengthy plea for clemency which was published in The Uganda Argus newspaper.

Another example of this period was Lt. Col. V. Gehira, Commandant of the armed forces general headquarters. According to one account, Gehira has been a prime mover in the "attempts to set up a tribunal to examine the cases of those Ugandan soldiers, personnel and civilians remaining in detention throughout the period of his influence. Gehira had tried to introduce some process of law for the detained troops. The result: he was imprisoned, released, re-arrested, killed".

Another statement adds that "Ondira was picked up, apparently with Rubanga (the former Secretary for Defence) and allegedly shot in Kabindye by Ali Towilli of the police".

The government explanation of his case is that "he was detained by the government and later released by the British. After his release, he was reported as the last Ugandan to be captured by the rebels without".

Mr H.A. Puhanga, the former Secretary for Defence, who was reportedly arrested with Ochola, is also believed to have been killed. The government report on Mr Rubanga states simply that he "was reported by his wife as having disappeared but investigations have revealed nothing". Again, nothing further has been heard of this case.

In November, James Ochola, the former Minister of Local Administrations, disappeared. One report says that he had paid members of the army large sums of money before his disappearance. Another states that he was arrested and murdered at Tororo barracks. The official government explanation for his disappearance says only that "investigations have revealed that he is not in the country and nobody knows where he went".

John Kakonge, a former Minister of Agriculture and Cooperatives, also disappeared in November. Mr Kakonge was abducted in broad daylight from his wine shop in Kampala, is where he was taken to Malire barracks and subsequently killed. The government report on this case states simply that "investigations have revealed that he is not in the country and nobody knows where he went". No further report of this case has been made by the government.

In early December Mr John Kagaga was reported missing. He was a representative of the Uganda American Insurance Company. He is reported to have been dragged from his car at Entebbe Road on December 2, 1972. The government explanation states that "he was reported missing but investigations as to his whereabouts have proved fruitless". Nothing further has been heard of him.

Another incident in December involved Patrick Ruhinda, a barrister, and Charles Karuka, head clerk, both of the law firm of Mr John Kazzora, a leading advocate in Kampala. According to one government report, its investigations revealed that by December both of these men had left Uganda to join John Kazzora in Nairobi. Several sources dispute this. One states that they were "arrested by military police dressed in civilian clothes, who were led by a man named Major Baker". (This would appear to be Major Baker Traire who disappeared in November 1972). Several statements confirm that Ruhinda was taken to Magulu Prison and beaten to death. Nothing more has been heard of Charles Karuka.

#### (9) THE GOVERNMENT REPORT OF JANUARY 1973

On 9 January, 1973, the government published the results of its investigations into the disappearances of 85 prominent Ugandans. This followed a meeting of the security committee on January 6 where the details of these reports were reviewed.

A spokesman from the security committee stated that "as the country and the world at large will know, when the government of the 2nd Republic of Uganda came to power, i.e. the President General Idi Amin Dada made it clear that there would be no question of political detainees anywhere in the country and as a result all people who were formerly detained by the Obote regime, e.g. Een Kiwanuka, George Mapezi, Dr Lemu, Grace Jijungira, Ho Ngobi, Balaki Kirya, Brigadier Opet and many other prominent Ugandans were released from detention and became free citizens of this country".

Blaming the disappearances on the guerrillas loyal to former President Obote, "the spokesman further stated that Obote's group and other enemies of this country resorted to another tactic, i.e. of kidnaping some prominent citizens of this country with a view to creating discontent and confusion in the country. There are a few examples of this and cases will be given below. In some cases some of the agents of Obote and other Imperialists and Zionists went to the extent of murdering some prominent Ugandans so that the blame would be put on the government".

The statement concluded by saying that "the government has, however, done its level best to investigate extensively through the normal government machinery, i.e. Police, C.I.D., Special Branch, Military Intelligence and sometimes using international assistance to trace people who were reported missing and were not in the country."

The list of 85 includes 11 former ministers, 22 army officers, 12 police officers, 6 former politicians, four prison officers and 30 civil servants and other citizens.

Of the 85, only six were said to be alive and at liberty in Uganda. Three were said to have died in the guerrilla invasion from Tanzania in September, 1972. Another 39 were said to have fled the country and the remaining 38 to have disappeared or died in unknown circumstances.

Commenting on this report, one former Amin Minister raises these points:

"1. Despite the numerous acknowledged disappearances without trace, there is not a single case where the police arrested, let alone prosecuted, an abductor. Why?

2. Abductions like that of ex-Chief Justice Mwanuka were effected in broad daylight and were the subject of extensive international comment. The official explanation here is patently hollow".

#### (9) THE EVENTS OF 1973

Even as this list was published, more cases of disappearances were reported. On the same day, David Ocaya, Acting Secretary of Uganda's Lint Marketing Board was abducted. According to a report obtained by David Martin he "was seized at midday by five soldiers in civilian clothes at Namowo petrol station. Ocaya was thrown in the boot of a BMW car, registration UUV 520, and never seen again".

On January 12, Haji Shah a Mbari a former Minister of Works, Communication and Housing was arrested at Jinja. According to one source his body was later recovered near the Nile. Radio Uganda reported only that he had fled the country.

In another incident, Rev. Father Ples at Plesgely, editor of the Roman Catholic Daily newspaper *Liberator*, was found dead in his front out door on the edge of a forest about 14 miles from Kampala. A post-mortem report later revealed that he had been shot and that the bullet had entered his chest.

One statement, by a former Minister in President Amin's own Cabinet explains that Kiggundu "was brutally shot and burnt in his car by Amin's henchmen, for daring to report the complaints, weans and groans of women whose husbands were mysteriously 'disappearing' or being publicly tortured and then murdered". This is a reference to the coverage Father Kiggundu gave in his newspaper to a women's conference held in Kampala in late November at which the government was repeatedly criticized for failing to control the continued violence in Uganda.

Others who disappeared during this period were H.G. Serbecuwa, a former member of Parliament and a medical practitioner, and Dr Edward Kizito, acting head of the dental school at Makerere University.

As mentioned earlier in Part II, by the beginning of 1973 the government began to move against a new guerrilla organization in Uganda, calling itself "FRONASA" (The Front for National Salvation). After the reported discovery of a Fronasa camp, a military spokesman warned on Radio Uganda:

"Villages in whose district guerrillas are found will be burned down. Taxi drivers who give guerrillas lifts will be blown up in their cars and house owners hiding them will be blown up in their homes. People hiding guerrillas will lose children and never see them again. Any person whose son is convicted of hiding or feeding guerrillas will not see that son any more because that son will be dead".

In another reaction to the guerrilla movement, the government expanded the role of the military tribunals and began carrying out a series of public executions, for the first time in 75 years.

In related incidents there were numerous killings by the armed forces reported in the town of Phale in the Eastern region, and in Kirozi district in the Western region where in one incident nine men were buried alive.

In March there were additional incidents of mass killings reported in Busoga district in the Eastern region.

In these and other incidents, the victims were by no means all prominent people. The great tragedy in Uganda is that innumerable innocent and harmless citizens on whom suspicion has fallen have been senselessly and brutally murdered.

The ordeal of one man who subsequently escaped perhaps conveys some sense of the sufferings of these humble victims during this period. He states:-

"There was a search for me. Monday two soldiers demanded to see me ... After a long wait they departed mentioning that they would come back ... Tuesday night in my house I received two telephone calls from persons who refused to identify themselves. ... Wednesday a messenger advised me not to go back to my office again, because 'the soldiers' were looking for me and trying to break in ... there were eight men who had come in an Army Land-Rover and a Peugeot and two other civilian-looking cars ... I saw six men, two in Army uniform and four in civilian; - all appeared to be trying at my door ... I slid down the back staircase and drove off. They spotted me somehow



(apparently they had stationed somebody to watch the car) and gave me a chase. I branched off ... and drove ... back to town ... Eight well-armed men ruthlessly hunting down a poor and fragile little 'Dudu' (used generally to indicate an unimportant person) as myself. I have never lived in this state of mind of extreme fear and morbid anxiety in my life ... I abandoned the car ... I took another (a friend's) and had the intention of driving to B and hide there in a cousin's house ... Unfortunately this did not work. I was picked up at a check-point ... I was then driven away, of course in the 'usual' way, in the back of a Peugeot 504. I cannot say the ride was uncomfortable for my mind was preoccupied with the thought of torture they might start administering on me. All my life I have feared torture (pain) more than death itself. The thought of torture alone drew more sweat out of me, I am sure, than any of their hottest boots could do ... I was driven to a house ... I was locked in a room by myself ... There were very many people there, some were chained, some appeared to have been bundled together, etc. All appeared to be waiting their turns for 'interrogation'. I could hear cries and yelling coming from other rooms ... It was soon dark, no food, no water. I was very tired and thirsty. I stretched myself, bare chest (my clothes had since been removed) on the cold cement floor. My body temperature gradually dropped and thirst decreased and despite the noise (human and vehicles driving in and cries and mourning from outside my room) I fell asleep ..."

Many other examples are contained in a letter which President Obote wrote in May to the Assembly of Heads of State and Governments of the Organization of African Unity. He also quotes from a memorandum written by one of Amin's former Ministers:

"Too many nations regard what is happening in Uganda as an internal matter. Is systematic genocide an internal matter or a matter for all mankind? The Sharpeville massacre was condemned by the entire civilized world, but nobody has yet condemned the wholesale killings and disappearances of innocent people in Uganda".

At this meeting of the Organization of African Unity, President Nyerere of Tanzania demanded an explanation for the murder of 24 Tanzanians in Uganda, as a pre-condition for his meeting with President Amin. At the last moment before the Conference began, President Amin publicly accepted the blame for the 24 murders. This was a remarkable volte face as, until then, President Amin had denied all knowledge of these murders and suggested they were committed by guerrillas working for ex-President Obote. This must call into question the many other denials which have been given of responsibility for or knowledge of innumerable other cases in which people have disappeared.

The killings continued through the summer. In August, Lt. Col. Kakuhikire, of the President's Office, was abducted from the Central Post Office. There had been reports of his disappearance in 1972 but the government announced in January 1973, that he was "alive and attending a course at the Institute of Public Administration in Kampala." After his arrest in August 1973, he was killed and his body was reportedly found at Lugazi.

Another incident in August involved the former Mayor of Kampala, Mr Makibinge. On July 11, the government-owned newspaper, the Voice of Uganda reported that a "scandal involving top men stealing government property was yesterday revealed to a party of the Public Safety Unit by workers of Lapezi Sugar Factory". Among those said to be involved were Mr Makibinge, who was the new personnel manager of the Uganda Sugar Factory at Lapezi. The article concludes that "all of the men involved in the alleged plot to put the government property to their private use have been put under arrest pending further investigations by members of the Public Safety Unit".

According to one source, he was arrested and charged with sabotaging the sugar production and stealing. After being detained he was released, but arrested again in August and killed without trial. A statement made by several former high ranking officials in President Amin's government asserts that "the former Mayor is now dead. His mutilated body was found on a public highway outside Kampala two weeks after this news item reporting his arrest. The charges were almost certainly false".

Another casualty in September was Paul Bitature, a prominent public servant and businessman who was arrested by the security forces and later found dead on a road near Kampala. According to one account "a ransom of 10,000 Uganda shillings had to be paid by his family to the murderers before they could release the body for burial".

On October, Godfrey Niggala, an official in the Foreign Ministry was apprehended by members of the Uganda armed forces and driven out to a forest and shot. His body was found there shortly afterwards.

In December the reign of terror was extended out of Uganda as "Jolly Joe" Kivunuka, a former leading politician, was seized in Nairobi. He was brought to Makindye Prison, where he was chained up, and later taken to the Naguru.

In another similar incident, two Lushara officers Captain Kenneth Onzima and Captain Justin Sam Anwa were also seized in Kenya on 10 December, 1973. Captain Anwa was the man who read out the 18 reasons for the coup over Uganda Radio in January 1971. According to several sources, they were both taken into Uganda between 17-20 December 1973 and later killed. Onzima was seen chained at Makindye, and one statement suggests that he may have also been shot at Naguru Police Station.

#### (10) PURGES WITHIN THE ARMED FORCES

It is not only civilians who have been the victims of these arbitrary arrests and executions without trial. In the past 3 1/2 years President Amin has, through a number of purges, eliminated virtually all of the military leaders who directed the Armed Forces in the initial phase after the coup.

David Martin has shown that of the twenty-three officers of the rank of Lt.-Colonel and above at the time of the coup, only four are still in the service including President Amin, the Paymaster and the Chief Medical Officer. Thirteen others have been murdered. Two escaped into exile in Tanzania. One is a Minister, and of the remaining four who were dismissed, there is some doubt whether two of them are alive. He then provides a

detailed description of the manner in which the thirteen were killed, which may be summarised as follows:-

- Brigadier Sukhman Hussain, Army Chief of Staff was captured in Kampala on 29 January 1971 and taken to death at Luzira prison in front of warders.

- Colonel Memon A. Ansh, Commander, 1st Infantry Brigade was arrested at Jinja and subsequently tortured and beaten to death.

- Colonel Abdulaziz Hamroza, Commandant, School of Infantry, Jinja, was arrested with arms and died with stomach split open with a machete.

- Lt.-Colonel M. Singh, Commanding Officer, Malive Mechanized Regiment was arrested and beaten by troops when the coup began and finally beaten to death on the following day.

- Lieutenant-Colonel Ojok, Commander, Bwera Battalion, Jinja, went into hiding after the coup but telephoned his wife asking her to bring his briefcase with personal papers to the Silver Springs Hotel in Kampala. The call went through his unit's exchange and was overheard and he was arrested at the hotel. He was severely beaten at Luzira with Brigadier Hussain but it is not certain whether he died then or was one of the thirty-two officers blown up at Makindye on 5 March.

- Lieutenant-Colonel Tom Loyira, Commanding Officer, Moroto Battalion was on leave at Kitgum on the night of the coup and went into hiding. He answered President Amin's call to all troops to report back, promising they would not be victimised. A few days later he was arrested and was one of the thirty-two blown up at Makindye.

- Lieutenant-Colonel Abwola, Commander, 'Tiger' Battalion, Echenda wanted to fight after the coup and made contact with Lieutenant-Colonel Ojok who was in hiding in Kampala, but his unit was poorly armed and in early February he decided to flee to Tanzania. He went home to collect his family. He was finally persuaded to go to Kampala where he surrendered to the Inspector General of Police. The police officer telephoned the President and was told to bring Abwola to the military Command Post in Kampala. Abwola was never seen again.

- Lieutenant-Colonel Aboma Ayumu, Commander, Border Guard, based at Fort Portal, was arrested in hiding at the home of his brother-in-law and taken to Luzira. He was one of thirty-two officers blown up on 5 March.

- Lieutenant-Colonel Ekiring, Staff Officer, Army Headquarters, was taken from his office by a sergeant and six privates. His body was found floating in Lake Victoria the next day and the sergeant's and private's bodies were found nearby.

- Lieutenant-Colonel John Elity, Commanding Officer, Ordnance Depot, Mbaraga, was arrested the night of the coup and blown up at Makindye on 5 March apparently because he had reported just before the coup that private stores missing from the Bagawera Storehouse.

- Lieutenant-Colonel Pririmo Chol, Staff Officer, Army Headquarters, refused to obey an order to give Lt.-Col. Ekiring a private burial. A few days later he is said to have been poisoned at the Rock Hotel at Tororo. An inquest was refused and the hotel manager, who was believed to have known what occurred, was subsequently murdered by troops.

- Lieutenant-Colonel Emmanuel Ogun, Commanding Officer, Artillery Unit Masindi, went into hiding in the camp and was in contact with Ojok and Abuola. He went to the home of his cousin, Dr. George Epina. A European is believed to have given him away. The house was surrounded by the army. Ogun refused to surrender and was finally killed when a tank blasted in the side of the house. Dr. Epina was dragged from the operating theatre of the hospital and beheaded to death. His patient also died.

- Lieutenant-Colonel Ekuhikin, a staff officer who was working on the history of the Uganda Army, was killed during 1972. He earlier had a fortunate escape in December 1972. He was arrested and the story appeared in the London Observer listing him as missing. In order to refute the story, he was released and publicly presented by President Amin as a serving officer.

Following these purges the Uganda Army today is increasingly dominated by Meslem Nubian soldiers, who come from the West Nile region of Uganda and the Southern Sudan. The Nubians who were initially recruited into the various special security forces, have now taken leadership positions throughout the army.

By 1973, the Lucharas constituted the largest major counterbalance to the Nubians in the Armed Forces. Many of the Luchara officers had actively participated in the coup and were an important source of support to President Amin during his first two years in power. However for some reason, perhaps because they were becoming too powerful, they began to fall under suspicion, and by late 1973 every Luchara officer had been removed from a command post in the army. The following are some of these who were removed during this period in addition to Onzira and Aswa already referred to in the last section:

- Lieutenant-Colonel Kusa, the former Commandant of the Malira Mechanized Regiment who is said by the government to be "on leave".

- Major Baker Trote suddenly disappeared in November 1973 and has not been seen since.

- Lieutenant-Colonel Ozo President of the Military Tribunal, was removed from the army and made a provincial governor.

- Lieutenant-Colonel G.H. Tete, an Air Force Commander, was sent to Nairobi to work for East African Airways as Director-General.

In addition to these Luchara officers, Lt. Colonel Tebe<sup>(1)</sup>, a Badi, was reportedly taken out of the armed forces in Kampala and killed. Another

(1) This is the officer who was alleged to be responsible for the deaths of District Commissioner Muldoon and hotel manager John Teako (see section 4 above).

Major Officer, Major Opi, the former head of the Security Service was dismissed and is now missing.

In late February Lieutenant-General Richard Oduga, another Lushoro, was relieved of his post as Foreign Minister. The government issued a report stating that he had been assigned other duties. On March 2, 1974, Radio Uganda reported that his body had been found in the Nile. President Amin suggested that "his death was a tragedy" and he ordered a full investigation by the Ministry of Foreign Affairs.

Oduga's death caused concern, his hostility among the Lushoros who were still left in the camp. Many of them refused to accept the official explanation of his death and demanded a vigorous investigation. Realizing that they were the best target for suspicion, they tried to persuade President Amin to remove Brigadier Bura in Basella area, as acting army chief of Staff, but taken on much of the responsibility for carrying out the part of the dissident leadership.

The confrontation came to a head on March 23, 1974, when fighting broke out at the Kaduha military barracks in Kampala. The source reports that the Lushoros and other non-Ugandan soldiers were trying to force Bura out and were intercepted by troops loyal to General Amin. Another source suggests that "the fighting had been instigated by President Amin in order to purge the army of dissident officers who were trying to overthrow him".

A prolonged gun battle ensued with General Amin ultimately successful in restoring order, after which the soldiers again demanded that Brigadier Burella be relieved of his duties. President Amin acquiesced and retired Burella to his home in the West Nile District.

About this time the much feared Senior Superintendent of Police, Ali Towilli, was also reported to have been relieved of his command as head of the Public Safety Division.

The official government explanation of the March fighting was that it arose from an attempted counter-coup led by Pauline Charles Aruba. The Government's military spokesmen asserted that Aruba, a Christian member of the Kakva tribe, had committed suicide, shooting himself in the head after realizing the coup's failure. The official hospital report, later confirmed by subsequent government statements, shows that Aruba, dressed in civilian clothes, was shot twice in the stomach before being pushed to the hospital. The fact that he was dressed in civilian clothes raises some serious questions as to whether he was really involved in an attempted coup, and the fact that he was shot twice in the stomach strongly suggests that he did not commit suicide.

Following the fighting of March 23, there were now reports of killing of members of the Lushoro tribe, especially in the supposed town of Phale in Eastern Uganda, and in the West Nile District. Several reports also indicated that at least fifty army officers were killed in a surge of army dissidence.

In early May 1974 President Amin once again ordered a "full and impartial inquiry into the recent disappearance cases, including that of Chief Justice Mwanuka in September 1973".

(11) GOVERNMENT INVESTIGATIONS

One of the most disturbing features of the situation in Uganda has been the failure to investigate and take appropriate measures to end the violence that has paralyzed the country since 1971. There has been little official explanation for the frequent disappearances, killings and other terror, though it seems clear that much of this lawlessness has, in fact, been carried out by members of the army and of the public safety unit of the police. To date, there has not been a case where a member of the security forces has been charged and convicted in connection with the death or disappearance of any civilian. These dismal records have been variously blamed upon ex-President Obote, Chinese mercenaries, the Tanzanian government, and Zionists, as well as various tribes in Uganda, but none of these charges have been substantiated.

In 31 years, the government has produced only one detailed report, in January 1973, which described the findings of its own investigations into the disappearances of 75 prominent Ugandans. The report was unable to clarify the situation, explaining only that in 38 instances the people had fled the country, while conceding that 28 others had, in fact, disappeared in unknown circumstances, with no further explanation given. As of mid-1974, there has not been a single arrest made in any of these cases, even in cases like that of Chief Justice Kibuka, where the victims were abducted in broad daylight.

In the few isolated instances where the government has finally made a determination as to who is responsible for a disappearance or murder, little or no action has ever been taken. One example was the February 1972 killing of Mulekezi and Nalekanabo. In that case, President Amin publicly charged that Lt.-Col. Toloko had ordered their removal and was, in effect, responsible for their murder. Despite this allegation the government failed to undertake a more thorough investigation or begin any legal proceedings in the case. As has been seen, Lt.-Col. Toloko is now reported to have been killed, but without any trial.

Another example arose out of the killing of the two Americans, Stroth and Seidic, in July 1971. The government's commission of inquiry under Mr Justice Jeffrey Jones, clearly implicated the two senior officers of the State army battalion, Lt.-Colonel Ali and Pajor Juma. Yet, no proceedings have been begun against them.

(12) REACTION TO THE TERROR - VOLUNTARY EXILE

The atmosphere of constant violence has caused many people to flee the country. The scale of this voluntary exile is not known. There are understood to be over 2,000 Ugandan refugees who have been given permission to live in Kenya, as well as many others in Tanzania and Zambia and in other countries further afield.

Describing this situation in 1973, one prominent Ugandan living in exile wrote that "many indignant Ugandans have since the coup witnessed the most barbarous murders being committed by members of the armed forces on African civilians. In some cases clear warnings that they are marked men have been broadcast on the government controlled radio and television, in other cases

physical attempts have been made to capture them, and in other cases they have been tipped off that their days were numbered. Those who have been lucky to leave the country before the axe fell have done so and have sought refuge in the neighbouring countries or abroad. This group consists of ordinary workers and peasants as well as men and women with various skills and experience most of them doing their training to the Uganda employers. They have been forced to make the important decision of leaving their country without hope of returning to it as long as General Amin and his henchmen are in power. Uganda like all developed countries is now a skilled manpower, but Amin's regime has forced a good number of such people to flee the country for their personal safety".

The resignation and exile of one prominent Ugandan was prompted by an incident in January 1973, when Ugandan troops went into the Kamukoko office of the East African Railway Corporation and seized the railway's resident Director of Uganda, Henry Isomanga, the regional Supplies Officer, a Kenyan, John Okech-Omara, the Regional Personnel Officer, Gaur Gungu, and the Regional Industrial Relations Officer, Tumbungu, from their offices. The four men subsequently disappeared and are now believed to be dead. As a result of this incident, Edwina Nabudere, the Ugandan Chairman of the Corporation, resigned in protest and shortly thereafter moved to Tanzania. In tendering his resignation to the Secretary-General of the East African Community, Nabudere said that he "fought it, pained to justify myself as chairman of the Corporation both morally and legally because of the disappearance of these men and the fact that no official inquiry had been made into the matter."

Mr Nabudere said that when the four men vanished he had hoped that the Uganda government had a matter of routine state inquiry would have made some effort to establish the whereabouts of these individuals, but it is quite clear that no such inquiry was either contemplated or is indeed taking place. This indeed has been the situation in Uganda for some time now, where even the disappearance of the Chief Justice of the country has never been investigated".

Several newspapers reported that following the abduction of the four officers, "about 100 Kenya Railway staff also fled from Uganda".

In early 1973, Edward Mwangi, Uganda's Minister of Education, also resigned his post and left the country. His letter of resignation to President Amin states:

"The reasons for my resignation are purely personal and moral and are based on the fact that I have found it increasingly difficult to fulfil my duties in the atmosphere that prevails in our country today. ... I wish you the courage to preserve the freedom to know that man cannot create himself at will, the freedom to understand that man's mission here on earth (including yours) is to preserve, improve and prolong life; and to be certain that what we do today will determine the destiny of the nation. I am sure that you will judge us by our actions of today"

According to one source, Edwina Nabudere felt his conscience would no longer allow him to be identified with the dictatorship in Uganda by remaining in the country. He had previously been in Uganda by a number of years on a part-time basis.

Following the resignation of Rujumayo and several other high government officials, President Amin on February 27, 1973, ordered that "all ministers, secretaries and personal secretaries to ministers must go on leave for 30 days, starting from Monday, so that they can become fresh again".

In early May, Prof. O. Ali Hamdi, Head of Makerere University's Political Science Department, led a protest against increasing restrictions on academic freedom and lack of security for faculty members and students.

At this same time, John P. Harinyo, Uganda's Ambassador to West Germany, resigned accusing General Amin of complicity in the murders of hundreds of innocent Ugandans, including his brother Patrick Puhinga who had died one month earlier. The following are the terms of his letter of resignation:

"Your Excellency,

It is with deep regret that I have to inform you that after careful consideration I have decided that owing to the tyranny and oppression that now exists in Uganda I can no longer represent your government as Uganda's Ambassador to the Federal Republic of Germany and the Holy See.

The reign of terror that has been established in our beloved country has shocked the conscience of all men of goodwill throughout the world. While innocent people continue to be brutally and savagely eliminated your people has failed to bring to justice the perpetrators of these crimes. Indeed eye witness reports and circumstantial evidence tend to implicate you and your henchmen in these barbarous acts which show complete disregard and contempt for human life.

In these circumstances therefore I have no alternative but to hereby tender my resignation for this I believe is the only way I can listen to the dictates of my conscience and to universally held principles of civilized conduct.

John P. Harinyo.

H.E. General Ydi Amin Dada,  
President of the Republic of Uganda,  
State House Entebbe."

Several weeks later, Hon. Mr. Yogi Minister and President Amin's personal lawyer, Yegor Kijagi, resigned while in a wheelchair and made a statement saying he did not believe that he could lead a long and happy life without any adverse law attention. He stated that the majority of the victims were, in fact, members of the government and that as a politician, an officer of the law and a person who could not identify himself with the government and its policies, especially after the death of his brother, he was forced to resign.



(13) THE SCALE OF THE TERROR

It is impossible to give any reliable estimate of the number of people who have been arbitrarily arrested since January 1971. Estimates received range from 25,000 to 250,000. All that can be said is that they are to be numbered certainly in thousands and very possibly in tens of thousands. With the exception of a handful of high officials, the Africans are particularly fortunate to have been spared.

While this report has presented detailed accounts of the killings and disappearances of some prominent citizens, what cannot be told are the circumstances of thousands of countless other anonymous victims, most of them ordinary citizens who have disappeared without attracting any attention. For these people there were no investigations, no commissions of inquiry, no reports and no help has been provided to their families.

One Ugandan living in exile best concludes this examination of the reign of terror. Like so many others, he has lost his father in the repressive atmosphere that characterizes Uganda today:

"Now, one may ask, can the present Ugandan authorities ever be forgiven for the atrocities and suffering and misery caused by them, to both my father and me. There were and still are many like him and equally there are many like me. The blame and guilt for all the misery caused to thousands of widows and orphans rest on the shoulders of the Ugandan authorities, and in particular on the shoulders of the President who has made no effort to stop it but has licensed it, and has ruined the lives of thousands, both Asians and Africans'.

PART IV - CONCLUSIONS

The following is a summary of the principal conclusions reached in the course of this study:-

1. During the past 3 1/2 years the Ugandan Government has either suspended or violated most of the fundamental human rights. By a series of decrees overriding all constitutional safeguards, and by a system of arbitrary repression operating outside any legal framework, there has been a total breakdown in the rule of law.
2. Though some emergency measures may have been justified, particularly in the aftermath of the coup in January, 1971, and at the time of the attempted invasion from Tanzania in September, 1972, there are certain minimum judicial safeguards for the protection of human rights which are to be expected even in a time of emergency. These safeguards have been lacking.
3. While the government has nominally affirmed the Ugandan Constitution its principles have been overridden expressly or by implication by a series of arbitrary decrees. All political activity has been suspended. The National Assembly and the local elected authorities have been dissolved. No steps have been taken to return to the promised democratic government. No mandate has been sought from the electorate to validate the seizure of power in January, 1971. All the basic freedoms of association and assembly, freedom of the press, freedom of expression, freedom of education and trade union freedom are in abeyance.
4. The independence of the judiciary has been undermined by direct attacks on individual judges, by the repeated interference of the armed forces, and above all by the arrest and subsequent murder of the country's Chief Justice, Benedicto Kiwanuka, in September 1972. The authority of the civilian court has been further undermined by the transfer of important parts of their jurisdiction to try civilians to a Military Tribunal.
5. The Armed Forces have been put beyond the law and have been given almost unlimited powers of arrest and search, without any form of judicial control. These powers were granted in order to fight "kondos" (armed robbers). In practice, they have been largely used to arrest, detain, torture and kill thousands of civilians from all walks of life, who for one reason or another have been suspected of opposition to the present regime. Only a very small percentage of those arrested on these grounds have been given any form of trial.
6. The repeatedly announced investigations by the Ugandan security authorities to trace those responsible for these disappearances and deaths have yet to result in bringing the culprits to trial. Some of those against whom the complaint has most frequently been made have recently been transferred to other posts or, occasionally, have themselves disappeared and been reported killed without trial. This failure to bring the offenders to justice has itself contributed to the state of lawlessness.

7. The expulsion of the Asians from Uganda in 1972 involved serious violations of human rights:-
- (a) The expulsion of Asians non-citizens was an act based on an explicit policy of racial discrimination.
  - (b) The failure to provide adequately for compensating those who had been expropriated was a violation of Article 17 of the Universal Declaration of Human Rights.
  - (c) The sudden and brutal manner in which the mass expulsion of Asian non-citizens took place was a breach of the principles of good neighbourliness enshrined in the Charter of the United Nations.
  - (d) The denial of Ugandan nationality to many Asians who were entitled to it was a violation of the right to nationality under Article 15 of the Universal Declaration of Human Rights.
  - (e) The banishment of all Asians recognised as Ugandan citizens to a remote and unfamiliar rural life was an act of racial discrimination which had the (no doubt intended) effect of driving almost all of them out of the country.

8. The effect of these massive and continuing violations of human rights has been to create a reign of terror from which thousands of people from all walks of life, Africans as well as Asians, have sought refuge in voluntary exile. Those remaining are in a constant state of insecurity.



end of Appendix 7

THE COMMISSION OF INQUIRY

(Cap. 56)

A Commission.

WHEREAS it is alleged that some people have disappeared in Uganda since the Military take-over on 25th January 1971:

WHEREAS some of these alleged missing persons are thought to be dead and others still living whether in Uganda or elsewhere:

NOW THEREFORE,

IN EXERCISE of the powers conferred upon the Minister by section 2 of the Commission of Inquiry Act 1, An Hon. GENERAL ID: AMIN DADA, V.C., D.S.O., M.C., and Commander-in-Chief of the Uganda Armed Forces also holding the portfolio of the Minister of Defence, DO HEREBY appoint the following Commissioners.

1. Mr. Justice Mohamed Said *Chairman*,
2. Mr. S. M. K. Obiinya, *Superintendent of Police, Member*,
3. Mr. A. Esau, *Superintendent of Police, Member*,
4. Captain Haruna of the Uganda Armed Forces *Member*.

AND I DO HEREBY direct that Mr. C. C. K. Ndundu, a legal advocate, shall be the Secretary to the said Commission, to inquire into all aspects of the disappearance of the persons in Uganda, and in particular, but without limitation, the identity of the foregoing,

- (a) to inquire into and establish the identity of the persons who are alleged missing;
- (b) to establish whether such persons are dead or alive;
- (c) for those persons believed to be living outside Uganda, the reasons and circumstances that led to their quitting Uganda as far as such reasons and circumstances can be ascertained;
- (d) for those proved dead, how, when, where and in what circumstances they met their death.

Appendix 8 (9)

- (e) whether there are any individuals or organisations of persons, whether within or outside Uganda, who are criminally responsible for the disappearances or deaths of the missing persons and what should be done to the persons criminally responsible for such disappearances or deaths;
- (f) what should be done to the affairs and families of the missing persons bearing in mind the provisions of Decree No. 20 of 1973;
- (g) what should the Government do to put an end to the criminal disappearances of people in Uganda;

AND I DO HEREBY prescribe that the said Commissioners shall conform with the following instructions, that is to say,

- (a) that any person desiring to give evidence before the Commissioners shall do so in person; but the Commissioners may in their absolute discretion receive in evidence any written memoranda from a person who is unable to give evidence in person if the Commissioners are of the opinion that such evidence will be valuable to their enquiry;
- (b) that hearsay evidence which adversely affects the reputation of any person or tends to reflect in any way upon the character or conduct of any person shall not be received;
- (c) that the expression of opinion touching upon the character, conduct or motives of any person shall not be received in evidence;
- (d) that any witness who gives evidence before the Commissioners may, if he so desires and requests, give evidence in camera and his name shall be kept secret. Such witness shall not be subjected to cross-examination by the person adversely affected by the evidence given by such witness, so however, that the person adversely affected by such witness' evidence shall be given the opportunity to reply to the allegations made against him without being supplied the name of the witness;

Appendix 8

3

that subject to the immediately preceding provisions, any person who, in the course of the Inquiry, is adversely affected by evidence given before the Commissioners, shall be given an opportunity to cross-examine the person giving the evidence,

except in so far as the Commissioners consider it essential for ascertaining the truth of the matter into which the Commissioners are commissioned to inquire, not to depart from the following instructions:

AND I DO HEREBY direct that the said Inquiry may be held at such times and in such places as the said Commissioners may, from time to time, determine and may be held in public or in private or partly in public and partly in private as the said Commissioners may, from time to time, determine; provided that where the public interest so requires the President may direct that certain evidence be given in public in the presence of the Press, Radio and Television;

AND I DO HEREBY direct that any matter touching the security of the State shall be excluded from evidence;

AND I DO HEREBY direct that the Commissioners give due consideration to the local and national events in the aftermath of the take-over as well as the events pertaining and ancillary to the defence of Uganda when the nation was invaded on the 17th day of September, 1972;

AND I DO HEREBY direct that the enquiry shall not extend to any person expelled from Uganda under any authority conferred by law or who has suffered a sentence of death imposed upon him under due process of law. Nor shall the enquiry extend to persons of Asian origin or extraction who though claiming to be citizens of Uganda either remained outside Uganda or at anytime ran away from Uganda for any reason whatever;

AND I DO HEREBY direct that the said Commissioners shall start on 1st July, 1974, and shall execute the said Inquiry with all due diligence and convenient speed to make their report to me without undue delay (not later than 30th September, 1974):

AND I DO HEREBY require all other persons whom it may concern to take due notice hereof and to give their assistance

...../P

Appendix S (12)

and assistance to the witnesses and Commissioners accordingly.

Dated this 30th day of June, 1974.

GENERAL AL-HAJI IDI AMIN DADA, V.C., D.S.O., M.C.  
*President and Commander-in-Chief of the Uganda Army  
 Forces (holding the portfolio of Minister of Defence).*

Date of publication: 30th June, 1974.

1/ Follows Appendix 8

A. 1. IX.....

(4)

K001186

30th June 1974

DISPATCHED.....

The President's Office has issued the following statement:

"The public will recall that a couple of weeks or so ago, His Excellency, the President, General Al-Bajji Idi Amin Dada, V.C., D.S.O., M.C., Commander-in-Chief of the Uganda Armed Forces, also holding the

Portfolios of Minister of Defence and Minister of Home Affairs, announced that he had

the appointment of Mr. Justice Mohamed Saïed as the Chairman of the

Commission of Enquiry to probe the disappearance of persons in Uganda.

Now His Excellency the President, Commander-in-Chief of the Uganda

Armed Forces also holding the Portfolio of Minister of Defence has

by legal notice appointed a full Commission of Inquiry into the

disappearance of persons in Uganda. The Chairman of the Commission

is Mr. Justice Mohamed Saïed and the members are:

Mr. B.M. Kyafalurya, Superintendent of Police; Mr. A. Esau, Superintendent of Police; and Captain Haruna of the Uganda's Armed Forces. The Secretary to the Commission is Mr. C.C. E. Naciroho, a Kampala Advocate and a Lecturer at the Law Development Centre.

The President has stated that he has given full authority to the Commission to have access and authorized to obtain all evidence regarding the disappearance of persons in Uganda. He has the full confidence in the Commission and calls upon every citizen of Uganda who feels that he has a contribution to make to this enquiry to come out without fear or favour to give evidence to the commission.

The President has directed all persons in authority of whatever form who may be called upon by the commission for assistance to give the commission their utmost co-operation in order to facilitate the commission's assignment and speedy action.



DISAPPEARANCE....2

30-6-74.

The President expects that all Ministers, Civil servants, heads of parastatal organisations, governors and all members of the Security forces will cooperate with the Commission in its endeavour to establish the truth about the disappearances of the persons in Uganda.

It will be recalled that time and again His Excellency the President, expressed horror and grief over a number of prominent persons who have disappeared from Uganda and is greatly perturbed by the malicious propaganda waged by the imperialists in order to perpetrate a smear campaign to damage the name of Uganda purely because of the declaration of the Economic War which undermined not only the prestige and the economics of those imperialist countries but has also awakened the Third World to resist exploitation in all its forms.

His Excellency the President has come out to explain the reasons as far as they are known to him of the disappearances of persons, a large number of whom are known to be living in some countries as paid agents of the imperialists, used by the imperialists to isolate Uganda and to make the Economic War fail.

The public is also aware of the very skilfully contrived plan to defeat the Economic War when on the very day the non-citizen Asians were to leave Uganda, Uganda was attacked by external forces. However the gallant soldiers of Uganda who rescued her from the dark days which preceded the Military take-over, beat off the invasion and thus once again saved lives of millions of Ugandans and consolidated her independence and sovereignty.

DISAPPEARANCE.....3

30.6.74.

While by-gones should be by-gones, it is in this context inevitable to mention that President Amin came to power as a result of a counter coup which had been planned by Obote who contrived a scheme to wipe out large numbers of tribes in Uganda for reasons which need not be repeated here. Naturally when this plan failed, Obote and his collaborators were bitterly disappointed and they resorted to all sorts of contrivances and atrocities to wage vengeance against the persons who made their plan fail and also to unleash a reign of terror and fear in Uganda not only to discredit the Military Government but also to blackmail it desperately hoping that these machinations will so outrage public opinion as to topple the Military Government. In the process a large number of people were scared to continue living in Uganda and ran away while so many of the collaborators also had to run out of the country either for fear of being found out and brought to justice or in order to regroup and carry on guerrilla activities from outside Uganda.

These disappearances have been the concern of everybody in Uganda and have caused untold misery to a number of families and relatives in addition to draining Uganda of the badly needed skilled and unskilled manpower which is so vital to the success of the Economic War. Because of all this and more His Excellency, the President has decided that in the interest of justice, fairness, security and social tranquillity, the Commission of Inquiry be set up to probe the reasons of the disappearances, to uncover the truth and to bring the culprits to justice. It is therefore in this spirit that by the decree the President appoints to every body who has any information about the disappearances the Commission to come out and give evidence.

...../4

DISAPPEARANCE....4

Evidence may be taken in absolute secrecy for those who fear to be known and the Commission is empowered to accept such evidence. But this should not be used as a cover to soil the names of innocent persons through malice or personal hatred. The President appeals to all prospective witnesses to tell the truth and the truth only and wishes to assure every witness and to guarantee the protection from molestation, personal safety of the commissioners, their staff and witnesses.

Should anyone whether civilian or military personnel in any way try to interfere with the proceedings of the Commission or with any witness such person however high-ranking, should either be reported to the Security Forces or direct to His Excellency the President at telephone number two-two-four-one, Entebbe. The reporter will receive immediate protection and assistance and the person interfering will be dealt with severely.

The Commission is starting its job on the first July, nineteen seventy four in the National Assembly Chambers, Parliamentary Buildings and will be assisted by a team of investigators and secretarial staff as the occasion will demand. The staff attached to the Commission are directed to work with all due speed and diligence in order to assist the Commission to produce its report in the shortest possible time.

The Commission will issue relevant announcements regarding its sittings and proceedings from time to time.

XXXXXXXXXXXX

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