THE REPORT

OF

THE COMMISSION OF INQUIRY INTO VIOLATIONS OF HUMAN RIGHTS

VERBATIM RECORD OF PROCEEDINGS

VOLUME IV

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WITNESS NO.121: MR. SAM GODFREY KIZITO - SWORN IN

COUNSEL: Could you state your names please?

KIZITO: I am Sam Godfrey Kizito.

COUNSEL: How old are you?

KIZITO: I am aged 40.

COUNSEL: Where do you reside?

KIZITO: I live at Namayiba.

COUNSEL: What do you do?

KIZITO: I am a businessman.

COUNSEL: Dealing in what?

KIZITO: I have a shop and I rear animals.

COUNSEL: When did you start your business of shop keeping?

KIZITO: I started in 1985.

COUNSEL: Before this, what were you doing?

KIZITO: I was once a *Muluka* Chief.

COUNSEL: When did you become a *Muluka* Chief?

KIZITO: In 1982.

COUNSEL: But before you became a *Muluka* Chief in 1982, what were you doing?

KIZITO: I was once a Prisons Officer.

COUNSEL: You ended being a Prison Officer in 1972, is that true?

KIZITO: Yes.

COUNSEL: And after that you became a Chief?

KIZITO: Yes.

COUNSEL: Until which year?

KIZITO: I think I stopped in 1983.

COUNSEL: In which areas were you working as a Chief?

KIZITO: I worked in Kome islands, Katosi and in Ntenjeru Sub-county but I have forgotten the place.

COUNSEL: During which period did you work in Katosi.

KIZITO: Between 1978 and 1979.

COUNSEL: As a *Muluka* Chief, what were your duties?

KIZITO: To assess Graduated Tax, to maintain security and to handle certain cases which were brought before me.

COUNSEL: Maintain security, how would you carry this out?

KIZITO: In case of any problem, I was advised to contact the *Gombolola* Chief, the *Saza* Chief or to go to the Police Station or to any Military Unit nearby.

COUNSEL: Were there Military Units nearby?

KIZITO: Yes.

COUNSEL: Where was your office specifically situated in Katosi.

KIZITO: In Katosi Trading Centre.

COUNSEL: And also in the landing site?

KIZITO: Yes.

COUNSEL: Were you on this fishing village on the 6th April, 1979?

KIZITO: Yes, I was there.

COUNSEL: At what time were you at this place?

KIZITO: I slept there.

COUNSEL: Do you remember anything that could have been of particular interest that occurred on that particular day?

KIZITO: Yes.

COUNSEL: Please tell us what happened.

KIZITO: At around 10.00 a.m. I heard a sound of an engine. The boat was coming towards the shore and I came out of my house to see what was coming. I

found the boat landing at Katosi shore. I came nearer to see those people who had come. I went straight to the site where the boat had landed. The driver was a black man, he was speaking Kiswahili and it seemed he was a Luo; inside the boat there were 4 white men.

COUNSEL: Had you ever seen this Jaluo before?

KIZITO: No, this was my first time.

COUNSEL: Did he tell you his name?

KIZITO: He did not.

COUNSEL: As a Chief, did you note the registration number of this boat?
KIZITO: No, this was my first time.

COUNSEL: Did he tell you his name?

KIZITO: He did not.

COUNSEL: What happened after you had seen these 4 Europeans and the African on the boat?

KIZITO: I introduced myself to them as Chief who was in command of that area.

COUNSEL: In what language?

KIZITO: In English.

COUNSEL: Did they reply to you?

KIZITO: One of the white people who was speaking English, replied but his English was difficult and I did not get him. Another one wanted to speak in Kiswahili and they informed me where they had come and they were looking for a way to Kampala and they said they were not bad people but they were journalists.

COUNSEL: So, what followed?

KIZITO: I informed them that, that place where they had come had been declared a danger zone and I told them that the situation was insecure because the place was surrounded by soldiers. They asked me whether I could provide them with transport to go to Kampala or to assist them in any way to get there. I told them that it was difficult, but the only thing I could do was to go and report to my immediate boss as I was instructed to do. I left them but they were frightened and I tried to encourage them that I was going to report to the Police and may be try to get transport for them.

COUNSEL: In which place were you talking, were you still near the boat?

KIZITO: Yes, we were near the boat.

COUNSEL: And the boat was still there?

KIZITO: Yes, the boat was still there.

COUNSEL: What followed?

KIZITO: I left them there and I took my bicycle and went to report to the *Gombolola* Chief. I found him there and I informed him that at the shore four Europeans had come.

COUNSEL: What was the name of this Chief?

KIZITO: He was called Mbalwa and he was the one there at that time.

COUNSEL: Where did you meet him?

KIZITO: At his residence at the *Gombolola* Headquarters.

COUNSEL: What is the place called?

KIZITO: The place is called Ntenjeru. I told him and he asked me whether I had talked to these people. I told him that I had talked to them and that two had come from Germany and the other two from Sweden and that they were journalists. At that time he told me to go to report to Bob Astles who was commanding the Military Unit in that area.

COUNSEL: Did you know Bob Astles.

KIZITO: Yes, I know him well.

COUNSEL: Who was he?

KIZITO: He was a Major and in command of the Anti-Smuggling Unit.

COUNSEL: Was he a man from your place?

KIZITO: No.

COUNSEL: Where was he from?

KIZITO: He was living at Mpunge.

COUNSEL: So, what did you do?

KIZITO: I left the *Gombolola* Headquarters and the *Gombolola* Chief was going to report to the Police, but as I was going to Bob Astles place I saw a Land Rover in a distance coming towards my side - I saw a Land Rover crossing the road and that Land Rover was one of those used by Bob Astles' soldiers. It by passed me and I tried to follow it.

COUNSEL: In which direction was it going?

KIZITO: It was taking the Katosi direction and that was the same road leading to Bob Astles home or residence. I went straight to Bob Astles himself and that the soldiers who were there had no transport.

COUNSEL: Did you know any of these soldiers?

KIZITO: I knew them by appearance but there was nobody I knew by name. I decided to return to Katosi, but as I was going to Katosi, I found the same Land Rover that had just by passed me as I was going to Bob Astles' place at a place called Ngombere. I stopped it and as it stopped, one of Bob Astles soldiers came out and he had bullets all over himself.

COUNSEL: Do you know his names?

KIZITO: He was either Taban or Ali or Mohammed; these are the names he used to call himself, but I do not know really whether these were his names.

COUNSEL: Did you talk to him?

KIZITO: He did not allow me to say anything. As soon as he jumped out of the vehicle, he started quarrelling with me, saying that I had hidden some people and I told him that I had come from Bob Astles' place to report. He said, no these were not journalists, they were guerillas. In that car there was a soldier who usually was walking with Bob Astles whom I knew very well, he is called Tindyebwa.

COUNSEL: Was he also in uniform?

KIZITO: No, he was in plain clothes.

COUNSEL: How many soldiers were in this vehicle?

KIZITO: They were very many, I could not count the number because there were Libyans and Africans but I recognized Tindyebwa because sometimes we used to talk to him.

COUNSEL: Did you talk to Tindyebwa?

KIZITO: Tindyebwa did not say anything, but I think he tried to cool this man to save my life and as the car was moving, the man told me that you go and throw the bodies in the lake.

COUNSEL: So, what did you do?

KIZITO: I went back to the landing site and I found that all the people had deserted the place. I found the white people already killed near a restaurant owned by Musisi, but I cannot confirm whether his right name is Musisi, it is a long time, I have forgotten some of their names. I tried to trace the villagers, but I failed, I could not see anybody.

COUNSEL: Did you find their bodies there?

KIZITO: Yes, I found the bodies there.

COUNSEL: Were they naked or they were dressed?

KIZITO: They were dressed.

COUNSEL: Did you find them with their properties or not?

KIZITO: There was nothing even the shoes were removed and wrist watches had been taken also.

COUNSEL: What followed, what did you do as a Chief of the area?

KIZITO: I went to the Police the following day and reported. They informed me that they had received the information that the Europeans had been killed but they feared the soldiers, they could not do anything. They advised me that where possible, we could bury the bodies but we should not throw them into the lake.

COUNSEL: So, what did you do?

KIZITO: I went back and mobilised the residents persuading them that if we fail to bury the bodies we shall suffer because of the smell, some heeded to the advice, we dug somewhere and we buried the bodies.

COUNSEL: How many graves did you dig?

KIZITO: We dug two graves.

COUNSEL: And these were four Europeans, how did you bury four people in two graves?

KIZITO: We buried them in twos.

COUNSEL: Was this according to your tradition to bury two people in a grave?

KIZITO: We were in fear and we were just helping ourselves. We knew that if we were caught there, they could kill us and we did not spend there a lot of time; immediately we buried, we went away. And I had been ordered to throw these bodies into the lake.

COUNSEL: By who?

KIZITO: The man I cannot remember his names but the one who had wrapped himself with bullets.

COUNSEL: Who assisted you to bury these people, can you name some of the people?

KIZITO: I cannot remember anybody because the prominent people whom I could easily remember had run away, they could not help me, I just got hold of these who do not matter whom I cannot remember and those who had no even families.

COUNSEL: Was a young man called Henry Nanyomba around?

KIZITO: I only saw him before the Europeans were killed but at the burial he was not there.

COUNSEL: You mean when the Europeans arrived, Henry Nanyomba was there?

KIZITO: He came later.

COUNSEL: What of Edward Kijjomanyi, the Market Master, was he there?

KIZITO: He was there on arrival.

COUNSEL: Did Henry Nanyomba do anything which you could remember to assist these Europeans when they arrived?

KIZITO: Yes, he was one of those people who were trying to get transport for these people.

COUNSEL: What of Kijjomanyi, did he do anything?

KIZITO: No, I left him there as somebody who had come to see what had happened.

COUNSEL: After how long did you return to find that these people were dead?

KIZITO: I came back at about 5 p.m.

COUNSEL: Did you see any other vehicle apart from this Land Rover in that area? Before or after?

KIZITO: Yes, in the morning there came a Tipper.

COUNSEL: With who?

KIZITO: It was carrying soldiers who were working with Bob Astles some were Libyans, and a *Saza* chief who was in full uniform.

COUNSEL: What is the name of that *Saza* Chief, is he the same man you have mentioned?

KIZITO: No, the one I mentioned was a *Gombolola* Chief.

COUNSEL: What were the names?

KIZITO: I cannot remember.

COUNSEL: Apart from that lorry, did you see any other vehicle?

KIZITO: No.

COUNSEL: Now, did you get to know who had killed these people you were trying to report to the authorities?

KIZITO: Yes, I did.

COUNSEL: How did you know?

KIZITO: I was informed by Kijjomanyi what happened after my departure.

COUNSEL: Before these people died, had you seen, may be, any soldiers of Bob Astles around whom you knew?

KIZITO: At what particular time?

COUNSEL: Maybe when you were going to the home of Bob Astles to report or to the Chief.

KIZITO: No, I did not meet any soldiers except after they had killed the Europeans.

COUNSEL: Did you meet the Market Master may be while you were coming back to Katosi or when you were going to Bob Astles' home?

KIZITO: I left him at the landing site after the Europeans had come.

COUNSEL: Did you have a bicycle when you were going?

KIZITO: Yes, I had my own bicycle.

COUNSEL: And it is the same bicycle which you came with?

KIZITO: Yes.

COUNSEL: Did anybody borrow your bicycle to use at one time during that day?

KIZITO: No.

COUNSEL: We have received here evidence, Mr. Kizito, to the effect that when you were going to report this matter to the authorities on the way you met a small car with soldiers, some of them were soldiers of Bob Astles and others were Libyans. Did you meet them before the Europeans died?

KIZITO: Before reaching the *Gombolola* Chief's place, there was no car I found on the way.

COUNSEL: When you said that later on you were told that those people had been killed, whom did they say had killed these people?

KIZITO: Kijjomanyi informed me that the Europeans had been killed by soldiers, some of them were Bob Astles' soldiers who were terrorising us and some were Libyans and he told me that one of them was Tindyebwa.

COUNSEL: Had you known Tindyebwa before?

KIZITO: Yes, I know him, he used to come with Bob Astles at the landing site.

COUNSEL: To do what?

KIZITO: They used to come at the landing site every time they wanted to see whether there were coffee smugglers, whether to investigate an incident, so they could come in any time.

COUNSEL: Who was the *Gombolola* Chief of Ntenjeru?

KIZITO: He was called Mbalwa.

COUNSEL: Did you see him on that day?

KIZITO: Yes, I saw him when I went to inform him about the matter.

COUNSEL: After you had buried these people, did anything happen to their bodies, are they still there?

KIZITO: They were exhumed.

COUNSEL: By who?

KIZITO: I do not know because I was not there.

COUNSEL: That is all, my Lord.

DR. MAKUBUYA: How far was the *Gombolola* Headquarters from the landing site?

KIZITO: About three miles.

DR. MAKUBUYA: When these *Bazungu* (Europeans) first came in a boat, did you recognize them immediately?

KIZITO: I saw them on arrival at the landing site.

DR. MAKUBUYA: Before that why, you can see a white man at a distance.

KIZITO: I was in my house when I heard the noise of an engine and by the time I came out, the boat had landed.

DR. MAKUBUYA: Did those *Bazungu* have any luggage when they got out of the boat?

KIZITO: They had.

DR. MAKUBUYA: What did the goods look like?

KIZITO: They had green kit bags and some had brief cases.

DR. MAKUBUYA: When you came back from reporting to Bob Astles, you found those bodies, were these kits there?

KIZITO: There was nothing and I have informed you that even their shoes had been taken.

AG. CHAIRMAN KAKWENZIRE: Thank you very much for your evidence. There are no more questions, so you can go. Counsel, what do you propose to do?

COUNSEL: Maybe we could finish with one more witness who is around and I do not know how the Commissioners look at it. It is now 3.30 -

MR. KAWANGA: And our interpreter is going away, anyway.

COUNSEL: In that case, I pray for an adjournment up to tomorrow.

KAKWENZIRE: Okay, we shall adjourn - the Commission will adjourn until tomorrow, 9.30 a.m. Thank you very much, Mr. Interpreter for your unpaid services.

CHAIRMAN: Commissioners, Learned Counsels, Ladies and Gentlemen, we are ready to begin the Session of today - the 14th of August, 1987. But perhaps, may be before we begin, we have to put on record the fact that one of the Commissioners - Dr. Luyombya - lost his young brother yesterday (Mr. Sserunjogi). who died - he was - in Jinja but he was brought for treatment here in Kampala and died in a Kampala hospital. I would like to express our deep condolences on behalf of the Commission to the bereaved family. So Dr. Luyombya will not be with us for this morning for that reason.

COUNSEL: My Lord Chairman, Gentleman and Lady Commissioner, this morning we continue to hear evidence regarding the murder of the four journalists at Katosi. Our next witness is the then Market Master of Katosi - Mr. Edward Kijjomanyi.

WITNESS NO.122: EDWARD KIJJOMANYI - SWORN IN

COUNSEL: Could you state your names, please?

KIJJOMANYI: I am Edward Kijjomanyi.

COUNSEL: How old are you?

KIJJOMANYI: I am 75 years old.

COUNSEL: Where do you reside?

KIJJOMANYI: At Katosi.

COUNSEL: In which sub-county is Katosi?

KIJJOMANYI: Ssabaddu sub-county, Ntenjeru.

COUNSEL: Is this in Mukono?

KIJJOMANYI: Yes.

COUNSEL: What do you do for a living?

KIJJOMANYI: I am a Market Master.

COUNSEL: Of which market?

KIJJOMANYI: Ntenjeru Market.

COUNSEL: Where is Ntenjeru market situated?

KIJJOMANYI: It is within the sub-county, Ntenjeru Sub-county.

COUNSEL: Is this in Katosi?

KIJJOMANYI: Yes.

COUNSEL: A fishing village on Lake Victoria.

KIJJOMANYI: I left. I was transferred from the fishing village and I was taken to a market in the trading centre - Katosi Trading Centre.

COUNSEL: When were you transferred?

KIJJOMANYI: I was first taken to Kisoga; then, after Kisoga, I was brought back.

COUNSEL: When did you become a Market Master?

KIJJOMANYI: In 1965.

COUNSEL: Now, before you become a Market Master, what had you been doing?

KIJJOMANYI: I was a farmer.

COUNSEL: Had you ever worked in a Government Service?

KIJJOMANYI: Yes.

COUNSEL: As what?

KIJJOMANYI: I worked in the Uganda Police.

COUNSEL: In which year?

KIJJOMANYI: I started in 1930.

COUNSEL: Were you trained as a policeman?

KIJJOMANYI: Yes.

COUNSEL: Where were you trained from?

KIJJOMANYI: I was trained within the Kampala City.

COUNSEL: Now, after leaving the Police, which was your first place of work as a Market Master?

KIJJOMANYI: Katosi.

COUNSEL: And were you working in Katosi in 1979?

KIJJOMANYI: Yes, I was working there.

COUNSEL: As a Market Master, what were your duties?

KIJJOMANYI: At Katosi?

COUNSEL: Yes.

KIJJOMANYI: To collect money and to take it to the sub-country.

COUNSEL: Now I take you to a specific period, that is in April, 1979. Were you at Katosi?

KIJJOMANYI: Yes.

COUNSEL: How was the situation in the area around that period?

KIJJOMANYI: It was worse.

COUNSEL: Why do you say it was not good?

KIJJOMANYI: Bob Astles's soldiers were terrorising us.

COUNSEL: Was the fishing and the selling of fish in the area normal as it had been?

KIJJOMANYI: No.

COUNSEL: Were there many boats?

KIJJOMANYI: There were many but others deserted the place.

COUNSEL: Now we have received here evidence to the effect that on the 6th of April, 1979, a boat landed at Katosi with some foreigners. Did you see this boat with foreigners?

KIJJOMANYI: I saw it.

COUNSEL: At what time did it arrive?

KIJJOMANYI: It was between 9.00 a.m. and 10.00.

COUNSEL: Were there many people at Katosi?

KIJJOMANYI: We were not very many.

COUNSEL: When it came, whom were you with, when it come?

KIJJOMANYI: I was alone in my house. I was there in my office.

COUNSEL: So, when you saw it come, what did you do? Did you move near?

KIJJOMANYI: I took some time before going near it.

COUNSEL: Why?

KIJJOMANYI: It was not my duty to go immediately to the lake.

COUNSEL: But eventually did you do it?

KIJJOMANYI: After it had landed, I went there.

COUNSEL: What did you find when you went there?

KIJJOMANYI: I found Europeans. They had been covered with blankets.

COUNSEL: How many Europeans?

KIJJOMANYI: Four.

COUNSEL: Apart from the Europeans, were there other people?

KIJJOMANYI: Who came by the boat?

COUNSEL: Yes.

KIJJOMANYI: Yes there were two black people.

COUNSEL: Did you know these two black people?

KIJJOMANYI: No, and the boat was not in that place.

COUNSEL: Why do you say the boat was not in that place: Did you see its registration number?

KIJJOMANYI: Its registration number was for a foreign country.

COUNSEL: Which country, if you know?

KIJJOMANYI: It seemed as if it had come from Kenya.

COUNSEL: Do you remember the numbers?

KIJJOMANYI: I cannot remember.

COUNSEL: You said, the Europeans had been covered with blankets. Was it raining so that they were trying to shelter themselves?

KIJJOMANYI: Yes it was raining.

COUNSEL: So, when you went near and you saw these Europeans covered, what followed?

KIJJOMANYI: I went there when the boat had left and they had already come out.

COUNSEL: Did they come out alone or with one of the Africans?

KIJJOMANYI: Only Europeans, but the other black man helped them to get their bags and then get them out of the water.

COUNSEL: Apart from the blankets, what other things did they have? You mentioned bags. What else?

KIJJOMANYI: They had nothing.

COUNSEL: Did they have jelly-cans?

KIJJOMANYI: I did not see them.

COUNSEL: Now, after they had landed, what happened? Did you talk or did anybody else talk to them?

KIJJOMANYI: Yes, I saw the Muluka Chief talking to them.

COUNSEL: What is the name of this chief?

KIJJOMANYI: He is called Kizito.

COUNSEL: Was he the only person who talked to them?

KIJJOMANYI: And another boy called Nanyombanensiko.

COUNSEL: Did you listen. Did you understand what they were talking?

KIJJOMANYI: Yes I heard what they were talking.

COUNSEL: What were they talking?

KIJJOMANYI: They were talking about the situation in the area that was very bad.

COUNSEL: Anything more?

KIJJOMANYI: Nothing and I left afterwards.

COUNSEL: Did they tell you or did you hear where they mentioned they were going?

KIJJOMANYI: Yes, they said they were going to Kampala.

COUNSEL: Now all this talking where was it being done?

KIJJOMANYI: It was at Katosi at a certain restaurant in the trading centre.

COUNSEL: Is that Mr. Mukasa's Restaurant?

KIJJOMANYI: No there was another restaurant they went to first; but eventually they went to Mr. Mukasa's Restaurant for food.

COUNSEL: Did you go with them or did you move also in the direction of Mr. Mukasa's Restaurant when they went to eat?

KIJJOMANYI: I went back to my office.

COUNSEL: Eventually did you go to that restaurant?

KIJJOMANYI: Yes I went there afterwards.

COUNSEL: To do what?

KIJJOMANYI: I wanted to get their names.

COUNSEL: Did you do this?

KIJJOMANYI: Yes.

COUNSEL: And what names did they tell you?

KIJJOMANYI: They gave me the names because I wanted to write them so that I could give the letter to the boys to bring it to the Embassy; but I have forgotten the names.

COUNSEL: Did you give this letter to the boys?

KIJJOMANYI: I did not give it to the boys because Tindyebwa demanded it from me when he met me.

COUNSEL: Now, before Tindyebwa meets you, did they tell you where they had come from?

KIJJOMANYI: They only told me that they were journalists and that they had come.

COUNSEL: Did they not tell you their countries of origin?

KIJJOMANYI: Yes they told me.

COUNSEL: Did they eat anything in that restaurant?

KIJJOMANYI: I did not see them eating.

COUNSEL: Did they - in your presence, did they - open their bags in your presence?

KIJJOMANYI: They opened when I was not around.

COUNSEL: You found them - the bags open?

KIJJOMANYI: They were tired

COUNSEL: And, when they were in the restaurant, did you see them with anything else?

KIJJOMANYI: I saw a stove.

COUNSEL: Anything more? Did they have cameras? Radios!

KIJJOMANYI: Yes they had a radio. I said.

COUNSEL: Walkie-talkie!

KIJJOMANYI: Yes they had.

COUNSEL: Now you said that eventually Tindyebwa removed from you this piece of paper. When did Tindyebwa come?

KIJJOMANYI: I left that place to Tindyebwa because that day was worse. Tindyebwa's soldiers had come in the morning - a lorry - and they broke into somebody's shop.

COUNSEL: You have mentioned about this Tindyebwa. Who was he to say he had soldiers?

KIJJOMANYI: He was the commander of the soldiers based at Bob's place.

COUNSEL: And who was Bob?

KIJJOMANYI: I did not know and I do not know his ways.

COUNSEL: Was he a man residing in your area?

KIJJOMANYI: He was residing somewhere a bit far from our place.

COUNSEL: And what was he doing?

KIJJOMANYI: They were only robbing people; arresting people and one time I fell a victim and I was beaten thoroughly and they threw me in the lake.

COUNSEL: You mean Bob arrested you and threw you in the lake?

KIJJOMANYI: Tindyebwa and his soldiers.

COUNSEL: What were you doing in the lake?

KIJJOMANYI: It was my working area. I was doing my duty.

COUNSEL: Collecting your revenue?

KIJJOMANYI: Yes.

COUNSEL: Now, on this particular day, did Tindyebwa find you with the Europeans or you have mentioned you left the area? How did you leave?

KIJJOMANYI: I had decided to go away because, when I saw the Europeans, I thought that, may be, the soldiers would come and kill us; but I found him on the way.

COUNSEL: So you found him at which place?

KIJJOMANYI: I found him at a place called Nsanja.

COUNSEL: Whom was he with?

KIJJOMANYI: I found him with many soldiers. It was an army because they had four vehicles - three lorries and some of the soldiers were Libyans and there was a small vehicle he was travelling in.

COUNSEL: In this small vehicle, whom was he with? Was he also with the soldiers?

KIJJOMANYI: Yes he was with the soldiers.

COUNSEL: Were they both Libyans and Africans - Ugandans?

KIJJOMANYI: In the vehicle?

COUNSEL: The small car.

KIJJOMANYI: Yes there was one Libyan.

COUNSEL: All of them were dressed in Uniform?

KIJJOMANYI: Yes all of them were dressed in uniform.

COUNSEL: Including Tindyebwa?

KIJJOMANYI: No he was not.

COUNSEL: Were they having any arms with them?

KIJJOMANYI: Yes they had guns.

COUNSEL: Even Tindyebwa had a gun?

KIJJOMANYI: I did not see Tindyebwa's gun but he was the commander. He was a big man.

COUNSEL: Now did you talk to these people, when you met them?

KIJJOMANYI: Yes I talked to them.

COUNSEL: Whom did you talk to specifically?

KIJJOMANYI: Yes I talked to Tindyebwa because as soon as he saw me he stopped the vehicle.

COUNSEL: And where was he seated? Was he in front of the car or at the back seat?

KIJJOMANYI: He was seated at the front seat.

COUNSEL: Was he the one driving?

KIJJOMANYI: There was another driver.

COUNSEL: Now, when he stopped the vehicle and called you to talk to them, what did he tell you?

KIJJOMANYI: He said that they had received information that there were Europeans at Katosi, and he asked me whether they were there.

COUNSEL: And what did you reply?

KIJJOMANYI: I told him that they were there.

COUNSEL: Yes, anything more you talked?

KIJJOMANYI: And he told me that 'You come and we go'.

COUNSEL: In what language were you talking?

KIJJOMANYI: We were talking in Swahili.

COUNSEL: Did the other people in the vehicle, apart from Tindyebwa, talk?

KIJJOMANYI: Nobody else - Tindyebwa only.

COUNSEL: Now you said, he told you to enter the car and you go. Did you do this?

KIJJOMANYI: I was resisting but he asked me whether I had written the names of the Europeans.

COUNSEL: Yes, continue.

KAKWENZIRE: Excuse me, Counsel. Did the witness see Tindyebwa trying to explain something to the other passengers he was with?

KIJJOMANYI: He only ordered the soldiers, 'Let us take this route', towards Katosi.

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COUNSEL: You mean the vehicle was going on another road?

KIJJOMANYI: Yes we were at the cross roads.

COUNSEL: So Tindyebwa directed them that, 'We should go to Katosi'.

KIJJOMANYI: Yes.

COUNSEL: Now what happened?

KIJJOMANYI: After a short distance, we found the Gombolola Chief.

COUNSEL: You were travelling in a vehicle?

KIJJOMANYI: Yes they had pushed me inside the vehicle.

COUNSEL: Where were you sitting - behind or with Tindyebwa?

KIJJOMANYI: I was at the back seat and the Libyan was sitting on me.

COUNSEL: You said you met this chief. Who was this chief?

KIJJOMANYI: I cannot remember his name. It could be Mbayiwa because I remember he was a teacher before he was brought to our place as a Gombolola chief.

COUNSEL: Was he walking or he was on - how was he moving?

KIJJOMANYI: He was riding a bicycle.

COUNSEL: So, when you met him, you stopped.

KIJJOMANYI: It was Tindyebwa who ordered the driver to stop.

COUNSEL: Yes - the vehicle stopped.

KIJJOMANYI: He took his bicycle.

COUNSEL: Who took his bicycle?

KIJJOMANYI: Tindyebwa.

COUNSEL: He got out and he took the man's bicycle.

KIJJOMANYI: Yes, as soon as he got out, he took his bicycle and he told his soldiers that, 'This one should enter into the vehicle'.

COUNSEL: Did he?

KIJJOMANYI: Yes, he was pushed inside.

COUNSEL: By who?

Tindyebwa and two soldiers.

KIJJOMANYI: Now what happened when this man - what followed after this man - had been pushed in the vehicle?

COUNSEL: Tindyebwa took the bicycle and we, in the car, followed him.

KIJJOMANYI: How far was this place from Katosi to the landing site?

COUNSEL: It is a half a mile.

KIJJOMANYI: So you followed.

COUNSEL: Yes.

KIJJOMANYI: Up to where?

COUNSEL: In a place where we could see the landing site, he gave a sign to his soldiers. They came out and he told them that some of you take this side and others take the other side, going to the landing site.

MR. KAWANGA: Perhaps, for clarification purposes. You were in a car. Were there other soldiers other than the ones you had in the car?

KIJJOMANYI: Yes - yes, other three vehicles were coming after us and they were full of soldiers.

COUNSEL: So, when you stopped the vehicle -

KAKWENZIRE: Can I ask?

COUNSEL: Please.

KAKWENZIRE: What language was Tindyebwa talking?

KIJJOMANYI: He was speaking in Swahili.

KAKWENZIRE: Do you know Swahili very well?

KIJJOMANYI: Yes, in the police I was even getting money out of it.

COUNSEL: Now, how far was this place from Katosi? Approximately how many metres was it from Katosi where Tindyebwa stopped the vehicle?

KIJJOMANYI: Well.

COUNSEL: Was it about a quarter a mile?

KIJJOMANYI: Just a distance may be from here to the compound of Nile Mansions.

COUNSEL: That is about 150 meters from the other side.

KIJJOMANYI: But the other three vehicles one could not see them from the landing site.

COUNSEL: So what did you do when the vehicle stopped?

KIJJOMANYI: We got out after he had ordered us to follow him.

COUNSEL: Yes. He was still on his bicycle, I suppose.

KIJJOMANYI: Yes.

COUNSEL: Now what happened?

KIJJOMANYI: We walked on foot towards the landing site.

COUNSEL: You and who?

KIJJOMANYI: And his soldiers - the black soldiers.

COUNSEL: You walked up to where?

KIJJOMANYI: To the restaurant where we found him standing with the Europeans.

COUNSEL: So you are saying that he rode first.

KIJJOMANYI: Yes.

COUNSEL: And you followed with the soldiers.

KIJJOMANYI: Yes with the Gombolola chief.

COUNSEL: Now what about the other soldiers in the lorries? Did they also come along or -

KIJJOMANYI: Yes the three lorries stopped and the soldiers got out of them and took cover in the bush.

COUNSEL: I see. So, when you reached and found Tindyebwa with the Europeans, what happened?

KIJJOMANYI: When the soldiers came, they lined us and the four Europeans and myself - we were four.

COUNSEL: Now at what place was this?

KIJJOMANYI: At Mukasa's restaurant.

COUNSEL: Was it inside or outside?

KIJJOMANYI: Outside and on the verandah.

COUNSEL: Were there many people?

KIJJOMANYI: The many were at a distance but we the four he lined we were just there.

COUNSEL: Now were the Europeans four?

KIJJOMANYI: Yes.

COUNSEL: When you were lined, how many did you become, including yourself?

KIJJOMANYI: One European was not around.

COUNSEL: I see. Where was he?

KIJJOMANYI: I did not know but I knew later, after he had died.

COUNSEL: Now how far was Tindyebwa from you? The army and the Europeans?

KIJJOMANYI: He was very near the Europeans.

COUNSEL: Doing what?

KIJJOMANYI: They had given him their documents and he was holding them.

COUNSEL: Were they talking?

KIJJOMANYI: As he was reading those documents, I saw him putting up his hand. I did not know what was going to happen. I only heard bullets. So one German fell over me and I heard the wall shaking. As he fell down I also fell down. Those who were outside thought that I had also been shot.

COUNSEL: Were you inside?

KIJJOMANYI: We were on the verandah.

COUNSEL: Yes, continue.

KIJJOMANYI: As I fell down, I crawled to another site.

COUNSEL: Continue, please.

KIJJOMANYI: I saw Tindyebwa but the bullets were falling like a rain but he was not hurt.

COUNSEL: You mean he was still standing where he was.

KIJJOMANYI: Yes he did not change positions and he was very near the Europeans.

COUNSEL: And what about the other people who were around?

KIJJOMANYI: Europeans.

COUNSEL: No other people.

KIJJOMANYI: The other people were behind us. They had been as where the Commissioners are sitting.

COUNSEL: Did they also stand there as Tindyebwa did?

KIJJOMANYI: I and the Europeans had been lined as the Commissioners are sitting. The other people were just looking on us as those people on the other side.

COUNSEL: I am talking about the citizens of the area. You said Tindyebwa stood there. Did the citizens also stand or they run away?

KIJJOMANYI: Yes they were there. It was a very big gathering.

COUNSEL: They did not get frightened and run?

KIJJOMANYI: They feared after the shooting from the guns began.

MR. KAWANGA: But I think you are running him a little bit too fast. He was explaining that they were lined up and Tindyebwa was somewhere; and, apparently, the gathering was behind them - watching these people. So, when you ask, did they ran, perhaps, you better tell him at what stage they run or before; so that he does not get confused.

COUNSEL: Now you said you heard bullets. Were they being fired as you could see Tindyebwa? I am sure, you could also see where these bullets were going. Were they being randomly - since you used to be a policeman, were they being fired randomly or they were being fired systematically?

KIJJOMANYI: They were shooting people. Their intention was we - the four.

COUNSEL: Now eventually did this shooting stop?

KIJJOMANYI: Yes they cooled down.

COUNSEL: And, when they stopped, what followed?

KIJJOMANYI: The soldiers grabbed the things which were scattered all over the place and they took them to their vehicles.

COUNSEL: What of Tindyebwa? Did you see him get frightened?

KIJJOMANYI: Yes he took a kit bag.

COUNSEL: Yes. Now what did you find out? Were you hurt in the course of this firing, since you were near the Europeans?

KIJJOMANYI: The bullet that passed between my legs, kicked up my trousers and there was fire. I was burnt.

COUNSEL: Were you burnt?

KIJJOMANYI: It did not reach on my skin because it just passed between my legs and went away.

COUNSEL: Now, may be, let me take you back a bit to the time when you were being lined up. Who specifically lined you up with these Europeans?

KIJJOMANYI: Tindyebwa.

COUNSEL: Now eventually, when you had miraculously escaped the bullet, what did you see around you? What did you find out eventually? Were the whites hurt?

KIJJOMANYI: As Tindyebwa's group left, I woke up and other people came to hold me to take me back to my home; I saw only blood littered all over the place. The Europeans were dead.

COUNSEL: Now, you are ex-policeman. Did these people have several bullet wounds - or, from your observation, what did you see? On their bodies?

KIJJOMANYI: They concentrated on the heads because you could put it in the palm and it could be there.

COUNSEL: You said, you were lined up with the three Europeans; what about of the fourth? Eventually you mentioned that you saw him; where did you see him?

KIJJOMANYI: They shot him behind the house - the restaurant.

COUNSEL: You went there and saw?

KIJJOMANYI: I saw him the following day.

COUNSEL: I see. What followed that day when you had seen him?

CHAIRMAN: Sorry Counsel, just wait. There are one or two things to clarify there. First of all, how many soldiers did you see shoot at these people?

KIJJOMANYI: I saw physically one Libyan and four black soldiers.

MR. KAWANGA: Firing?

KIJJOMANYI: Yes, during the firing. I saw only five and the rest were not firing, except they are the ones who killed the other European.

CHAIRMAN: Where were the others? Were they also standing near by, or they had taken cover as you have said?

KIJJOMANYI: The rest had taken cover; because there was a bit of valley between them. But later on the following day Tindyebwa told me that the other European who was not lined up with us, was sending news to Kenya; and he said that it was the Commander who shot him, the one who had wrapped himself with bullets.

CHAIRMAN: I see. Was anybody else injured other than the Europeans? Were there any of the Ugandans or people standing nearby injured?

KIJJOMANYI: Nobody was hurt except myself.

CHAIRMAN: So you are saying that the shooting was aimed only at the Europeans?

KIJJOMANYI: Yes, but I do not know why they decided to put me there.

CHAIRMAN: Blessed be to God that you escaped unhurt. Counsel, please continue.

COUNSEL: I want a clarification here; you said, Tindyebwa had papers and put up his hands, then shooting started. What type of papers or documents did they hand him? Were they passports, identity cards or what?

KIJJOMANYI: The documents were showing their job, what they do. Because I even myself read them.

COUNSEL: Do you know how a passport looks like?

KIJJOMANYI: Yes; when I was still in police I knew how they looked like.

COUNSEL: I see. Before the shooting started or immediately after, did you see any passport being handed to Tindyebwa.

KIJJOMANYI: I do not know; because I did not observe whether the passports come along with the papers.

COUNSEL: For your training as a policeman, does it signify anything when may be a leader of a group or a Commander raises his hand?

KIJJOMANYI: We as policemen - as security men we know a lot of things about that sign -it signifies a lot of things.

COUNSEL: Yes; can you please explain to the Commission?

KIJJOMANYI: When a Commander does like this - puts up his hand, that means, wait, don't come. When he does like this, it means he is calling you to come. He did like this; and those who know short hand can interpret; and it means a lot. Because, we, as security persons, if I do like this, I would mean that, clear every one there.

CHAIRMAN: Sorry, let us get it on record. What signal did Tindyebwa give and what did it mean to you?

KIJJOMANYI: In my life I realised that we are dead.

MR. NAGENDA: Yes, but the Chairman also said, which particular signal did Mr. Tindyebwa give?

KIJJOMANYI: What he did as I have demonstrated, he pointed a finger downward,

meaning that the people they were going to shoot were in that particular place.

COUNSEL: Eventually after all the disaster, what did you do; did you go home or what followed that day?

KIJJOMANYI: I went back home but I was assisted because I could not make it; I had lost courage.

COUNSEL: Had all the soldiers left the area?

KIJJOMANYI: Yes; all of them had gone, there was none.

COUNSEL: As the market master, what did you do? I am sure these bodies were still in your market; what did you do?

KIJJOMANYI: The following day I came.

COUNSEL: Yes; did anybody try to make a report to the police or to the people in authority?

KIJJOMANYI: Yes; the Gombolola Chief told me that he was going to report the matter to the police.

COUNSEL: Did the police come to that scene?

KIJJOMANYI: They could not find the way.

COUNSEL: How do you know that they could not?

KIJJOMANYI: The soldiers were very tough and the police men had no guns.

COUNSEL: Did anybody of authority come to that scene?

KIJJOMANYI: No; except the Muluka chief whom I talked to after Tindyebwa had ordered to push the bodies towards the lake; but I said, no, we could not push the bodies into the water because there was a lot of responsibility.

COUNSEL: When did -

MR. NAGENDA: Excuse me, Legal Counsel, before you go on. You said the police men could not really make their way because there were so many soldiers around who had gone more or less amok. Are you saying that after the time of the shooting that the whole place was still covered with soldiers?

KIJJOMANYI: Yes, they were like ants; and in fact Entebbe had been captured; so all these soldiers who were guarding Entebbe used to come towards Bob's home. So they were many.

COUNSEL: You mentioned that Tindyebwa told you to throw the bodies; when did he tell you this?

KIJJOMANYI: The following day.

COUNSEL: You are implying, he came back?

KIJJOMANYI: Yes; he came back, he was in full uniform, he was driving himself, he was armed I saw his gun; and that is when he was running away.

CHAIRMAN: Was it police or army uniform?

KIJJOMANYI: He was in police uniform.

COUNSEL: Did you follow his instructions?

KIJJOMANYI: No; I did not agree with him.

COUNSEL: What happened to the bodies?

KIJJOMANYI: We buried them.

COUNSEL: You and who?

KIJJOMANYI: The muluka chief and other people.

COUNSEL: Where did you bury the bodies?

KIJJOMANYI: We buried them at Katosi at the landing site.

COUNSEL: Did you give the bodies a proper burial according to, maybe, your custom?

KIJJOMANYI: In burial, how we dig the graves, we fulfilled it; but we wrapped the bodies in dried banana leaves.

COUNSEL: How many graves did you dig?

KIJJOMANYI: We dug four.

COUNSEL: Why did you not maybe use cloth to wrap them or bark cloth as your tradition?

KIJJOMANYI: They took my advice, because when I was still working in the police, we used to exhume bodies, and then those wrapped in cloth and bark cloth would be decomposed within a short time; but such bodies buried in simple things could take a long time. And in fact these bodies were exhumed when they were still okay.

COUNSEL: After how long were they exhumed and by who?

KIJJOMANYI: Europeans came and took them.

COUNSEL: I see. You mentioned earlier on that you had seen Tindyebwa in your area Katosi; what was he doing in that area?

KIJJOMANYI: May be they came to loot because on that day they broke into shops and took commodities they found in.

COUNSEL: We have received earlier evidence that one time Mayanja's shop was broken into; did you know Mayanja and did he have a shop?

KIJJOMANYI: Yes, I know him.

COUNSEL: Did he have a shop?

KIJJOMANYI: Yes, he had a shop and that is the one which they broke into.

COUNSEL: Who broke it specifically?

KIJJOMANYI: Tindyebwa.

COUNSEL: With who?

KIJJOMANYI: Tindyebwa was there himself.

COUNSEL: Was his boss around?

KIJJOMANYI: No; he was not around.

COUNSEL: In your area also did you know an old man called Kiwanuka?

KIJJOMANYI: I knew him very well.

COUNSEL: What happened to him which you can remember?

KIJJOMANYI: He was beaten after taking his engine and the boat.

COUNSEL: Who did this?

KIJJOMANYI: I only heard, but I did not see. I heard that he was beaten when he was at Bob's place.

COUNSEL: To your knowledge, did Tindyebwa since he was operating in that area buy any piece of land in that area?

KIJJOMANYI: Yes.

COUNSEL: From who?

KIJJOMANYI: I do not know the gentleman but it is in Lulagwe area.

COUNSEL: Did he occupy it; did he develop it?

KIJJOMANYI: I do not know; I have never been there.

COUNSEL: Has Tindyebwa ever come back to your area to know about his land?

KIJJOMANYI: I heard that he went there.

COUNSEL: Do you have may be anything of interest relating to the activities of the boss of Tindyebwa, Bob Astles and Tindyebwa which you may wish to inform this Commission of?

KIJJOMANYI: Yes, I have.

COUNSEL: Please, inform us.

KIJJOMANYI: Tindyebwa used to come to our area leaving his boss behind; but for us we knew that Tindyebwa was the boss because he was the one who came to our place and he robbed the people and he even killed some of them.

COUNSEL: You have mentioned instances when robbery was done; do you remember any person whom he killed?

KIJJOMANYI: Yes; he killed Kintu.

COUNSEL: When was this?

KIJJOMANYI: Yes; he killed Kintu.

COUNSEL: When was this?

KIJJOMANYI: I cannot remember the date.

COUNSEL: Kintu was from where?

KIJJOMANYI: He was living at Katosi.

COUNSEL: Son of who?

KIJJOMANYI: He was a son of Mbuuku.

COUNSEL: What was he doing? Was he doing any business or any other work; do you remember?

KIJJOMANYI: He was a fisherman.

COUNSEL: I see. How was he killed?

KIJJOMANYI: He was shot dead.

COUNSEL: And he was shot by Tindyebwa?

KIJJOMANYI: Yes, Tindyebwa used to have a gun and used to walk with it.

COUNSEL: I am saying, is he the one who shot this man?

KIJJOMANYI: I did not see him physically.

COUNSEL: Did you see him physically or did you hear that he, himself shot somebody?

KIJJOMANYI: Yes, I heard. And many of his soldiers were there on that day when that boy was murdered.

CHAIRMAN: Sorry, Counsel, this is a serious allegation against Tindyebwa; can he tell us the source of his information since he heard; he was not there himself?

KIJJOMANYI: Tindyebwa came with all the soldiers.

COUNSEL: Is the father of Kintu alive; is he there?

KIJJOMANYI: Yes, he is there.

COUNSEL: Is his mother there?

KIJJOMANYI: His mother is dead.

CHAIRMAN: Then is there any witness who actually saw when he was being killed?

KIJJOMANYI: Yes, he is there.

COUNSEL: Who is he?

KIJJOMANYI: He is called Katende.

COUNSEL: Of where?

KIJJOMANYI: Katosi.

COUNSEL: Son of who?

KIJJOMANYI: His father is dead.

COUNSEL: Okay; what does he do?

KIJJOMANYI: He is a shopkeeper.

COUNSEL: The shop is at Katosi?

KIJJOMANYI: Yes.

CHAIRMAN: Anybody else?

KIJJOMANYI: His name is Mayanja.

COUNSEL: This Mayanja the shopkeeper?

KIJJOMANYI: Yes.

COUNSEL: At Katosi?

KIJJOMANYI: Yes. And the muluka chief, Kizito was there.

MR. NAGENDA: The Leading Counsel, can I ask you whether, either any of these people is going later to be called?

COUNSEL: My Lord Chairman, we are not going to call any of these people in relation to the evidence of the killing of the four white men; but now this is a new development. And further investigations into the death will have to be carried out.

CHAIRMAN: Commissioner, it is important because you remember in our terms of reference where hearsay evidence should not be admitted which affects anybody adversely. So it is very important that people whom he has mentioned as having witnessed this should be called; otherwise this evidence is hear-say; the killing of Kintu.

COUNSEL: Was it only Kintu who was killed to your knowledge or there was any other person?

KIJJOMANYI: There is a school boy who was Kiwanuka's son.

COUNSEL: Kiwanuka of where?

KIJJOMANYI: He lives at Katosi.

COUNSEL: Who killed this son of Kiwanuka?

KIJJOMANYI: I did not know who killed him.

COUNSEL: Do you know the name of this son who was killed?

KIJJOMANYI: I cannot remember; but his father is alive.

COUNSEL: How old was he when he was killed?

KIJJOMANYI: He was 14; but he was in secondary school.

MR. NAGENDA: Clarification. Why was Kintu killed?

KIJJOMANYI: He was killed as a result of a quarrel over an engine.

MR. NAGENDA: What happened to the engine?

KIJJOMANYI: They wanted to rob it.

MR. NAGENDA: Who?

KIJJOMANYI: Tindyebwa and his men.

MR. NAGENDA: So you mean once they killed him they took the engine or?

KIJJOMANYI: When they shot him dead, the man who took them there was a driver, by the time he was shot dead, the driver had left.

MR. NAGENDA: Yes! So,

KIJJOMANYI: So these people walked on foot to go back home.

MR. NAGENDA: Do you mean to infer that, they could not carry the engine because it was too heavy for them?

KIJJOMANYI: Yes, it was very heavy.

MR. NAGENDA: Did they take it on another occasion?

KIJJOMANYI: No; by the time I left there they had not taken it.

MR. NAGENDA: How about the school boy, Kiwanuka's son, why was he killed?

KIJJOMANYI: They killed him in the morning; they said that he was loading coffee.

COUNSEL: Were you present when this young man was killed?

KIJJOMANYI: I was not there when he was shot dead but I attended his burial.

COUNSEL: Are there any people to your knowledge who were present?

KIJJOMANYI: No; I cannot remember. But his father knows.

COUNSEL: We have received here evidence that Bob Astles had a boat and was carrying out duties against smuggling. You have also mentioned that one or sometimes you used to carry out your duties on the lake. Did you ever meet Bob Astles in the lake?

KIJJOMANYI: He used to come to the landing site and I never saw him in the lake. But Tindyebwa used to make surveillances.

COUNSEL: When you would see Bob Astles, was he usually in uniform?

KIJJOMANYI: No; he was not in uniform; he was always in his short sleeved shirt and a pair of trousers.

COUNSEL: Did you ever see him with a gun?

KIJJOMANYI: Yes, he used to walk with his gun.

COUNSEL: Did you ever know whether this gun was used by him?

KIJJOMANYI: No; because I did not see him physically.

COUNSEL: My Lord Chairman, that is all I wanted from this witness.

MR. NAGENDA: Let me ask him some questions. Mr. Kijjomanyi, first of all, I think, I

should tell you that we have it on evidence that you yourself also made some movements; some hand movements. Is this true?

KIJJOMANYI: It is not true.

MR. NAGENDA: When you followed Mr. Tindyebwa, were you working together - had you, sort of, formulated the plan to injure the white people?

KIJJOMANYI: We did not go with Tindyebwa; Tindyebwa left us at a distance; and he took the bicycle. But as he was going he said, you also come, you help us to carry these people so that they could be put on the lorry.

MR. NAGENDA: When were they going to be put on the lorry; did he tell you?

KIJJOMANYI: I did not know.

MR. NAGENDA: So you had nothing to do with shooting or anything?

KIJJOMANYI: Yes, I did not know anything.

MR. NAGENDA: Okay. The people who shot, this one Libyan and four black people who shot the white people, how close were they to the white people when they shot them?

KIJJOMANYI: They were near Tindyebwa but it is the Libyan who was on my left hand side.

MR. NAGENDA: Right. How long were they there after they lined you before they started shooting?

KIJJOMANYI: It did not last for four minutes.

MR. NAGENDA: Why were you placed among these white people?

KIJJOMANYI: I did not know; but may be he wanted to trap me so that I would be killed with those Europeans because he knew that I was a police officer and I would give evidence.

MR. NAGENDA: You talked about - after the shooting, the soldiers grabbed things and took them away; what things did they take?

KIJJOMANYI: They took the kit bags; and the luggage were not open; so I could not know what was there. But I saw their stove when they landed in the morning; and they had a radio.

MR. NAGENDA: And you said that Mr. Tindyebwa took away a bag?

KIJJOMANYI: Yes, I saw him taking it towards the vehicle.

MR. NAGENDA: You said that next day Mr. Tindyebwa said to you that the white man at the back had been sending messages to Kenya. Did you?

KIJJOMANYI: Yes, Mr. Tindyebwa told me when he was in his car.

MR. NAGENDA: Did you ask him how he had found that out?

KIJJOMANYI: He told me that he was informed by the Libyans.

MR. NAGENDA: Did you yourself see these people sending any news anywhere talking into walkie talkie or anything - the white people?

KIJJOMANYI: Yes, I saw one talking before I left.

MR. NAGENDA: Did you get close enough to him to hear what he was saying?

KIJJOMANYI: I asked him what he was talking and he told me, he was informing them that they had landed safely but the situation there was tense.

MR. NAGENDA: Did you ask him to whom he was talking?

KIJJOMANYI: I did not.

MR. NAGENDA: You said that the next day Tindyebwa came back in a car by himself. Was it the car he had been in the previous day?

KIJJOMANYI: No, this was another car.

MR. NAGENDA: What car was this?

KIJJOMANYI: Like the ones you are using.

MR. NAGENDA: A pick-up?

KIJJOMANYI: Yes, it was a pick-up.

MR. NAGENDA: Yes, unfortunately we have used pick-ups. Anyway you talked about Kintu and a school boy who had been killed; were there other people killed?

KIJJOMANYI: Those whom I heard about were so many.

MR. NAGENDA: Why were they being killed?

KIJJOMANYI: I used to hear that they were caught smuggling coffee.

MR. NAGENDA: Did you ever hear whether Mr. Bob Astles himself took part in these killings?

KIJJOMANYI: No; I have never heard persons saying that somebody was shot by a European.

MR. NAGENDA: Mr. Tindyebwa yesterday said that in fact he was a very nice man, very well liked in the area. What do you say to that?

KIJJOMANYI: (Laughs).

MR. NAGENDA: I think it should be noted that the gentleman - the witness laughed.

KIJJOMANYI: I have been forced to laugh because to hear that Tindyebwa is very much liked at our place; even if you go and collect another person who has not been here will tell you that Tindyebwa was very dangerous.

MR. NAGENDA: I find your answer - it must be very convincing. But there were people with Tindyebwa, why do you only know the name of Tindyebwa? Did other people have no names?

KIJJOMANYI: Tindyebwa was the commander; and he is the man who used to come near us; the others were just used to loot and to grab things; but the responsibility was under Tindyebwa.

MR. NAGENDA: You realise that you will probably have to face him in cross evidence?

KIJJOMANYI: This is not my first time to give evidence against him. I am ready I will give more information.

MR. NAGENDA: Good, thank you.

KAKWENZIRE: You told us that you were pushed inside the car when you met Tindyebwa. Evidence has come to us that one soldier whom you have also mentioned, who had a lot of ammunition on his chest spoke to the Libyan in Arabic, since you know a bit of Swahili and you can tell which is English, did you hear any Arabic being spoken in the car?

KIJJOMANYI: There was no soldier who talked with a Libyan in the car that particular time.

KAKWENZIRE: Now, from your observation did Tindyebwa try to explain to the Libyan anything as to what he was going to do?

KIJJOMANYI: The soldiers were using signs but they were not speaking.

KAKWENZIRE: Evidence also here mentioned there were two Libyans; you are sure it was one Libyan? I want to hear this from you, I am sorry to ask you again.

KIJJOMANYI: In our vehicle there was only one Libyan and he is the man who sat on me.

KAKWENZIRE: Thank you. You have mentioned that you yourself, you were very much mishandled by Tindyebwa and his soldiers that actually you were thrown in the sea. Why were you mishandled?

KIJJOMANYI: Money.

KAKWENZIRE: How?

KIJJOMANYI: At that particular day Tindyebwa came with soldiers. They found the people at the landing site about 300, then they started shooting in the air.

We were scared and they told us to sit down. So they started beating us terribly and Tindyebwa, called me that "you the Market Master come here," and he grabbed me and he tried to throw me in the water.

KAKWENZIRE: Did you pay money?

KIJJOMANYI: I did not, I said, "Okay let me die with government's money". But they grabbed some of the tickets.

KAKWENZIRE: Can you also tell this Commission of other incidences of violation of Human rights?

KIJJOMANYI: I can. They violated a lot of our human rights in this country which was very peaceful. In our area we used to walk freely, we could not discriminate anybody on tribe, but when they came they divided the people.

KAKWENZIRE: In what way?

KIJJOMANYI: In an area, they would come and ask the people their tribes and those who are their tribesmen, whether in the police whether in the army for them they could spare them because they thought may be they were the best. But those who were not their tribesmen could find it rough. For instance, in my area before Bob came and established a barracks there we were very peaceful and we were almost one tribe, but when Bob came they started discriminating people on tribe. They could come rob our property and we did not have anywhere to report, so they left the area divided.

KAKWENZIRE: As one of the elders of the village had you had reports to the effect that Bob Astles's pigs and other animals were used to be let free and eat people crops as they wished?

KIJJOMANYI: Yes, it is true.

KAKWENZIRE: Now, you have also caused a bit of curiosity in my mind, you said you have already given evidence against Tindyebwa, where and how?

KIJJOMANYI: In the court at Mukono.

KAKWENZIRE: When?

KIJJOMANYI: Last year but one over the breaking into Mayanja's shop.

KAKWENZIRE: And was your evidence taken as - what happened to Tindyebwa after that?

KIJJOMANYI: I did not know.

KAKWENZIRE: Okay, thank you.

MR. KAWANGA: I only wanted to find out what happened to the Gombolola Chief. You followed Tindyebwa from the car with a Gombolola Chief what happened

to him?

KIJJOMANYI: When they started lining us that is when I stopped seeing the Gombolola Chief I only saw him afterward, I do not know how he managed to disappear.

ASST COUNSEL: May be one last question. How did you know that in this particular car where you travelled that this man who sat on you was a Libyan?

KIJJOMANYI: All the whites who came from Entebbe side we knew them as Libyans.

ASST COUNSEL: Are you aware also that there are some Libyans who are black?

KIJJOMANYI: The one who sat on me was not a black man, he was white.

COUNSEL: I am just asking whether you know that because even the others in that car could have been Libyans but because they were not white.

KIJJOMANYI: I have never heard about it.

COUNSEL: That is all my Lord.

CHAIRMAN: Just one further clarification I do not know whether you have been asked this, you have talked of a Commander who told I think you or Tindyebwa, one of the Europeans who had been sending messages to Kenya, that it was this Commander who killed that European, did you ever get to know the name of this Commander? The one who you said was wearing I think ammunition belt.

KIJJOMANYI: I heard about the name but I cannot remember.

CHAIRMAN: Had you seen him in the area before?

KIJJOMANYI: I met him one time.

MR. NAGENDA: Was he Hammed, is that the name?

KIJJOMANYI: May be he is the one.

CHAIRMAN: Well, Mr. Kijjomanyi, thank you very much for your evidence, has elucidated this matter further. As you realise you may be recalled for cross examination by Tindyebwa because some of the things you have said affects him, but I think you have said that you have no fear because you have given evidence against him before. I am not saying that he will but that is up to him if he wishes.

KIJJOMANYI: I do not fear I am ready.

CHAIRMAN: Yes, good, thank you. You may go home now. In the meantime we shall, before we hear the next witness, I think have a short break of about 20 minutes and resume here at 20 to one o'clock this afternoon.

ASST COUNSEL: Most obliged, my Lord.

CHAIRMAN: Ladies and Gentlemen, we should be resuming the hearing now after the break which has just ended but we shall instead of continuing with the hearing of the evidence, we are going to visit two places which are important in this Inquiry which have been mentioned - by various witnesses and these are the premises of the former State Research Centre at Nakasero and Public Safety Unit at Naguru. Now, I will adjourn the hearing now to next Wednesday 19th at 9.30 a.m. In the meantime this afternoon we shall proceed to visit Nakasero and Naguru.

Commissioners and Learned Counsels, Ladies and Gentlemen let us start the Session of Inquiry today, 23rd of July, 1987. It is about 10.10 a.m.; it is about the earliest we have started for a long time at that time.

COUNSEL: My Lord Chairman, the case that we start on was the massacre of people at Namugongo some few years ago and I will ask my Assistant, Mr. Barishaki to lead the witness.

WITNESS NO.123: MR. MATIYA MUGAMBE - SWORN IN

ASST. COUNSEL: Could you state your names please?

MUGAMBE: I am Matiya Mugambe.

ASST COUNSEL: How old are you?

MUGAMBE: I was born in 1932

MR. NAGENDA: 32?

MUGAMBE: I was born in 1932.

MR. NAGENDA: He is 55 therefore.

MUGAMBE: I should be 55 years old.

ASST. COUNSEL: Where were you born?

MUGAMBE: I was born at Kinawa village, Kyadondo County, in Sangi Sub-county.

ASST. COUNSEL: And where do you reside?

MUGAMBE: At present I reside at Namugongo, Sabaddu Sub-county Kira, Kyadondo County.

ASST. COUNSEL: Since when have you lived in Namugongo?

MUGAMBE: I started living at Namugongo in 1954.

ASST. COUNSEL: What is your occupation?

MUGAMBE: I am a bicycle repairer as well as a cultivator.

ASST. COUNSEL: You said you reside in Namugongo, do you have a family?

MUGAMBE: Yes, I have. I have them here in one of the photographs.

ASST. COUNSEL: What is the size of your family?

MUGAMBE: About 15.

ASST. COUNSEL: And you stay with all of them at Namugongo?

MUGAMBE: Some of the old ones are staying on their own working somewhere but I stay with the young ones. Some of them are not here in the photograph, the very young ones.

ASST. COUNSEL: Now in 1982, December were you at home?

MUGAMBE: Yes, I was at home.

ASST. COUNSEL: Now, may be you do not remember the date but I will refer to a specific date of 8th December, was there anything of significance or of remembrance that could have occurred may be at your home or in your area?

MUGAMBE: Yes, something happened.

ASST. COUNSEL: Please explain.

MUGAMBE: On the 8th December, 1982 at about 2.00 p.m a patrol was sent to arrest some people from our village. I was also arrested on the same patrol together with some other twelve people I was the 13th. These are the names of the people who were arrested on an operation which was known as *panda gari*. I was the first one; Matiya Mugambe, the second one was Erimiya Munyigwa. On that occasion, Mr. Erimiya Munyigwa returned, he left us at Mbuya barracks but eventually he died. The third one is Mikaili Mutakewa, the fourth is Sunday Dabusono, the fifth one is Dominiko Baguma, the sixth one is Wazongolo Mugisu; that one died at Mbuya Barracks.

MR. NAGENDA: Excuse me, did you say Wasongolo Emugisu or Wazongolo Mugisu?

MUGAMBE: Yes, his tribe is Mugisu. The seventh one is Byekwaso Ssalongo.

MR. NAGENDA: Excuse me, sorry, clarification, did he say that Wazongolo died at Makindye or died somewhere?

MUGAMBE: He died at Mbuya Barracks. The seventh one is Byekwaso Ssalongo, the eighth one was a herdsman but I did not know his name.

MR. NAGENDA: No, he was Katalo.

MUGAMBE: He is called Katalo, he was a herdsman. The three this herdsman and the other two left us at Mbuya Barracks; they were taken back alive.

MR. NAGENDA: Sorry, I think for the record what the witness said was Katalo Mulalo had two brothers of his, whose names I did not know. These three plus Erimiya Munyigwa left us at Mbuya, that is what the correct record is.

MUGAMBE: The tenth one is Joseph Kato, 11th is Kakooza, the 12th is Sperito Bitaaba, 13th is Peter Kasule.

ASST. COUNSEL: Now, Mr. Mugambe, when these soldiers reached your area and this was 2.00 p.m before they arrested you, did they give you any reasons why they were arresting you?

MUGAMBE: They did not give us any reason, they went on arresting us and they took us to a certain forest at Nakiyanja and when we reached there they started asking among themselves that, 'may be we kill these people here?' And some of them said, 'no, let us leave them'. There we met a certain gentleman who was cutting palm tree leaves, when he heard us he ran away. They wanted to arrest him and add him on to our number. From that forest we were brought to Namugongo Church where we met a bus which was parked there and a lorry. There we boarded onto the vehicles and we were taken to Mbuya army barracks at around 4.00 p.m.

ASST. COUNSEL: Now, before we got to Mbuya how far was this forest? How far is this Nakiyanja forest from your home where you had been taken from?

MUGAMBE: It is about one mile.

ASST. COUNSEL: And to your knowledge had the soldiers been visiting this forest before?

MUGAMBE: No, they used to walk about in our area looking for guerillas in the bush.

ASST. COUNSEL: Now, you said you were taken to Namugongo Church, which of the churches in Namugongo were you taken to, the Catholic or the Protestant Church?

MUGAMBE: We were brought to the Catholic Church.

ASST. COUNSEL: And since it was day time, did you meet any may be priest, brother or nun in the Church?

MUGAMBE: All those people who were at the Church had gathered somewhere.

ASST. COUNSEL: Did they see you?

MUGAMBE: Now, they could see us but we had already been separated from them because we had been arrested from the village.

ASST. COUNSEL: Now, when you were arrested, did the soldiers disturb you, may be your members of the family and may be your property?

MUGAMBE: When they were arresting me at first they asked for my identity card but I had my driving permit. When I produced my driving permit, they entered into my house, they collected some few items like torch and my shoes and then they took me.

ASST. COUNSEL: Was that all?

MUGAMBE: At that moment that was all they took but later on some other property was taken by the soldiers who came later on.

ASST. COUNSEL: I shall come to that later. Now you say you are a driver may be most drivers take note of number plates of vehicles since you had a permit, as you had said; did you identify the registration number of this bus what you were taken in?

MUGAMBE: No, at that time, I could not. We were not allowed to look anywhere all the time our heads were downwards. And on our way we were made to lie down heads looking downwards while soldiers were stepping on us.

ASST. COUNSEL: You mean you were being beaten and-

MUGAMBE: Yes, we were being beaten and harassed.

ASST. COUNSEL: But you could identify the colour of this bus?

MUGAMBE: There were two vehicles, there was a lorry Tata and a bus, I heard that it was obtained from a certain Company but they used to carry charcoal on those buses, but the main point is that I was carried in a Tata lorry.

ASST. COUNSEL: So, you were taken to Mbuya, what followed?

MUGAMBE: When we reached Mbuya Barracks at about 5.00 p.m, we were made to sit there and our names were taken down, and they noted down whatever we have like pieces of papers but they had already removed all our money from us.

ASST. COUNSEL: Yes, what followed?

MUGAMBE: Then we were taken to a certain cell inside the barracks. After about two days we were taken to a certain room where each one of us was interrogated.

ASST. COUNSEL: Now give us the details of this interrogation what were they asking you?

MUGAMBE: They asked what work I was doing. I replied that in the past I was a driver until I retired and I left that work to my children now I am doing some other small works at home. They tried to ask me that you tell us the truth, you are telling lies you had not been doing that. At that time they went on asking me until a certain man slapped me very heavily and I fell down. At the place where I fell there was a concrete block against which I fell and even my jaw could not come back. At that moment they took away my driving permit which I got in 1957, they tore it and threw it away. At that moment I started crying in agony until they returned me to the cell. Then on the 11th of January, 1983, early in the morning we were taken to Luzira.

ASST. COUNSEL: Now, before you went to Luzira, you said that you were slapped and you fell down; did the questioning stop when you were slapped; and you started crying?

MUGAMBE: After the interrogation on that day, nothing followed, but they were asking each of us on different days.

ASST. COUNSEL: Excuse me, you talked about you have been taken to Luzira, was it from Mbuya or from Kireka? Because as I note you started with Kireka Barracks, were you taken to Kireka Barracks or to Mbuya, I want to clarify that one. I say, earlier when you started I think he mentioned Kireka then in his -(interjection) - I think it went like this.

MUGAMBE: I was never taken to Kireka at all.

MR. NAGENDA: And he never said it first of all.

MUGAMBE: None of us was taken to Kireka.

ASST. COUNSEL: Now, you said that your jaw could not come back, how is it that your jaw is back, how did it come back?

MUGAMBE: Eventually my jaw came back but who knows? God knows, to whom could I cry?

ASST. COUNSEL: You mean you never got any treatment?

MUGAMBE: I never got any treatment.

ASST. COUNSEL: So, in Mbuya apart from the slap, did you get any other treatment for the days you were there that you feel was not human?

MUGAMBE: We stayed there but at times we did not eat because the food was for soldiers, they were just kind to give us some food.

ASST. COUNSEL: Did all of you with your friends, were all of you taken to Luzira?

MUGAMBE: Some people like Erimiya Munyigwa, Katale and his brothers and

Wazongolo who died are the people who did not go to Luzira.

ASST. COUNSEL: Please be specific, who died among these?

MUGAMBE: Erimiya Munyigwa was released but he died later on when I was about to be released from Luzira.

ASST. COUNSEL: Yes?

MUGAMBE: When we were still in the barracks, Wazongolo is the one whom we saw, who had died.

ASST. COUNSEL: What was the cause of his death?

MUGAMBE: Wazongolo when we were still in the cell he used to run about in the cell, walking about that he had something wrong with his head.

ASST. COUNSEL: Since you had known him before was he having this something wrong in his head before he was taken to Mbuya?

MUGAMBE: Yes, because he was staying near my home whenever he used to take a drink he used to run about and it seems his head was not normal.

ASST. COUNSEL: But in Mbuya there was no drink I suppose?

MUGAMBE: There was no drink but I do not know what followed.

ASST. COUNSEL: Okay, let me be direct, was he beaten in anyway?

CHAIRMAN: Counsel, may be what you perhaps ask whether he died, was it a natural death caused or was it caused by the soldiers?

MUGAMBE: His death was caused by the soldiers.

CHAIRMAN: How?

MUGAMBE: During one night when we were asleep he woke up then he went on raising an alarm while in the cell. Consequently, the soldiers came they asked him what was wrong with him he did not reply. Then they ordered him to knock his head against the wall with force. Then his head got swollen in the forehead then that swelling got a little bit watery and then that was the cause of his death.

ASST. COUNSEL: Now, were you with him in the same cell?

MUGAMBE: I was with him in the same cell.

ASST. COUNSEL: And was he himself alone when knocked his head on the wall until he got this injury?

MUGAMBE: The soldiers ordered him to do so.

ASST. COUNSEL: You mean nobody touched him?

MUGAMBE: Yes, they helped him at times to knock the head against the wall.

ASST. COUNSEL: How would they help him?

MUGAMBE: They got hold of him at the back of his head and they knocked his head against the wall.

ASST. COUNSEL: So later on he died?

MUGAMBE: After about two weeks he died.

ASST. COUNSEL: Where was the body buried if you know?

MUGAMBE: They took his body from the cell, they know where they buried it, these people who were guarding us.

ASST. COUNSEL: What of Katale and his brothers?

MUGAMBE: Katale and his brothers were released. May be their relatives gave some ramson, they were released.

ASST. COUNSEL: Was there any particular incident that happened to any of your friends, that you may wish to say in Mbuya?

MUGAMBE: Before we left Mbuya this Erimiya Munyigwa was harassed.

ASST. COUNSEL: When you say harassed what do you mean?

MUGAMBE: They used to beat him tie him up and all sorts of other things. And during one night he declared that, 'I am dead if you happen to go home, my son so will be my heir'. And at one time, he had no beards, they told him you wait a little bit when your beards grow up we shall know that you are another Binaisa, you are the ones who bring problems in this country.

ASST. COUNSEL: From what you say you seem to imply that Munyigwa was beaten more than the rest of you.

MUGAMBE: It is true he was severely beaten.

ASST. COUNSEL: Was there anything special about him?

MUGAMBE: Because at the time of his arrest, he had a very small clinic, he was selling some medicine, and they alleged that he was treating bandits that is why he was severely beaten and some other acts against him.

ASST. COUNSEL: So on the 11th of January, 1983 you were taken to Luzira?

MUGAMBE: That is right.

ASST. COUNSEL: By the time had you known why you had been arrested?

MUGAMBE: There was no reason given to me as I earlier said that it was a sort of *panda gari* like my friends.

ASST. COUNSEL: Now, what followed when you reached Luzira?

MUGAMBE: When we reached Luzira in the evening time we were taken to cells.

ASST. COUNSEL: Was it in Upper Prisons or in Murchison Bay?

MUGAMBE: It was Upper Prison.

ASST. COUNSEL: Yes continue.

MUGAMBE: Our names were written down, they gave us eats and blankets then we slept. We left Luzira in 1984 but in between the Red Cross used to bring us some things and I have a certificate which they gave me.

ASST. COUNSEL: That is fine, now, while in Luzira were you taken to any court of law or were you charged of any offence?

MUGAMBE: While I was still in Luzira one day I was taken to the office of the Officer in Charge and he asked me the reason why I was taken to Luzira. He asked me, 'why were you arrested, and how were you arrested?' Then I replied that I was just arrested like that without a reason, I was with one of my children. Then they told me, 'you go and join your friends there.' Because at the time they came to arrest me they had already arrested some of my friends. The reason was that some of our friends had already run away and they had hidden themselves but we were also going to hide ourselves in the Parish but we had not reached there.

MR. NAGENDA: Clarification. Are you saying that in fact when they got you, you were in a group of people moving about?

MUGAMBE: No, I was at home but they were coming while arresting people.

COUNSEL: Yes, now you have been asked "Were you taken before court?" So, you are saying before O.C you were asked these questions.

MUGAMBE: I am saying I was taken to a court because a certain Magistrate came and he was asking me some questions. That is why I am saying I was taken to a court but not an ordinary court.

COUNSEL: Now, after he had asked you these questions what happened?

MUGAMBE: He told me that you came on a *panda gari*, so I was taken back to the cells.

COUNSEL: Then what followed?

MR. NAGENDA: Excuse me, before anything follows, how do you know this person was a Magistrate or a Judge?

MUGAMBE: When the soldiers came to me they told me that a Magistrate has come, he wants to see you and when I went to see him, he told me no, your case is of *panda gari*, I cannot do anything for you, so I was taken back to the cells.

ASST. COUNSEL: Did you come to know the names of this Magistrate?

MUGAMBE: No, I did not.

ASST. COUNSEL: So, what follows after that?

MUGAMBE: I was taken back to the cells.

ASST. COUNSEL: And after that?

MUGAMBE: Nothing followed until I was released in 1984.

ASST. COUNSEL: Anything more?

MUGAMBE: While I was still in prison one of my children was killed but I was not present. I think my wife will tell you this; and after I was arrested my property was stolen and taken but my wife will let you know about this.

ASST. COUNSEL: No, you mentioned about a certificate from the Red Cross, do you have it here?

MUGAMBE: I have it here.

ASST. COUNSEL: Let us have a look.

MUGAMBE: This is the release order.

ASST. COUNSEL: My Lord, Gentlemen and Lady Commissioners, I wish to tender in those two documents as exhibits.

CHAIRMAN: Well, Counsel we have seen the documents I do not know the purpose is it to prove that he was inside or that the Red Cross rendered some assistance, I do not know.

ASST. COUNSEL: The purpose, my Lord is to prove on his detention.

CHAIRMAN: I do not think we would have any doubt about that one, if you insist-

ASST. COUNSEL: Most obliged to you, my Lord if you have noted them and taken notice then they will be returned.

CHAIRMAN: Well, note that for purposes of record, I think it is not necessary to exhibit these documents, but I will say that a chit issued by the ICRC to this witness on his release was shown to the Commission.

ASST. COUNSEL: Yes, I am most obliged to you, my Lord.

CHAIRMAN: So was a letter, I think signed by the army officer in charge of, is it prisons? No, O/C Upper Prisons Luzira to the effect that witness had been released. The date, 27th July, 1984 of both documents.'

NAGENDA: The Red Cross saw him on the 16th February, 1984.

COUNSEL: May be before you have finished you told us that 13 of you were arrested on 8th December, 1982, when you were taken to Mbuya, did you find some other people arrested in Mbuya?

MUGAMBE: Yes, we met there other people and there were very many.

COUNSEL: Of different types?

MUGAMBE: Of different types.

COUNSEL: Now, what do you mean by of different types?

MUGAMBE: I am saying so because in the cell where I was, I met a certain gentleman who informed me that he had a motor vehicle but they wanted to take it away from him and they had it. That gentleman told me that they arrested him and put him in the cell because they wanted completely to take his vehicle.

COUNSEL: You mean he was just there because of his car?

MUGAMBE: That is what he told me because in the cells we were conversing as we are doing now.

COUNSEL: Did he tell you his name?

MUGAMBE: No, he did not but if he did it is a long time I have forgotten, we were there just conversing.

COUNSEL: Did you find women prisoners?

MUGAMBE: At Mbuya we met about 20 women prisoners.

COUNSEL: Were they in a different cell or in the same cell which you were?

MUGAMBE: I beg your pardon but they were about ten or so but they had a different cell.

COUNSEL: Did you have any occasion to talk to them, any of them?

MUGAMBE: No, I did not.

COUNSEL: Now, when you were taken to Luzira, how many were taken to Luzira on this day you said?

MUGAMBE: I do not remember the exact number but many of us were taken but I

know this number which was collected from my village.

COUNSEL: You told the Commission that when you were being brought to Mbuya, you were made to lie down, facing down, was it the same way you were taken to Luzira?

MUGAMBE: When we were taken to Luzira, we were taken in a bus but it was worse.

COUNSEL: You mean it was worse or it was better?

MUGAMBE: It was worse, not better.

COUNSEL: Why?

MUGAMBE: When we were removed from the cell at Mbuya, there were a number of guns facing us, when they were ordering us to board the bus, and when we boarded the bus no one was allowed to sit we were lying down face downwards under the seats because they alleged that we could escape.

DR. LUYOMBYA: Were you ordered to push your heads underneath the seats or you opted yourselves?

MUGAMBE: We were forced and we were even kicked.

MR. NAGENDA: I am just interested in a very small matter when you said there were guns which were encouraging you to get into the bus, do you mean these guns were being chopped into your bodies?

MUGAMBE: No, they were just pointing at us to see who can escape.

KAKWENZIRE: In the *panda gari* exercise, did the local authorities participate in identifying who was to be arrested?

MUGAMBE: That is a very difficult question because at that time it was very impossible to see through all the people, or to identify who is a chief or not but we could not approach them. Even chiefs had hidden themselves you could not know who is a chief at that time.

KAKWENZIRE: So, what he is saying he does not know any of the people who were arresting. About how many were they who were in that operation?

MUGAMBE: They were very many, they came in a full lorry you could not identify any of them.

KAKWENZIRE: So, were they arresting anybody who crossed their way or they were looking for specific people?

MUGAMBE: They were arresting anybody who came across them, who looked nice to them.

KAKWENZIRE: Who looked nice?

MUGAMBE: Yes.

KAKWENZIRE: In what way?

COUNSEL: You have finished?

KAKWENZIRE: Yes.

COUNSEL: Now, you have told us how you moved from Namugongo to Mbuya, from Mbuya to Luzira, now, may be you did not tell us in detail about the condition of the cell at Mbuya what was the condition of the cell in which you were detained?

MUGAMBE: The cell at Mbuya was made in a such a way as you see that corridor there. It is divided by walls but they are not locked and when you caught sleep you just sleep anyhow but the doors in between are not locked and each prisoner is at liberty to walk anyhow as he likes and the toilets are somewhere. The cells where the women prisoners were was the only one where there was a lock.

COUNSEL: Now were you sleeping? Were you provided with a blanket or mattress something like that?

MUGAMBE: You just lie on the floor like a pig.

COUNSEL: So, you do not cover yourself, you do not have anything to lie on?

MUGAMBE: You do not have anything.

COUNSEL: Now, about washing, were you washing your body?

MUGAMBE: Yes, there is a tap inside the cell you can even drink the water.

KAKWENZIRE: Is the *mufuleze* the same as a tap? A *mufuleze* I thought it would mean a drain could he specify?

MUGAMBE: It is not a drainage but a tap anybody could use the water.

CHAIRMAN: Were the relatives allowed to visit you?

MUGAMBE: Yes, some prisoners were visited but through soldiers.

CHAIRMAN: Were you visited? What about yourself?

MUGAMBE: I was not visited, my relatives feared. They did not know any soldier.

CHAIRMAN: Did those whose relatives visited them, did the relatives bring them any sleeping materials, food, or anything, any assistance from home?

MUGAMBE: No, in the cell they cannot bring you any beddings or mattress but they could bring some food or drinks.

CHAIRMAN: How big was the cell in which you were?

MUGAMBE: This hall is too big, but the cells are much smaller.

CHAIRMAN: How many were you, sorry approximately?

MUGAMBE: Most times we used to be 30 or 35 but including the soldiers who were also prisoners they are the people who used to get food but through kindness they could supply us some.

CHAIRMAN: Now, you said something about punishment, was it not soldiers who were under discipline?

COUNSEL: No, I think the question which the Judge was asking was when he mentioned something about punishment, was it soldiers who were being disciplined? I think it is this.

MUGAMBE: Yes, they were soldiers who were disciplined and one soldier I was informed was arrested and put inside because he had lost a pistol.

CHAIRMAN: Would you say you cannot tell us the size of the room, you said this hall is too big; were you crowded? Would you say you were crowded or was your number sufficient for the room.

MUGAMBE: Yes, we were crowded because you could not even put on your cloth at night when you to go sleep. You had to take off the clothes.

CHAIRMAN: It was too hot was it?

MUGAMBE: It was too hot because we were crowded.

CHAIRMAN: Was there no ventilation?

MUGAMBE: That cell was not meant to be a prison precisely because the way the ventilation was put there it is as if they wanted to punish there people, the soldiers.

CHAIRMAN: There were no windows?

MUGAMBE: The cell had a sort of window but very small as if it is a ventilation.

CHAIRMAN: Will you be able to recognize and show us this place if we went there?

MUGAMBE: Since I left that prison, I do not know what it looks like now but as there is no one who can lead you, I do not know what it looks like now.

CHAIRMAN: No, I do not mean now, but what I am saying is you together with other witnesses who have been to this place will have to go and show us where you were detained, this will be arranged.

MUGAMBE: If the place was not changed as changes have taken place perhaps I can

lead you there but at that time I was at death point.

CHAIRMAN: No, you will try.

MUGAMBE: My Lord to do what?

CHAIRMAN: To show us where you were detained. We shall go with you.

MUGAMBE: My Lord I do not know, even you can go and see the cell but -

CHAIRMAN: No, we do not know you were the one who was there.

MUGAMBE: My Lord it is true even you or some important people know that the prison at Mbuya it is at such and such a place.

CHAIRMAN: Is there anybody - are you afraid? Why are you afraid of revisiting your cell?

MUGAMBE: My Lord as I have stated that is what I have stated but I got some shock.

COUNSEL: My Lord I think he would not like to visit it.

CHAIRMAN: Well, you have recovered from the shock?

MUGAMBE: My Lord for example my driving permit which I got in 1957 even now I fear to go to the police and say give me my driving permit.

DR. LUYOMBYA: I think there was something missing in the translation, he mentioned tearing.

MUGAMBE: Yes, which was torn, I cannot bear at all.

DR. LUYOMBYA: When he was in that cell.

MUGAMBE: When I was in that cell I cannot bear to go to the police and say give me my driving permit.

CHAIRMAN: We shall encourage you to go with us to this place. Now, were you given facilities for easing yourselves, the natural call?

MUGAMBE: Yes, the toilet was there.

MR. NAGENDA: Clarification. Please tell the witness that what the Chairman is saying this is for the sense of accuracy and we want him to show us exactly where he was and this will help us in the way that he has helped us with the question he should not fear. Secondly, that it is very unfair for him not to have his license and I am sure one of our investigators will help him, go with him to get his license back.

MUGAMBE: I am very grateful Chairman for that comment.

CHAIRMAN: I hope you remember the number of the license, the driving permit.

MUGAMBE: I only know the year in which I obtained this driving permit because I even have photograph here, if it is wanted there.

CHAIRMAN: Well, I am sure a photograph will be required but may be the number can be traced in the licensing office.

MUGAMBE: I am sure you cannot fail to get the number, my Lord.

MR. NAGENDA: Mr. Mugambe, I just want to ask you two very small questions. Firstly, you said the people who came to visit people at Mbuya knew the soldiers, do you mean by this that they paid them some money?

MUGAMBE: Whenever these people used to bring those eats to their relatives, you even know, even the soldiers wanted to eat some of those things, so automatically they are allowed there.

MR. NAGENDA: Secondly, I am asking you this question which please, you must answer without fear. You said that one of the people who was very badly tortured, Munyigwa, was said to be a bandit, to your knowledge was he a bandit?

MUGAMBE: No, he was not a bandit.

MR. NAGENDA: Was yourself a bandit?

MUGAMBE: No, I was not.

MR. NAGENDA: Were any of your sons bandits?

MUGAMBE: No.

MR. NAGENDA: They came to your area quite often looking for bandits, were there bandits in the area?

MUGAMBE: They used to look for bandits in the forests, but I had never seen one and since I left Luzira, I have never known anyone who was a bandit.

MR. NAGENDA: Since the change of government in 1986, have some of the people that you saw in your area turned out to have been bandits?

MUGAMBE: Eventually, we saw them but we did not know them before.

KAKWENZIRE: I wanted to find out what happened to Munyigwa, you said he was released but later died, did he die as a result of the torture that he underwent?

MUGAMBE: I was informed that he was arrested and taken to Kireka Barracks but since I did not see him I do not know what happened to him but I have never seen him up today.

KAKWENZIRE: Do you know his family, his home?

MUGAMBE: From this side you first reach Munyigwa's home and then you pass about two homes until you reach my home about a distance of two telephone poles.

KAKWENZIRE: So, he is presumed dead?

MUGAMBE: He is presumed dead and his relatives are preparing to perform the last funeral rites in the next coming month.

KAKWENZIRE: He told me to my last question that those people arrested those who looked, pleasing to their eyes but I wanted to stretch it a little bit further to say whether actually there could not have been a format or some kind of selection depending on who they took.

MUGAMBE: At times that thing happened at first but on the day I was arrested no one was informing those people that you arrest this one and this one but - and that is why we were called people of *panda gari*. And even at Luzira there were some people termed as Computers who used to select some people from among us saying do you not know that you were a driver taking food to the bandits you come this side like that, and this is why while I was still at Luzira the so called computers were formed four times and I was not selected, that is why I am sure they just arrested us anyhow, as if you say to a farmer that the price of cotton is so much and so much.

MR. NAGENDA: And even in the market even a lame person is also asked for the same amount.

MUGAMBE: Yes.

KAKWENZIRE: On that note we had heard before about computer, now you are the right person to tell us a little bit more about those computers.

MUGAMBE: As I had said earlier on we had to line up at Luzira and then the so called computer came they select people from us.

KAKWENZIRE: They were people, how many people composed the computer?

MUGAMBE: They were people about six but they used to come from Kampala a certain place which I have forgotten. Then they walk along the line, if they had not yet picked anybody they say no we repeat the exercise we have not identified properly. There was a certain gentleman who was a Mukiga by tribe, who had come to visit his brother in law so he was arrested in one of the exercises and taken to Luzira and he was put among lines and he was picked from the line, saying that he was a bandit. So, what he did he jumped up and down so many times and his intention was to see that he dies there and then throwing himself down. From there he was taken to a place known as punishment cell because he wanted to kill himself. There was one gentleman who was picked from among us they said he was a bandit but I could not understand because I was staying near him, I did not know that he was a bandit but as I said earlier

on they could just look at you and say no this one is a bandit or not. I used to work with that gentleman in the Parish but I did not know that he was a bandit.

DR. LUYOMBYA: Clarification, do you know his name?

MUGAMBE: Sunday Dawson, but eventually he was released.

MR. NAGENDA: Mr. Mugambe, I am just - this has really nothing very much to do with this Inquiry but I am intrigued by the fact that you said that Wazongolo was a Mugisu, you said this other one that he was a Mulalo and then the other one is a Mukiga, why do you remember this so specially?

MUGAMBE: Why I remember this is that at one time my daughter went to marry a certain gentleman and she took one of my youngest child but whenever I used to go there to look for my child, I used to ask for Tom Musebei I knew Musebei as his surname. That is why I know their tribes for example Katale was a herdsman, looking after cattle so that is why I remember.

DR. LUYOMBYA: During the panda gari exercises and during your stay in different detention areas and at Luzira, did you come across children imprisoned there or detained?

MUGAMBE: No, at the time of my arrest I did not meet children, I do not know whether they were being detained in a different place so I do not know anything about that. Mr. Chairman, I request that you permit me to show you a photograph of my child who was killed together with the Reverend at Namugongo.

CHAIRMAN: Yes, certainly, certainly. We need that perhaps when your wife comes to give evidence she would also refer to it. No, show it to us now, you will leave it behind.

MUGAMBE: He was still a young boy because he was born in 1962. He was saying that he was born in 1962, I do not know how you can help me to tell me how he could be by now.

MR. NAGENDA: The only thing I will say having seen this picture and I am very sorry about the death of your son is I wonder whether he was born in 1962 or yes he could have been. This was taken a long time, okay.

CHAIRMAN: We have seen the photograph I do not know whether the Counsel would like to tender it in evidence later.

MUGAMBE: Thank you.

DR. LUYOMBYA: Looking at this photograph are all of those your children, members of your family?

MUGAMBE: They are my real sons but there are some others who are not in the photographs who were still very young.

DR. LUYOMBYA: How were they being looked after during the time of your detention?

MUGAMBE: It is God plus my wife who did that work but she got pain she was also hiding herself in the bush.

DR. LUYOMBYA: Were they schooling?

MUGAMBE: Some of them were schooling. This one in the photograph is my wife. She was three months pregnant.

CHAIRMAN: Counsel do you still have any more questions from you to put to the witness?

COUNSEL: No, no, my Lord.

CHAIRMAN: Mr. Mugambe, thank you very much for your evidence which you have given before this Commission, could you please leave those photographs behind, your wife may refer to them when she comes back to give evidence. Finally, about this, we shall need your co-operation when the visit is arranged to go to Mbuya, you have nothing to fear although it may remind you of your bad experience but we would like you to co-operate and when you are informed to come and show us where you were detained in Mbuya Barracks, for the time being you may go now.

MUGAMBE: Thank you, Mr. Chairman, thank you for your comment but my Lord some of the things may be I have speculated but I fear going there may be you would be asking me what I have said and it is not there. Mr. Chairman you see that point, I do not know what is there now,

CHAIRMAN: Okay, Mr. Mugambe I think thank you very much.

ASST. COUNSEL: My Lord Chairman, our next witness number 124 is Mrs. Florence Mugambe.

CHAIRMAN: Counsel, may be before we start on the next witness let us have a break, a short break of 15 minutes. It is about twelve o'clock now we shall resume in a quarter of an hour's time.

ASST. COUNSEL: Most obliged.

CHAIRMAN: Commissioners, Ladies and Gentlemen, let us resume the session after the break. Now Counsel, I understand there is a new witness whom you are about to call now, let us proceed.

ASST. COUNSEL: My Lord, the next witness number 124 is Mrs. Florence Mugambe.

WITNESS NO: 124: MRS. FLORENCE MUGAMBE - SWORN IN

ASST. COUNSEL: You are Mrs. Florence Mugambe?

MRS. MUGAMBE: Yes.

ASST. COUNSEL: Where do you reside?

MRS. MUGAMBE: I reside at Namugongo.

CHAIRMAN: Counsel, if you know these particulars let us save time. Read it to her then let her confirm it.

ASST. COUNSEL: Staying in Namugongo village?

MRS. MUGAMBE: Yes.

ASST. COUNSEL: Sabaddu Kyadondo, Mpigi District.

MRS. MUGAMBE: Yes.

ASST. COUNSEL: Wife of Mr. Mugambe Mathias?

MRS. MUGAMBE: Yes.

ASST. COUNSEL: When were you married?

MRS. MUGAMBE: In 1980.

ASST. COUNSEL: Since 1980 where have you been staying?

MRS. MUGAMBE: I have been staying at Namugongo.

ASST. COUNSEL: Do you have children?

MRS. MUGAMBE: I have children.

ASST. COUNSEL: How many children?

MRS. MUGAMBE: I have four children.

ASST. COUNSEL: Are you the first wife of Mr. Mugambe?

MRS. MUGAMBE: No, I am not the first wife.

ASST. COUNSEL: Now, do you remember December, 1982?

MRS. MUGAMBE: Yes, I remember.

ASST. COUNSEL: Why do you remember?

MRS. MUGAMBE: Because I had problems in that month.

ASST. COUNSEL: What problems?

MRS. MUGAMBE: During that time we started running away because soldiers of Obote were coming to our village, were attacking us.

ASST. COUNSEL: How were they attacking you?

MRS. MUGAMBE: They used to come in many vehicles and then they could walk about in the village looting our property and that is how we started running way.

ASST. COUNSEL: You mean this was done always?

MRS. MUGAMBE: They did not come at times but for example after may be two months they could come, like that.

ASST. COUNSEL: Now, we have received here evidence that your husband was arrested sometime in December, 1982, was this true?

MRS. MUGAMBE: That is true.

ASST. COUNSEL: How did it happen?

MRS. MUGAMBE: As usual on that day the soldiers came as we were preparing to run away but we had not actually ran away we were collecting some of our property all of a sudden we saw soldiers coming at our home.

ASST. COUNSEL: Whom were you with at home?

MRS. MUGAMBE: I was with six children, together with my husband, we were sitting in the courtyard.

ASST. COUNSEL: About what time was it?

MRS. MUGAMBE: It was about 3.00 p.m.

ASST. COUNSEL: Yes, you said soldiers came, how many soldiers?

MRS. MUGAMBE: They were many because they came in groups of about 15, those could pass and others could come.

ASST. COUNSEL: Now, were they dressed?

MRS. MUGAMBE: They were dressed in plain green army uniform.

ASST. COUNSEL: And were they carrying anything?

MRS. MUGAMBE: They were carrying guns.

ASST. COUNSEL: So when they reached your home what did they do?

MRS. MUGAMBE: At first they did not came to our home, but eventually as I was running away, I realized that my husband had been arrested by the soldiers, so I went up to them and I begged for mercy that they could leave my

husband.

ASST. COUNSEL: Yes, did they tell you why they had arrested him?

MRS. MUGAMBE: They arrested him and they asked his identity card but I remained with one of the soldiers who had a gun, he was pointing the gun at me saying that if you try to run away, we shall shoot you together with your child.

ASST. COUNSEL: Continue.

MRS. MUGAMBE: Then they went back into the house together with my husband, that time they got his shoes and they tore the mattresses and they took some of the property. Because of fear we went to the nearest parish which is near our home, that is where we remained.

ASST COUNSEL: You mean the soldiers left you at home and you walked to the Parish or?

MRS. MUGAMBE: I was separated from my husband, they took my husband at home and then I remained with one of the soldiers then I proceeded towards the Parish.

ASST. COUNSEL: What did this soldier you remained with tell you? What was he telling you?

MRS. MUGAMBE: He wanted to get some money from me and he touched different parts all over my body looking for money.

ASST. COUNSEL: Did he get any money?

MRS. MUGAMBE: He failed to see the money, I had some money on me but he failed to see it.

ASST. COUNSEL: Yes.

MRS. MUGAMBE: I slept at the parish for sometime, for some days because of fear, I could not go back home. At last we went back home but we had no beddings and all our mattresses had been torn, may be one of the soldiers was smoking and a stick fell on the mattress and it was burnt. Then I tried to look for some property like my husband's shoes and his clothes for the children, money I could not find them they had all been taken.

DR. LUYOMBYA: When you went to the parish and spent a night there, were you guarded?

MRS. MUGAMBE: No, we were not guarded, there were no soldiers we were with some girls who used to stay there.

ASST. COUNSEL: Now, what happened to the children whom you were with at home? (Interjection). No, before you come to that let us say when you were with this one soldier where were the children and what happened to them on that day?

MRS. MUGAMBE: There was nothing that happened to them apart from running away through some friends and they were the ones who saw their father being

arrested and taken away.

ASST. COUNSEL: When did you see them again?

MRS. MUGAMBE: When the children saw that their father had been taken by soldiers they came back home,

ASST. COUNSEL: So, when you went home you found them at home?

MRS. MUGAMBE: When they reached home they realized that I was not at home so they also followed me at the parish.

ASST. COUNSEL: Now, how were you able to feed during this time?

MRS. MUGAMBE: It was a difficult time because we used to buy food and I had no money on me.

ASST. COUNSEL: So, what followed when you reached home?

MRS. MUGAMBE: When I went back home I stayed there but I used to go to the neighbours and work for them by cultivating so that I could get food and money to maintain us.

ASST. COUNSEL: Yes, did you learn where your husband was and what had happened to him?

MRS. MUGAMBE: I spent a long time without knowing what had happened to my husband and where he was.

ASST. COUNSEL: When did you come to know?

MRS. MUGAMBE: He wrote to me after he had been taken out of the barracks that is where they had been detained.

ASST. COUNSEL: Yes?

MRS. MUGAMBE: At the time he wrote to me I had lost a child whom he left while he was still very young.

ASST. COUNSEL: What had happened to this child? What was the cause of death?

MRS. MUGAMBE: He was infected with malaria, with fever and I gave him the usual tablets thinking that he will be alright but unfortunately he was infected with measles and he could not be cured.

ASST. COUNSEL: Then you could not take him to a doctor or somebody?

MRS. MUGAMBE: At the time I took him to a clinic which was in the Parish that was the time when I realized that he was badly off, he could not be cured with these usual tablets.

MR. NAGENDA: Clarification. What was the name of this child and how old was he?

MRS. MUGAMBE: He was Robert Kimuli, he was aged four years.

ASST. COUNSEL: Now, when you received the note from your husband, what did you do?

MRS. MUGAMBE: I tried to find ways of reaching him until I was advised to go to the Prisons Headquarters here in Kampala, where I received a chit which allowed me to go and visit him.

DR. LUYOMBYA: What was in that note, the note you received from your husband?

MRS. MUGAMBE: He was informing me that he was taken to Mbuya Army Barracks and after three months he was transferred from Mbuya to Luzira Prison that was where he was, further he was asking me to write to him and inform him the conditions of his children.

ASST. COUNSEL: Did you write to him?

MRS. MUGAMBE: Yes, I wrote to him.

ASST. COUNSEL: So, when you went to get permission, you said you went to Prisons Headquarters? Was it easy to get his letter?

MRS. MUGAMBE: I suffered in getting that letter and I had to look for money to buy it.

ASST. COUNSEL: Whom did you buy if from?

MRS. MUGAMBE: There is a certain Prisons Officer whom I gave Shs.800. and he got the letter for me.

ASST. COUNSEL: Do you know his name?

MRS. MUGAMBE: At present it is very difficult for me to remember his names but I knew his names.

ASST. COUNSEL: What rank was he? What post was he holding there in the Headquarters?

MRS. MUGAMBE: He was one of the Prisons Officers who were issuing those letters.

ASST. COUNSEL: Were you able to see your husband then?

MRS. MUGAMBE: On that very day on which I got that letter, I went to Luzira and I saw my husband.

ASST. COUNSEL: How was his condition when you saw him?

MRS. MUGAMBE: At the time I saw him he had grown very thin and he looked very old.

ASST. COUNSEL: Did you talk to him?

MRS. MUGAMBE: Yes, I talked to him.

ASST. COUNSEL: And what did he tell you?

MRS. MUGAMBE: He directed me to a place where he had kept about Shs. 1,500.

ASST. COUNSEL: Yes, what more?

MRS. MUGAMBE: He also directed me to sell a small goat which was at home that I could get money to help me. We had a sewing machine he told me that if I can be able to get somebody to buy it I could sell it.

ASST. COUNSEL: Now, what was the reason for selling all these things?

MRS. MUGAMBE: The most important thing was to get money to maintain the children and me because at the time of his arrest I was pregnant.

ASST. COUNSEL: Now, let us move from that time to 1984, were you still at Namugongo?

MRS. MUGAMBE: Yes.

ASST. COUNSEL: Now, do you remember some time in May, 1984?

MRS. MUGAMBE: Yes, I remember it very well.

ASST. COUNSEL: Now, why do you remember that period?

MRS. MUGAMBE: I remember that period because I received more problems especially on my heart.

ASST. COUNSEL: What are these problems?

MRS. MUGAMBE: In that month one of the children with whom I stayed with was killed and it is that child with whom I was working to see that we got our maintenance.

ASST. COUNSEL: Counsel, which month in 1984?

MRS. MUGAMBE: My Lord we have moved to 1984, May.

CHAIRMAN: May.

ASST. COUNSEL: We were originally talking of 1982, this is now in 1984. Now, what was the name of this child?

MRS. MUGAMBE: He was called Robert Musikajjo.

ASST. COUNSEL: How old was he?

MRS. MUGAMBE: He was 23 years.

ASST. COUNSEL: When you say he was killed who killed him?

MRS. MUGAMBE: On that day as usual when the soldiers came I ran together with this child to the Parish where we usually used to go.

ASST. COUNSEL: Yes?

MRS. MUGAMBE: At that time they took this child together with his brother, they were two, but they killed this one Robert Musikajjo.

ASST. COUNSEL: Who was the brother?

MRS. MUGAMBE: He is called Emmanuel Ndimwange.

ASST. COUNSEL: When you say they were taken, where were they taken?

MRS. MUGAMBE: When they were taking them they followed the same route where they had taken their father.

ASST. COUNSEL: Where does the route lead to?

MRS. MUGAMBE: It goes down through a forest and reaches a village called Nabusugwe.

ASST. COUNSEL: What followed when you had received these news?

MRS. MUGAMBE: When they had taken the children, I decided not to stay at Namugongo then I ran to Kireka.

DR. LUYOMBYA: The killing of Robert Musikajjo was the information told to you by Emmanuel Ndimwange?

MRS. MUGAMBE: Yes.

KAKWENZIRE: What did he tell you?

MRS. MUGAMBE: Emmanuel Ndimwange told me that the gun shots you heard on the very first occasion are the very bullets which killed Robert Musikajjo.

ASST. COUNSEL: May be we get it straight that he ran to Kireka and then that was when later she had received the news.

DR. LUYOMBYA: But before you move Counsel had the witness heard any bullets?

MRS. MUGAMBE: Yes, I heard the bullets.

ASST. COUNSEL: When did you hear these bullets?

MRS. MUGAMBE: I heard the bullets at about 5.45 p.m. when approaching 6.00 p.m

ASST. COUNSEL: This was on the same day, your sons were arrested?

MRS. MUGAMBE: Yes.

ASST. COUNSEL: You heard these bullets when you were where?

MRS. MUGAMBE: I was on my way to Kireka but I was still at the play-ground at

Namugongo Parish.

MR. NAGENDA: Counsel, are we going to hear directly from Emmanuel Ndimwange himself, do you know?

ASST. COUNSEL: We have not yet got a statement from him.

MR. NAGENDA: Because if not we, I think we ought to find out more details about what happened which he told her.

ASST. COUNSEL: That is all right, we are coming to it.

MR. NAGENDA: After she has gone to Kireka you are coming back to it?

ASST. COUNSEL: Yes, when she reaches Kireka then I shall ask her what happened, how did this boy come in?

CHAIRMAN: Is Emmanuel available, can he be traced?

ASST. COUNSEL: According to our records he will be able to tell us the whereabouts.

CHAIRMAN: He should come, yes.

ASST. COUNSEL: Now, when you reached Kireka that was that very day, how long did you stay in Kireka and what followed?

MRS. MUGAMBE: On that day at about 3.00 a.m I heard the sound of army vehicles going towards Namugongo.

ASST. COUNSEL: Yes?

MRS. MUGAMBE: We grew more fearful on that night because we had not known yet some people had been killed. We know that some people had been killed on the following day.

ASST. COUNSEL: Now, how did you come to learn people had been killed the following day?

MRS. MUGAMBE: Those boys who ran with the child who was killed managed somehow to escape from where they had run to and they came to Kireka they were the ones who informed us. One of them although he is not a member of our family is here, he has come.

ASST COUNSEL: Who is he?

MRS. MUGAMBE: He is called Paul Matovu.

ASST. COUNSEL: Now, what did Emmanuel Ndimwange tell you?

MRS. MUGAMBE: Emmanuel Ndimwange informed me that the gun shots I heard first are the gun shots which killed Robert Musikajje. He further informed me that they were made to line up in one line, but those who managed to take

cover managed to escape and run away. He was among them.

CHAIRMAN: Counsel really let us try to save time. If this witness, the other gentleman is here, and Emmanuel can be traced why do we not hear direct evidence from them on this incident which happened when this witness was not there.

ASST. COUNSEL: My Lord Chairman, it is from that point that the witness will tell us what she did because that is the more relevant part.

CHAIRMAN: Yes, this one whose name is mentioned.

ASST. COUNSEL: Is Emmanuel Ndimwange around?

MRS. MUGAMBE: He is around but he is not here at present.

CHAIRMAN: But he can come as a witness?

MRS. MUGAMBE: Yes, he can.

CHAIRMAN: And Matovu who is here, is he a witness?

MRS. MUGAMBE: Yes, he was at the scene.

ASST. COUNSEL: Matovu is a witness my Lord.

CHAIRMAN: Yes.

ASST. COUNSEL: Now what did you do when you got this information?

MRS. MUGAMBE: I tried to check and confirm that the soldiers had left Namugongo area so that we could go and trace some of our people whether they were killed.

ASST. COUNSEL: Yes, did you trace them?

MRS. MUGAMBE: Yes, on that day we walked towards Namugongo but as we were about to reach we saw some pick-ups full of soldiers, there we had to run back to Kireka, we went back to Kireka.

ASST. COUNSEL: Now, were you able later to find the body of your son?

MRS. MUGAMBE: Yes, after about two weeks I was able to trace the body of my son.

ASST. COUNSEL: You were able to trace it?

MRS. MUGAMBE: We used to walk about to places where people had been killed and at one stage Paul Matovu asked me to which places I had gone, then I informed him then eventually Paul Matovu led me to where the dead body was.

ASST. COUNSEL: So, you found the body and did you bury it?

MRS. MUGAMBE: Yes, eventually I traced the body and we buried it, but we buried some

parts because it had rotten and we could not trace the head.

ASST. COUNSEL: Now were you then able to identify that that was the body of your son?

MRS. MUGAMBE: I was able to identify the body from the clothes he was putting on and from the left foot because the left foot remained there, it had some flesh.

ASST. COUNSEL: Now, look at that picture and see if one of the sons, the son you are talking of is in it so may be the Commissioners know it. Now, when you reached the site where you found the body of your son, did you find may be any other things around there of note?

MRS. MUGAMBE: Before I found the body of my son I used to notice certain things but they were all dead bodies.

ASST. COUNSEL: You mean you had found some dead bodies before you found this body, how many did you find?

MRS. MUGAMBE: That place where I found the body of my son, there was another dead body wrapped in a blanket, may be it was buried and an animal came and - but I had come across about 20 dead bodies in Nakiyanja.

ASST. COUNSEL: Were you able to identify may be some of those bodies?

MRS. MUGAMBE: Yes, I could identity some of them.

ASST. COUNSEL: Which ones did you identify?

MRS. MUGAMBE: One man was Sajjabi he was a very old man.

ASST. COUNSEL: Any other?

MRS. MUGAMBE: And I found a dead body of a Bishop but I have forgotten his name.

ASST. COUNSEL: So, are you saying a Bishop?

MRS. MUGAMBE: He was a Reverend.

ASST. COUNSEL: Reverend of where?

MRS. MUGAMBE: He was a Reverend of Nakiyanja.

ASST. COUNSEL: Any other?

MRS. MUGAMBE: I do not remember the others at present.

ASST. COUNSEL: Now, what was this area called, where you found these bodies, the particular place?

MRS. MUGAMBE: The dead body of the Reverend was covered with used up grass which is used in brewing native beer but the other were at Nakiyanja. But the others I was afraid to look too closely because I was a bit nervous.

ASST. COUNSEL: May be the Commissioner would like to know the particular area where these bodies were, the name of the place.

MRS. MUGAMBE: Those dead bodies were in the valley at Nakiyanja before you go to the nearest Coffee Curing Factory.

ASST. COUNSEL: Do you know what could have happened to these bodies later?

MRS. MUGAMBE: Yes.

ASST COUNSEL: What happened?

MRS. MUGAMBE: The Prisons authorities took those bodies away.

DR. LUYOMBYA: Clarification. Did you see them collecting these bodies?

MRS. MUGAMBE: Yes, I saw them.

MR. NAGENDA: Do you know where they were taken?

MRS. MUGAMBE: I do not know exactly where they were taken but I received information that they were taken to a place known as Bukasa to be buried.

ASST. COUNSEL: Did soldiers again come to disturb you after you had buried your son?.

MRS. MUGAMBE: Since that day I never saw soldiers again because I went back to Kireka where I stayed until my husband was released.

KAKWENZIRE: I wanted to know whether she was able to bury her son in their home, whether she buried the son in Kireka.

MRS. MUGAMBE: They buried my son at home.

MR. NAGENDA: This place Bukasa which they talked about subsequently have you been or anybody else been able to go and have go find out exactly whether they were supposed to have been buried?

MRS. MUGAMBE: No, I have never heard more than that.

MR. NAGENDA: Where is this place called Bukasa, can you please tell us?

MRS. MUGAMBE: You pass through Bweyogerere on the side of Kirinya, there is a road leading to that place.

ASST. COUNSEL: Do you have any other, may be did you undergo any suffering because of these problems apart from what you had said that you may wish to add?

MRS. MUGAMBE: Before they came during the last time there is a time when they came during the night. During that occasion when they came I had collected some money through cultivation and I had used that money to trade some items, so I had bought these items but they took everything. On that

occasion they took the radio and the sewing machine I had not yet sold it and a bicycle, I was left with nothing.

ASST. COUNSEL: Did you ever go to the authorities to report about your problems or did you try to go to court to see whether you could get any help?

MRS. MUGAMBE: My Lord, it was very difficult because there was nobody whom I could point at that he was the one who took my property.

ASST. COUNSEL: Since you said that the soldiers used to come to your place often, did you come to know any of them?

MRS. MUGAMBE: I was unable to identity any of them because at times they could come in green plain uniforms, at times in kanzus and at times in green and white.

ASST. COUNSEL: Did they at any one time tell you why they were coming to your area so often?

MRS. MUGAMBE: They used to enter and search our houses alleging that they were looking for bandits from our houses.

ASST. COUNSEL: And were there bandits in your area?

MRS. MUGAMBE: I did not know that there were bandits in our area.

ASST. COUNSEL: My Lord that is all I have from this witness.

KAKWENZIRE: In this four years of suffering were the witness's children able to go to school when she moved to Kireka?

MRS. MUGAMBE: I was able to pay school fees for one child and this is the one kneeling here at times she could be sent away from school because of lack of school fees.

KAKWENZIRE: After you have been able to return to your home, have they been able to resume or some of them have lost out completely?

MRS. MUGAMBE: They went back to school but we still have problems because some of them, especially this one, she is not at school at present.

KAKWENZIRE: And when she ran way from her home was she the only one who ran or the whole area was deserted?

MRS. MUGAMBE: Most of the people ran away from the area there were very few people who remained in the area.

KAKWENZIRE: What about Kireka were they not also disturbing you?

MRS. MUGAMBE: I spent a long time at Kireka without being disturbed but at times we could hear gun shots but they did not come to disturb us.

KAKWENZIRE: In Kireka, how were you able to make a living?

MRS. MUGAMBE: At times I could gather guts and go to Namugongo and get some food and I had a small shamba where I could get cassava.

MR. NAGENDA: This Kireka where you ran is it this Kireka we know here in Kampala or is it another place?

MRS. MUGAMBE: Yes, I ran to Kireka which we know in Kampala on Jinja Road.

MR. NAGENDA: Just a small clarification. Did you say that the day they took away your husband you had a child of four months in your arms?

MRS. MUGAMBE: Yes.

MR. NAGENDA: What I do not understand perhaps there is something I have not understood but were you also, did you say three months pregnant?

MRS. MUGAMBE: At the time my husband was arrested I did not know that I was pregnant but I realized it later on and I found out that I was three months pregnant but I was also surprised.

MR. NAGENDA: But are you saying -(Interjection) - yes, these children have only a difference of three months between them?

MRS. MUGAMBE: Some of them are taken to be as if they are twins.

MR. NAGENDA: So in fact these are actually occasion, they happen, my medical colleague here knows it better, by any occasion if there are twins between them three months? Yes, it is amazing but in this village of yours at Namugongo did many people help the soldiers who came to harass you?

MRS. MUGAMBE: I used to hear that some people were bringing soldiers but I did not find out who actually brought them.

MR. NAGENDA: Did you have any chiefs in your area?

MRS. MUGAMBE: Yes.

MR. NAGENDA: Did these people help the soldiers?

MRS. MUGAMBE: They also ran away.

MR. NAGENDA: Did you have a strong UPC Officers?

MRS. MUGAMBE: There was one but he was also killed.

MR. NAGENDA: Who killed him?

MRS. MUGAMBE: The people who killed him came during the night we did not know them.

MR. NAGENDA: What about people called Youths?

MRS. MUGAMBE: Yes, I knew two of them.

MR. NAGENDA: Did they help the army?

MRS. MUGAMBE: They say they used to help them but I do not know whether they did or not.

MR. NAGENDA: Are these people still in your area?

MRS. MUGAMBE: I have taken a long time without seeing them but I heard that one of them was imprisoned.

MR. NAGENDA: What were their names please?

MRS. MUGAMBE: One was known as Kamada.

COUNSEL: My Lord on this point it seems the evidence of the witness is to the effect that she does not know anything about these youths having; done anything. Now, mentioning their names I do not know whether it should be accepted.

MR. NAGENDA: The reason I am asking this question, Legal Counsel is quite obvious. They can help in the inquiries we are making, the witness has said quite bluntly that she does not know whether they helped these people. I am not asking for their names because I am saying they were implicated. But it is quite obvious that they should be asked some questions which might help this Commission which is what our job is. What was the name of the other one please?

MRS. MUGAMBE: The second one was known as Kapoya.

MR. NAGENDA: Kapoya?

MRS. MUGAMBE: Yes.

MR. NAGENDA: Which of these two you think has been imprisoned?

MRS. MUGAMBE: Kamada was imprisoned.

MR. NAGENDA: Do you know what Kamada's other name was?

MRS. MUGAMBE: No, I did not.

MR. NAGENDA: What about Kapoya?

MRS. MUGAMBE: I do not know his second name.

MR. NAGENDA: In all the time that the army people kept coming to your area, were you at any time or any of your friends physically molested?

MRS. MUGAMBE: No, one was molested physically but apart from the time when they came and started shooting wildly in the courtyard.

MR. NAGENDA: In some other areas we have evidence that a lot of attacks happened after some well known characters had been in the area, political figures and incited this happening, did this happen at all in Namugongo?

MRS. MUGAMBE: No, I have never heard of it and I have never seen it.

MR. NAGENDA: Let me say how sorry we have been able to hear your story and that of your husband, thank you.

DR. LUYOMBYA: I want a few things clarified, Mrs. Mugambe. When your husband was taken away, did you make any attempt to look for him before he wrote a note to you from Luzira Prison?

MRS. MUGAMBE: Yes, I made efforts.

DR. LUYOMBYA: What effort did you make?

MRS. MUGAMBE: We approached one of his sons who was at one time a Magistrate for help so that we could inquire where the vehicle had taken him.

DR. LUYOMBYA: What is the name?

MRS. MUGAMBE: He is called Kirizenstom Kityo.

DR. LUYOMBYA: Yes, what did you find in those attempts?

MRS. MUGAMBE: We were informed by some people that the vehicles took him to Lubiri Barracks, others to Makindye; until he wrote a letter that is how we got to know where he was.

DR. LUYOMBYA: Did you spend any money to get part of that information?

MRS. MUGAMBE: Yes, some people came and told lies to me. I looked for money, walked a lot so that I could give them money.

DR. LUYOMBYA: Do you remember any of those people?

MRS. MUGAMBE: Yes, I know one of these people but I do not know where he stays I just happened to meet him when I move about.

DR. LUYOMBYA: What is his or her name?

MRS. MUGAMBE: She was a lady but I do not know her name. She was the one who mostly took the money from me.

DR. LUYOMBYA: Was she from your village?

MRS. MUGAMBE: She used to come from the barracks, she used to call her name, Mrs. Otto.

DR. LUYOMBYA: Which barracks?

MRS. MUGAMBE: Kireka Barracks. May be previously she knew the gentleman and she pretended to know him so that she could get money out of me.

DR. LUYOMBYA: She knew your husband?

MRS. MUGAMBE: Yes, she knew my husband.

DR. LUYOMBYA: Do you know whether your husband knew her?

MRS. MUGAMBE: No, I tried to explain to my husband about that woman, he told me that many people knew me but I have also forgotten some.

DR. LUYOMBYA: It is a sad affair that a woman came and told you we will not expect ladies to tell us such lies. You said that you occasionally bump into her?

MRS. MUGAMBE: Yes.

DR. LUYOMBYA: Where about do you - (Interruption) -

MRS. MUGAMBE: Sometimes I meet her in bus going to Bweyogerere and at one time she told that she is a daughter of a certain lady whom I have forgotten her names, who is also staying at Bweyogerere.

DR. LUYOMBYA: Do you think you can remember the names and probably communicate with our Legal Department about it.

MRS. MUGAMBE: I will try and see if I can remember the names.

DR. LUYOMBYA: Mrs. Mugambe it is also sad to note that when you received the note from your husband you went to Prisons Headquarters and in spite of the difficulties you were in and getting money through sweat you had to pay Shs.800 to a prisons officer to give you a note. Had you explained your problems to this officer thoroughly?

MRS. MUGAMBE: Yes, I explained everything in detail to him and he told me that these are difficult times the Commissioner of Prisons is not in office, most of the time, but I do not know how he managed to get me that letter.

DR. LUYOMBYA: Did he ask for the Shs.800 or it is you who gave it as a gift?

MRS. MUGAMBE: Some people used to tell us the way how one can get a letter from the Prisons Headquarters.

DR. LUYOMBYA: But did he fix the amount?

MRS. MUGAMBE: I think he fixed the amount to Mr. Kityo whom I have mentioned because he is the one who told me that they want so much to fetch the letter.

DR. LUYOMBYA: So it is the ex-magistrate Kityo who negotiated with this Prisons Officer about the letter?

MRS. MUGAMBE: Because when he saw that I was suffering too much I was crying he told

me that if you have the money give them so that they give you the letter and go to Luzira.

DR. LUYOMBYA: You have not answered my question directly.

MRS. MUGAMBE: Yes, Mr. Kityo is the one who took me and introduced me to the prisons authorities, eventually he is the one who told me that amount.

DR. LUYOMBYA: Okay, another point of clarification. The night your son was arrested you moved to Kireka?

MRS. MUGAMBE: Yes, together with all my children.

DR. LUYOMBYA: And did you say that you heard heavy vehicles heading for Namugongo. Heavy vehicles like tanks?

MRS. MUGAMBE: Yes.

DR. LUYOMBYA: Were you in the vicinity?

MRS. MUGAMBE: I did not see the vehicles going but I saw them coming back from Namugongo.

DR. LUYOMBYA: Now, I will ask you to bear with me because we are coming to the sad events of looking for the body of your son. At first you used to go alone with Paul Matovu.

MRS. MUGAMBE: At first we went three of us, three ladies without Paul Matovu.

DR. LUYOMBYA: So, when you found him, he willingly took you to where the body was?

MRS. MUGAMBE: At first when I saw him he asked me whether I had seen the dead body. I replied I had not. Then he said let me dare and go back because I have seen where the dead body was.

DR. LUYOMBYA: Then you also found, during the search, you found a body of a Reverend of Parish Nakiyanja?

MRS. MUGAMBE: Yes, the previous day we had. The previous day we came across the body of the Reverend before we traced the body of my son.

DR. LUYOMBYA: But the Reverend was of Nakiyanja?

MRS. MUGAMBE: Yes.

DR. LUYOMBYA: And you have forgotten the name of that Reverend?

MRS. MUGAMBE: He is Reverend Bazira.

DR. LUYOMBYA: Now, I would like you to tell us a little bit more about the site where you found those bodies you found about 20 bodies altogether?

MRS. MUGAMBE: That site is a valley where they used to dig up sand; some bodies were on top of the others. Some dead bodies were separate and they used to graze cattle from that place.

DR. LUYOMBYA: Did you find some of these bodies relatively fresh?

MRS. MUGAMBE: Yes, some bodies were fresh and the others had started to rot.

DR. LUYOMBYA: Were these people tied?

MRS. MUGAMBE: There was no dead body which was tied it seemed as if they were just dumped there.

DR. LUYOMBYA: I know it was a terrible and frightening sight but from those who were relatively fresh could you tell us whether they were killed with knives or wounds or?

MRS. MUGAMBE: Yes, I could see some bodies with heads which have been cut off, part of it cut off.

DR. LUYOMBYA: Thank you.

MR. NAGENDA: Did those 20 bodies you found in Nakiyanja, were they from that local area, do you know or were they being brought from other places and dumped there?

MRS. MUGAMBE: Since the patrol had been going on for almost three days it seems some of the bodies had been brought from other areas adjacent to ours.

MR. NAGENDA: So, would you say that in and around Namugongo a great many people were killed?

MRS. MUGAMBE: Yes, some people who used to bring native beer from Kyaggwe came across these soldiers and they were also killed at our area.

DR. LUYOMBYA: Just an addition to that, when your two sons were taken including the one who was killed, were there other people from the parish where you were, who were taken with them?

MRS. MUGAMBE: Yes.

DR. LUYOMBYA: Did you see them again?

MRS. MUGAMBE: Yes, I saw some of them again who managed to escape.

DR. LUYOMBYA: Are there others whom you have not seen again?

MRS. MUGAMBE: Yes, at the site where my son was killed there was another body who was killed and thrown at a distance but his body was found first.

DR. LUYOMBYA: Intact?

MRS. MUGAMBE: Intact.

DR. LUYOMBYA: Who was this; do you know that boy?

MRS. MUGAMBE: I knew him by one name Sunday.

DR. LUYOMBYA: So, in total from the parish where you were about how many people were taken?

MRS. MUGAMBE: They took six youths from the place where I was.

KAKWENZIRE: Mine is not a question really, it is an observation, I want to put on record, actually how old were you when you got married?

MRS. MUGAMBE: I was 30 years when I got married.

KAKWENZIRE: How old would you be now? Anyway telling us not the detail that is not necessary. The observation I was going to make and of course to get the reaction of is that you were definitely young when you got married. When you got married, did you have to think of how you were going to get your daily food or did you have your food automatically from your husband?

MRS. MUGAMBE: I was able to cultivate but due to the fact that the parish had bought the area where we were and we had not been yet paid, compensated, I could not but I could cultivate in a very small area.

KAKWENZIRE: I marvel the calmness with which Florence talked about her experience which was terribly inhuman to say the least. Now, how have these years of suffering really changed you as a person, were you so sharp, so calm before or has this suffering sharpened your instinct of survival and to take things so calmly.

MRS. MUGAMBE: On the whole I get problems always but I recollect my guts and that is how you have seen me being calm when giving evidence.

KAKWENZIRE: It is not really a matter of nature but this Commission wants to know what happened to people and the impact it has had on people and in the final analysis one hopes that - one wishes that everybody would get a chance to know what happened to ordinary people, ordinary women and the suffering that was brought to them and all that kind of things they went through. As I said it is an observation which I really feel should go on record, that innocent women have had to go through so much because of irresponsible activities.

COUNSEL: My Lord perhaps there was one point which was not followed, this is a gentleman called Munyigwa, who had been arrested with your husband, is it true that there was a Munyigwa, who was arrested with your husband on 8th December, 1982?

MRS. MUGAMBE: Yes, it is true.

COUNSEL: And is it true that after a day or so this Munyigwa was released?

MRS. MUGAMBE: He was released after two weeks.

COUNSEL: Now, after those two weeks when he came back, did he come back to the village?

MRS. MUGAMBE: Yes, he came back to the village and in a short time he went to his relatives but he was within the area.

COUNSEL: Did he have a permanent home in the day on the village?

MRS. MUGAMBE: His permanent home is at Namugongo.

COUNSEL: Is he still there?

MRS. MUGAMBE: Eventually he was taken and killed.

COUNSEL: Do you know who took him?

MRS. MUGAMBE: I am not sure about his second arrest, but I received information that he was taken in a certain car, taken and he was killed.

COUNSEL: And do you know when he was taken?

MRS. MUGAMBE: I cannot remember.

COUNSEL: Was it before release or after release of your husband?

MRS. MUGAMBE: He was taken before the release of my husband.

COUNSEL: Did he have children or wife or so?

MRS. MUGAMBE: He had a wife and she is around, with the children.

COUNSEL: Have you bothered to find from the wife whether she knows where the husband is?

MRS. MUGAMBE: I did not try to ask.

COUNSEL: Now what does the public now think about where he has gone, do they think he is somewhere, settled somewhere or he is dead?

MRS. MUGAMBE: The people presume that he is dead because even his last funeral rites are about to be performed in August.

CHAIRMAN: Mr. Mugambe, we are sorry that you have had to live by telling us the story, the sad events which happened to your husband and to your step son. All the same we thank you for having come and for having had the courage to tell us the evidence in such a composed manner in which you managed to do it. If there are any problems, anything which you think

perhaps government may be able to do for you to a tone the suffering through which you went, this Commission can not directly assist you but there are certain bodies which our Lady Commissioner here might be able to put you in touch with. This is not official may be our investigators may be able to suggest to you organizations which you could approach for assistance. For instance you have heard of schemes to advance loans to rural women for advancement and so on. This is not the part of this Commission but we have heard about it but these are the kind of things to follow up. There is another body of ladies called UWESO. Okay, I am reminded that UWESO, since you are not a widow, your husband is still alive UWESO may not be of much assistance to you, but anyway thank you for coming.

MRS. MUGAMBE: Thank you all of you, my Lord Chairman and Commissioners.

CHAIRMAN: Counsel, what is the next - sorry, Mrs. Mugambe you may go now. You may go home you do not need to hang around here waiting.

ASST. COUNSEL: We have Father Katende, who is our 118 witness.

COUNSEL: Father Katende, but perhaps before I start with him I want to explain to him that this Commission was set up by Government under the law and it is empowered to summon any person it considers has relevant evidence as regards to the terms of reference to this Commission. I know he has indicated well may be, he has not seen his ordinary that is his Bishop about giving evidence here but I want to assure him that we have had Bishops here and his ordinary Cardinal Emmanuel Nsubuga has already been contacted and he is willing to come to give evidence before this Commission and therefore a question of a priest under the Cardinal coming here to give evidence will not offend his ordinary. The ordinary knows that this Commission is here and receiving evidence from everybody and the only evidence required from Father Katende is the evidence from his own knowledge. It could be that it coincided with the report he gave to the ordinary but the public is interested to know.

CHAIRMAN: Counsel if from what you have said it seems the Reverend Father raised some points with you but it is necessary for him to satisfy himself to consult his superior first he is free to do so if he so feels that he would like to do so before he gives evidence. I do not know we leave this to him.

COUNSEL: Well may be let me get his names then he will say something then we shall make a proper adjournment.

CHAIRMAN: No, I think it is perhaps better before we get him on record. Not from his own mouth. Okay you do it as you wish.

WITNESS NO:125: REV. FATHER ATANASIOUS KATENDE- SWORN IN

COUNSEL: Could you state your names please Reverend Father.

FR. KATENDE: I am Reverend Father Atanasious Katende.

COUNSEL: Father?

FR. KATENDE: Atanasious Katende.

COUNSEL: Where do you work now?

FR. KATENDE: Nagalama Parish.

COUNSEL: How old are you?

FR. KATENDE: I am 47.

COUNSEL: When did you become a priest?

FR. KATENDE: In 1974.

COUNSEL: 1974, it is over 13 years?

FR. KATENDE: Yes.

COUNSEL: You have been a priest for 13 years?

FR. KATENDE: Yes, that is right.

COUNSEL: You work in the Archdiocese of Kampala?

FR. KATENDE: Yes.

COUNSEL: In how many parishes have you worked since you became a priest?

FR. KATENDE: I would say, six.

COUNSEL: Is Namugongo one of the parishes where you have worked?

FR. KATENDE: Oh yes, I worked there.

COUNSEL: As what? Curate as what?

FR. KATENDE: Curate.

COUNSEL: When were you posted at Namugongo?

FR. KATENDE: Well, you know Namugongo there are two places different ones, Namugongo Fayor Church and Namugongo Parish, I do not know which of which you mean.

COUNSEL: Please you tell us the details where were you posted in Namugongo?

FR. KATENDE: I was posted in Fayor Church, first and the second Namugongo Parish.

COUNSEL: What is the duty of those two places?

FR. KATENDE: The first one Foyer is a sort of an institute and the second is a Parish

COUNSEL: When were you - (interruption)-

DR. LUYOMBYA: Legal Counsel could he tell us spelling of the first one for us, Fayor?

FR. KATENDE: Fayour?

DR. LUYOMBYA: Yes.

FR. KATENDE: F-o-y-o-r, and chirte is c-h-r-t-o.

MR. NAGENDA: Actually I am a bit confused, Legal Counsel he is now at Nagalama Parish, right? Is it at Nagalama that he is a curate or was it a Namugongo that he was a Curate

FR. KATENDE: Namugongo I was a Curate, Namugongo Parish but in Foyor Chrto I was acting as a Director that is a Retreat House.

COUNSEL: When were you in the first place? When were you posted in the first place of Namugongo?

FR. KATENDE: It was in 1984.

COUNSEL: 1984, when?

FR. KATENDE: Well, that is a mistake, it was in 1983 in December and up to 1984.

COUNSEL: 1984, when?

FR. KATENDE: Well, I do not remember well but I think up to after that place was attacked it was, May, 1984; then I was appointed to Namugongo Parish as a curate. But at the same time residing in the Foyor Chrto.

COUNSEL: Now, who was in charge of Namugongo Parish at that material time, May, 1984?

FR. KATENDE: That was Monsignor Joseph Sebayiga and he is still there.

COUNSEL: No, Father as I have earlier said, what we are now asking you is nothing to do with your reports as a priest and his ordinary we are only asking you about certain incidents over which other witnesses have testified and we are also asking you things just you saw. We are not asking you any confidential report you made to your authority, we are not going to ask you about that but we are only asking you what you witnessed. Will you be able to do that or you want an adjournment for consultation?

FR. KATENDE: Yes, I am just giving few points about what I know, just a few points.

CHAIRMAN: Reverend Father, what we would like you to tell us as a witness of the incident to which we are inquiring into is all that you know from your own knowledge or from information you received and the source. We are not prying into a confidential matter concerning your work as a priest or religious matters but this is just into evidence which you would give if you were an ordinary citizen who happened to have been there at that time. And perhaps secondly in your position perhaps people came to you and made reports to you as a priest. Now, I would like to be - because you will not be giving us points, you will be giving us evidence. If you feel that you would like to consult your superior, please feel free to do so. You are at liberty to do so, if you would like to do that before you would tell us what happened. We are not pressing you either way. What would you say to that?

FR. KATENDE: Because my fear is that I am to give a wrong information I came unprepared, though I know that I was to appear here before you, I wrote but I thought that you could give me some guidelines on what I am going to answer and then I consult my ordinary.

CHAIRMAN: Well, I think Counsel first of all the idea is, we are inquiring into the incident of 1984, which happened in Namugongo about which we have already had information from two other witnesses. When the army, soldiers went there some people were killed and so on.

FR. KATENDE: Yes.

CHAIRMAN: Now, what do you know of what reports which you received from your parishioners and so on but from what I think I am able to gather, Learned Counsel, is that I think we better give the Reverend Father time to consult with his superiors before he gives us evidence in case he seems to fear that he might say something which would be disapproved, which would not be approved by his superiors, I think he should get the necessary permission to come back.

FR. KATENDE: Thank you my Lord.

CHAIRMAN: I seem to read this from his being guarded position.

COUNSEL: My Lord, I agree, I think it will be useless to tackle him because he is not going to give us all he knows.

CHAIRMAN: No.

COUNSEL: Yes.

CHAIRMAN: So, how much time do we need to give you Reverend Father? When can you come back?

FR. KATENDE: Perhaps two weeks or one week. A week.

CHAIRMAN: Now, let us give you a week, next Wednesday which is 29th? So, if you could come here I will give you one week so that you do not spend too

much time on this and we do not spend too much time waiting for you?

FR. KATENDE: 29th, is my Lord.

CHAIRMAN: Yes, 29th you will be the first witness, we shall be with you on that day. So, if you could be here by 9.30 please.

FR. KATENDE: 9.30?

CHAIRMAN: Yes.

FR. KATENDE: I would like to know, my Lord, whether you want to know everything concerning all the parishes I have gone through.

CHAIRMAN: No, no, no, no, that one was just a background we are only concerned with Namugongo.

FR. KATENDE: Namugongo?

CHAIRMAN: That is all. We are not here to pry into your whole life as a priest, what you did and so on. But if you witnessed anything in the other parishes which are relevant to our inquiry, not your religious work but what you observed about matters concerning human rights you will be free to tell us. In fact, we would like to know. Because we believe that information from you would be more reliable than many other people.

FR. KATENDE: Yes, thank you my Lord.

(WITNESS CONTINUES HIS EVIDENCE ON PAGE 3196)

CHAIRMAN: Counsel, while Reverend Father Atanasious goes to consult his Superiors we can have another witness in the meantime, before the lunch break.

WITNESS NO.126: MR. PAUL MATOVU - SWORN IN

ASST. COUNSEL: You are Paul Matovu?

MATOVU: Yes.

ASST. COUNSEL: A tailor by occupation?

MATOVU: Yes.

ASST. COUNSEL: Aged 24 years?

MATOVU: Yes.

ASST. COUNSEL: And staying at Namugongo Trading Centre?

MATOVU: Yes.

ASST. COUNSEL: Since when have you stayed in Namugongo?

MATOVU: I went to Namugongo in 1979.

ASST. COUNSEL: We have received here evidence that in May, 1984 soldiers came to Namugongo area, were you in Namugongo?

MATOVU: Yes, I was in Namugongo.

ASST. COUNSEL: And did you witness this coming of soldiers?

MATOVU: I saw the soldiers who came to our area.

ASST. COUNSEL: What happened when they came?

MATOVU: At first they arrested me on two occasions. On the first occasion I was at home at about 7.00 p.m. While we were there in the house, they knocked in the house in which we were living. At first we thought they were robbers but on hearing we heard so many languages being used outside. At that time we concluded that they were not thieves.

ASST. COUNSEL: Excuse me, whom were you with when you say 'we'?

MATOVU: There were three of us in the house, three youths.

ASST. COUNSEL: Who were they?

MATOVU: Kirizanto Magembe.

ASST. COUNSEL: And the other?

MATOVU: The other one is called Francis Ndire.

ASST. COUNSEL: And the third?

MATOVU: The third one was me.

ASST. COUNSEL: Yes, so when you heard this various language what followed?

MATOVU: My brother told me to close the door and lock it, which I did because we were frightened. Later these people who were outside started kicking the door, I was in a room which was in a sort of a store. Then we jumped over the wall and we landed in the store, one of us after realizing that they had kicked the door and the door had fallen inside the house, he opened, they made us lie down.

ASST. COUNSEL: You said they had kicked the door?

MATOVU: We were in a room then we jumped and landed in a store, then one of our friends opened a door which was leading to that store.

ASST. COUNSEL: Yes, continue.

MATOVU: They made us lie down. They started kicking us about alleging that we were bandits. There was one youth who had been earlier on arrested with whom they came then they started asking him what he knew about each of us?

ASST. COUNSEL: Who was this youth?

MATOVU: He was called Kabuye.

ASST. COUNSEL: Was he from your area?

MATOVU: Yes, he was staying in Namugongo.

ASST. COUNSEL: And what was he doing? What was his job?

MATOVU: He was a driver.

ASST. COUNSEL: So, when they asked him whether he knew you, did he say he knew you?

MATOVU: When they were asking him whether he knew anything about us, he used to reply no, I do not know anything then they left.

DR. LUYOMBYA: Had they come with Kabuye to your home at that incident?

MATOVU: Yes, it is the Kabuye they were asking.

ASST. COUNSEL: Yes.

MATOVU: At the time they asked him whether he knew us they had beaten us very severely for about two hours.

ASST. COUNSEL: Were they using sticks?

MATOVU: They were kicking us about beating us with butts of the guns.

ASST. COUNSEL: Continue.

MATOVU: After asking Kabuye whether he knew anything about us and he replied he did not then they started tying us up.

ASST. COUNSEL: Yes.

MATOVU: They took us to the home of Kironde, his courtyard.

MR. NAGENDA: Did he say that or did he say they took them outside in the yard where Mr. Kironde was?

MATOVU: The took us to the home of Mr. Kironde, his courtyard.

ASST. COUNSEL: Yes, what happened when you were taken there?

MATOVU: When we reached Kironde's courtyard they asked us the whereabouts of Kironde as we were living in the area?

ASST. COUNSEL: And did you reply?

MATOVU: We replied that we did not know.

ASST. COUNSEL: Who was this Kironde and where had he gone?

MATOVU: I do not know where Kironde had gone.

ASST. COUNSEL: And who was he? What was he doing?

MATOVU: As I had just gone in the area I did not know his work.

ASST. COUNSEL: Yes, so when you were in the compound what happened?

MATOVU: As we were in Kironde's compound they were removing and packing his property onto the vehicles; they had come in vehicles.

ASST. COUNSEL: Yes.

MATOVU: As they were doing that some of the soldiers were burning us with cigarettes on our backs and in the ears.

ASST. COUNSEL: Why were they burning you?

MATOVU: I think because they were alleging that we were bandits.

ASST. COUNSEL: So, what followed?

MATOVU: One of their bosses made a radio call.

ASST. COUNSEL: Yes?

MATOVU: I do not know what followed but what I know in the long run they started kicking us saying that you go away.

ASST. COUNSEL: Continue.

MATOVU: Nothing remained in our house. We did not remain with anything; all things were taken like; basins and other property. That was the first time.

ASST. COUNSEL: Now, when you talk about this that one of the bosses, how did you know that he was a boss, was he putting on may be some uniform that was different or something like that?

MATOVU: Looking at him he was different from them and the way he was calling them, commanding them so I thought he was their boss.

ASST. COUNSEL: So, that was the first time? What happened?

MATOVU: That was the first time.

ASST. COUNSEL: What happened in the next?

MATOVU: The second occasion it was about 1.00 p.m.

ASST. COUNSEL: When was this? 2.00 p.m was which year, which month?

MATOVU: This was in 1984.

CHAIRMAN: How long after this first incident?

MATOVU: It was about after a year.

ASST. COUNSEL: Which month?

MATOVU: In May.

ASST. COUNSEL: So, what happened?

MATOVU: Sorry, May what year?

ASST. COUNSEL: 1984.

MATOVU: At about 1.00 p.m I was on duty because I am a tailor. We received information that the soldiers had come.

ASST. COUNSEL: Where were you tailoring from?

MATOVU: I was tailoring from Namugongo Trading Centre.

ASST. COUNSEL: Yes, so you received news that soldiers had come what followed?

MATOVU: I was with my friend with whom I used to work, there were two of us.

ASST. COUNSEL: Who is he?

MATOVU: He is called Ssendawula.

ASST. COUNSEL: You know another name?

MATOVU: I know it but I have forgotten it.

ASST. COUNSEL: Okay, what followed?

MATOVU: When we received that information I told my friend that as they said that the soldiers have come I have no strength. Let me go and have some sleep because I was staying near the place where I was working but as I was asleep my wife told me that they have arrived. I picked up some money which I had and I pocketed it, it was not much then I ran towards

Lusirika side because I thought that they had not yet reached that place but as I was on my way they had already arrived. They asked me why I was running away but I kept on running then I went straight to Lusirika inside the gate. In Lusirika we found many girls and some men.

DR. LUYOMBYA: Clarification. What is this Lusirika please?

MATOVU: It is a group called Lusirika.

COUNSEL: My Lord it is the Foyor Chrto the priest told us about.

MATOVU: All of a sudden we realized that the soldiers had encircled the whole of the Foyor. We stayed there, we had no way to run so the soldiers made us sit down together all of us girls and men in the compound. Then they started selecting men saying that these are the very bandits. Then they told the men who had been selected that we should take them in the forest and show them the bandits.

ASST. COUNSEL: About how many men did they select?

MATOVU: At first we were five men but when we reached the forest we met some other men who joined us.

ASST. COUNSEL: How many joined you?

MATOVU: Two of them joined us then we were seven in number.

ASST. COUNSEL: Did you know these people?

MATOVU: I did not know those who joined us I only knew those people with whom I went.

ASST. COUNSEL: Who were they?

MATOVU: Myself, Francis Ndiro, Fiende Musikajjo, Emmanuel Ndimwange

ASST. COUNSEL: Who else?

MATOVU: Paul Mambago.

ASST. COUNSEL: Any more?

MATOVU: These are the ones whom I know.

MR. NAGENDA: Excuse me, is Fiende also called Robert?

MATOVU: Yes.

ASST. COUNSEL: So you went to the forest?

MATOVU: Yes.

ASST. COUNSEL: What is the name of this forest?

MATOVU: It is called Nakiyanja.

DR. LUYOMBYA: Clarification about these two people, did you find them in the forest or they were added to you before you headed for the forest?

MATOVU: There were a number of groups of soldiers so some could come from a different area and others a different area.

DR. LUYOMBYA: So, these two were brought to you before you were taken to the forest?

MATOVU: When we had reached the forest.

DR. LUYOMBYA: You found them in the forest?

MATOVU: We found them as we were entering the forest because there were different groups of soldiers.

ASST. COUNSEL: Yes, what followed when you met all of you?

MR. NAGENDA: Sorry, just a small - I am sorry to spoil your narrative but if there were many groups bringing people, did you therefore in the forest find more than two people? Because various groups are bringing people there must be more than two - did other people join you after that?

MATOVU: These two were found cutting wood, they were going to make charcoal but we never found some other people there.

DR. LUYOMBYA: No, I think the answer should be clear. You found those two in the forest with a group of soldiers?

MATOVU: We used to go into the forest and then out different times but we met those people coming from upwards.

ASST. COUNSEL: Okay, continue.

MATOVU: At that time it was approaching 2.30 p.m.

ASST. COUNSEL: Yes.

MATOVU: Then we started walking into the forest with a group of soldiers. As we were entering the forest we met another group of soldiers, then the soldiers we met asked who are those people they replied they are bandits.

MR. NAGENDA: What language were they using?

MATOVU: Some were speaking in Swahili and others in Luganda.

ASST. COUNSEL: Do you understand Swahili?

MATOVU: I did not understand Swahili but whenever they spoke in Luganda I could

understand.

ASST. COUNSEL: So, what happened in the forest?

MATOVU: When we reached that group of soldiers they made us lie down and they started pulling our throats. We told them that we know nothing about bandits but they insisted that we knew something. They got us from the ground they said you show us where they are. At that time it was approaching 4.00 p.m we started walking into the forest.

DR. LUYOMBYA: Clarification again. When the witness says that they tried to pull their throats out, what exactly does he mean? Were they squeezing their throats from outside or?

MATOVU: They were trying to pull so that we could speak, we could reveal where the bandits were.

ASST. COUNSEL: Yes.

MATOVU: We went on but we were moving in one line.

ASST. COUNSEL: With what purpose if you know?

MATOVU: May be not to escape.

ASST. COUNSEL: And looking for what?

MATOVU: Looking for guerillas.

ASST. COUNSEL: Yes?

MATOVU: We went ahead in the forest about in the middle, at that juncture it was approaching 5.00 p.m. The soldiers looked tired and they were fed up they said they should take us up so that they could cut us.

ASST. COUNSEL: Yes?

MATOVU: We were coming out of the forest and then we met another soldier who looked to be their boss and he told them that you must return to the forest. He told them that you cannot just go back like that you go back into the forest and look for the bandits but we knew that their aim was to slaughter us.

ASST. COUNSEL: Why did they tell you that they were going to slaughter you?

MATOVU: Yes, as I am narrating I will form that opinion.

ASST. COUNSEL: Yes.

MATOVU: He told us to go back into the forest and look for the bandits until we find them together with the soldiers who led us. As we were going back in the forest we reached a place where we found a drum which was cut into half

and some maize flour. At that time we knew that our time had come. All of a sudden we heard gun shots coming from all directions but we did not know where they were coming from. At that time the soldiers with whom we were, tried to push us backwards may be their aim was that the bullets can catch you, I do not know and they were all running. There were a lot of gun shots. When we were leaving that place where we found the drum as we were going upwards, one of the soldiers said, I will not leave you, you will have to die.

ASST. COUNSEL: Before you continue what time was this?

MATOVU: It was approaching 6.30 p.m.

ASST. COUNSEL: Yes, continue.

MATOVU: As we were going upwards, because we were in a sort of valley, we were in a line, we could not leave the line all of us and that perhaps saved some of us. When we reached the soldiers one of them who was aside cocked his gun. When I heard him cocking his gun I knew that our time had come for our deaths. When he had cocked I realized that four friend who were behind had been shot at.

ASST. COUNSEL: Who was that who was shot?

MATOVU: Feinde Musikajjo was shot. That one did not leave that place. When I realized that my friend had been shot I jumped and fell into a sort of pit but I did not proceed upwards where the many soldiers were. Each one of us took his own way but by the time I left that place two of them had already fallen.

ASST. COUNSEL: Who was the second?

MATOVU: The second one was Sunday, I had forgotten to mention his name.

ASST. COUNSEL: He was also shot?

MATOVU: That one was cut with pangas. When he proceeded upwards the direction where I did not go he was arrested and cut. When I fell in the ditch I started crawling, it was coming to 7.00 p.m I was in the forest still crawling.

DR. LUYOMBYA: Clarification. In how many lines were you?

MATOVU: It was one line.

DR. LUYOMBYA: And Musikajjo was behind you in that single line?

MATOVU: Mr. Musikajjo was in the first line but I was behind.

MR. NAGENDA: No, no, no, sorry, let us have that translated again, what he said he was in front and Musikajjo was behind, is that not what he said?

DR. LUYOMBYA: No, he said line *esooka.*

MR. NAGENDA: Anyway you were in front and Musikajjo was behind you?

MATOVU: I was in front of him and the guy who was firing was behind.

DR. LUYOMBYA: And at this time you jumped into a pit, you said?

MATOVU: Yes.

DR. LUYOMBYA: And you crawled?

MATOVU: Yes.

DR. LUYOMBYA: Wait, wait.

MATOVU: I do not know where my friends ran to.

DR. LUYOMBYA: Did you see Sunday being cut with knives?

MATOVU: Eventually after about three weeks we went and removed the body of Sunday so that we could bury.

MR. NAGENDA: He said three days.

MATOVU: Yes, after three days.

DR. LUYOMBYA: So, at that time you did not see Sunday being cut but later on you found his body with knife wounds?

MATOVU: Yes, then I knew that he was cut.

ASST. CQUNSEL: Did the soldiers apart from the guns did they have any other things?

MATOVU: They had guns and bayonets.

ASST. COUNSEL: Yes, so when you fell in the pit and crawled, what did you do after that?

MATOVU: I fell into a pit and started crawling but I did not know where I was going. I sort of covered myself with grass in the forest but I thought I did not know how many days they would spend in the forest.

ASST. COUNSEL: What did you do?

MATOVU: I went on crawling as I had done earlier.

ASST. COUNSEL: And went up to where?

MATOVU: At the time I went out of the forest the soldiers had just left that place, my shirt was stained with blood and my pair of trousers ragged.

ASST. COUNSEL: Blood from where?

MATOVU: I thought I had been shot at but that was not the case.

ASST. COUNSEL: Where was the blood from?

MATOVU: It was from the legs, all over my body because there were some sharp thorns in the forest and I thought of walking about in the area where I had run to but I feared people would call me a guerilla, so I tried to find ways but I could not. At about 8.00 p.m, luckily enough, I saw somebody whom I knew, he told me you come you spend the night here with me, but I feared. Eventually because I had nothing to do I decided to go with him and spend the night with him. I spent three days where I had gone and the people presumed I was dead.

DR. LUYOMBYA: Who was this person?

MATOVU: I used to see him whenever he came to our home but I did not know his names.

ASST. COUNSEL: Now, what happened after the three days?

MATOVU: For three days or four days the shootings went on.

ASST. COUNSEL: Where did you go after the three days?

MATOVU: After those three days my friend gave me a shirt and I came to Kampala.

ASST. COUNSEL: Now, did you know or did you come to learn what happened to Emmanuel Ndiwange?

MATOVU: I saw him after he had also escaped and I asked him how he had escaped.

ASST. COUNSEL: What of Paul Nambago?

MATOVU: Paul Nambago told me, when I saw him, that when he saw me falling in the pit he also followed me.

ASST. COUNSEL: You said that you went back after three days and found Sunday with cut wounds, can you tell us how you went back?

MATOVU: The soldiers had left the place completely that is when we managed to go back but Musikajjo had not returned that is why they came for me here in Kampala, because they had failed to trace the place where he died and I know the place.

MR. NAGENDA: Wait a minute, let us go back to when you found Sunday, you told us that three or four days after you had hid in your friend's house, you left and went to Kampala, are you saying that before you went to Kampala you first went back and found Sunday?

MATOVU: Perhaps I made a mistake but the shootings went on for about four days, there was no way one could go back to get the dead bodies.

COUNSEL: No, please clarification here. You seem to say four days fighting, by fighting it means was there another force fighting the people who had come in the area or you mean it was just mere wanton shooting?

MATOVU: I cannot tell what sort of fighting it was or they were shooting at random, I do not know.

KAKWENZIRE: Earlier on you said you had some fire and half drum which meant there was some cooking that was to signify there were some people who were cooking there?

MATOVU: I saw those items but I did not know whether there were some people cooking in it, they had just taken us to look for guerillas, I did not know.

DR. LUYOMBYA: Going back to the point about Sunday what is perplexing is, earlier on the witness had said that he saw Sunday's body three days later with cut wounds and he was going to clarify because three days he had spent in a friend's house hiding and there had been shooting for four days and he could not have left that house. Now, under what circumstances did he go a few days later to find Sunday's body?

COUNSEL: What happened? You see, we want to know when you went to see the body of Sunday with the relatives; was it after three days or was it after four days?

MATOVU: Some time had passed because they were still fighting, about four days had elapsed.

MR. NAGENDA: Whatever it is please, how long after the time you were shot at; how long after that did you go back and find Sunday? That is the only important thing on this point.

MATOVU: It was Tuesday when we were arrested.

COUNSEL: Okay, I think we may leave that point.

MR. NAGENDA: No, I do not think we will leave that point, it is a very simple thing. The question is; okay, they shot you on Tuesday; when did you see Sunday's body, was it on Friday, Saturday, Sunday, Monday, the next Tuesday or what?

MATOVU: It was about next Monday.

COUNSEL: Did you eventually find the body?

MATOVU: Yes.

COUNSEL: And was it buried?

MATOVU: It was buried.

DR. LUYOMBYA: One other clarification please; what prompted him after that week to go and look for Sunday's body? He had not seen Sunday being cut or shot when he was in the forest, how come that he went back to the forest and came across Sunday's body?

MATOVU: Their parents asked us to help them to trace the dead bodies. Some feared and they refused to go there, but I decided to dare and go to look for those dead bodies.

COUNSEL: Actually, I think what you mean is that when you returned to your home you made an inquiry about Sunday, or somebody made an inquiry about Sunday?

MATOVU: Sunday was not killed in the place where they started shooting at us, but Pende

COUNSEL: No, I think the Commissioner had asked you what prompted you to go and look after or to find the body of Sunday; what reasons and it was after six days?

MATOVU: His parents are the ones who asked me lead them to where the incident had occurred.

DR. LUYOMBYA: And you were in Kampala at that time?

MATOVU: Yes.

COUNSEL: Where was Sunday buried?

MATOVU: He was buried at Namugongo.

COUNSEL: Did you go back to your home after this?

MATOVU: I went back home but there was nothing left at home.

COUNSEL: Did the Government do anything to assist you people?

MATOVU: Personally nothing was done to me, and at that time even my wife was pregnant.

COUNSEL: Did they send any, may be, policemen or other forces to come and guard you?

MATOVU: Some Special Force men were there in our area.

COUNSEL: Did they assist to keep you people safe?

MATOVU: Yes, they helped to keep us safe, but all our property was stolen and even my sewing machine was burnt.

COUNSEL: Did you take this case to court?

MATOVU: I did not take this matter to court because I did not know much about court.

COUNSEL: Now, this Commission would like to know, it appears so many people died during this incident, but may be let us ask you on your particular village; did you know all the people who were living in that village at that material time when this happened?

MATOVU: Yes, since I went to that village in 1979 when I was still a young child, I knew most of the people who lived there; I knew them very well.

COUNSEL: Now, after this incident did you try to check and find out how many people were missing after this incident?

MATOVU: I need to first think about it and then be able to say it.

COUNSEL: Yes, you see, we would like at least you to give us an estimate - I mean saying may be after this incident so many people got missing. Is it the time you require to count these people and tell us? Because we would be interested in knowing the number.

MATOVU: You see, my Lord, the people who were killed came from - different villages, so I need some time to tell that such and such a person form such and such a home died; given time I can be able to tell the Commission.

COUNSEL: That is all from this witness.

DR. LUYOMBYA: I want to seek for some further clarification. The parents of Sunday came and asked you; who are Sunday's parents?

MATOVU: We are neighbours with his parents and his mother is Nagawa; his father died.

DR. LUYOMBYA: Before Sunday's death or after?

MATOVU: He died when Sunday was still very young. At the time I went to Namugongo he had already died.

DR. LUYOMBYA: We have received evidence that you also helped Mrs.Florence Mugambe to look for the body of her step son, Robert Musikajje.

MATOVU: That is what I said earlier on that all their parents looked for me when other people had refused to take them there, so I decided to help them; and they had looked for those bodies for quite some time.

DR. LUYOMBYA: Yes, we are thankful to you that you did something humanitarian and courageous.

MATOVU: I thank you very much.

DR. LUYOMBYA: About how many days had elapsed when you looked for Robert

Musikajje's body?

MATOVU: I do not remember the exact time which had elapsed but there was one called Ndimwange, Robert Musikajje's brother, whom they had asked to go and look for the body but he had refused until they decided to come to me so that I help them.

DR. LUYOMBYA: Now, was Musikajje's body in the same vicinity as Sunday's body?

MATOVU: Sunday's body was at a distance from Musikajje's body. Musikajje was shot at the place where we were, but Sunday had run for some distance before he was shot.

DR. LUYOMBYA: While you helped these people to get to their bodies, that is Sunday's and Musikajje's, did you come across any other bodies?

MATOVU: I did not come across any other dead body apart from that of Musikajje, Pende and Sunday. May be the others had been removed, I cannot exactly say since I had spent some days here in Kampala.

KAKWENZIRE: You mentioned three things that makes me think that there was some kind of two groups fighting. One; you said you saw some signs of fire of some cooking; two, you said that gun-shots came from another direction and three, the soldiers who were with you also run in sort of panic with you trying to get out of the forest. In your view do you think that there was some kind of exchange of fire between two opposed groups?

MATOVU: When we were being led into the forest there were many different groups of soldiers coming from different directions. So, as we reached at that place we just heard gun-shots from some where. So, I cannot tell whether they were exchanging between themselves or not because I was in danger at that time.

KAKWENZIRE: Previously had you heard anything to the effect that that forest actually was harbouring bandits?

MATOVU: I did not know at all anything concerning that.

KAKWENZIRE: Lastly, was Musikajje shot by the soldier who cocked the gun or the bullet could have come from other firing groups across?

MATOVU: That soldier who cocked the gun had earlier on told us, while we were still in the forest, that 'whether you like it or not you will die'; and when he got that chance to shoot us he used it and started shooting. But his friends, other soldiers, were standing aside but they did not shoot at us, they had started panicking and running away. That is how we also managed to escape.

KAKWENZIRE: One more question, who was the Commanding Officer in your Namugongo area, if you know him?

MATOVU: I did not know him.

KAKWENZIRE: Did you know the Policeman in charge or one responsible security officer in your area?

MATOVU: I did not know anything concerning security in our area.

DR. LUYOMBYA: You talked about Kabuye who was brought to your house during the first time the soldiers came to your home?

MATOVU: Yes, I talked about him.

DR. LUYOMBYA: Is he still in your area?

MATOVU: He died.

DR. LUYOMBYA: How do you know that he died?

MATOVU: Because some of the people with whom he was arrested came back but he never came back, and at the time he was brought at our home he was very thin, because even during that time if one told him to run from here to that point, he could not, he was about to die.

DR. LUYOMBYA: Whom do you know who were arrested with him that came back?

MATOVU: I did not see any other person who came back but the fact that they performed the last funeral rites for Kabuye; then I made sure that he died.

DR. LUYOMBYA: So, it is because of performing the last funeral rites but not that other people who had been arrested with him returned?

MATOVU: At first he was not arrested with any other person from our village; he was arrested alone.

CHAIRMAN: Mr. Matovu, we thank you for having come forward and to have given us the evidence you have done.

MATOVU: Okay Sir.

CHAIRMAN: You may go now but I would like to warn you that should it be necessary you may be recalled to either give further evidence or cross examine anybody who may be interested with your evidence. Thank you, you may go home now.

MATOVU: Thank you.

CHAIRMAN: Legal Counsel, it is now about twenty five passed three, and maybe about time we have a break for lunch. I do not know whether we shall resume thereafter, I would like to hear from you.

COUNSEL: I suggest, my Lord, that the other witnesses on this case be heard tomorrow, and I pray that you adjourn this session.

CHAIRMAN: Very well then. The inquiry is adjourned and we will resume tomorrow at 9.30 a.m here.

KAKWENZIRE: Fellow Commissioners, Ladies and Gentlemen, we are ready to start this morning's session. We will be continuing with the case which we started yesterday - with the case we were continuing yesterday - involving the massacre of people at Namugongo.

CHAIRMAN: Commissioner, learned Counsels, Ladies and Gentlemen, we are all here now it is just about five minutes to ten. It is one of the earliest occasions when we are going to start this inquiry in the morning. Let us proceed with the Session.

COUNSEL: My Lord Chairman, Gentlemen and Lady Commissioners, this morning we will continue to hear evidence regarding the violation of human rights in Namugongo. This morning, we shall be hearing evidence regarding the attack on Namugongo, Church of Uganda Martyrs Seminary. Our 120th witness is Reverend Canon Samuel Ssekadde.

WITNESS NO:127: CANON SAMUEL SSEKADDE - SWORN IN

COUNSEL: Could you state your names, please?

CAN. SSEKADDE I will speak in Luganda but I will present the Report which I made and presented to the then Bishop of Namirembe - Dr. Dunstan Nsubuga. This is the statement.

MR. NAGENDA: Before that, get some particulars.

SSEKADDE: I am Canon -

CHAIRMAN: Canon, can you spare and give this report to us or you need to keep it with you? Because, if you can give it to us, then we do not need to read it; it will be part of our record. We can receive it as an exhibit.

SSEKADDE: I see.

CHAIRMAN: Is that a spare copy which you can leave with the Commission?

SSEKADDE: This is a spare copy. I can leave it with the Commission.

CHAIRMAN: That is very good. Now what we do first, let us have some of your particulars.

SSEKADDE: I am Canon Samuel Ssekadde now the Principal of the Uganda Martyrs' Seminary, Namugongo.

COUNSEL: How old are you, Canon?

SSEKADDE: I am now 42.

MR. NAGENDA: Principal of Uganda Martyrs'-

SSEKADDE: Uganda Martyrs' Seminary, Namugongo.

CHAIRMAN: Of the Church of Uganda?

SSEKADDE: Of the Church of Uganda.

CHAIRMAN: You can speak in Luganda if you wish as you seem to have indicated earlier.

SSEKADDE: I am married with five children. I am a citizen of Uganda.

COUNSEL: Where do you reside?

SSEKADDE: At Namugongo.

MR. KAWANGA: Actually Reverend, your English is so good that I will be embarrassed if you continue talking Luganda. I suggest you speak English. It will be much easier for you.

MR. NAGENDA: And quicker, I think.

MR. KAWANGA: And it will be quicker for us also. You will also notice that the interpreter might even misrepresent your beautiful English. You better speak in English.

CHAIRMAN: Unless you particularly wish to - this is not a court where you think, 'Oh, I may make mistakes and then'. I do not know! Your English seems to be so good, we have been surprised that you - there is nothing wrong with you speaking Luganda.

SSEKADDE: Okay.

COUNSEL: Reverend Canon, can you give us a background of your qualifications, where you attended. How long have you been in the Church of Uganda service?

SSEKADDE: As a clergyman?

COUNSEL: As a clergyman.

SSEKADDE: Since 1970.

COUNSEL: And when did you go to Namugongo? When were you posted to Namugongo?

SSEKADDE: I was posted in Namugongo in 1976. I was then the Principal for three years and then transferred my services to Makerere University for some further academic promotion. Immediately after Makerere, I was posted

to the Bible Society of Uganda as a Bible Translator. And after the catastrophe that befell Namugongo, the Bishop evicted me from the Bible Society of Uganda back to Namugongo.

COUNSEL: Now we are interested in that catastrophe. Which catastrophe are you talking about?

SSEKADDE: The catastrophe that befell Namugongo in 1984.

COUNSEL: Do you know the date when this happened?

SSEKADDE: It was between 21st and 25th of May, 1984; and I took over in July, 1984.

COUNSEL: Who was running the Seminary in May, 1984?

SSEKADDE: The late Reverend Godfrey Charles Bazira.

COUNSEL: Do you know for how long he had been there?

SSEKADDE: He was there since 1975.

COUNSEL: So he was one of your staff.

SSEKADDE: He was one of my staff and then promoted to head the institution after my departure.

COUNSEL: Now, you seem to say you replaced him. What happened to him? Do you know?

SSEKADDE: When the soldiers were deployed in the pursuit of suspected bandits around Namugongo - that was Monday, 21st May, 1984 - when the soldiers were taken there to pursue the bandits as the Government radio announcement was made - the Principal, the late Reverend Godfrey Bazira, was found with the students praying in the cubicles and arrested, and violently beaten; and eventually, on the 23rd it is believed, he was killed by gun bullets.

COUNSEL: You mean, you learnt about this operation from a Government announcement?

SSEKADDE: No, after the soldiers had been removed from Namugongo with the pressure from the Church, we went to search for the whereabouts of the late Reverend Godfrey Bazira, only to find him buried in a brewing place - a beer brewing place. His body was there lying dead already.

COUNSEL: I see. Did you go there yourself?

SSEKADDE: I did - yes. I went with the two Bishops. That was on Friday.

COUNSEL: When you say you went with the two Bishops, which Bishops did you go

with?

SSEKADDE: The then Bishop of Namirembe - Dr. Dunstan Nsubuga - and the present Bishop - Miseal Kawuma.

COUNSEL: Now -

KAKWENZIRE: Excuse me Sir. You said that, on Friday, they found his body - on which dates specifically, how many days after his murder?

SSEKADDE: He was killed on Wednesday and then on Friday we found his body.

COUNSEL: I see. When you say, he was killed on Wednesday, how did you find out this particular fact?

SSEKADDE: The students who were around reported this immediately after their release.

COUNSEL: Do you remember any of the students who was present at this occasion?

SSEKADDE: All the third-year students who left the college. I can -

COUNSEL: Just one or two -

SSEKADDE: Wilberfore Kityo Luwalira. He is now a Reverend at Kabowa, Church of Uganda.

COUNSEL: Yes.

SSEKADDE: And Reverend Benon Kisitu, a curate at Kibuye, Church of Uganda.

COUNSEL: Here in Kampala.

SSEKADDE: Here in Kampala.

MR. NAGENDA: Can you, please, go a bit slower - Canon. I got the name of Kisutu. What was the name of the other?

SSEKADDE: Benoni Kisutu and Wilberforce Kityo Luwalira.

COUNSEL: You are suggesting these were eye-witness to the operation.

SSEKADDE: And we have even members of staff - the Reverend Samusoni Kigenyi and Reverend Grace Zerubaberi Sserwadda and the then book-keeper Reverend - not a reverend but the then book-keeper; it is - Henry John Sserunjogi.

COUNSEL: Are they around here? Is it easy to get them because these will really be very good because they were present?

SSEKADDE: I have come with them.

COUNSEL: Oh, thank you very much. Yes, now what did you find out when - did you go under escort or just drove in a car with the Bishop?

SSEKADDE: I just escorted my Bishops.

COUNSEL: Yes, but was the Bishop's car - cars - escorted?

SSEKADDE: Not escorted.

COUNSEL: I see.

SSEKADDE: Oh, yes, we were given an escort - a man in plain clothes. We went with him. I do not remember his name - his particulars, by the way.

MR. NAGENDA: Where did you get this man in plain clothes?

SSEKADDE: I just found him at Namirembe in the office of the Bishop.

COUNSEL: What was your impression? I see it seems you are familiar with Namugongo - when I am talking Namugongo, there is the Church of Uganda, Anglican, Roman Catholic, the Muslims. I believe you came from Kampala - from Kireka - towards Namugongo. That is the way you took.

SSEKADDE: Yes.

COUNSEL: Now what was your intention when you reached Namugongo area?

SSEKADDE: Total desolation. There was not any person around, except destruction. The soldiers left whatever that they wanted to leave behind in total destruction. The animals on our farm - we had 15 heads of cattle on the farm, the seminary farm, was killed by gun fire and left there to rot. We had 18 pigs on the farm. They were also left; some were eaten by the way; others were left there - left to die - with bullets. And whatever that we saw then was in disarray; everything was in desolation. The impression was - the place was very deadly. Because, at Namugongo, the Church of Uganda, the seminary was surrounded with covers. They dug covers around the place; only to find in a few of these covers were dead bodies and the books - seminary books -and plates broken in pieces and the curtains and all sorts of other things.

COUNSEL: Are you suggesting that bodies were littered all over the place?

SSEKADDE: Some were, others were buried in the covers.

COUNSEL: But did you enter the class-rooms?

SSEKADDE: The class-rooms.

COUNSEL: Yes.

SSEKADDE: The chairs were all broken and others used as fire-wood; and for quite some time my students were sitting just on the ground as we were teaching them.

COUNSEL: We have seen some of these places occupied by say soldiers; they have been writing things. Did you see any writing there?

SSEKADDE: Yes, they left a lot of writings behind, very threatening writings. 'We are boys of Kumi - Kumi boys. Kumi,' all sorts; 'if you happen to hide the bandits or you train them, we shall come and destroy you completely'. Some of the writings are still there for people to see. Say in the mosque around, they used the mosque. They slaughtered there two pigs and used the extreme of the islamic shrine as a latrine. It was used as a latrine - and very, very childish things were done.

COUNSEL: Now, how did you find the body of Reverend Bazira?

SSEKADDE: The Sister of Namugongo Roman Catholic Church we found here already in intensive search for this Reverend; and the inhabitants in the place had come to look for the Reverend because it had been believed he had been killed. And then, as we came - as we arrived at Namugongo, we were told by one of the christians that the body had been found behind the treasurer's house. The treasurer was the Treasurer of the Church of Uganda at Namugongo; that is Mr. Kefa Mukasa.

COUNSEL: Yes.

SSEKADDE: And so we were assisted by the team - a very big team - of searchers.

COUNSEL: But where did you - yourself - find the body?

SSEKADDE: We found it at the place it was buried.

COUNSEL: Did you find out who buried him?

SSEKADDE: No, we did not. We did not. We did not. Only the pigs had started - because they covered the body with banana leaves -

COUNSEL: Yes.

SSEKADDE: But the pigs, because it had started decaying, I mean making a very bad odour, they started enjoying - they had started exhuming it. And so, as the people saw the pigs busy exhuming the body, when they removed the leaves and a little soil, they found the body of Bazira, with a bullet here and two bullets here. And the private parts cut and one eye had been removed.

COUNSEL: This one do you think the private parts were cut or they were eaten by these pigs? You do not know.

SSEKADDE: No, I do not know. I believe they were cut by the soldiers.

COUNSEL: Anything else on him - on the body?

SSEKADDE: He was only in a pair of trousers. The shirt had been removed - his clerical shirt - and the collar had been removed and his glasses were removed from him when he was still at the college.

COUNSEL: Yes. Was he tied or what?

SSEKADDE: He was not tied.

COUNSEL: Yes.

SSEKADDE: He was - yes, he was - tied. They pulled him from the seminary, a few yards away, about 800 yards from the seminary - to the place where he was interned.

MR. NAGENDA: Canon, for the record when you say, the bullets were here, could you, please, say where they were? Were they in the chest?

SSEKADDE: In the chest.

COUNSEL: Did you see the rope with which they had pulled the body to the place where they buried him?

SSEKADDE: I saw it.

COUNSEL: Would you like to tell us the size of that rope?

SSEKADDE: It is an ordinary rope. I do not know which size; but ordinary rope.

COUNSEL: What else did you see?

SSEKADDE: That is what I saw really on him.

COUNSEL: Yes. Now, after this, what did you do?

SSEKADDE: After this, we took the body to Mulago Hospital for post mortem examination and after then we took it to Namirembe Cathedral.

COUNSEL: Did Reverend Mbazira have a family?

SSEKADDE: He had just married and he left his wife pregnant.

COUNSEL: Do you know whether anything happened to the students?

SSEKADDE: The girl students were taken to the barracks - all students were taken to the barracks at Makindye and there the girl students were violently raped by the soldiers and the male students were badly beaten and some of them are still nursing the wounds.

COUNSEL: Canon, can you tell us the one who is nursing the wounds?

SSEKADDE: He is now a Reverend, Reverend Isaya Musoke.

COUNSEL: Where is he?

SSEKADDE: He is in the Parish at Bamunanika. And the girl student who received a bullet through the knee, that is Betty Mulindwa, she is now at Bishop Tucker College pursuing a diploma in Theology.

COUNSEL: Did you see the one that was shot at?

SSEKADDE: Yes, I did. And even one of the girls, Robbina Nalule is now a Church Worker at the Cathedral. In her final year she was not doing very well and I called her in my office to find out why she was not doing well her being a person from Senior Six and there were others whose qualification was just a mere ordinary level and they were doing better than herself. When I asked her she said that immediately after that catastrophy she became blank whatever that she had learnt disappeared completely and her performance was below average.

COUNSEL: Was she one of those who were taken to Makindye?

SSEKADDE: Yes.

COUNSEL: So you say after visiting Namugongo a report was made?

SSEKADDE: A report was made.

COUNSEL: To whom?

SSEKADDE: First of all to the Government and the entire world that the Seminary is not training bandits but training men and women for Ordination Ministry.

COUNSEL: And that is what the report you want to submit?

SSEKADDE: That is a report briefly I wanted to give you.

COUNSEL: Can you give it to us please?

SSEKADDE: Yes. (Report submitted).

COUNSEL: Since you are the one who prepared it, would you like to sign it? This is a copy.

SSEKADDE: Yes.

COUNSEL: Did you know the Sheik of the Mosque that was - you said it was used as a latrine and pigs slaughtered?

SSEKADDE: Do I know what?

COUNSEL: The Imam of that Mosque at Namugongo?

SSEKADDE: No, I do not know him, I did not find him there.

COUNSEL: Okay. Thank you Canon.

SSEKADDE: Probably another information, at that very time, it was not only Reverend Godfrey Bazira who was killed.

COUNSEL: Who else do you know?

SSEKADDE: Mr. Augustinê Walusimbi, then the Seminary Manager was also killed. The Farm Manager, Mr. Moses Wamala Bogere and the farm worker an ordinary man by 65, Mr. Mukoome was also killed.

COUNSEL: Among others you did not know?

SSEKADDE: Yes, among others.

COUNSEL: You said there was a sister a nun at Namugongo Roman Catholics, do you know her name the Sister who was conducting the search for Reverend Bazira?

SSEKADDE: I do not know her name but she is still there.

COUNSEL: My Lord, that could be Exhibit No.27.

MR. NAGENDA: Canon, you have told us a very sad story but I am afraid I am going to ask you some questions about it. Firstly, you said that some soldiers went on the 21st May to pursue bandits in the area, were there bandits in the area?

SSEKADDE: You mean at Namugongo and the Seminary?

MR. NAGENDA: Around Namugongo? Let us start with the Seminary, were there bandits at the Seminary?

SSEKADDE: No, there were not, there were students.

MR. NAGENDA: Were there perhaps both students and bandits or not?

SSEKADDE: There were students.

MR. NAGENDA: Were there bandits in the area?

SSEKADDE: That much I do not know.

MR. NAGENDA: I mean the people in the area have they sort of seen people moving around suspiciously with guns?

SSEKADDE: Except after some time, after about a year we happened to see them they were not bandits they had already come out and formed a coalition fellowship with the then Government that was FEDEMU, these people

were around. We saw them because they had already made a coalition government or the fellowship with the then Government.

MR. NAGENDA: You said that dead bodies littered around the place and also in the covers, about how many bodies altogether?

SSEKADDE: They were four.

MR. NAGENDA: You mean in the covers?

SSEKADDE: Two, one was behind the Reverend's house, that is Reverend Grace Sserwadda. Another one was just at the upstairs of Mukajanga's well and the two were in the covers.

MR. NAGENDA: Who was Reverend Sserwadda?

SSEKADDE: He is a teaching member of staff.

MR. NAGENDA: So if you include Reverend Bazira, you say there were five bodies altogether?

SSEKADDE: Not necessarily because I said Godfrey died, the Seminary Manager died, the Farm Manager died and the worker on the farm also was killed.

MR. NAGENDA: So that is four?

SSEKADDE: These were four and then the other two were just lying on the ground and two in the covers.

MR. NAGENDA: Eight?

SSEKADDE: Yes.

MR. NAGENDA: And could the driver and Bazira make it nine?

SSEKADDE: No.

MR. NAGENDA: You said that a post mortem report was done at Mulago?

SSEKADDE: At Mulago.

MR. NAGENDA: Do you have a copy of it?

SSEKADDE: No, I do not.

MR. NAGENDA: Who has it?

SSEKADDE: Should be the Bishop of Namirembe.

MR. NAGENDA: Naturally this very shocking happening I am interested to hear from you what the Church did. What steps it took?

SSEKADDE: Because I was staying at Namirembe Cathedral and I knew whatever that was going on with Bishops, they approached the then Vice President, Muwanga and the then Minister of Defence. And the little information I knew was that he said that these people had gone out of their hands and could not do much and then after a few days they were removed because the order came or reached them when others had already taken their loot, the loots which were there before the order reached them was completely destroyed by gun fire.

MR. NAGENDA: Who went to Mr. Muwanga?

SSEKADDE: The then Bishop of Namirembe, Dunstan Nsubuga.

MR. NAGENDA: Am I right in thinking that at this stage doubling as the Acting Archbishop of Uganda when he went there?

SSEKADDE: I do not think, although he was the Dean of the Province he was not the Archbishop of the Church of Uganda he was just a Deputy of the Archbishop.

MR. NAGENDA: Who was the Archbishop then?

SSEKADDE: The present Archbishop, Dr. Yona Okoth.

MR. NAGENDA: Did he also go to Vice-President Muwanga?

SSEKADDE: He was not around, I imagine he was not around he was in USA and when he came I do not know what interest he did, after a year he came to visit us.

MR. NAGENDA: After one year?

SSEKADDE: After one year.

MR. NAGENDA: At Namugongo?

SSEKADDE: At Namugongo.

MR. NAGENDA: The Head of your Church?

SSEKADDE: Yes.

MR. NAGENDA: Had he sent any message before this?

SSEKADDE: Me as Principal I did not receive any message may be he sent the message to the Chairman Bishop.

MR. NAGENDA: But you as Principal never got any message from the Archbishop?

SSEKADDE: No.

MR. NAGENDA: What happened when he came to see you after a year after this atrocity?

SSEKADDE: As we took him around, you know we have a primary adjacent to the Seminary, they threw a hand grenade in the office of the Headmaster and all the books were burnt and the top of that building was iron sheets and it caught fire. And when I took him around to see the havoc he was with us, he sympathised with the situation and he had not much to do.

MR. NAGENDA: So it may be one thing that in these matters the Church has not been at the forefront of opposition to bad government through its leadership, what do you say to that?

SSEKADDE: If we went into the intricacies of the Church and politics I would definitely say that the role of the Church in the society is more of reconciliatory than any other role and as far as I can see what is my Bishops have been doing, they had definitely done something because we have a House of Bishops and a Bishop cannot do anything in isolation of the entire Church of Uganda; the Bishop of Namirembe could not do much. As I was going to 12-Bishops and I remember in the pin consultation of the Church of Uganda from Namirembe Diocese, I went to Bishop Tucker College we had an international body and that issue was raised in that pin consultation that partner in mission what we call 'Partners in Mission' and that question as I said was raised and I remember the Archbishop saying that they have set up a social concise committee which committee was obviously engaged in the responsible for disintegrating probably problems within the society. Whatever what they did, that much I do not know.

MR. NAGENDA: Okay, I have noted that the Head of your Church did not come until after a year after hearing of such an atrocity but did anybody else come within that year? Did any Bishop come or other churchmen to see what had happened?

SSEKADDE: Yes, Bishop Kivenjere came because the catastrophe happened just before the 3rd June, 3rd June that is the day all christians in Uganda have to go to Namugongo and pay homage to not those Martyrs but to praise God for giving them courage and bravery to stand the tortures of the time. So Kivenjere came on the 3rd June after the catastrophe and he was with us in that catastrophe. Others came one after another just a few of them, like the Bishop of Mukono, the Bishop of Mityana, the Bishop of West Buganda and, I think these are the Bishops I remember who came.

MR. NAGENDA: Thank you Canon.

KAKWENZIRE: I have two questions. You mentioned girls were taken to Makindye, were all the girl students taken to Makindye?

SSEKADDE: Yes, they were all girl students - not only girl students but also boy students.

KAKWENZIRE: How many girl students in all were taken, how many students did you have?

SSEKADDE: In the 3rd year you mean?

KAKWENZIRE: Those who were taken?

SSEKADDE: Those who were taken were 18.

KAKWENZIRE: How many days,did they stay in Makindye, do you remember?

SSEKADDE: One and half days.

KAKWENZIRE: How were they released, by your efforts or they were just released?

SSEKADDE: I do not know whether it was by Church's efforts may be it was the hand of the Lord because God was very much involved otherwise if it was not God these students could have died on that very spot because the soldiers came knowing all the history of Namugongo, they had given themselves names like Mukajanga, like Mbagatuzinde and they 'congratulated' the students and threatening them with grenades and said Mukajanga give us the orders. So to us it was God's intervention. That is the way I can look at it.

COUNSEL: What is the signifance of Mukajjanga and Mbagatuzinde?

SSEKADDE: Mukajjanga was the Chief Executioner in the holocaust of the 1886 and Mbagatuzinde was one of the martyrs the youngest martyr.

KAKWENZIRE: It looks to me like they thought the students were guerrillas in the way they picked everybody, was that their view?

SSEKADDE: I do not know whether it was their view.

KAKWENZIRE: Was there an attempt earlier to select who was a guerrilla and who was not?

SSEKADDE: There was not because as they found the students with the Principal, those soldiers first came on Monday, 21st in plain clothes and they participated in the service the early morning service with the students and then they went away. On Tuesday, they came back armed to the teeth wearing different uniforms, "boding", *biteteyi* and others were with turbans - muslim turbans they camouflaged themselves and when the Principal saw them, he gave an order to the students to be in the dining room and he went and congregated the members of staff and they prayed and when the soldiers came at 3.00 p.m they found the students in the gódown which godown is the dormitory for the students.

KAKWENZIRE: Let me understand here. First, one phase of soldiers came in the morning and then more soldiers came at 3.00p.m?

SSEKADDE: No, on Monday they came and went away and then on Tuesday came back in different trucks at 3.00 p.m, it is when they found the students in the dining hall praying and when one soldier peeped through the door

window he saw them and triggered off and the bullet caught the Principal through the knee, that was Tuesday and it went through the knee of the Principal and caught the girl student in the leg.

KAKWENZIRE: What tempted the Principal to gather everybody? The soldiers had come on Monday and went away without seeing anything?

SSEKADDE: Yes.

KAKWENZIRE: On Tuesday, was the Principal expecting them to come back?

SSEKADDE: No, they came and there were two trucks, you know Namugongo as it is Namugongo locality, as they came they went beyond the Seminary and parked off the car just at the very border of the Seminary and one other tenant just adjacent to the Seminary and when the Principal - one member of staff was teaching - when he saw those soldiers unpacking themselves and going down the Seminary, the Principal called all the students to be together and pray because Namugongo has been known of different sporadical attacks, soldiers were coming in and going out, coming in and going out and so he started congregating those people and prayed and then these soldiers found them praying and they said the bandits are here. This was the first remark of the soldiers and he started asking them questions until the Principal told one soldier, I am the Principal, why do you ask these students they are my students you ask me and he said Okay, you come and he caught him by the hand and took him out and started harassing him by removing his collar and beat him very thoroughly while the students were there, and this Seminary man who died who was also killed came in and said, do not kill our priest. This is a seminary. One soldier told him that you, my friend we have not come here to play about but if you want to escape, run away and he thought he was meaning business, he was rescuing him, and he started running to the latrine. And he shot him as he was running away and then he came back to torture the remaining other students and members of staff.

KAKWENZIRE: May be you could, from there, tell us about these others who died, were they also killed here with the people you have told us?

SSEKADDE: No, these were collected from the suburbs of the area.

KAKWENZIRE: I mean these people who were working for the College.

SSEKADDE: No, Mukoome, an ordinary man of 65, was right at his house and these soldiers found him there. The Farm Manager was also arrested and it is believed he was killed at Katikamu Military Barracks, it is where he was taken. This Mukoome, some people were arrested at Namugongo and others were released and they told us what befell Mukoome at Mbuya Hill Military Barracks. They wanted to get information from this old man and so they squeezed him by banging him on the wall and he had a crack round here and he died eventually in the military barracks.

KAKWENZIRE: In your earlier narrative you talked of covers which I did not quite get but I think you meant some kind of trenches where they were hiding, is it?

SSEKADDE: Yes, but very superficial. I asked that soldier who escorted us as we were coming from the down stairs at Mukajjanga's well, you know we have a down stair of that place, we have a valley and as we were coming out we were coming out from there with two Bishops I was with them that Friday, I asked the soldier because the covers were too superficial for anyone to cover himself (Interjection)

KAKWENZIRE: Too shallow.

SSEKADDE: Too shallow. I asked him whether definitely these were real covers, the military covers because they were too shallow? What my reaction as to what I saw was that they wanted to blindfold the world that there was a war at Namugongo by digging all those covers around that place because no one could even hide in a very shallow cover which could not even go deep two inches.

KAKWENZIRE: When were they dug?

SSEKADDE: It was between 24th and Friday when these people were there.

KAKWENZIRE: Had anybody seen the soldiers digging them or they saw undercovers?

SSEKADDE: No, undercover. No one because all those who remained there were definitely killed except these students who miraculously escaped death but the others - any person seen he had to die. You go to Namugongo and you find out the story. They will tell you how many people died in and around Namugongo. If they stayed there more than one week, the story would be different.

KAKWENZIRE: Lastly - this Reverend Bazira, was he killed there in front of the students or was he-

SSEKADDE: No, as the students were told to go up just in front of the church - the shrine, they heard the bullet. That bullet, they believe, it is the bullet that killed Bazira. And, as they were still there in all sorts of intimidation, the head - the High Commander, told them or ordered them to go for the priest. And they heard one of the soldiers telling the commander that he could not move. And he ordered them to bring him to him, and they said he cannot move. And they knew Bazira had been killed. The students knew Bazira had been killed. They dragged him from the seminary building down as you are facing Mukaajanga's well, there is a big tree where it is believed he was killed.

KAKWENZIRE: And from there to the place where they buried him-

SSEKADDE: It is about 800 yards.

KAKWENZIRE: Reverend would you know who would have been in-charge of these operations in the area?

SSEKADDE: I do not know but my reverends who were physically inyolved know.

CHAIRMAN: Canon, how many students were in the seminary at this time? Roughly - if you cannot remember the exact number?

SSEKADDE: The third-year students, we know we have three different classes; we have the first, second and third year. But the third year students who were involved exactly were 18. They were 18 of them. And we have a capacity of 45 students.

CHAIRMAN: I see.

SSEKADDE: Yes.

CHAIRMAN: Were those the only people resident at that time?

SSEKADDE: They were the only people resident.

CHAIRMAN: I see.

SSEKADDE: Yes.

CHAIRMAN: Counsel, this place is not far. I am thinking - and I have consulted other Commissioners - that, I think, we should visit Namugongo with the Canon. Perhaps, you can save some of the details which he is explaining now to do at a later time on the scene. Could this be arranged, please? It suits us better.

COUNSEL: Yes, my Lord.

CHAIRMAN: As soon as possible - say next week.

COUNSEL: We shall arrange, my Lord.

CHAIRMAN: Now Canon, as you have heard, we are interested. We would like you to go and show us this place, what happened and so on, together with any other members of staff and the students who survived the incident.

SSEKADDE: Yes.

CHAIRMAN: But, of course, they will give evidence here. But before you leave today, our people will tell you when we are going to come so that you are available.

SSEKADDE: Okay.

CHAIRMAN: And in the meantime I would like to thank you for your evidence for having come to tell us this terrible - the story of this terrible - incident. We shall see you again at the seminary.

SSEKADDE: Okay, please.

CHAIRMAN: Yes.

SSEKADDE: Thank you.

CHAIRMAN: Thank you. The next witness please.

WITNESS NO.128: REV. SAMSONI ISOBA KIGENYI . SWORN IN

COUNSEL: Reverend, would you state your full name, please?

KIGENYI: Samusoni Isoba Kigenyi.

COUNSEL: Where do you reside?

KIGENYI: At Namugongo.

COUNSEL: Namugongo is a big area where in particular?

KIGENYI: At the Church of Uganda Martyrs' Shrine.

COUNSEL: For how long have you been there?

KIGENYI: Since January, 5th 1984.

COUNSEL: Aged.

KIGENYI: I am 53. I will be 53 next month.

COUNSEL: What do you exactly do at Namugongo?

KIGENYI: I am one of the tutors at the seminary. We train church ministers.

COUNSEL: When you joined this seminary in January, 1984, who was the Head?

KIGENYI: The late Rev. Godfrey Charles Bazira.

COUNSEL: You refer to him as `the late!' When did he die?

KIGENYI: I think, he died on May 23rd, 1984.

COUNSEL: Where do you think he died?

KIGENYI: On that very site at the Uganda Martyrs' Shrine at Namugongo.

COUNSEL: Now, why do you say you think he died? Were you not present at Namugongo that day?

KIGENYI: I was, but I did not witness his death.

COUNSEL: How come that he died?

KIGENYI: I later learnt that he was shot by the soldiers.

COUNSEL: Now you see, you are talking about death; you are talking about soldiers. Would you tell us what happened on 21st May, 1984, at Namugongo?

KIGENYI: Yes, 21st was a Monday - 21st of May - and over the weekend we had heard that the Mpoma Earth Satellite Station had been attacked. That is the rumour we had heard. And in the afternoon of that day, we saw trucks of Uganda Army Soldiers coming to our place. They did not come from Kampala side but from Mukono side and they stopped at our place. They did not ask anybody; they just walked across the site and went into the forest. After some time, we heard gun shots and then there was quietness. After about one hour - it was about six o'clock - they came back dragging a man; I think, there were two men with a big *'sefuriya'* - saucepan - and an axe and a bit of *'unga'* - maize meal - and some dry beans. They passed near my house because I was on the site then and one of the soldiers said, '*mzee* you are in trouble; you are harbouring guerrillas in this area and you have not reported and we are coming back tomorrow; you people will see'. I said, 'We did not know.' But then from what I gathered, the man was a local resident. He was dealing in charcoal. I did not know him personally. But I came to learn that he was a local resident in the area down in the forest to burn charcoal.

COUNSEL: Yes.

KIGENYI: They drove off and went with the man. I did not hear of the man any more. Presumably he died at their hands. The following day - that was a Tuesday, 22nd - that was my day off. So I left early and went to Seeta to do some College business again. We were organizing the Martyrs' Day Celebrations for 3rd June and I went to consult with the neighbouring Parish. We wanted them to help us with organizing these celebrations. I had been assigned that exercise. So I came back on the site at about 2.30; and soon after that, army lorries full of soldiers and people dressed in civilian clothes came to our site; this time, they were from Kampala side. And I was at my house; I got out to see what was going on. A soldier came to me, asked for money. 'You are in trouble. Give me money'. I gave him some money and he left me. After that another soldier who looked as if he was under the influence of either alcohol or 'bhang' or both, because he looked terrible with a gun, he said *'Mzee*, I want you to get me spanner'. I said, "What sort of spanners?" "Any spanners - bicycle or motor car spanners" I said, 'Well I will go down and see the Seminary Manager because he is the one responsible for the lawn mowers in this place; so he may have the spanners'.

So I managed to escape temporarily. I went down and met the students and warned them; "We are in trouble; so do not move around, you stay in-doors". I got a spanner from one of the students. I came with it. The whole idea was to get to my house. Luckily enough, I did not find this soldier. So I entered my house and closed it. I and the late Reverend Godfrey Bazira and my colleague - Rev. Sserwadda - as we were tutors

there, following the incident on Monday, we had agreed that if anything happens, we should, each, be in our houses. So I entered into my house and, after an hour or so, there were gun shots all over the place, from all sorts of direction; because I could open the curtains and see soldiers and what not. I hid under my bed because it was the popular thing that, if you hide under the bed, the bullets will not find you easily. In my house, I have my son - Stephen Kigenyi - and my grandchild Margerie Mukyala - about 3 years of age and we had a house girl whose name I do not remember because she had just stayed with us a few days, and this girl was about 11. So we were 4 people in the house. My wife had gone away to Nakawa to do some business. Another boy of ours was not in the house. He had also gone somewhere. So we spent a terrible night in that house.

We had soldiers under the verandah; luckily enough, there were some - or unluckily enough, there were some - chicken fleas which troubled them. So they tried to pull a curtain from my door. Then I was concerned. Why should I lose my curtain. So I went and put on lights and then I was ordered to open the house. We opened the house and everybody was made to sit on the floor and our identities produced. One of the soldiers went to my bed-room and removed valuable articles like cash, some valuable fountain Parker pen of mine, which was a gift and other valuable things. Then we were told to close the house and not to open it to anybody else. They told us they were staying under the verandah; so we should not try to run out. We could not sleep that night, of course; and at about six o'clock they knocked the door - no earlier than that at about 3.00 a.m. They knocked the door. 'We want some drinking water. Do you have some water?' We managed to give them some water. At 6.00 a.m. they knocked - they had heard the cock crow - my chickens in the kitchen. They said, 'You get us your boy to prepare these chickens for us, and he did. We had just had some aid butter oil and this boy prepared nicely these chickens. At about seven o'clock a messenger came and said, 'The Commander wants you.' When the chickens were ready - they were beginning to eat - we were called by the commander, and that was the end for us to stay in that house. All four of us went to meet the commander.

I was one of the first to be collected. I did not know what had gone on elsewhere. I did not know what had happened to the students in the hostel. I did not know what happened to my fellow members of staff. So we went to meet the commander and he asked us; he asked me in particular: "Do you train guerillas here?" I said, "No". "Where are the rest of the members of staff?" I said "they are expected to be in their houses so I hope they are there." So they asked me to go and call them at the next house, that was the Principal's house. When I went there I expected to find Rev. Charles Bazira, I did not find him I found Rev. Serwadda he had not slept in his house, he had slept in Rev. Charles Bazira's house and Faith Bazira, the Headmaster of the neighbouring school and one of the women students were all there. So, I called them we are wanted out, they all came out. The same question was asked each of them, and of course they denied. They put to us that we were training guerillas at that place, we did not know anything about that so we were

made to sit there, they started collecting all sorts of people from even passers-by and neighbours who had remained. Otherwise the whole village was quiet. Some people, the previous night, did not sleep in the village, they were used to the conditions at Namugongo because it had been attacked several times before. So, they knew about it and they had escaped much earlier and they collected also the students. They came. We were made to sit down and then I realized that something terribly wrong had happened because one of the women students, Betty Mulindwa had been shot in the leg. When the students came we noticed that, and she told me, because she sat near me, that Godfrey Bazira's eye had been removed and it was hanging and that they were dragging him down. And while we were there we heard gun shots and then the lady said "I think they have finished him." Even one of the soldiers told his friends when we were hearing, "well *huyo nakwisa*", so that is why I said Bazira was killed. I did not see but from what I heard and I knew that he had been killed.

About ten o'clock we were, I, Reverend Sserwadda, my son and Betty Mulindwa, the injured lady, and a student, we were put into a pick-up. Of course before that we were tortured by beating us, removing all sorts of articles, shoes and what have you and we were brought to this place, not this particular place but the Nile Mansions. We stayed there the whole day interrogations and what not. Later in the evening, we were handed over to the Police. We were taken to Radio Station somewhere and later in the evening Bishop Nsubuga and Kawuma collected us. We spent the night of 23rd at Bishop Kawuma's house. I, Reverend Serwadda, Stephen Kigonyi, my son; on our way to Bishop's house we dropped Betty Mulindwa at Mengo Hospital. One thing while we were there the man in-charge seemed to be reasonable because he ordered immediate treatment to be offered to Betty. She was treated first aid. We spent again a sleepless night because we were given up for dead. We ourselves thought we were going to be killed because not many people had been to that place and they came out safely alive. So the Bishop told us the following morning that Godfrey had died. That they had got the news, that was Thursday morning, and we were advised to go away to our respective places but not to keep open to the public because we might die next. So, I went to Busoga to a friend of mine for a week. After a week I came back and then after some reorganizations I and Reverend Serwadda, with nine students went back to Namugongo to resume. We found the whole place smelly we had to bury some dead bodies, books burnt, all sorts of things damaged. It was terrible those first few weeks of June. We resumed on June 11th, 1984. I think that is all I could say.

COUNSEL: Now, when you say you were put on the pick-up, how many of you? With students or you and Serwadda?

KIGENYI: We were four, the students remained behind. I, Reverend Serwadda, one of the students, a lady, and my son; four of us.

COUNSEL: Did you know what happened to the students who remained behind?

KIGENYI: I learnt later that the story they were put on a lorry afterwards. After there was a lot of gun fire on the place in the afternoon, I learnt they were put on a lorry taken to Jinja Road Police Station they would not accept them there, taken to Makindye, they would not accept them there, then some kindly officers, I think managed to reroute the Tata lorry to Mukono Police Station where they were dumped and the Bishop there, the Bishop Nkoyoyo of Mukono rescued them from there and took care of them. One thing I did not mention that I learnt later on is that the women students were raped at Namugongo after we had left. They kept picking one at a time and taking. They were made to sit there and even the widow, Faith Bazira, was raped, she was under pregnant, advanced pregnancy, but all the same she was raped.

COUNSEL: Apart from visiting your place the Seminary did you visit other neighbouring places like the Mosque and the Catholic Church which is also at Namugongo?

KIGENYI: I managed to visit the Mosque, I did not go to the Catholic Church, those days it was not safe to move so far away from your base. When I and Serwadda visited the Mosque, we learnt that it had been defiled religiously, that is they had burnt pigs there and eaten them, defiled the place, because I understand that is tantamount to defiling under Islam religion.

KAKWENZIRE: Reverend, you mentioned earlier that the vehicle that passed your house had some *kaunga* on it. I actually came in as you were telling the story but it struck me because I had heard of a similar case, did you mention there was some posho, a half drum or something and sauce pans.

KIGENYI: I was at my house and these soldiers had gone on foot into the forest down through our compound after an hour or so and they came back dragging a man or two and there was no vehicle they were all on foot and this man was made to carry the sauce pan with *unga* and what not. Because the soldier came to me and said, "you see these are guerillas we found these things" he enumerated the things and we saw them take the man. I saw the sauce pan definitely, I did not see them; because I was at a distance, the soldier told me that they had found these guerillas, this man must have been one of the cooks, the others had run away and they had found their rations of maize meal, dry beans. I saw the saucepan, a big one and an axe. At least those I saw. The others I was told by the soldier, the maize meal and the beans.

KAKWENZIRE: Since you are in the area probably you had also heard of similar killings in some places around there in the forest and what have you. Have you heard of another operation nearby Nakiyanja, did you hear of Nakiyanja incident?

KIGENYI: That one was previous to my going to Namugongo. There had been previous raids on Namugongo, I learnt later on that as far as I am aware that that was the first one since my stay there.

MR. NAGENDA: Reverend, you said you were called by the Commander, did you get any chance to ask his name?

KIGENYI: No, but I learnt later on that his name was Opeto and that he was from Makindye barracks. I later confirmed this in 1985 at the consecration of Bishop Mpalanyi Nkoyoyo of Mukono. When we were there, the President came and the man in-charge of security was this very man, Opeto. So, I asked and I was told he is Opeto because he had certain things here which made him outstanding to me.

MR. NAGENDA: Who was the President at that time?

KIGENYI: Milton Obote.

MR. NAGENDA: Did you by any chance get to know where this man is? Have you seen him since?

KIGENYI: The last time I saw him was at Mukono at the consecration.

MR. NAGENDA: In 1985?

KIGENYI: 1985, yes.

MR. NAGENDA: Would you be able to recognize him if you saw him?

KIGENYI: I think so?

MR. NAGENDA: Okay, if he is alive I hope you will see him.

MR. KAWANGA: I had just wanted to ask one question. You said you were brought to Nile Mansions?

KIGENYI: That is right.

MR. KAWANGA: And you spent a night there?

KIGENYI: No, a whole day.

MR. KAWANGA: A whole day?

KIGENYI: That is right.

MR. KAWANGA: Can you describe to us what happened when you got there?

KIGENYI: When we got there, we were made to go upstairs and to sit under verandah exposed to the heat, it was so hot.

MR. KAWANGA: The balcony?

KIGENYI: I think it is the balcony, so hot seated there and you are supposed to sit in one position without changing. I found that difficult at my age and if you changed you would be slapped or kicked, that sort of thing.

They particularly liked my son because they kicked him several times because some people seemed to recognize him. They came knocking at our heads and that sort of thing saying "taunting us you clergy are now doing this sort of thing, you are betraying the government you are training guerillas," accusing us blantly like that. Time came after that sort of thing, after an hour or so we were taken before the big man, I do not remember his names, he was an army officer. We were taken to a room looking like this but much smaller and when we reached him there was a long seat and he was seated on a chair. We thought we were prisoners so all of us sat down, then he was courtious and told us to sit on the chair, so we were promoted to sitting on a chair and then he questioned the people who took us before him, they have their story. From our judgement superficially he did not seem to believe their story so he tended to cut them short, from my own observation. So, he assured us that we were in a safe hands that he was rushing to Bombo, he would be back but then we should wait there they would take our statements. He thought conditions were improving. Actually we were served with lunch, seated under the balcony sweating, it was Irish potatoes boiled with pieces of meat. We did not have a chance to wash our hands, we ate with dirty hands but it was better. But then the question came, the food was so salty we thought it was one of the tests and then someone came taunting us with drinking water. Eventually he gave it to us, they took our statements individually. We told them what we were able to tell them, I hope these statements are with the police because we were handed over later to the police. So we sat there waiting for our doom, knowing that after that we would be whisked somewhere where we would never come out. But while seated there towards the evening about six o'clock we overheard, because the office was not so far away; we overhead, "we are handing them over to you but we are not releasing them." So, we began having grumps so of some hope of our release. Eventually we were handed over to a certain gentleman, Mr. Kamugisha or somebody who works somewhere in the police. We knew we were in safe hands, we were driven by a car from there across to the other side. When we got there we made further statements, our identity cards were also released with us so that gave us assurance that we were beginning to have some freedom. So briefly that is what happened to us there.

MR. KAWANGA: No, in the meanwhile this lady Betty had her injury in the leg?

KIGENYI: That is right but she had been treated.

MR. KAWANGA: She was treated in the Nile Mansions?

KIGENYI: That is right, under the order of the officer.

MR. KAWANGA: Do you remember the room to which you were taken?

KIGENYI: She was taken away from us so that one I do not know.

MR. KAWANGA: No, the room to which you were taken, yourselves.

KIGENYI: Ah, I do not remember.

MR. KAWANGA: You do not?

KIGENYI: Yes, I was too worried to mind.

MR. NAGENDA: When you say you were handed over to a policeman called Mugwisa.

KIGENYI: Kamugisha, he was not in uniform, I think he was heading either special branch or some section.

MR. NAGENDA: But his name was Mugwisa?

KIGENYI: Kamugisha or something.

MR. NAGENDA: Kamugisha?

KIGENYI: Yes.

MR. NAGENDA: Now, you also said something I do not know whether it is a vital evidence but you said they seemed to recognize your son why was this?

KIGENYI: Because he is by profession a radio repairer and we have a house at Kiswa so he got to know some of these soldiers and the soldiers were saying "are you not the one who repaired my radio," then slap him that sort of thing.

MR. NAGENDA: Perhaps he repaired it badly?

KIGENYI: May be.

CHAIRMAN: Reverenf Kigenyi, thank you very much for your evidence. We are sorry you have had to relieve the incident by telling us the story, but it is necessary. As I said earlier to the Canon who preceeded you on your chit we would like to visit Namugongo and since you were actually there when the thing happened, which the Canon was not, we would like you to be available there to show us the place and so on. You will be informed, we hope sometime next week, we hope you will be available.

KIGENYI: Yes, I hope so.

CHAIRMAN: Yes, finally I think I must commend you in the manner in which you have your evidence. It is very clear and the language is, I have not had perhaps a more, perfect English language coming from a Church Minister - (Laughter)-

KIGENYI: Mr. Chairman, I was a civil servant for quite a long time I am a pensioner but that is not to say that the clergy cannot be a good English speaker.

CHAIRMAN: No, that is not what I did not imply either but I merely want to emphasize that not only your language is very good but I think you have very clear mind and the clarity was very impressive. Thank you very much.

KIGENYI: Thank you too.

CHAIRMAN: Counsel do we have another witness now?

COUNSEL: Serunjogi.

WITNESS NO.129: MR. HENRY SERUNJOGI - SWORN IN

COUNSEL: State your names please?

SERUNJOGI: Henry Serunjogi.

COUNSEL: How old are you?

SERUNJOGI: 38 years.

COUNSEL: What do you do?

SERUNJOGI: Accountancy.

COUNSEL: Where?

SERUNJOGI: African Engineering Company.

COUNSEL: Where is that?

SERUNJOGI: At Nkrumah Road.

COUNSEL: And where do you reside?

SERUNJOGI: Namugongo.

COUNSEL: In 1984 where were you working?

SERUNJOGI: I was working for Uganda Martyrs Seminary in

COUNSEL: When did you start working for the Seminary?

SERUNJOGI: 1st June, 1982.

COUNSEL: And when did you stop working for the Seminary?

SERUNJOGI: Incidentally it is June again 1987.

COUNSEL: So, shall I take it that in May, 1984 you were in Namugongo?

SERUNJOGI: Surely indeed.

COUNSEL: Did you know Reverend Godfrey Charles Bazira?

SERUNJOGI: Yes, he was my boss then the Principal of that Seminary.

COUNSEL: I have been told he is dead?

SERUNJOGI: Sure.

COUNSEL: Would you like to tell us the circumstances which led to his death?

SERUNJOGI: I beg to go a little bit Counsel if I am allowed.

COUNSEL: Yes.

SERUNJOGI: I may start on Monday 21st when soldiers were deployed from the Eastern side, that is through Mukono to pursue bandits towards Namugongo side. It was alleged then that bandits had gone to the satellite and had shot at some of the amenities, some of the equipment on the satellite. As they came along they branched over to the Seminary they found us, as it was working day, we were still at work. We went to the Church as a matter of security to go and pray. They came right inside the Church some of those people who were dressed in civilian clothes. We thought they might have been NASA people. We started praying for that day. There was an order to be followed as in Christian Churches, there was a place to read in the Bible where it says: "that the armies of Joshua were pursuing their enemies and those spies had to go ahead of them to go and spy the other army they were fighting against. So this Rahah the harlot had to hide these spies," it was read so in the Bible "until the first ones came across Rahah and tried to interrogate her, she had hidden those intelligence men inside the house. So after - (interruption).

COUNSEL: But please Serunjogi in fact it is very very good, do you remember the verse?

SERUNJOGI: I believe it is in the book of Joshua.

COUNSEL: Yes.

SERUNJOGI: The Old Testament but I do not remember the Chapter.

COUNSEL: Yes?

SERUNJOGI: It sort of coincided with those people's mission to our place. So as Rahab had to put a sign to their army, so that when the enemies had gone they would let the spies go. So I think these men took it for granted that we were reading our own signs and they went away very satisfied after arresting some of the resident in the area; namely Walusimbi and another Munyankole man who was a charcoal man in

the forest actually and they were taken away with a big Sufuria. Then we had the charcoal men cooking in the forest because we used to know it actually they used to cook from the forest and these soldiers said; "look, look, what the bandits do, they cook in the forest, here we have a sufuria and these several other men. So, they took Walusimbi and since then he never appeared and that Munyankole man. I do not remember his name actually. They said we shall return Monday, me I thought they were jesting about. We kept around until Monday evening that is 22nd.

MR. NAGENDA: Tuesday?

SERUNJOGI: Tuesday, these men came we first heard what they used to call Mobile Unit dressed in various type of clothes, others in frocks, others as gomasis others in kanzu and what have you, but they had the gun. They passed us some 200 yards afterwards and then another group or convoy came in in uniform, stopped short another 200 yards. So, you see we were surrounded then. We could not run away from the place and afterall we did not have cause for running. So, they went to the forest and a few minutes later shooting ensued very seriously and then as I was the only senior staff left at the place I mobilized the students to go to the cubicles to keep there so that if the soldiers came around I would explain. I thought I was well equipped with Swahili and would convince them but for them they had come for a mission in the place. So they shot with full commanding ....."*songa mblele maliza adui,*" and what have you, and their .... and beating of the drums, knocking the pestles as if they are grinding groundnuts and whistling and what have you. Meanwhile I kept inside I feared. I thought now it is very serious. It went on for the very good number of hours I think three or two until around 6.30 when a single soldier came at the instant door of the Seminary and shot inside the single bullet which caught one of the students namely Betty Mulindwa, she is not a Commissioner worker, a preacher of the gospel at I think Kibuye or some Church and then it diverted into the thigh of late Rev. Bazira and severed him very seriously. Me, being a first aider, mobilized the wound to stop excessive bleeding till the following morning in expectance of explaining the whole matter. Then the following morning 23rd, there came, a single soldier with one eye entered and he covered us with a gun in a distance, trying to know who were we. We had Bibles, people had .....and the clergyman was here. Reveremd Bazira was there - (interruption)

KAKWENZIRE: Excuse me, may I interrupt the witness a bit when he says the following morning.

SERUNJOGI: Yes.

KAKWENZIRE: I got a bit confused did they leave and then?

SERUNJOGI: No, they stayed in the place overnight, they arrived 21st, 21st Monday they went that was the intelligence convoy, then 22nd was this unit where we had the Mobile Unit and uniformed.

KAKWENZIRE: In your story you had reached where they had shot Betty and the Reverend and where you had attended to them first aid, at that juncture the soldiers withdrew because after that you said then the following day.

SERUNJOGI: Lady Commissioner, true it is 22nd that one that occurred 22nd evening so the following morning is, 23rd, am I clear Counsel?

MR. KAWANGA: Perhaps what the Commissioner wanted to know, okay you were shot, did the soldiers stay around or they went say?

SERUNJOGI: They stayed around.

MR. KAWANGA: Okay, that is what I wanted to know.

SERUNJOGI: They stayed overnight and the following morning was now 23rd, it is when this one soldier enters the cubicles where we stayed overnight and he calls at his other soldiers to say, "songa, songa mbele, hapa yiko adui wengi," which implies that they should come close that there are very many enemies inside here. We were taken out and now it was complete thorough threshing of human being. Two soldiers had to apply anything, any club or anything, guns, pangas, in beating up people. I have scars because I am a survivor of this and then we had to be denuded, all denuded I would say. Say for a few who were given tattered trousers for replacement for their own you woul not remain with a single expensive or article on your body. So we stayed with these people over six hours to seven. At around one o'clock that day shooting again took place. Those people were exchanging fire, I think to convince the authority somewhere that truly there was an enemy in the area. The people in civilian clothes were far away near Nsasa village I would judge then and those people were right at the Seminary compound trying to shoot at the other range and those ones shooting back here with full orders. It would really convince a man in here or some authority here that there is an enemy there. They killed one of our fellow workers namely Walusimbi Augustine and Rev. Bazira was shot at from a distance of about 300 yards away after having been beaten to a comma. And all his clothes and property snatched away from him. Then at around six Captain Opeto, being pressed very much I think by our Bishops because they were corresponding on.

COUNSEL: Now, you came to Captain Opeto. Was he the person commanding this operation?

SERUNJOGI: Indeed Counsel.

COUNSEL: Did you know him before? How did you know he was Opeto?

SERUNJOGI: I knew Opeto because in Makindye where I was residing, at my mother in-law, he took our house from a certain nun in Makindye in which he was working as - Commander in Chief of the other barracks in Makindye, and I know him then. So when he came to Namugongo I really saw him and I could identify him and he was communicating on

a ndio call in very plain English on pressure by the Bishops over Muwanga and Obote about our whereabouts and they would say, for Rev. Bazira he was to live for only five minutes that he would not be able tobe brought to Kampala for interrogation or whatever. Whereas in the real truth Bazira had been killed. So, we stayed up to six, this is now the second day we are staying at that very place, amongst random shooting and what have you until we were instructed to be brought to the Central Police by this soldier Opeto, that he had pardoned us though we had hidden the enemies sometime that we go to the Central Police to be released and those of us who did not have anywhere to go should be locked up in the Central Police until the following morning. On getting here the soldiers who were in-charge of us changed statements they said we were the bayekera from Namugongo and then the policemen said, "no, we will not lock up these men. We do not have any evidence about them. We do not have any communication regarding these men." And they could identify specially the then Mrs. Bazira, Faith Bazra; they said we know only this lady who must be the wife of Rev. Bazira and then other clergymen and students, the ordinary intended clergymen under training whom they knew so they refused to lock us up and then the soldiers ordered us back to their truck. We went to Makindye amongst bitter quarrelling between the soldiers that they had messed probably this news would be spread to foreign radios especially BBC as they quoted. Then I thought I think we might be killed because we have annoyed or probably be annoyed with their fellow force men. We were taken to Makindye and we stayed in a cell right inside in a dark room and you could not see even a friend I think in a few feet and here soldiers came in with anything and hit the feet, our feet we now had bare foot. They had to hit the feet against the floors. This pained and they would try to ask whether we were bayekera or not. But God is kind. We stayed only for 20 minutes inside that hell and they got us outside of it and we climbed the truck again to Mukono, to DC,s office Mukono as displaced people. So, we were taken to the Police and now the soldiers were frustrated. They told the policemen there that these are displaced people from Namugongo so please lock them up. Again the policemen refused. They said, "we do not lock innocent people". Then we had to sit by the verandah, Mukono Police Station verandah and thereafter we were collected by the Bishop and clergymen of Bishop Tucker Theological College to Mukono Church, where we stayed from 23rd to 27th after making statement to the Police CID, from Impala House as I understood. Amongst the many questions they asked was one regarding Rev. Bazira and our property. To the former I said we left Bazira with the army officers in Namugongo although I knew he had been killed fearing to be pin pointed. Also regarding our property for that I said yes I had even to load some of our property, and most of our property just to inform this Commission was burnt. In Namugongo people sleep on gunny bags for a few of us have some aid, relief aid but most of the people in Namugongo are in total poverty, and then I had to return to Namugongo to resume work until of recent when I left the place. That is what I have regarding the whole episode in our place.

COUNSEL: Among the students were there ladies or women?

SERUNJOGI:

COUNSEL:

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SERUNJOGI

MR. KAWAN

SERUNJOGI: Surely Counsel, yes they were these ordained ladies undertaking a course of three years for a certificate in theology and some other girls from the neighbouring homes who had run to that place hoping that it would not be attacked as it was a religious institution.

COUNSEL: Is there anything which happened to them, the ladies you know?

SERUNJOGI: Yes, sure as a matter of course these men were fond of raping and they did it and on reaching Mukono most of these ladies were taken to hospital. Even after some of them were admitted to Namirembe hospital for further treatment?

COUNSEL: Now, when you returned to Namugongo what was your general observation of the place?

SERUNJOGI: Yes, we had lots of property destroyed by gun fire, we had the postlane broken, postlane articles and people's homes broken into. You would go and find various places where you find debris and then other articles burnt up. You find charcoal and ashes. We had our chairs burnt, we had our cattle and pigs taken away from the farm, this is a College Farm.

COUNSEL: You mean they were not there they had been taken away?

SERUNJOGI: Yes, they had been taken away.

COUNSEL: Were there some which were just slaughtered or shot at?

SERUNJOGI: Counsel, this much I cannot explain because I did not find anything like say a skin or what have you but the farm was simply bare.

COUNSEL: Okay, thank you.

MR. KAWANGA: I think I will have to take you back, you said somebody shot into the room in which you were and Rev. Bazira was injured do you remember about what time this was?

SERUNJOGI: Yes, time was approaching 7.00 p.m.

MR. KAWANGA: Seven?

SERUNJOGI: Yes.

MR. KAWANGA: So, you first aided these two people?

SERUNJOGI: Yes.

MR. KAWANGA: And you spent the night in that place?

SERUNJOGI: Indeed.

MR. KAWANGA: Nothing happened overnight?

SERUNJOGI: Nothing happened and one would believe that those soldiers had gone away but they were around.

MR. KAWANGA: Okay, by the following morning a soldier with one eye comes and says here are the other adui, now what happened when he came?

SERUNJOGI: After he had called he had declared there were adui here, his friends rushed in, a number I could not account and they had to cover us with guns and they ordered us out of that room and this is where cassocks, these people had put on their cassocks to identify themselves further and the Bibles taken away and torn.

MR. KAWANGA: Yes, and then what followed. Where did they take you from this room?

SERUNJOGI: From that room they ordered us to sit?

MR. KAWANGA: Where?

SERUNJOGI: In the courtyard. There is a place which is bare without grass, they told us to proceed there, then thereafter they told us to lie down and started beating, as I told you, with anything they had.

MR. KAWANGA: How long did this beating go on?

SERUNJOGI: It went on for ten minutes but in three phases. There was the beating by the clubs, pangas, the butt and the barrel of the gun you know, this way.

MR. KAWANGA: And that included Rev. Bazira?

SERUNJOGI: Indeed yes.

MR. KAWANGA: Then what followed after that?

SERUNJOGI: Then Reverend Bazira was separated from us and beaten in a distance away from us.

MR. KAWANGA: Why do you think this happened to him?

SERUNJOGI: They might have been convinced that he is the man they were after. No, this is my own thinking because there was Rev. Father Katerega and this was the Father in-charge of Nsirika House, Retreat House, which is very close by religious institution comprising of a hospital and a farm and other activities actually. It is a very true place and this Father had been very sincere with the soldiers always turning them away from that place and probably for them they might have suspected probably that he is hiding some people there. Because I am sorry during this day, the 23rd people from Bombo were ordered to run towards that place as they had received information that there were adui in that place, this Nsirika place. I understand they might have been confused by the Word Seminary....., I am sorry to say this, because in the Anglican Church we had not so much been used to the

term Seminary which merely means theological college. Me, I think they might have come for Rev. Father Katerega and seeing the word Seminary they assumed this Rev. Charles Bazira must have been Rev. Father Katerega because both of them wore glasses and they were brown fellows and almost the same height. This is my own thinking.

MR. KAWANGA: So, they take Reverend some distance off where you continued seeing him being beaten and eventually they take him some distance and he is shot?

SERUNJOGI: Indeed, yes.

MR. KAWANGA: You saw him being shot?

SERUNJOGI: Yes, some men bent down four rounds of ammunition went. It is actually a distance not very far. There are some shrubs, I can even identify. Then over after leaving Mukono on Martyrs Day 3rd June, I went to the very place to really know whether there were shootings as I saw these soldiers and I saw holes made by the bullets in that very place.

MR. KAWANGA: Now, after that what happened to you? Okay, the Reverend is shot you are there, what happened to you and what happened to the dead body?

SERUNJOGI: We were ordered away from that place and marched up towards a road near where bus stops, the last bus stage and we were ordered to sit there where we found the two tutor Reverends, Rev. Kigenyi and Rev. Serwadda who had been got away from the houses and they were not trying to make them identify us and they made us identify them.

MR. KAWANGA: Now, in the cause of the shooting of Rev. Bazira was Captain, is it Opeto?

SERUNJOGI: Opeto.

MR. KAWANGA: Was he around?

SERUNJOGI: George Opeta was not, he had some I believe, I think that might have been his headquarters at this very bus stage, is where we found the table and some stool he had been sitting there and it is where he was giving commands to his junior officers, he was not around for that matter.

MR. KAWANGA: Now you talked about the girls being raped, where were they raped and when?

SERUNJOGI: These soldiers are funny, they would not go very far. It was a matter of bending a corner or under some thick bush, a sort of flower, the game would be there.

MR. NAGENDA: Around what time was Rev. Bazira shot on the Wednesday?

SERUNJOGI: It must have been before eight o'clock because these men came very

very early, yes.

MR. NAGENDA: No, in fact perhaps they did not come they were already there because they slept there and not on the Tuesday.

SERUNJOGI: Yes, as I stated, they stayed overnight.

NAGENDA: Are you saying that during all the time when slashed, raped, tortured and finally shot in some cases that this Opeto was actually not taking part?

SERUNJOGI: Not physically verbally I think he must have been doing it but I did not see him physically.

MR. NAGENDA: Okay, do you think he was able to see the results of these people's work at any stage?

SERUNJOGI: Opeto?

MR. NAGENDA: Yes.

SERUNJOGI: I believe he must have been going around to witness what is going on sometime during the day.

MR. NAGENDA: Thank you.

SERUNJOGI: Yes.

MR. NAGENDA: Just a small clarification. You are saying that the girl students were actually raped at Namugongo?

SERUNJOGI: Yes, indeed.

MR. NAGENDA: Were they raped later on at Makindye?

SERUNJOGI: No, Sir.

MR. NAGENDA: When was the last time you saw, Mr. Opeto?

SERUNJOGI: I did not see him any more since that day, I did not.

MR. NAGENDA: When did he leave this house which he had taken over in Makindye?

SERUNJOGI: During Kattonga's period I heard him as commanding there and then he disappeared from the scene and my following him up ended there.

MR. NAGENDA: But obviously if you came face to face with him you would remember him?

SERUNJOGI: I would, yes, and Otto and his two men who I believe must have been the trouble causer in our area. Kapoya and Hamad, these are his two drivers. I think they must have been the people instigating soldiers around the place usually.

MR. NAGENDA: Kapoya I think we have already heard of somewhere if I can remember.

SERUNJOGI: Yes, he is a short fellow even if I saw him now I would know that here is Kapoya.

CHAIRMAN: Whose driver, Opeto's driver?

SERUNJOGI: No, these are drivers to Otto, the Commanding Officer of Kireka.

MR. NAGENDA: Kapoya and who else?

SERUNJOGI: And Ahamad.

MR. NAGENDA: Ahamad?

SERUNJOGI: Yes, I do not know the other name.

MR. NAGENDA: You say Otto was the person in-charge of Kireka barracks?

SERUNJOGI: Yes.

MR. NAGENDA: Have you seen these Kapoya and Ahamad again?

SERUNJOGI: Allegations came that this Kapoya turned around and said he is NRA now and for Ahamad I do not know his whereabouts.

MR. NAGENDA: Are you suggesting that, Mr. Kapoya is one of our soldiers now.

SERUNJOGI: It is what the rumour really goes about with.

MR. NAGENDA: Who has seen him and where?

SERUNJOGI: They say they have seen him at Mityana.

MR. NAGENDA: Yes?

SERUNJOGI: Yes.

MR. NAGENDA: When?

SERUNJOGI: This is immediately after the taking over government.

MR. NAGENDA: His name was always Kapoya, was he?

SERUNJOGI: He had always been calling himself Kapoya but peculiarly short, I think this is another trouble. (Laughter).

MR. NAGENDA: Are you saying great shortness leads to a lot of violence.

SERUNJOGI: I suppose.

MR. NAGENDA: Well you know there are terrible stories you have told us that we are sorry as the Chairman has been saying that you had to relive them but my own personal hope is that this very short fellow you recognize when he is walking about please tell us and Mr. Ahamad and Mr. Opeto.

SERUNJOGI: Yes.

MR. NAGENDA: Thank you very much.
CHAIRMAN: Mr. Serunjogi, we thank you for your evidence for having come forward to tell us what happened at this time. As I have said before, it is painful to have to relive the incident by telling us the story but it is necessary stop to take. Now, we have told the other witnesses that we are likely to visit Namugongo next week. So, I hope, they will tell you to be present so that you show us, you were at the scene, you know what happened and where. So, you will be able to show us briefly what happened at the scene. In the meantime you are free to go.

Learned Counsel, we propose to have a short break for a quarter of an hour, we shall resume at a quarter past twelve or latest say perhaps 20 past 12 this afternoon.

CHAIRMAN: The break I thought was to be for a quarter of an hour has rolled into almost more than 45 minutes, I think we should resume now. Let us the next witness please.

COUNSEL: The 130th Witness is Miss Habiba Nakato.

WITNESS NO.130: MISS HABIBA NAKATE - AFFIRMED

COUNSEL: Can you state your names please?

NAKATE: Habiba Nakate.

COUNSEL: Where do you reside?

NAKATE: I reside at Namugongo.

COUNSEL: Since when have you lived in Namugongo?

NAKATE: I went to Namugongo in 1949.

COUNSEL: What do you do?

NAKATE: I am a cultivator.

COUNSEL: In 1983, what were you doing?

NAKATE: I was cultivating.

COUNSEL: You say you stay in Namugongo, where exactly in Namugongo area?

NAKATE: Near the mosque.

COUNSEL: Is that where you were staying in 1983?

NAKATE: Yes.

COUNSEL: If I may take you to May, 1983, might you recall what happened in Namugongo?

CHAIRMAN: Counsel, it was 1984.

NAKATE: Yes, I remember what happened.

COUNSEL: Can you narrate to us what happened?

NAKATE: On a certain Tuesday soldiers came and attacked us at about 3.00 p.m. then we ran away and later on we came back slowly on Friday. On our return when we went to the Mosque we found there cooking stones and some legs of pigs and we did not meet any person there the soldiers had sent them away.

COUNSEL: From your name Habiba, are you a Muslim?

NAKATE: Yes, I am a Muslim.

COUNSEL: When you say you entered the Mosque on Friday you went to pray?

NAKATE: No, I had gone there to find out what had happened there.

COUNSEL: Then what prompted you to go to the Mosque?

NAKATE: Because when we ran away the Mosque was closed but on my return it was wide open and also other people had gathered to find out what had happened to their property.

COUNSEL: Who was the caretaker of this Mosque?

NAKATE: I was the caretaker because I was staying very near the mosque.

COUNSEL: So you used to look after this Mosque?

NAKATE: Yes.

COUNSEL: Before you left the Mosque was there anything which was peculiar let us say you have mentioned these legs of pigs and what have you?

NAKATE: No, before I ran away there was nothing peculiar.

COUNSEL: When you found these legs of pigs and fire stones, what was your

reaction as a muslim to this?

NAKATE: I felt very bad because all the people came and saw what had happened.

COUNSEL: Why did you feel bad if you found legs of pigs in the Mosque?

NAKATE: It is very peculiar according to our own religion a pig to enter into the mosque.

COUNSEL: We have also received evidence here that the mosque was used as a latrine?

NAKATE: It is true that the mosque was used as a latrine and one of the poles which was used for building the mosque was burnt.

COUNSEL: What was the reaction of the Muslim Community to this?

NAKATE: They also felt very bad even at present we do not use the mosque because it was destroyed.

COUNSEL: Did you, in any way, know who had defiled your mosque?

NAKATE: Apart from the soldiers we do not know of any other person.

COUNSEL: Who is the Imam of this Mosque?

NAKATE: He is known as Kafeero.

COUNSEL: Did you do anything with your Imman or as a muslim community to report this incident to the authorities in Government?

NAKATE: Yes, reports were made.

COUNSEL: To whom?

NAKATE: The report was' made to the Headquarters but the name of the Headquarters is difficult for me to mention.

COUNSEL: Is it to the Muslim Supreme Council?

NAKATE: Yes.

COUNSEL: And was anything done to solve this matter?

NAKATE: That is known by the men who went and took the report.

COUNSEL: It is not clear to my mind, what has now become of this Mosque?
NAKATE: A new mosque was erected.

COUNSEL: So the old one was destroyed and you built a new one?

NAKATE: No, the old one is still there but it is not being used.

COUNSEL: How were you able to get funds to build the new mosque?

NAKATE: The Muslim Community contributed towards the building of the new mosque, we had nothing to do.

COUNSEL: I am sure this caused you a lot of pain?

NAKATE: It is true.

COUNSEL: That is all my Lord.

CHAIRMAN: Can you tell us, you said when the soldiers invaded your area you fled, where did you flee to? Can you tell us what happened there?

NAKATE: I fled to Mulago.

CHAIRMAN: Which Mulago, this one in Kampala?

NAKATE: Yes.

MR. NAGENDA: Were any of them killed?

NAKATE: No.

MR. NAGENDA: Were many people killed in Namugongo to your knowledge?

NAKATE: Very many of them were killed.

MR. NAGENDA: Did you know any of them?

NAKATE: Yes, Reverend Bazira who was my neighbour was killed.

MR. NAGENDA: Did you see any bodies when you got back on Friday? Did you see many bodies?

NAKATE: Yes, I saw many bodies.

MR. NAGENDA: About how many bodies?

NAKATE: There was a body of Yozefu Lwanga and his grand-son, a body of Walusimbi another one was a daughter of Walusimbi. Another body was that of Mukomaniggo. Another one was of a daughter of Kayiza and others, there were very many.

MR. NAGENDA: Were those bodies buried or not when you got there?

NAKATE: No, they had not yet been buried.

MR. NAGENDA: So the people of the area buried these bodies?

NAKATE: Yes, together with others who had their relatives in the area.

MR. NAGENDA: Have you now completely rebuilt your community?

NAKATE: Yes, some people have returned to the area.

MR. NAGENDA: Would you say that people are well off, they have the food they need, clothes and that kind of thing?

NAKATE: It is very difficult to replace these things so easily at the present time.

MR. NAGENDA: Has the Government helped in any way with food, blankets and that kind of thing?

NAKATE: Yes, the Government provided us with food once and we were provided with blankets and pangas.

MR. NAGENDA: But many things still wanted?

NAKATE: Yes, because most of us remained with nothing at all.

MR. NAGENDA: We are very sorry to hear that. Thank you very much.

NAKATE: Thank you very much too.

CHAIRMAN: Okay, Madam, Habiba Nakate, thank you for your evidence, we are sorry you have had to tell us this incident that reminds you of what happened. You are free to go now.

COUNSEL: The next witness is Miss Florence Nagawa.

WITNESS NO: 131: MISS FLORENCE NAGAWA - SWORN IN

COUNSEL: What are your names?

NAGAWA: Florence Nagawa.

COUNSEL: Where do you reside?

NAGAWA: I reside at Namugongo.

COUNSEL: Since when have you lived in Namugongo?

NAGAWA: That is where I was born.

COUNSEL: Do you have a family?

NAGAWA: Yes, I have my children.

COUNSEL: How many children do you have?

NAGAWA: I have three children at present the others died.

COUNSEL: When you say the others died, who died?

NAGAWA: Sunday died and Lutwama.

COUNSEL: Lutwama who?

NAGAWA: Lutwama Wilson.

COUNSEL: When did Lutwama Wilson die?

NAGAWA: I have forgotten the period but he died a natural death.

COUNSEL: And when did Sunday die?

NAGAWA: He died during the period when the soldiers invaded us.

COUNSEL: Was it in 1984?

NAGAWA: Yes, he died when the soldiers invaded us.

COUNSEL: So what happened when the soldiers attacked you?

NAGAWA: When the soldiers came we ran away.

COUNSEL: Did you run with Sunday?

NAGAWA: Sunday ran on his own.

COUNSEL: Was this during the day?

NAGAWA: Yes, this was during the day at about 3.00 p.m.

COUNSEL: When you say you ran away, you ran away from your home or you were somewhere?

NAGAWA: I ran away from my home.

COUNSEL: So, what followed when you ran away?

NAGAWA: When I had run away while I was still there - (interjection) -

COUNSEL: Where were you?

NAGAWA: I ran to Kireka. One man who was a brother-in-law of Sunday came and told me that his brother-in-law Sunday was killed.

COUNSEL: So, what did you do?

NAGAWA: I asked him whether he knew the place where Sunday had been killed?

COUNSEL: What was the name of this brother-in-law of Sunday.

NAGAWA: It is Paul, I do not know his surname.

COUNSEL: Is he also from Namugongo?

NAGAWA: Yes, and he was here yesterday.

COUNSEL: After how many days did you receive this sad news when you have been in Kireka?

NAGAWA: We ran away on a Monday but I received this information on Wednesday.

COUNSEL: And after receiving the information?

NAGAWA: I asked him whether he was able to lead me to the place where his brother-in law had been killed?

COUNSEL: Did he do it?

NAGAWA: Yes, he accepted and he led me to the place.

COUNSEL: Did you find the body?

NAGAWA: Yes, we traced the body but his head had been cut off.

COUNSEL: Where did you find the body?

NAGAWA: In the valley at Nakiyanja.

COUNSEL: Whom did you trace the body with, were you only two?

NAGAWA: We were with some other people from my village who helped us to carry the body.

COUNSEL: Apart from your son's body, did you find other bodies there?

NAGAWA: Yes, we found many other dead bodies but I could not identify them.

COUNSEL: Roughly how many?

NAGAWA: I could not tell the number.

COUNSEL: Could they be two or three?

NAGAWA: No, they were very many.

COUNSEL: Let us say about 20?

NAGAWA: They could have been even more than 20.

COUNSEL: Were they together with your son's body?

NAGAWA: No, my son's body was separate from the other bodies ..

COUNSEL: Did you move near these other bodies?

NAGAWA: No, I did not.

COUNSEL: But from your observation were the bodies dressed?

NAGAWA: Some of the bodies were naked and others were in clothes.

COUNSEL: And those in clothes were they in any particular uniform or they were in ordinary clothes?

NAGAWA: Those whom I saw were in ordinary clothes.

COUNSEL: So after finding your son's body, what did you do?

NAGAWA: We removed the body and we took it for burial.

COUNSEL: You mentioned that when the soldiers came you ran away, did you eventually go back to your home?

NAGAWA: Yes, after some time I went back to my home.

COUNSEL: And what did you find?

NAGAWA: The house was empty.

COUNSEL: You mean there was nothing inside?

NAGAWA: There was nothing inside.

COUNSEL: What was taken?

NAGAWA: They had taken clothes, beddings and children's clothes.

COUNSEL: How were you able later on may be to live without these things?

NAGAWA: My friends who were sympathetic to me provided me with some clothes.

COUNSEL: Do you have anything may be of interest which you would wish to add on to the sufferings you underwent?

NAGAWA: I suffered because I remained with nothing and I remained with my orphans.

COUNSEL: You say you remained with orphans, what do you mean?

NAGAWA: I mean their father died and they had not school facilities like school fees.

COUNSEL: When did their father die?

NAGAWA: Their father was killed during the same incident.

COUNSEL: You mean the time Sunday died?

NAGAWA: Yes.

COUNSEL: What was his name?

NAGAWA: He was called Wilson Sselwanga.

COUNSEL: Was it on the same incident or it was on a different date?

NAGAWA: It was during the same incident.

COUNSEL: Were you with him at home apart from the children you mentioned?

NAGAWA: **Yes, I was with him at home.**

COUNSEL: Did you run with him?

NAGAWA: He ran first and I followed later on.

COUNSEL: Then how did you learn of his death?

NAGAWA: It was the same brother-in-law of Sunday who came and informed me.

COUNSEL: Was this after he had informed you of Sunday's death?

NAGAWA: Yes, he told me this after he had informed me about Sunday's death.

COUNSEL: So you went and looked for Sunday's body and after that you buried it, is that when also may be you learned of your husband's death?

NAGAWA: Wilson Sselwanga is my son.

MR. NAGENDA: I would like some clarification. Was Sunday's name Wilson Sselwanga?

NAGAWA: Yes.

MR. NAGENDA: Did you at this stage have a husband?

NAGAWA: No, at this stage I had no husband, my husband was killed in Ssingo. I did not know how he died or he was killed.

MR. NAGENDA: In the same year?

NAGAWA: Yes, in the same year.

MR. NAGENDA: Who died first, your husband or your son Sunday?

NAGAWA: My husband died first, I received information that he was killed in Ssingo.

COUNSEL: And did you go to look for the body of your husband?

NAGAWA: No, I did not.

COUNSEL: So you do not know whether he was buried or not?

NAGAWA: I do not know whether he was buried or not.

COUNSEL: We have received here evidence that a number of people were killed in Namugongo, might you be knowing some of the names of these people in your village who were killed?

NAGAWA: I learnt that one Reverend was killed.

COUNSEL: Is that the only person you knew who died in your village?

NAGAWA: Many others also died but I do not know their names.

COUNSEL: That is all my Lord.

CHAIRMAN: Madame Nagawa, thank you for having persevered to come and tell us this sad incident of the death of your son. We are sorry you have had to relive this sad episode by telling us but it was necessary I think to do so that we find out what happened. You may go home now.

NAGAWA: Thank you very much Sir.

COUNSEL: The next witness is the Reverend Grace Serwadda.

WITNESS NO.132: REVEREND GRACE SERWADDA - SWORN IN

COUNSEL: Please state your names, Reverend.

SERWADDA: Reverend Zerubaberi Mugojja, Grace Serwadda.

COUNSEL: How old are you?

SERWADDA: This year I am 40 years old.

COUNSEL: Where do you reside?

SERWADDA: At present I reside at Namugongo.

COUNSEL: Is that where you work?

SERWADDA: Yes.

COUNSEL: Since when have you been at Namugongo?

SERWADDA: Since 1984.

COUNSEL: When you say you work in Namugongo, where exactly in Namugongo do you work?

SERWADDA: I work as a Tutor in Uganda's Martyrs' Seminary at Namugongo.

COUNSEL: We have received here evidence that some time in 1984, the Martyrs Seminary was attacked, were you present?

SERWADDA: It is correct.

COUNSEL: Do you remember the date?

SERWADDA: Yes, very well.

COUNSEL: Which date was it?

SERWADDA: We were first attacked on the 21st May, 1984.

COUNSEL: Yes, what happened?

SERWADDA: On that day, soldiers came at my home and they asked me whether I know anything concerning bandits who were in Namugongo forest? I replied that I know nothing because in fact I knew nothing. From my home some of them took the road leading to Jjanda and others went to Nakiyanja River, others passed through the compound of the Seminary and went to the nearby forest. Eventually, at about 6.00 p.m. they came back with a man called Walusimbi. At the time they came back I was with the late Reverend Bazira and they told us that the man they had arrested was one of the guerrillas. They further told us that they had also found some radio machines belonging to Mpoma Radio Satellite including a typewriter which typewriter I later on learnt belonged to Stanley Kamya who was a neighbour of the Seminary. That is what happened on the day of Monday.

COUNSEL: When you say you were with Reverend Bazira, were you with him at your home?

SERWADDA: No. That day I was off duty, I left my home and I went to the Seminary and the reason why I went there was because I am the one who leads prayers in the Seminary of Namugongo.

COUNSEL: Where exactly were you with him?

SERWADDA: We were in the compound of the Chapel.

COUNSEL: You mentioned Walusimbi, did you know Walusimbi?

SERWADDA: Yes, I knew Walusimbi because his house is opposite mine.

COUNSEL: What was he doing?

SERWADDA: He was a cultivator at Jjanda but at that time he had ran away from Jjanda and he was staying in that house which is opposite mine.

COUNSEL: You also mentioned that the soldiers told you that some machines had been taken from the Satellite, did you see these machines?

SERWADDA: I only saw the typewriter, I did not see the machines.

COUNSEL: This was the first day, what happened on the next day?

SERWADDA: On Tuesday 22nd at about 3.30 p.m. when I was teaching, four Land Rovers came and they were parked near the boundaries of our Seminary land. Later, four TATA lorries also came, the soldiers came out of these vehicles and passed near the seminary land and went down into the forest. Some of them were dressed in civilian clothes. After finishing my lesson I left the classroom and I met the late Reverend Bazira when he was coming from the hospital and he told me to tell the students not to leave their cubicles until the operation was over and that is exactly what I did, I went and I told them. When I came back from the cubicles I wanted to go back to my home and I met the late Reverend Bazira in the compound of the Seminary I went with him up to his home. At his home we met a soldier who looked to be drunk he asked us whether we had a spanner, the deceased told him that we had no spanner. He left us and he went to another Reverend called Samson Kigenyi. While we were still there, other three soldiers came. One of them was speaking Luganda, he asked us whether we had guerillas in our area. He went further and asked us whether we know anything about those guerrillas. The deceased replied that we know nothing. He went on and asked him that if we arrest a guerrilla from this place how will you explain? The deceased replied that as I am the Reverend of this area, this area is open to the public everybody is free to come here but we know the people of this area. The soldier said that if we arrest any guerrilla from this area we shall finish this place as we did at Masulita. I asked that soldier whether he could permit me to go back to my home. He told me no one was allowed to leave this place while the military operation was still going on. Later on while we were still there, there came a vehicle for tourists. A certain soldier who was at a road side came and asked us whether we knew anything about that vehicle. The deceased told him that go and tell them that we were in the time of operation. The soldier went back and informed the occupants of that vehicle those words. They did not accept and they asked him to come back and tell us to go to them so that we could take them where they wanted. I went with the deceased up to that vehicle. The make of the vehicle was a Fiat Mini Bus and its colour was purple.

COUNSEL: What was the registration number of the vehicle?

SERWADDA: I did not recognise the registration number because we were in its side. I saw three people in the vehicle. The driver was an African. And he

spoke to us in swahili. There were two Europeans in it; all together they were three people I saw. He told us that he had brought tourists to see this place. Then the deceased told him that, if there is a military operation in an area, they are not allowed to take tourists around the place. And he asked them, if it was possible they could return later. We left the vehicle and went to the home of the deceased. As we approached the door, we heard gun shots. The deceased asked me where those gun shots were coming from? I told him that the gun shots were coming from in front of the school.

COUNSEL: Reverend, I think you were inside with the late Bazira; so may be, you will assist us and, may be summarise this story.

SERWADDA: Okay, thank you. Eventually three soldiers came into the house; and they asked where the head of the school was? And the late Rev. Bazira introduced himself to them. They asked him to go with them to show them the students he had in the school. He left me at his home with the instructions that I should tell his wife not to go out of the house. That was my last time to see Rev. Bazira. From that time gun shots went on around the place. I hid myself in one of the rooms of that house until the following day in the morning. At 5.00 a.m. I removed the curtain to see what was going on outside. I saw three APCs and four Tata lorries and four Land Rovers; and the soldiers had surrounded the whole place. At this juncture, Rev. Samson Kigenyi called us to get out of the house. I went out from the house putting on a cassock. And Mrs. Bazira also went out of the house; and some other three girls. We were made to sit down in the compound.

COUNSEL: Did you know these three girls?

SERWADDA: I knew two of them.

COUNSEL: Who were they?

SERWADDA: Anna Maria Rosa Nabakoza and Robina Kalule; and Mrs. Faith Bazira.

COUNSEL: Yes; what happened off?

SERWADDA: They asked Mrs. Bazira where her husband was; and they started beating her as well as kicking her. And they asked me the person who had burnt a vehicle which was in front of that house. And they asked me who had removed a dead body which was in the compound.

COUNSEL: Had you seen this dead body?

SERWADDA: I had not seen the body at all.

COUNSEL: And had you seen the burnt vehicle?

SERWADDA: At that time the vehicle was still burning; it was a Land Rover; on one of its doors there were some writings of Bank of Uganda.

COUNSEL: Did you know who had burnt it?

SERWADDA: I was unable to see or to know the person who burnt it because I was inside the house under the bed.

COUNSEL: So what followed?

SERWADDA: They asked us the number of the students we had. And they asked us whether we were able to separate them from other people. We told them that we could separate them; and each student had an identity card.

COUNSEL: Did you separate them?

SERWADDA: When they were brought we separated them. Eventually they made us to sit under a mango tree which was at the road. This is where they started knocking our heads with sticks. They removed our shoes as well as watches.

COUNSEL: At what time was this?

SERWADDA: It was around 8.00 a.m.

COUNSEL: So eventually what happened?

SERWADDA: Eventually, four of us were separated from the rest; myself, Samson Kigenyi, Sunday Kigenyi and Betty Mulindwa. They ordered us to get into a Datsun which was white. They told us that we were being taken to the high authorities to explain to them what we were doing in that place.

COUNSEL: Were you taken anywhere; and if so; where?

SERWADDA: We were taken to Nile Mansions. But I do not remember the number of the room where we were taken; but we were informed that it belonged to the Regional Commander.

COUNSEL: What happened to you in Nile Mansions?

SERWADDA: They asked us to make statements. But at first I refused to make a statement. Because I knew that that was not a statement; but they were questions.

COUNSEL: Did you make a statement?

SERWADDA: Eventually I made a statement; and my comrades also made statements.

COUNSEL: What time was this?

SERWADDA: It was about 1.00 p.m.

COUNSEL: And when did you leave?

SERWADDA: We left this place at about 6.30 p.m. And the boss who was referred to us as Regional Commander told us that he was handing us over to the police; and we went with two gentlemen up to the Police Signal which is near the Parliament.

COUNSEL: How long did you stay in Nile Mansions?

SERWADDA: I think we arrived at Nile Mansions at 11.00 a.m.

COUNSEL: And when did you leave?

SERWADDA: We stayed there for about five hours.

COUNSEL: Did you know this Regional Commander?

SERWADDA: I did not know him; but I noticed these words on the chair on which he was seated.

COUNSEL: What words?

SERWADDA: Oyite Ojok.

COUNSEL: Did you know Oyite Ojok?

SERWADDA: I did not know him and I had never seen him.

COUNSEL: Was he in uniform?

SERWADDA: He was in uniform.

COUNSEL: Military or Police?

SERWADDA: It was military.

COUNSEL: So when you were taken out of Nile Mansions where did you go?

SERWADDA: We went to the Police Signal.

COUNSEL: What happened at Police Signal?

SERWADDA: At the Police Signal we were told to wait and see what will follow. So at about 8.00 p.m., Bishop Kawuma and Bishop Nsubuga arrived.

COUNSEL: Did you eventually leave this place?

SERWADDA: Eventually we left that place; but we were informed as follows: - "we have handed you over to your bosses until such a time when we shall need you".

COUNSEL: So you were handed over to Bishop Kawuma?

SERWADDA: Yes.

COUNSEL: Now we have received here evidence that some of your female students were raped. Did you witness any such incident?

SERWADDA: I did not witness this; but I am sure that happened because on the 25th I met with them; and they informed us that they had received injuries at Makindye; and the Bishop of Mukono used to take them to the hospital for that.

MR. SEKANDI: Perhaps a little clarification here. When you were told to go to the pick up, did you leave the students behind?

SERWADDA: We left the students behind except one student, Betty Mulindwa.

MR. SEKANDI: And, therefore, you do not know what happened after you had left the students behind?

SERWADDA: Yes, I do not know what happened.

COUNSEL: So; that is all My Lord.

MR. NAGENDA: Yes, you stopped rather suddenly, Assistant Counsel; because you stopped by surprise. Did the Reverend not go back to Namugongo; and what did he see? Please continue.

COUNSEL: Well, I thought we have received this evidence from other sources, and it will

MR. NAGENDA: May be he may be knowing something the other people did not know.

COUNSEL: Well. Reverend, eventually, were you able to go back to your place of residence and work?

SERWADDA: I went back to Namugongo on 11th of June.

COUNSEL: And what did you find?

SERWADDA: The whole place was in a mess. And some ditches had been dug right from my house up to the mosque. All the chairs which were used by the students had been burnt; only pieces were left behind. Some books had been torn; and others burnt. Some of the sauce pans had been pierced through. All electric appliances like switches had been stolen. In the church, all top cloth and cassocks had been taken. In my house there was completely nothing; and the vehicle was missing. And the farm of the diocese, 15 heads of cattle were not there; and eight pigs. And we were informed that our friends had been killed; Rev. Bazira had been killed; Augustine Walusimbi had been killed; Joseph Nsubuga Salongo; Mr. Byekwaso; Mr. Lwanga; Mrs. Esther; Mr. Kayiza and, Sunday.

COUNSEL: Did you find any bodies in the area?

SERWADDA: I did not find any dead body at all.

COUNSEL: How deep were these trenches which were dug up to the mosque?

SERWADDA: **There were about two feet deep.**

COUNSEL: Apart from what you have mentioned, is there anything of particular interest which you found out?

SERWADDA: In the Mosque which was in front of my house, I found there a fire place; and in the school, there was also a fire place. That is what I observed.

COUNSEL: Why do you mention that there was a fire place in the mosque and in the school? What interest is it for this?

SERWADDA: Later on I was informed that they used to fry pigs in the mosque; and four of my chairs were taken from there to Namirembe.

COUNSEL: Have you people now in the Seminary been able to put back you institution to the position it was?

SERWADDA: Not much has been done, but we got some aid from World Lutherian Church; we got blankets, maize seeds, bean seeds, hoes and pangas; and we gave some of these items to our friends - mates; and we got beds and mattresses from friends; at present these are being used by students. And we got books from friends, especially from George Mowers of America.

COUNSEL: That is all, My Lord.

MR. NAGENDA: Reverend, I am interested in this vehicle that was burning which soldiers asked you about. Did you say, it was a Land Rover?

SERWADDA: Yes, it was a Land Rover.

MR. NAGENDA: Yes. You have seen already four Land Rovers.

SERWADDA: Yes.

MR. NAGENDA: But surely even though you were inside hiding under a bed, you should have seen the fire from this vehicle.

SERWADDA: Not actually.

MR. NAGENDA: No. Had it been there when you first went into the house to hide?

SERWADDA: It was not there.

MR. NAGENDA: Was it thoroughly gutted in the end?

SERWADDA: Not actually.

MR. NAGENDA: So there has been a fire but not a very big fire; may be?

SERWADDA: Well, we left the vehicle burning.

MR. NAGENDA: To your knowledge, had there been any shooting when this vehicle started burning?

SERWADDA: Well, shooting was all over the place as the gun shots were going on.

MR. NAGENDA: Okay, thank you.

KAKWENZIRE: Let me go on from there because I have not been satisfied. Did you hear this vehicle coming in your court yard?

SERWADDA: Not actually; because there were gun shots here and there. I just saw the vehicle just in the morning. Then I could not know how it came in the court yard.

KAKWENZIRE: There was no trace of who could have been its driver around?

SERWADDA: That is impossible to tell.

KAKWENZIRE: In your view you think it was brought and abandoned? I mean, you are the best person, sort of - (Interruption) - yes; he could perhaps say.

COMMISSIONER: It was for the Bank of Uganda.

KAKWENZIRE: Reverend, had you heard anything to the effect that this raid was being plundered; you just found it on like that without any pre-knowledge?

SERWADDA: That is impossible to tell; for those people had come to the place earlier on Monday; and then they attacked the place on Tuesday. So I do not know.

MR. NAGENDA: Did you find out where they got Mr. Walusimbi from? Did they get him from his house?

SERWADDA: Actually, I cannot tell; for they met us on the Seminary compound.

MR. NAGENDA: Okay.

CHAIRMAN: Reverend Serwadda, your evidence has been very clear; I mean this is proved by the fact there are very few questions from the panels. Thank you for your evidence which you have given us. Now I will tell you to inform all your other colleagues, namely that, next week we may arrange to visit the Seminary and area where this incident took place.

SERWADDA: You are welcome.

CHAIRMAN: So we hope you will be around to show us what happened and where you know, just to satisfy ourselves; not to go into perhaps details of evidence again, you will just tell us briefly what happened and where.

In the meantime, you are free to go.

SERWADDA: Thank you.

COUNSEL: My Lord Chairman, Gentlemen and Lady Commissioners, we have one witness more for this day, but his evidence is not related to the case we have been hearing. He talks of another separate and different incident that occurred in Namugongo. And we still have witnesses to call in respect of the case which we have been hearing.

CHAIRMAN: Which case?

COUNSEL: The case of the attack of Namugongo Shrine.

CHAIRMAN: Counsel, you are the best person to assess. Will this witness add anything new to what we have already heard?

COUNSEL: He will not add anything new to what we have heard; but has a separate evidence relating to a different matter.

CHAIRMAN: No; I do not compare this particular witness; I mean with others. You said, there are others.

COUNSEL: Yes, My Lord, the people who, let us say, ladies who were raped; we wish to call them.

CHAIRMAN: Yes.

COUNSEL: So I was of the opinion that may be after we have heard this other witness then we would come to this separate case to create a sequence.

CHAIRMAN: Yes. I made that indication; because, I think, as to the general attack and so on, I think we have heard enough evidence; but if you call those, they should relate to their particular experience, so that we save time.

COUNSEL: In that respect, My Lord, I would request that may be we adjourn until we hear from the next witness before we hear this separate case.

CHAIRMAN: No, if the others are here, let us, if you could take one or two more.

MR. NAGENDA: He has got that one of a different case.

MR. SEKANDI: The others are not here My Lord.

CHAIRMAN: Yes; sorry.

MR. SEKANDI: Especially, the lady who was Mulindwa; to other lady: they are not here. They have to be summoned for next week.

CHAIRMAN: And say, sample of the students; you know, one or two.

MR. SEKANDI: Yes.

CHAIRMAN: Counsel, is this witness who is here, will testify about Namugongo but....?

COUNSEL: Separate incident, My Lord, and related. I was worried whether he would break our continuity; and in which case, may be, we would hear him after we have heard the other witnesses.

MR. NAGENDA: Could we ask, with which cases he is concerned?

COUNSEL: This is the case which relates to the activities of the local administration, police and the chiefs in the area.

CHAIRMAN: Is he likely to take long; is he likely to be a long witness? You can assess from the statement you have taken from him.

COUNSEL: My Lord, the statement is long.

CHAIRMAN: I see. Well, the feeling seems to be that, we have had enough for the day; and the weather is not very cool to make and under statements. May be we can adjourn now and resume next - you can reserve this witness for next Wednesday.

COUNSEL: Most obliged.

CHAIRMAN: So we shall adjourn the inquiry until Wednesday next week at 9.30 a.m.

CHAIRMAN: Commissioners, ladies and gentlemen, I am sorry we are starting rather late this morning. I was held up in the High Court where I had to deliver a judgement in another case. We should now start this session of the 29th July, 1987. Now, Leading Counsel could you let us know the order of business for today please?

COUNSEL: My Lord Chairman, I think we shall continue with the Namugongo affair. We had intended to call a number of witnesses but a few of them have been served and we expect five witnesses today including Father Katende who I believe will come today to give evidence but I understand he will be here at about eleven he had a certain problem on the way. I think I will call the first witness will be the Imam Zaidi Kafeero of Namugongo. He is number 133.

WITNESS NO.133: IMAM ZAIDI KAFEERO - AFFIRMED

COUNSEL: You are Zaidi Kafeero, is it Sheik or Haji?

KAFEERO: I am Imam Zaidi Kafeero.

COUNSEL: Iman of where?

KAFEERO: Of Namugongo

COUNSEL: How old are you?

KAFEERO: 72 years.

COUNSEL: How long have you been Imam of Namugongo?

KAFERO: For a long time.

COUNSEL: What does your work involve?

KAFEERO: I am trading in animal skins.

MR. NAGENDA: Sorry could you please find out what Imam is?

COUNSEL: Yes this is what I was finding.

KAFEERO: We preach to people especially on Friday.

COUNSEL: Shall we say you are also in-charge of the Mosque at Namugongo Nakiyanja?

KAFEERO: That is correct.

COUNSEL: In May, 1984 were you at Namugongo?

KAFEERO: I had run away from Namugongo because there were a lot of problems.

COUNSEL: Why did you run away from Namugongo and where did you go?

KAFEERO: I ran to Mukono, I had been attacked on a number of occasions, they wanted to kill me.

COUNSEL: Who attacked you, did you know them?

KAFEERO: I did not know them because they used to come during the night time.

COUNSEL: Now, what happened to your Mosque at Namugongo? That is after you ran away who was in charge?

KAFEERO: No one was in charge of the Mosque but there was one lady who was staying nearby, she was the one who used to look after the Mosque.

COUNSEL: Who was that lady?

KAFEERO: She is called Nakate.

COUNSEL: But apart from looking after the Mosque who was preaching to people on Fridays in Namugongo, if you were not there?

KAFEERO: Because there was a lot of problems during that time we were being attacked no one could dare to come and pray in that Mosque.

COUNSEL: I thought you had said that the attack was on you alone, was it general attack on people in the area?

KAFEERO: Yes..

COUNSEL: Now instead of running away from the area why did you not approach the local authorities or otherwise?

KAFEERO: During that time it was a very difficult situation, no one could dare to go and report anywhere.

COUNSEL: Did you know whether government knew about this situation?

KAFEERO: I cannot tell that because I do not know what happened.

COUNSEL: Well you said the attack was at night could you not, from Mukono, go back to your home during the day and do your work?

KAFEERO: At times they attacked us during the night and at times they attacked us during day time.

COUNSEL: Now, these people who came during day time could they not be recognized, did you recognize any or did you know who were attacking?

KAFEERO: I cannot recognize a soldier in uniform I cannot tell how he looks like.

COUNSEL: So, you are suggesting that people who were attacking in the area were soldiers?

KAFEERO: That is true.

COUNSEL: Did you know where these soldiers were coming from, which barracks? Did you have any nearby barracks there?

KAFEERO: Yes, there was Kireka barracks which was nearby.

COUNSEL: So shall we say these people were coming from Kireka?

KAFEERO: I cannot tell whether they came from Kireka barracks or elsewhere.

COUNSEL: Were they coming in vehicles or were they just walking?

KAFEERO: At times they used to come in vehicles and at times they used to come on foot.

COUNSEL: Were they coming in big numbers or were just one, two or three?

KAFEERO: At times they used to come in a full Tata lorry.

COUNSEL: When they used to come did they do anything bad to people or to their property?

KAFEERO: Yes, they used to do some bad things to people.

COUNSEL: What type of things, atrocities?

KAFEERO: Robbing our property.

COUNSEL: Now in the month of May do you know what happened to your Mosque at Namugongo?

KAFEERO: Yes, I know something.

COUNSEL: Could you tell the Commission what you know?

KAFEERO: The soldiers came and they defiled our Mosque, they even used to roast pigs in the Mosque, the poles of the roof were burnt and even now if you go there you can see the poles.

COUNSEL: Yes, what else?

KAFEERO: The religious mats were either taken or destroyed and the Korans.

COUNSEL: And the Korans were taken or were burnt?

KAFEERO: The Korans were burnt.

COUNSEL: Do you know when this happened?

KAFEERO: I cannot tell because I did not know that I would be questioned about this.

COUNSEL: Did you visit the Mosque after this had happened?

KAFEERO: Yes, after some time I went there.

CHAIRMAN: Is the witness telling us what he observed after he visited the place or did this thing happen when he was there?

COUNSEL: He was not there he is telling us what he observed subsequently.

CHAIRMAN: Yes.

COUNSEL: Yes. So, when you visited this place what did you observe?

KAFEERO: I observed that half of the Mosque was burnt and the religious mats were not there and I observed that some of the papers in the Koran were burnt.

MR. NAGENDA: Can we ascertain when you saw this, was it after a month, two months, three or what?

KAFEERO: It was about after two weeks. The stick which is handled by the priest or the Imam was not there and the platform. They were used in cooking perhaps.

COUNSEL: Why do you say so?

KAFEERO: Because when I went there I found a fire place where they used to roast there the pigs.

COUNSEL: How did you know that they had roasted a pig there or pigs there?

KAFEERO: I met there bones and some people who saw them dragging these pigs informed me.

COUNSEL: Who informed you?

KAFEERO: I cannot remember them properly because they were many who had gathered to see what had been destroyed.

COUNSEL: You said that Nakate remained did you talk to Nakate when you visited this Mosque two weeks after?

KAFEERO: Nakate was staying near the Mosque but due to those problems it was also impossible for her to remain there permanently.

COUNSEL: I have not said she remained there permanently, I have asked you did you talk to her when you visited the Mosque?

KAFEERO: Yes, I went there.

COUNSEL: Did you find whether she had visited the Mosque before you did?

KAFEERO: I met her at the Mosque.

COUNSEL: Now, when you met her at the Mosque what did she tell you, anything about the Mosque?

KAFEERO: She informed me exactly what I have narrated here.

COUNSEL: Is she the one who told you about the pigs being roasted in the Mosque?

KAFEERO: It gives me a very bad picture because we are not allowed to eat meat of the pig and even to touch it.

COUNSEL: Now, what happens to a place where a pig is roasted do you not sit in such a place?

KAFEERO: I have tried to erect a new Mosque but it is not yet completed.

COUNSEL: Why did you try to erect a new Mosque instead of cleaning the Mosque that was burnt?

KAFEERO: We saw that it was of no use to us any longer because part of the roof

is not there it can even fall on us and kill us.

COUNSEL: So, before you built a new Mosque what have you been doing, where have you been praying?

KAFEERO: At times we were praying under trees.

COUNSEL: But instead of building a new Mosque could you not repair the roof which you claim is falling?

KAFEERO: We saw that praying in the old Mosque would be of no use to us, that is why we decided to erect a new one.

COUNSEL: Was it because it was small, was it because a pig had been roasted in the Mosque, what was it, this is what we are trying to find out?

KAFEERO: Yes because they had roasted an animal which we did not like at all.

COUNSEL: Now, apart from visiting the Mosque did you visit other places around Namugongo?

KAFEERO: At that time I did not go anywhere else.

COUNSEL: When then did you decide to resettle again in Namugongo?

KAFEERO: I do not remember when I at least settled in Namugongo because when I ran away to Mukono I also got another place in Mukono. So, I do not remember when I came back to Namugongo.

COUNSEL: Eventually when you came back may be to your house in Namugongo you are doing your work there, did you try to find out what had happened to your neighbours.? I suppose you had neighbours?

KAFEERO: Yes, I had them.

COUNSEL: During the attack on your Mosque.

KAFEERO: An instructor was killed.

COUNSEL: An instructor of where?

KAFEERO: We are neighbours there at Namugongo.

COUNSEL: You mean the Church of Uganda Seminary?

KAFEERO: Yes.

COUNSEL: Is he the only person killed around the place?

KAFEERO: That is the only one I was informed because I was not around

COUNSEL: That is all, my Lord.

MR. NAGENDA: Imam Kafeero, you said that you ran away because it was very dangerous was your particular faith, the Moslem faith particularly badly attacked or not?

KAFEERO: They attacked every faith there was no selection.

MR. NAGENDA: Okay, why was it then that the gentleman you have mentioned, Reverend Bazira, I take it and some of these people behind?

KAFEERO: I do not know whether they stayed behind because I was not staying together with them.

MR. NAGENDA: To your knowledge did any Moslem stay behind?

KAFEERO: When I ran on my own I could not tell whether any other family had also ran away.

MR. NAGENDA: Obviously you talked to these people since you went back did you ask them whether they ran away or not?

KAFEERO: I saw a lot of people who had run away when I reached Kireka but I could not tell that such and such a man has run away.

MR. NAGENDA: Now, this Commission has been told that the heads, certainly of Anglican and the Roman Church that some of them came to see what had happened at this place did any of your leaders turn up to look at this Mosque and see what people of your faith had gone through?

KAFEERO: Yes, some of them came like for example the late Mulumba, when he came he even took away come of the Korans which have been halfway burnt.

MR. NAGENDA: Thank you.

CHAIRMAN: Well, Imam Kafeero, thank you for having some to give us your evidence we are thinking of visiting Namugongo, if transport permits; now we would like you because you are the Imam of your Mosque of the area we would like you to be present in the vicinity so that you can show us where returned. Do you still stay in Mukono or are now in Namugongo?

KAFEERO: I stay both in Mukono and Namugongo.

CHAIRMAN: Well you will be informed we hope we will find you in Namugongo in the meantime you may go now.

MR. NAGENDA: I have got one more question.

CHAIRMAN: Sorry, one of the Commissioners has a question or two for you?

MR. NAGENDA: Sheik Kafeero you mentioned that the reason you ran away was because you were constantly being harassed and attacked by soldiers, were any

of the people in your Mosque killed in all these times.

KAFEERO: No one was killed.

MR. NAGENDA: But then why did you think that they were trying to kill You? I am sorry to ask this obviously you felt it but I think you ought to give us some examples of why you were so frightened.

KAFEERO: The soldiers had attacked me on a number of occasions firing, shooting at my house and some of the holes of bullets are still there, if you go there you can see them.

MR. NAGENDA: This was in 1984, did this harassment continue after 1984?

KAFEERO: It stopped somewhere in 1984 it did not continue.

MR. NAGENDA: Okay, I see that some ridiculous publications purporting to be from Moslem have said that the Commission is specifically against Moslem which of course, is very stupid but let me ask you this question; during the time of Idi Amin was there a lot of religious conflict in your area between Moslem and other people?

KAFEERO: I do not know that.

MR. NAGENDA: Thank you.

CHAIRMAN: The Imam I think finally now you can go, the next witness please.

WITNESS NO: 134: MRS. FAITH BAZIRA - SWORN IN

COUNSEL: Would you please state your name?

BAZIRA: Mrs. Faith Bazira.

COUNSEL: Where do you live?

BAZIRA: At the moment I am at the Shimoni Teachers' College.

COUNSEL: What are you doing there?

BAZIRA: I am training to become a teacher.

COUNSEL: I see. You are the wife of the late Rev. Bazira?

BAZIRA: Yes, please.

COUNSEL: Who died in 1984, May.

BAZIRA: Yes.

COUNSEL: When were you married to the late Bazira?

BAZIRA: I was married on the 12th of November, 1982.

COUNSEL: Before Bazira died, did you have children with him?

BAZIRA: He left when I was expecting our first born.

COUNSEL: We are sorry to take you back to the incident in which your husband died but we want to find out what happened. Would you let us know the circumstances under which your husband died?

BAZIRA: From the beginning?

COUNSEL: Yes, what happened?

CHAIRMAN: Unfortunately, yes.

BAZIRA: As I was at home at Namugongo, we just saw lorries full of army solders; and then they stopped at the College; but before they arrived at the College, some men and women - some women especially with luggage had run to the College for security. And then the Reverend went near them and asked what had happened. And then they told him that they feared the army soldiers; that is why they had run to the College. So we stayed there with them.

KAKWENZIRE: Excuse me; by Reverend, you mean your husband?

BAZIRA: Yes. So the lorries came - arrived full of soldiers; when they saw those people, by the road side, they stopped. They questioned them why they had run. And they said, they feared. Because the Mpoma Satellite had been attacked. So there was one man who came off the lorry and, then he came and talked to the Reverend - I was also there, he told him that those women had run away from their homes; but we are not harmful, we are not going to harm them. So we request you as a Reverend to keep their luggage so that on Sunday you shall announce so that the owners come for them. And then he agreed. He told the ladies to bring the luggage in the church at the Namugongo seminary. And then some of them came to our house and asked for some drinking water; and I remember I went and brought some water for them. They told us that do not worry, we are not harmful people; we just want to find out why those people have come here. They said, thank you for the water and they went away.

COUNSEL: What happened to the women who had brought luggage? Did they stay or they went away?

BAZIRA: The women went back after they had seen that the situation had come to normal; they went back.

COUNSEL: Incidentally, do you remember the date when this happened?

BAZIRA: I think it was on the 21st, somehow; it was a Monday.

COUNSEL: Yes. So the women went away; and soldiers also went away.

BAZIRA: Yes, they went away.

COUNSEL: Did they go together?

BAZIRA: No, the army soldiers went first.

COUNSEL: That was Monday.

BAZIRA: That was Monday.

COUNSEL: Okey!

BAZIRA: Then Tuesday, I had gone to the garden to dig; and then the Reverend was in the office - I mean he stayed behind; and then when I came back from the garden, he told me - he used to call me - "my wife" - so he told me my wife, have you seen those two men? They were, I think, policemen; they had come to the College. He told me that, those men whom I have been escorting, had come here and I took them to my office, they signed in the book that it is okay at the College. and then I said, ah! Then we left it. And then in the afternoon or rather in the evening; when I was just waking up from my sleep; because I was tired, then all of a sudden, we saw lorries full of army men; and then we were terrified. Then they stopped at the College; they jumped off; then they scattered around, going to the bush which was near us; some just went there and others encircled us; and some came here, they met the Reverend in the sitting room; and then we were all wondering what had taken place. Because we knew that they had gone and nothing would happen. So they came back and they told us that you Reverend, you keep guerrillas here. Then we wondered; I, myself have never heard of such a thing neither had I seen guerillas around. So they really fumed; they fumed a lot and, when the Reverend saw the situation, he told us that, you women go to the bed room because these men might rape you. We went, but before we went, we stayed somewhere around in the corridor; and then we heard them, they stayed in the sitting room with the Reverend; so we stayed somewhere but hearing what was going on. They told the Reverend, Reverend, we want to kill this dog. And then the Reverend said, no, do not kill, we had our College dog. They were starting to fume, and then the Reverend said, do not kill it; they said, we want to kill it; we feel we want to kill. And then he told them, do not kill the dog. And then they said, okay, all of you are guerillas and we are going to kill you all. Do you know what we did to Masulita? He said, no. This place is going to be like Masulita. Then we knew that our lives had come to an end. And then we went under the bed. They stayed with the Reverend; we went and took cover under the bed. So from that time - I remember that the Reverend came to our room and looked at us; he did not say anything; he looked at me as if he was saying goodbye. Again he went away. So that was my last time to see him. But all along I was praying under the bed that God should keep him; because I could not hear from him any other

time. Then he went away. From that time gun shooting was heard all over the place. The men were really so furious. So from that time when we were there up to dawn; they were shooting - and in the night, we heard them shouting, making alarm at night, shooting everywhere; and we were under the bed; we could not even move.

COUNSEL: Incidentally, with whom were you?

BAZIRA: There was a girl who had visited me; she was from Mukono; she had come to visit me. And there was a certain girl called Mary Nabakoza; she was also a student at Mukono; and we were in the same room. And there was another Reverend; when he heard a shooting, he ran to the other room next to us; but we did not know that he was also there.

COUNSEL: Yes, which Reverend was this?

BAZIRA: Reverend Serwadda.

COUNSEL: Yes.

BAZIRA: So we felt some smoke, like something being burnt, but we could not tell what it was. When we woke up at dawn, we heard some cars moving; and then I thought, okay, now the Lord has answered our prayers; I think these people are going away. I realised that the Reverend was inside; he came to our room and said, where are you? He whispered. We said, we are here. And then he said, start praying for yourself, we are dead. Then we said, what has happened? Then tanks were coming to the College; they had even leaves on them. And then when we looked at them, we just went back under the bed, terrified. I did not know where my husband was. And I had nothing to do. So very early in the morning at down, Reverend Kigenyi came; and then he knocked and said, do not fear. Once we heard him we really feared a lot; and then we decided not to come out. He said, do not fear, I am Reverend Kigenyi, do not mind. He had come with soldiers; because he was staying in another house at Namugongo. Then he said, I am Reverend Kigenyi, do not mind. He came with army soldiers. And then we got out because he mentioned "I am Reverend Kigenyi". When we came out, we reached outside; there was a car which was burnt outside, and we could not believe it. As we went out, we were told to sit down immediately; they were harassing us. I remember they kicked me; and because I was expecting, I felt so much pain and said, oh, I really felt so much pain; I thought the baby moved from this side up to this side. And then I thought I was going to die but I did not. They started asking us - show us the guerillas. We said, we do not know where they are. But you women we heard you even making alarms at night that you kill them, you shoot at them; all things of the sort. And yet there were the people who were doing that. We said, we do not know where the guerrillas are. They asked the Reverend; the Reverend said, I do not know where they are; we are also workers here; we have our leader. and I did not know where the Reverend Bazira was. For me I sat there; I did not know what to do. But they insisted that you know where the guerillas are. But we could not answer because we had no ideas. As we were there, they brought

the students from where they were, badly beaten and some were badly wounded; they were full of blood some of them. And so they brought them; beating them to where we were sitting in the court yard. And then they sat there. I looked at them but I could not see my husband. I really lost hope; I could not know where he was. Then I asked them, where is the Reverend? They said, we have left him there. And then they made us lie down; they started whipping us, piercing us, doing all sorts of bad thing. We stayed there for quite a long time. Then they told me, who is the Reverend's wife: and then I came; a man with a knife frightened me that I know your husband has got a car and you have money; if you do not give me that money; you see this knife: Are you pregnant? I said, yes. I am going to cut you. And I am going to take you down there. There was a tank which was down there facing in that College. And then I told them, we do not have that money. They said, we are going to cut you. I said, I do not have the money and my husband has no car. Then from there they started checking me; they found my watch; they slapped me and took it; they took my slippers, they shared everything I had, except I was left in my gomes which I had put on. then they told me, okay, you go back and lie there. I lay with the students there and some other women. They started coming to pick some girls for raping; they started taking them to rape. But then the Commander who was commanding told me, if there is a lady here who belongs to that house, go to your house; if you are killed here, it will be your problem. Then I had to leave. There were some two kids I went with them because I wanted to say that they were my children in order to survive. So I went with these two kids and with that girl who had visited me. Now we went and sat in the house. And then the army men started coming to the house; then they asked me, who has told you to come here? I said, the Commander. They said, you be careful, we might take you to be his wife. Then I started having doubts in my minds. So they started getting that girl, the army soldiers became many. They started taking everything in the house outside sharing all our belongings. They kicked the door open, of the bedroom because I had locked it; and I could not tell where I had put the key. So they kicked it open and took everything that belonged to us. And they started pulling that girl taking her to that room for raping. Then I said, you leave the girl, she is even a school girl; leave her. And then they took her; and I do not know what they did to her. So they started pulling me, wanting to take me, then I said, okay, now if it is time to die, I will not. Because I knew if it was done to me, that would be my end. I said, okay. They started pulling me; I had to also hesistate; I could not accept it. Then they stopped. We had our cook; they told him to go and prepare them some tea. Because there was a lot of milk in the dinning. So he prepared them some chai. Then when I saw him, I saw he was coming from down there where my huspand was expected to be. So I asked him, do you know where Reverend Bazira is? He said, do you not know? Reverend Bazira is already dead. I tell you. It was a terrible moment for me. So when I learned of his death, I said, okay, I have nothing to do. I was so firm because they could not allow me to cry there when they were seeing me. So I decided to keep mumb. They started pulling me for raping and from that time I gained much strength so I decided to come out.

When I was coming out, one man put the leg here in the doorway and then I pushed him and then I got out; I sat at the verandah. And the man came wanting to pull me to take me inside. I refused, he pulled me and there I got hold of the pole and then I refused. I said, okay, let me go and stay with my fellow students; because it seems these men want just to play with me.

So I went and joined the students. They started taking all the girls, all the young girls for rape. They pulled me - there was a fence, I got hold of the fence; they pulled me; when I was just lying on my stomach, they pulled, I could not; they took all the girls. And as they were pulling me I shouted; and then their Captain said, leave her, leave her. And then Reverend Kigenyi and Reverend Serwadda and that girl who was shot at in the leg were brought to Nile Mansions; that is what I hear; they told me that they were brought to the Nile Mansions and we were left there the whole day being tortured; for them they survived the torture; most of the torture which we encountered. But for us who stayed behind we saw what we saw. As soon as I had left the house, then the students; a man from the main hall decided to throw a grenade; and then it came and some people said, it hit a man from there near the house; and then I said, oh, I have survived; what if I were inside the house: So that Captain had a radio call and used to communicate to the people here. So as I was lying there outside I heard him communicate that some two Reverends have been brought to the Nile Mansions, but one has been badly wounded and no hope of survival, then I knew, he was talking about my husband, and in fact I had already heard it that he had already been killed. So I knew that Reverend Bazira is now dead. I know the next would be myself. And then we stayed there being tortured. The men knew that we were going to be killed. So we were only waiting for only one time when their Commander would say, finish them. Because they were all waiting to kill us there. So I was also waiting for my time. Now as it was very late in the evening, the Commander came and talked to us; he addressed us; I do not even remember - because at that time I could not even remember what he was saying. And then he told us, we do not want to see anybody crying here. And then they brought a lorry; they told us to climb while they were whipping us; and then we were brought to the Central Police Station; and then coming down, we had to jump off when coming down; and every one who jumped was whipped all sorts of anything was done, slapping and what not. And from there we were taken to Makindye; and then we were also badly kicked, wounded some of us. And then from there, we were taken to Mukono. And there was a man who insisted that we should be dead. And all the way going to Mukono, we were afraid, we knew that, now we are going to be killed in Namanve. So when we reached Namanve, we all knew that it was our end; and we prayed for ourselves; we said, God, we know that it is now our time. But then miraculously we passed through Namanve, and then we were taken to Mukono. When we reached Mukono, there was an officer there - the police -I remember; he told us, are you Church people? We said, yes. And then he told us that, we are going to take you to the Bishop House; because if they find you here they will kill you. So they took us to the

Bishop House; Bishop of Mukono. And then they started seeking for the information asking whether the Reverend was dead or not. But for me, in my heart, I knew, he was dead. But they started saying, may be he escaped; may be he did not die; but for me I knew, he was already dead. So that was the end.

COUNSEL: Yes, it is a very sad story. Now, earlier than that date, had there been attacks by soldiers in Namugongo in your place, Seminary?

BAZIRA: Yes, very much so. And when I got married, my husband used to tell me that this place is not alright. I remember we used to eat our supper at around 6.00 p.m. so that we can go and hide. So the place was not safe; because even so many people had been killed in that place. And he had a wound on his foot; and he told me, it was due to running escaping at night; running because whenever they heard a car, they knew, people were going to be killed. So they were really staying in a very terrible situation at Namugongo.

COUNSEL: Did you find out why the place was unsafe?

BAZIRA: I really do not know. But I knew because even there were so many other parts in Uganda which were affected. So I knew, may be it was also the case why it was also affected like that.

COUNSEL: You said a soldier referred to Masulita. What did you understand by this statement?

BAZIRA: Masulita; I had heard earlier on that Masulita was a place which had been badly destroyed; and even the Church had been destroyed; so I know that even Namugongo is going to be like that; because we had a church around. So I knew, it was going to be in ruins - because I had heard the Masulita incidence.

COUNSEL: I see. Now you were taken from Mukono to Bishop - is that Bishop Nkoyoyo?

BAZIRA: Yes.

COUNSEL: For how long did you stay there?

BAZIRA: From there I was - my Matron was there - Mrs. Rev. Bukenya. So as soon as they heard the incident, they came for me; they took me at their home in the College - she is a Tutor in the College - and I started staying there for quite a long time. Because I left their home when I was about to deliver; and then I went to the Bishop of Namirembe, Bishop Kawuma; and that is where I delivered. But I stayed there for almost two and half months.

COUNSEL: So when did you deliver?

BAZIRA: I delivered on the 9th August, 1984; is it 1984? Because my child is now about three years.

COUNSEL: I see. Is she a girl or a boy?

BAZIRA: She is a baby girl; and she was the one we were expecting; we were expecting a baby girl. And so the Lord heard our prayers.

COUNSEL: I see. Now where is she: You are in a training college; where is the girl?

BAZIRA: My girl is with my sister at Old Kampala.

COUNSEL: I see. Who is giving you financial support?

BAZIRA: The Bishop of Namirembe has really done much for my life, because even here where I am studying, they are the people who assist me in one way or another.

COUNSEL: I see. You said, all your property was looted?

BAZIRA: All my property was looted.

COUNSEL: Did you know whether any claim was made to Government in respect of property lost and lives lost in this exercise?

BAZIRA: I think I heard a rumour that the Seminary got some aid; some facilities; but I did not go in details to inquire more about it.

COUNSEL: I see. Well, that is what I can ask her at the moment, My Lord.

KAKWENZIRE: First of all I must say how very sorry I am about what happened to you. Earlier on in your narrative you said soldiers accused you of having shouted "kill them" And you said, in fact, they were the ones who were shouting such things. What had you been hearing in the night exactly, to make you say that?

BAZIRA: They had surrounded our house. And where I was lying down, I was near the window; so I could even hear them; I think they had taken cover there near the window. So I heard everything which was done during the night, they were shooting; they were shouting and they were making all sorts of alarms at night. And so I knew, they were the people who were doing the same; because at that time nobody, no civilian could be out.

KAKWENZIRE: Judging from the time they took to shooting, it would seem as if they were fighting somebody. And in fact when you said that there were, in fact, the ones who were shouting, "kill them", I am led to believe, may be they were a sort of carrying out some kind of real and acted battle. Did it sound to you they were carrying out some kind of a battle.

BAZIRA: When I got out and I saw that car, they said, you are even the ones who burnt our car. So that made me to believe that it was a naked lie.

KAKWENZIRE: So they were trying to make it to look as if there was some kind of

fighting?

BAZIRA: Definitely.

KAKWENZIRE: What about that car you mentioned; what kind of car was it, which was burnt?

BAZIRA: It was a Land Rover.

KAKWENZIRE: Belonging to -

BAZIRA: I really do not know. May be it was - because I saw it there outside before it was burnt. I mean it was brought near our house; and then it was burnt there. And then they were saying, we were the ones who even burnt it.

KAKWENZIRE: Did you hear it coming?

BAZIRA: The car?

KAKWENZIRE: Yes.

BAZIRA: No, I could not hear it come.

KAKWENZIRE: Well you were too frightened?

BAZIRA: Yes.

KAKWENZIRE: When you were taken to Central Police Station; what time did you spend at CPS; roughly, how long?

BAZIRA: We did not spend much time; because I remember, they told us to come off the lorry - that man; there was a man, a soldier, he was a Munyankole man; he said, he just wanted us to be dead. And then he got off the lorry and then he went, talking to the officers may in the Police, and then they could not put us in prison. So, he was so furious, he told us, okay, get on the lorry, get on very quickly while he was whipping us. For him he did not want to see any person from Namugongo alive. And we got on the lorry and then we were taken somewhere else where we could not be imprisoned.

KAKWENZIRE: He looked as if he was an official of Central Police Station?

BAZIRA: No, that man was belonging to the army soldiers.

KAKWENZIRE: He was an army soldier?

BAZIRA: Yes, he was an army soldier.

KAKWENZIRE: But you found him at the CPS.

BAZIRA: He came with us on the lorry.

KAKWENZIRE: I see. You never got to know who he was either other soldiers calling him or?

BAZIRA: We did not; but we were put in those small rooms; and men came looking for money everywhere; they checked every part of our body; and for the men, it was worse, they started beating them, but they did not find any money; and then they were also told to climb the lorry while beating them.

KAKWENZIRE: After about an hour or two?

BAZIRA: Roughly, an hour.

KAKWENZIRE: And then you were taken to Mukono Police; how long did you stay there?

BAZIRA: We did not stay there for long; because those men at the Police knew that as soon as those men found us there, they were going to kill us. So they had to rescue us by informing the Bishop. And then we were very quickly taken to the Bishop's house.

KAKWENZIRE: It looks as if it was some kind of aimless move; had you got some instructions from their Commander, for instance, to these people who were taking you specifying where you were going to be taken and what have you?

BAZIRA: I think the man in-charge at the Police Station at Mukono, and we did not know what he talked to him. But I think he found no reason for us to stay there. So that is why I think he quickly informed the Bishop.

KAKWENZIRE: I see. So it would also look like, may be people at CPS also did not see any reason why you should stay in there, and they decided to send you to Makindye.

BAZIRA: Yes, that is how it came.

KAKWENZIRE: Did you sustain any - I mean, how were you affected healthwise while staying at your friend's house; how did all this beating affect you and your baby?

BAZIRA: At Namugongo?

KAKWENZIRE: While you were at Mukono; did you fall sick as a result?

BAZIRA: Yes, it was just too much on me; I tell you, I could cry the whole day and the whole night. There was even a time when I felt, I should not exist in this world; and the whole world was too dark for me. I remember, there was a time when I cried and I sort of wanted to have a miscarriage; I do not know what happened; but there was a nurse around and she came to my rescue. I had a pain here where they had kicked me. But then they rushed me to the hospital; and then the people at Mengo Hospital were waiting for me. When I reached there

they said, we have been waiting for you at least to rescue the baby inside. Now they asked me whether I was feeling alright or not alright; they admitted me for some days until they buried the late. Because it took long to find the body. So all that time I was admitted at Namirembe Hospital; and that is where I was taken from to burry him because he was buried at the Cathedral Namirembe. So it was very near. And after the burial, then I went back to Mukono.

KAKWENZIRE: Can you recall a name of somebody who participated either a soldier or a Commander who could assist the Commission?

BAZIRA: A Commander?

KAKWENZIRE: Yes. Any name you can recall; either a Commander or a soldier. I know it is asking you too much at the time of agony, you probably did not see; but did you recognise anybody who could assist the Commission.

BAZIRA: I do not think they are now alive; I do not know. (Laughter) I think they are dead.

KAKWENZIRE: Why do you think they are not alive: Do you recall any?

BAZIRA: I cannot.

KAKWENZIRE: You cannot.

BAZIRA: You mean if they are brought here?

KAKWENZIRE: Yes.

BAZIRA: I hope I can if they are here.

DR. LUYOMBYA: What about the Policeman at Mukono; the one who rescued you?

BAZIRA: Definitely, at that time when we were at Mukono -because we were too hungry; we went and looked for the leaves of the mango; so we were just looking for the leaves at least to chew. And those who were so kind to us, when they saw us chewing some leaves, they gave us money to go and buy some ripe ones. I could not recognise any man at the Police at Mukono.

DR. LUYOMBYA: I mean, did you ever get the name or recall the name of that Police Officer?

BAZIRA: No, I could not.

MR. NAGENDA: Mrs. Bazira, you have told us a terrible story, and we are very sorry. Just a small clarification. Were you married in 1982 or 1983, 12th of November? I wonder whether it was 1983, in fact.

BAZIRA: I think it was 1983.

MR. NAGENDA: Yes; I think so. This Captain who was in command - how do you know he was a Captain anyway?

BAZIRA: Which one?

MR. NAGENDA: The one when you were being tortured and beaten up and kicked in the stomach and that kind of thing at Namugongo. How do you know he was a Captain?

BAZIRA: He came and introduced himself to the Reverend and said, I am - I do not know their ranks anyway; but he explained to the Reverend that - you see - I am the Commander, sort of; I want some water to drink. Because we were with him; we talked with him face to face.

MR. NAGENDA: Yes. Did you hear his name at all? or just a Captain.

BAZIRA: No.

MR. NAGENDA: There was a name which was given to us last week. What was the name of that one? Opeto? Was this name Opeto? Do you remember? Opeto/Opeta you know, whatever.

BAZIRA: I do not remember.

MR. NAGENDA: Okay. But he was always there when you were being harassed?

BAZIRA: I remember there was time when he disappeared.

MR. NAGENDA: Yes. But mostly, was he there or not? Did he know what was going on?

BAZIRA: The first one who came to our house to ask for water, that was a different man. And the one who was there when we were being harassed and beaten and what not; who had a radio call, he was also a big man; that one was there when we were being tortured.

MR. NAGENDA: Did he by any chance take part in these physical atrocities that happened that day?

BAZIRA: No; I do not remember having seen him; he was by the roadside there. I do not remember having seen him.

MR. NAGENDA: You have talked about Bishop Kawuma being very helpful to you. I am interested to hear whether any other church leaders showed this kind of concern for you?

BAZIRA: Any other church leaders?

MR. NAGENDA: Yes.

BAZIRA: Such as?

MR. NAGENDA: Well, I did not know; you tell me. Did anybody else help you; did

they write to you; did they come to see you; or what happened?

BAZIRA: Yes, they wrote to me. They donated. Because I had nothing to put on; they donated; so they really felt concerned and very sorry about the incidence; they gave my baby some cloth to put on; and really cared for me somehow with prayers and the like.

MR. NAGENDA: Okay. We have it in evidence from another time that it took a whole year for the Archbishop of the Anglican Church to go to Namugongo after this terrible thing you have told us about. Have you heard from this Archbishop?

BAZIRA: I heard about it.

MR. NAGENDA: Has he written to you; has he visited you; has he helped your daughter?

BAZIRA: The Archbishop?

NAGENDA: Yes.

BAZIRA: I ever met him at Mukono; I talked to him, I said, I am Mrs. Bazira. He said oh! I see! You are Mrs. Bazira? I remember, he gave me some money, I think it was Shs.100,000/=. And then there was time when he went - may be some people wrote to him - and then he brought me a cheque, was it a hundred dollars; and then he told me that they have given it to you from where he was abroad. That is what it is.

MR. NAGENDA: I am very glad, he has been so helpful as to hand over to you this cheque. I was interested to hear that - you said that God had heard you and given you a daughter. Do you still believe in God?

BAZIRA: Very much.

MR. NAGENDA: Even after everything that happened?

BAZIRA: Yes.

MR. NAGENDA: After that when you saw your husband for the last time, did you see him at all again; even after he had died?

BAZIRA: I just saw the dead body at the mortuary.

MR. NAGENDA: Well, Mrs. Bazira, we are very sorry that you had gone through this. But for me I would like to make a small statement. It is that moments like these when we see people like you, that we on this Commission know that we are privileged to be here in the name of our country. And let all those saboteurs who are trying to give us a hard time in this Commission know that we are going to finish the job. Thank you.

DR. LUYOMBYA: Mrs. Bazira, I also feel very sorry for the hard time you went through

and the atrocities you had to witness. But I want a few things clarified. You said, there was your cook whom the soldiers forced to make tea for them; this cook informed you or hinted to you that your husband had been killed. Do you know the name of that cook?

BAZIRA: I do not remember very well his name. I have forgotten it.

DR. LUYOMBYA: Is he still around?

BAZIRA: Probably; because I have never gone back to Namugongo; and I do not know whether he is still there. May be he is still at Namugongo.

DR. LUYOMBYA: Yes. Because I feel, probably, we could have seen more about the time your husband was killed. You also told us that there was a Munyankole who was insisting that you be killed. Amongst the soldiers who came to ravage your place; was it multi-tribal, did you note people from other tribes or only Banyankole?

BAZIRA: There were so many tribes. But that particular man is the one who came to our house two times. Because he came the first time asking for some water; he came another time, he cautioned the Reverend when Reverend was still at home.

DR. LUYOMBYA: Yes. Now this is a bit more painful and may be hard for you to answer. You saw soldiers taking girls for raping; where did they take them?

BAZIRA: Some they took them to our bed room, because they kicked it open; and some they took them to the main hall - I saw them taking them to the main hall.

DR. LUYOMBYA: Was it in a group?

BAZIRA: Individually.

DR. LUYOMBYA: So they divided girls amongst themselves; one individual taking one girl.

BAZIRA: Yes, and because the men were so many; I do not know how many each one shared.

DR. LUYOMBYA: Yes. I am also glad to hear that you are still clinging to your faith and you are still religious. As a strong religious person, what can you say about this incident? From what you saw and experienced and felt; you as somebody religious. What would you say?

BAZIRA: Up to now I still have so many questions in my mind as to why it happened because we had just got married. And that was the real happiness in my life, I am sure; because I was looking forward to marriage; and then I got married properly; and then my husband he was killed in such a way. Really it raises so many questions in my mind. But then as a christian, I believe, there is a purpose in

everything; and may be one time the Lord will reveal; I am asking that the Lord may reveal why it happened. As I would not like it to happen to me, neither would anyone like it to happen to him or to her. sometimes as I try to ask myself why on me, Lord? Then I come to answer myself, then who? But then my only prayer is that, the Lord may reveal why it happened. So that I may have peace of mind. Because up to now I have so many questions; and I tell you, when I go to sleep, so many thoughts come and - I do not know.

DR. LUYOMBYA: It is also part of our job as a Commission to try and answer that question, why those atrocities and all the like happened to you. Still as somebody who believes strongly in God and your religion, what would you say about these soldiers and atrocities they were carrying out on the girls, the women, the property?

BAZIRA: What I should say about it?

DR. LUYOMBYA: Yes.

BAZIRA: I should say, as human beings, we have our human rights; and such things should not be done, they are abominable, according to society. So anybody caught doing such, should be condemned.

DR. LUYOMBYA: Okay, thank you.

MR. KAWANGA: Mrs. Bazira, I have asked so many questions to other witnesses before; I am sorry, I do not have any real questions to ask you, except to join my colleagues to express my deep felt sympathy to you, for whatever happened to you. And also to commend you about the courage with which you have been able to retell this story. Some of us found it difficult to hear a story; it must have been much more difficult for you to tell the story. The only thing, perhaps which I would want to ask, is to get to know a little more about your background which we did not go into. I do not know, how old you are, for example; if you would like to tell us.

BAZIRA: I am 27 years old.

MR. KAWANGA: Yes. And what kind of education had you got before you got married?

BAZIRA: After my S.IV, I went to the Bishop Tucker Theological College; I trained for three years; I was posted to Gayaza Junior High School; I worked as a Chaplain in that school; and for two years I got married. I went to Namugongo; I taught partly at the Seminary, I was teaching at the Seminary at Namugongo. And then when this incident took place, I left; and then I stayed at the Bishop for -after I had delivered, I stayed at the Bishop's house for a year; then I was taken to Budo Junior School to work as a Chaplain. And from there I decided to come to train as a full trained teacher.

MR. KAWANGA: I see. That is what you are doing now?

BAZIRA: Yes, I am training and I am finalist.

MR. KAWANGA: I see. In fact one other remark I must make ,is about the fluency with which you speak and the way you gave evidence was so impressive. We wanted to know what kind of background you had. Thank you very much.

BAZIRA: You are welcome.

CHAIRMAN: Mrs. Faith Bazira, of course, I would like to associate on myself with what my fellow Commissioners have already said. I would add that, it is very impressive that in spite of all the problems you have gone through, you have still been able to tell us a story in the manner in which you did; which, as it has already been said, it must have been very painful. We are sorry about this, that you have had to relive the story by experience - by telling us. But it is necessary process in our task. We thank you for the courage you have had to come forward and tell us the incident. And that we must commend you, I think, for that courage that we have got the impression that you are a very courageous lady. And that we wish you all the best for your future and for your baby daughter. Thank you for having come. I have asked other witnesses from Namugongo who have come to testify to us, to be available at Namugongo when we visit. But I would like to spare you that problem. I think we already have other witnesses; the two Reverends you have referred to, they can tell us what happened. I think, I will spare you, you do not have to come. Thank you very much.

Leading Counsel, I think, at this point we shall have a break of quarter of an hour. The time is now about 12 o'clock; so we shall resume here at a quarter past twelve this afternoon (12.15 p.m.)

CHAIRMAN: Yes Commissioners, Learned Counsels, Ladies and Gentlemen, Counsel, let us have the next witness.

COUNSEL: The next witness is not actually the next witness because he has been here before and has got his number with us, that is he is witness number 125. This is the witness who asked for adjournment to consult his authorities, he has done the necessary consultation and he is here. He is Reverend Father Atanansious Katende and, my Lord, he has come with his Counsel, Mr. Pius Kawere.

REV. FR. ATANASIOUS KATENDE - CONTINUES HIS EVIDENCE FROM PAGE 3104

COUNSEL: My Lord this witness gave his particulars and perhaps I would ask him now, for how long have you been a priest?

FR. KATENDE: For 13 years.

COUNSEL: For 13 years. Would you please let us know the various parishes in

which you have served?

FR. KATENDE: Kijaguzo Parish, that was my first parish and Namagunga Parish.

COUNSEL: A bit slow please take - (interruption) -

CHAIRMAN: Sorry, Reverend Father, you said the first one very fast could you say it again please.

FR. KATENDE: Kijaguzo Parish.

COUNSEL: Where is this Kijaguzo Parish.

FR. KATENDE: It is in Luwero Triangle.

COUNSEL: When were you there?

FR. KATENDE: In 1974 up to 1978.

COUNSEL: 1978. From there you say you went to Namagunga?

FR. KATENDE: Yes.

COUNSEL: This is in Mukono District?

FR. KATENDE: Mukono yes, Mukono District.

COUNSEL: Yes, for what period?

FR. KATENDE: Up to 1981.

COUNSEL: 1981? And from 1981 where did you go?

FR. KATENDE: To Buyege Parish.

COUNSEL: Buyege Parish, this is in Mpigi District?

FR. KATENDE: Yes.

COUNSEL: For what period were you there?

FR. KATENDE: For just one year and a half. I left in 1983.

COUNSEL: 1983?

FR. KATENDE: Yes.

COUNSEL: From 1983 where did you go?

FR. KATENDE: Yes from there I went to Nsambya but for just a short time and then from there to Namugongo.

COUNSEL: Yes.?

FR. KATENDE: Yes, Namugongo Foyer the Charity.

COUNSEL: Yes.

FR. KATENDE: Yes.

COUNSEL: That is 1983 to which year?

FR. KATENDE: 1983 to 1984.

COUNSEL: To 1984? To 1984 which month?

FR. KATENDE: It was I think November.

COUNSEL: Yes?

FR. KATENDE: I think I have made a mistake there it might be November, 1983.

COUNSEL: Then from November 1983, where did you go?

FR. KATENDE: From there I went to Nagalama Parish.

COUNSEL: Yes.

FR. KATENDE: But that was 1984. Yes, it was 1984 as far as I can remember.

COUNSEL: Now, in May 1984, were you in Namugongo?

FR. KATENDE: Yes, I was in Namugongo.

COUNSEL: Is there any incident in May, 1984 which you remember happened while you were in Namugongo?

FR. KATENDE: Yes.

COUNSEL: Yes, what happened.

FR. KATENDE: We were attacked by soldiers.

COUNSEL: At what time was the attack?

FR. KATENDE: It was in May on 23rd but they were already in that area starting with Monday 21st.

COUNSEL: Now, when you say you were attacked by soldiers did you know where the soldiers came from?

FR. KATENDE: Well, I cannot really say the particular place but I know they belonged to the government they might have come from different barracks in Kampala.

COUNSEL: Now, how was the attack? Was the attack during day time or during night time?

FR. KATENDE: It was during - the first time they came they came just in the evening towards day time.

COUNSEL: Yes?

FR. KATENDE: That was around 22nd May, that was in the evening at around 3.00 p.m.

COUNSEL: Yes, well afternoon a sort of.

FR. KATENDE: It is afternoon.

COUNSEL: Yes, what happened? How did they attack?

FR. KATENDE: They ordered the, what is it? Sisters I would say but lay sisters to sit down in front of the house and then they took about five boys or workmen. Some were workmen others were boys?

COUNSEL: When they came did you talk to them? Did they talk to you before they ordered these ladies to sit down? I hope you were in charge of this place?

FR. KATENDE: I was.

COUNSEL: Yes, when they came what did they do?

FR. KATENDE: I did not see very much because I was having my siesta, I was in my room.

COUNSEL: Yes, as you were having your siesta, what happened?

FR. KATENDE: Then when I woke up I heard the noise, people shouting in Swahili; say, "*simama*", just saying "*wusikimbiya*." Then I woke up and I looked through the window I saw all the girls seated in front of a house, the courtyard and then I went out and then I asked them why they were sitting there; and then they said, "we were commanded by soldiers to sit here," so I did not see them myself but they told me that the soldiers were around.

COUNSEL: You mean the soldiers told those ladies, sisters to sit down then they went away or they kept guard of these sisters?

FR. KATENDE: They went with the five men, they went with them.

COUNSEL: Then to whom did you talk?

FR. KATENDE: To?

COUNSEL: You said, you heard noise, you came out, you found people sitting down, you asked them what had happened, they told you we have been ordered by soldiers. I am asking when you asked those people when you heard this from the people who were sitting, were soldiers around?

FR. KATENDE: They were no longer around they had left the place. They were taking those boys, those men away into the forest that is what I heard.

DR. LUYOMBYA: Now, clarification. Father Katende, we were not at Namugongo and we do not know where you stay so we want to get a clear picture of what was happening. You were taking a siesta?

FR. KATENDE: Yes.

DR. LUYOMBYA: And you heard noises outside?

FR. KATENDE: Yes.

DR. LUYOMBYA: People talking in Swahili?

FR. KATENDE: Yes.

DR. LUYOMBYA: Did you look outside?

FR. KATENDE: Yes, I did.

DR. LUYOMBYA: What did you see when you looked outside?

FR. KATENDE: I saw the girls, sisters sitting outside.

DR. LUYOMBYA: And you did not see anybody else?

FR. KATENDE: I did not see any soldier.

DR. LUYOMBYA: Between the time you heard the noise in Swahili and the time you looked outside to see sisters seated down, how many minutes had elapsed?

FR. KATENDE: About ten minutes. They had already ran away, they were leaving the place by that time I heard the noise.

COUNSEL: Now, how many people did you have in this place living there permanently on the day the attack took place. You had five sisters?

MR. NAGENDA: No, five male workers we do not know how many sisters.

COUNSEL: What type of these ladies were? Were they nuns, were they what? Lay people?

FR. KATENDE: Lay sisters, not lay people but we call them lay sisters, it is an institute.

MR. NAGENDA: How many sisters were there please?

FR. KATENDE: Now, I cannot remember the exact - (interruption) -

MR. NAGENDA: Roughly speaking were they between ten and fifteen?

FR. KATENDE: About 15.

COUNSEL: Were they present when the attack took place?

FR. KATENDE: All of them?

COUNSEL: Yes.

FR. KATENDE: Yes.

COUNSEL: Did you have some men or boys working with you in this institute?

FR. KATENDE: Working as what, as workmen or?

COUNSEL: Did you have some men or boys staying with you in this place?

FR. KATENDE: Yes.

COUNSEL: How many? About how many?

FR. KATENDE: About seven.

COUNSEL: Were they present when this attack took place?

FR. KATENDE: Yes, certainly there was - some of them were present.

COUNSEL: Now what happened?

FR. KATENDE: What happened?

COUNSEL: Yes, when you came out of your bedroom, you found these sisters sitting down, they told you that they had been ordered by the soldiers to sit down, is that not what you said?

FR. KATENDE: Yes.

COUNSEL: Then what else did they tell you?

FR. KATENDE: They told me that they had taken some of our workmen.

COUNSEL: They told you that they had taken some workmen, did they tell you the number and where they were taking them?

FR. KATENDE: Yes the number I think was about five. They told me the number but I cannot remember now.

COUNSEL: Yes?

FR. KATENDE: Yes.

COUNSEL: Did they tell you where they took them?

FR. KATENDE: Yes, they said they had taken that way and that I could not follow them because as they had guns it was not easy for me to follow.

COUNSEL: Now when you say Father, you say that way what do you mean by that way?

FR. KATENDE: That I mean to Nakiyanza side.

COUNSEL: So, is your place near a forest called Nakiyanza?

FR. KATENDE: Yes, it is near.

COUNSEL: Now, they told you that they have taken the boys to the forest, Nakiyanza Forest?

FR. KATENDE: They did not know that they had taken them to the forest but afterwards we came to know that.

COUNSEL: No, when they said they took them that way, we are here in International Conference Centre, when you say that way we do not understand would you please -

FR. KATENDE: I said to Nakiyanza side. That is the Church of Uganda Namugongo Theological Hall.

COUNSEL: Yes.

COUNSEL: Now what happened?

FR. KATENDE: Then I had to go to the Parish Namugongo.

COUNSEL: Yes?

FR. KATENDE: To see the Parish Priest there and to see what we could do by that time but the Parish Priest when I went there he was not in, he had gone out of station. And then from there I went to the - there was a Roadblock there nearby, Nakisarawajala, then I approached those soldiers, Special Force and I told them everything that had taken place in our Retreat Centre and I asked for assistance and then they said we cannot help you because the orders come from above and we cannot. We have been given orders to remain here not to move even a single inch from here, so I left them there went back.

COUNSEL: Now, what did you do?

FR. KATENDE: I went back to the Retreat House.

COUNSEL: Yes, now what happened?

FR. KATENDE: When I went back I found many people had come from other villages around and then I warned them; I told them it is better for them to go to the parishes instead of stay in there because soldiers had already counted the number of those who they met there. So, I said it not good for you to stay here, once they come back they can kill you or do anything they cań. So, they left the place and went to the parish and we remained as we were before.

COUNSEL: Did the soldiers come back?

FR. KATENDE: No, that night they did not come back.

COUNSEL How about the following day?

FR. KATENDE: The following day? No, I left that place early in the morning on the following day 23rd because of that man whom they had taken to the forest and when we came back he was shot and he had a wound. So, I had to rush him to the hospital the early morning.

COUNSEL: So, among the people they had taken to the forest one of them had been shot?

FR. KATENDE: Yes, that is Francis but the second name I cannot remember. He was shot and then he came back at mid-night with a wound he was bleeding, so, I gave him last Sacraments and then the sisters gave him some first aid treatment and then the following day in the early morning I rushed him to the hospital.

COUNSEL: Did you try to find out from him as to how he sustained the injury he had?

FR. KATENDE: No, I think the sisters did.

COUNSEL: You did not?

FR. KATENDE: I saw only bleeding and the wound was just at the back and the arm was also injured.

COUNSEL: Well, you did not ask him where he had sustained this?

FR. KATENDE: Oh yes, you mean the place?

COUNSEL: Yes.

FR. KATENDE: Oh yes, he told us it was in the forest.

COUNSEL: In the forest did he tell you who shot him?

FR. KATENDE: He told me that the soldiers but the name he did not know.

COUNSEL: Now about other people did he tell you what happened to his other friends?

FR. KATENDE: He told me that others had to run away, two of them were shot dead.

COUNSEL: Did he tell you the names of those shot dead?

FR. KATENDE: Yes, he told me but now I cannot remember. I can only remember one name is called Sunday and another one I think Panda. The name is like that Panda, sorry Pondo.

COUNSEL: Pondo?

FR. KATENDE: Yes.

COUNSEL: Did you try to find out from him why he was shot? Or the accusation that they had labelled against him?

FR. KATENDE: At that time it was not easy to ask and he could not even tell us more than that. He was so afraid and so excited.

COUNSEL: So, you took him to where?

FR. KATENDE: To Nsambya Hospital.

COUNSEL: Now, did you go back?

FR. KATENDE: No, I did not go back from there I went to Rubaga to report to the Bishop, then I tried to go back in the evening but when I reached a place called Kireka, I was advised not to go to Namugongo because soldiers had scattered everywhere and then they were just doing everything they wanted then they said if you go back you will see. then I stopped there and then I returned.

COUNSEL: Now when you took this person, the victim who had been shot did you leave the Sisters behind?

FR. KATENDE: I left them behind except one with whom I was.

COUNSEL: Now, did you eventually go back to your place the Centre?

FR: KATENDE: Yes, after I tried a second time on the following day then I failed, then on Friday I went back with the Bishop to Namugongo Parish first.

COUNSEL: Now, what did you see at Namugongo Parish?

FR. KATENDE: Yes, only the schools were closed and only Monsignor was there and with some few people.

COUNSEL: When you say Monsignor was there who was he?

FR. KATENDE: Monsignor Joseph Ssekaiba.

COUNSEL: And the children had gone away?

FR. KATENDE: Yes, most of them had left the place, but the Primary School girls, those were still there.

COUNSEL: How did the place look apart from being deserted? Or, how did it appear to you?

FR. KATENDE: I do not know how I can describe it but the situation was so tense and the atmosphere was so frightening.

COUNSEL: Now, did you manage to go to the Centre?

FR. KATENDE: Yes, we managed.

COUNSEL: Yes, how did you find the place?

FR. KATENDE: We saw everything was in chaos and the doors were open and some of them broken, glasses broken, books scattered here and there, medicine and everything was in chaos, the whole situation there was so frightening.

COUNSEL: Did you find the Sisters there?

FR. KATENDE: No, I did not find them, nobody was there.

COUNSEL: Apart from these things being scattered were some of your property looted or?

FR. KATENDE: Oh yes.

COUNSEL: Please tell us these details we want the details if you can tell us.

FR. KATENDE: All my clothing were taken, radios, trousers, and sewing machine, bicycle and motorcycles and a vehicle Fiat and a fridge, plates, cups and mattresses, blankets. These were in great numbers not only five or ten they were even more than 50 because as it is Retreat Centre, so people used to go there and they stayed there for five or even ten days so we must have had all the necessary equipment for them. Mattresses blankets, bedsheets and TV set.

COUNSEL: So, you as the head of the Centre did you assess the damage the loss sustained in this attack.

FR. KATENDE: Yes, I did it together with the Bishop because I knew some of the property which were taken and there were some which I could not know, they only the numbers could remember. Then they made all the list of them and -

COUNSEL: Roughly what was the value of items you lost or which were damaged

in this operation?

FR. KATENDE: It was about Shs.20 millions.

COUNSEL: 20 million shillings?

FR. KATENDE: Yes, or even more than that.

COUNSEL: What happened to the car did you find it?

FR. KATENDE: Yes, we recovered it afterwards.

COUNSEL: Yes, okay.

FR. KATENDE: And I was told to take it to the garage to be repaired.

COUNSEL: You mean why did you have to take it for repair?

FR. KATENDE: Why?

COUNSEL: Yes.

FR. KATENDE: Because it was damaged, it was in disorder many things had been broken off or others taken off.

COUNSEL: Did you try to find out why this operation was in this place?

FR. KATENDE: Where?

COUNSEL: I do not say that what you found was true but did you find out the cause of this operation at Namugongo, was there banditry activities in the area say or in this forest of Nakiyanza or so as far as you know?

FR. KATENDE: Of course we heard accusations like that but I never witnessed anyone of the guerillas there myself.

COUNSEL: How about these boys you had were they involved in any banditry activity to your knowledge?

FR. KATENDE: No, never.

COUNSEL: Now, on finding out the assessing the damages and finding out what had happened what did you do with your Bishop?

FR. KATENDE: Then I left that to the Bishop, he had to see those who were in authority or those who were in power.

COUNSEL: Yes.

FR. KATENDE: I do not know what they discussed and what conclusion they came to.

COUNSEL: Now, before this incident, had there been similar incident in the area,

to your knowledge?

FR. KATENDE: Before?

COUNSEL: Yes.

FR. KATENDE: Yes, all I would say, but that took place as soon as at the time I reached there, there was such an incident but they did not do anything the soldiers did not do much at that time.

COUNSEL: Now in this operation did you find whether so many people lost their lives in Namugongo and the neighbouring villages?

FR. KATENDE: Yes, I noticed many lost their lives.

COUNSEL: Apart from the two you have mentioned did you know any other?

FR. KATENDE: No, The two? Yes, our neighbour they are Nakiyanza Church of Uganda, the late Rev. Bazira and others I do not remember their names.

COUNSEL: But they were many?

FR. KATENDE: They were many.

MR. KAWANGA: What about the Francis that you took to hospital?

FR. KATENDE: Yes, from the -

MR. KAWANGA: Did he die did he survive?

FR. KATENDE: He survived but later on I took him to Butabika because he had run mad.

COUNSEL: Is he there now or he has recovered?

FR. KATENDE: He recovered.

COUNSEL: He recovered? Where is he now, do you know?

FR. KATENDE: I am not sure where he is he might be in Kyaggwe because he was there before. He is no longer in Namugongo but he might be at Kyaggwe.

COUNSEL: Did you eventually find out what had happened to the Sisters you had left at the Centre?

FR. KATENDE: I think the whole story was narrated to the Bishop and they knew everything. Everything was put in a report.

MR. NAGENDA: Excuse me Rev. Father, it is really a simple question what happened to the Sisters, we did not go to the Bishops, we do not know there is a

report, we are here to do a job. There was a lady here earlier, whose husband was killed and who herself was very molested, she was here she gave us everything. There is no need to ask your lawyer whether you can answer such a simple question, what are we here for?

FR. KATENDE: Have I been asking the lawyer?

MR. NAGENDA: No, what happened to the Sisters, please?

FR. KATENDE: I do not know what you are putting.

CHAIRMAN: First of all, let us assist Rev. Father, did he know, did he later know; if he did, he may not have known, did you subsequently learn what had happened to the Sisters? Did you come to know? Because you took Francis to Nsambya leaving the Sisters at the house, the Retreat House.

FR. KATENDE: Yes.

CHAIRMAN: When you came back did you find them there? They were not there?

FR. KATENDE: They were not there.

CHAIRMAN: Did you find out where they had gone.

FR. KATENDE: They had gone to Rubaga.

CHAIRMAN: That is it.

FR. KATENDE: And they stayed there for some weeks. There they were taken to another place where they stayed for about two months, I would say.

COUNSEL: So, you found out what happened to the Sisters?

FR. KATENDE: Yes.

COUNSEL: Now, after this incident is there anything else which happened again?

FR. KATENDE: No, I do not remember another incident.

COUNSEL: Earlier on you had been at Buyege in Mpigi District was there any problems about the community around you in Buyege.

FR. KATENDE: Yes, community around that is the chiefs perhaps -

COUNSEL: Yes.

FR. KATENDE: We had problems with them but I do not know why they started like that.

COUNSEL: Yes, what started? You just tell us what started by the chiefs and the Youths.

FR. KATENDE: Because they used to put road blocks everywhere and wanted to search

my car every time and even sometimes they could prevent me from passing road blocks. So they wanted me not even to leave that place to go out or to go to Kampala or anywhere, and they wanted me to give them a list where ever I wanted to go out for missionary work or pastoral activities. They wanted me to tell them that on such a day I will be going in such a place or so.

COUNSEL: So you are saying that while you were at Buyege your movement was restricted by the chiefs and youths.

FR. KATENDE: Yes.

COUNSEL: Who are these chiefs and Youths, do you remember them?

FR. KATENDE: I remember the *Gombolola* Chief, that was Kamulegeya.

COUNSEL: Yes?

FR. KATENDE: And another one was Ssekadde.

COUNSEL: Yes, who was Ssekadde?

FR. KATENDE: He was *Muluka* Chief and Assistant *Gombolola* Chief.

COUNSEL: Yes, by the way what *Gombolola* was this?

FR. KATENDE: That, Kasanze.

COUNSEL: Yes, Kasanze. This is in Busiro sub-county?

FR. KATENDE: Busiro sub-county.

COUNSEL: Yes.

FR. KATENDE: Busiro, Sir.

COUNSEL: Yes.

FR. KATENDE: County, not a Sub-County.

COUNSEL: Busiro County. Who else?

FR. KATENDE: And Nsubuga who was also a *Muluka* Chief and Chairman of UPC.

COUNSEL: Now, did you try to find out from these people why they were restricting your movement? Did they suspect you of being of something why did they want to restrict you?

CHAIRMAN: Did they tell you? Perhaps I should start that way; did they tell you why they were restricting your movement, why they wanted you to give them your itinerary of customary working?

FR. KATENDE: Well they suspected me to be dealing with guerillas that is what the accusation was?

COUNSEL: Well, did you have bandits in the area to your knowledge.

FR. KATENDE: No.

COUNSEL: Were you dealing with any bandits anywhere in Uganda?

FR. KATENDE: No.

COUNSEL: So, what did you do as the result of this kind of harassment from these chiefs?

FR. KATENDE: Then I had to see the District Commissioner Mpigi.

COUNSEL: Who was he?

FR. KATENDE: He was Benson Ogwang.

COUNSEL: Yes, did he assist you?

FR. KATENDE: He assisted me, he tried his best, but as time went on he failed because those village chiefs they had other people behind them those who were just -

COUNSEL: You mean higher than the District Commissioner?

FR. KATENDE: Yes, yes that is right?

COUNSEL: Who, who is a higher man than the District Commissioner and his district?

FR. KATENDE: He was I think a Chairman of that Constituency, he was almost higher than the DC.

COUNSEL: Yes, who was he?

FR. KATENDE: That was Kabira Edward.

COUNSEL: Mr. Edward Kabira?

FR. KATENDE: Yes.

COUNSEL: Of a constituency, which constituency is this? Who was its MP anyway I think this will assist you we shall find out?

FR. KATENDE: I think that was Paul Ssemwogerere.

COUNSEL: So, you are saying Chairman Kabira are you suggesting Kabira was encouraging these chiefs and Youths to harass you?

FR. KATENDE: That, yes, it might be.

COUNSEL: Now, could you not find any other person higher than Kabira to assist you? Rev. Father, what this Commission is trying to do is to find out what happens and may be find solutions.

FR. KATENDE: Yes.

COUNSEL: So, if it has to find a solution to various problems or to violation of human rights, your rights, it has to know what exactly took place. So, please do not hesitate to tell the Commission what you know.

FR. KATENDE: But as you know these questions come to me I have to think because I have never thought of them before, so if at all I could find one who was higher than that it would perhaps have been the former Minister, Muwanga I think that was the higher.

COUNSEL: Yes, did you try to make any appeal to the Vice President Muwanga?

FR. KATENDE: Myself I never did that.

COUNSEL: Why? You think Muwanga had influence on Kabira?

FR. KATENDE: Yes.

COUNSEL: Why do you think so?

FR. KATENDE: That I heard from the people even saying it and even himself was referring to him in his speeches.

DR. LUYOMBYA: Reverend Katende, you referred to Edward Kabira as Chairman, Chairman of what?

FR. KATENDE: Of that Constituency though he had no qualifications for it but he was appointed to be a Chairman of that.

DR. LUYOMBYA: And you said Mr. Ssemwogerere was the representative of the Constituency?

FR. KATENDE: Yes.

DR. LUYOMBYA: Now, how did Kabira relate to Ssemwogerere?

FR. KATENDE: No, Kabira was a UPC man and Ssemwogerere was a DP man.

DR. LUYOMBYA: Yes?

FR. KATENDE: Candidate, yes.

DR. LUYOMBYA: So Kabira was the Chairman of UPC in the area?

FR. KATENDE: In the area.

DR. LUYOMBYA: Yes.

FR. KATENDE: Yes.

DR. LUYOMBYA: Did you approach Ssemwogerere as the representative in the area?

FR. KATENDE: Yes, I did once, when they confiscated my car I went to Ssemwogerere.

COUNSEL: Your car was confiscated?

FR. KATENDE: Yes.

COUNSEL: By who?

FR. KATENDE: By Mpigi Commander, Babu and Sokolo.

COUNSEL: Why did they confiscate your car as you say?

FR. KATENDE: It was in August 24th 1983, if I am not mistaken.

COUNSEL: Yes?

FR. KATENDE: 1983.

COUNSEL: Yes?

FR. KATENDE: Yes.

COUNSEL: What happened?

FR. KATENDE: Yes.

COUNSEL: What followed perhaps.

CHAIRMAN: About the car, Counsel, I think you mean about the car.

COUNSEL: Yes.

CHAIRMAN: Yes, how was it confiscated did they tell you why? What happened, the whole story please about the car?

FR. KATENDE: You know before that there were some people who were arrested at Kasanzi and one of the boys happened to have come to the hospital, to bring his sister to the hospital, Buyege, and then because he was not - he could not identify himself he was also arrested and then he was killed there and then when I tried to contact the chiefs to ask them whereabouts of that boy, Leonard Kisenyi, they never told us the truth and we reported that to the Police, Entebbe Police Station, and then they arrested the *Gombolola* Chief, *Muluka* Chief. *Gombolola* Chief Kamulegeya, the one I mentioned before and Ssekadde, so from there

then they started hunting me and then when the chance came for me they found me at Mpigi, they that is why that man called Babu as he said he had got orders from Muwanga; that is what he said, then he wanted to arrest me and then I escaped from him and I left the car there at Mpigi and then I had to hide myself for some time.

COUNSEL: So, actually the car was not confiscated but you just abandoned it at Mpigi?

FR. KATENDE: Yes, after a day I sent there a man to collect it and Babu said "no you cannot take the car because this was a guerilla and we cannot accept you to take the car." So, that is why I say it was confiscated.

COUNSEL: Now, who killed this boy who could not identify himself, or who was not identified at Buyege Hospital or Dispensary as the case may be?

FR. KATENDE: Then it was not easy to know who killed him but as you know we used to meet together to be at gombolola Headquarters these I mean, the Gombolola Chief, Muluka Chief and Youths and Militia. So, we could not really know who killed the man?

COUNSEL: Now, what happened to these Gombolola Chiefs, Kamulegeya and Nsubuga and Ssekadde after the arrest?

FR. KATENDE: Then Kabira went there, went to the Police Station and he gave orders to release them, "saying they are government men you cannot arrest them."

COUNSEL: Well, how long did they stay in prison?

FR. KATENDE: Just only few hours, two hours.

KAKWENZIRE: Why were they arrested, I have not yet understood?

FR. KATENDE: Yes, because when they asked them about the whereabouts of Kisenyi Leonard, then they could not answer that question and then they said we want you to remain in prison until we find out. They were suspected to have killed Kisenyi Leonard.

COUNSEL: Now, this name Kabira seems he is a prominent man where is he do you know where he is?

FR. KATENDE: He used to stay on the island called Nsonka but these days I hear he is dead.

COUNSEL: You mean he was operating the constituency from this island Nsonka to carry out his duty as Chairman?

FR. KATENDE: He has also another home at Buyege but the other village next but I do not remember the village. He had different homes, he had two or three

COUNSEL: So, what happened to your car did you eventually recover it and if you did how did you come to recover it?

FR. KATENDE: I did not recover it we tried to write to the former Minister Muwanga about it. The Bishop wrote to him but he said "I will never give that order to arrest Father Katende;" he said, "You are free to go and collect your car". But when we went there then Babu was transferred and he went with that car to Masaka and then it has never been recovered.

COUNSEL: What make was this car and the registration number if you can remember?

FR. KATENDE: It was UVP 713.

COUNSEL: Make?

FR. KATENDE: Make? Volkswagen 1979.

COUNSEL: Now, how long did you continue in hiding?

FR. KATENDE: It was just about few weeks, two or three.

COUNSEL: And then what happened?

FR. KATENDE: Yes, from there I came to Namugongo just as I said before.

COUNSEL: So you abandoned the Mission?

FR. KATENDE: Yes, even at Namugongo I was doing some mission.

COUNSEL: No, but I mean you were at Buyege?

FR. KATENDE: Yes.

COUNSEL: I think you told us -

FR. KATENDE: Oh yes, yes, I have abandoned that place and I left it then.

COUNSEL: For how long had you been there at Buyege?

FR. KATENDE: Since 1981 up to 1982, it was about a year and a half.

COUNSEL: Well, we have read in papers about this Kasanze area did you know about the murders of about 100 people at ago by some chiefs there and Youths.

FR. KATENDE: Yes, I heard about it.

COUNSEL: Where did it happen?

FR. KATENDE: I cannot really recall where it happened but what I know that some

dead bodies were brought there from other areas and others were killed in Nakasanze and they were thrown to another forest which is called Kagwabati, I do not remember the name of that forest, I have forgotten the name.

COUNSEL: Did you visit these places to see the bodies?

FR. KATENDE: Yes, but during that time it was not easy to go there.

COUNSEL: Then how did you get to know?

FR. KATENDE: From other people, they told me.

COUNSEL: These killings did they affect some of your parishioners?

FR. KATENDE: Yes, some of my parishioners, those who were on the Parish Council some of them were also killed.

COUNSEL: Would you like to give us some of these names or all the names?

FR. KATENDE: Now, it is not easy to give you the names because I cannot remember them at present.

COUNSEL: Suppose you are given time would you be able to remember the names and make us a list?

FR. KATENDE: Oh yes.

COUNSEL: Yes?

FR. KATENDE: Yes, that I can.

COUNSEL: Did you get to know who was responsible or you do not know for these killings?

FR. KATENDE: The main figure was Kabira, he was well known there; Edward Kabira.

COUNSEL: If it is Edward Kabira to your knowledge was any arrest of this Kabira done as the result of say this general belief that he had killed people by the Police to investigate?

FR. KATENDE: I beg your pardon.

COUNSEL: You seem to say a number of people were killed in hundreds or big numbers and Kabira is supposed to have caused their death, to your knowledge do you know whether Kabira was ever arrested by Police, so as to assist them in investigating these murders?

FR. KATENDE: No.

CHAIRMAN: Excuse me Counsel, that is something which should not be passed over lightly about Kabira the information that he was responsible for these

deaths, what was the source of the information did you know it personally Rev. Father?

FR. KATENDE: No, I beg your pardon, my Lord.

CHAIRMAN: Did you know it of your own knowledge?

FR. KATENDE: Yes, I did afterwards yes.

CHAIRMAN: He was responsible for these deaths?

FR. KATENDE: Oh yes, because one day I even contacted him and asked him about these people who were said to have been killed and then he said, "You do not understand things. I am here, not the one killing them; but the soldiers. When people are arrested they bring them to me and I leave th4e soldiers to take them. But I do not know where they take them or they kill them, it is up to the soldiers" and he was in command of them there. He was the boss.

COUNSEL: Now did it surprise you that no arrest was done?

FR. KATENDE: Yes, I was surprised.

COUNSEL: Why?

FR. KATENDE: Because such a man who was doing such things, killing people and even harassing people, they never tried even to arrest him or even to advise him to change his ways. They were just praising him even in the newspapers. You could read from the newspapers what they said about him there.

CHAIRMAN: What newspapers, Reverend Father?

FR. KATENDE: Well, that information as is given some times - I cannot remember the papers, some times - you may find the Government newspaper, one of them.

COUNSEL: You mean people praising him for that.

FR. KATENDE: And even reporting about him. Some could report that such a man is doing good there; he is trying to help people and what not. But that was just a mind of some of the people, not all the people - some; those who were behind him. And I cannot remember the names; if you want the names, I cannot; because, unless you take some newspapers, you can read that, what happened and what took place at that time, and what was reported about him.

COUNSEL: Did you ever visit - after you left the Mission, Buyege, did you ever visit it again and, if you did, how did you find it?

FR. KATENDE: I visited it just recently after the take over - this Government.

COUNSEL: Why did you visit it after the take over? You mean you could not visit it.

RE. FR. KATENDE: I could not. It was not advisable and it was not, - it could not be - good if I could go there during that time.

COUNSEL: I see. Now, when you visited it, Mr. Kamulegeya, was he still the Gombolola Chief?

FR. KATENDE: No he was not.

COUNSEL: What is he?

FR. KATENDE: Now I do not know where he is. I do not know.

COUNSEL: How about Mr. Ssekadde and Nsubuga?

FR. KATENDE: I hear rumours that he was killed. That is what I hear - just rumours.

COUNSEL: And now how did you find your mission - that is Buyege, when did you visit it? Was it in the same condition you had left it?

FR. KATENDE: No, now there is a change and some improvement; so people - those who had fled away - have come back and they are happy, rejoicing.

COUNSEL: I see. You mean people had run away from the area?

FR. KATENDE: Oh, yes, many of them had run away.

COUNSEL: Why?

FR. KATENDE: Because of the situation.

COUNSEL: What caused the situation that forced them to run away?

FR. KATENDE: Because of a lot of killing people and arresting them - putting them in prison - at Kasanje and some of them being killed there. So they had to run away, to leave the place.

COUNSEL: So from Buyege then you go to Namugongo, you have problems there.

FR. KATENDE: Yes.

COUNSEL: Oh, it is very strange. And then how about now, are you very much settled in Naggalama?

FR. KATENDE: Not quite.

COUNSEL: Yes. Why?

FR. KATENDE: Even there some robbers attacked me. They came and in 1985 - yes.

COUNSEL: Yes.

FR. KATENDE: We were attacked by robbers. Yes, they were robbers I would say and they stole my car at gun point.

COUNSEL: At gun point, was it at night or?

FR. KATENDE: It was at night.

COUNSEL: Right. You mean you were driving it at night.

FR. KATENDE: No, by forcing me to open the garage and take it; then they wanted to shoot me, if I could refuse to open the garage.

COUNSEL: I see.

FR. KATENDE: Yes.

COUNSEL: You did not know these people.

FR. KATENDE: What I know is that they belonged to FEDEMU and one of them was Ssewanyana. He was commanding one of the detaches in that area - Mukono District.

COUNSEL: Did you see him or saw him with your car? Did you see him the day they came to take your car or you just - how did you come to conclude that Ssewannyana was among them?

FR. KATENDE: Well, some of those with whom I was they knew his face and we recovered or we found the car where he was staying in that detach - Magonga which is in Nakifuma County.

COUNSEL: Did he have a rank?

FR. KATENDE: Yes.

COUNSEL: What rank was he?

FR. KATENDE: FEDEMUs for them they had their what they used to call them commanders; but I do not think that he was really a commander.

COUNSEL: Do you see him around?

FR. KATENDE: No I do not know where he is now, these days.

COUNSEL: Now, when you found this car at his place, what did he say?

FR. KATENDE: You know the car was dismantled; all the spare parts were removed and it was set on fire. It was burnt. And I tried to report at the police to seek for assistance and the police said, `No, we cannot because we have no guns.' So they could not help me during that time as the situation was not good during that time.

COUNSEL: You said 1985. When was this - which month? You mean after the Government of Milton Obote had been overthrown.

FR. KATENDE: Yes after.

COUNSEL: So this was during Lutwa's time.

FR. KATENDE: Yes Lutwa's time.

COUNSEL: I see.

FR. KATENDE: It was in September, 1985.

COUNSEL: Now is there any other incident of Violation of Human Rights which you want to tell the Commission about?

FR. KATENDE: I think, I have given enough about what I knew those days.
COUNSEL: Is that all you know?

FR. KATENDE: In brief.

COUNSEL: You mean, there are other certain details you do not want to give.

FR. KATENDE: I have given the main points, I think.

COUNSEL: Well, thank you for, at least, giving us in brief what you know.

MR. KAWANGA: Reverend Father, you lived in Buyega for one and a half years and you will agree with me that those were turbulent years in that area. Am I right?

FR. KATENDE: Yes.

MR. KAWANGA: In the sense that people were displaced in large numbers; they had to flee that area around Buyege and within Kasanje Gombolola area.

FR. KATENDE: Yes.

MR. KAWANGA: There were the years when people were killed in large numbers in Kasanje and some of these people were your parishioners - some of the people who were killed.

FR. KATENDE: Yes, some were.
MR. KAWANGA: Do you not remember any names of your parishioners - people some of whom were even members of the Parish Council?

FR. KATENDE: I remember Dodoviko but the second name has gone.

MR. KAWANGA: Was Nkugwa one of them?

FR. KATENDE: Nkugwa.

MR. KAWANGA: Yes. Can you tell us the circumstances under which Nkugwa was killed - what you know about the death of Nkugwa?

FR. KATENDE: Yes, Nkugwa was arrested -

MR. KAWANGA: By whom?

FR. KATENDE: By Kabira himself. He was at Kasanje Gombolola Headquarters by that time. There had been a sort of - not barracks but these small - detach.

MR. KAWANGA: Yes.

FR. KATENDE: And he was staying there, himself. They say that Nkugwa was called and then arrested. And Kabira - what I heard from other people that Kabira - said that there was a time when some people - D.P. men - wanted to attack the home of Kabira to kill his cows and his wife and children. So he asked Nkugwa, that, if I was killed that time, who could look after my sons, my daughters and my wife? Now you are going to suffer now to see because you were one of them who wanted to kill my children.

MR. KAWANGA: Yes.

FR. KATENDE: I do not know but it started like that. Then that was what I know. I have remembered now. And there I approached Kabira but it was too late. That man was already killed when I reached the gombolola headquarters to see Kabira about it - that man.

MR. KAWANGA: Where was he killed?

FR. KATENDE: Ugh, it was not easy to find out because what was said is that many people were ordered to get on the lorry and be taken some where. So some were killed in the forest; others were killed at the Gombolola Headquarters. So we tried to find out how he was killed but it was difficult to get the real answer or -

MR. KAWANGA: Did you ever find the body?

FR. KATENDE: No, never.

MR. KAWANGA: Now do you know if Youth Winger was the name of Nyindozaminya?

FR. KATENDE: Yes, I heard Nyindozaminya but he was not in that near Kasanje; I heard he was staying, I think, somewhere in Nakawuka side.

MR. KAWANGA: Yes.

FR. KATENDE: Yes, I heard about him but -

MR. KAWANGA: You never saw him.

FR. KATENDE: Besides Nyindozaminya, which other Youth Wingers operated within Kasanje area: You have mentioned Kabira who were chiefs but I mean youth wingers?

FR. KATENDE: One was, I think, Kiggundu. He was one of them.

MR. KAWANGA: Yes..

FR. KATENDE: And there is another one, he used to deal with Kabira but - Kigwaana, I think, that is.

MR. KAWANGA: Kigwaana. Now can you tell us something about the activities of these Kiggundu and Kigwaana in your parish - in your area, at least, in Kasanje Gombolola?

FR. KATENDE: Well they fell in the same category as Kabira because they were men of Kabira and they were working in the command of Kabira; and the people took them to be bad people really. They were acting as soldiers. We call as those who execute or who kill people on the command of Kabira.

MR. KAWANGA: There was an incident in that Gombolola where people were called to a meeting and then some were selected from that group and killed. Did you hear of that incident?

FR. KATENDE: Yes, I heard of that incident. There is one teacher I remember -

MR. KAWANGA: Yes, from Buyege.

FR. KATENDE: Yes, he was a headmaster who was arrested and afterwards, I think, he was killed; and another man but the name now - Gandalefu. I think, he was called Gandalefu.

MR. KAWANGA: Yes, and the teacher's name!

FR. KATENDE: Oh, the teacher's name I cannot remember.

MR. KAWANGA: Okay, can you tell us the circumstances how these people got killed, especially the teacher who is supposed to have been under your -

FR. KATENDE: He was teaching in a Church of Uganda Schools - Kamawu School.

MR. KAWANGA: Not very far from your parish. Okay, what did you know about the death of the teacher anyway?

FR. KATENDE: The teacher was taken because he asked Kabira - because Kabira first asked the people to select some people and guard that area or that gombolola chief and to make road blocks and stay there day and night. And that teacher happened to ask him a question, `As we have no guns, how can we protect or guard you or guard the Gombolola Chief?' So, from there, Kabira got annoyed and then the following day

he called him and then he was arrested with somebody else or the deputy. I do not remember. And then taken either to Katabi or somewhere else. But later on we heard that he was killed.

MR. KAWANGA: He was never -

FR. KATENDE: He was never seen again.

MR. KAWANGA: Do you know a musician by the name Ssabavuma?

FR. KATENDE: Yes, I heard of him but that was the time, I think, I had left the place.

MR. KAWANGA: You had left. Well, I was trying to recall some incidents, just to remind you. I do not know whether you will recall some others, yourself!

DR. LUYOMBYA: Reverend still about this Nkugwa, you said you went to Edward Kabira to find out about him; but it was too late. He had been killed. But did you ever talk to Kabira at that time?

FR. KATENDE: Yes, I talked to him and what he answered discouraged me because he said, `I am unconcerned; you better go to the commander of that detach and you ask him because here I am not the one who kills people but I am just here as a chief,' and then I could not go any further about asking him, anything more.

KAKWENZIRE: Reverend, you will excuse me for the question I am going to ask. Did you assist guerrillas knowingly or unknowingly?

FR. KATENDE: I have never -

KAKWENZIRE: And later on you could have found that may be some of the people you spoke for as a reverend; because, I think, it is your duty to be concerned - show concern for the people.

FR. KATENDE: Yes.

KAKWENZIRE: When I say `unknowingly,' did you discover that some of the people you either intervened on their behalf eventually turned out to be guerrillas.

FR. KATENDE: Ugh that question is too long since such incidents took place but now I cannot recall whether some were one of them or I assisted them or not. I do not know. I cannot remember.

KAKWENZIRE: I have asked you that question in an attempt to know why you were being persecuted as an individual, being harassed and that kind of thing; not that I say those things should have happened to you; but we are trying to establish to causes of your personal experience of violation of your own rights. Looking back, what would you say why were you being harassed as a person?

FR. KATENDE: Because, according to my profession, I was trying to help or to execute justice, some people were badly treated and persecuted. So me as a pastor I could not just sit down and keep silence. So I tried to intervene or to help them, to assist. So the chiefs came to hate me and to persecute me. Because even in Buyege I tried too my best to help some people and even to approach the chiefs to show them their mistakes; but there they started persecuting me. On the other side, when I was appointed to Naggalama, I tried even to assist some people in Nakibano Parish because that parish also was closed. Some people were killed and so I tried to assist them. There, I think, even some of those who were on the side of the Government hated me and they persecuted me in the same way.

That is what I think.

KAKWENZIRE: Having stuck out your own neck for the people, what do you say - we have received some evidence or we have ourselves seen that the church, there was a time actually when we had church leaders testifying to us here on the role they played. And how do you see those Church men of your calibre who tried to do their job, speak for the people. In a summary how do they fare in this turbulent politics of ours here?

FR. KATENDE: Personally I think as the church leaders during that time came out especially our Bishops - His Excellency, Cardinal Emmanuel Nsubuga and other priests all I cannot mention here and the Bishops as a whole and other leaders in the church have tried their best to come out for justice and to try to preach peace, justice and forgiveness. I think, even the Government appreciates that.

KAKWENZIRE: What you are saying is that you are prepared to forgive all those who committed violence against you.

FR. KATENDE: Am I ready to forgive?

KAKWENZIRE: Yes.

FR. KATENDE: Of course, but that does not mean that we do not need to teach them. We can teach them, show them right things; and, perhaps, we can forgive.

KAKWENZIRE: What about following up what you lost especially for instance you know who took your car, who burnt it. Wouldn't you want to get it back?

FR. KATENDE: Now from whom? Perhaps, from -

KAKWENZIRE: From Babu and from the other FEDEMU man - Ssewannyana, because Babu was still alive.

FR. KATENDE: He is still alive but the car, I think, I have lost it for good and it is no longer - unless, perhaps, if there are some organizations which can given assistance -yes, that assistance is highly appreciated if there is some help.

KAKWENZIRE: But, if you met Babu tomorrow, wouldn't you ask where your car was? Wouldn't you want to take up issue with him in the name of justice?

FR. KATENDE: To take him to court?

KAKWENZIRE: Yes.

FR. KATENDE: Now it seems it is too late and I do not have enough evidence to take him to court.

KAKWENZIRE: What do you say to that clause `you do not have enough evidence,' when actually you said Babu took your car and told you Muwanga had given him orders to take your car? What do you say to that kind of clause - to that kind of a road block. That is enough evidence. He took your car. He told you.

FR. KATENDE: Yes, unless I have got some witnesses at present who can really convict him of that, of stealing that.

COUNSEL: No, I think, she is asking you, when you say told you, `I have got a licence from the Vice-President, aren't you telling us the truth of what he told you, and don't you want us to believe you that actually it is what you say, -

FR. KATENDE: Yes it is truth but to prove is another thing. It is the truth. It is true.

KAKWENZIRE: But don't you see that here you have a task and we have a task of establishing justice; that you have to be with us to think about ways- and means of establishing the rights of an individual and this thing of evidence can be quite

FR. KATENDE: Oh, yes, of course. But, if there are some people who take those people to court, yes, even myself I would be happy to hear that they are taken to court. And according to what I have given it can also be of use to the Judges to find out whether he is convicted or not.

CHAIRMAN: May be on that one, Reverend Father, perhaps, that is an area which is a bit too technical for you. The evidence you are giving here would not be incorporated in proceedings in a court. If someone was to be tried, you would be requested - and I hope you will be co-operative - to go and give evidence afresh; not only you, of course, but anybody who has first-hand-information about this or any other incident. I am sure, you will not hesitate to give evidence in court.

FR. KATENDE: Yes, if at all, my bishops give me permission, I will give it.

CHAIRMAN: Yes, of course:

FR. KATENDE: Yes, if they grant me permission.

DR. LUYOMBYA: Father Katende, I have a few questions to put to you and some are for clarification. When you were at Namugongo, you told us that, when you left the parish and went back to your Centre, you found some people who had ´gathered there and you advised them to go to the parish because soldiers had counted people at your Centre.

FR. KATENDE: Yes.

DR. LUYOMBYA: Had the soldiers actually counted people at your centre?

FR. KATENDE: That is what I heard from the sisters what they said that they counted us. They had counted them. I heard from the sister. They told me that.

DR. LUYOMBYA: Do you mean to say that they had counted the sisters?

FR. KATENDE: Yes.

DR. LUYOMBYA: Were you counted yourself?

FR. KATENDE: I was not. I do not think. I was not counted because they did not see me.

DR. LUYOMBYA: Was it out of fear that those people could be found at your centre if soldiers returned that you advised them to go to the parish?

FR. KATENDE: Yes, it was out of fear, perhaps, and prudence; that is why I advised them, `If, at all you remain here and then they come back; then they will find so many people whom they did not meet there before; so they could even kill us all or do anything they want'. So that is how I wanted to avoid them, to send them to the parish, because Namugongo Retreat Centre is a private, partly it is a private institute where there are not expected to stay many people.

DR. LUYOMBYA: Then your stay in Buyege, did people use to run to your parish for safety in large numbers?

FR. KATENDE: No.

DR. LUYOMBYA: Did they come in small numbers?

FR. KATENDE: Perhaps, when they were on their way, we could allow them to stay for, at least, a night - for a night; because they could not stay there as Kabira was nearby. They could not stay.

DR. LUYOMBYA: It seems Kabira and his group were really terrorising that area. You, as a priest who was in that area at the time, what do you think went

wrong to spark all of this suffering all the time?

FR. KATENDE: I think, it was - was cause all that it was - I think, the administration during that time it was not so good, I think, and some people who were responsible or who were in power they would never mind about what was going on and never tried to stop it and to find out where such bad elements were, and, perhaps, try to cure them. They never bothered. Each one could do whatever he wanted. And, I think, that is what I can say about it.

DR. LUYOMBYA: Are you trying to say that the administration was not co-ordinate, for example, Kampala did not know what was happening in Kasanje?

FR. KATENDE: Well, they could know, but, I think, there was something wrong which prevented those who were in power to bring about peace in the areas or in the disturbed areas. They did not take it seriously. That is what I think myself.

DR. LUYOMBYA: You talk of 'disturbed areas,'. What disturbed the areas in the first place? At one time, there was peace in those areas.

FR. KATENDE: Yes.

DR. LUYOMBYA: What disturbed that peace?

FR. KATENDE: First of all, the army - the army mostly disturbed the areas and some leaders of UPC by wrong accusations and what not.

DR. LUYOMBYA: Do you mean that it was the politics -

FR. KATENDE: 'Politics' yes.

DR. LUYOMBYA: Which went wrong?

FR. KATENDE: Yes.

DR. LUYOMBYA: And sparked off all these misdeeds?

FR. KATENDE: That is what I would think.

DR. LUYOMBYA: And then what about the people themselves?

FR. KATENDE: The people!

DR. LUYOMBYA: Yes, particularly in your area where you had the experience.

FR. KATENDE: I do not understand what you want to ask. I do not get you.

DR. LUYOMBYA: Supposing the UPC administration at the time had asked you to serve on their behalf in the area, would things be different?

FR. KATENDE: I do not think that it would be different unless the whole system of the Government had to be re-organized. But even that time, there were

some good people who were even in the Government; but they tried their best but, I think, there was very little peace in the country. Even myself if at all I could be asked to assist or to serve, I do not think that I could do much about it, unless the whole system there is a change or some improvement in the administration and the politics, I think.

DR. LUYOMBYA: I see!

CHAIRMAN: Commissioner, let me just get to clarify that point. Rev. Father, could you elaborate on that, please? What kind of re-organization or change would have improved things?

FR. KATENDE: What I think is to put right persons in the right positions and to have some way of putting right persons in the Government.

CHAIRMAN: What do you mean by, 'right persons?' What would be your definition of 'right persons?'

FR. KATENDE: You know, as we have here, I think, it is Government of the people and we have what we call democracy. If at all the people choose their own - according to their feelings or their minds the persons they vote for or they elect, those should be the right persons to serve. But it is was not like that. You could find other people just being appointed and get there and what not. So that is what I tried perhaps to bring about; that the people themselves select or appoint the people they feel they like and bring them in the Government and be in the administration. So there, I think, it could do something rather than just appointing people in difference areas and leave them there.

DR. LUYOMBYA: Reverend Father, there are certain areas where you cannot elect people. There are some technical jobs where you just have to appoint the available technicians for them. What I am driving at is that we should not advocate that appointments cannot be a right or we should always go for -

FR. KATENDE: Yes we know that normally in a country where we have democracy there is a Parliament or there is a Council, at least, to what people are elected; and I do not mean those who are appointed for their profession for other jobs. No. I do not mean that. I mean even in a country, if at all there is a council and on a national level, there is a Parliament or any other organization like that one which three are people who are elected in difference places.

DR. LUYOMBYA: Are you suggesting that the Government of that time was not elected?

FR. KATENDE: I am not suggesting that. I cannot go into details about that question.

COUNSEL: I think Father what you are suggesting is that the people who would feel that they are responsible to the people, the people you think will say, 'If we do this, we have to answer the public'. I think that is what you are suggesting.

CHAIRMAN: Counsel, I do not know. The reply is very clear. you do not have to interpret for him what he is saying. What he said is very clear. You do not have to interpret for him. Now Commissioner I have one or two questions. I do not know whether you have finished!

DR. LUYOMBYA: Yes.

CHAIRMAN: Rev. Father you have given us the impression that you run into problems in Buyege, in Naggalama and other places -

FR. KATENDE: And Namugongo.

CHAIRMAN: And Namugongo, because of your concern for people and you were being persecuted for this. That is the word you used. Do you know any other religious person either of your rank or higher who suffered the same experience because of this kind of concern? Do you know of anybody else, of your calibre, higher or even, perhaps, lower?

FR. KATENDE: My Lord, do you mean somebody who is still alive?

CHAIRMAN: Yes, Well, still alive - in Uganda I mean, I do not mean universally - in our recent history.

FR. KATENDE: There are many but, as I cannot -

CHAIRMAN: First of all, let us start at the time - the period - we are talking about.

FR. KATENDE: Yes.

CHAIRMAN: I mean particularly the period at which you had the experience you have related to us.

FR. KATENDE: My Lord, I think, they are there, those who suffered but I cannot mention their names here.

DR. LUYOMBYA: Why?

FR. KATENDE: But, of course, they are there. It is not easy for me to mention or to give the names; but I know as a general feeling and as it is known everywhere, in every church or among church leaders or even people of other denominations suffered. There are many people who suffered in the same way - who were persecuted. But, at the moment, it is not easy for me to give the names.

CHAIRMAN: It is not easy to give on principle or because you have forgotten; you need time to remember some of the names. You can consult Mr. Kawere, your Counsel who is sitting next to you, if you need too, before your answer.

FR. KATENDE: No, my Lord, some of them I have already mentioned them you wanted to know; but there is, for example Rev. Bazira - Charles

Bazira - is one of them and those with whom he was - his students; but the names it is not easy to remember.

CHAIRMAN: Okay. Thank you very much. That is all from me for the time being.

DR. LUYOMBYA: One last thing I would like to know from you, Reverend Katende, while you were at Namugongo, your centre was attacked. We have been told the Theological College for the Church of Uganda was attacked. We have been told that the Mosque at Namugongo was profaned in that even pork was roasted in the mosque.

FR. KATENDE: Yes.

DR. LUYOMBYA: Do you feel there was something wrong spiritually with lack of religion or what? Had you people failed to preach?

FR. KATENDE: Well, you know that as we pastors we have a big work to do. We still have to preach. We have preached for years but there are some people who are even - I would say - deaf; they cannot listen to the message of salvation. Whatever you may preach or whatever you may say, it just passes on their heads and they never put into practice. And those who attacked even the mosque or the Church - the Church of Uganda and Namugongo Catholic Church some of them were - belonged to different denominations, some were Catholics, others were moslems, others were protestants. And to reply to you, I think, they did that because they were commanded they said they had to obey in that way. As that man who had arrested me at Mpigi - Babu - he said, 'Although you are a reverend, I am going to do this not according to my will but because I have been ordered - commanded - by my authority. I have to do it.' So the same applies to those who came to Namugongo because they just listen to orders, they never think of their religion or what is being preached to them. I think, that is what I can say about such incidents.

DR. LUYOMBYA: So you suggest that we could probably forgive those who were commanded and the commanders who were responsible.

FR. KATENDE: You forgive them. Yes.

DR. LUYOMBYA: Their deeds.

FR. KATENDE: Yes, we forgive because they do not know what they were doing. They do not know. We just forgive them. They do not know.

DR. LUYOMBYA: What about their commanders who gave the orders?

FR. KATENDE: The same, I think. The same applies to them because they have the higher ranks or those who were higher than them, who have orders.

DR. LUYOMBYA: I mean the highest who gave the orders.

FR. KATENDE: The highest.

DR. LUYOMBYA: Didn't they know what they were doing also?

FR. KATENDE: Well, I cannot prove that they knew or they did not. It might be that they were confused or they were no longer themselves as they just put things into orders.

CHAIRMAN: Reverend Father Katende, thank you very much for your evidence. Perhaps, the final comment, I would say that, being a pastor you are and all your other colleagues, although the preaching you have done have fallen on deaf ears, I think, as the Sower who went - in the Summon on the Mount; I think, it is the Sower who went - to sow and his seeds fell on the rock - rock ground - but, I think, he did not give up. And I suggest that, even if your preaching fall on deaf ears, I am sure, you have not and you will not give up. You will continue.

FR. KATENDE: Of course, yes.

CHAIRMAN: Okay, thank you for your evidence. Leading Counsel, it is about 2.30 p.m. now; perhaps, we could break for lunch. I do not know how many witnesses you have ready today; either we hear one or two more or so that we break for good for the day; or go for lunch now and then come back for another, perhaps, one or two hours!

COUNSEL: I think, I would suggest we call one witness and we adjourn to tomorrow.

CHAIRMAN: Very well then.

WITNESS NO.135: MISS MARY NABAKOOZA - SWORN IN

COUNSEL: Could you state your names, please?

NABAKOOZA: Mary Nabakooza.

MR. NAGENDA: Sorry!

NABAKOOZA: Mary Nabakooza.

COUNSEL: Where do you stay?

NABAKOOZA: Mukono Bishop Tucker.

COUNSEL: What do you do?

NABAKOOZA: I am a student.

COUNSEL: Student of what?

NABAKOOZA: Theology.

COUNSEL: In 1984, where were you staying?

NABAKOOZA: I was at Namugongo.

COUNSEL: Were you in Namugongo the whole of 1984?

NABAKOOZA: Part of it.

COUNSEL: Around about what time were you in Namugongo?

NABAKOOZA: From January up to the middle of May.

COUNSEL: Up to the middle of May. Whom were you staying with?

NABAKOOZA: I was staying with the late Rev. Bazira and his wife.

COUNSEL: When you say, 'the late Rev. Bazira, you imply he is dead!

NABAKOOZA: He is.

COUNSEL: What happened? What was the cause of his death?

NABAKOOZA: He was killed by the soldiers of the then Government.

COUNSEL: You mean you saw him being killed?

NABAKOOZA: I did not see him.

COUNSEL: How did you come to say that he was killed by soldiers?

NABAKOOZA: When the soldiers came to Namugongo, his body was later found in Namugongo Seminary.

COUNSEL: When did the soldiers come to Namugongo?

NABAKOOZA: I am not sure about the date but it was twenty - something.

COUNSEL: Which month?

NABAKOOZA: May.

COUNSEL: 1985.

MR. NAGENDA: No, 1984.

NABAKOOZA: 1984.

COUNSEL: Yes. So, when the soldiers came on the date you do not remember but in May, 1984, what followed when they reached Namugongo?

NABAKOOZA: They had first come on Monday at around two; then they stayed up to around six (6.00 p.m.) then they left; came back the following day.

COUNSEL: Before you go to the following day, did they do anything which you saw or heard on Monday?

NABAKOOZA: In the seminary itself, they did not do anything on Monday.

COUNSEL: Apart from the seminary, did they do anything anywhere on Monday?

NABAKOOZA: I do not know because I was staying in the seminary by then.

COUNSEL: So you just saw them come and go away.

NABAKOOZA: Yes.

COUNSEL: What happened when they came next day?

NABAKOOZA: On Tuesday at around 3.00 p.m., they came back and went into the villages. One pick-up stayed by near the house of the late Rev. Bazira.

COUNSEL: Yes.

NABAKOOZA: Those who came in the lorries went in different directions.

COUNSEL: Which directions? Towards where?

NABAKOOZA: Towards where there is that small forest.

COUNSEL: Okay, begin with those who came first in the pick-up. What did they do when they reached?

NABAKOOZA: The lorries came first with soldiers - some of them were fully dressed in the military uniforms; other were dressed in civilian clothes; some of them were putting on wigs like ladies; and, when those stopped, the last one was a pick-up. It stopped in front of Rev. Bazira's house.

COUNSEL: And you were at home.

NABAKOOZA: Yes I was in the house.

COUNSEL: Yes, when they stopped, what did they do?

NABAKOOZA: Those in the lorries?

COUNSEL: Yes.

NABAKOOZA: They locked the lorries and went away with their guns.

COUNSEL: You say some went in different directions. Did any come to the direction where you were?

NABAKOOZA: Not immediately. When they left the lorries, they went into the villages and later one of them - I think, some of them stayed around the college; some of them stayed around the seminary; and at around five, when we were in the house, the late Rev. Bazira told us - me and his wife and one other girl - to go away from the sitting room and go in the bedroom. But, while we were in the bed-room, I heard one soldier - two soldiers - calling him from outside. So I tip-toed and came and peeped to see where the Reverend was being taken. Then I heard the soldiers asking him if he was not training guerrillas. He said, 'No, I do not train guerrillas; I am just a Principal and I have got here students.' Then the soldier said, 'No, you train guerrillas,' and then he said, 'Do you know what happened to Makulubita and Masuulita?' The reverend said, 'No.' So the soldier said, 'If you do not know, I am one of those who destroyed a very beautiful church which was better than this one. And what I tell you Reverend, in a few hours, you will just see us here because we are going to burn everything here.' So the Reverend kept quiet. They left him. But, after some time at around six, they came back and called him outside. This time I did not come out to peep to see. So, since then he disappeared from our house where we were staying with his wife; and it was getting dark.

COUNSEL: Now, when they left him, did the reverend come to join you in the house?

NABAKOOZA: Yes, he came back, but he stayed in the corridor and just looked at us and he went away. They called him outside.

COUNSEL: So that was the last time, as you said, you saw the Reverend.

NABAKOOZA: Yes.

COUNSEL: Now, after they had called him, did anything happen to you and Mrs. Bazira?

NABAKOOZA: Me as it was getting dark, they started shooting. So we hid down under the beds.

COUNSEL: Yes.

NABAKOOZA: And they continued shooting.

COUNSEL: Did the shooting eventually stop?

NABAKOOZA: It stopped at around mid-night.

COUNSEL: And did you try to come out?

NABAKOOZA: No. It was too dangerous to come out.

COUNSEL: What followed?

NABAKOOZA: That night?

COUNSEL: Yes, that night or next after that.

NABAKOOZA: That night it was all silence; but early in the morning, we heard soldiers and somebody said, 'Is there anyone in this house?' We kept quiet. He called a second time and we recognized the voice of Reverend Kigenyi. So Reverend Kigenyi said, 'I am Reverend Kigenyi. The soldiers want you to come out.' We came out and, to our surprise, in front of Reverend Bazira's house, there was a motor car burning.

COUNSEL: What type of a motor car?

NABAKOOZA: I did not care to observe it.

COUNSEL: Yes, continue.

NABAKOOZA: So there was a soldier who is a Munyankole, he brought the commander and told the commander that these ladies are very bad. They were shouting and telling the guerrillas to run away and the guerrillas have burnt our car. So the commander kept quiet. But later the commander wanted to know - the other Munyankole soldier introduced us as guerrillas. The commander kept quiet but, later, he said, 'Do you have any identity cards?' We said, "Yes". When he looked at the identity cards he said, 'Ah, so you are students?' We said, ""Yes". He said, 'I think, it is true because all the identity cards are the same'. So he directed that we should be taken there under a mango tree to stay there until he came back. Meanwhile, the soldiers were busy taking him around. Then they asked, 'Are there any more students?' We said, "Yes. They are down in the other buildings." Then commander said, 'Please go and bring them all here also." Now that group of students is where the late Rev. Bazira had spent the night. When they were brought, the Reverend was not among them.

COUNSEL: Yes, what followed when you were under the mango tree?

DR. LUYOMBYA: No, Counsel, clarification, please. Did you ask if the reverend spent a night with those students?

NABAKOOZA: Yes.

DR. LUYOMBYA: You were, you yourselves with Mrs. Bazira, were inside the house -

NABAKOOZA: Of the later - yes.

DR. LUYOMBYA: At about 6.00 p.m. when the soldiers returned.

NABAKOOZA: Yes.

DR. LUYOMBYA: And this time you did not peep to see what happened.

NABAKOOZA: Yes.

DR. LUYOMBYA: How do you know that the reverend spent a night in there with the students?

NABAKOOZA: When those students were brought to join us, they said that the reverend had been shot in the leg together with another girl. So we asked, 'Where have you left Rev. Bazira?' They said, "We have left the Reverend with the other soldiers down." That is how I came to know that he had spent a night with the other students.

COUNSEL: My Lord Chairman, some of these students one or two of them will be called to give evidence. So I did not go in detail about that. Now, please tell us what happened when you were under those trees.

NABAKOOZA: After that, the commander did not give any final directive as to what will happen to us. So we were left there from morning up to the afternoon.

COUNSEL: Were you given food?

NABAKOOZA: No.

COUNSEL: What were you doing all this time?

NABAKOOZA: We were just there. They told us to sleep.

COUNSEL: So you slept.

NABAKOOZA: We slept but they were beating us sometimes. And, meanwhile, they were continuing to bring in more soldiers.

COUNSEL: Now Mary we have received here evidence to the effect that some of those soldiers were pulling off the students to the nearby bushes and, may be, some of the girl students and raping them. Did you witness any such incident?

NABAKOOZA: May be, but it depended on the condition one was in; if you were in the menstruation, they did not.

COUNSEL: You mean they checked.

NABAKOOZA: Yes.

COUNSEL: Well.

DR. LUYOMBYA: Did they do this under the mango tree where you were?

NABAKOOZA: No. I and Mrs. Bazira we were told to go in the house. When the Commander went down, he got a radio call and, when he talked to the people in the Nile Mansions, he wanted to know whether the Rev.

Sserwadda, the Rev. Kigenyi, one girl who was shot and another young man had gone to the Nile Mansion. And I listened because I wanted to know what would happen to us. So the other people said, 'Yes, we have seen these two reverends. But where is the Principal?' He said, 'Well, I found the principal lying somewhere with bullets in the back and he does not seem to live long. He is about to die." So, when he went back after some time, he came back and asked, 'Which among you is Mrs. Bazira?' She said, "Here I am." He said, 'Where is your house? Can you, please, go and stay there for some time? Can you go with some one? And do not go out; if you go out and your are shot, it will not be my fault.' So she went in. I think, by that time, the reverend was dead.

COUNSEL: Meanwhile, what happened to you?

NABAKOOZA: During that time?

COUNSEL: Yes.

NABAKOOZA: I accompanied Mrs. Bazira to the house.

COUNSEL: Well, Mrs. Bazira has given evidence to the fact that she was pulled but she resisted. Did you witness this?

NABAKOOZA: Yes.

COUNSEL: Did they try to pull you also?

NABAKOOZA: They tried, but we resisted and we came out of the house and we came back to where the rest of the group was.

COUNSEL: Did you know Betty Mulindwa?

NABAKOOZA: Yes.

COUNSEL: Was she your classmate?

NABAKOOZA: Yes.

COUNSEL: What happened to her?

NABAKOOZA: She was in the group which spent a night with the late Reverend Bazira in another house; but, in the morning, she came out when she had - she was shot in the leg.

COUNSEL: Did the soldiers, despite this wound on the leg, try to pull her?

NABAKOOZA: Not really because she was taken early. She was taken away with the two reverends and another boy, to the Nile Mansions.

COUNSEL: Did you know Robina Nnalule?

NABAKOOZA: Yes.

COUNSEL: Was she among those under the tree?

NABAKOOZA: Yes.

COUNSEL: Did anything happen to her?

NABAKOOZA: I do not know.

COUNSEL: Now you have mentioned that the soldiers who came to report to the Commander was a Munyankole. How did you know that he was a Munyankole? Had you seen him before?

NABAKOOZA: I could see, his appearance; and moreover he was speaking Lunyankole with the rest of the soldiers.

COUNSEL: Did you learn his name, in any way?

NABAKOOZA: No.

COUNSEL: Now you said that that was the last time you saw the reverend; you mean was that the last time you saw him alive or it was the last your ever saw him?

NABAKOOZA: It was the last time I saw him alive.

COUNSEL: So you imply you eventually saw him dead.

NABAKOOZA: No I did not see him dead. I did not go there, for the burial.

COUNSEL: I see. Now eventually after sitting under this tree for the whole day, what followed?

NABAKOOZA: In the afternoon, the commander directed that we should be taken to the Central Police.

COUNSEL: Yes!

NABAKOOZA: So -

COUNSEL: Were you taken there?

NABAKOOZA: Yes.

COUNSEL: And what happened at the Central Police Station?

NABAKOOZA: We were told to come out of the lorry; but, as we came out, they were beating us. But the other Munyankole soldier said we should not be left at the Police as the Commander had directed; because we were very bad people. So he decided that we should be taken to Makindye Barracks.

COUNSEL: Yes. Were you taken to Makindye?

NABAKOOZA: Yes.

COUNSEL: What happened at Makindye?

NABAKOOZA: We were told to come out of the lorry. We all the ladies were put in one room and the men were put in another room. Meanwhile, the soldiers in Makindye wanted to know whether the directive was from the Commander that we should be taken to Makindye.

COUNSEL: At what time was this when you were taken to Makindye?

NABAKOOZA: It is very difficult because all our -

COUNSEL: Was it during the day or night?

NABAKOOZA: It was during the day, at around five.

COUNSEL: So what followed after they had tried to know whether the order came from which side?

NABAKOOZA: Later they negotiated and they asked us whether we are from Mpigi District, or from Mukono. But we did not know that Namugongo belonged to Mpigi District; so we said, we belong to Mukono.

COUNSEL: Yes.

NABAKOOZA: And so they directed that we should be taken to Mukono and be handed over to the District Commissioner. He was not in.

COUNSEL: This was on the same day.

NABAKOOZA: Yes, on the same day, and they looked for him, we failed to get him. So the soldiers were proposing that they take us back to Makindye. We refused. We said, 'No, at least, take us to the Police Station and leave us there'. So they took us to the Police Station and left us there and they went back.

COUNSEL: These were the same soldiers.

NABAKOOZA: Yes, the same soldiers from Namugongo.

COUNSEL: Yes. So, when they left you there, what followed?

NABAKOOZA: After they had left, we felt a bit free with the Policemen and so we asked them to call Bishop Nkoyoyo for us. He was not in; so they called another reverend - Canon Mwebesa. He came, But that time it was night. He came and after some time he took us to the Bishop's home.

people are really torturing us?

NABAKOOZA: No. I think we were too afraid to report anything.

MR. NAGENDA: And you said that these people had the powers they just come inspect people or rather they rape then they leave them, just like that?

NABAKOOZA: Oh yes.

MR. NAGENDA: If you saw these people again do you think you would recognize them?

NABAKOOZA: May be I can recognize the Commander but the rest I cannot.

NAGENDA: This Munyankole fellow who said that you should all be killed would you recognize him?

NABAKOOZA: If he has not changed.

MR. NAGENDA: You mean grown a beard or something?

NABAKOOZA: Yes.

MR. NAGENDA: Did you get the impression by the way that all the people in this gang were from Ankole or were they from many different tribes in your view?

NABAKOOZA: They were from many different tribes, some of them were from the North others were from Buganda, others were from Ankole and they were coming from different barracks.

MR. NAGENDA: How do you know?

NABAKOOZA: When they first came, when they were going, it started with the satellite so the women had luggage and they had come to Namugongo to wait for a bus. So, I went there and asked them what had happened then they said they have been soldiers from the satellite, they said the guerillas attacked the satellite. Then they said, "but it seems Major Otto, who is in a red car is leading the other soldiers".

MR. NAGENDA: Major Otto?

NABAKOOZA: Yes, that is what the ladies told me. Meanwhile that was Monday, while we were there, the ladies recognized that same car, the red one, so they started running away but some of them could not run away in a few minutes. So, the red car stopped another pickup stopped and the other lorries full of soldiers who were fully dressed, then I thought may be these were soldiers from Kireka barracks but I was guessing. So, the following day on Tuesday when they came back, no, on Monday some soldiers went to Rev. Kigenyi and Rev. Kigenyi had been near Mbuya, some of these soldiers knew some of his sons. So, I suspected may be they were from Mbuya. The following day when

they came back, those same soldiers who had come the previous day, they were the same soldiers who came back especially that Munyankole soldier in a pickup. So, when they came back on Tuesday, they continued bringing in more soldiers but I recognized particularly those from Bombo because I came from Luwero, so I heard the Commander speaking on the radio call that 'send me more soldiers'. They said this time we are bringing you from Bombo, so I was telling my friends that this time they are bringing the most cruel people from Bombo.

MR. NAGENDA: From Bombo?

NABAKOOZA: Yes.

MR. NAGENDA: You mean you know about the cruelty of these people?

NABAKOOZA: Yes.

MR. NAGENDA: What sort of cruelty?

NABAKOOZA: They were killing people.

MR. NAGENDA: Okay, you came from Luwero and I am again very sorry to hear this because we have been to Luwero ourselves, we have even seen the Church you talked about at Masulita, did you recognize, do you know any of the names of the people who worked at Bombo?

NABAKOOZA: No.

MR. NAGENDA: Okay, the Munyankole gentleman was he also raping people?

NABAKOOZA: No, he was very busy taking the Commander around and he seemed to be interested more in killing not raping.

MR. NAGENDA: Than raping? He was a killer rather than a rapist?

NABAKOOZA: Yes.

MR. NAGENDA: Fortunately both of these groups do not come under the amnesty. Let me just say how very sorry I am that you went through this but let me for myself say what a refreshing thing it is to hear somebody come here to give evidence of what happened rather than to waste our time and you and Mrs. Bazira have done this very well, thank you.

DR. LUYOMBYA: I just wanted to know a little thing, you said you come from Luwero?

NABAKOOZA: Yes, Sir.

DR. LUYOMBYA: In 1984 why had you gone to Namugongo, to study was it?

NABAKOOZA: Yes to study.

DR. LUYOMBYA: Have you been back to Luwero since then?

NABAKOOZA: Yes, I sometimes go back.

DR. LUYOMBYA: Are some of your relatives still in Luwero?

NABAKOOZA: Yes.

DR. LUYOMBYA: Which part of Luwero?

NAKAKOOZA: Kikyusa side.

DR. LUYOMBYA: Okay.

CHAIRMAN: Well your evidence has been so clear that I really do not have any more questions for you and some of the questions I could have asked you have been asked by my fellow Commissions, so, Miss Nabakooza, thank you very much for your evidence which I must agree with what Commissioner Nagenda has said, was very good, it was very clear. Very good command of the language and very orderly, you may go home now.

NABAKOOZA: Thank you.

CHAIRMAN: Counsel I think this is the time perhaps we should not break for lunch at 3.15 p.m. I think as you indicated, Counsel, it seems after lunch there may not be much time to come back to hear more evidence this afternoon, so we shall adjourn now until tomorrow at 9.30 a.m. the same place.

CHAIRMAN: Commissioners, Learned Counsel, Ladies and Gentlemen, we are a bit late. We have delayed as usual to start the session. The Commissioners have been here a long time but there were some technical reasons for this on side of the Legal Learned Counsels. Let us start the session of this morning the 30th of July, 1987. I suppose you are going to call a new witness. Is that right?

COUNSEL: Yes, my Lord.

CHAIRMAN: Yes.

COUNSEL: Mrs. Betty Mulindwa - Witness No. 136.

WITNESS NO.136: MRS. BETTY MULINDWA - SWORN IN

CHAIRMAN: Sorry to interrupt you Counsel. I can see Reverend. Gentlemen and some ladies. Are they witnesses also?

COUNSEL: They are witnesses; I had forgotten to see them my Lord.

CHAIRMAN:

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CHAIRMAN: You should have seen them. If they can wait somewhere else while this witness is giving evidence so that they do not hear what she is saying.

COUNSEL: Could you state your names please?

MULINDWA: I am Betty Mulindwa.

COUNSEL: Where do you reside?

MULINDWA: By now I am in Masajja Parish but I am a student in Bishop Tucker Theological College Mukono.

COUNSEL: In 1984, what were you doing?

MULINDWA: I was studying in Namugongo Martyrs Seminary.

COUNSEL: What course?

MULINDWA: Doing a certificate in theology.

COUNSEL: Were you a day scholar or you were a resident?

MULINDWA: I was a resident.

COUNSEL: At that time, who was the Principal of your College?

MULINDWA: He was Reverend Godfrey Charles Bazira.

COUNSEL: Is he still the Principal?

MULINDWA: He is the late Rev. Godfrey Charles Bazira.

COUNSEL: When you say the late, you imply he died. When did he die?

MULINDWA: I suppose he died on the 23rd of May, 1984.

COUNSEL: Is there anything to your knowledge that could have happened on the 23rd of May 1984 that caused his death?

MULINDWA: Yes, there is.

COUNSEL: What is that?

MULINDWA: We were attacked by army men.

COUNSEL: At what time were you attacked by army men?

MULINDWA: Well, the story goes back on Monday; that was when they first came but I and another lady Florence Bukenya were going to see Dr. Munyigwa because I was sick by then and that late Principal asked her to escort me to the doctor's place. And so when those people, they

army men came, we were not around. We had gone to see the doctor but when we were still three, we heard people shouting and running that the army men had come. And so, we made our way to the Catholic Martyrs Shrine to take refugee there and later in the evening, we tried to go back to the Seminary taking short paths. And so we found them; they had gone to a forest.

COUNSEL: Did you see them?

MULINDWA: Well, I saw them on their way back.

COUNSEL: From the forest?

MULINDWA: Yes.

COUNSEL: When they came back -

MULINDWA: When they came back, they had - may be three people were beaten up and they were bleeding and they had a huge saucepan. They seemed to be burning charcoal according to what I saw and so it was around six; that is when we used to have our chapel time. We went in the Chapel as usual. And some few who were not in uniform, came in the Chapel and we worshipped together and others were just around the Shrine. And late in the evening, they left taking with them those men whom they had beaten and that evening, we did not go back to our place of residence. We girl-students, we stayed with the late Principal in his home. And on Tuesday, it was around 4.00 p.m, we were going to have our evening tea, so we were in the class up and we heard vehicles coming and on looking on the roadside, we saw that they were army men and they came and parked their vehicles around our place. So we went down in the dining hall. We were going to have our evening tea. Well, some of us did not have the tea because of the fear. And they went and scattered to the place taking the same route they had taken on Monday. And in about thirty minutes, we began to hear gunshots all over the place and we were running towards those cubicles - went under the beds and then the Principal came for us and said, "do not run", take courage, you come and be with me here". And we sat down with him in the dining hall. The shootings went on and then - and there were some big firings like bombs, I do not know but -

COUNSEL: Did you know these three men who were being beaten by the soldiers?

MULINDWA: No, I did not know them.

CHAIRMAN: Are you feeling alright?

MULINDWA: Yes, I am.

COUNSEL: So that evening, did anything spectacular happen?

MULINDWA: What is that?

COUNSEL: That evening -

CHAIRMAN: Let her continue to tell - she was proceeding very well. Continue from where you had left.

MULINDWA: Okay, when we were in the dining just in fear, army man came and looked through the back door, that door is nearer to the bathroom of the boys, it is a glass door but there was no lock and so he inquired who we were. I tried to tell him that we were students and I was just next to the late Principal and then he passed the gun through that hole where the lock should be and then he shot through that hole and the Reverend was shot up here in the thigh and I was shot near my right knee. That was around may be half past six. It was getting a bit dark. And so we stayed there for a night. At around may be seven, the shooting was not heard any more. There was a bit of silence and may be we thought they had gone. We stayed there okay for a night bleeding and then after the fear had gone; much of it had gone; the Seminary Bursar tried to handle our wounds by tying them with our handkerchiefs so as to control the blood. And so early in the morning, the soldiers came for us. They were speaking in Swahili and the late Bazira seemed not to know Swahili; he could not communicate well and so this former Bursar, Mr. Serunjogi tried to communicate with them in simple Swahili and they told us to bring our identity cards and we showed them. And even they asked us that what are you doing here? And where were you all the time we were shooting? It seems you are the bad people and we said, no, we are students here. And they asked us that, where were you when our Land Rover was put on fire? Well, for us, we did not know that even there was a Land Rover which caught fire. There were some more students who went to their cubicles on the other side of the road and so for them they watched. That is what they told us that they saw that Land Rover catching fire and so the Principal and all of us who were in the room and all those who had hidden in their cubicles were collected. And we showed them our identity cards; they told us to go out. And as we were going out, one army man shouted to the others that you come here. The bad people are here. And so they came and they told us to lie down but not only with what but by beating and kicking and whatever they could do. They beat us and then our shoes were taken - some of them were taken from us from there. My shoes, I had removed them when they shot me. I could not put them on any longer; and they took my watch and they kept on beating and beating. I was putting on a skirt and a blouse and it was full of blood because of the wound and they asked me what had happened to me. Well at first, I told them - I fell down; I did not want to tell them that I was shot at because I was in much fear and they insisted. I told them that I was shot at and they asked me, "who shot you?" I said, "an army man". And they asked me, "was he a guerilla or of the government?" I told them, well, I could not know but what I saw, he was dressed in a uniform; in the army uniform. That is all; and so they kept on kicking me and they kicked me on my mouth and I almost lost my tooth and they told me, "let her die. How many has she killed" and I just wondered. By then they were inquiring for some keys for some

rooms and there was a key which was not found and so they kept on asking the late Principal to give them that key so that they could unlock the door and see what is there. In that time also, the late Bazira was slapped and his gaggle (eye glasses) fell down and broke and they kept on beating him and what followed next on him, I did not see because we were lying down and nobody was allowed to lift up the head. The torture went on and they kept on beating the late Mr. Walusimbi who was our Seminary Manager; may be because of the pain, he told them that do not beat me so much. Even the Bishops know that we are here, the Church knows that we are here. We are not bad people. We also told them that even the Archbishop knows. They asked him, "who is this one you are telling?" Who to beat him seriously and may be he could not bear the pains any more. He decided to stand up and run. No sooner had he run than he was shot and may be fell just near the pit-latrine. After a few minutes, they told us to get up holding our hands up to go to the main road. What I remember is when we got up, I was too weak and I could not sit properly anyway but some of the students helped me to stand up and hold me up and they shouted at us saying lie down quickly and I did not know why. But after we had reached there, they told me that by the time we stood up, the late Bazira was near the kitchen and what they saw, they said that may be his right eye was cut and he was also - I do not know whether he was shot at but he had a terrible wound here and they were taking him. May be they did not want us to see him. So they told us to lie down quickly. And after some minutes, they told us to rise and on our going to the main road, those students saw the late Principal being led in the small path towards our well; Mukajanga well. Myself I did not see that anyway. And so we went up to the main road and we sat under the mango tree; and that is when I saw the Land Rover which they were talking about which was burnt. And then there was a large group of soldiers and they made their parade there in the tarmac road. We were seated by then and that is where we met Mrs. Bazira and there is another Lady, Miss Nabakooza. I suppose she was here yesterday and other people who were collected who were nearby. We sat there for some time and then they asked Reverend Serwadda to identify us and he started telling them where we had come from. And when he reached on me, he said that she is from Kibuye Arch-deaconry and many of the soldiers said, well, I know this girl. She is in Kibuye. She is a bad girl. I said, Lord, what is this? They kept on beating us and some boys lost their shirts from there. They were undressed I do not remember the time when we left that place but we were told that we should get up; Reverend Kigenyi, Reverend Serwadda, the son of Rev. Kigenyi and myself, that we should get up and go and board a vehicle. I did not know where we were going. We went as far as the Mosque and there we saw the tanks - APCs as if they were on war and I was very much terrified and some soldiers were taking positions as if they were going to shoot us. And then from a distance, a Pick-up came. It was reversing and we were told to board it. It was a struggle on my side because my leg was very painful. Well, as we were boarding it, they also kept on beating us and we sat in it and they put a tyre on my leg and they told Reverend's son to sit on that tyre.

CHAIRMAN: Well, Mrs. Mulindwa may be you need some time to rest before we can continue again with your evidence. And so we shall adjourn for about ten minutes.

COUNSEL: Most obliged my Lord.

COMMISSIONER: I think she can continue.

CHAIRMAN: Can you continue?

MULINDWA: Well, okay.

CHAIRMAN: We are sorry about it.

MULINDWA: So they drove us -

MR. NAGENDA: She may say yes, but I think -

CHAIRMAN: Now, we give you a bit of time to recover. So we shall have a short adjournment of ten minutes.

ADJOURNMENT

Commissioners, Ladies and Gentlemen, we had to adjourn for a few minutes to give Betty Mulindwa the present witness some time - a little bit of time to recollect herself. She had assured us that we can resume now. So Betty, if you could start from where you left; you were still on the Pick-up and somebody put a tyre on your leg despite of the injuries and the Reverend was told to sit on the tyre.

MULINDWA: No, the son of the Reverend.

CHAIRMAN: Sorry, the son of the Reverend. Could you please also speak a little louder nearer the microphone?

MULINDWA: Okay. They brought us to Nile Mansions.

CHAIRMAN: Sorry to interrupt. Did he sit on the tyre?

MULINDWA: Yes, he sat on it.

CHAIRMAN: On which side? On the injured side or was the tyre put on both knees

MULINDWA: On both legs.

CHAIRMAN: Both legs?

MULINDWA: Yes.

CHAIRMAN: Yes, carry on.

MULINDWA: We headed for Nile Mansion and then we got off from the Pick-up. I

do not remember the room in which we were taken because it was my first time anyway to come to Nile Mansion. We were told to sit on the verandah and many people were just wondering what had happened. We were told that we were bandits. We sat there for some time after which they called us inside in a certain room where we met a soldier. He was a big man and he seemed to be of high rank. He was dressed in plain green uniform and putting on a cap that resembles the scouts cap or the guides; that sort of cap. And in that room, there was something like a bed. It was covered; there were no chairs and the Reverends were told to sit there. And as I went in limping, that man was concerned and he asked those who brought us in that room what had happened to me and they told him that I was shot. And he asked them whether I had any treatment. They said, no. So, he told them to take me to the clinic. So, myself, I did not sit in that room. I was taken in the clinic and they gave me some injection, they washed my wound and they washed also my mouth and my teeth and they gave me some tablets. Then I was feeling very thirsty and I asked for a drink. I remember someone rang and they brought me cold orange squash and I took. And they wrote on my medical letter that they referred me to Mbuya Hospital for X-ray on my leg. But they said that before I go there, I have to give a report and they took me back. When I went back, the Reverends were still in and then I was told to sit on the verandah where I had sat before. Sometime later, they asked us to write some statements concerning what had happened and the four of us wrote. They gave us paper and pen and we wrote whatever we saw. And after writing, they took those papers. We remained on the verandah until when it approached lunch time, they brought us some food. It was matooke and meat and some greens. I tried to eat the food but I could not and I asked for some water. They gave me water; and others finished eating and they took the plates. We sat there for the whole day and it was shining a lot. We were getting heat from the sun and from the floor. And late in the evening, when others had left, maybe it was about seven in the evening, we were picked up and taken down and we boarded two cars. I do not remember; I cannot recall the number plates and whatever but we were driven two, two in each car and we were taken - up to now I do not know that place well but as we drove out of the Nile Mansion, we went down the road and we turned on the left. I do not know the place exactly but there are so many buildings. The buildings are not with iron sheets they are of tiles and so we sat there in a room. There was a man, he was not in uniform but he had a gun. And in that room, there were some blood shades on the walls and that gave us much fear and there was also a written notice that 'No bandit is allowed to stay here alive in Uganda, and if you see one, report to the nearest police station'. And so we knew we were brought up because of that and we thought maybe now we are dead because no bandit is allowed to stay alive! We sat there for a time. Afterwards, they called us in a room just outside and there were two gentlemen. They called us one by one and what I saw when I was there, I saw my papers on which I had written. They were with him and as he was asking me, he was looking in those papers. He asked me what took place again and I started narrating the story. And so he said, Okay, go. And others

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were also called. When that was over, we were all in the room and later on, I do not know the time anyway, but we heard one of the gentlemen calling this man who was watching over us to come out and go to the gate and direct the Bishops to this place for they had come and they were lost. And so we got some hope that maybe we are not going to be killed. And sometime later, we heard the car and then the flash lights and they entered and they went in the other room. They were Bishop Dunstan Nsubuga and Bishop Misaeri Kawuma. They were in their clerical robes. They came in a Mercedes Benz and they went there. Whatever they talked I do not know. And later on they brought them to us and they greeted us and they told them that you have them for some time but if need arises, we shall come for them. The Bishops said, okay, let us take them and so we went out and boarded the car and they drove; Bishop Kawuma was driving. We passed through Kampala and the only people we could see were just soldiers. But we had a safe journey up to Namirembe Hospital where they left me and I was admitted in Sir Albert Cook, the new building. They went and I started a new life in the hospital.

COUNSEL: Now, Mrs. Betty, I will take you back to the mango tree. While under the mango tree, whom were you with? You have mentioned earlier on Mrs.Bazira - Faith Bazira, apart from her, who else were you with?

MULINDWA: I was with the other students and the two Reverends and other people like Mr. Kamya. He is an old man and his wife and other people who were collected together with the soldiers.

COUNSEL: Now, were you with both male and female students?

MULINDWA: Yes, please.

COUNSEL: We have received here evidence that while you were under this mango tree, a number of the female students were pulled and raped by the soldiers. Did you witness this?

MULINDWA: No, I did not but I learnt about it when I was in Hospital because by the time I was taken to the theatre, they were also there on the beds. May be they had done D and C. I do not know what they call it - to them and I learnt about it that they were raped. But I did not witness.

COUNSEL: Was this in Albert Cook?

MULINDWA: No, it was a theatre.

COUNSEL: Theatre in Albert Cook Hospital, Namirembe?

MULINDWA: No, in the old building. Between Catherine Ward and the other Ward for the gentleman.

COUNSEL: When you talk of D and C, what do you mean?

MULINDWA: Well, it is a medical term but I do not know very well but I know that they wash the inside of the womb. That is what I know.

COUNSEL: Now, when the soldiers told you that how many has she killed, had you ever killed anybody?

MULINDWA: No.

COUNSEL: How many of you - as you mentioned that we were brought to Nile Mansions -how many of you were brought to Nile Mansions Hotel?

MULINDWA: We were four people.

COUNSEL: Do you remember their names?

MULINDWA: I do remember the names of the two Reverends, but the son of the Reverend, I do not recall his name but I know him personally.

COUNSEL: Could you please mention the two names to the Commission?

MULINDWA: One is Reverend Samson Kigenyi and another one is Reverend Grace Zerubaberi Serwadda.

COUNSEL: You have also mentioned that you were treated in the Nile Mansion Clinic and you were given a Medical Chit. Do you still have this Medical Chit?

MULINDWA: No, they took it away from me.

COUNSEL: And were you taken to Mbuya Hospital for X-Ray?

MULINDWA: I was not.

COUNSEL: You also mentioned that you were shot on the knee. Has your wound now healed properly?

MULINDWA: The wound has healed but still I have some pain in the leg and even the tooth.

COUNSEL: So you are still undergoing treatment?

MULINDWA: Not exactly, but I have an ointment. At least when I feel the pain, I just rub on my knee.

COUNSEL: Did the wound leave a big scar?

MULINDWA: Yes, it is big enough.

COUNSEL: Would you wish to show it to the Commission?

MULINDWA: Okay.

COUNSEL: Please show them.

CHAIRMAN: But otherwise Counsel, we would not insist a lot but it is just on the knee. It will not offend any of you. (Laughter). While still on that, that is a good question. Has it affected the way you walk in any way? Has it affected that leg? Do you walk properly?

MULINDWA: I walk properly but now I cannot walk for a long distance and I cannot kneel on a hard surface.

COUNSEL: I am sure because of the pain and improper walking you have sustained, you are not able to do your duties properly now. Is that true?

MULINDWA: But as I have stated, I cannot walk for a long distance and I cannot kneel on a hard surface.

COUNSEL: Now, after leaving Albert Cook Hospital in Namirembe, were you able to go back to your College again?

MULINDWA: It took me sometime. When I left the hospital, I went to Bishop Kawuma's place and I had to come back for daily dressing of the wound as an out-patient and after sometime may be it was a month, I went to Mukono Bishop Tucker College and by then, the girl-students were there for a time. And I stayed there for a week and then I went back to Namugongo Seminary for my third term.

COUNSEL: Were you able to get your property or personal belongings?

MULINDWA: Not any except may be there were some papers of my notes but nothing else was recovered.

COUNSEL: Did you know what happened to your property?

MULINDWA: Well, what I know, what I was told was that some were taken and some were burnt because we also found some heaps of burnt things at the Seminary.

COUNSEL: My Lord Chairman, I think that is all I have from this witness.

CHAIRMAN: I have got one or two questions for you Betty. On this Pick-up which you were told to board and a tyre put on your legs, did soldiers also travel on it?

MULINDWA: Yes, some travelled with us.

CHAIRMAN: How many?

MULINDWA: May be they were about four and in the front seat, the driver was there. There was also I suspected he was a soldier. He had an arm which was wounded also but he was not in a uniform anyway and he was not one of us. So, I just suspected that he was with them.

CHAIRMAN: Now, who said that tyre should be put on your leg? Is it soldiers who boarded the Pick-up or he remained behind?

MULINDWA: The one who said that came with us to the Nile Mansion.

CHAIRMAN: Did he appear to be in charge of those who boarded the Pick-up or was he a commander?

MULINDWA: I cannot tell but he was also not in an army uniform but he had a gun.

CHAIRMAN: Some of them were in civilian clothes?

MULINDWA: Yes, according to what I saw but most of them were in army uniform.

CHAIRMAN: Thank you.

MR. NAGENDA: On that point of the person who suggested the tyre, in what language did he ask the tyre to be put on your leg?

MULINDWA: It was Swahili and he was showing him to do it and so they put it on me.

MR. NAGENDA: When you went into the Nile Mansions and there was this gentleman who you say looked like a high authority in a green uniform, who seemed concerned about your leg, did he in any way admonish; speak strongly to the people who had brought you in?

MULINDWA: Not strongly, not very strong.

MR. NAGENDA: Now, somebody told us. I think, it was Rev. Kigenyi that, when he looked at the little name plate of this - on the - desk at which the officer was sitting, there was the name 'Oyite Ojok'. Did you see this name?

MULINDWA: I did not.

MR. NAGENDA: Did you know Oyite Ojok? Had you ever seen pictures of him?
MULINDWA: Well, I have ever seen them.

MR. NAGENDA: Did he look like this man?

MR. KAWANGA: Oyite Ojok was dead by then.

MR. NAGENDA: Was he?

MULINDWA: Yes.

MR. NAGENDA: So he was dead already! Oh, I see. Okay. I have been told that, if you had seen him, it would have been a ghost; so he had met his end in December, 1983. So disregard my questions. Apart from the scar which you showed us and that and the rest of your story has made this Commission very sad, have you suffered any other effects, may be

psychological?

MULINDWA: In the early period, I suffered psychologically when I thought about it. I could just shiver and I kept on crying all the time I could remember. But Now I am getting better. But, as you talk about it -

MR. NAGENDA: Of course -

MULINDWA: When those bad memories come and I feel moved.

MR. NAGENDA: Well, so would we all and I said yesterday - I would like to repeat it for the record - that it is my firm view that women are stronger than men. Thank you.

CHAIRMAN: Betty, we are very sorry that we have to bring all the memories of these very, very unfortunate incidents; but it was a necessary evil and we have a duty to do it to find out what happened so that we can fulfil the task which this Commission has been given. I would like to thank you very, very much for having persevered to go through the whole story again briefly. Thank you. You may go now.

MULINDWA: Thank you, Sir. Thank you all.

COUNSEL: The next witness - 137th Witness is Deaconess Florence Bukenya.

WITNESS NO.137: DEACONESS FLORENCE BUKENYA - SWORN IN

COUNSEL: Could you state your names, please?

BUKENYA: I am called Deaconess Florence Bukenya. 'Deaconess' is a title.

COUNSEL: Where do you reside?

BUKENYA: Now, I am with Katwe Martyrs' Church. That is where the Bishop posted me this year.

COUNSEL: Is that where you work as a deaconess?

BUKENYA: Yes, I am in Katwe Martyrs' Church Parish.

COUNSEL: When did you go to Katwe Martyrs' Church?

BUKENYA: It was January this year - 1987.

COUNSEL: Did you undergo any training before you became a deaconess?

BUKENYA: Yes. I went under training for three years - from 1984 up to 1986 - and I was ordained in December - it was 14th December 1986. Then I was ordained at Namirembe Cathedral.

COUNSEL: Where were you trained?

BUKENYA: Uganda Martyrs' Seminary, Namugongo.

COUNSEL: So, you were in Namugongo from 1981 to 1984. Am I right?

BUKENYA: No, I was in Namugongo from 1984 up to 1986 - November.

COUNSEL: Were you in Namugongo in May, 1984?

BUKENYA: Yes.

COUNSEL: We have received evidence to this Commission that there was an attack on the seminary at Namugongo by gun men. Do you remember that occasion or that incident?

BUKENYA: Yes, I remember it.

COUNSEL: Would you, please, narrate the incident to the Commission?

BUKENYA: It was 21st May, 1984, when we were with Betty Mulindwa. She was suffering from fever. So I decided to take her to Namugongo near the retreat centre. There was a doctor called - there was a certain whom I have forgotten the name, but, maybe, Betty remembers the name, who used to give us treatment when we were sick. So I took her there, accompanying her. Then when we reached there, by the time we were there - we were waiting for the injections to be prepared and the doctor to give us some medicine, when we saw some people running, carrying some things. Then we asked, 'Ay, what is the matter?' Then they told us, 'You know the men have come down there'. So we asked, "Down where?" 'To the seminary - near the seminary - and they have surrounded that area'. By that time we had just left the place for about 30 minutes; then we left no soldier there. Then we asked, "Who are they?" `They are the soldiers. Now what do you ask?' As it used to be during those days. So we were amazed; we could not know what to do. We had to go back to the seminary. We were still waiting for the medicine. So that doctor and the family decided to run away and they told us, 'You also go. You run and go back'. So we left the place. We started walking, facing our way to the seminary. The last people were running from that - from the - down area to the other area, Kyaliwajjala and so on. So I told Betty that the best thing is to go down to the seminary rather than going to the other areas. That let us go down and see whether our fellow students and other tutors are there. When we were going down, people asked us that, 'Where are you going now. Now you have learnt that the soldiers are down there; yet you are going down?' Then we said that, 'What can we do? The people down there know that we had come to get treatment. Now, we have got to go back. We will take any way so that we reach the seminary'. So, from there, we -

COUNSEL: Did you reach the seminary?

BUKENYA: Yes. It was Monday, as I have mentioned - 21st May, when they first came. So, when we reached the place near the seminary, we saw a red car - that car was familiar to that place. Then we saw people running, running away, that, that car is from Kirekka Barracks and from the - I cannot remember how they call the leader of that place - was it a barracks - or Kireka Place where the soldiers used to stay. So we also rushed to the bush. We started walking through the bush. The car passed us and we took the junction in the bush until when we reached the seminary. So, when we reached the seminary, our fellow students asked us, "Where have you passed? The men have just taken that route where you have just passed?" Then we said, 'No, no, may be, God has kept us and we have reached safely". So they told us that the men have been around. They told us that they were looking for guerrillas. So we do not know where the guerrillas are. And they have gone to the bush to look for them. But they told us to stay here that there is no problem with us. So we stayed there. We waited. We waited. So, when it reached at around five in the evening, we decided to go in the chapel as it was our routine to go to the chapel and pray. So, when we were there, some of the soldiers joined us and we prayed.

COUNSEL: Were they in uniform?

BUKENYA: Yes, some were in uniform, some had a shirt - a common shirt - and a trouser was for uniform. They were about four.

COUNSEL: Did they eventually go away?

BUKENYA: Yes, after the prayers, they went out and we also went. But during that time, the soldiers started talking of coming from the area where they had gone to go to the road and climb the lorry. They went with some men who were seriously beaten; some had their hands tied what we call these days *kandoya*, their hands were behind their backs. so we wondered where they had got those men and we stayed there wondering. So they took them. But afterwards, they told us that those men were men who used to stay on that village but they were making charcoal from the forest. They were preparing the charcoal for selling. So they were taken.

COUNSEL: So Deaconess, did anything happen that night?

BUKENYA: That night, nothing happened to us at the college. So the men left the place all of them and they went back. So in the morning some of us never went to our residential places due to fear which we had because our residential places were apart. So for us ladies -

COUNSEL: When you say 'we feared,' please, let us get organized so that we may get to the necessary information we need.

BUKENYA: Yes.

COUNSEL: On the 22nd - that is the next day - you said, you were fearing. Why were you fearing?'

BUKENYA: No, I said on the 21st - the night of the 21st - we feared to go back to our residential places. That is what I have been saying - by the then Principal Bazira's place. We stayed there until morning. Then, when morning came, we went -

COUNSEL: Whom were you with in the principal's house?

BUKENYA: We were with the late Bazira, the wife, the housegirl - they had a housegirl and the sister of Faith - and Betty Mulindwa, I, Florence and Robin Kalule, plus Mary Nabakooza.

COUNSEL: Yes, continue from there.

BUKENYA: Then in the morning, we woke up. We went to our classes. From morning up to around four there was nothing. Then, when it came to around four, we heard heavy lorries - heavy vehicles - coming, following each other. Then we looked outside and we saw that they were the vehicles; they were full up with soldiers and we saw some tanks following the vehicles.

COUNSEL: What type of vehicles?

BUKENYA: Lorries - big lorries.

COUNSEL: Were there pick-ups?

BUKENYA: No, there were Land Rovers and Lorries, plus some jeeps and the other I do not know how they tell those tanks.

COUNSEL: Now, when they reached, what happened?

BUKENYA: Now, when they reached the place, they started jumping off the lorries and started surrounding the area; others going the other side; others - so for us, we decided to go under the hall. We were up in our classes; so we went in the dining. The dining is under the hall. It is on the ground floor. So we went down to the dining where they had already prepared our evening porridge. It was porridge. Some took porridge; some of us had no appetite of taking. So we sat down there, waiting to hear what would follows. Then we waited up to half past; then we started hearing shooting - shooting everywhere and some big shootings and small shootings, every side was full up with those shootings. So we decided to run; some of us who were still in the dining decided to run and join some of the students who were in their cubicles in that same building. So we went under beds, under beds, taking cover. So from there when we were still there the late ReverendBazira - he came and collected us -saying that, 'You come. Let us sit down here in the dining and wait. Let us sit down; maybe, these people will do no harm to us because yesterday they were here.

They told us that we are - for us we are - safe. So let us sit down here'. So we came and collected ourselves there and sat down with Rev. Bazira. The wife was not with us. They were in their house. So we sat down there waiting. The other reverends who were our tutors were not also with us. We were only with Rev. Bazira and other students, plus other seminary workers so we sat down, waiting to hear what would follow.

COUNSEL: Did anything eventually happen?

BUKENYA: Yes, that is where I am going now.

COUNSEL: Yes.

BUKENYA: So, after some minutes, we heard some soldiers talking from outside, 'Ugh, those guerrillas, these guerrillas. Now shoot, shoot. There are guerrillas. They were using their army terms which I cannot remember now. So we heard shootings around the building; so we started thinking that, 'they are now going to bomb our building; so waiting to see that the thing comes done and covers us. So at around 6.30 some soldiers came and surrounded the building. For us we saw them because the doors are of glasses and there were no curtains. And some of them were open. So we saw them through the glasses. There were a certain door on the right hand, near the place where we were sitting. So for me I was seated here, Betty was seated here and the Reverend was next to the other students and the other teachers. So some soldiers saw us and they said that, 'Here are the guerrillas. Here are the guerrillas. Now shoot'. So they started shooting. I do not know how God protected me because the bullets passed me and went and shot Betty with the Reverend through the knee and the Reverend was shot also through the thigh. So we stayed there. Maybe, these people thought that by shooting like this, they had killed all of us. So for us we continued to push ourselves backwards, making sure that these people may not see us. So we stayed there, waiting for the whole night. Those people never entered. People were bleeding. We had nothing to do and some of us were filled with shock and, in fact, we passed through that night on God's mercy.

So, when it was around six in the morning, we heard soldiers talking from outside the building. So they came and entered. As soon as they entered, the first man said, 'Ah, here are the guerrillas who have killed our friends. Last night they killed our friends. Now here they are. You come'. so they all came and they entered. They told us, 'Now, where are the guns" Where?' We said, "We are students". The good thing was that each student had his or her identity card, so we showed them our identity cards. They said, 'No, no, no, 'wacha, these are the guerrillas who have killed us.' So they asked us that, 'If you are not guerrillas, they have been killing us, where were you? Where were you when they were killing us, if you are not the guerrillas?'. Then we said, 'We are not guerillas'. We tried to say each and every word we could so that we can convince them, but they said we are the guerrillas who had killed their friends and we were

fighting against them. So they told us to go out and call each and everybody in the house. So we called our fellow students and other people who were in the cubicles that, 'You come out but come with your identity cards'.

So they told us to line up outside the - between the - hall and the kitchen. So we lined there. So they went on looking at our identity cards; but I do not even think that they read those identity cards. So they told us to lie down. So, when they saw Betty, they asked her, 'What happened to you?' We said that you were guerrillas and you refused. Now what happened to you'? Then she said that, 'I was shot by a certain person'. That, you, where were you when you were shot? She said what she said and we were asked to lie down. They started walking on our backs. They started stamping on our heads and on our chests and so on beating us. Then they told us to rise and stand up. Then, when we stood up, they got Rev. Bazira - one of the men got Rev. Bazira - and slapped him; the glasses were taken away and they took away the collar form his neck - from the neck then they threw it away. Then they said, 'You are the leader of the guerrillas'. Then he said, but we are not guerrillas. I am the Principal of this College. Then, if you want to do any harm, please, do not bother with other people. You ask whichever you want from me because I am the Principal of this place. So you leave the students'. They said, 'Wacha, wacha, wacha, you train guerrillas'. Then they told us to lie down again. Then they asked him, 'Where are the keys for the offices? Where are the keys for this?' Then they took him inside the hall. Then they took him out and they got - there was a certain lame boy who was walking with a stick. So they took away the stick from that lame man - a lame boy - and they took the Reverend near the kitchen; then they started beating the reverend. Then others were beating us, others were beating the reverend. Others were stopping, others were walking over our backs and others had some thing which they were giving us. 'You eat. You drink this'. Others were giving some - I do not know where they got the petrol, others were given - some - petrol to drink. I was given some seeds. They were wrapped in the piece of paper. A man told me, 'Just you eat. You eat'. I was trying to refuse then he kicked me. Then I decided to open my mouth and he gave me those things to eat. So, when he was giving me, I saw Rev. Bazira there. They were beating him seriously. Then a man told him to stand up. Then my last eye on that part; I saw him; his coat was so dirty and he was bleeding from the face. So I was told to lie down again.

So, when some time passed, they told us to wake up and - no, before they told us to wake up and -line up, there was a certain man who was called Walusimbi who was the Manager of that College by then. Then that man said that, 'Sir, we are not guerrillas. The man was kicking him seriously that, 'You are a guerrilla. You are a guerrilla'. Then he was trying to say that, 'We are not guerrillas. This is a college. The Bishop knows that this is a college and we are here; even the Archbishop knows that we are here; even the Nation knows that this is a Seminary for Clergymen'. So they just beat him up, to now, we

COUNSEL:

BUKENYA:

cannot know what forced him to run, either the beatings or what! We just heard them saying that 'Hi, shoot, Shoot'. So he was shot and killed with Manager - Walusimbi.

COUNSEL: Did you see him being shot directly?

BUKENYA: No because I said that, he said that, 'Please,' by the time they were beating him he said that, 'This is a college. Everybody knows that this is a seminary and it is a training for the clergymen'. So he started running from that point. He started running. Then I just heard that, 'You shoot. Shoot him'. And we heard the shooting. So the men came back and said, 'Ugh, *kwisa maliza. Kwisa maliza*'. Then they came back. Then they said that, 'You stand up and line'. So they told us to join our hands and walks towards the road.

So, when we were going, we saw the men they were about 3 or 4 but they were with the manager, each carrying the hand, the other one - but he was still alive and they were taking him down there. So they told us to hurry up and go. So we moved up to the road and we left him. From there, our eyes never saw him up to the time we saw the body. So from there we were taken to the road, is where we met Reverend Kigenyi and ReverendSserwadda with Faith Bazira and other people whom they had collected from the village. There was a layman called Kamya and his wife. There was an old man who was also staying on that village. There were other small kids who were collected and the family of Mr. Kamya. He has some little girls and some little boys. So, they collected them there under the mango tree. So we were also asked to sit down there.

So, when we sat down there, they started asking 'So you are the guerrillas who have been down there. You are the guerrillas - on that place we met many, many army men. Everybody was saying that he wanted to say; everybody calling and wanted to ask that, 'You are the guerrillas. Now we are going to kill you. Now you are going to be slaughtered. Everybody was saying what he wanted; others came and kicked us; others came and slapped us so they came and did whatever they wanted, asking us that 'You tell us where the guerrillas are. You say you are being trained as clergymen, now you tell the truth. You tell us the truth. Where are the guerrillas? You know the guerrillas'. We told them that, 'We do not know the guerrillas. So how can we tell you that the guerrillas are here-and-there. We have never seen the guerrillas. So we stayed there up to around ten when they took Betty, Reverend Sserwadda, Reverend Kigenyi, the son of Reverend Kigenyi. They came and they did whatever they wanted, asking us that you tell us where the guerrillas, if you are not the guerrillas you tell us where guerrillas are. You have been telling us that you are clergy men now you tell us the truth, you now tell us where the guerrillas are you know the guerrillas. We told them that we do not know the guerrillas, how can we tell you that the guerrillas are here and there? We have never seen the guerrillas. So we stayed there up to around 10.00 a.m when they took Betty, Rev. Sserwadda, Rev. Kigenyi, the son of Rev. Kigenyi, they were four. So they asked

them to go to a certain vehicle which was on the road and they told them that you come. So they took them to a place which we learnt afterwards that it was Nile Mansions after some time. So we knew they have taken them and that was the end of them so we are the ones who have remained and we are waiting for our turn. So we stayed there up to 1.00 p.m. Between that time they were talking with other people on the Radio Call to their leaders saying that Bombo Barracks you bring some people there are many guerrillas here, Makindye you bring people there are many guerrillas here. In fact, we saw those men who said that they were coming from Bombo, they were so dirty, they were putting on some of the clothes like rugs. So they came and said, you we are going to kill you. They were so many because every time we heard lorries bringing other people, bringing other men until 1.00 p.m. Between that time there were some soldiers who came and asked Faith that where is your husband? Then Faith said that I do not know where he is. Then one of the men said that you take her to her house - let her go back to her house. Then she was taken back to her house but she never stayed there for long then she came back. There were also other army men who took some of the college workers down there to slaughter some hens, Rev.Kigenyi had a small poultry farm and there were some pigs and they took some of the workers to go and slaughter those hens and pigs to cook for them. So at around 1.00p.m we heard a big shooting, let me mention it in a way I can mention it, it was a *muzinga*.

MR. NAGENDA: Cannon.

BUKENYA: Cannon?

MR. NAGENDA: Yes.

BUKENYA: We heard a canoon shooting. So they told us that now do you see, your friends have come back to kill us beeause we are keeping you here? Now, you are going to be killed. So they started shooting everywhere, we tried to push ourselves under the trees, we tried to push ourselves under the fence. So they shot up to around 2.00p.m or 2.30p.m. Then when the shooting stopped for a moment, they told us that you wake up, wake up come out quickly. Then we knew that our time had come. So they told us that *panda gari, panda gari* and they told us to run that because you are here your friends have come to kill us because you are here and we are keeping you here. So we climbed up the lorry which was not in good order. So we waited. When their Commander came he said that no, you take them out of this lorry, let them go to the other lorry. So we were taken in another lorry, they told us to put our heads down and let everybody lie down. So we started lying down, others lying on our backs for a time until another man came and said, no, let them sit down. But before we sat down some were stamping on us, some were using the butt of the gun to beat our heads and our chests so that we can go down and lie down straight. So they told them that you two take them to the Central Police Station. So they started driving off to the Central Police Station. So they told us that now you are going to be killed these

soldiers who went with us on the lorry. When they were taking us, for me I started crying because I could not help my tears for I had tried to keep my tears for so long but I remembered that we are now going but the Reverends are not with us, our things had been taken, so I started crying. The soldiers asked me that why are you crying? Then I said that no I am not crying but the wind had disturbed my eyes. So he told me to put my head down and we drove off to the Police Station. When we reached the Central Police Station the policeman asked them that what have these people done. They said, do you not know? These are guerrillas, now you open the cell we want to put them in the cell, you open the cell. They said no we cannot put people in the cell whom we do not know what they have done, what have they done? The army men told us to jump down from the lorry. So others were kicked. There was a certain boy, Paul Neimani from Busoga he is now a Reverend he was pierced on the eye, the upper part of his eye was pierced and got a severe wound on his eye. When we got down the policeman said that no we are not going to keep those people you take them to where you want because we can see nothing which they had done you take them to another place. So they told us to climb the lorry again and they said that now we are taking you to Makindye, we are going to kill you because you have also killed our fellow friends. We were taken to Makindye Barracks, then when we reached Makindye they told us to jump off the lorry and enter the cells. They separated us they took the men and the boys to the gent's cell and for us they opened our cell and told us to enter and they locked. We stayed there waiting and while we were waiting some soldiers came and laughed at us saying that you have been killing us now you are going to suffer, you have been killing us now you are going to suffer. So we stayed there waiting for our time to come. Then from there, when we stayed for about may be it was thirty minutes I could not even remember the time which we spent in that cell because it was hard time for us to know the real time. So, we were asked to come out of the cell telling us that we do not know why we should waste our time keeping you here you are supposed to be killed because you have done very bad things, so they told us to climb another lorry. Then when we were climbing they told us that no, you take them to the higher lorry, there was a very high vehicle may be it was a Scania but it was a bit rough way. So they told us to climb that lorry. When some were climbing they started beating us with the wires beating everybody who was climbing and there is a certain worker who is still there Mulwana when he was climbing, they beat him and he fell down and his head got a severe wound somewhere here. Then a certain - I do not know whether he was a Commander or what - came and told them that no, you stop beating. Then we climbed quickly and starting the way. They told them that you take them to Mukono. I asked myself that where then are they taking us? They told us that we are going to C.P.S, then they told us that they were taking us to Makindye then from there they are taking us to Mukono to do what? So we thought that they were going to kill us may be from Namanve Forest or may be they are taking us back to Namugongo. So we sat and waited. So he ordered some askaris to climb the lorry with the driver and off we went. So when we passed

Kireka then we saw that we were not going to Namugongo. Then we waited until we saw that we have reached Mukono. Then they asked us that where is the D.C's office or his home? Some of us said that no, we do not know the D.C's home. Then one boy said that he knew the D.C's home, then he directed them. When we reached the D.C's place he was not there, the boys who were there told us that he had gone somewhere. They said that let us take back these people to Kampala and we will bring them back in the morning. So we waited to see what was going to be done on us. When the driver was taking his direction to Kampala, one of the men told him that no, let us take them to Mukono Police Station let us not disturb ourselves, we will come back tomorrow and collect them. So they took us to Mukono Police Station, we stayed there. So for them they left us there and they went. The policemen asked us what we have done and we stated the whole story as to how it had happened. They told us to show them our identity cards which we did and they said that we can see nothing wrong with you but if we keep you here for the whole night, these men might come back and take you away during the night. So let us ring to the Bishop of Mukono and let him come and collect you may be if anything to be asked we will answer or we will come to the Bishop's place. So they rang the Bishop's place but the Bishop was not there, but Rev. Mwebesa was there and she came and with other Reverends, they collected us and they took us to the Bishop's place. So we stayed there for that night until the morning. We were asked to stay there until some people or some interviewers will come and interview us. So we waited. From there, it was Friday when we left that place and some of us were feeling pain due to severe punishments which were given to us and we needed to go to the hospital. For me I had a chest pain and up to now I cannot even lift a jerrycan of water and I cannot carry it on my head and this has been disturbing me from 1984 up to now and it has not stopped. So sometimes I feel pain under my heart here and I cannot do anything. I feel very weak and the doctors who have tried to treat me have failed to know what caused it, but it started from that time up to now. So we were taken to Mengo Hospital and I spent there for a week and I was taken back to my parent's home.

COUNSEL: Did you know Mary Nabakooza?

BUKENYA: Yes, she was a student by then at Namugongo Seminary.

COUNSEL: Was she one of you under the mango tree?

BUKENYA: She was one of us under the mango tree.

COUNSEL: And did anything happen to her if you may recall?

BUKENYA: No.

COUNSEL: Yes, the nature of punishment she received or otherwise?

BUKENYA: Some were beaten and some as I have told you, some were taken by

soldiers not only female students but there were also other girls who were collected from the village in the family of Mr.Kamya and other ladies who were working at the college some were taken there and some were not.

COUNSEL: While in Makindye in the cell, did you meet anybody in the cell?

BUKENYA: In the ladies cell where I was taken we met some two ladies there.

COUNSEL: Did you talk to them?

BUKENYA: For them they just laughed at us that ha, you have also come. So we had nothing to talk to them and the soldiers were there, so we were asked to sit down.

COUNSEL: Were you able to know their names?

BUKENYA: No, and I cannot even remember this but the only thing I can remember is that they were ladies.

COUNSEL: We have received evidence to the effect that on the wall of this cell there was a lot of blood and other things, did you see this too?

BUKENYA: Yes, it was on the floor so it was smelling, it was so dirty with some pails and it was so dirty really.

COUNSEL: How did these ladies you found in look like healthwise?

BUKENYA: They were not in good condition, they were putting on very dirty clothes, they were not in good condition.

COUNSEL: You said that you were later able to see the body of the late Reverend Bazira, where did you see it?

BUKENYA: In the Namirembe Cathedral when we were going to bury it.

COUNSEL: You attended the burial?

BUKENYA: Yes, I attended the burial.

COUNSEL: You also said that you were given some seeds to eat, did you chew and swallow this thing?

BUKENYA: No, I kept them in my mouth they told me to chew and I tried to chew but when they told me to lie down I spat them in my dress.

COUNSEL: I am sure by that time you must have been feeling very hungry?

BUKENYA: Yes.

COUNSEL: Did you not want to eat something at that time?

BUKENYA: Of course, we were hungry we had taken the whole night, not the whole night because we last took our food at lunch time I never took the porridge which we took around 4.00 p.m. In fact, I was hungry but I could not feel the hunger due to the situation.

COUNSEL: Okay, why did you fear to take those things?

BUKENYA: Of course, I felt that there might be some poison in it and it was no edible.

COUNSEL: My Lord, that is all I have from this witness.

KAKWENZIRE: The question I want to ask I have already asked about two witnesses. You have described again in detail how there was a prolonged fighting sort of shooting the whole night and part of the day. In your view, did you think there was a real exchange of fire between two opposed forces?

BUKENYA: I do not know really. I cannot even say because I have never been in a battle or the shootings were on the other two different groups, I never differentiated them.

KAKWENZIRE: But you told us that you saw some Land Rovers with heavy guns near by APC? And then you mentioned that there was a big burst which you called *muzinga* you could have perhaps I guess you would know whether it was a far away sound or it was a nearby sound, could you tell that this sound is coming from nearby or from a distance.?

BUKENYA: The one which we heard when we were under the mango tree?

KAKWENZIRE: Yes.

BUKENYA: No, it was near because we were near the road under the mango tree then between there was a house of Reverend Bazira and down there there were toilets nearing the compound they had taken there these big APCs, they had taken there one of them and that is where that big shooting came from because we saw the smoke.

KAKWENZIRE: You saw the smoke?

BUKENYA: Yes.

KAKWENZIRE: And then they told you that (Interjection) -

BUKENYA: Yes, that your friends have come because we are keeping you here now they have come to kill us.

KAKWENZIRE. I see! I note from the way you tell your story that you are an alert person -you are very sharp. All those places where you were taken right from Namugongo, CPS to Makindye then Mukono, could you recall a name being mentioned by these people conversing, can you

recall the policeman who asked you questions? Could you give some kind of hints as to these criminals?

BUKENYA: I cannot even know the names of those people and I did not hear them mentioning each name because those policemen were talking with their fellow soldiers that why have you brought these people? Something of that sort. Those policemen never came and asked us directly.

KAKWENZIRE: From here the Nile Mansions?

BUKENYA: For us we were never brought to Nile Mansions.

MR. NAGENDA: Deaconess, you said that on Monday when you went to pray that some soldiers joined you in prayers?

BUKENYA: I did.

MR. NAGENDA: Did they actually show themselves they were just guarding you?

BUKENYA: They came and sat in the queues, for me I was seated in front, so I was busy praying to my Lord, so I never took trouble to see that they were also praying.

MR. NAGENDA: We have heard evidence that as you sat under the mango tree, soldiers kept coming and taking people off and raping them? I am sorry that I have to ask you that but we need it for our evidence because some other people were not there. Did you see people being taken off to be raped?

BUKENYA: Yes, I saw them.

MR. NAGENDA: Have you seen some of these people since or any of the victims? The ones who were raped?

BUKENYA: Any of the people who raped them?

MR. NAGENDA: Any of the victims, the people who were raped?

BUKENYA: Yes.

MR. NAGENDA: How this has affected them?

BUKENYA: Some of them were taken to hospital and they were taken to the theatre to be given some treatment there and they were brought back, many of them were taken.

MR. NAGENDA: You must have known some of those people quite well, did it affect them very badly?

BUKENYA: To their lives?

MR. NAGENDA: Yes.

BUKENYA: Of course, it must have affected them.

MR. NAGENDA: But you have talked to some of them, what sort of suffering has it brought to them?

BUKENYA: I have not talked to them about that.

MR. NAGENDA: Now, initially you are Deaconess, what is your next step up? Is it possible in the Church of Uganda to become a Reverend?

BUKENYA: Of course, now I am marching for two - years probation and after two-years probation I go back to the Cathedral to be priested.

MR. NAGENDA: Have you forgiven these people who tortured you?

BUKENYA: Of course, as my Lord Jesus told us that we have to forgive those who do things unknowingly, because if a person is really understanding doing things knowing, of course a human person was given knowledge and intelligence to differentiate between the bad thing and good thing but if a human person does a thing which is not meant to be done by a human person, that person is taken or is counted in the category of those people who are mentally disturbed or who are short in their brains because you cannot expect a normal person to come to a person who has shown you that we are students and we are such and such like me, I have never taken any gun, I do not know how they shoot then you tell me that I am a guerrilla. Then I explain that I am not a guerrilla and I know nothing about it and you continue telling me that you killed our friends you did this and then you stamp on me, you kick me, you do what, what is that? This means that person is not a normal person, he is normal by body but he is not normal mentally. Through my knowledge and the religion I have to forgive these people but I pray hard that if some of them are still alive, I pray to God that He shows them what they did or He reveals Himself to them so that they repent and get saved, that is the best thing because me I am saved. So I pray to them that they also be saved to see that they repent and understand their faith, that is the best because God does not want anybody to perish. But he or she repents all his or her sins and come back and get abundant life.

MR. NAGENDA: Deaconess, you see one of our - forgive my moral sort of less religious faith but one of our duties on this Commission is to find out what happened which we are now doing and also bring these people to see that they are punished, are you saying that it is better that they repent and become saved but will not be punished for what they did?

BUKENYA: Punishment is not bad because as people or let me take an example of a family, a father and a mother, if you fail to punish your children you must make sure that those children will be spoilt in future because if you fail to punish them that shows that you cannot show them the direct way of living. So you have to punish those people to show them that you have to change from the bad side to the correct side then you become a good citizen or you become a good person who can help

others and the whole country. So punishment is not bad.

MR. NAGENDA: May be we punish them and we send them to you for redemption?

BUKENYA: Yes, and I would like very much to see them so that I can preach some of the good news to them.

COUNSEL: My Lord Chairman, that is the last witness in the Namugongo case that we have been hearing since the beginning of last week. We had one more witness that is Reverend Benon Kisitu but on reading his statement he did not have anything new from other witnesses have said. So, I close that Namugongo case and may be propose to the Commission to visit the scene where these incidents occurred.

CHAIRMAN: Well, we had indicated earlier that we would like to but have the necessary arrangements be made.

COUNSEL: The arrangements have been made if possible other factors being possible too, but we would go there tomorrow.

CHAIRMAN: Let us resume the inquiry after the break we have had. Counsel, will you call the next witness, please?

COUNSEL: My Lord Chairman, Ladies and Gentlemen Commissioners, this afternoon, we were opening a new case involving the arrest, maltreatment and extortion from one Haji Juma Sentongo. This occurred in the year 1981 at the hands of UNLA soldiers. But I must apologize my Lord. When the investigator went to fetch these witnesses, he found out that the witnesses in the case aforesaid lost a relative and they were not available. However, I have a witness here now who is ready to testify on matters relating to the Nile Mansions building.

WITNESS NO. 138: MR. FRED MUKAMA - SWORN IN

COUNSEL: You are Fred Mukama, a Musoga by tribe, aged 40 years, a Ugandan by nationality and a police officer by occupation, residing in Jinja?

MUKAMA: I am Sir,

COUNSEL: Are you still in the Police Force?

MUKAMA: No Sir.

COUNSEL: What is your occupation now?

MUKAMA: Excuse me Chairman. Can you allow me to talk in my language which I can understand properly?

CHAIRMAN: Which is Lusoga, is it?

MUKAMA: Yes Sir.

CHAIRMAN: Yes, you can. I only hope that the interpreter understands Lusoga.

MUKAMA: I can talk Luganda Sir.

CHAIRMAN: I see.

COUNSEL: What is your occupation now?

MUKAMA: I am a cultivator at present.

CHAIRMAN: Could you speak louder please so that everybody in this room can hear you.

COUNSEL: Where do you do this cultivation?

MUKAMA: At Nakabango village in Busoga.

COUNSEL: When did you leave the Police Force?

MUKAMA: After leaving the prison, I left the Police Force.

COUNSEL: When did you leave the prison?

MUKAMA: I left the prison in June 1984.

COUNSEL: Why were you taken to prison?

MUKAMA: They took me to prison, it was alleged that I was a bandit.

COUNSEL: Okay, let us start now. When were you taken to prison?

MUKAMA: I was taken to prison on the 27th November, 1982.

COUNSEL: On that day, where were you?

MUKAMA: I was going to attend a football match between Uganda and Kenya.

COUNSEL: Where?

MUKAMA: I was going to Nakivubo?

COUNSEL: Did you reach Nakivubo Stadium?

MUKAMA: I reached the stadium but as we were entering, there was a soldier who was checking all the people who were entering. And as we were there on the checking point, a grenade went off behind the pavilion. That is where we were arrested. They alleged that we were the ones who threw the grenade and that we were bandits.

COUNSEL: When you say you were arrested, with whom were you?

MUKAMA: I was with a certain gentleman.

COUNSEL: What are his names?

MUKAMA: I do not recall his names.

COUNSEL: After your being arrested, what happened?

MUKAMA: After I was arrested, I was taken inside the stadium where the cars are parked where I met some other five people.

COUNSEL: Did you know those other five people you met inside the stadium?

MUKAMA: I did not know them.

COUNSEL: After you joined them, what happened?

MUKAMA: We were made to lie down after which we were put in a vehicle together with four soldiers and we were taken to Nile Mansions.

COUNSEL: First of all, what type of vehicle was this?
MUKAMA: It was a Benz.

COUNSEL: Benz car? Benz cross- country or Benz Pick-Up?

MUKAMA: It was a car.

COUNSEL: Do you remember the registration number of this car?

MUKAMA: No, I do not remember as I had been arrested as a guerilla.

COUNSEL: Now, how many of you were made to board this car?

MUKAMA: Six of us.

COUNSEL: How were you able to sit in this car?

MUKAMA: Some were made to lie on the floor of the car, others were made to lie on the cushions and the soldiers sat on us.

COUNSEL: Would you mention how many lay on the floor, how many on the cushions?

MUKAMA: Two of us lay on the floor and four were made to lie on the cushions.

COUNSEL: And where did the soldiers occupy?

MUKAMA: They sat on top of us.

COUNSEL: Then what happened?

MUKAMA: We were brought here at Nile Mansions.

COUNSEL: Yes, at the Nile Mansions, do you remember the room to which you went?

MUKAMA: We were taken to room 211.

COUNSEL: Do you remember the officer before whom you were produced?

MUKAMA: I remember he was Morris Okello.

COUNSEL: Had you known him before?

MUKAMA: Yes, I had known him before.

COUNSEL: How did you come to know him?

MUKAMA: He was my fellow police officer.

COUNSEL: Were you surprised when you found a police officer in the Nile Mansions?

MUKAMA: I was very frightened to find him there.

MR. NAGENDA: Point of just small clarification. At this time, what was your own rank in the police?

MUKAMA: I was a corporal.

CHAIRMAN: Just further clarification. Were you in uniform or plain clothes?

MUKAMA: I was working in plain clothes.

CHAIRMAN: You were in CID?

MUKAMA: I was in special branch.

CHAIRMAN: Oh, you were in special branch?

MR. NAGENDA: And what was Okello's rank at this time?

MUKAMA: I did not know his rank.

COUNSEL: Was he in uniform?

MUKAMA: He was in civilian clothes.

COUNSEL: Okay, when you were produced before him, what happened?

MUKAMA: He ordered us to take off our shoes as well as our watches.

COUNSEL: Yes, tell the Commissioners what happened to you in room 211.

MUKAMA: When we were produced before Mr. Okello, he ordered us to remove our shoes and our watches, and told us to go to the balcony.

COUNSEL: Did you go to the balcony?

MUKAMA: Yes, we went there. We were there up to nine o'clock. We were about twenty of us there.

COUNSEL: Among these twenty people, do you know anyone of them?

MUKAMA: I remember some of them.

COUNSEL: Could you mention their names?

MUKAMA: There was one called Kizito, Sewankambo and some others whom I do not remember their names.

COUNSEL: What was Kizito's work?

MUKAMA: I could not ask my friends their jobs at that time.

COUNSEL: Are you suggesting that none of them were police officers like you?

MUKAMA: No, there was none.

COUNSEL: Okay proceed then. After taking your seats at the balcony, what happened?

MUKAMA: From nine o'clock, they called us one by one.

COUNSEL: Who called you?

MUKAMA: There was a gentleman called Odong.

COUNSEL: Was he a police officer also?

MUKAMA: That one belonged to NASA.

COUNSEL: How did you come to know he was NASA?

MUKAMA: In the course of my duties, I was driving some important people. So I used to meet him at a place where NASA people used to be.

COUNSEL: What is this place where you used to meet him?

MUKAMA: At the Standard Hotel.

COUNSEL: In Kampala?

MUKAMA: Yes.

COUNSEL: Okay, after calling you, where did he take you?

MUKAMA: When my turn came, I went to him; he first whipped me twenty times.

COUNSEL: Just a moment; you see these Commissioners have never known this place you are talking about.

MUKAMA: Nile Mansions -

COUNSEL: Yes, could you describe, you were seated on the balcony, you were called, where did you go?

MUKAMA: From the balcony, I was called to their office which was in the middle. After beating me, he tied me up with ropes.

COUNSEL: Yes, go on.

MR. NAGENDA: How?

MUKAMA: He tied my hands behind my back and even the scars are still there.

COUNSEL: Were your legs also tied?

MUKAMA: No, my legs were not tied.

COUNSEL: So you were able to move?

MUKAMA: I was unable to move.

COUNSEL: Okay, what happened next?

MUKAMA: After tying me, he ordered me to lie facing downwards. He sat on top of me and started interrogating me.

COUNSEL: On what part of your body did he sit?

MUKAMA: At the back of my chest.

COUNSEL: Yes, proceed.

MUKAMA: After thirty minutes while sitting on me, he brought a stone together with a rope. He tied the rope around my private parts and a weight and ordered me to walk about while beating me.

COUNSEL: Are you suggesting that this was a weighing stone?

MUKAMA: It was a weighing stone.

COUNSEL: How heavy was it?

MUKAMA: Weighing about seventeen kilos.

COUNSEL: Are you suggesting that this stone weighed about seventeen kilos?

MUKAMA: And the figure was written on it. I could see it.

MR. NAGENDA: I think a clarification. Not that anything weighing is heavy but I suspect what the witness means is that it was a weighing stone which we use to weigh seventeen kilos.

MUKAMA: That is right.

COUNSEL: What did he do with this seventeen kilos?

MUKAMA: When the stone was fixed on the rope, it was tied around my private parts. He ordered me to walk about while beating me.

COUNSEL: What was he using?

MR. KAWANGA: Seventeen kilos, were you carrying it or was the stone lying on the ground?

MUKAMA: It was hanging after tying it.

MR. KAWANGA: I do not think you can even carry seventeen kilos tied on your arm?

MUKAMA: My Lord, I was under pressure; that is what was done.

COUNSEL: How did you feel?

MUKAMA: I felt too bad and I could not make it as he had ordered. I failed to move.

COUNSEL: What was he using for beating you?

MUKAMA: It was an iron sort of pipe.

COUNSEL: When you failed to move, what happened?

MUKAMA: He went on beating me.

COUNSEL: Yes, go on. How long did the beating take?

MUKAMA: It took about ten minutes while the stone was still tied on me.

COUNSEL: After ten minutes what happened?

MUKAMA: He removed the stone from me.

COUNSEL: After removing the stone, what happened?

MUKAMA: Then they called a woman who was known as Christine Nabateregga who was known to be a wife of Oyite-Ojok.

COUNSEL: Where was she called from?

MUKAMA: She was in one of the rooms in the same suite.

COUNSEL: Did she come out?

MUKAMA; She came to tell them that I was with her in the bush and that we had attacked Lubiri at one time.

COUNSEL: What else did she say?

MUKAMA: That is what she told them that I was with her in the bush. Then they went on beating me.

COUNSEL: How long did this second beating last?

MUKAMA: The second beating took almost an hour.

COUNSEL: After an hour, did they stop the beating?

MUKAMA: Yes, after an hour, they stopped beating me.

COUNSEL: Then what happened next?

MUKAMA: I was taken back to the balcony. At that time, it was 1.00 a.m.

COUNSEL: Did you meet anybody on the balcony?

MUKAMA: I met three people at the balcony; I was the fourth.

COUNSEL: What were they doing on the balcony?

MUKAMA: They were also said to be bandits.

COUNSEL: Were they covered, did they have blankets?

MUKAMA: We had nothing at all and we did not even eat.

COUNSEL: What happened next when you joined these three other people?

MUKAMA: We were there seated until the following day.

COUNSEL: Now before you proceed to the following day, did you know the names of these three other people you met on the balcony?

MUKAMA: I can remember two of them.

COUNSEL: Yes, give their names.

MUKAMA: Kizito, Sebagala.

COUNSEL: Did they tell you where they came from?

MUKAMA: One of them told me that he was arrested from Nakulabye and another

one from Bwaise, the third one was a teacher also from Nakulabye.

COrwUNSEL: So you spent the night on the balcony until the following morning?

MUKAMA: Yes.

COUNSEL: Now the following morning, what happened to you?

MR. KAWANGA: Before he goes to the following morning, I just want one clarification. This whole torture exercise, was it done by Odong alone?

MUKAMA: They were many but mostly it was this Odong -

MR. KAWANGA: So Odong was the one leading the group?

MUKAMA: Yes.

MR. KAWANGA: How many others were there?

MUKAMA: About seven.

MR. KAWANGA: Were they all beating you at the same time?

MUKAMA: Each one took off his own time.

MR. NAGENDA: May be just another very small clarification. There had been twenty people on the balcony to begin with. Then when you went back, there were three and you were the fourth? What had happened to the other sixteen?

MUKAMA: I do not know where they were taken.

MR. NAGENDA: When you were being beaten up, were you just by yourself or some of the other people were also being beaten up?

MUKAMA: I was alone.

COUNSEL: Now, the following day, what happened to you?

MUKAMA: The following day which was a Sunday, we were beaten the four of us.

COUNSEL: By whom?

MUKAMA: By the same Odong.

COUNSEL: At what time was this?

MUKAMA: They started at 10.00 a.m.

COUNSEL: How long did it last, the beating?

MUKAMA: The beating went on for thirty minutes.

COUNSEL: What happened after that?

MUKAMA: He left us there.

COUNSEL: For how long?

MUKAMA: We spent the whole day there and other people came and beat us.

COUNSEL: Which other people?

MUKAMA: Odong's friends.

COUNSEL: Then what happened next?

MUKAMArw: On the following day, the 29th, Odong ordered that I be transferred to room number 311.

COUNSEL: This is 29th November?

MUKAMA: Yes.

COUNSEL: Yes, were you transferred?

MUKAMA: He instructed one of his colleagues to take me to that room.

COUNSEL: Were you taken?

MUKAMA: When I reached room 311, the people whom we met there said that we have already known that man's place. So take him to room number 326.

COUNSEL: How many people did you meet in room 311?

MUKAMA: I met one person in the office.

COUNSEL: How was he dressed?

MUKAMA: He was just in civilian cloth.

COUNSEL: And what was he doing?

MUKAMA: It seemed he was the one on duty.

COUNSEL: Were you taken to room 326?

MUKAMA: Yes.

KAKWENZIRE: I am wondering if he knew the person in room 311!

MUKAMA: No, I did not know him. I did not spend a long time there.

COUNSEL: Who did you meet in room 326?

MUKAMA: The gentleman who led me to room number 326 mentioned the name of the person I met there to be Kasule Susu.

COUNSEL: Did you meet Kasule Susu?

MUKAMA: Yes.

COUNSEL: What happened?

MUKAMA: When the gentleman who took me there handed me over to the said Susu, he ordered me to remove my clothes; to take off my clothes.

COUNSEL: Did you remove these clothes?

MUKAMA: Yes, I remained only in the underpants.

COUNSEL: What happened next?

MUKAMA: He ordered me to enter one of the rooms where I met other people also who were naked.

COUNSEL: How many were these people?

MUKAMA: They were very many. You could not even get a space where to sit.

COUNSEL: Was this one of the rooms in the same suite, in 326?

MUKAMA: Yes.

COUNSEL: Did you join these people?

MUKAMA: Yes, I joined these people.

COUNSEL: What happened when you joined them?

MUKAMA: After about five minutes, the said gentleman called me.

COUNSEL: Which gentleman?

MUKAMA: Kasule Susu called me.

COUNSEL: Did you comply?

MUKAMA: Yes, I went to him.

COUNSEL: What happened?

MUKAMA: He started kicking me about and he beat me with some iron bars.

COUNSEL: For how long?

MUKAMA: It took him about ten minutes.

COUNSEL: While beating you, did he say anything to you?

MUKAMA: He told me, you are the ones who have finished our soldiers.

COUNSEL: Were you engaged in activities of finishing these soldiers?

MUKAMA: No Sir.

COUNSEL: So what did you tell him?

MUKAMA: I told him that I am not the one.

COUNSEL: What happened next after you told him that?

MUKAMA: After beating me, he applied soap lather under my feet.

COUNSEL: Yes, what happened next?

MUKAMA: After beating me, he applied soap lather under my feet and ordered me to put my feet up against the wall. There were some nails on the floor. Whenever I put my feet against the wall, I slid landing my hands on these nails, as well as beating me. Since I had already been beaten I could not make it.

COUNSEL: How long did this one take?

MUKAMA: It also took about ten minutes.

COUNSEL: After that, what happened?

KAKWENZIRE: Clarification. Is it the feet he was landing on, the knees or the hands?

MUKAMA: Because I was weak, I could not make it. So I had to fall on the nails.

COUNSEL: Yes, after the ten minutes, what happened?

MUKAMA: They ordered me to go back and join my friends.

COUNSEL: Your many friends in room 326?

MUKAMA: Yes Sir.

COUNSEL: Were you able to move back to this room?

MUKAMA: I crawled back to that room. And from that moment, I started urinating blood for about a week.

COUNSEL: Now when you were in this room where you had so many colleagues, were you given food?

MUKAMA: They could give us food for the day and then we could spend two days

without eating.

COUNSEL: Were you given beddings?

MUKAMA: As they had ordered us to take off our clothes, some of us used to sleep on the balcony and whenever it used to rain, the rain could beat us.

COUNSEL: Were you given medical treatment?

MUKAMA: There was no treatment at all. Who can treat a bandit?

COUNSEL: Were you given water for bathing?

MUKAMA: We were not given water for bathing.

COUNSEL: After one week in this room, what happened?

MUKAMA: They used to beat us.

COUNSEL: Perhaps before we leave this room, how were you able to ease yourselves? Were you given toilet facilities?

MUKAMA: The toilet was inside the suite.

COUNSEL: With toilet papers?

MUKAMA: No, there was no toilet paper at all.

COUNSEL: Newspapers?

MUKAMA: There was no newspaper.

COUNSEL: Leaves?

MUKAMA: There were no leaves.

COUNSEL: What was there?

MUKAMA: After easing yourself, you leave the toilet, you just go.

COUNSEL: How long did you stay in this room in these same conditions you have described?

MUKAMA: I spent a whole year in this room, in this condition.

COUNSEL: Were you allowed to see or let me put it another way. Were your relatives allowed to see you in this room 326?

MUKAMA: It was impossible and if one dared to come, those people would call him a bandit also.

COUNSEL: Did your relatives know that you were in room 326 in the Nile Mansions building?

MUKAMA: Yes, they knew because my neighbour came on Monday and when he came, he was badly treated. They wanted also to add him on me.

COUNSEL: Who is your neighbour?

MUKAMA: He was a police officer.

COUNSEL: His names?

MUKAMA: Isabirye Mugoya.

COUNSEL: Where is he these days?

MUKAMA: He is still in the police force.

COUNSEL: Where is he stationed?

MUKAMA: I do not know where he is stationed at present?

COUNSEL: Okay, when he came, what happened to him?

MUKAMA: He was beaten up.

COUNSEL: Where was he beaten up? In 326?

MUKAMA: Yes, in 326.

COUNSEL: You were able to see when he was being beaten.

MUKAMA: The door was open, I could see him.

COUNSEL: For how long was he beaten?

MUKAMA: He was beaten for about five minutes.

COUNSEL: What happened after that?

MUKAMA: I did not know what happened after that.

COUNSEL: Did he remain in the room?

MUKAMA: No, he did not remain in the room.

COUNSEL: Where did he go?

MUKAMA: I did not know where he went.

COUNSEL: But he was no longer with you?

MUKAMA: He never came to the room where we were.

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COUNSEL: So after he went, what happened to you?

MUKAMA: They came and interrogated me.

COUNSEL: What did they ask you?

MUKAMA: They asked me that your fellow bandit had come to rescue you?

COUNSEL: Did they know that he was also a police officer?

MUKAMA: He was in police uniform.

COUNSEL: Okay, proceed. What else did they ask you?

MUKAMA: That is all they asked me.

COUNSEL: Now, after you were visited by Mr. Mugoya, how long did you stay in this room?

MUKAMA: I said I spent a whole year in Nile Mansions in that room.

COUNSEL: For the whole year, you were being beaten, tortured and so on?

MUKAMA: Yes, they used to beat us.

COUNSEL: Do you still perform sexually as well as before you had been tortured from this room?

MUKAMA: I do not play sex at all.

COUNSEL: How about your hands?

MUKAMA: I still feel some pain on my arms.

COUNSEL: How about your leg which landed on the nails?

MUKAMA: I sometimes feel pain.

SEKANDI: Before you were taken to Nile Mansions, you used to play sex-half way?

MUKAMA: Yes, I was normal; very normal.

COUNSEL: Were you married before you were arrested in this room?

MUKAMA: Yes, I was married with children.

COUNSEL: How many children did you have?

MUKAMA: Nine children. And because I am now impotent, my wife went away.

COUNSEL: Did you want to have more children?

MUKAMA: Yes, I wanted to have more children if God wishes it to me, why can I not use that chance?

COUNSEL: When were you released?

MUKAMA: I was released in June, 1984.

COUNSEL: June, 1984 - do you remember the date?

MUKAMA: I do not remember the date.

COUNSEL: Now you have mentioned that you have some deformity. Did you like to say something?

MR. KAWANGA: No, no; even before that - how did you come to get released? What happened?

MUKAMA: After one complete year, we were removed from Nile Mansions.

COUNSEL: Where were you taken?

MUKAMA: We were taken to Summit View. And Mr. Odong was in-charge of the prison.

COUNSEL: How big was this prison? Could you describe 10 feet by 20 feet? Or less or bigger?

MUKAMA: That prison consists of small cells which can occupy one, two people like that.

COUNSEL: Would it fit three people?

MUKAMA: As it was a prison, there was nothing to do.

COUNSEL: When you were two, did you feel comfortable?

MUKAMA: Yes; you could feel a little bit comfortable.

COUNSEL: How about when you were three?

MUKAMA: You just sat down.

COUNSEL: But were you comfortable when you were three?

MUKAMA: We were just sitting.

COUNSEL: Yes; what happened next, after you were taken to Summit View?

MUKAMA: There Mr. Odong told us that anyone who has money can make his own way before he is killed.

COUNSEL: How much did he suggest to you?

MUKAMA: Each one of us was requested to pay 1.5 million shillings.

COUNSEL: Were you able to raise this money?

MUKAMA: My Lord, where there is death, how could I not raise that money?

COUNSEL: How did you raise this money?

MUKAMA: That man was kind enough to tell us that thing; he asked us to give him addresses of our people so that he could go and get this money there.

COUNSEL: Did you give addresses of your people?

MUKAMA: I did it.

COUNSEL: Whose address did you give?

MUKAMA: I gave him the address of my home.

COUNSEL: To whom did you address the address?

MUKAMA: To my wife.

COUNSEL: What happened? Did you receive the feed back?

MUKAMA: When he came back, he told me that he had seen my people.

COUNSEL: Yes!

MUKAMA: He directed her to the place where she will meet him.

COUNSEL: Before you got this detail; did you write a note to your wife that I have sent this person, he wants 1.5 million shillings and so forth?

MUKAMA: I wrote a note telling her to come and see me.

COUNSEL: How did you expect your wife to get this money? Did you have this money?

MUKAMA: I had not this money; but because there was that problem.

COUNSEL: What advice did you give your wife to get the money?

MUKAMA: I told her to go to my parents and her parents.

COUNSEL: Was the money raised?

MUKAMA: Eventually, the money was raised.

COUNSEL: After how long?

MUKAMA: After a year, they were looking for that money.

COUNSEL: That is when you were at Summit View; you spent about a year at Summit View?

MUKAMA: Yes.

MR. NAGENDA: Just a little clarification here. You were arrested in November, 1982; and you left prison in June, 1984. Am I right? So that is a year and seven months.

MUKAMA: That is it.

MR. NAGENDA: And were you in Nile Mansions for a year or less than a year?

MUKAMA: I spent a year at Nile Mansions.

MR. NAGENDA: So you spent seven months at Summit View.

MUKAMA: Yes.

MR. NAGENDA: Okay. And therefore the seven months you were there when they were looking for the money.

MUKAMA: Yes.

MR. NAGENDA: I see.

COUNSEL: During these seven months, were any of your friends released? Did they manage to get the money and got released?

MUKAMA: Some were not released; others were killed.

COUNSEL: How do you know, they were killed?

MUKAMA: Because they were never seen again.

COUNSEL: Where did you not see them again?

MUKAMA: They used to take them during the night.

COUNSEL: I see. Did you look for them after you were released to find out whether they are not in their homes?

MUKAMA: I tried very hard to look for them; and one of my friends with whom I was working was never seen again; he disappeared.

CHAIRMAN: Did you witness any killing; or this is an assumption you made after you have not seen them again?

MUKAMA: One of them was killed here at Nile Mansions; he was called Moses Irumba.

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COUNSEL: Was it in your presence?

MUKAMA: Yes; in our presence?

COUNSEL: How did they kill him?

MUKAMA: He was shot dead.

COUNSEL: What were other particulars of this Irumba?

MUKAMA: It was concerning with guerrillas.

COUNSEL: Where was his home?

MUKAMA: He came from Bushenyi.

COUNSEL: Did you find out whether he was in Bushenyi or he was arrested in Kampala?

MUKAMA: I did not find out.

COUNSEL: I see. Now these people you are assuming died or were killed, what were their names?

MUKAMA: There was Aida Katusabe who was a Corporal in Police.

ÇOUNSEL: Where was her station of work at the time of her arrest?

MUKAMA: She was stationed at Police College.

COUNSEL: Yes.

MUKAMA: There was Margaret Rwakanengere.

COUNSEL: Yes, Rwakanengere from where?

MUKAMA: She was from Mbarara.

COUNSEL: Did you know the nature of her work?

MUKAMA: She was self-employed.

COUNSEL: Yes!

MUKAMA: Maria Twinobusingye.

COUNSEL: Yes! From where?

MUKAMA: She was also from Mbarara.

COUNSEL: Yes!

MUKAMA: This one was also self-employed.

COUNSEL: Anybody else?

MUKAMA: Sewankambo.

COUNSEL: Is this from where?

MUKAMA: He was from Kampala; but I do not know the particular place.

COUNSEL: Did you find out his work before his arrest?

MUKAMA: He was a mechanic.

COUNSEL: Anybody else?

MUKAMA: Hamidi; he came from Jinja.

COUNSEL: Yes.

MUKAMA: These are the ones I can recall.

COUNSEL: I see. So eventually the money was raised and you paid it to who?

MUKAMA: My wife handed over the money to Mr. Odong.

COUNSEL: Was this in your presence?

MUKAMA: No, I was not present.

COUNSEL: Who told you that the money has been paid?

MUKAMA: My wife told me. And then I was released.

COUNSEL: Now how were you released?

MUKAMA: I was in the cell; and Mr. Odong accompanied me in his vehicle and dropped me somewhere.

COUNSEL: Where did he drop you? Was it at night; day time?

MUKAMA: It was during day time.

COUNSEL: Where?

MUKAMA: He dropped me at Lugogo by-pass.

COUNSEL: How did you feel when you were dropped there?

MUKAMA: I thought he had gone to bring his other friends so that they shoot me.

COUNSEL: What did you do?

MUKAMA: I walked on foot up to Mukono.

COUNSEL: I see. What happened at Mukono?

MUKAMA: At Mukono I got a vehicle which took me up to Jinja.

COUNSEL: Did you have cloth with you?

MUKAMA: Mr. Odong himself gave me clothes.

COUNSEL: Did he give you an identity? Did you not fear to walk without an identity card?

MUKAMA: He gave me a sort of letter.

COUNSEL: I hope you are still keeping it.

MUKAMA: I tore it.

COUNSEL: Why?

MUKAMA: Because of fear that if he looked for me, he found it, it would bring me some problems.

COUNSEL: So it would appear even you did not sit quietly at your home. Did you hide after the release?

MUKAMA: I spent a year without staying in my home.

COUNSEL: Where did you stay in that year?

MUKAMA: I went to my uncles at Kidera.

COUNSEL: I see. Now to go back to this Summit View; can you locate this house or prison where you were imprisoned?

MUKAMA: Summit View - we were living in sort of tents- temporary tents which were erected there.

COUNSEL: Was it a sort of matted tents; or what was it? Is it one house or so many?

MUKAMA: There were many soldiers in that tent.

COUNSEL: I see. You have said much about this Odong. Who is this Odong?

MUKAMA: That Odong was one of the high authorities in that room.

COUNSEL: Do you know where he is?

MUKAMA: My Lord, when you summoned me to come here, I thought you were going

to take me back. I cannot tell where Odong is.

COUNSEL: I see. How about this Kasule Susu?

MUKAMA: I do not know where he is. I have never stopped in Kampala.

COUNSEL: Oh; since you were released from Summit View, you have never been in Kampala?

MUKAMA: I have never tried to step in Kampala.

COUNSEL: I see. Now did you find out how this 1.5 million shillings was raised? And have you managed to pay those who raised it?

MUKAMA: Yes; some animals were sold from my home.

COUNSEL: Now how did you find your family?

MUKAMA: When I returned to my home I found that my eldest son had died.

COUNSEL: How about the others? Did he die of natural death?

MUKAMA: Yes, he died of natural death.

COUNSEL: I am sorry about that. How about the others?

MUKAMA: The others are there.

COUNSEL: Now what do you say about these years you had in Nile Mansions, Summit View and the ransom you had to pay for your safety? For I am asking you all these - we want to find out rwso that remedy can be found for what you suffered.

CHAIRMAN: Counsel, it seems the witness should be given a bit of time before he can recollect himself, before he can give evidence properly again.

COUNSEL: Then subsequently, my Lord, I ask for an adjournment so that he can recollect himself.

CHAIRMAN: Mr. Mukama, we would like to give you some time to - we notice that this memory has broken you down. Do you need some time before you resume telling us the story? At least how much time?

MUKAMA: My Lord, let us finish the matter now.

CHAIRMAN: Yes, maybe, so that we do not postpone the agony. I think he is right.

COUNSEL: Any statement you want to make to the Commission about this incident

MUKAMA: which you were involved; and the death of other people mentioned?
I have nothing to tell this Commission.

COUNSEL: Did you know why really you were arrested and treated this way? Did you see any motive behind those who arrested you and caused you to be

tortured like this?

MUKAMA: Those people who arrested me had a motive but I cannot tell the reason why.

COUNSEL: Were you involved in banditry activities?

MUKAMA: I have never done it.

COUNSEL: Is it true to say that you lost your job because of the imprisonment in Nile Mansions and Summit View?

MUKAMA: That was not the cause why I lost my job; but I feared to go back hoping that they might look for me again.

MR. NAGENDA: Well, let us continue with that point. Would you in fact like to go back to the Police now that you know that things have changed?

MUKAMA: Yes, I would like.

COUNSEL: Now you mentioned some of the tortures that were made to you personal. Would you like to show this Commission some of the real evidence that have remained on your body?

MUKAMA: Yes, I can.

COUNSEL: Okay, show it to the Commission.

COUNSEL: As long as it does not embarrass you.

CHAIRMAN: Can you come at this nearer please; that is too far away.

COMMISSIONER: You see such; yes; it was terrible.

COUNSEL: My Lord, this is all the evidence from this witness.

CHAIRMAN: Mr. Mukama, I just want to follow up one point. Few days after you were brought, you were stripped off to pants. Now this one year you stayed in Nile Mansions, were you in pants all the time or did you get some clothes later? When and who gave it to you?

MUKAMA: I did not get any clothes.

CHAIRMAN: You mean for one year - did you put your clothes back or you remained in pants for one year.

MUKAMA: They took our clothes and they used to wear them. So we were in these pants all the time.

CHAIRMAN: And you were in pants for one year?

MUKAMA: Yes, My Lord.

MR. NAGENDA: He said, when it got torn, he changed it round and then he would change with its back and he bore.

CHAIRMAN: This went on; what about when you were transferred to the Summit View; you went in the same pants?

MUKAMA: Yes, I went in the same pants, because we were taken during the night.

CHAIRMAN: How long were you in pants in Summit View?

MUKAMA: In those seven months.

CHAIRMAN: In the same pant?

MUKAMA: Yes; if it gets torn you go naked.

CHAIRMAN: When did it get torn?

MUKAMA: It did not even take two weeks before it was torn.

CHAIRMAN: And for the rest of the six months and two weeks, what did you use?

MUKAMA: I was putting on that rag.

CHAIRMAN: You continued in a rag throughout?

MUKAMA: Yes.

CHAIRMAN: Until you were released?

MUKAMA: Yes.

CHAIRMAN: And when Odong took you to Lugogo by-pass, what were you in?

MUKAMA: He got me some clothes.

CHAIRMAN: What about shoes?

MUKAMA: I did not see the shoes and the watch.

CHAIRMAN: You lost shoes and watch in Nile Mansions?

MUKAMA: Yes.

CHAIRMAN: About feeding - were you being fed; given food?

MUKAMA: In Nile Mansions?

CHAIRMAN: Yes.

MUKAMA: My Lord, I explained that we could spend two days without food; and on

the third day we used to get food; every after two days.

CHAIRMAN: Was Odong in charge of your room of confinement throughout the one year?

MUKAMA: Yes, he was in charge when we were transferred to 326.

CHAIRMAN: Did he tell you why you were being confined there for so long?

MUKAMA: Yes, he gave us the reason.

CHAIRMAN: What was it?

MUKAMA: He told us that he was going to look into our cases; and if he finds out we are not bandits, he would release us.

CHAIRMAN: Which he never did; well, eventually, after you had paid a ransom. How many of the others also stayed in Nile Mansions for one year like you did?

MUKAMA: I left many people there.

CHAIRMAN: No, I mean, did anybody else?

MUKAMA: Yes; especially, these girls whom I have mentioned; I was with them for the whole year.

CHAIRMAN: Did you find them there or they found you there?

MUKAMA: I met Margaret and Maria there.

CHAIRMAN: And when you were transferred, did you leave them there?

MUKAMA: I went with them on the same trip.

CHAIRMAN: To the Summit View?

MUKAMA: Yes.

CHAIRMAN: Did you leave them behind at the Summit View?

MUKAMA: They were removed before I raised the money?

CHAIRMAN: Removed by who?

MUKAMA: There was one who was referred to as a 'Computer' called James.

CHAIRMAN: He came and identified them?

MUKAMA: Yes.

CHAIRMAN: They were removed by the authority; were they? Or were they released on payment of ransom?

MUKAMA: No.

CHAIRMAN: Which one? They did not pay ransom?

MUKAMA: They did not pay ransom.

CHAIRMAN: I see. Thank you.

MR. NAGENDA: Perhaps, I will just carry on from there. Do you know what happened to any of the people who did not pay ransom?

MUKAMA: My Lord, after finishing my case, I do not know what happened next.

MR. NAGENDA: But did you have any cases of people being killed at the Summit View?

MUKAMA: From us?

MR. NAGENDA: Yes.

MUKAMA: Those are some of the names I gave you.

MR. NAGENDA: At the Summit View, were you fed better than you had been at Nile Mansions?

MUKAMA: There we used to get food.

MR. NAGENDA: Every day?

MUKAMA: We used to eat once a day.

MR. NAGENDA: What type of menu was this, anyway?

MUKAMA: It was posho.

MR. NAGENDA: And beans.

MUKAMA: Yes.

MR. NAGENDA: And meat perhaps sometimes?

MUKAMA: No, we did not eat meat.

MR. NAGENDA: Now you were at this Nile Mansions here, one of the best hotels in the whole country, for one year; were you allowed to walk outside the room for exercise or were you just on that balcony for one year?

MUKAMA: My Lord, as we were being called bandits, we were not allowed to walk out; they would think that we could carry or take message to the other bandits so that they come for us.

MR. NAGENDA: So for the whole year, you stayed in 326, sitting down, only getting up and go, do your business and perhaps you did it. Is that it?

MUKAMA: Yes.

MR. NAGENDA: Now you gave us the name of this gentleman, Mr. Odong; after a whole year perhaps you knew the names of some of the other people.

MUKAMA: My Lord, those men had very funny names; some were called, Killer, Guerrilla, Lira-Lira, like that.

MR. NAGENDA: But as far as you saw these people on the street, you can probably remember them.

MUKAMA: I can identify them.

MR. NAGENDA: Has it ever happened that you saw any of thbse people?

MUKAMA: My Lord, as Odong did caution me not to step in Kampala, I had never stepped in Kampala.

MR. NAGENDA: Now when you found that part - you were so badly beaten , so that you were impotent, have you seen a doctor?

MUKAMA: Yes, I tried for one and half years.

MR. NAGENDA: No hope?

MUKAMA: No hope.

MR. NAGENDA: I was very sorry to hear that your wife left you because of this condition but are you still with some of your children?

MUKAMA: Yes; I have them.

MR. NAGENDA: Going through what you underwent, you said, you would like to go back to security if you can; and this, of course, is something that we recommend very highly; but do you think that the kind of torture you got, will not make you a cruel police man?

MUKAMA: I cannot, My Lord; because I was not born like that.

MR. NAGENDA: Finally, let me ask you - we heard some bad stories about the place you used to work in Special Branch, did you see some torture going on in that for yourself when you went into the Nile Mansions?

MUKAMA: It has never happened, my Lord.

MR. NAGENDA: You never saw it. Did anybody have a grudge against you; do you think, you were reported to these people as a guerrilla?

MUKAMA: It is possible that there was somebody who reported me.

MR. NAGENDA: Have you ever heard of somebody who might have done this?

MUKAMA: There was a gentleman reported to be dead, who came to me physically and told me that.

MR. NAGENDA: What did he tell you exactly?

MUKAMA: He told me that the vehicle I was driving was taking clothes and food to the bandits.

MR. NAGENDA: So you think this man went and reported you?

MUKAMA: That is what I think he did.

MR. NAGENDA: Which vehicle did he mention which you were driving, which was taking food to guerrillas?

MUKAMA: I was driving a Ford saloon.

MR. NAGENDA: Your own car or?

MUKAMA: It was a government vehicle.

MR. NAGENDA: Okay, you said, this man is dead, but you tell us his name.

MUKAMA: He was called Sam Mukama.

MR. NAGENDA: A relative of yours?

MUKAMA: My tribe.

MR. NAGENDA: Okay.

MR. KAWANGA: Mr. Mukama, you spent a whole year in Nile Mansions; you have given us a case of Irumba whom you saw being shot. Can you describe how this happened?

MUKAMA: Mr. Irumba was arrested on banditry charge; he denied that he was a bandit; they told him that he should keep saying and confess that he was a bandit.

MR. KAWANGA: Where was he shot?

MUKAMA: They first shot him in the legs.

MR. KAWANGA: Yes!

MUKAMA: Then they shot him in the chest.

MR. KAWANGA: In the room?

MUKAMA: Yes.

MR. KAWANGA: When you were seeing all this?

MUKAMA: Yes.

MR. KAWANGA: And then the body was carried out?

MUKAMA: We were the ones who lifted the body.

MR. KAWANGA: To where?

MUKAMA: We took it to the balcony.

MR. KAWANGA: Was this at night or during the day?

MUKAMA: It was during the night.

MR. KAWANGA: Okay, you have taken the body to balcony then what happened to it?

MUKAMA: We were told to go back to the room where we were staying.

MR. KAWANGA: I see. So you do not know what happened to the body thereafter.

MUKAMA: I do not know.

MR. KAWANGA: Besides the Irumba, do you remember some other persons who died in that place?

MUKAMA: No.

MR. KAWANGA: Did you see people being tortured besides your own torture?

MUKAMA: We were all being tortured.

MR. KAWANGA: Do you remember somebody at least who was tortured when you were seeing?

MUKAMA: I saw one girl who was called Mulondo.

MR. KAWANGA: Yes; what happened?

MUKAMA: Her dress was stripped off and she was beaten.

MR. KAWANGA: Yes; anything else?

MUKAMA: And they burnt her with jerry cans.

MR. KAWANGA: Where on the back or?

MUKAMA: All over the body.

MR. KAWANGA: Do you know what happened to her afterwards?

MUKAMA: I do not know what happened to her.

MR. KAWANGA: You have never seen her again?

MUKAMA: I have never seen her again.

MR. KAWANGA: Any other person.

MUKAMA: I do not remember any other person.

MR. KAWANGA: Apparently when you were brought to this place you first faced Morris Okello whom you knew very well?

MUKAMA: Yes.

MR. KAWANGA: What rank had he been in the police?

MUKAMA: He had no rank.

MR. KAWANGA: By the time you knew him he had no rank? He was just a constable?

MUKAMA: Yes.

MR. KAWANGA: Had he worked under you or with you?

MUKAMA: No.

MR. KAWANGA: You just know him as a rankless policeman?

MUKAMA: Yes.

MR. KAWANGA: And you had never had any quarrels with him?

MUKAMA: No, I have never had any quarrels with him?

MR. KAWANGA: Now, what intrigued me is the fact that they allowed you to stay in that place for a whole year. That explanation do you have for it? Others were killed and so on why were you kept?

MUKAMA: The boss wanted money so his intention was to keep us there in such a state.

MR. KAWANGA: Odong? Did Morris Okello ever ask you for any money?

MUKAMA: No, he never asked me for any money apart from telling me to remove my shoes and a watch.

MR. KAWANGA: Were you ever forced to act as a computer during your stay there?

MUKAMA: No.

MR. KAWANGA: No, you were never asked to say other people had been bandits with you.

MUKAMA: No, they never asked me.

MR. KAWANGA: Among the names you gave, you gave the name Christine Nabaterega, could this also be the same Christine Bamutire that we have been hearing of so much or this is a different one?

MUKAMA: I did not know whether -

MR. KAWANGA: You have never heard of Christine Bamutire?

MUKAMA: I have ever heard of her.

MR. KAWANGA: But you do not know whether she is the same person?

MUKAMA: I do not know.

MR. KAWANGA: Now you were taken to Summit View and you were kept there, naked. Do you want to suggest that for one year and seven months you never bathed at all?

MUKAMA: When we were transferred to Summit View, we were provided with water for bathing.

MR. KAWANGA: Otherwise for the whole year you stayed here you never bathed at all.

MUKAMA: No, I never bathed at all.

MR. KAWANGA: And it means even at Summit View you were just staying almost naked, exposed to the sun and the cell? But with no clothes on?

MUKAMA: With no clothes on neither beddings.

MR. KAWANGA: Now you have mentioned these ladies, you said they were taken by, is it Musisi? Musisi, do you know why he took them away?

MUKAMA: That man had dealings with Susu. He used to come to Susu and report that these girls used to write chits to some people. I think that is the reason.

MR. KAWANGA: Okay, finally this gentleman when you refer to as the kind one, who told you the man wants money, what is his name?

MUKAMA: Odong himself.

MR. KAWANGA: Oh, he is the one who said I want money?

MUKAMA: Yes, Sir.

MR. KAWANGA: And he is the one you directed to your home?

MUKAMA: Yes.

MR. KAWANGA: I thought there was a third. Okay thank you.

MR. NAGENDA: Just on this Summit View thing it sounds as if that place actually belonged to Mr. Odong that you were his personal prisoners rather than the prisoners of the state, is this true?

MUKAMA: That is true?

MR. NAGENDA: Did you by any chance ever hear what happened to Odong?

MUKAMA: I never had a chance to hear what happened to Odong.

MR. NAGENDA: If you saw, Mr. Okello, would you recognize him, Morris.

MUKAMA: Yes, I know that one.

MR. NAGENDA: Thank you.

KAKWENZIRE: I am finding it very difficult to ask you questions but they are plenty. I want to know what sort of treatment was being dished out to these ladies you have mentioned, how were they tortured?

MUKAMA: They were beaten up.

KAKWENZIRE: Was ransom also demanded of them at the same time ransom was being demanded from you?

MUKAMA: I do not know because the boss used to tell one by one, I do not know whether it was at the same time.

KAKWENZIRE: I did not quite get you, maybe I am wrong, I seem to hear you saying that you have not been able to trace them but you made inquiries and discovered that they are no longer around, is that what you said?

MUKAMA: Yes.

KAKWENZIRE: How did you make those inquiries, do you know their people?

MUKAMA: One of those her relatives are in Jinja.

KAKWENZIRE: Which one?

MUKAMA: Is Aida Katushabe.

KAKWENZIRE: And the relatives, have confirmed she is dead?

MUKAMA: Yes, they confirmed.

KAKWENZIRE: And through those relatives you made similar inquiries about Margaret Rwakanengyere?

MUKAMA: No, I did not.

KAKWENZIRE: So, you do not know whether she is alive or dead?

MUKAMA: I do not know.

KAKWENZIRE: You were definitely together with these people for quite sometime and I assume may be you used to talk, were they also identified by the same computer who identified you?

MUKAMA: Yes.

KAKWENZIRE: This is Christine Nabaterega?

MUKAMA: These were picked by Susu.

KAKWENZIRE: Now this Christine Nabaterega whom you said they were calling Mrs. Oyite Ojok, did she look to you as if she was being forced to identify people or did she look as if she was doing something confidently or enjoying or doing it voluntarily. How did she look to you?

MUKAMA: It was her job.

KAKWENZIRE: She was not being beaten to identify people, she was not being pushed and harassed to say, to do the job?

MUKAMA: No.

KAKWENZIRE: Had you met her before? No, had you met her before, before you met in Nile Mansions did she know you as a person.

MUKAMA: That was my first time to see her.

KAKWENZIRE: When she said she knew you how did you react to her, surely you must have protested, did you try or you were too scared to protest?

MUKAMA: I denied that is why I was severely tortured.

KAKWENZIRE: And when you denied did she insist?

MUKAMA: Yes, she insisted when I denied.

KAKWENZIRE: Again on these ladies were they also walking about naked like you were?

MUKAMA: No, the ladies were not treated like that.

KAKWENZIRE: But surely after a year their clothes must also have been worn out especially when they were not being washed.

MUKAMA: Eventually their clothes were torn.

KAKWENZIRE: So, by the time they got to Summit View they were also half naked or?

MUKAMA: Yes.

KAKWENZIRE: All this time you were not bathing?

MUKAMA: All this time in Nile Mansions we were not bathing.

CHAIRMAN: Okay, Mr. Mukama we are sorry you have had to relate this story which must have been very painful doing so but it is necessary that people who have had experience you have had should come and let us know what happened without fearing that they would not like to be reminded again of the same experience. So we thank you for having come and for the evidence you may go now. Sorry, about the other thing the Commissioner had referred to about your wish to rejoin the police, you have not yet made any attempt to do so, have you? Have you approached the police authorities?

MUKAMA: I have attempted, my Lord.

CHAIRMAN: Where at Jinja or the Police Headquarters?

MUKAMA: I first went to Jinja Police.

CHAIRMAN: Yes, next?

MUKAMA: Then I was sent to Headquarters at Parliament Building.

CHAIRMAN: Did you go personally or you wrote an application?

MUKAMA: I went there personally.

CHAIRMAN: Whom did you see?

MUKAMA: I saw the staff officer.

CHAIRMAN: When was this?

MUKAMA: In May this year.

CHAIRMAN: What did he tell you?

MUKAMA: He told me that they would call me.

CHAIRMAN: And you have been waiting since?

MUKAMA: Yes, I have been waiting and yesterday when I was here I passed via the Headquarters.

CHAIRMAN: Yes, what did they tell you?

MUKAMA: He told me that I was allowed to rejoin the police force.

CHAIRMAN: Yes, when? When will you rejoin?

MUKAMA: Even just now if I am given a letter straight away I go back.

CHAIRMAN:

MUKAMA:

CHAIRMAN:

MR. NAGENDA

CHAIRMAN:

COUNSEL:

CHAIRMAN:

CHAIRMAN:

CHAIRMA

COUNSEL

CHAIRMA

COUNSE

KALULE

CHAIRMAN: Did he tell you when to collect the letter?

MUKAMA: He told me to go there today.

CHAIRMAN: So, the work is already done, you made the Commissioner here promise things which you have already done.

MR. NAGENDA: But my promise still stands should you have any problems.

CHAIRMAN: So, from here you better go now there is still time. I think you go and collect the letter for your re-appointment. If there is any problem let the Secretariat of this Commission know, they will inform us. Okay, thank you.

COUNSEL: My Lord, as I indicated informally the other witnesses we expected today had domestic problems, they have lost a relative and they were unable to come when collected, so today's business may have to end here my Lord. Tomorrow we have some witnesses and then if transport permits we may visit certain places that have been mentioned in the evidence by witnesses.

CHAIRMAN: Well there is no choice then in any case it is approaching about three o'clock and it is about time we had lunch, I think. So, we shall adjourn now until 9.30 a.m. tomorrow here.

CHAIRMAN: Ladies and Gentlemen, let us start the Session of today, the 3lst of July 1987. Again by our usual standards it is very early it is before ten o'clock.

COUNSEL: Lord Chairman, Lady and gentlemen Commissioners, the first witness I have is Mr. - well, my Lord, there is a witness who was supposed to have come yesterday, to relate what happened at Namugongo. that is the lady you see there - Kalule. She was one of the ladies who were tortured at Namugongo. But, since the kind of evidence we expect from her is the same as that has been given by the others, my Lord, maybe, I just want to thank her for having come to assist the Commission. But I do not intend to adduce evidence from her.

CHAIRMAN: Counsel, well, I do not know because, perhaps, let us - now that she is here and she has taken the seat, let us hear from her matters which, perhaps, relate to her individually. You know.

COUNSEL: That is right.

CHAIRMAN: It may be different from what the others experienced.

WITNESS NO.139: MISS ROBINA NALULE KALULE - SWORN IN

COUNSEL: Would you state your name, please?

KALULE: Robina Nalule Kalule.

COUNSEL: Where do you live?

KALULE: Namirembe.

CHAIRMAN: Sorry, I missed the third name.

KALULE: Kalule.

COUNSEL: What do you do at Namirembe?

KALULE: I work as a commissioned worker.

COUNSEL: For how long have you worked as a commissioned worker in the Diocese of Namirembe?

KALULE: Since the lst of January -

MR. NAGENDA: What is a commissioned worker, please?

KALULE: Before you are made a priest - before you get a collar - when you are a lady.

COUNSEL: January which year.

KALULE: 1987.

COUNSEL: Before 1987, where were you?

KALULE: I was at Namugongo.

COUNSEL: Namugongo, Martyrs' Seminary.

KALULE: Yes.

COUNSEL: For how long have you been - were you - at Namugongo?

KALULE: I spent three years at Namugongo.

COUNSEL: Shall I take it that you were there in 1984?

KALULE: Yes I was there.

COUNSEL: We have been told by some people from that seminary - some teachers, others who were students there - that the seminary was attacked some time in 1984. Is that true?

KALULE: It is true.

COUNSEL: Were you present when this attack took place?

KALULE: I was present.

COUNSEL: As a result of this attack, did you suffer anything? Was anything done to you?

KALULE: Yes.

COUNSEL: Were you molested, tortured? It is this kind of thing. This is what we are asking for.

KALULE: I was harassed and I was beaten.

CHAIRMAN: Counsel, let her tell us how it happened, onwards.

KALULE: Should I start from the very beginning?

COUNSEL: No I do not think you start with the attack. You just start when they came what happened.

KALULE: They came on the 22nd at around 4.30 p.m. They jumped off their vehicles, surrounded the whole place and then they proceeded to the nearby forest. After some time, we heard some gun shots. The gun shots went on for some time and then we entered into a certain building - the main building. The gunshots went on and those men were coming near the main building. The Principal at that time came to where we were. We remained with him in the building and the gunshots went on. As they went on shooting wildly, one of the bullets caught one of the students with whom we were and the Principal. We grew frightened and we remained there; our friends were bleeding; but we almost lost consciousness.

The following morning a very tall soldier entered the building - in the hall where we were. He told his friends that there were some people in the building and then we were ordered to get out of the building. We were made to lie down outside. When we were made to lie down, we faced a lot of problems: We were being kicked, beaten and they stole most of our property. As we were still down there, lying down, one of our friends by the name of Walusimbi tried to run away but he was shot dead. Eventually we got up. When we got up, we realized that our Principal had been severely beaten in his eye and the collar was pricked off and he was told to line up. We stood in the line, being surrounded by the soldiers. They had cocked their guns, ready to shoot. That was the last time we saw Principal Godfrey Bazira. We were ordered to walk up to the main road. At the road side there was a mango tree behind the fence. There we met our friends seated there, together with the widow of the late Bazira.

There we met 4 A.P.C.s together with a Land Rover which was half-burnt and many soldiers. We sat down and we were interrogated as to who had burnt that motor vehicle. All the time soldiers gathered there but each soldier who came had the intention of killing. Each group came with its own intentions because one came, kicked you, beat you, asking you this and that. But because their commander was a bit kind, he could not allow them to harass us; but, whenever he went away somewhere, they resumed their duty of harassing. Another group came, perhaps, they were soldiers but they were like animals because their clothes were in rags. They were

very angry. Some of the soldiers pulled my hair because I had very long hair. They used to pull me; I get up, then sit down like that. At that time I was kicked and they had decided to cut off my hair using a panga which they had obtained from a neighbour/s small house. As I told you, whenever their commander went away, that was what was happening. They made all atrocities they liked.

I cannot recall what time it was but eventually they ordered all of us to lie down. Then they started shooting wildly. And there were other heavy shells which were being sent. Eventually when we were ordered to get up all our clothes were socked because of sweat. This was a very hard time. We saw a lot of things which were too much for us. Eventually they told us that they had let us free. But, in order to help us, they told us that they were taking us to the C.P.S. at Kampala. They ordered us to board onto a lorry but the driver was a very harsh man. But he had a hope that he could use his gun and kill some of us. When they told us that they had pardoned us, he felt very embarrassed. When we boarded on the lorry, they had refused us to sit. They had told us to lie down. But on the lorry there were some charcoal, some irons and some property which they had looted. It was very difficult for us - to lie on the lorry. But one of the soldiers who was a bit kind to us told us to sit. We were driven up to C.P.S.

When we reached C.P.S. we were told to jump off the lorry. There were a lot of problems at the C.P.S. because, as you were jumping off the lorry, you were kicked. And I remember one of the students was hurt by a bayonet on his eye. We did not stay a long time at the C.P.S. We were again ordered to board the lorry and we were driven up to Makindye. On reaching Makindye, they alleged that we were bandits. Each of us was given his own punishment. There were different punishments; one would be kicked, one would be boxed -any kind of torture. But God helped us because all of us had our identity cards. Eventually they looked at our identity cards but they were all identical -the same. We were ordered to go into cells, male students were put in their own cells and lady students were in a separate cell. In the cell where I went, there were some other two prisoners. Eventually one soldier entered in the cell where I was. he was looking for money from us. At that time, we were very dirty and very muddy; others had blood on them together with sores. All 11 soldiers were looking for money but all of us were looking very dirty and our pockets were turned out; but no one of us had money. Eventually we were called out of the cells. But we all who were getting out of the cells looked as if ants were getting out of an ant-hill.

We were ordered to board the lorry on which we were carried to Makindye; but the owner of the lorry refused us to board the lorry. He was very hard because it looked as if the things he wanted to be done on us were not done. Another lorry was brought for us. It was a Tata Lorry. We were ordered to board on the lorry although the back door was not opened. Whoever boarded that lorry and whenever he reached on the top as if a bat is on a tree he was whipped. I remember one of my friends fell down, and when we reached the place where we were taken his face was swollen. Eventually their commander came and told them not to beat us.

So for those who remained down got that chance and climbed the lorry peacefully. Eventually we were taken to Mukono Police.

Surprisingly, when we reached Mukono, they wanted to take us to the D.C. -District Commissioner's Office; on our arrival they had left. They told the people who were there that they had helped us because we were displaced. So they had helped us to stay at least somewhere. While we were still at the police station, they went for Bishop Nkoyoyo who came and took us to the bishop's home. Those who were seriously injured were taken to the hospital. Personally at that time I did not feel anything but on the following day I felt I could not even stand up. But eventually I had to walk. I was taken to hospital and I was treated. I was injected. I was also given some medicine. We spent some time at Mukono until we were taken at Namirembe On reaching Namirembe, it was a Saturday, we were told again to go back on Sunday and Monday; but, when we went back on Monday, we were admitted in the hospital. Personally I spent a long time in the hospital because even I did not attend the burial of the late Bazira. We were even taken to the theatre. Eventually we were healed but some of us were even unable to go on with our studies because of the experience we went through. Whenever you reached any place you could not think of anything else other than death; especially Namugongo. But, if you stayed at some other place, you could feel, at least, peaceful. So that prevented us to settle with our studies and the whole place -that is Namugongo - was defiled.

CHAIRMAN: Now I just want to clarify one specific aspect of what you have told us. What injury did you sustain that you had to be injected in Mukono and then admitted in a theatre and so on in Mengo Hospital? What injuries did you suffer or what was done to you?

KALULE: I was severely beaten.

CHAIRMAN: Anything else?

KALULE: And some other atrocities.

CHAIRMAN: Were you sexually molested? Perhaps, to hit the nail on the head.

KALULE: Yes I was.

CHAIRMAN: For your reluctance, so everything is understandable.

MR. NAGENDA: The only reason we ask these questions is because we want to have a very clear picture of what happened and might add that what you have just told us, of course, is a capital offence, where as - I am told by the learned Chairman that I am lying. It is not a capital offence. But what I meant to say is that it is one of these crimes which are not covered by the amnesty. So that, if we are ever in a lucky position of finding any of these - I will not call them animals, because animals do not behave like this - then they will not be covered by the amnesty. That is why we had to find out and we are extremely sorry by the way. Just one - two questions before I go on. You said they wanted to cut off your hair with a panga, which I must

say again is in keeping with these people - but did they cut off your hair?

KALULE: They did not.

MR. NAGENDA: They did not. Good. That is something. You said that, after your persecution - harassment - whatever you want to call it, that you felt very badly, obviously. Did this affect your studies in any way?

KALULE: Yes it affected my studies.

MR. NAGENDA: In what kind of way?

KALULE: I could not concentrate to go on with my studies.

MR. NAGENDA: What had been your ambition? Had you wanted to become an ordained Lady in the Church?

KALULE: I was intending to be ordained but, according to our practice, you first become a commissioned worker, then you can be ordained.

MR. NAGENDA: Have you still got to become a commissioner worker?

KALULE: Yes I will be ordained.

NAGENDA: We were also told of a case of one of your friends, it was yourself who had been a very brilliant student and despite these atrocities, this lady - I suspect it was yourself started now not doing as well as she had done. Is it so?

KALULE: Yes, I am the one.

MR. NAGENDA: Well, I hope very much that your brilliance will return to you and that, you will make a good Priest.

CHAIRMAN: Madam, as I have said to other witnesses who preceded you, in telling us about this incident, we are sorry that you have had to recall in memory this nasty experience. But it is a necessary exercise also and a task which we were expected to do. We thank you for having come and for having given the evidence. You are free to go now.

COUNSEL: My Lord, my next witness is Mr. Pius Kawere, Advocate. His evidence is to relate to unlawful arrest, torture, confinement and many other things. He seems to be a man who has been in this country for some time.

MR. NAGENDA: Excuse me, has this to do directly with the Namugongo case?

COUNSEL: No, no, no.

MR. NAGENDA: Okay.

WITNESS NO.140: MR. PIUS SSEMPA KAWERE - SWORN IN

COUNSEL: You are Mr. Pius Kawere.

KAWERE: I am Pius Ssempa Kawere.

COUNSEL: How old are you.

KAWERE: I am 59 years old now.

COUNSEL: And you are an advocate of the High Court of Uganda.

KAWERE: That is what they say.

CHAIRMAN: What about you? What do you think?

KAWERE: One can never be sure of himself. That being very modest my Lord.

COUNSEL: Where do you reside Mr. Kawere?

KAWERE: I reside in Bukemero, very near Namugongo.

COUNSEL: I see. How far is it from Namugongo to the Church of Uganda Seminary?

KAWERE: Five miles only. We all belong to the Namugongo Triangle.

COUNSEL: And you are between Namugongo and Mpoma.

KAWERE: Yes.

COUNSEL: Is it true you are also a member of R.C. in your area?

KAWERE: I am a Vice-Chairman of R.C. 3.

COUNSEL: Of which Gombolola?

KAWERE: Gombolola Goma which borders with Namugongo.

COUNSEL: Oh, Namugongo is in Kyaddondo and you are in Kyaggwe.

KAWERE: That is true.

COUNSEL: Well.

MR. NAGENDA: What R.C. 3? I did not get that?

KAWERE: Vice-Chairman of R.C.3

MR. NAGENDA: What Gombolola?

KAWERE: Goma.

COUNSEL: Would you like to give us a bit of your background, please?

KAWERE: My background as to - in relation to?

COUNSEL: We understand you are an advocate. How did you become an advocate? This kind of thing. Educational background, and work experience.

KAWERE: I see. I left school in 1953 that was Namilyango as a commercial student. I started working with G.B. Nicholas and Company. These are the people who were importing Penicillin, Aspros and the rest in the country. I left them in 1956 to join the Kabaka's Government as an interpreter and translator. In 1959, there happened to be a chance of taking people to Nsamizi to study some kind of local law courses. I was chosen. That is how I started my law career. In 1960, I was in the first group that was selected by the Kabaka's Government to do law. We were coached in the Bulange - now the Republic House by one Khrishna Maini who was a barrister. I sat for some of my First Part Examinations in the High Court at Kampala; and, on the 27th of August, 1961, I went to London. I was admitted to the Lincoln Inn. That is where I did my law with the Council of Legal Education until I did my finals in 1964; called to the bar on the 24th November, 1964, by Lord Denning as he was our Treasurer then; and I came back to Uganda in 1965 to face what I have faced.

COUNSEL: Proceed, Mr. Kawere.

KAWERE: I worked for the Kabaka's Government as a Judge for just about a year. This was in 1965. In 1966 we were taken over after the Battle of Mengo and I joined the High Court as a Magistrate Grade I in Buganda Road. From Buganda Road, I was transferred to the Traffic Court where you have the East African Development Bank now. There I stayed until 1968, when I decided to jump out of Government; and I joined the then Kiwanuka and Company, Advocates Firm. There were about four of us there: Benedict Kiwanuka, there was myself, there was Joash Ssendege and the late Cornelious Kakooza. Orachi Burk joined us later.

COUNSEL: Yes.

KAKWENZIRE: Could we have the partners again, please?

KAWERE: The names of the partners.

KAKWENZIRE: Benedict Kajimu Mugumba Kiwanuka, the late; myself - Pius Ssempa Kawere; Joash Ssendege, Cornelious Kakooza - the late and Burk Orachi. In December, 1969, after the life of Obote's life had been attempted at at Lugogo, Benedict Kiwanuka, Paul Kawanga Ssemogerere, Sebastian Kibuuka, Alex Keera - the late - and some others were arrested and detained.

COUNSEL: What was common with these people you have mentioned?

KAWERE: They were all D.P. members. And when Obote's life was attempted at, it was thought that it must have been these people who were involved, and the whole lot was detained.

COUNSEL: Yes.

KAWERE: On the 12th of April, 1970 ...

KAKWENZIRE: Excuse me. Were they all in the law profession or they were different profession?

KAWERE: No, different profession. On the 12th of April, 1970, me being the only partner remaining in the firm of Kiwanuka and Company Advocates -

COUNSEL: What had happened to Ssendege?

KAWERE: Ssendege was also arrested afterwards and taken before me.

COUNSEL: He was also detained.

KAWERE: Detained. Yes.

COUNSEL: Why? Did you know?

KAWERE: There was a blanket allegation that was put on our Detention Orders that we were trying to overthrow the Government of Uganda.

COUNSEL: Yes.

KAWERE: Orachi decided to abandon the company. Kakooza had left some months back. I was the only one remaining there.

COUNSEL: Yes.

KAWERE: On the 12th of April, 1970, I had to appear in Luzira Upper Prison; at a tribunal that had been chaired by Mr. Justice Dickson - as he was then - because it is the practice that every three months detainees must appear before the Judge of the High Court to review their cases.

COUNSEL: That is the law.

KAWERE: So that time, I was requested to go and represent all these D.P. detainees. And, when it came to Benedict Kiwanuka, I told His Lordship - Mr. Justice Dickson - that, if nothing was done this time, I was going to petition the High Court to interpret the Constitution as to the Law of Detention.

CHAIRMAN: I was sorry to interrupt you. Mr. Kawere, you are referring - this is under the - Public Order and Security Act of 1967.

KAWERE: That is so, my Lord.

COUNSEL: Yes.

KAWERE: So, when I said this, that was a Warrant I had signed for my detention.

COUNSEL: You mean Justice Dickson was sitting alone or he had other people.

KAWERE: There were some law people whose names I do not remember. There were some other prisons officers, Police Headquarters officers and, I remember very well that Mr. Kanywamusaayi was the prosecutor.

COUNSEL: What is the role of a prosecutor in this tribunal?

KAWERE: It is formal. All that he does is to remind the presiding Judge that so-and-so had been detained under the act. He has been in detention for so long. Then if that particular detainee is represented, the lawyer tries to put in some good words; to try to persuade the Judge to recommend the release of this detainee. The whole thing is formal because we went in several times and not a single detainee was released.

COUNSEL: Yes.

KAWERE: So I left Luzira Upper Prison. I went to the office and I thought things were normal. This was a Friday. The following Sunday, I had to drive to Arua because I was representing somebody in Arua. I came back on Monday. Tuesday, I reported to the office; only to be told that there were some people in civilian clothes who were looking for me. I did not take it to be of some importance. So I appeared at Buganda Road that day. As I left court at about eleven o'clock, I met Mr. Masembe who is still at the Police Headquarters at the entrance. He told me he wanted me. Then this rang a bell. I told him I will come but first escort me to the bank, get some money to pay the employees in the office and I will come with you. This he did. He escorted me home. Searched my home. Nothing suspicious was found and I was brought and dumped into C.P.S .

COUNSEL: Did Mr. Masembe tell you why he was searching you, why he was arresting you, why he was taking you to the C.P.S

KAWERE: He told me they were trying to make some inquiries into my movements. that is all. So he had to dump me at C.P.S. and I thought that the next day or two days later I will be coming out. At the time when I was taken to Buganda Road, Ssendege was still at C.P.S. A week later, he was taken to Luzira. I stayed at C.P.S. for three weeks until I was transferred -

CHAIRMAN: Without any charge.

KAWERE: No charge.

CHAIRMAN: You were not taken to court.

KAWERE: No.

COUNSEL: Yes.

KAWERE: Three weeks later, I was collected by Mr. — he is still in the police; I remember him very well - Mitambo. He brought that detention order and served it upon me. Then I was transferred to Upper Prison.

COUNSEL: Who had signed it?

KAWERE: It was Mr. Bataringaya then.

COUNSEL: Yes.

KAWERE: I was taken to Upper Prison; given a prison uniform - khaki - and I was taken to the special ward section. This is a very narrow room of about 8 feet length, 4 feet and 12 feet high, with a very, very dim light, with a little hole in the door through which the warder who is watching over you peeps to see that you are still breathing. I stayed there for a month with a 30 minutes exercise as they call it. They always made sure that whenever I was taken out for my exercise or going to bath if there was any sun at all; whether it is raining or not, you have got to go out and take your exercise and then you are taken back.

After a month, I was transferred from the Special Ward Section taken to the second stage. At the second stage, there is a small dormitory in which I found people like Kibuuka and so on. But they made sure that these people had to go out for their exercise when I was taken to my cell. There are cells attached to that one too, slightly better than the first ones. I had a small mattress, blankets and bed sheets; and for the first time I could feel there was somebody I knew. Mr. Nabudere was opposite me. He had been there long enough. When he realized I was in the opposite cell he used to bang his door and shout.

COUNSEL: You mean Nabudere Dan.

KAWERE: Yes - Dan.

COUNSEL: Advocate.

KAWERE: Advocate.

COUNSEL: Yes.

KAWERE: So he is the first one who gave me words of encouragement. I stayed in that improved cell for about two months but all the time I was getting exercises alone. The only person whom I was allowed to talk to or when I used to meet outside when I went for my exercises was Sir Wilberforce Nadiope, the late. Then after the two months -

COUNSEL: You were not allowed to talk to your clients who were in?

KAWERE: No, these were in a different wing. After the two other months I was then transferred to a special ward, this is the ward that during the colonial days was used by Europeans, there are big windows to it, glass windows and it is in the open. For the first time I was allowed to mix with the other detainees; Ssendege, Kasolo and many of the others. Here we stayed for about five months, conditions had slightly improved because we could talk, discuss this and that. Whenever we went out for our exercises we were together. We used to bathe in the open, there were several taps you go in a line and you bathe. What I did not like in that place was the search party. There is a team that pays surprising visits. When you have got out of your exercises, it throws about everything you have because they are searching for cigarettes, things, documents, letters and so on. What I did not like about them was that my bedsheet to be thrown on the floor my blanket and so on. They just throw them about and they go. They do not warn you and they do not put them back when they leave. Here we used to see visitors, my wife used to come and see me once a month. Then the law society started grumbling on this side.

Akena Adoko happened to be the President of the Law Society at that time, he was attacked by lawyers for having allowed us to be detained when we were doing our official duty. So, Akena Adoko made a point to come and see us, this was sometime in October, I think. We spoke to him he promised us that he was doing all that he could.

COUNSEL: That was in October 1970?

KAWERE: 1970. He was doing all that he could to see that we were released, we thanked him and we parted. On 27th November, 1970, I was released with Ssendege and some other people, we thought this was the end of the matter. I decided not to go back to the firm of Kiwanuka. I found a small room in William Street -

COUNSEL: Was it your choice to do this or you just feared? -

KAWERE: It was dangerous ground to go back to that office, so I had been out for about two months and at the beginning of January 1971 I was summoned to go to Police headquarters and the officer who came for me I still remember his name was Mr. Opata, I do not know whether he is still around. When I got to Police Headquarters I was questioned as to why I had been detained in April. So, I started getting worried; questioning went on for sometime but thank God before it was concluded Amin took over.

COUNSEL: You mean was it on the same day or you had to report for questioning?

KAWERE: No, I reported several times; Ssendege was called in also but the questions they were asking us were the same questions we had been asked the first time we were detained. I then realized Mr. Akena was not doing his best to help us because if he said he was releasing us why should they have asked us the same questions as when I had been detained the first time?

COUNSEL: May be you remember some questions which were put to you?

KAWERE: I do not remember. So, after the take over by Amin things settled and I thought I was all right. Obote went and Obote came back. I did not know I would go back into detention again.

COUNSEL: No, Mr. Kawere?

KAWERE: Yes.

COUNSEL What happened to your clients, were they also released?

KAWERE: Some of my clients were released. Kibuuka was released, Allen Keera was released, Sonko was released, Kapere was released. I can remember these but the other big clients remained until the take over, they were released by Amin.

COUNSEL: Yes?

KAWERE: So, Obote came back. Sometime in May 1983, I happened to attend the court in Mukono with the Counsel now before the Commission, we were in fact in the same court but on different cases. I did not have means of transport I whispered into his ear and I said "please when you finish before you wait for me." So, he waited, we got out as he was talking to his client a small Toyota bluish or grey came and parked just by my side and the man who was in that car opened the door he banged into my elbow and I said, "what?" He said, "you get in here." Counsel was there but we did not know what was happening. I thought it was the usual matter I got into the car, the car was driven from the court to Mukono Police Station and the man ordered the officer who was at the counter to put me inside the cells without any explanation. I had to remove my shoes, watch and everything but surprisingly enough I only stayed in the cells for five minutes and the same car came back. I was called out they had brought another victim, I was handed back my property as we got out I saw Counsel Mr. E.K. Sekandi, had come to find out what had happened to me. He said, "are you not going with me?" I told him, "how can I come you can see what is happening." I did not know the men, they were two men in the car, I did not know the other man they had brought. So, we got into the car and as we were driving through Seeta, the driver, a man I learnt later to be Mukasa and was a soldier at Mbuya. He knew me very well, asked me why we had disturbed the area? And I said, "which area?" He said, "this areas, Mukono area you are the people disturbing the area." Then I said, "no, not to my knowledge." He drove on when we got to Nakawa the two whispered and the taller of the two when I learnt later to be Sergeant Omasa, I.O., Investigating Officer, Mbuya decided that I should be taken to Mbuya. I did not know to which Mbuya I was going until I realized we drove into the barracks Mbuya there was a small baati house, the roof is mabaati and the sides are mabaati, that is the office, with the words; "raisi kuingia lakini ngumu kutoka." Then I realized what was happening, they removed my shoes, they removed the files I had a watch, spectacles, emptied the pockets. The little money that was there was taken and I thought they were keeping it for me. At this time I thought I was coming out within a day or two, then they asked me to make a statement. I asked them about what? They said it was about the

security in the area. I was asked about coffee trailers that had been shot at between Kawolo and Mukono at a place called Mbarara. I said that is too far from my home I know nothing about it. Then the officer said you are an important man in the area when you heard of this what did you do? Then I said there are DCs in the area, there are Administrative Secretaries why should I have done it. After some time they told me, they led me to a place, these were the cells in Mbuya. These cells were made for army prisoners, they are very cold because it is concrete at the top and the walls are concrete." When I got in there I saw something terrible, very thin people, very old people, people almost dying. At the time when I entered there were about 60. Most of them were collected from Mukono area. I know very few of them at this particular time Mbuya barracks had been assigned the duty of keeping the security in Mukono District. So, they arrested as many people as possible. There were about two important people I saw in that place. I remember very well Senior Superintendent of Police Aloko, he had been the officer in charge of the Police Training School, I think he is still alive. That one had been there for months, he had been arrested with his driver, somebody from Samia Bugwe, they were staying in the same room. There was a certain doctor, Dr. John, I am sure this one died.

COUNSEL: John, John who?

KAWERE: I do not remember the other name, we used to call him John. He used to work at Banda Clinic in Luwum Street. This man had been in Mozambique for training, I know of this, he told me probably this is why he had been detained. I can remember some names of people who were there but not all of them. During my stay 21 people died and I witnessed these.

CHAIRMAN: For how long did you stay there Mr. Kawere?

KAWERE: Four months.

COUNSEL: That is between which date and which date?

KAWERE: Between about the 25th of May and the 25th of August, 1983.

COUNSEL: 21 people died?

KAWERE: 21 people died. Most of them were dying due to starvation. There are others who died of illness, for instance there was a boy called Kasangaki. This is a chap who had absconded from Butabika and he wanted to go back in his home in Makerere, he was arrested somewhere near Mbuya and dumped there. He died of dysentery because there was no treatment. There is a man called Busulwa, he used to stay in Nakawa he had a smaller estate on the lower side of Gnocchi. This one also died. There was a man called Nsereko, we had been together in Namilyango Primary "school, he was arrested with his son from a place called Sondo, very near Namugongo and Nakiyanja. They were taken to Mukono badly beaten and transferred to Mbuya, Nsereko died two days later and what his son had to do was to abandon the cell in which he was with his father and

other people because he knew they would come for him during the night, we did hide him somewhere else but that one was released. There was a man called Mangeni, he had been a driver with the Lands and Survey Department. He was not very old but aged, he died of starvation. There was a small boy called Mukasa from Nakisunga

MR. NAGENDA: About how old was he?

KAWERE: He might have been about 16. He was arrested because he was found with a panga during the day and he had been cutting sugar canes in somebody's shamba. He too was brought to Mbuya and died. There was an old man from Kisoga also by the name of Mukasa, he was found with his grandchildren in his house and there happened to have been an ant hill which he dug, he had not yet replaced the soil when the soldiers came they said, yes he was hiding guns in that cover. The old man was brought to Mbuya and he died there.

MR. NAGENDA: Is it that he too died of starvation?

KAWERE: Starvation, mostly. The reason being -

KAKWENZIRE: Mr. Mukasa was from where?

KAWERE: Kisoga. The reason is that the cells in which we were kept were meant for soldiers no civilians were expected there. So, for food we had to depend upon the number of soldiers in the cells, if they were very few no food. There was a man called Kigozi this was brought in with another one called Kamulegeya, they were working for Meat Parkers. They had been arrested before me, they started getting weak and weak, then one evening we do not know what happened there were dead bodies to be thrown away and these two boys were asked to accompany them. This time they were taken to a place called Ntawo this is my area. The one who was very weak was shot and died and Kigozi was left to roam about. He did not know the place very well although his original place is Katozi, in Mukono District. His clothes were all torn and they were in tatters. He decided to start taking the main road to see whether he could find his way to Katosi. Unfortunately enough when he got to the junction of Kyetume Road and Jinja Road this is where the Mbuya army men had their base. They recognized him and they arrested him. He was brought back two days later and when we saw him we did not even allow him to explain because we were disappointed. How can you be led out and you come back. He too was disappointed we did not know he was very weak he died two days later. We had a UPC Chairman from Kisenyi. this one was released after paying some money. In Mbuya the problem was there were some of us who were taken because we were known in the area but there are others who were taken to demand a ransom of money. This Chairman managed to get the money and he was released.

COUNSEL: You do not remember his name?

KAWERE: No we used to call him Chairman. We had Kavuma the lame boy he was one legged and had got involved in an accident and the other leg was amputated. He is the son of a Kavuma in Muyenga, this one was also

arrested because they wanted money from his father he was released. We happened one evening to have a team of about 12 detainees. These were very thin and starving. One of them was a Muganda whose name I do not remember, he told us he had been arrested in Hoima, put together with others who had been arrested from Arua and they were taken to Gulu. They stayed in Gulu for about 12 months until they were told they were being brought to Kampala to have their matters brushed out. In the end they landed in Mbuya the whole lot died. We had Ssendagire, he was the operator of the Shell Petrol Station at Banda. He was brought in one evening locked in a cell of his own, he was deceived they were releasing him, they took him out but when I was released, I tried to trace him but I understand he died, he was killed. There were about 12 cells in which we were heaped, you find 16, 18 in one cell.

COUNSEL: Were they big?

KAWERE: Very small rooms. We had to lie down or sleep on the floor, without anything. I was lucky I was allowed to take my coat with me. I used it as a blanket or as a pillow at times. The whole place was full of lice with my old eyes I could not see the lice to kill them. I was fortunate the other boy who lost his father, felt concerned, used to do this for me, during the day. When he did in the morning I thought I would be happy for the rest of the day by four I would feel in a terrible condition. There was water in this place because they were proper cells, we could drink some of that water or bathe. Washing clothes was a problem because whenever you washed make sure that you do not wash the underwear wash the rest and you stay in the underwear or wash the underwear and you remain in the other clothes.

COUNSEL: Did you have soap?

KAWERE: There were some good soldiers who were put there and they had to wash, they used to give us a piece, a very small piece. We had methods too after staying in for sometime we managed to communicate with the outside world, we managed to smuggle through some soap and if you managed to get cigarette then you are rich because this was the means of exchange. One cigarette buys a maize tin full of posho this will keep you going for three days.

COUNSEL: Oh, you mean, the soldiers who were in were getting cigarettes and providing you with food?

KAWERE: Yes.

MR. NAGENDA: Mr. Kawere before we go on can you please, you said that these cells were very small in which 16 to 18 people might be kept?

KAWERE: Yes.

MR. NAGENDA: Could you give us a rough idea 10 foot by 12, what sort of smallness.

KAWERE: I think 12 by 6, because whenever a man like me laid down on the ground my legs were left by the other man in his armpit and his legs were in my armpit, that is how we slept.

MR. NAGENDA: And his head was touching that wall and yours was touching that wall?

KAWERE: Yes, mine is touching this was and his is touching the other wall.

MR. NAGENDA: Okay that is 12 by 6 probably.

KAWERE: I stayed in there for two months without anybody knowing where I was, I was reported dead, people went in the mortuary to look for me, others went to the Kabaka's lake and it was not me. There was one missionary who felt touched about me, he decided to do what he could to look for me, he went to Makindye, I was not there, he came to Nile Mansions, he spoke to people like Kanywamusaayi and they said we know this man very well, we have never arrested him or detained him. So, he managed to persuade the authorities in here, Paulo Muwanga, to allow him to go to Mbuya because they had heard a rumour that I was in Mbuya. One morning I was called for and the messenger who came for me started bullying me and he said "why do you befriend Europeans?" And I said, "what Europeans? If it is a European, it must be a Missionary." he pointed at a car and I did not know the car. When we went to that office, I realized I saw a face I know and we both wept. He gave me some biscuits, ate some, I thought I could keep some for the others; after his departure they were all taken by the soldiers. So, from that time people knew I was still alive.

COUNSEL: Who is that Missionary who came to your rescue?

KAWERE: He is in Kajjansi.

COUNSEL: What is his name?

KAWERE: Father John.

COUNSEL: You mean that is at Lweza?

KAWERE: That is it. So, having stayed there for about four months, one evening it was a Wednesday I remember, there came a soldier, I did not know him, and he called for my name. I rushed, he asked me whether I was Kawere and I said "yes." Then I came back and the other people said, "you stupid old man why did you not ask him why he came for you?" Then I said, "he never appealed to me." So, I went back. Later at about five he came back and dressed in a different uniform, then the other boy said "this is the man go find out why he came." So, I went I asked him, "are you asking for Kawere again?" He said, "no" Then I said "what was it?" He said, "you wait, you will soon know." We went to sleep as usual. Early in the morning this was the 25th August, one of the officers came and called for my name. The way we used to dress was funny because due to the lice, you cannot afford to have your suit dressed in the same way, because with these pockets lice hide in the pockets, so we had to turn the clothes inside

out. So, I rushed to the gate the door was opened then the officer said, "are you Kawere?" I said, "yes". "Then dress properly." I had to change my clothes and I thought I was all right, then he said, "where are your shoes," and I told him, "you took my shoes, have you ever returned them?" I waited for sometime, two others came very smartly dressed then he said "who has got his file?" And I said, "do you ask me?" So, I was led out, to the officer again. This time I did not enter the office there were vehicles parked outside I understand the 504 was Commander Otim's, he was the Commander at Mbuya then. I was put in a car driven by the very man who arrested me in Mukono, I.O. Omasa. It was during the day I was not scared, so we drove to Kampala. When we got down there I realized we are taking Nile Avenue and I realized we are entering Paul Muwanga's place. There I had even to direct the soldiers because they did not know which way to take and I said, "you keep the extreme left you will get there. We got there he was having his morning coffee, I was ushered in and I was made to sit in the same sofa with these officers without my shoes in my crisp suit and lice. Muwanga told me "do not ask me why you were detained because I do not know. If you want to find this out wait until we get to God."

COUNSEL: I beg your pardon?

KAWERE: He told me not to ask him why I had been detained, but if I wanted to know I should wait until I went to God. He gave me some tea, the first cup I had tested in four months. He asked me where I lived and I said my house in Rubaga was bombed. Then he instructed these people, the same man who had arrested me, take him to where I wanted to go and make sure that he handed me over to a responsible person. So I was taken to a home in Makindye. After a week later I had gone to see my friends to the offices and so on, then I reported to the President of the Law Society then, this was Dr. Byamugisha Joseph, and he produced before me a very thick file with all sorts of letters from Amnesty International. These people when they heard of my detention, they instructed all their branches in the world and from each centre, six letters were written. One to the Chief Justice Masika, another one for Obote, another one to Muwanga, the President of the Law Society and some other people. So, I decided I think, yes, I needed some treatment because I was very weak, I made sure I had to go to London. I suspected anything could happen I intended to leave on Wednesday, so I booked for my ticket on Monday three o'clock and next Tuesday at three o'clock I left the office, I told people there that I was going for a short holiday. I took a taxi to Entebbe, with just my briefcase in which there were my pyjamas nothing else. I stayed in Entebbe over night, there were some relatives and religious people who came to see me. One of them gave me fried groundnuts with simsim in a bottle, another one gave me oranges sliced in a carrier, so this was my luggage. I got through the check points, people asked me why I was taking this, I said "yes, my daughters are in London I am taking the groundnuts to them and I am sick I am going for treatment I shall need the oranges if I get sick in the air. So I got hold of the plane, I thought that was all. We arrived a bit late in Gatwick so the others checked through, I happened to be with the Katumba's group, they were going for their shows, I checked with the Customs people, I was cleared but funny enough as soon as I left the

Customs there was an elderly lady who came, she said, "gentleman, sir, can you help me?" And I said "what?" "You know we are conducting a research and every 58th passenger is asked questions, will you answer my questions?" Then I said, "yes with pleasure." So, it started again, she said "who are you?" And I said, " I am Kawere." "What do you do?" I said, "I am a lawyer." "Why are you here?" And I said, " I am sick." "Do you have a doctor?" I had an address of a doctor in Harley Street, she said that is all right. "Do you have some money?" And I said, "nothing." "How will you meet your bills?" I produced another letter advising me to go to the Mill Hill Fathers, so she cleared me. This did not ring a bell I thought it was something useful. I stayed in England for three weeks, I never communicated to Uganda and after the two weeks I came back. The same people who had escorted me came to meet me my luggage took sometime before it could get through. But I did not bother I did not know and in the end one of them came to see what was happening, I told him it is a luggage and at that time the luggage came. So, we checked through in the car they asked me did you receive any information that you should not come back, and I said, no. "Did anybody ring you up?" And I said "yes once there was a ring we tried to communicate and we failed." So I had to go back to that place in Entebbe find out what had happened.

In fact Luwuliza Kirunda had a habit that every flight had to be checked. So when my name appeared on the flight of that Wednesday, he instructed the police to come and arrest me. Thank God when they came to the office I was not there, they went to the office to find out from the secretary she said he is sick at home. Then the officer who was in charge told them that he knew where my home was. He directed them. When they nearly got to my home they found a road block, it had just been put there by Muwanga. These were the Special Force men who started checking different places. They asked these people why they were looking for me. And they said they had been instructed by the Minister to arrest me, then they said this man had just been released only two weeks ago, why are you arresting him? So they told them to sit down, so that the Special Force men went to my home to check whether I was there and I was not there. They told him the man is not there and that was the end. It appeared that these people, were not happy with my going abroad, so Luwuliza had directed them to arrest me. When I came back I had to stay under disguise for sometime until I realized things were becoming normal and I filed a case against the government.

COUNSEL: Did you win the case?

KAWERE: It was settled out of court.

COUNSEL: You got your money?

KAWERE: I got some money but it is all gone.

MR. NAGENDA: Would it be in order to ask how much you were paid for your suffering?

KAWERE: Only 1.3.

MR. NAGENDA: Old money?

KAWERE: Old money. If you can give me more I will be very grateful.

COUNSEL: I think you must have been very grateful to Amnesty International. You think it contributed to your release?

KAWERE: Oh yes, they did a lot. In fact I went to see them, I spoke to Mr. Martin Hill, he was the man behind it.

COUNSEL: So, now you have talked about your arrest in Luzira and Mbuya, the death of people due to starvation but as you said you are an advocate. As an advocate have you witnessed your client suffering injustice or violation of their rights?

KAWERE: Yes, this is the experience I saw especially in Mbuya. Perhaps there is one thing I omitted, dead bodies are terrifying at times but you could tell somebody is likely to die at anytime. He starts sleeping non-stop, force him to sit up he cannot do it, his voice starts going, it wobbles and when he starts urinating, then you know he is going that day he dies. So, whenever we saw these signs, we had to drag him into the corridor, we had a corner where we used to heap them. When there was transport we would get rid of that, that very night but at times there was no transport and we had two or three in that corner. Taking them we had to do it in turns, we had monitors amongst ourselves, last time cell number two did it, this time cell number five will do it. Kawere you have not done it for sometime you do it with so and so and we used to lift and put on a tipper. Places where they used to dump them is this place here near -we called Lugogo-by-pass, the rubbish dumping place. The other place was Kinawatteka and the other place was Ntawo, that is where we took the other boys.

DR. LUYOMBYA: Clarification. Mr. Kawere when you loaded these bodies did you go on the tipper and off loaded them as well?

KAWERE: With a man like Kawere they could never have let me go but we realized in the end that they had people when they wanted to release, so they had to put them onto the tipper and after off loading these people never came back. There were three boys from Nakulabye, those went like that but they were not killed.

DR. LUYOMBYA: So, what was the source of your information of these dumping places?

KAWERE: We get to know when I came out I tried to follow up this. It may be you came in a bit late there is one who was taken and in fact he was not killed. He tried to go to find the way to his home but he fell in the hands of the same soldiers; Mbuya soldiers and he was brought back. This is the man who wanted to explain and we said, "you do not talk to us you are stupid why could you have come back?" That one told the others what happened, in fact when I went out people in the area know me very well, they said "those boys said you were still alive you were in Mbuya."

KAKWENZIRE: How did you yourself survive when so many people died? How was your own health and how did you keep away from starvation?

KAWERE: After a month or so, we got means of communicating, then we had some of these soldiers, whom we trusted, of course he does not go to your people for nothing. There are times when he was given about shs. 3,000/= he gives you Shs.50 and the rest is his but you appreciate, or he brings a piece of soap and the money he takes. They used to tell our relatives that we were free to get gifts, roast chickens and so on these we never saw.

CHAIRMAN: Mr. Kawere, they did not allow relatives to visit you?

KAWERE: Some lucky people had their relatives, there is a man, I forget his name, he was from Lint Marketing Board, his wife came twice, she brought some Bogoya and so on but that one was released later.

CHAIRMAN: Did your relative try to go after they had known from the Missionary?

KAWERE: They tried but they were not allowed. In fact I got my sister's daughter who was a nurse somewhere and dressed like a nurse she joined the other nurses but she never managed to get to me.

MR. NAGENDA: There is just a small bit of clarification about - when you said that these cells had been built for soldiers, I take it that you meant that soldiers who had been detained?

KAWERE: Defaulters.

MR. NAGENDA: Yes.

KAWERE: Yes.

MR. NAGENDA: And if they were many then all of you got a little bit to eat?

KAWERE: Yes.

MR. NAGENDA: Because they spared some of their food obviously for you. What intrigues me is that the soldiers that we have been told about by everybody including that lady there and so on it seems so dehumanized did they sort of get their humanity back when they were detained because that is how they could share some food?

KAWERE: They were also prisoners. So we were almost in the same category but they were only staying for a short time. A week, two weeks, there were other drunkards who kept on coming every weekend.

MR. NAGENDA: Were you tortured at all and you might have said when I was outside the room for a minute?

MR. NAGENDA: Some slight slapping, boxing at times but not really beaten as the others were beaten. I saw people beaten.

MR. NAGENDA: You said that some people were taken there for - well because they thought they were guerillas or something but others only to get money off

them or ransom?

KAWERE: Yes.

MR. NAGENDA: Is that my own uncle was taken in for ransom I must say the money is paid but what happened to these people who did not pay, who had been taken in for ransom?

KAWERE: Some of them were those who were killed. The money is taken out you think he is released and when you come out you do not find him people tell you that he died.

MR. NAGENDA: Were you at Mbuya when - there was this - naturally it might have been from Makindye the one I am thinking of when a whole load of bodies were taken of starved people from there to Mulago, did you ever hear about this?

KAWERE: I had come out of Mbuya then I heard of it.

MR. NAGENDA: You said that the dumping grounds for the bodies were Lugogo by-pass in the sort of the rubbish bin and what were the other names please of the same?

KAWERE: Kinawattaka Swamp on the other side of Mbuya Old Jinja Road.

MR. NAGENDA: Yes, and where else?

KAWERE: Ntawo.

MR. NAGENDA: Do you know whether when those bodies were dumped they were buried, in the swamp obviously or were just thrown into a swamp but what about at Ntawo?

KAWERE: At Ntawo the people in the village buried that boy his name was Kamulegeya, was buried there.

MR. NAGENDA: Do you know whether any of these bodies have been exhumed in these various places?

KAWERE: Not that one, I do not think that one was ever exhumed.

MR. NAGENDA: We have been asking people to give us some advice on what should be done to the people who caused so much suffering, a lady here yesterday wanted them to be saved, so we thought that perhaps they could be punished and then sent to her. Now you as for saving, you as a lawyer what would your advice be to us to this Commission.

KAWERE: Discipline your soldiers. Reduce their powers. Do not allow them to arrest people.

MR. NAGENDA: Are you saying that it was only soldiers who arrested people and then got tortured or did some police people do it?

KAWERE: At times there were chiefs, but in my particular case it was soldiers.

MR. NAGENDA: What bout those who arrested you and who starved those people and who took people out and they never came back what would be your recommendation?

KAWERE: If you could get hold of them charge them.

MR. NAGENDA: One of the problems is this, and I am asking you these questions because we have got to recommend one of the things should be done. In so many of these cases all the witnesses by the nature of what happened are dead, would you as a lawyer recommend some short cuts to the law, if people come and say this man is Mr. Watset and this is what he did. If you have not yet got the witnesses there would you - how are you going to prove the case against him?

KAWERE: You could select their cases where there is evidence and their cases where there is no evidence. At least take two or three to discipline the others who are still around. They will then realize this could happen to them too.

MR. NAGENDA: You mean take the ones where the evidence is there?

KAWERE: Yes, yes.

MR. NAGENDA: And where sufficient evidence is not but by agreement those people had been known to have killed, raped, pillaged and that kind of think what would you do?

KAWERE: As a lawyer I could not advice because there must be evidence before you penalize somebody.

MR. NAGENDA: Let us say that you, Mr. Kawere, both as a lawyer and as a person who saw one of these people who had tortured people at Mbuya when you were there, they are walking about on a street but you cannot satisfy a court that they did this would you be happy to keep walking in the same street as they were?

KAWERE: I would be forced to accept them, what can I do? I would not like it but they have to be there.

MR. NAGENDA: Do you think there is a danger in such a situation that people might be driven to take the law into their own hands.

MR. NAGENDA: Not at this time that ought to have happened a long time ago but since it did not happen the atmosphere cooled down.

MR. NAGENDA: Thank you.

KAKWENZIRE: I want to develop that on a little bit further. You yourself have been through this suppose while you were in Mbuya somebody pierced your eye and you lost your eye and you know who did it and people know you are an honest man and you try to tell the court that I lost my eye, this is the man who took out my eye and I want you to believe me, I am an honest

man. If the court did not believe you think that is a very - what do you say of such a law that doubts you as an honest man that will not take your word?

KAWERE: Once I decide to take a case to court I must have evidence that is why I did take mine to court and in this particular case if this man pierced my eye, that man is the government I would file the case against the government forget about the particular soldier. Let them walk on the street. People were scared I spoke to so many when I came out they said I rather not reopen the wounds. But when they realized I had filed my case and won, many of them came and said what about mine. So, the best time is when one comes out of this detention let him do it as soon as possible.

KAKWENZIRE: But one of the traditional laws, the traditional justice.

KAWERE: An eye for an eye.

KAKWENZIRE: Well I mean really you could call it that but you, you appeal to people you produce witnesses who saw the man, the inmates who saw the man pierce your eye should that not be taken as evidence?

KAWERE: That is evidence, if the lower court decides against me I appeal to the higher court.

KAKWENZIRE: But would you not want another kind of -

KAWERE: Such as?

KAKWENZIRE: The law being changed? The law being worked out to suit our sort of primitive conditions, some kind of law that would take into account all our - to take into account our situation, to take into account that people normally are terrorized and evidence destroyed and all that, would you not?

KAWERE: Me as a lawyer I would not like that because that would be opening up acts of violence because if my eye is pierced I also get a bayonet and pierce his because I know the court will not assist. It is going to cause the chaos I would rather stick to the present law.

KAKWENZIRE: May be that law would stop people from piercing each others eye if they know yours is going to be pierced too.

KAWERE: People have been fighting but they have never stopped fighting.

KAKWENZIRE: Probably they would if there were heavy penalties. I have a question you mentioned that Luwuliza-Kirunda had authorized your arrest was that

KAWERE: hearsay or is something you can substantiate?
I was not in the office because I had left people who were in the office saw these people, they were ten in number. They asked them about my whereabouts and the secretary told them I was at home, that is why they decided to look for my home, so it is not hearsay?

KAKWENZIRE: So, why were you not arrested?

KAWERE: I was not there.

KAKWENZIRE: I mean afterwards when you had the time to sue the government.

KAWERE: When I came back.

KAKWENZIRE: Yes, when you came back.

KAWERE: They must have realized. It might be he feared my going away for good but when they realized I had come back they gave it up.

KAKWENZIRE: And could you tell us more -

KAWERE: More atrocities?

KAKWENZIRE: No, well, you could tell us more atrocities but I would like you to tell the Commission how you get about suing the court briefly the sort of thing for others may be to learn and do the same when their rights are violated?

KAWERE: As soon as I came out of detention, I went to see my lawyer, that is Dr. Joseph Byamugisha. I told him the whole story gave him particulars and he drafted the notice to the Attorney General we call it a notice of intended prosecution. There is a limit? - (interruption) -

CHAIRMAN: No, Mr. Kawere, notice of intended suit.

KAWERE: Sorry, I am most obliged to you my Lord.

CHAIRMAN: If it is a civil suit.

KAWERE: That is true yes.

CHAIRMAN: Act number 20 is it 1969?

KAWERE: 1969 my Lord you are right. Notice of intended suit. There is a limit during which period you have to do this, that is two months. So, before I left he issued the notice and when I came back I told him to proceed. He filed the suit, it was given a date and the day we had appeared to have the case heard, the representative of the Attorney General drew us aside and said he wanted to settle it out of court. Then we started discussing the terms of settlement. This was cheap because it was settled out of court but if he had said we were going to adduce evidence then it might have taken much longer.

KAKWENZIRE: So, this kind of compensation what were they taking into account, the 1½ million what was it to cover.

MR. NAGENDA: 1.3.

KAWERE: 1.3 that was to cover the torture and pains I sustained. I had to account for my spectacles because they were taken, my shoes, my watch even the

files that were taken away from me, these were calculated and they were included.

KAKWENZIRE: And what you lost in terms of labour you were -

KAWERE: That we did not bother.

CHAIRMAN: Mr. Kawere you could have claimed for?

KAWERE: We could have claimed.

CHAIRMAN: Yes, you could have made it ahead of damages.

KAWERE: That is right but since we settled.

CHAIRMAN: I think they would have conceded or the court would have if it had to go to court.

KAWERE: This is what they did because then if we had to go to court it would have been much heavier. So by settling you surrender something on one side and the other side settled.

KAKWENZIRE: And your house had been bombed was it raided?

KAWERE: No that was during the 1982 raid. So I lived in the Namugongo triangle and in the Rubaga triangle at the same time and we have not been given anything in Rubaga triangle.

COUNSEL: How about this Rubaga shelling of houses what happened?

KAWERE: There was an attack from the Lubiri we are told and when the soldiers came out they had to attack every house in Rubaga, because the original shooting originated from Rubaga. That one is completely ruined and I do not want to look at it.

COUNSEL: Is it only one house or many houses?

KAWERE: So many almost the whole village, the eastern side of Rubaga around Walusimbi's place all his houses were bombed and looted.

COUNSEL: This you say by soldiers?

KAWERE: They were by soldiers from the Lubiri.

KAKWENZIRE: Could you tell the Commission something about your partner and your colleague Benedict Kiwanuka who was with you.

KAWERE: I was with Benedicto Kiwanuka for about two and a half years in office and I had known him as a person a long time before. The first incident I was involved in was in 1969 about April. This man had a slipped disc and whenever it came round -

KAKWENZIRE: What?

DR. LUYOMBYA: Slipped disc.

KAKWENZIRE: Slipped disc?

DR. LUYOMBYA: Slipping condition.

KAWERE: It used to come up every year and whenever it came around he had to stay not in bed but on the floor. He had slipping boards. At this time he had got an attack and he was in his house at Rubaga on his slipping board, so late and others went to arrest him. I understand he had published an article in one of the papers criticizing Obote comparing him to Smith. Because in that article he said; "prison life is good if a fellow African puts you there and it is bad when a white man puts you in there." So, Obote did not like it they ordered the arrest of Benedict. He was taken to CPS with his slipping board. I happened to be in his firm then, whenever I went there to see him he was telling us, "please make sure you get me out of this place." We went to see Hassan, we told him and he said, "no we cannot deny him the service of a doctor if he is sick." And I said, "yes, you found him in bed." So Hassan decided to take him to Mulago and thank God when he was taken to Mulago he was admitted. That was the first incident we had with him. He was granted bail and thus I think the case was withdrawn it never proceeded. So, when he was arrested in 1969 December that was the second time. The first time he had been arrested the very first time was in Tororo, that was 1960, I was not here, 1962 and he filed the case for unlawful arrest and detention and he was compensated Shs. 10,000 that was a lot of money then. These are the incidents in which his human rights were violated I can remember.

COUNSEL: Yes, Mr. Kawere are you a farmer also?

CHAIRMAN: No, sorry to interrupt, what about eventually when he was abducted from the High Court?

KAWERE: That I did not know.

CHAIRMAN: You have nothing to tell us about that one?

KAWERE: No.

COUNSEL: Are you a farmer.

KAWERE: I am a peasant farmer.

COUNSEL: Yes, where do you do this?

KAWERE: I do it at a place called Nabayagi.

COUNSEL: Where?

KAWERE: 26 miles away from Kampala. You take the Bugerere Road and you go beyond Tamuna's place in Kabombe.

COUNSEL: For how long have you been farming there?

KAWERE: About 20 years.

COUNSEL: Yes?

KAWERE: 20 years.

COUNSEL: 20 years?

KAWERE: Yes.

COUNSEL: Undisturbed farming?

KAWERE: It had been disturbed whenever I was arrested my farm was disturbed as well.

COUNSEL: Yes.

KAWERE: I had some animals there, they died they were not cared for.

COUNSEL: Apart from the period you were arrested has your farm been disturbed at all say in recent years?

KAWERE: Not recently it has not been disturbed but conditions and the expenses of maintaining it are beyond.

COUNSEL: Yes, is it true at the time you were arrested that there was a lot of insecurity in the area of Mukono, because they seem to have connected you with the insecurity in the area?

KAWERE: It is true as I said that we almost belong to the Namugongo triangle, that Namugongo Forest covered many things, because there were operations in the area nearly every month.

COUNSEL: Operations by who?

KAWERE: By the army.

COUNSEL: Yes, and did they affect the people residing in the area?

KAWERE: We had to run abandon our homes.

COUNSEL: Why?

KAWERE: Because whenever these people came there is a place called Joggo.

COUNSEL: Yes.

KAWERE: About 15 people were killed there when that operation took place.

COUNSEL: When and by whom?

KAWERE: By the army. The same group that went to Namugongo we have been talking about. You must have heard of a Sheik, he was not really a Sheik but he was a Mohamedan preacher by the name of Mulo. He lived in Joggo very near my home, there was a boy a student at Mukono, his father is called Kakwesi, I do not remember the boy's name he was killed. There were about 12 Banyankole who were burning charcoal in the area, so these people came and said, "oh yes, all these people are guerillas." And the boy because he was staying in the same home, he was the trainer. They were all taken to Nakiyanjja and killed.

CHAIRMAN: Sorry, this was during the May 1984 incident we have been inquiring to?

KAWERE: Yes, so people had to abandon their homes.

COUNSEL: Did you in your area, this triangle, have people militia operating there, did you have Youths, did you -

KAWERE: No, we had Youths. In fact when I was arrested there were two Youths, one by the name of Alex and another one by the name of Kiwanuka. These are the people who were loitering around the road blocks and feeding the army men with information.

COUNSEL: So, would you say that the Youths also contributed the harassment of people of your area?

KAWERE: Yes, because they were the agents, the broker as the word is used these days.

COUNSEL: You said Mpoma is near your home at Bugerere?

KAWERE: It is a distance away but it is within the area.

COUNSEL: There were allegations that there were a lot of killings at Mpoma is it true by soldiers?

KAWERE: That is true because at one time the skeletons were displayed in one of the uniports. People had to travel from Kampala to go and see them.

COUNSEL: Who displayed these skeletons?

KAWERE: The NRA soldiers who are now in charge of the station.

COUNSEL Did you visit the place to see those skeletons?

KAWERE: I went there.

COUNSEL: Were they many? One skeleton or what?

KAWERE: I saw about 15.

COUNSEL: About 15?

KAWERE: Yes.

COUNSEL: You do not know when these people were killed?

KAWERE: No.

MR. NAGENDA: I have forgotten one question before but you have just suggested another one to me when you mentioned these two Youths Alex and Kiwanuka are these people still in your area?

KAWERE: No.

MR. NAGENDA: Where have they gone?

KAWERE: They are around Kampala, Nakulabye, they have been moving to and fro.

MR. NAGENDA: Have you tried to bring them to face justice?

KAWERE: The problem is, for instance in my case, they sort of invited the army soldiers to come and arrest me. There is no direct evidence but it is known these are the people who were making the suggestions.

MR. NAGENDA: But if surely they did it to enough people in your area, this must constitute some kind of evidence.

KAWERE: Nobody has bothered.

MR. NAGENDA: Are you likely to, being a well known figure in your area, are you likely to try and get your fellow citizens do something about this?

KAWERE: We have tried, but it is difficult to pinpoint this.

MR. NAGENDA: Okay, the other question which I had forgotten about, you told us the story of the lady who came and talked to you because you were the 58th passenger and you said you forget all about it, what importance do you attach to that interview?

KAWERE: When I came back here and I heard the story about this policemen looking for me, I thought there might have been a communication from this country to that way trying to stop me from going.

MR. NAGENDA: But you were already there, she did not try to.

KAWERE: They could have put me back on the same plane.

COUNSEL: Now, Mr. Kawere, this may be an advice we want from you, you said you

KAWERE: are a vice Chairman RC 3 Mpoma do you think - Goma.

CHAIRMAN: Counsel may be before we reach that, soon at a much later stage, I want you to take Mr. Kawere back chronologically. Now, Mr. Kawere as a

lawyer, who was in private practice, did you, if you could tell us the experience you have had, not only of the 1980s but also of the 1970s of your experience you had or what you had to do as a lawyer to representing people whose rights had been violated or knowledge which came through you by virtue of your profession, what about in the 1970s do you have anything to say there?

KAWERE: The early 1970s things were a bit normal. You could say file a civil suit against the government and it is entertained properly, you could go to the police station, inquire why so and so has been arrested and detained, but as things developed it became much more difficult because I remember we used to visit suspects at police stations and you are allowed to speak to him but time came when we were told, Impala house says nobody should speak to this one unless you get permission from so and so, or police headquarters have given directives, this man is not to be spoken to. Whereas in the early 1970s you could just go and speak to your client, do what you can for him. There is such kind of hinderance that has stepped in.

CHAIRMAN: Anything else?

KAWERE: No, just that.

CHAIRMAN: Yes, what about earlier on you started with the story of the late, 1962.

KAWERE: Of the early 1970s.

CHAIRMAN: You see, our inquiry covers period of 1962 up to January, 1986.

KAWERE: In the 60s it was all right the problems we had were about in 1966 when we had these curfews. People arrested, bundled up but they were released. Those people never stayed in for a week. Those days you find somebody picked he is put in the cell no explanation as to his arrest and his detention, nobody speaks to him and he stays there. Today you find, you go to Luzira, you find people arrested by the army, even the present army, they are dumped in Luzira nobody is allowed to speak to him and there is a kind of a division between people arrested by the army and people arrested by the police. I wonder whether the Commission will have to go to Luzira and find out too, because they are so many in there. You get a relative she tells my husband was arrested two months ago. Today you go to Old Kampala there is a man he was a driver at Mukono, he has been there for four months. There is an allegation about a crime, theft of a lorry or something, he has not gone to court, he was arrested by the army, he is still in Old Kampala today. I went there once, the OC told me, "you see the army is taking care of him I cannot do anything about it I have complained to them they are not doing anything."

KAKWENZIRE: You were in the legal profession you think our present courts have the capacity to deal with cases as quickly and as efficiently as we would like as citizens?

KAWERE: They would be in a position but the problem is that the whole set up is dwindling down the drain. No papers, no file covers, and all sort of things. You may go to court and the Judge says I do not have papers, how do you expect me to write. We need to rehabilitate ourselves and rehabilitate our court system too. There is a lot to be done. We have spoken about it we do not know what the authorities are doing. We had a seminar early this year and all these came up. In fact there is another seminar coming up, we are complaining about the same thing.

CHAIRMAN: While still on that, Mr. Kawere, I think perhaps if you could add on to the advice you had given earlier. This is with regard to the - you said earlier that soldiers should stop arresting people, now who should arrest people and what would you say should be done to the police to improve investigating and speed investigation of allegations of crime and prosecution so that people are expeditiously brought to court acquitted or convicted as the case may be.

KAWERE: There was some screening that was done among the police but it was not thorough because when you go to a police station, you would see the same methods that were used before the screening, delaying of cases. A case that ought to have generate court does not go because they expect something, and a case that should not have gone to court.

CHAIRMAN: Expects what?

KAWERE: A reward.

CHAIRMAN: Payment?

KAWERE: Yes payment.

DR. LUYOMBYA: Bribe.

KAWERE: And cases that should not have gone to court are the cases that go. You find innocent people dragged into court. So the screening that was done is not proper. These people need to be rehabilitated. Leave the arresting of defaulters to the civilians and the police and not the army. I will not expect somebody with a gun to do good arresting.

MR. NAGENDA: But then what would you say, Mr. Kawere, because these obviously are points that concern us very closely and I for one have one particular exercise about it, what would you say to somebody who told you that, it is only 18 months to go whatever may be 19 months that this particular government came in, that it found a whole system which had collapsed, that even as we speak there are areas still under war and agents of former regimes, bad regimes which we have been talking about trying to overthrow this state. Will you not therefore say that it was reasonable in a particular case to do with security if the job is done by people who are able to do it, i.e. the army?

KAWERE: Once a soldier, always a soldier. We have seen soldiers and they have repeated the same fault so we do not trust them any more with the work

that was not made for them. They are more disciplined when they are in their barracks and they are more disciplined when they are soldiers proper but once you give them work that is not theirs, supervise the sale of paraffin and so on, they will ruin the whole system.

MR. NAGENDA: But surely, Mr. Kawere, the point is that if you just sort of put up your hands and say let the people do it, when in fact you only had 3,000 policemen, who you say were not even properly screened, it would be the height of irresponsibility if you just say well, let whatever happens and would you not say that this might well lead to a situation, break down peace and security which some of us we have experienced in some degree?

KAWERE: So, far I am not only saying this because I am a RC myself but in villages where the RCs have taken on the job of arresting, there is some law and order. There is an improved situation, in my village there is not a soldier and we are doing it very well. In Seta itself, this is where I am Vice Chairman, we have arrested soldiers, forced them to drop their guns, one left his cap with the number written there on and today it is much better. We are still pestering the authorities in Mukono to bring these people to court but we have not been asked about our statements. We have so many cases.

MR. NAGENDA: Yes, but what about situations, I will give you as situation of a village near mine called Ssangala, where we had some very rowdy elements who went round shooting people, one of the people they shot was actually a friend of mine. They shot him with an AK47 seven times but miraculously he is still with us. I can assure you no RC 3 - and we have got a very good one in my view- RC 2 or RC l would have been able to get hold of these fellows. We had to send off the Buye in Mityana for reinforcements from soldiers who came and rounded these people up.

KAWERE: That was an exceptional case but generally speaking civilians can do it.

MR. NAGENDA: So, are you saying that in some cases especially with this thing of security in mind that there are not going to be cases where regrettable though it may be in this interim period before we have trained the civil forces that the army will have to still oversee this security situation?

KAWERE: I think it appears that the army will have to continue that way but it should be sparingly done not to be left at large the way they are.

DR. LUYOMBYA: Mr. Kawere what about if the army does it in conjunction with the RCs?

KAWERE: I do not think it will succeed, because how many times have we arrested these soldiers and what has happened to them?

MR. NAGENDA: Some have been shot.

KAWERE: Those are very few. We would like to see them in our civilian courts where we can go and give evidence against them. We are told there are tribunals, what happens there who knows.

DR. LUYOMBYA: No, I wanted to have a comment from you, a fellow Commissioner asked you about your suggestion to improve the situation and prevent it, you mentioned disciplining soldiers, reducing their powers and preventing them from arresting people because you yourself you were arrested by soldiers.

KAWERE: And they have arrested many others.

DR. LUYOMBYA: Do you think in your case when you were arrested by these soldiers, did they do it on their own or they had some orders from above?

KAWERE: In my case there were no orders from above. It was those Youths I mentioned who suggested that I should be arrested and the soldiers did it.

DR. LUYOMBYA: Did those Youths have some support or some base on which they were turning to have such courage and order your arrest?

KAWERE: These were the days immediately after the 1980 elections, and Youths at that time meant UPC.

DR. LUYOMBYA: So there was something politically wrong?

KAWERE: It was political, yes.

DR. LUYOMBYA: Would you comment on that? Any comment you would like to tell the Commission?

KAWERE: Whether it was good or bad?

DR. LUYOMBYA: Well, we want to prevent a situation happening again.

KAWERE: As I said earlier on these people were left at large, the Youths. The other day we were here with a Father he mentioned Youths, Chairmen and so on. Those people were given powers they ought not to have been given. Or they took on themselves powers which they did not have and they were never checked.

DR. LUYOMBYA: Whose fault was it if they were not checked?

KAWERE: It was the administration. An ADC sits on his chair, he hears Youths harassing people in the area and he does not care.

CHAIRMAN: Counsel at this time perhaps let us have a break and resume here in 20 minutes time. Mr. Kawere, I think you will still have to come back, I think we have not quite finished with you yet. May be just a little longer, perhaps not very long.

KAWERE: I am most obliged my Lord.

CHAIRMAN: Thank you.

CHAIRMAN: Commissioner, Ladies and Gentlemen, we are ready to resume from the break. Now, Mr. Kawere, before we broke off I think we were asking you

some of the advice which you thought would improve things in this country, particularly with regard to security. I do not know if there are any more questions from the Commissioners on this or on any other aspect of violations of human rights.

MR. NAGENDA: Mr. Kawere, let us take a probe of what we were saying before the interval; let us take the case of security. Somebody has been terrorising an area and who is picked up by the Army, if he is taken to a Police Station because of - shall we call it the lack of morale - that the Police have undergone and which has led to a great many of them becoming corrupt; there is a chance, as has happened in our area certainly, that these people are going to be spirited away by the Police on the payment of a bribe, to go back to the areas they terrorised and terrorise people. So, now what happened is that a lot of people who would come and give evidence about them got frightened, yet on the other hand if it stays as an Army case then there is a chance that these people will not be brought to court anyway. How do you resolve this?

KAWERE: Mr. Chairman and members of the panel, I feel it is high time that in addition to the Police at Police Stations, another legal officer should join the Police so that they process these cases. For instance, we have got State Attorneys, they are not as many as they should be, I know some of them have been stationed at Police Stations but they rarely go there for lack of transport and so on. But if we had officers at these Police Stations whose duty it is to process these cases as they come, sort them out and pass them on to the DPP's department, this would assist. So that we have several officers to one file, one cannot easily be bribed the way it is done these days, perhaps this will improve the situation.

MR. NAGENDA: What about the courts themselves, are you satisfied with the way they go? It is so very well to just bringing these people up to court; is it not true that in some, shall we say secluded areas, small magistrates are becoming extremely big powerful people!

KAWERE: You are quite correct when you say that. We have three main grades of magistrates, we have a G.1, grade one, this is the trained magistrate; you may have one at a centre. Then we have G.2s and G.3s; we may have three. For instance, in Mengo itself now, we are told they are 13 magistrates; there is only one chief magistrate who is a trained lawyer and one G.1, the eleven are supposed to be G.2s and G.3s and they are too many to be supervised by this one chief. You find stations where you have G.2s and G.3s only, these are small kings. It is my suggestion that since the Law Development Centre turns out from 60 to 70 trained lawyers a year, these are people who have a profession to protect; people who would like to make a career, perhaps this will deter them from misusing their positions. Let us phase out the G.2s and G.3s and appoint responsible people! This may lift the standards. When G.2 or G.3s are appointed, he does not expect anything, he is a magistrate and that is all! If you are a G.1 and you perform very well, you are likely to be promoted to another rank. I understand there was a commission of inquiry that was set up to look into the performances of the High Court and other courts, and I understand they recommended that the G.2s and G.3s should be

phased out; the good ones could be given other posts within the judiciary so that they continue, and those who have ruined their career will get what they deserve so that their posts are taken up by the G.1s. I definitely feel this will improve the situation.

MR. NAGENDA: Where do the G.2s and the G.3s currently come from?

KAWERE: These are people who have, some of them have done their HSC others 'O' Level and others have been teachers somewhere; they are recruited by the Chief Registrar, sent to the Law Development Centre for a course of nine months only. We feel this is too short a period, so from there they go and start their duties in different areas. There is another snag where you find a Chief Magistrate looking after a district, he is alone, he has got his own court work and he is the administrator! The Chief Registrar is too busy at the High Court that he can never supervise the G.2s and G.3s in their areas, and the Chief Magistrate whose duty should have been to supervise them has no transport and he has to sit in court! These are the things that need to be rehabilitated before the whole system is improved.

MR. NAGENDA: You said that you are a Vice Chairman of RC III, so that will suggest that you are in a very good position to talk about the RCs. Do you foresee even in the Bill that is going through with these Resistance Committees; do you foresee areas of conflict between, say, G.3s and G.2s the RCs when it comes to trying cases of varying degrees?

KAWERE: I do not think that there is likely to be a conflict, because when I read the Bill I do not see the powers of the RCs! Sessions are not defined! Which laws are they going to administer? The G.2s and G.3s have got a Penal Code and a procedure to follow; the G.2s have to settle small disputes! Today you appear before an RC 1, you are not happy with their decision and you appeal to the RC II, if you are not happy you go to the RC III and in the end they will advise you to go to court! I see no conflict; the conflict is likely to arise if their powers are defined and sections to be administered are also defined. Because there, one will have to choose, I either go to the RC or go to court.

MR. NAGENDA: Are these RCs going to easily allow you to go to a magistrate in some cases -I mean they seem to be - because their areas are not defined!

KAWERE: They are not defined!

MR. NAGENDA: Precisely on that reason, they will probably occasionally take on cases which they are not competent to try; do you think so?

KAWERE: Oh, yes, this happened in my own area in a neighbouring village; I think it was a seduction case, they tried it, fined. To whom the fine went I do not know, I did not bother to ask - (Laughter) - and you do not blame them because they are not directed that if you fine give the money to so and so; probably they took it themselves!

MR. NAGENDA: Well, thank you very much, Mr. Kawere.

DR. LUYOMBYA: Mr. Kawere, there is one little comment you made and I wanted you to

explain. A fellow Commissioner asked you about the people taking law in their hands, and you said that we lost the time when people should have used that; but it is now too late. What did you exactly mean?

KAWERE: What I meant is; that with these Government cases - there is a limit which I mentioned earlier on -you must give the notice of the intended suit within two months, and then you file the case within 12 months. When these people realised that the two months had expired, on that - technicality alone they cannot proceed. That is what I meant and I hope it answers your question.

DR. LUYOMBYA: Not quite. You were specifically asked that what if people took the Law in their hands? They see that they cannot follow such a case and the existing laws are not helping them out and they decide to try the case themselves! And you made a comment that it is too late now.

KAWERE: What I meant by saying it is too late, I said that the atmosphere had cooled down. If one wanted to take the law into his own hands and fight back, the temper is gone and he cannot do it any more! If he wanted to go to court, it is time barred; that is what I meant.

DR. LUYOMBYA: Did you want to imply that if people took law into their hands when the temper was high, would that be justifiable?

KAWERE: No; not in a country where there is law and order or where we are trying to enforce law and order.

DR. LUYOMBYA: So, this is what I wanted to be cleared.

KAKWENZIRE: Following on my earlier line of argument, you realise, perhaps, I note that most of our people here most of whom are illiterate, even those of us who are literate we find that we really do not know the law that governs us; In fact, the very copies of the laws that govern us are limited to the recipients! I do not have a copy of the laws of Uganda and I believe most people have never set their eyes on our Statutes, and there has been even no sort of education, high light or to tell the people their rights or their laws, and most people are inhibited from going to courts especially because they do not know where they stand legally; in fact, they start from a wrong premise that chances of going successfully through courts are very slim. That kind of fear and that degree of ignorance is made worse by our realisation that justice is normally tied to the politics. From our experience we sort of learn that justice is normally in line as to which party you belong to; you yourself fell a victim and you have testified to that because of the political - of your own political thought and your political line; and you and several of your colleagues were victimised and detained. Now, in such a kind of climate I would like to hear your comments as to how we can deal with such a situation, to safeguard our rights as ordinary citizens.

KAWERE: Madam, I do not personally feel that one needs to be taken to class to be taught the law. There is what we call natural law; even one who has not been to school knows that it is bad to steal; he knows that it is bad to cut

another or break somebody's door! this we know already, it is common law; it is the very few technicalities, the procedure in the law that we lack! We have had lectures or lessons given by some lawyers on radio, I understand the public likes them very well, probably the law society could be encouraged to make similar talk to the public and enlighten the people about their rights and interests. I understand at the moment that the Law Society of which I am not a member this year, is trying to introduce what we call - is it the common man's law or something - whereby there is a centre where somebody goes to make inquiries about a certain case or law he or she is informed as to the procedure to follow and he or she is given free advice; a kind of consultant organisation of lawyers. This is coming up, the Law Society has started it, perhaps, Counsel could assist me here on the specific name given to the organisation.

COUNSEL: Well, this is Legal Aid.

KAWERE: Legal Aid, yes. Does this answer your question Commissioner?

KAKWENZIRE: Yes, but the second phase of justice tied to political inclination.

KAWERE: I do not know what I will tell you about this. Different politicians have got different views; have got different ways of carrying out their aims politically and I do not know how I can answer this question!

KAKWENZIRE: Is it not likely to hamper efforts -

KAWERE: Of -

COUNSEL: May be - you see, you spoke about the Youths in your area and you tied them to your arrests, enforcement of law and orders; would you think political functionaries should be used in government machinery of enforcing law and order and, maybe, justice? Should it be based on political affiliations and so forth?

KAWERE: No, certainly not! These Youths were agents that were put there by these particular politicians to harass others! So, they should not be made government agents. That should not be introduced in our system of life, to torture others or infringe their rights. These went into extremes, that is why they did it, and what happened is that they have flopped. We have seen so many so-called chairmen who were calm and quiet and they are still around and we have not complained against them. So, it is these few individuals who took things into their own hands and went into extremes.

KAKWENZIRE: When I raised this I have something I have personally observed and you will probably see it; that people hesitate to go to courts if governments in power are not governments of their political inclination. I have in mind past regimes where most people shied away. Similarly, there is a similar situation, for instance, as we progress in our inquiry you will find that there are certain trends that show that certain people are not forthcoming to bring the violation of their own rights to this Commission. Not because they do not have cases, but because, maybe, they have the same fear like we had that their complaints may not be entertained - sorry - what I was

saying is that this kind of thinking in your view, does it not hamper all efforts to rehabilitate and to encourage the course of justice?

KAWERE: In fact, you are quite right because I know of some big people who have said 'if this Commission is inquiring into atrocities committed between 1962 and 1986; why not include its own period?' Many are staying away! So, we have to train them, tell them we are going to find ways and means of preventing these atrocities being committed again; this Government is not interested in them, that is why a Commission of Inquiry was appointed! The Commission too I think has to educate these people. I would suggest, I do not know how you will do it, when you have been on Television to try to explain to the people about the procedure and why you are doing it. If you have not done it, I suggest you better do it. There are many other people staying behind, and you are right it is hampering the progress of the Commission.

DR. LUYOMBYA: Well, on that note there is - we are inquiring into a specified period, but I am sure that the country knows that there is a department of Inspectorate of Government which is dealing with violation of human rights from the time this Government came into power. So, we may ask you to assist this Commission and advocate and propagate this information to people who still have that thought or belief or fear that they cannot come because the Government is not investigating their own period. They are investigating their own period through the Inspectorate of Government.

KAWERE: Thank you, Commissioner, for telling me this but the rest of us who are not here to hear, and the rest of us who just do not care about things need to be told too. The moment this comes out, you will realise that people will be coming. The organisation has been set up and you and me may know that it has been set up, but what about the rest?

MR. NAGENDA: Mr. Kawere, I have just got one last question and this concerns your benefactor, Mr. Muwanga, who released you. I suppose he had not called you into that office, he might have been there much longer.

KAWERE: You are quite right.

MR. NAGENDA: Did you get the impression when he talked to you that it were your human rights that he was very much interested in?

KAWERE: I personally do not feel that it were my human rights that he was interested in, I am still convinced that he was forced by these incessant letters that came in from abroad, people talking about me in Parliament; and I understand there are some religious people who approached him. In fact, he told me that a Bishop who is his personal friend had spoken to him about me.

MR. NAGENDA: Who is this Bishop?

KAWERE: That was Bishop Joseph Mukwaya.

MR. NAGENDA: Did you ever get a chance to talk to the Vice President after this particular occasion when he let you free?

KAWERE: We met at functions such as auctions; of course, we met several times and he knew me very well. He spoke about it lightly.

MR. NAGENDA: Well, that is what I was going to ask you; how did he put it?

KAWERE: He never mentioned the detention, but he referred upon me as his old friend and that is all.

MR. NAGENDA: I see, well, you were lucky he was your old friend.

KAWERE: I do not know.

CHAIRMAN: Mr. Kawere, you answered all the questions which Commissioners have for you. I must thank you very much for having come forward and I hope your appearance here will set an example to other people of your calibre; you are one of the very first, I think, people who I consider prominent in this country. You are a lawyer of long experience and you had a very good training and so on. We have had very few people of your calibre coming forward; I do not know why, I do not know whether what you have said is anything to do with it - you know what you have just told us now - but I would like to think that your having taken steps to come forward will encourage other educated people and people who have been in positions of responsibility to come and testify before this Commission. Only that way as I have said before, can this Commission do its work. If people come and tell us their experience and their views of how things should be improved in matters of human rights and administration of justice. So, for that special reason we are very grateful that you have come; voluntarily as you did. You have not been summoned to answer any queries or any allegations and so on, but you have come on your own. It is very commendable.

KAWERE: Thank you very much, my Lord, I am grateful.

CHAIRMAN: Counsel, next witness please.

COUNSEL: I will ask my learned friend, Mr. Tabu Jogo to lead evidence from the next witness.

ASST. COUNSEL MR. TABU JOGO: My Lord Chairman, Gentlemen Commissioners, this is a new case relating to the arrest and extortion in 1981 by UNLA soldiers from one Haji Juma Sentongo.

MR. NAGENDA: Can you please speak up, Assistant Legal Counsel, we can hardly hear you!

COUNSEL: Commissioner, this is a new case relating to the arrest, extortion in 1981 by UNLA soldiers from one, Haji Juma Ssentongo.

MR. NAGENDA: Can you please speak up so that the Legal Counsel can have the hearing?

COUNSEL: My first witness is Haji Juma Ssentongo.

CHAIRMAN: Counsel, I can see other people who perhaps are prospective witnesses. Are they prospective witnesses?

COUNSEL: My Lord, they are being taken care of.

CHAIRMAN: Oh! I see. Okay.

WITNESS NO.141: HAJI JUMA SSENTONGO - AFFIRMED

COUNSEL: You are Haji Juma Ssentongo, age 50 years, Muganda, businessman of Luwafu village?

SSENTONGO: Yes.

COUNSEL: Gombolola Makindye, Busiro?

SSENTONGO: Yes.

COUNSEL: Are you married?

SSENTONGO: Yes.

COUNSEL: Do you have children?

SSENTONGO: I have sixteen children.

COUNSEL: From one mother?

SSENTONGO: No, from two mothers.

COUNSEL: Who are they?

SSENTONGO: One is Hajati Sarah Katerega. The second one is Sauda Namazzi.

COUNSEL: You are a businessman, what is the nature of your business?

SSENTONGO: I am trading in matooke, I have a lorry.

COUNSEL: What is the registration number of this lorry?

SSENTONGO: UWP 019 but now it is off the road.

COUNSEL: When did you start this business?

SSENTONGO: I started during Binaisa's regime.

COUNSEL: Are you suggesting this was in 1980?

SSENTONGO: That is right.

COUNSEL: Were you in this country in 1981?

SSENTONGO: Yes, I was in Uganda. I was a taxi driver by then.

COUNSEL: Where were you living in 1981?

SSENTONGO: I was living at Luwafu.

COUNSEL: With all your family?

SSENTONGO: Yes.

COUNSEL: Is there anything of importance that happened to you in 1981.

SSENTONGO: Yes, there is.

COUNSEL: Okay, tell the Commission.

SSENTONGO: When Muwanga took over from Binaisa, soldiers came to my home during the time when Obote was fighting with Museveni.

COUNSEL: At what time?

SSENTONGO: They came during the evening hours. I was at home by the time they came. They came in a Land Rover, it had a tunnel on it. When I saw them, I wanted to run away. One of the soldiers pointed a gun at me and said that if you try to run away, I will shoot you.

COUNSEL: Do you remember the number of soldiers that came?

SSENTONGO: They were about five soldiers.

COUNSEL: Did you know any of them?

SSENTONGO: I did not know any of them. But later on, one of the soldiers introduced himself to me as Opio.

COUNSEL: Okay, when they asked you not to run because they would shoot you, what happened?

SSENTONGO: When they told me so, I stopped, I feared to run away.

COUNSEL: Yes, did they say anything to you?

SSENTONGO: They told me that we have come here on the instructions of Mr. Muwanga. He has ordered us to take you. You are a bandit and you take food to them. They forced me to board their vehicle and they took me. They took me to Makindye.

DR. LUYOMBYA: Let us have some clarification. You talked of Muwanga, which Muwanga?

SSENTONGO: The then Vice-President.

DR. LUYOMBYA: Paul Muwanga?

SSENTONGO: Yes.

DR. LUYOMBYA: Was it this soldier Opio who was telling you all of this?

SSENTONGO: Yes it was Mr. Opio. I was taken to Makindye Military Barracks. I was arrested together with my neighbour called Sekimpi. We spent one day at Makindye but while we were still there, Sekimpi was beaten and killed. He was beaten with sticks and killed. He was beaten on the neck and he died.

COUNSEL: What was he nature of this stick? Was it iron or wood?

SSENTONGO: I was inside the cell but I could see them at a distance. I could not differentiate whether it was a stick or an iron.

COUNSEL: Did the stick break when his neck was hit?

SSENTONGO: It did not break.

COUNSEL: Okay, proceed.

DR. LUYOMBYA: Counsel, I am getting a bit lost. Let us have this incident in detail. They were arrested together and brought together to Makindye and let us have a chronological order of what happened. Now they have entered the barracks at Makindye.

SSENTONGO: When we reached Makindye, they insisted that I was taking food to the bandits but when they were saying so, my friend wanted to escape from them. That is why they beat him. He told them, I do not know the reason why you brought me. You are alleging that this one was taking food to the bandits but why have you brought me? At that time, they insisted that I was taking food to the bandits. One soldier asked me that I want you to say the truth. Do you know Museveni? I replied that I did not know Museveni and I had never seen him. He told me that if you do not know Museveni, you are now going to be taken to Kireka. And that if you go to Kireka, you will never return unless you confess that you know Museveni. At that time, I told them that if you want to cut off my head, you can cut it off because I do not know Museveni. This is my first time to hear of him.

COUNSEL: Okay, before we leave Makindye, now did you know this boss who was asking you these questions?

SSENTONGO: I did not know that person who was interrogating me. The others went away after taking me to Makindye.

COUNSEL: How were these other five soldiers who arrested you dressed?

SSENTONGO: They were all dressed in army uniform.

COUNSEL: No, the boss to whom they took you, was he also in uniform?

SSENTONGO: Yes.

COUNSEL: Was his uniform the same like the one of these five or his was different?

SSENTONGO: Their uniform was the same apart from this boss had three stars.

COUNSEL: Are you suggesting he was a captain?

SSENTONGO: Yes, they referred to him as captain.

COUNSEL: Now, you said you spent a night there at Makindye.

SSENTONGO: I spent two days at Makindye. On the third day, I was taken to Kireka barracks.

COUNSEL: Were you given food for those three days while you were at Makindye?

SSENTONGO: They used to give me a small piece of posho.

COUNSEL: Was it accompanied by any sauce?

SSENTONGO: No, I took it dry. There was no sauce. But one time when I was eating, one soldier came and poured water over my face.

COUNSEL: Was it cold water or hot water.

SSENTONGO: It was cold water. I lifted my eyes and I looked at him and he abused me in Swahili that " *tumbavu*, why are you looking at me?"

COUNSEL: What does *"tumbavu"* mean?

SSENTONGO: You are a fool - meaning you are a fool.

COUNSEL: Were you given water to bathe?

SSENTONGO: No, they did not give me water. Was I their son!

COUNSEL: Did you have call rooms nearby which you could visit?

SSENTONGO: The toilets were improvised by providing us with pails.

COUNSEL: How often were these pails emptied?

SSENTONGO: Whenever it was full, we had to carry it and empty it.

COUNSEL: Where?

SSENTONGO: I had a chance for the two days I spent there, it had never been full. My friends had told me that I was the next to empty that pail but before it was full, I was taken away.

COUNSEL: Who were these friends of yours you are talking about?

SSENTONGO: The prisoners whom I met there.

COUNSEL: How many were they?

SSENTONGO: They were about nine.

COUNSEL: Did you know anyone of them?

SSENTONGO: No, I did not know anyone of them and I was on my own.

COUNSEL: Any you were the tenth?

SSENTONGO: I was the tenth.

COUNSEL: How large was this room?

SSENTONGO: As you enter Makindye barracks, these cells are on the left. You open the first door, you go in and then they open another door. You are taken there.

COUNSEL: We were asking for a rough estimate of the area where ten people were staying.

SSENTONGO: It was a large room. We could fit there as prisoners.

COUNSEL: Was it as big as this room in which we are now?

SSENTONGO: It is big as the place where the Commissioners are seated. that cubicle. And if I take you, I can show you the place.

COUNSEL: My Lord Chairman, for the record, I do not know how -

MR. NAGENDA: About twelve by six?

COUNSEL: Twelve by six feet?

SSENTONGO: That is right.

COUNSEL: While you were there, what happened to these nine other friends of yours?

SSENTONGO: They used to beat them with sticks.

COUNSEL: How many times a day?

SSENTONGO: Whenever a soldier came in, he could ask, have you taken tea and you would not know which tea he meant. If you said no, I have not taken, he goes back, brings a stick and he starts beating you.

COUNSEL: Roughly in a day how many times did you take this "tea?"

SSENTONGO: Any time especially if the soldier comes in when he is drunk. What you have to do is to hide your face. If you looked at him, he could beat you in the face.

COUNSEL: Now, at this time, where was Sekimpi?

SSENTONGO: After one day, Sekimpi was killed.

COUNSEL: How was he killed? You came together, how did he come to be separated from you?

SSENTONGO: He was separated from me and taken to next room. Then I heard him being beaten. He was taken to the next room from mine.

COUNSEL: Was that on the same evening of your arrest?

SSENTONGO: Yes, on the evening of the day we were arrested.

COUNSEL: Now, while he was in his separate cell, what happened to him?

SSENTONGO: I did not know what happened but I heard him being beaten and the soldier said that he was escaping.

COUNSEL: What else did you hear?

SSENTONGO: That is all we heard because we were in fear.

COUNSEL: Did he cry?

SSENTONGO: He cried once shouting that my friends, they have killed me. The following day at -

COUNSEL: The following day, did you see Sekimpi?

SSENTONGO: We left the dead body there.

COUNSEL: In the cell?

SSENTONGO: Yes, in the cell.

COUNSEL: What time was this?

SSENTONGO: I was removed from Makindye at 10.00 p.m.

DR. LUYOMBYA: Clarification please. Sekimpi was separated from the witness and taken to another cell?

SSENTONGO: Yes but we were taken to Makindye at ago.

DR. LUYOMBYA: Could you see what was happening in that other cell?

SSENTONGO: I could see what was going on but I feared to look there because the door was made out of iron bars. Even when I take you there, I can show you this place.

COUNSEL: Okay now at 10.00 p.m. the following day, where were you taken.

SSENTONGO: I was taken to Kireka barracks.

COUNSEL: Before we reach Kireka, how were you removed from this cell of yours?

SSENTONGO: They came and called out my name saying where is Haji Juma Ssentongo. I answered then they got hold of me and threw me on to a vehicle.

COUNSEL: What type of vehicle was this?

SSENTONGO: It was a Land Rover.

COUNSEL: And where were the nine other friends of yours?

SSENTONGO: I left them in the cell where I was. I was taken alone. They were mostly interested in me because they said I was the one taking food to Museveni.

COUNSEL: Okay, were you eventually taken to Kireka?

SSENTONGO: Yes.

COUNSEL: What happened to you when you reached Kireka?

SSENTONGO: When we reached Kireka, one of the soldiers said that we have brought a bandit who takes food to Museveni.

COUNSEL: Who was he addressing?

SSENTONGO: His colleagues.

COUNSEL: Were these colleagues dressed in the same manner as this soldier?

SSENTONGO: They were all dressed in army uniform.

COUNSEL: After this address, what happened to you?

SSENTONGO: He said, bring ropes and we tie him up.

COUNSEL: Were you eventually tied up?

SSENTONGO: They tied me up with copper wires. I wish to demonstrate how I was tied up. These are the scars where I was tied with copper wires. I was pierced

with a bayonet, this is the scar on my right arm. All my arms were tied. These are the scars. There was a trunk of a tree and I was tied on to it and whenever I tried to kick about, the wires cut me deeper. The right leg nearly came off.

COUNSEL: When you were tied to this tree, how long did you take in that position?

SSENTONGO: I remained on the tree for five days.

COUNSEL: Was this tree lying on the ground or not?

SSENTONGO: No, it was lying on the ground. Maybe they used it for tying on people.

CHAIRMAN: Counsel, if we can borrow cameras, I think the scars of this witness could be photographed and for record.

COUNSEL: Most obliged my Lord.

COUNSEL: Now, while you were tied to this tree, were you allowed to see your relatives?

SSENTONGO: Nobody was allowed to come and see me.

COUNSEL: Did they know that you were at Kireka?

SSENTONGO: They did not know that I was at Kireka.

COUNSEL: Were you given food?

SSENTONGO: They used to bring me posho and they used to untie my left hand so that I could use it in eating but there was no sauce. That is why on the left hand, there is no scar like on the right hand.

COUNSEL: Were you allowed to visit toilets?

SSENTONGO: I could not go to the toilet because I was getting very little food.

COUNSEL: Did they give you water for bathing?

SSENTONGO: They did not give me water at all because I was not their son. They had taken me there to be killed. That was all.

COUNSEL: So for five days you never visited a toilet?

SSENTONGO: For those five days, I did not visit the toilet and I had nothing to excrete.

COUNSEL: The tree to which you were tied, was it inside the house or outside?

SSENTONGO: It was inside the house; inside the cell.

COUNSEL: How large was this cell?

SSENTONGO: It was a uniport of an ordinary size but I was alone there.

COUNSEL: Were you later on joined by an another person?

SSENTONGO: Later on two persons were brought in.

COUNSEL: What happened to these two other persons?

SSENTONGO: Those two men were handcuffed all the time.

COUNSEL: Were they given food?

SSENTONGO: Yes, they were given posho.

COUNSEL: How about water for bathing?

SSENTONGO: They were not given water for bathing.

COUNSEL: Did they visit the toilet?

SSENTONGO: They could not go out but the pail was there inside the uniport.

COUNSEL: How about blankets for covering yourselves at night?

SSENTONGO: No one could give you a blanket. I had to lie down on the floor.

COUNSEL: Now after five days in this uniport, what happened to you?

SSENTONGO: After five days when my relatives had looked for me and failed, one of them went to my home and informed them that I know where Haji is -

MR. NAGENDA: One of whom? One of the soldiers?

SSENTONGO: One of the soldiers.

COUNSEL: When you say he went to your home, how did he come to know your home?

SSENTONGO: There was one youth by the name of Kagwa, I think he was the one who informed them that I had vehicles, I had money when in fact I had nothing. That same man who went to my wife Hajat, told her that I will look for Haji. I know where he is. I want 200,000/=.

MR. NAGENDA: Clarification here please. Let us get this properly. The soldier who went to his house, was the name of the soldier Kagwa or not

SSENTONGO: The soldier who went to my home informed them that his name was Kagwa. Hajat accepted and told that soldier that if you bring Haji, I will give you the 200,000/=. At that time, my son called Shaban Matovu had come from Bugerere to join Hajat in looking for me. They agreed and he told them to prepare some food so that he brings them to see me. And he told them that if I take you there, do not speak to him. Just look at him

and leave the place immediately. They agreed, they prepared some food and he brought them at about 9.00 p.m.

COUNSEL: No, when you say he brought them, who did he bring?

SSENTONGO: He brought Hajat and Saban Matovu.

COUNSEL: Did you see them?

SSENTONGO: I saw them when they came at a distance because he told them to give him the food and he will take to me.

COUNSEL: How far away did they stand from you?

SSENTONGO: I saw them in a distance from where I was seated to that entrance; the wire had just been removed from me.

COUNSEL: Was it in the same uniport?

SSENTONGO: Yes.

COUNSEL: Did you have light?

SSENTONGO: The light was outside.

COUNSEL: What happened next?

SSENTONGO: He told me that you can go away now, I will give him the food. He did not give me the food, he even took the plates and he ate the food.

COUNSEL: What happened next?

SSENTONGO: He told me that if you want Haji to be released, we want Shs.2 million.

COUNSEL: Yes, what happened next?

SSENTONGO: Shaban told that soldier that we shall raise the money, we shall sell whatever we have, but we are not going to pay you from here but if you bring Haji to our place even if he is dead, we shall give you the money. They discussed between themselves, I do not know what transpired, but during the night at about 1.00a.m soldiers came and removed me from the uniport and I was again taken to Mbuya.

COUNSEL: Was it the same night you were visited by your wife and your son?

SSENTONGO: No, this happened after two days.

COUNSEL: Did you come to know why you were transferred to Mbuya?

SSENTONGO: At that time, I did not know but I was informed when I had reached Mbuya.

COUNSEL: What was the information you were given at Mbuya?

SSENTONGO: When I reached Mbuya, I was informed that Paulo Muwanga had ordered for my death, when they had assessed my case, they had come to the conclusion that I did not know Museveni.

MR. NAGENDA: Who told you exactly that Paulo Muwanga had asked for your death.

SSENTONGO: The soldier whom I met at Mbuya.

MR. NAGENDA: Did you get to know his name?

SSENTONGO: Later on due to much pain and suffering, I agreed to give them the money they were demanding - (Interjection) -

COUNSEL: No, before we go there, this soldier who said it was Paulo Muwanga who ordered for your death, how was he dressed?

SSENTONGO: He was dressed in civilian clothes.

COUNSEL: And the other soldiers who took you there never called him by name?

SSENTONGO: Later on one of the soldiers who took me to Mbuya asked me whether I knew that soldier, then I said no. Then he told me he was called Okello and he was a big man.

COUNSEL: This is the one in civilian clothes?

SSENTONGO: That is the one.

COUNSEL: What happened next after this allegation had been labelled against you?

SSENTONGO: He told me that tomorrow we shall release you and we shall take you back to your home. He told me that we have come to an agreement with your people, you will see that tomorrow we shall take you back.

COUNSEL: Where did you sleep that night?

SSENTONGO: I spent that night at Mbuya.

COUNSEL: Were you taken back to Kireka?

SSENTONGO: No, I was not taken back to Kireka. At about 1 a.m. they took me back to my home and I remember it was raining. The vehicle on which I was taken there was a cannon. By the time we reached my home, there was security light outside and it was raining. He got out of the vehicle very quickly.

COUNSEL: Who got out of the vehicle?

SSENTONGO: One soldier got out of the vehicle and ordered my people at home to switch off the security lights alleging that they did not want people to see

a government vehicle at my home during the night.

COUNSEL: Was this Okello?

SSENTONGO: Okello also accompanied us because he wanted to get the money, it was another soldier who got out of the vehicle and told the people at home to switch off the security lights.

COUNSEL: In total, how many soldiers who took you back to your home?

SSENTONGO: Four soldiers took me back to my home.

COUNSEL: When the security light was put off, what happened?

SSENTONGO: I was removed from the vehicle because I could not walk I was being carried. I was put on the verandah. Then Shaban came out of the house with a bundle of money and told them that you have returned my parent, this is the money, now you can go.

COUNSEL: Who gave the money to them?

SSENTONGO: Shaban Matovu.

COUNSEL: Then after they received the money, what happened?

SSENTONGO: They drove off.

COUNSEL: When this money was being handed over, who were around?

SSENTONGO: Many people were at my home including my wives.

COUNSEL: Could you remember a few?

SSENTONGO: Hajati Sarah and Sauda Namazzi, Amani Mbowa was also present; those were some of the people who were present when Shaban was handing over the money to the soldiers.

COUNSEL: How long did you stay in detention at Kireka?

SSENTONGO: I spent two weeks at Kireka Barracks.

COUNSEL: And then at Mbuya?

SSENTONGO: I spent one week at Mbuya.

COUNSEL: During this time, were you able to learn a few names of those soldiers who tortured you?

SSENTONGO: I did not know any other soldiers except those two I have mentioned. I heard them telling me that it was Muwanga who ordered or who gave them powers to arrest me.

COUNSEL: Did you know one Opio?

SSENTONGO: He is the one who introduced himself to me and he is the one who collected me from my home.

COUNSEL: On the first day you were arrested?

SSENTONGO: On the day I was arrested, I did not know him.

COUNSEL: When did he introduce himself to you?

SSENTONGO: He introduced himself to me on the day I was arrested and he produced his identity card. He told me that he had been sent by Paulo Muwanga, the Vice-President and that I should not think that he had come to rob me.

COUNSEL: How about Odong?

SSENTONGO: Odong was also a soldier, he introduced himself to me while I was at Mbuya.

MR. NAGENDA: Do you mean Odong or Okello? At Mbuya there was one called Okello and another one called Odong?

SSENTONGO: Opio is the one who came for me from my home. Odong is the one who introduced himself to me when I was in prison that the boss wanted the money.

MR. NAGENDA: So, his name was not Okello?

SSENTONGO: Odong.

MR. NAGENDA: So, Okello becomes Odong.

COUNSEL: Since your release, have you seen these people again - Odong and Okello?

SSENTONGO: On the following day after my release at about 6 a.m. a vehicle was hired and I was taken to a doctor Ntabaazi in Ndeeba. These people came back at my home alleging that they had come to see a sick person whom they had returned.

COUNSEL: How did you know this?

SSENTONGO: Hajati informed me so. They told her that they had come to see the sick person, where was he? She replied that the sick person had been taken to the hospital and his legs wanted to come off. They made all their efforts to look for me at Mulago Hospital but I was not there.

COUNSEL: How did you know this?

SSENTONGO: From Mulago they went to Rubaga Hospital, they went to Namirembe I was not there, they went to Nsambya, I was not there and they came

back home. They told Hajati that we have looked for the sick person in all the hospitals but we have not found him, where did he go? Before they came back to my home, my wife Hajati had been advised to tell them that the sick person was taken to Nairobi by his relatives and that is what she told them. They did not know where Ntabaazi's clinic was and I think if they knew, they would have come for me to take me back to kill me; they did not know where Ntabaazi's Clinic was.

COUNSEL: Eventually, were you discharged from Ntabaazi's clinic?

SSENTONGO: I was discharged after one month.

COUNSEL: Did you come back to your home?

SSENTONGO: Yes, I went back to my home and it was Haji Nsimbe who met my hospital bills.

COUNSEL: How much was your hospital bills?

SSENTONGO: At that time he paid Shs 6,000/=.

COUNSEL: When you returned to your home, did you ever see Odong and Opio again?

SSENTONGO: I never saw them again.

COUNSEL: How about Opio?

SSENTONGO: I never saw Opio again.

COUNSEL: How about Kagwa?

SSENTONGO: I did not even see Kagwa again because I spent a month at Ntabaazi's clinic, I do not know whether they had been transferred or not.

COUNSEL: This Shs 2 million Shaban gave to Odongo and his group, where was it raised from?

CHAIRMAN: Counsel, all we have heard so far is that Shaban handed over a bundle of money, we do not know whether it was what, in fact, I want to ask how much did he know how much money his son gave to those people?

SSENTONGO: Shaban gave him a bundle of money, I do not know whether it was Shs 2 million or not, but later on he told me that he had given them Shs 2 million.

MR. NAGENDA: Plus another Shs 200,000/= from Hajati for looking for him?

SSENTONGO: That is right.

COUNSEL: My Lord, that is all the evidence from this witness.

CHAIRMAN: When was the Shs 200,000/= given? When your wife, your son took you food which you never received?

SSENTONGO: Yes, on the day they had brought food for me that was the day they gave him Shs 200,000/=

COUNSEL: Haji Juma, to your knowledge did Paulo Muwanga know you?

SSENTONGO: To my knowledge Paulo Muwanga did not know me at all.

COUNSEL: You had never had any relationship or contact with him?

SSENTONGO: I had no relationship or contact with him apart from seeing him passing by at a high speed, he used to fear us.

COUNSEL: Did you therefore believe when these people said that they had been instructed by Paulo Muwanga to arrest you?

SSENTONGO: I believed after all he was the Vice-President. He drafted a decree to the effect that if one talks of the results of the elections, he will be fined or imprisoned for five years. And he is the same Paulo Muwanga who brought us the *Panda Gari*.

COUNSEL: You have told us about the treatment metted out to you, how your legs were tied, at what particular time did you receive this stab on the shoulder?

SSENTONGO: I received the stab wound on the very day I was taken to Kireka Barracks, God loved me I would have died there and then.

COUNSEL: That is all, My Lord.

MR. NAGENDA: Haji, I did not quite get your age, could you please repeat it.

SSENTONGO: I am about 50 years.

MR. NAGENDA: When were you born?

SSENTONGO: I was born in 1923.

MR. NAGENDA: That I count as 64 years, Haji.

SSENTONGO: It could be.

MR. NAGENDA: I was going to ask you whether you had aged because of your treatment, but 64 is fine. Your right leg is very terrible and I am very sorry to have seen it.

SSENTONGO: Even the doctors had recommended that I should not walk, but due to poverty, I have nothing to eat and I do not walk a long distance.

MR. NAGENDA: That is what I was going to ask you actually whether it has affected you. Our police investigators are going to take pictures of it which we would like to keep for the record.

SSENTONGO: It is alright.

MR. NAGENDA: Did you have to pay back the Shs 2 million that Shaban said he had given to the soldiers?

SSENTONGO: No, he sold some of my property like the T.V., Radio Cassette to raise the money.

MR. NAGENDA: So obviously when you came back from prison, you were much poorer than when you went in?

SSENTONGO: If you reached my home, you will notice that I have no T.V. and people in the village used to come to me and watch my T.V.

MR. NAGENDA: There is nothing to be ashamed of if you were taking food to the guerillas, did you drive food to the guerillas?

SSENTONGO: Did I know him? He came to Masaka and I was staying at Luwafu, I did not know him.

MR. NAGENDA: But Museveni was not the only person fighting in the bush, perhaps you took the food to some other guerillas.

SSENTONGO: They were accusing me of Museveni, but not any other person.

MR. NAGENDA: Why do you think you were picked up, did you have some enmity in the village?

SSENTONGO: It was this Kagwa who was mostly against me because I had a new vehicle; he looked for allegations to plant on me.

MR. NAGENDA: Do you mean to say you knew Kagwa before you were arrested?

SSENTONGO: Yes, I knew him before I was arrested.

MR. NAGENDA: And I just want to get it clear because now I am going to confuse you again, was he a soldier or not a soldier?

SSENTONGO: He was a mechanic in the army.

MR. NAGENDA: Where? At Kireka or at Makindye or Mbuya or where?

SSENTONGO: He used to work in every barracks - Lubiri, Makindye and other barracks.

MR. NAGENDA: Where did he live?

SSENTONGO: He used to live at Makindye.

MR. NAGENDA: Is he still living there?

SSENTONGO: No and his whereabouts are unknown.

MR. NAGENDA: Has he got a family?

SSENTONGO: He was just a youth. He had no home and he had no family, he was just a youth.

MR. NAGENDA: Perhaps if you ever hear where Kagwa is, you might tell us.

SSENTONGO: Yes, if I hear where he is, I can come and inform you that let us go and collect him.

CHAIRMAN: Now, Haji Juma, you were treated very badly, detained and you sustained all those injuries. Did you ever think of making claim against the Government for compensation?

SSENTONGO: My Lord, I thought of taking the matter to the authorities but I feared due to the fact that I thought they could not listen to me.

CHAIRMAN: What about the Court action?

SSENTONGO: I could not take the matter to court because it was still their government, whom could I accuse at that time because they were still in power.

CHAIRMAN: Maybe, I think, it was a question of maybe fear, but there are many people who sued the government in court and they were awarded damage.

SSENTONGO: I feared, my Lord.

CHAIRMAN: You see, this is the kind of thing which perhaps the people should learn. We were discussing this with the previous witness if things of this sort happen, I think, people should not fear, the remedies are there in court and you can get it and some people did. Damages may not repair the injuries received, but at the least, it cannot replace or bring your leg back and so on, but it could perhaps compensate you somehow. It is very unfortunate now because it is now time barred, you cannot sue the government. But if those who perpetrated this can be traced, then they would answer it criminally. I think one other aspect which this Inquiry will do is to educate people that they should protect their rights zealously. You should not sit back in fear and let people get away with the infringement of your rights. I am not telling you this personally alone but genuinely - I mean it is unfortunate that now the time has passed, you cannot get it because there is a time limit, but it should serve as a lesson to others.

DR. LUYOMBYA: Haji Ssentongo, I am also very sorry that you suffered in such a way as the scars of the wounds you got show. From what you have told us, you did not know Muwanga and Muwanga did not know you.

SSENTONGO: That is right.

DR. LUYOMBYA: It seems people used his name to achieve whatever they wanted. This Kagwa, why was he interested in your vehicle?

SSENTONGO: It is because they wanted money from me.

DR. LUYOMBYA: But I presume there were many other traders with vehicles like yours in the area.

SSENTONGO: Nobody else had a lorry in my area, I was the only one.

DR. LUYOMBYA: For how long had you known Kagwa?

SSENTONGO: I knew him.

DR. LUYOMBYA: For how long?

SSENTONGO: For about a year and at the time I bought the lorry I knew him and he used to tell us that he was working as a mechanic in the army.

DR. LUYOMBYA: Did he repair any of your vehicles at any one time?

SSENTONGO: No, he was working in the army.

DR. LUYOMBYA: Was he staying on the same village with you?

SSENTONGO: No, he was staying at Makindye.

DR. LUYOMBYA: Did he want to hire or use your lorry at any one time?

SSENTONGO: No, as he was working in the army, he could not hire my lorry.

DR. LUYOMBYA: Were you really a very successful businessman?

SSENTONGO: Yes, I was.

CHAIRMAN: Haji Juma, that is all we need to know from you now. Thank you for your evidence which you have given to this Commission, you may go now.

SSENTONGO: What shall I do with my leg, my Lord?

CHAIRMAN: About that one, you see there are several legal impediments now. First of all, the law before it was changed, I think, sometime this year or May this year, was that in case you are like that, you have to sue government within 12 months, which period has now elapsed. Secondly, another law was passed in May this year - legal Notice No. 1 was amended - it was a subject to a court case, it is not long - which legal Notice No. 5 amended Legal Notice No. 1 of 1986 saying that claims in such cases cannot now be brought against government. Even those which had been taken to court but in respect to which government had not yet paid were banned. So, there is really nothing you can now do as a matter of right. What

perhaps, we are not promising this, but recommendations will be made for what perhaps is called *ex gratia* payment by government in serious cases by this Commission. But we have no power in this but whether government can do it or not, that is up to Government.

MR. NAGENDA: Just to add to what the Chairman has been saying to you, Haji, we have sat through here and we have heard terrible stories, many of them, exactly like yours; some dealing with young women and even if you were not able, as the Chairman says, are not able to convince anybody to directly pay you some money for what you have suffered, I hope you will realise that the fact that you have come here and helped the world to know what went on in this time, is itself of some benefit; I know it is not much, but it is of some benefit because it will make it more difficult for people to do this kind of thing in the future.

WITNESS NO.142: MRS SAUDA NAMAZZI - AFFIRMED

COUNSEL: What are your names?

NAMAZZI: Sauda Namazzi.

COUNSEL: You are aged 35 years?

NAMAZZI: Yes.

COUNSEL: A Munyarwanda by tribe?

NAMAZZI: Yes.

COUNSEL: A housewife?

NAMAZZI: Yes.

COUNSEL: Of Luwafu?

NAMAZZI: Yes.

COUNSEL: Who is your husband?

NAMAZZI: Haji Juma is my husband.

COUNSEL: To your knowledge was your husband living in Uganda in 1981?

NAMAZZI: Yes.

COUNSEL: Were you staying with him?

NAMAZZI: Yes.

COUNSEL: Is there anything spectacular that happened to your husband in 1981 that

you can remember?

NAMAZZI: Yes.

COUNSEL: Could you tell this Commission what it is?

NAMAZZI: I remember one day in the morning time some men came in a Land Rover.

COUNSEL: What type of men were those?

NAMAZZI: They were soldiers.

COUNSEL: And what type of Land Rover was this?

NAMAZZI: I just saw a Land Rover, I do not know which type.

COUNSEL: How many men were on this Land Rover?

NAMAZZI: There were a number of men on the Land Rover.

COUNSEL: When they arrived, what happened?

NAMAZZI: They asked us the whereabouts of our husband.

COUNSEL: When you say they asked us, with whom were you?

NAMAZZI: I was with my children at home together with my co-wife.

COUNSEL: What happened next?

NAMAZZI: Before we replied, we were seated in the Sitting Room, we saw those men arresting my husband and taking him away.

COUNSEL: Arresting your husband from where?

NAMAZZI: From the sitting room. They pushed him forcefully and took him.

COUNSEL: Did you report to the police?

NAMAZZI: Yes, I did.

CHAIRMAN: Which Police?

NAMAZZI: At Kibuye Police Station.

COUNSEL: What happened next?

NAMAZZI: The police told us that they would try to look for my husband.

COUNSEL: Did you hear from the police again?

NAMAZZI: Eventually the police came to us and asked us whether we had been able to trace my husband, but we told the police that we had not traced him.

COUNSEL: After how many days?

NAMAZZI: In the same week.

MR. NAGENDA: Perhaps before you go on, Counsel, could the witness tell us when the people took her husband, what did they say was the reason they were taking him?

NAMAZZI: They told us that he was a bandit.

COUNSEL: And did they tell you where they were taking him?

NAMAZZI: No, they did not.

COUNSEL: So, when the police informed you that they could not trace your husband, what did you do?

NAMAZZI: We made an announcement.

COUNSEL: How did you make an announcement?

NAMAZZI: We announced in the Press and on Radio.

COUNSEL: Did you receive any response to this announcement?

NAMAZZI: In the announcement we stated that anybody who will find him alive or dead, will be given a reward.

COUNSEL: Did you name the type of reward you were ready to give?

NAMAZZI: Yes.

COUNSEL: What was the reward?

NAMAZZI: Shs 200,000/=.

COUNSEL: Did you receive any response to this advertisement?

NAMAZZI: It was this announcement which helped us to find my husband.

COUNSEL: Did anyone respond to this announcement?

NAMAZZI: There was a person who came and informed us.

COUNSEL: What are his names?

NAMAZZI: That youth died recently and he was called Kagwa.

COUNSEL: Did you know him before the arrest of your husband?

NAMAZZI: I did not know him at all before the arrest of my husband.

COUNSEL: Did you know where he was staying?

NAMAZZI: I did not know him at all, but I just knew him on that day and that is how I got to know his name.

COUNSEL: Are you suggesting that he accompanied those soldiers who arrested your husband?

CHAIRMAN: Counsel, at least the witness has not said anything to lead you to make that suggestion. This is an announcement which they had put, what you can do is to find out was he present when the husband was arrested or did he come to know later?

COUNSEL: Much obliged, my Lord.

NAMAZZI: I did not recognise him on the day my husband was arrested because I was frightened.

CHAIRMAN: When he came, did he tell you how he came to know where your husband was?

NAMAZZI: When he came he called me together with my co-wife.

COUNSEL: Who is your co-wife?

NAMAZZI: Hajati Sarah. He called both of us and he told us that I have read an announcement in the paper, but do you have the money?

COUNSEL: Did you understand this?

NAMAZZI: We told him that if he knew the place where he was, we shall give him the money. We agreed to give him the money then he told us that let me go but I will come back.

COUNSEL: Did he come back?

NAMAZZI: Yes, he came back.

COUNSEL: What happened next when he came back?

NAMAZZI: When he came back, he told us to give him Shs 200,000/=.

COUNSEL: Did you give Shs 200,000/=?

NAMAZZI: We told him that we cannot give you the money at present before we get any proof that our husband was somewhere. He asked us what proof we wanted, then we told him that you bring one of the clothes in which Haji was taken.

COUNSEL: What happened next?

NAMAZZI: He brought the cloth to us. Then we gave him a different trouser to take to my husband and that is when we started raising that money.

COUNSEL: Did you recognise this dress he brought?

NAMAZZI: Yes, we recognised this dress and that is why we started looking for the money.

COUNSEL: What happened next?

NAMAZZI: When he brought the cloth, he told us that Haji was at Mbuya.

COUNSEL: When you received this information, what did you do?

NAMAZZI: We started looking for the money, to raise the said Shs 200,000/= so that he goes with the money.

COUNSEL: For whom was this money intended?

NAMAZZI: We do not know to whom he was going to hand over the money, all we were interested in was to know the place where Haji was.

COUNSEL: How did you go about to raise this money?

NAMAZZI: We had our vehicle at home.

COUNSEL: What type of vehicle?

NAMAZZI: It was a lorry.

COUNSEL: How did you utilise this vehicle in raising the money?

NAMAZZI: This vehicle was used to transport matooke.

COUNSEL: From where to where?

NAMAZZI: From Masaka.

COUNSEL: To where?

NAMAZZI: At Kibuye, in Kampala. But at first we realised this Shs 20,000/= they demanded at first, we had to sell a radio because we had no money at all.

COUNSEL: What type of radio?

NAMAZZI: I do not know the model. It was a radio cassette, together with a T.V. because to release Haji, we had to raise a large amount of money.

COUNSEL: When you sold the radio cassette and the T.V. how much money did you get?

NAMAZZI: I do not know how much money was received from the radio cassette and the T.V, because it was my co-wife who dealt with the matter directly.

MR. NAGENDA: *"Mukyala mukulu"* - the first wife.

COUNSEL: Now did you honour your terms in the advertisement you put out to the public when Kagwa came?

NAMAZZI: Yes eventually we honoured the terms in the announcement.

COUNSEL: By giving him Shs 200,000/=.

NAMAZZI: Yes later on we gave him the Shs 200,000/=, and then he demanded another Shs 2 million.

CHAIRMAN: Go step by step.

MR. NAGENDA: She had actually started to say it was a lorry and then talked about a house.

COUNSEL: Now, when you gave Kagwa this Shs 200,000/=, what happened?

NAMAZZI: We gave them the Shs 200,000/= so that he informs us the whereabouts of our husband.

COUNSEL: Did he inform you?

NAMAZZI: Subsequently, he informed us that he was at Mbuya.

MR. NAGENDA: Assistant Legal Counsel, she started to tell us how they raised the Shs 200,000/=. She has told us how she raised the first Shs 200,000/=, and she was saying that they had a vehicle - a lorry; and she did not tell us whether they sold it. I think she was starting to tell us how - do you think we ought to go back and see how they raised that money?

COUNSEL: How did you raise the Shs 20,000/=?

MR. NAGENDA: It is two hundred (Shs 200,000/=). She said it was a radio and the T.V. We are now going about the Shs 200,000/=.

NAMAZZI: We first sold the small property.

COUNSEL: Could you name them?

NAMAZZI: That is a radio cassette and the T.V. Then he told us that, if I bring your husband you will have to give me Shs 2 million. But this Shs 200,000/= was for informing us the place where our husband was.

COUNSEL: Yes, when you got this information, what did you do?

NAMAZZI: Then we started looking for ways in which to raise that money - the Shs 2 million. We had to give someone this lorry as a security in order to get

us the money.

DR. MAKUBUYA: When Kagwa brought the shirt, that was a proof to you that your husband was at Mbuya.

NAMAZZI: Yes.

DR. MAKUBUYA: Then you paid the Shs 200,000.

NAMAZZI: We first paid Shs 200,000/= to him to prove that really the clothing - then he brought the trousers to us and asked us whether we knew the clothes. Then we told him that we knew it. When he brought this cloth, we wept.

DR. MAKUBUYA: Now, when he brought the shirt and you had paid -finished your obligation of Shs 200,000/=, is it you who asked him to go further and have your husband released?

NAMAZZI: He told us that he will bring our husband if we give him Shs 2 million. We agreed to give him the Shs 2 million but after seeing physically our husband.

DR. MAKUBUYA: So it is Kagwa who suggested the Shs 2 million and then he would have produced your husband.

NAMAZZI: Yes.

MR. NAGENDA: But I am going to raise a small point but to me it is quite important. This is why I want to ask it. I agree you paid Shs 200,000/= when he brought the garment.

NAMAZZI: Yes and he asked us whether we had money and we told him that we had the money.

MR. NAGENDA: Okay. Did you not say - you see we have it on evidence - that actually you only paid the Shs 200,000/= after one of the wives and the son Shabani - had gone and seen him. Is this not when you paid Shs 200,000/=?

NAMAZZI: Yes the first wife and Shabani had gone there; but all the time I remained at home. It is the first wife who carried on everything.

MR. NAGENDA: Okay.

COUNSEL: My Lord, the first wife will be Witness Number 3 - the third witness after this. Now you said you had to give the lorry to some person in order to raise the Shs 2 million.

NAMAZZI: There were some persons in the market there we used to deliver matooke to.

COUNSEL: Do you remember his name or her name?

NAMAZZI: No I do not remember their names.

COUNSEL: What happened next then, after you secured this loan?

NAMAZZI: After we had secured the Shs 2 million, our husband was brought back home during the night.

COUNSEL: What time was it?

NAMAZZI: It was after mid-night.

COUNSEL: Then after how many days following his arrest?

NAMAZZI: It was more than 20 days.

COUNSEL: Who brought him?

NAMAZZI: It is the same vehicle which belonged to them. When they came home, they ordered us to switch off the security lights and we were frightened.

COUNSEL: Now how many people brought him?

NAMAZZI: I cannot tell because it was dark.

COUNSEL: So, when your husband was brought, did you see him?

NAMAZZI: I saw him.

COUNSEL: Could you describe how he looked?

NAMAZZI: My Lord, you would not like to look at him because he almost died. He died and he resurrected. It is only God who saved him. He had many wounds. His clothes were very dirty and filthy and even lava was coming out of the wounds.

NAGENDA: Maggots.

COUNSEL: Yes what else did you observe?

NAMAZZI: Maggots were coming out of his wounds.

COUNSEL: What else?

NAMAZZI: That time I heard them saying that, `the reason why your husband had been detained is because he was a bandit.'

COUNSEL: Who was saying this?

NAMAZZI: They went on to say that his motor vehicle was taking food to the bandits.

COUNSEL:

NAMAZZI:

DR. LUYOM

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NAMAZZI:

COUNSEL: Who was saying this?

NAMAZZI: Those men who accompanied him; but I did not know their names. Some of them were speaking in Swahili; others in English. But this youth - Kagwa -each time he spoke Luganda. Whenever we wanted to approach him, he sent us away.

DR. LUYOMBYA: Clarification, please. I did not hear the name of Kagwa being mentioned at this stage. Was Kagwa among those - let us ascertain, was Kagwa among the group which returned the husband?

NAMAZZI: This Kagwa was among the group which returned my husband and he is the one to whom the money was handed.

COUNSEL: Before the money, let us go back to your husband. Is there any other thing you noticed on your husband?

NAMAZZI: We boiled water to nurse him, then later on, we took him to the hospital.

COUNSEL: Now was he fatter than - when he was taken, was he fatter than - when he was brought back?

NAMAZZI: Yes he was fatter before he was taken.

COUNSEL: So he was thin.

NAMAZZI: Yes, he was thin because he was tied with wires and you have seen the scars and a lot of blood came out of him.

COUNSEL: Now, when he was brought and before you went to visit him and so on, what happened? Between that time when he was handed over to you and the time when these soldiers went away, what happened?

NAMAZZI: When money was handed over to them, they went away and then we removed the husband from the verandah.

COUNSEL: Who handed over this money?

NAMAZZI: It is the first wife and Shabani.

COUNSEL: Did you know how much it was?

NAMAZZI: I did not know the amount.

COUNSEL: And then those people went away.

NAMAZZI: Yes.

COUNSEL: What followed next?

NAMAZZI: We boiled water and then we nursed the husband. They had refused us to talk, in order to release him.

COUNSEL: Yes, what happened next?

NAMAZZI: We treated him and we noticed that his colour had changed.

COUNSEL: So what did you do?

NAMAZZI: The first wife took him to the hospital. I remained at home.

COUNSEL: Did you know where he was taken?

NAMAZZI: Yes I did.

COUNSEL: Where?

NAMAZZI: They took him to Dr. Ntabaazi's Hospital.

COUNSEL: Where is this hospital?

NAMAZZI: It is at Ndeeba.

COUNSEL: After he was taken, what happened?

NAMAZZI: The first wife remained at the hospital to look after the husband and I remained at home; but soldiers kept on coming to us. They wanted the balance of the money. We had not completed their payment.

COUNSEL: How much did they say the balance was?

NAMAZZI: I did not know the amount. I did not want to tell them where my husband was lest they would trouble them.

COUNSEL: Was Kagwa also amongst this group?

NAMAZZI: I did not recognize them because those men were fearful.

COUNSEL: From whom were they demanding the balance?

NAMAZZI: They were demanding the balance from me because I was the one who stayed at home. I told them that, if you want the balance go to Mulago Hospital that is where he was taken. I did not want to inform them the place; but I told my friends to try and raise the balance.

COUNSEL: Did they ever come back again?

NAMAZZI: By the time they came back, we had got the money and it is Shabani who delivered the money to them.

COUNSEL: Did you know how much?

NAMAZZI: I did not know the amount because it was too much which was collected.

MR. NAGENDA: Clarification. When they released your husband, Shabani gave them some money in a packet. Did he not?

NAMAZZI: Yes.

MR. NAGENDA: So were they saying to you when they talked to you that the money he had given them was not what they had asked for?

NAMAZZI: They asked me the whereabouts of the husband.

MR. NAGENDA: Okay. Finally, you found some more money which you gave them.

NAMAZZI: Yes.

MR. NAGENDA: You gave them some more money.

NAMAZZI: Even after the husband had been discharged.

MR. NAGENDA: From the?

NAMAZZI: From the hospital.

COUNSEL: Now did they go away?

NAMAZZI: Yes, they went away.

COUNSEL: Did they ever come back again a third time?

NAMAZZI: They did not come back again because they had got their money.

DR. LUYOMBYA: Clarification. How many times did they come back to your home, demanding for this balance?

NAMAZZI: They came back a number of times. At times, we used to run away from them. They used to come in a Jeep car.

DR. LUYOMBYA: So the time when money was handed to them, your husband had been discharged from hospital?

NAMAZZI: Yes, he was at home. He had been discharged. Then the matter was left to him.

DR. LUYOMBYA: And the balance was given to them by Shaban?

NAMAZZI: Yes. all the time Shaban was with my husband because he could not leave him alone.

DR. LUYOMBYA: What we want to find out, do you know or you do not know?

NAMAZZI: I did not know who handed over the money to them - whether it was my husband or whether it was Shaban or the first wife.

COUNSEL: Now, have you ever seen those soldiers again, including Kagwa?

NAMAZZI: No I have never seen them again.

COUNSEL: There has been evidence here that Kagwa is a village-mate. What do you say to that?

MR. NAGENDA: Correction. That is not what they said. They said he might be in Makindye.

NAMAZZI: That is what I heard that he was living in Makindye. I did not know the exact place.

COUNSEL: Now, when this money was being handed over by Shaban, do you remember the people who were around?

NAMAZZI: Shaban used to work hand-in-hand with Hajati. I was only informed.

COUNSEL: Now, when your husband re-appeared, did you go back to the Police Station at Katwe and reported his re-appearance?

NAMAZZI: Yes, as well as to the Muluka headquarters.

COUNSEL: Who is this Muluka Chief you went to?

NAMAZZI: He is called Ssekitoleko.

COUNSEL: On the last time when Shaban paid these soldiers the balance, you mentioned that your husband had come back; did the soldiers see your husband?

NAMAZZI: Yes, they saw him.

COUNSEL: Did they talk?

NAMAZZI: He talked to them but I was not present, I was doing my other work. We had already played our part, and if a man talks to his friends we cannot be present.

COUNSEL: That is all my Lord.

MR. NAGENDA: I have only got one small question; again we are very sorry about what your family went through, but you said that Kagwa had recently died, did you not?

NAMAZZI: Yes, recently.

MR. NAGENDA: How do you know that Kagwa died?

NAMAZZI: We knew him and we liked him because although he took away our husband, he helped us to bring him back.

DR. LUYOMBYA: Let us get the translation correct. She said that they loved Kagwa because though he took the money he brought their husband back.

MR. NAGENDA: But then do you mean to say there was an announcement that he was dead or some of his relatives came or what happened?

NAMAZZI: We heard over the radio an announcement.

MR. NAGENDA: I see, you see, we have it on evidence that; when we asked your husband he said if he found out where Kagwa was he will be delighted to bring him because -

NAMAZZI: My Lord, he died.

MR. NAGENDA: I see, you might tell your husband that.

NAMAZZI: He did not know but he died.

MR. NAGENDA: Thank you.

COUNSEL: Do you know how he died?

NAMAZZI: He was shot dead.

CHAIRMAN: By who?

NAMAZZI: He was robbing somewhere.

MR. NAGENDA: Where was he robbing?

NAMAZZI: He was stealing a motor vehicle and he was shot at.

MR. NAGENDA: Where did this happen?

NAMAZZI: Somewhere in Kampala here.

MR. NAGENDA: So, perhaps, it was not an announcement on Radio, Mrs. Sauda;

NAMAZZI: And we heard an announcement over the radio.

COUNSEL: When was this approximately?

NAMAZZI: I do not remember when it took place, but I heard people saying that Kagwa was shot dead.

COUNSEL: Was he shot by security people or by the person he was robbing?

NAMAZZI: I cannot go deep into that but all I heard was that he was stealing a motor vehicle.

COUNSEL: Okay, well, thank you.

DR. LUYOMBYA: Mrs. Sauda Namazzi, you said that ever since the last bit of money, the balance was paid a soldier has never returned to your home -

NAMAZZI: They never came back.

DR. LUYOMBYA: Do you remember the year when they last left your home?

NAMAZZI: No, I do not remember the year.

DR. LUYOMBYA: Your husband was taken in 1981, -

NAMAZZI: If that is the year, but I do not remember it, whether he was arrested in 1981.

DR. LUYOMBYA: Well, you had told us that you remembered that year but;

NAMAZZI: Did I?

DR. LUYOMBYA: You did; but was it after about a year, it may not be exact, was it about a year or two years after your husband had returned that soldiers stopped coming to your home?

NAMAZZI: It was not a year.

DR. LUYOMBYA: So, we may assume sometime in 1982 that is when they stopped coming.

NAMAZZI: I do not remember the year they last came to our home.

DR. LUYOMBYA: Okay, if you do not quite remember the exact period. Now, you told us that you liked Kagwa because he had helped you find your husband, is it not?

NAMAZZI: Yes, eventually we liked him although he took the money.

DR. LUYOMBYA: Now, from the time when those soldiers stopped coming upto the time when Kagwa died, did you meet him and talk to him?

NAMAZZI: No, and he was very new in my eyes.

DR. LUYOMBYA: And about his death you just heard a radio announcement?

NAMAZZI: Yes.

DR. LUYOMBYA: Who informed you, you had never met him since your husband returned and it seems you did not follow him up. Who told you that it was the Kagwa who had helped you?

NAMAZZI: We received information that Kagwa had a habit of stealing, and we asked them which Kagwa they were referring to, and they told us that it was Kagwa who used to come to us frequently for money; and he is the one who introduced himself to us as Kagwa, that; "do not fear me I am

Kagwa."

DR. LUYOMBYA: It is quite interesting that somebody for about two or three years, you remembered the name and followed the death although you had not bothered to see him again. Thank you.

CHAIRMAN: Thank you very much for your evidence. We are sorry that you have had to come and tell us this bad experience, but it is a necessary part of what we are supposed to do. Thank you, you may go home now. Counsel, it is now about 3.30 p.m. and we have not had lunch; we suggest that we break now. It is so late that I do not think there will be time to resume after a lunch break, because then it will be about 4.00 p.m. or 4.30 p.m.; in that event we shall adjourn now until Wednesday next week.

COUNSEL: Most obliged, my Lord.

CHAIRMAN: Now, if I may say this, the availability of fuel permitting I think serious efforts should be made next week for us to visit not only Namugongo but - places which are as near as State Research Centre, Nakasero; because I understand the building of that centre is being renovated and it may change before we visit it. So, if you could pass this message to Mr. Ntambi and so on to organise transport. I think we should make efforts next week and visit these places, Mbuya, Nakasero, Naguru and Luzira, perhaps a little later.

COUNSEL: Most obliged, my Lord.

CHAIRMAN: We shall adjourn now until next week, Wednesday 9.30 a.m.

CHAIRMAN: Commissioners, Legal Counsels, Ladies and Gentlemen, we are ready to start the hearing of evidence today, the 5th of August, 1987. It is about a quarter past ten.

COUNSEL: My Lord, today Witness Number 136 is going to be Haji Kibira Kaaya. I understand he has come with his advocate, my Learned Friend - Mr. Ssendege. He will be sitting by his side to guide him giving evidence.

CHAIRMAN: Counsel, was the Haji summoned by the Commission?

COUNSEL: He was summoned by the Commission.

CHAIRMAN: As a result of evidence given previously or not?

COUNSEL: No.

WITNESS NO.143: HAJI KIBIRA-KAAYA - AFFIRMED

COUNSEL: Would you state your name, please?

KIBIRA-KAAYA: Haji Kaaya Kibira.

COUNSEL: How old are you?

KIBIRA-KAAYA: 58 years.

COUNSEL: Where do you live?

KIBIRA-KAAYA: I live at Wandegeya.

COUNSEL: What do you do to earn a living?

KIBIRA-KAAYA: I am a transporter.

COUNSEL: Transporting what?

KIBIRA-KAAYA: I am a bus operator.

COUNSEL: How long have you been engaged in this business?

KIBIRA-KAAYA: Since 1955

COUNSEL: Have you all along lived in this country since you were born?

KIBIRA-KAAYA: Yes. I have been living in this country since I was born.

COUNSEL: Would you, please tell us your educational background?

KIBIRA-KAAYA: I am not learned.

COUNSEL: Did you attend school?

KIBIRA-KAAYA: Yes I can write my name.

COUNSEL: Then, when you left school, did you start immediately to engage in transporting business?

KIBIRA-KAAYA: Yes I started work as a driver.

COUNSEL: Apart from being engaged in transporting business, have you been engaged in any other activity?

KIBIRA-KAAYA: That is the only business I carry on.

COUNSEL: Have you been engaged in political party?

KIBIRA-KAAYA: Yes, very much.

COUNSEL: Since when did you join politics?

KIBIRA-KAAYA: I started engaging myself in politics in 1980.

COUNSEL: How did you engage yourself in politics?

KIBIRA-KAAYA: I was elected to be UPC Chairman of Mpigi East.

COUNSEL: What is Mpigi East?

KIBIRA-KAAYA: That is Kasangati.

COUNSEL: Yes, but would you like to elaborate on this. How many Gombololas, how many district constituencies?

KIBIRA-KAAYA: The area constitutes one county and four gombololas.

COUNSEL: Yes, would you give us the names of these gombololas as you knew them in 1980?

KIBIRA-KAAYA: The first one is Gombolola Kira; the second one is Nangabo Mutuba I.

COUNSEL: Nangabo is Mutuba I.

KIBIRA-KAAYA: Yes.

COUNSEL: Yes.

KIBIRA-KAAYA: Then Musaale - Buso.

COUNSEL: Yes.

KIBIRA-KAAYA: Then Gombolola Nabweru.

COUNSEL: That is all!

KIBIRA-KAAYA: Yes.

COUNSEL: Now this Gombolola of Kira is it the one to which Namugongo is situated?

KIBIRA-KAAYA: That is right.

COUNSEL: For what period were you chairman of that constituency?

KIBIRA-KAAYA: I was there for -

COUNSEL: Are you still the chairman of this constituency?

KIBIRA-KAAYA: No recently I resigned.

COUNSEL: When did you resign?

KIBIRA-KAAYA: I resigned in April, 1982.

COUNSEL: Why?

KIBIRA-KAAYA: I resigned because I realized that the system which was being used by the party was wrong.

COUNSEL: In which respect was it wrong?

KIBIRA-KAAYA: The Government which we had at that time had misunderstanding, for example, between the Minister of Internal Affairs and Defence.

COUNSEL: And what had they done?

KIBIRA-KAAYA: On that matter, I have already presented the contents of my petition.

COUNSEL: I see. What was it? Is this the one you are referring to which was handed to me?

KIBIRA-KAAYA: Yes this is the one.

COUNSEL: Who made that petition?

KIBIRA-KAAYA: I am the one who made it.

COUNSEL: Is it signed?

KIBIRA-KAAYA: This is a copy.

COUNSEL: Would you like to sign it, please?

KIBIRA-KAAYA: Yes I can sign it.

COUNSEL: When did you write that petition?

KIBIRA-KAAYA: I wrote it in 1981.

COUNSEL: Which month?

KIBIRA-KAAYA: In September.

COUNSEL: Okay. And it was addressed to who?

KIBIRA-KAAYA: It was addressed to the Party President.

COUNSEL: Do you know whether it reached the party President?

KIBIRA-KAAYA: I handed it over to him personally.

COUNSEL: Would you highlight some of the points which you raised in that petition?

MR. KAWANGA: Who is the party President you are talking about?

KIBIRA-KAAYA: He is Milton Obote.

COUNSEL: Yes, would you like to highlight -

KAKWENZIRE: Excuse me, Counsel! Where did he meet Obote? Where did you meet him?

KIBIRA-KAAYA: I met Milton Obote in Nile Mansions.

KAKWENZIRE: In a room or outside?

KIBIRA-KAAYA: He had a room in Nile Mansions. That is where I met him.

KAKWENZIRE: Do you remember the room?

KIBIRA-KAAYA: I do not remember the number of the room.

COUNSEL: What was the substance of your complaint? Why were you complaining?

KIBIRA-KAAYA: The substance of my petition was about the police and the army which were fighting against each other.

COUNSEL: Yes.

KIBIRA-KAAYA: And they were trying to take soldiers in my constituency without my knowledge.

COUNSEL: Yes.

KIBIRA-KAAYA: That is the main reason why I wrote this petition.

COUNSEL: Apart from soldiers fighting among themselves with the police, did it affect the ordinary people in your constituency?

KIBIRA-KAAYA: Yes it affected the ordinary people and I stated it in my petition.

COUNSEL: Yes, would you give us some instances, please?

KIBIRA-KAAYA: Some of the instances are contained in my petition here and it is a long period since I drafted this petition.

COUNSEL: Would you permit me to give this petition to the Commissioners to see?

KIBIRA-KAAYA: Yes I can permit you to present this petition to the whole Commission but I request that it be read because I have forgotten some of the points. I would request my lawyer to read the petition.

CHAIRMAN: Counsel - learned Counsels - I suggest, if the petition is not very long, I suggest that it should be read on record; so that it is available.

COUNSEL: My Lord, the witness wants his lawyer to read it for him.

CHAIRMAN: Yes I suppose you will tender it in evidence.

COUNSEL: I will, my Lord.

CHAIRMAN: Let the Counsel for the witness read it from top to bottom, please. Mr. Sekandi, could you say who you are and - Sorry, Mr. Ssendege not Ssendegeya.

MR. SSENDEGE: My Lord, I am the Counsel for the witness and this is the document:

"The Chairman, Mpigi East Constituency,
P. O. Box 4551, Kampala.

14th September, 1981.

The Party President and also President of
the Republic of Uganda,
P. O. Box Kampala.

Sir,

I have been forced by the present circumstances to relate to you the following matters within my constituency, Mpigi East, and Mpigi North East Constituency, which I consider to be of utmost importance. On the point of security, we have done our level best to see that the situation is put back to normal I would like to assure you that we have left no stone unturned in this great task. Many of these trouble makers, guerillas have been arrested and arrangements are under way to make sure that all lawless elements are liberated from these constituencies. So, on our side, we have done everything possible and I am very grateful to our current Commander Lieutenant Okwera whose co-operation helped me a lot in settling security matters within my constituency - Mpigi East. We have accomplished the work that is within our capacity but a great deal of the task still remains to be done, and that which is left lies within your powers particularly in the two Ministries - that one of Defence and Internal Affairs. There are a number of incidents I can quote, which clearly show that discipline within the Defence Ministry leaves a lot to be desired. On many occasions, armed thieves come and attack police stations clearly indicating that within the armed forces there are lawless elements. At road blocks, police officers are attacked when we civilians are looking on. For example, on the 1st of September, 1981, two armed men happened to be travelling in a bus of civilians on Gayaza Road. When the bus reached the road block somewhere near Mile 3 on Kampala/Gayaza Road, in broad daylight, the army men simply started harassing the policemen who were at the road block, with no reason whatsoever. They kicked the policemen and also seized their guns from them. When other policemen from Wandegeya Police Station came to rescue their friends, war broke out between the army men and the policemen. The two army men in question went and collected many other army personnel and armed Land Rover. They proceeded to Wandegeya Police Station and started firing all over the place. People within the township took to their heels and many of them had their belongings stolen.

At Kawanda, our UPC Chairman, Mr. David Wamulongo happened to

be an eye witness of the incident which took place there recently. He with some other people were working on their own at the time of the incident and this is his own account. A Leyland Lorry, green in colour and full of military personnel; this lorry was coming from Kampala side. On reaching the valley the truck fell in a ditch and one of the soldiers fell off. This soldier had a bomb and when he fell the bomb burst. The people who were digging fled. The lorry proceeded to the trading centre where the soldiers started shooting and looting people's property. Four people were killed. Incidents like the above caused by the soldiers have caused a lot of suffering; loss of life and property on the side of the civilians. Apparently, the sole aim of some soldiers is to create a bad image on the side of the UPC Government.

Another perspective case occurred at Wakiso on the 6th of September, 1981. Here there was no excuse for the soldiers to carry out an operation as no report whatsoever had been brought prior to this operation to justify it. Consequences of the operation were very alarming. Many people were killed. Others were robbed of their property. People in Nansana now have emigrated to churches and cathedrals. One may raise the question. "What did such people do to deserve the killing, beating and looting?"

I am appealing to the Government to rehabilitate the following police stations in Mpigi East Constituency as soon as possible so that they can reinforce law and order as well as protecting people's lives and property. Kansangati Police Station was attacked and looted of all its property. People of the area have contributed money for erecting a new police building. Now what the people are requesting the Government to do is to equip the police stations with strong modern weapons. Buwambo Police Station too needs immediate rehabilitation as it is the one that can solve problems that may arise from Luwero District. At Buwambo already there are buildings enough to accommodate 50 policemen. These buildings were donated to the Administration by one of the residents in the area. Matugga Police Station on Bombo Road is another urgent case. Ever since it was looted, the police post has never resumed work. Sir, even Mpererwe Police Station on Gayaza Road was attacked and looted. It also needs to be rehabilitated, and be given strong arms and modern equipment. So I would like to appeal to the authority to leave road blocks entirely in the hands of policemen and not soldiers. This is the wish of the people that road blocks should not be manned by soldiers.

Finally, the people in my constituency need sugar, salt, soap and hoes so that they can work efficiently to rebuild our Nation. They also need to be protected together with their property; so that they can keep law and order peacefully. I would like to sum up on the note that there is a need to improve security in the country before we can stabilise the economy. Without security both internal and external this may be impossible.

Yours faithfully,

Haji Kaaya Kibira
"CHAIRMAN, MPIGI EAST CONSTITUENCY."

That is the end of the document There is something to be corrected somewhere.

KIBIRA-KAAYA: But, as I go on, I will explain. Mainly the second paragraph I would like to request my lawyer to repeat it for me. There is something I want to correct.

MR. SSENDEGE: This I will have to do in Luganda.

CHAIRMAN: Yes, you, perhaps read and explain to him in Luganda.

KIBIRA-KAAYA: *"Mpaliriziddwa embeera eriwo - okuleeta gyoli ensonga zino wamanga."*

CHAIRMAN: Sorry, Mr. Ssendege, sorry to interrupt you. You read in English so that it goes on record, and then it will be translated to the Haji in Luganda. Yes, the paragraph which he has to be repeated -

MR. SSENDEGE: He pointed at the first two paragraphs, my Lord; and these are: "I have been forced by the present circumstances to relate to you the following matters within my constituency - Mpigi East - and Mpigi North East Constituency, which I consider to be of utmost importance. On the point of security, we have done our level best to see that the situation is put back to normal ; and I would like to assure that we have left no stone unturned in this difficult task. Many of these trouble makers bandits and guerillas have been arrested and arrangements are under way to make sure that all lawless elements are eliminated from these two constituencies. So on our side we have done everything possible and I am very grateful to the battalion commander -Lieutenant Okwera whose co-operation helped me a lot in settling security matters within my constituency - Mpigi East. We have accomplished the work that is within our capacity; but a great deal of the task still remains to be done; and that which is left, lies within your powers, particularly in the two Ministries - of Defence and Internal Affairs. There are a number of incidents I can quote which clearly show that discipline within the Defence Ministry leaves a lot to be desired." That is the end of the second paragraph.

KIBIRA-KAAYA: My Lord Chairman, the first paragraph, the way I wrote it down the translator made some mistakes. What I meant to say was that we had realized that in the area the lawlessness people and guerrillas are not there. And I referred to Mr. Okwera because on a number of times the youth people used to bring soldiers in the area and I had approached him on a number of times so that he could stop them. And that time the youth who were in the area tried to take soldiers at Namugongo. So, in that way, at one time, those youth took their soldiers and people in the area approached me and said, `Chairman, soldiers have taken 36 people. We want you to help us. So those youths used ordinary soldiers to take these people. That is why I went to their Commander - Okwera - and he agreed to give me these people. And I asked him to help me to give the lorry which had transported those people so that we take them back. So

instead Okwera gave me the lorry but the youths told me that they would release them. But I refused. I told them that, "I want to see that these people board the lorry so that they are taken back to Namugongo from where they were collected and I want to escort them. So I escorted those people back to Namugongo Trading Centre and the people around the area were very grateful to me. Unfortunately I do not know any one of them but I just escorted generally the people who were collected from there. They arrived safely.

So, on that point, when I realized that the situation was still going on as it was, that is why I decided to write to the President - to the then President; after realizing that the confusion was between the village mates but not the guerrillas. The reason why I stated in my petition that the situation was normal was that the Government does not send more soldiers in the area. So for that matter, when the youth realized that I was blocking their way, they fabricated some reasons to implicate me and they took the matter to the UPC Secretariat. The problem arose from the letter which I had written, which has been read here, after Kirunda had read it. So they fabricated allegations against me. Then I was arrested and imprisoned. I was arrested from the Crested Towers in the office of Mr. Kirunda. And I told him that, 'If you want my chair, I can leave it but people are dying and there have been a number of Ministers since the time of our Independence."

MR. SSENDEGE: My Lord, I think, there is a mistranslation here. The witness said that Kirunda told him that, if you want my chair I can vacate it for you; and he challenged him he said, you might as well do that. I can take it. I request that the interpreter be asked, my Lord, to interpret it again.

CHAIRMAN: Well, I thought you have already made the correction. So there is no need to repeat it.

KIBIRA-KAAYA: Mr. Chairman, that time, after I had realized that they had not changed the system and after realizing that they wanted to take over my constituency, I was forced to resign. At that time, they installed two UPC Chairmen for Mpigi East and each one was -

COUNSEL: Who were these two people?

KIBIRA-KAAYA: There was one Mrs. Ssamali Muwanga and Ssali Kagwa. Those are the people who remained in the confusion.

KAKWENZIRE: Excuse me Counsel. What I have not understood, Mr. Kaaya, is whether you resigned after you had been released from prison!

KIBIRA-KAAYA: I resigned after leaving the prison. And after my release I found out that they had passed a resolution. They were calling me a double dealer.

KAKWENZIRE: For how long did you stay in prison?

KIBIRA-KAAYA: I was in prison for three weeks. I was taken to court but later the D.P.P. found out that I had no case to answer. He withdrew the case.

COUNSEL: Yes, when they took you to court, did they charge you with any offence?

KIBIRA-KAAYA: When I was taken to court, as far as I remember, the charge was not read over to me. They told me that they were waiting for the decision of the D.P.P.

COUNSEL: But you see, when you were arrested, were you told of any reason why you were arrested?

KIBIRA-KAAYA: When they were arresting me, they alleged that I was dealing with bandits; but later on they changed and they said that there was some property which was missing from the constituency and I was even brought here at the Conference Centre. They were not satisfied. At last, I saw them coming for me. They told me that I had arrested and imprisoned someone.

COUNSEL: No, Mr. Kaaya, we are not saying that the charges were true. What I am asking you, when you were taken to court, were you charged with any offence?

KIBIRA-KAAYA: They were charging me with an offence but let me consult my lawyer first.

MR. SSENDEGE: My Lord, there are two documents here: one is a copy of his Bail Bond and the other one is a copy of a letter written by the Director of Public Prosecutions, the Regional C.I.D. Officer, directing that the charge against him be withdrawn.

COUNSEL: Yes, we are interested in the charge. What was the charge?

MR. SSENDEGE: It was unlawful confinement, my Lord.

COUNSEL: Did they say the person whom you had unlawfully confined?

KIBIRA-KAAYA: They alleged that I had unlawfully confined one called Lumu. This happened at Kanywamusaayi's place. But I denied the allegation and I asked him to provide me with an escort so that we go and collect the said Lumu. We went and collected the said Lumu and we brought him before Kanywamusaayi. But he was also surprised to see him alive. Then I was later taken before the then Commissioner of Police, Parliamentary Buildings, whose name I have forgotten. Then the Commissioner did not entertain the matter. He said that the matter was being handled by Luwuliza Kirunda.

DR. LUYOMBYA: Where did you get Lumu from and gave him to Kanywamusaayi?

KIBIRA-KAAYA: We got Lumu from the petrol station which is opposite Gomba Mansions on Jinja Road.

COUNSEL: Had you arrested Lumu before?

KIBIRA-KAAYA: At one time, I went to Lumu's place together with the policemen from Kasangati because the youth alleged that the said Lumu had arms. I went together with the then Officer in Charge, Police, Kasangati, the *Muluka* Chief, the *Gombolola* Chief and we went to the home of Lumu.

COUNSEL: Well, did you arrest Lumu on those allegations?

KIBIRA-KAAYA: On reaching Lumu's home, his home was searched by those people but nothing was recovered. Then he was brought to Kampala. On reaching Kampala, I advised them to leave him as we had not recovered anything from him.

DR. MAKUBUYA: Which Kampala?

KIBIRA-KAAYA: At the Central Police Station. I advised them to leave him as we had not recovered anything from his home; and I wanted to cover myself because they were alleging that I was hiding bandits.

COUNSEL: Was he set free?

KIBIRA-KAAYA: He was set free in my presence.

COUNSEL: Okay. Now, please, let me take you back. You said 36 people were taken from Namugongo. Where were they taken?

KIBIRA-KAAYA: At the beginning.

COUNSEL: Yes.

KIBIRA-KAAYA: They were taken to Makindye that is where I collected them from.

COUNSEL: Do you know how long they stayed at Makindye?

KIBIRA-KAAYA: They were arrested on a certain night and I was informed the following day by the relatives. On the following morning, their people came to me. Immediately, I went and I rescued them.

COUNSEL: You said that these people had been arrested by the youths. Who are the youths concerned?

KIBIRA-KAAYA: I forgot some of the names of the youth who were in that area; but I can remember one youth who was their head by the name of Ssenabulya.

COUNSEL: From which village?

KIBIRA-KAAYA: Of Kasangati.

COUNSEL: Another name?

KIBIRA-KAAYA: Another one was Wandeera but I do not see any of them these days.

COUNSEL: Now you mention this word 'youth'. What does it represent?

KIBIRA-KAAYA: They were the leaders of the youth.

COUNSEL: How were they appointed, elected?

KIBIRA-KAAYA: After the election of the Chairman, then those youths are also elected. They elect the head of the Youth in the Constituency. Then the Head also elects other youths from different parishes.

COUNSEL: Did they have any kind of training be it political or military?

KIBIRA-KAAYA: At the time I resigned, there was no such a thing as youth being educated.

COUNSEL: I see. So are you suggesting that, by the time you ceased to be the Chairman, you did not witness any banditry activities in your constituency?

KIBIRA-KAAYA: No I did not witness any but I could hear rumours that banditry activities were going on.

COUNSEL: I see. Now we have had evidence here from people from Namugongo in your constituency that in 1982 there was a *Panda Gari* in that area. Did you know about it?

KIBIRA-KAAYA: *Panda Gari* had not started by then. *Panda Gari* started in 1983 and on. That is what I remember.

DR. LUYOMBYA: Excuse me, Legal Counsel, the translation seems to be wrong. I think, he says that *Panda Gari* intensified in 1983 rather than started.

COUNSEL: Now what did this *Panda Gari* mean?

KIBIRA-KAAYA: I did not understand it because I did not know where it originated. We just saw people being told, *'Panda Gari'*, like that.

COUNSEL: Did you know what it involved? No in this operation called *'Panda Gari,'* what were they doing those carrying it out?

KIBIRA-KAAYA: I would have known what *Panda Gari* involved but since I had resigned I could not be involved because, if I were still on the chair, they would have, perhaps, informed me.

COUNSEL: Did you know one Ahamed Kibuuka of Nangabo?

KIBIRA-KAAYA: He was the Chairman of Nangabo.

COUNSEL: Chairman of what?

KIBIRA-KAAYA: UPC Chairman.

COUNSEL: Is he there?

KIBIRA-KAAYA: He was murdered by unknown people.

COUNSEL: When was he murdered?

KIBIRA-KAAYA: He was murdered either in 1981 or 1982; but I do not remember exactly the time.

COUNSEL: After Kibuuka had been murdered, did you make any report?

KIBIRA-KAAYA: The Officer in charge Police, Kasangati and the *Ssaza* Chief made a report.

COUNSEL: I am asking you - did you make a report?

KIBIRA-KAAYA: For?

COUNSEL: For murdering of Kibuuka?

KIBIRA-KAAYA: For his death, I do not know how I can answer that.

COUNSEL: I see! Please, would you like to look at this?

KIBIRA-KAAYA: Yes.

COUNSEL: I am only asking you to look at it and see whether you recognize your signature on that document.

KIBIRA-KAAYA: This is like my signature. But I would like to request you, my Lord, to read for me.

COUNSEL: Who do you want to read the document?

KIBIRA-KAAYA: My Lawyer.

CHAIRMAN: Let us give it to the Commission; we want to know, what is inside.

COUNSEL: My Lord, you will hear.

CHAIRMAN: I see! Okay. Well, I think it should be read by the interpreter not by Counsel

INTERPRETER:

Mpigi East Constituency,
P. O. Box 4551,
KAMPALA.

15th February, 1982.

REPORT OF MURDER OF MR. KIBUUKA, THE CHAIRMAN OF NANGABO

On the 14th February, 1982, an unknown person came to the shop of our Chairman of Nangabo, Mr. Ahmad Kibuuka and killed him. When this

murderer came to the shop, he asked Mr. Ahmad Kibuuka whether he has got cigarette; he answered, yes, and he went to bring it. When he returned to give him cigarette, the man shouted at him, the murderer had a bag where the gun was. In that area mentioned above, the light was cut off by that time. All these villages below are wrong; Katadde, Buwambo up to Kigogwa. These are the bad elements which use to disturb the areas:-

1. Mr. Naalima of Wattuba.
2. Mr. Sekitoleko of Nalusuga;

Mr. Sekitoleko of Nalusuga has got a motor car called Benz No. UWI 404. According to the letter I wrote to the President, I suggested to search for young boys between the ages of 15 and 30 and are not attending school. Because these are the people who are being used as instruments of sabotage. This operation will need the youth wingers who were trained at Lunyo and who are in our District, Mpigi.

Lastly, our branch chairmen have all gone away and we had no meetings.

Signed.

HAJI KIBIRA-KAAYA
CHAIRMAN.
UPC, MPIGI EAST CONSTITUENCY.

COUNSEL: Is that your letter?

KIBIRA-KAAYA: Yes, we wrote this letter during our meeting of the constituency.

COUNSEL: So you made a report?

KIBIRA-KAAYA: Yes, I made a report.

COUNSEL: Now you mentioned a person called Sekitoleko with his Mercedes Benz.

KIBIRA-KAAYA: Yes, I mentioned a man called Sekitoleko according to the report which was sent to me.

COUNSEL: Was Sekitoleko known to you?

KIBIRA-KAAYA: No, he was not known to me. But I just followed the report which was sent to me.

COUNSEL: Did you know his cream Mercedes Benz UWI 404?

KIBIRA-KAAYA: I did not know his Benz the other chairmen knew it.

COUNSEL: Subsequent to this report, do you know what happened to Sekitoleko?

KIBIRA-KAAYA: No, I do not know what happened to him.

COUNSEL: Do you know whether Sekitoleko was arrested and taken to Makindye?

KIBIRA-KAAYA: No, I did not learn of it.

COUNSEL: Do you know that his car was sold by you?

KIBIRA-KAAYA: I never did it.

COUNSEL: In that report you state that you had written to the President. Had you written to the President about this operation?

KIBIRA-KAAYA: I do not know whether I had written to him; but all the letters which I wrote him I kept copies.

DR. MAKUBUYA: What is the date of this letter?

KIBIRA-KAAYA: 13th February, 1982.

COUNSEL: My Lord, at this stage, I would like to tender in as exhibits; the first petition to the President which was read to the witness; and also this letter.

CHAIRMAN: To whom was the second documents addressed, written?

COUNSEL: Well, it is just a report.

CHAIRMAN: I see; report, well, to whom?

COUNSEL: It is not mentioned to whom, but he made a report which he accepts he made anyway.

DR. MAKUBUYA: But to whom was it made?

CHAIRMAN: He can tell us.

COUNSEL: To whom did you make that report?

KIBIRA-KAAYA: I have nothing to say about this report. My Lord Chairman, I would request you to consult my lawyer first about this report.

CHAIRMAN: Yes; it is certain yes.

KIBIRA-KAAYA: Whenever we made such reports, we used to send them to the Secretariat.

COUNSEL: I see.

CHAIRMAN: UPC Secretariat, that is.

KIBIRA-KAAYA: Yes.

DR. MAKUBUYA: Was this report sent to the UPC Secretariat - this report dated 13th February, 1982?

KIBIRA-KAAYA: I think it was sent there.

COUNSEL: Do you know whether you sent a copy to the party President and Party Vice President?

KIBIRA-KAAYA: Because it is a long time, I do not remember properly. I do not know who got a copy.

COUNSEL: My Lord at this stage I want to tender in as exhibits the petition to the President written in 1981 and this report dated 13th February, 1982.

CHAIRMAN: Yes, they are admitted as exhibits; what numbers should they bear?

COUNSEL: My Lord, I exhibit them 58 and 59. Haji Kaaya-Kibira, in this report dated 13th February, 1982, you said, you had written to the President about an operation against the youth of 15 and 30. Do you know when you wrote this letter?

KIBIRA-KAAYA: Something was altered in this report; I was advising these people concerned to get at least something or at least jobs for youth who were between 15 years and 30 years.

COUNSEL: Do you not think that actually what you were suggesting in this report was the beginning of panda gari exercise?

KAAYA-KIBIRA: No; I was advising the authorities to get people who were willing to go and at least do something; but it was not a suggestion of panda gaari.

COUNSEL: Now would you like to look at this document? Does it carry your signature?

KIBIRA-KAAYA: Yes, it does.

COUNSEL: Would you like that document to be read to you?

KIBIRA-KAAYA: Yes.

CHAIRMAN: Counsel, is this a third document?

COUNSEL: Yes.

CHAIRMAN: I see.

INTERPRETER:

THE CHAIRMAN
MPIGI DISTRICT
P. O. BOX MPIGI

5th February, 1982.

The Party President and also
the President of the Republic of Uganda,
P. O. BOX KAMPALA.

Sir,

I have been forced by the present circumstances to relate to you the following matters within my district Mpigi; and I am convinced that a similar state of affairs applies to other districts in Buganda. The source of this alarming situation lies generally in the Democratic Party; and particularly in the Baganda elders who are propagating acts of violence. Apparently their sole aim is to disturb the whole of Buganda region. Right now there are some parts in Buganda which are entirely in the hands of these bandits. There is not a single supporter in these areas, all UPC members have either been killed or forced to leave those areas.

In Mpigi District itself, I can quote three sub-counties which are case; these are - Sabawali Gombe; Kisuuna Busiro and Namayumba Busiro. Towards Bulemezi there are a number of areas which are in case. These are Semuto, Kapeeka, Wakayato, Ngoma, Nakaseke - in Nakaseke, even the Saza headquarters is not functioning; even the *Muluka* Chiefs have fled from the area. I feel that preventive measures should be taken to ensure that such a situation does not occur in Mpigi District as this district is the home of Kampala. At Semuto and Mende government soldiers were sent there but their method of operation did not fetch fruitful results. I would like to suggest a new method of operation in areas where disturbances may occur. This is the plan:-

Initially, Constituency Chairmen and youth leaders should give you their own report together with sketch maps showing their areas. Then those people should be given soldiers to work with them in locating wrong doers. Then the next stop would be to carry out a house to house operation in which they would search for wrong boys between the ages 15 and 30 and they are not attending school because these are the people who are being used as instruments of sabotage. Those found to be redundant and idle should then be taken to work on prison farms outside Buganda. This will help a lot, not only in eliminating these bandits but also in providing a labour source for these farms and at the same time making idle people productive. This will help in the nation building because in the whole of 8 years of Amin's rule, the youth were not productive as they used to be before Amin's rule.

In rehabilitating the areas which have been disturbed, we ought to return the *Muluka* Chiefs to their areas. I suggest that each sub-county chief should be given 10 soldiers; and each M*uluka* Chief be given five soldiers for defence purposes and also implement government policy and eliminate wrong elements from the areas concerned. When the situation has returned to normal, there should be two policemen permanently stationed at every *Gombolola* and one policeman at every *Muluka*. These policemen should be armed. As a result of insecurity, executive meetings can no longer be held because the UPC supporters unlike other party supporters are being terrorised. This is the advice I am giving and I have based it on my long experience in politics; on experience I have as a person who has stayed in Buganda for a long period.

And finally, I have based my advice on my old age. I am sure, if these suggestions are implemented, the situation will soon go back to normal.

Yours faithfully

HAJI KIBIRA-KAAYA;
CHAIRMAN, MPIGI DISTRICT.

c.c. Vice-President

c.c. State for Defence,
Hon. Peter Otai.

CHAIRMAN: What was the date of the letter, please? You did not say that.

INTERPRETER: 5th February, 1982.

COUNSEL: So, do you not think this is the letter you referred to in the report after the death of Kibuuka?

KIBIRA-KAAYA: I do not think that this is the letter I referred to in the report because this letter was written when all the chairmen in district sat in a meeting. Because at that time I was the leader of all the chairmen and I was the chairman of that meeting.

COUNSEL: Did you participate in making these suggestions, assuming that this is what you are saying, it was by the chairmen. Did you participate in making these suggestions against people who were between 15 and 30?

KIBIRA-KAAYA: I did not participate in suggesting anything; but I was only the chairman who conducted the meeting.

DR. MAKUBUYA: Yes; excuse me; I think there is a part of that letter which should be read to the witness in Luganda:

COUNSEL: The last part.

DR. MAKUBUYA: Yes. Please, let it be read to him in Luganda so that he answers that question after it has been read over to him in Luganda.

KIBIRA-KAAYA: I was fighting for the situation to go back to normal; that was the intention.

DR. LUYOMBYA: I think, let the witness answer the question now.

KIBIRA-KAAYA: According to the last paragraph, it seems I suggested, I gave some suggestions but I had forgotten since it is a long time since.

COUNSEL: But you were the brain behind the panda gari? Or take it that you are the father.

KIBIRA-KAAYA: I deny that allegation completely; I am not the father of panda gari.

COUNSEL: Do you not know that actually in February or early March, a number of people were taken on *panda gari* exercise to Kigo and various army barracks?

KIBIRA-KAAYA: I did not know it because it did not happen in my constituency.

COUNSEL: Is Kigo within Mpigi District?

KIBIRA-KAAYA: Kigo is in Mpigi District but each Chairman had his own area.

COUNSEL: Is Kigo a prison?

KIBIRA-KAAYA: Yes, I hear that it is a prison but I have never gone there.

COUNSEL: Now that you admit having written or recommended these exercises, what was the idea of sending these youths between 15 and 30 away from Buganda?

KIBIRA-KAAYA: The idea was to give youths jobs but I deny the allegation that this was *panda-gari* operation. As this document is a little long, my Secretaries could not write a word to word; they just picked up some important points.

COUNSEL: You mean you do not understand English?

KIBIRA-KAAYA: Yes, I do not understand English.

COUNSEL: But you see, what is surprising is that, when Mr. Ssendege was reading the first petition to the President, you seemed to have understood; you said, there was a mistake. How did you come to know that ?

KIBIRA-KAAYA: Somebody had translated it to me earlier on.

COUNSEL: Yes, why before this document was tendered - why did you not say, it contains certain mistakes which I want to correct?

KIBIRA-KAAYA: I requested the Chairman.

DR. MAKUBUYA: No, after.

COUNSEL: Was it because it was saying that you had actually eliminated bandits?

KIBIRA-KAAYA: Yes, that is what I wanted to correct because I said at this time, there were no bandits in my area.

COUNSEL: Okay, now you seem to fear this word *'panda gari'*, was it a bad exercise as far as you were concerned?

KIBIRA-KAAYA: Yes, to me, the operation *'panda gari'* was a bad one. That is why I wrote to the President to inform him that I have found out the truth about

this. The whole problem is within us.

COUNSEL: Is it not true that a number of people who were taken during this *panda gari* exercise have never been seen again?

KIBIRA-KAAYA: I do not know anything about that. I cannot answer it.

COUNSEL: Now, we have heard evidence here from Mr. Mugenyi from Namugongo. He said he was taken in early 1982 during the *panda gari* exercise in Namugongo and he was taken to Mbuya where some of these people died. Did you know about it? This is in your constituency.

KIBIRA-KAAYA: I would like to be enlightened where that person was staying.

COUNSEL: This was witness number 121 and his home is at Namugongo.

KIBIRA-KAAYA: I did not know that witness.

COUNSEL: Now, would you say if it is true the people who started this operation of *panda gari*, if it is proved that some people disappeared, would you think, would you recommend these people to be held responsible for their disappearance?

KIBIRA-KAAYA: I will not answer that question because I was not responsible.

DR. LUYOMBYA: Mr. Kibira-Kaaya, we hope that you are a responsible Ugandan. And in your statements, you said that you have experience and you are an old man. This is straightforward issue. If somebody has committed a crime, what would you like done to that person?

KIBIRA-KAAYA: The person who has committed a crime should be charged before a court of law.

DR. LUYOMBYA: So can you now answer the question from Legal Counsel?

KIBIRA-KAAYA: I said my Lord that I am not going to answer that question because here I am giving evidence. I am not charged with that offence unless I am allowed to consult my lawyer.

DR. MAKUBUYA: Yes, you can talk to your lawyer and in the process, he may want to advise whether in fact we are talking about an offence.

MR. SSENDEGE: My Lord, I think in a way, the witness has answered the question when in his answer to a question which was put to him by a member of the Commission Dr. Luyombya. He said, if it is true, if it is found that those people have committed offenses, they should be charged according to the law of the land. I think this in a way clearly answers the question which was put to him by -

CHAIRMAN: I think maybe to - there is a point there. If *panda gari* was an offence, perhaps that should be put to the witness first before it is put to him that what do you think should be done over those who carried out *panda gari*

were taken during this *panda*

answer it.

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exercise. If it is an offence, then I think it is covered by the answer he has given that if anybody has committed an offence then he should be charged in a court of law. I think we would accept that.

COUNSEL: Well, supposing it is not an offence? I am only asking the witness people who carried out this *panda gari* took away people who disappeared, what do you say about these people?

KIBIRA-KAAYA: I said my Lord that I have nothing to say about that because I did not take part in the *panda gari* operation. I am only giving evidence.

COUNSEL: Now, in 1981, you seem to say you were disgusted with the youths. That is why you petitioned the President. But in a report you make after the death of Kibuuka and in a letter you had written to the President on 5th May, you seem not to like the youths. Why?

KIBIRA-KAAYA: In which paragraph Sir?

COUNSEL: When you talk about, for instance - get me the year. Say, in this report of 15th February - my Lord, I think the interpreter had given us a wrong date. It is 15th not 13th; exhibit 59 a report. You say - the last paragraph but one - this operation, we need youth wingers who were trained at Lunyo who are in our district, Mpigi. And this is also repeated in a letter to the President dated 5th February 1982. So I am asking you, what had changed in the youths of 1981 with the youths of 1982?

KIBIRA-KAAYA: I had realised that in the petition which I made, that those youths were not performing their duties properly. That is why I had to inform the President. I was against the whole system.

DR. LUYOMBYA: Which duties please?

KIBIRA-KAAYA: They abandoned the party duties and then started demanding money from people. I was against that action.

DR. LUYOMBYA: Could the witness tell us what the role of those youths was?

KIBIRA-KAAYA: The youths had to perform constituency duties, to keep the people of the party informed but no any other duty and their role was to spread the policy of the party among the supporters. I expected them to spread the good things of the party.

DR. LUYOMBYA: And how did they divert?

KIBIRA-KAAYA: According to the document which I have produced, I sparked off the relationship between me and those youths.

DR. LUYOMBYA: I am not refuting that you sparked off or disassociated yourself with youths but what I am asking, how did they divert from the role they had to play?

KIBIRA-KAAYA: That is what I mentioned earlier that they went on demanding money from people. For example, if people brought charcoal, they used to demand money from them. Secondly, they associated themselves directly with soldiers not through me but straight to the soldiers. That is what I mentioned in my document.

DR. LUYOMBYA: Did they beat people up?

KIBIRA-KAAYA: I was annoyed with the youths in only one thing, that is associating themselves with soldiers directly and when a meeting was held, they blamed me that I was aiding bandits. So that is why I was even forced to resign.

DR. LUYOMBYA: What I am not quite sure about is, the constituency chairman was instrumental in the selection and appointment of youths as the witness said.

KIBIRA-KAAYA: Yes but I said, the head of the youths; UPC youths was the one electing other youths in different parishes.

DR. LUYOMBYA: But the chairman was responsible for the appointment of the leader of the youths?

KIBIRA-KAAYA: The leader of the youths is also elected directly. After electing the UPC Chairman, then they go and elect the leader of the youths.

DR. LUYOMBYA: Did they have any other source of power to by-pass the chairman of the constituency and deal with the soldiers directly?

KIBIRA-KAAYA: Yes, they had other sources of power whereby they by-passed the chairman and I mentioned it in my document.

DR. LUYOMBYA: Where were those other sources of power?

KIBIRA-KAAYA: I do not know where they got the other sources of power but as I mentioned it, it was the Ministry of Internal Affairs and Defence which were bringing chaos.

DR. LUYOMBYA: By stating that the Ministries of Internal Affairs and Defence were the source of chaos?

KIBIRA-KAAYA: Yes, that is what I meant.

DR. LUYOMBYA: Was this their other source of power? I mean the youths.

KIBIRA-KAAYA: That is what I thought.

COUNSEL: Maybe at this stage, I had intended to exhibit this last document dated 5th February 1982 my Lord. This is a letter to party President and it will be exhibit number 60.

KAKWENZIRE: Before we leave the youths the Commissioners would like to know whether the youths were paid and who paid them or whether they worked voluntarily.

KIBIRA-KAAYA: The youths were not being paid. They were voluntary workers like the RCs now. They used to be people cultivating in the area like that.

KAKWENZIRE: Earlier on you told us that the youths were grumbling saying that because you were well established in wealth, you did not want them also to acquire. So I was wondering whether it was that they thought you wanted to take away their jobs which were paying or whether you - I did not know what you meant.

KIBIRA-KAAYA: What I meant was that I had some other businesses. I was a transporter and I have been in that business until my vehicles were taken away by Lutwa's people.

KAKWENZIRE: Actually he used the word like - they said, *tayagala bo bezimbe* which looked to me it was lucrative.

KIBIRA-KAAYA: Yes, they said I was against them. I did not want them to be well off because of the points I mentioned in this document, I was preventing them to get what they wanted.

DR. MAKUBUYA: Was there some eating involved in being a youth winger?

KIBIRA-KAAYA: There was no eating being a youth winger but they used to get essential commodities like sugar, salt, soap as we are getting today.

KAKWENZIRE: But it would seem from what he said, what they wanted to do in a way of harassing people, maybe they were eating in that direction.

KIBIRA-KAAYA: Yes, they were getting things like that by harassing people using soldiers to get money from people.

DR. MAKUBUYA: Yes, did you ever hear of anybody in your constituency being arrested by these youth wingers or by soldiers and money was demanded from relatives to have him released; ransoms demanded?

KIBIRA-KAAYA: All I knew was that soldiers used to put up road-blocks demanding money from people and that is what I stated in one of my documents.

DR. MAKUBUYA: And if they demanded money from you and you had no money, did you know what they used to do?

KIBIRA-KAAYA: I would not know what would follow because I never walked with them.

DR. MAKUBUYA: Yes, in that case, what are you complaining about? Soldiers moving with the youths, it looks a very innocent operation. Is your complaint that they by-passed you? Did they do something that you disapproved of when they by-passed you?

KIBIRA-KAAYA: At one time, I met those men at Katalemwa heading for Kasangati - I met the soldiers, I stopped them and they were in a company of one of my youths at Katalemwa and I ordered them to go back. At that time the leader of the youths said that they were going for an operation why should I stop them, there must have been some bandits. That is one of the reasons you have asked me to tell you.

CHAIRMAN: Counsel, Commissioners are wondering here whether this witness is being cross examined.

COUNSEL: He can be cross examined, my Lord, there is nothing wrong; you examine him and I cross examine him.

CHAIRMAN: Yes, I think, let me say something on this. This is a procedure, I think, which we have not been following properly. The procedure should be, first a witness should be examined in chief to adduce evidence from him and then he should be warned when he is going to be cross examined say, if there are any documents to contradict what they have said or any other evidence; but there has been no clear-cut as given in the procedure, as it is a system, so cross examination is different. It is to put to the witness something to contradict him or to make him comment on something which he has said, which contradicts the evidence given. Maybe we should follow that clear-cut system.

DR. LUYOMBYA: Mr. Chairman and Legal Counsel, I think we can ask for clarification on a point.

CHAIRMAN: Yes, you can do that. Definitely, you can ask clarification or cross examine the witness in appropriate stages. At this stage I suggest that we have a break for a quarter of an hour and resume at 12.30 p.m.

COUNSEL: Commissioners, Learned Counsels, Ladies and Gentlemen, let us resume now after the break.

MR. KAWANGA: Haji Kaaya-Kibira, I came late because I might repeat some of the questions, but I want to know, a mention was made of a cream Mercedes Benz car belonging to Ssekitoleko, you said you knew nothing about it.

KIBIRA-KAAYA: Yes.

MR. KAWANGA: So, it means you did not know Ssekitoleko, you did not know his car and you do not know what happened to Ssekitoleko and his car?

KIBIRA-KAAYA: I do not know what happened to him, but I only got a report from the Chairmen.

MR. KAWANGA: But this is mentioned in a letter bearing your signature.

KIBIRA-KAAYA: Yes, I signed the letters after the discussions.

MR. KAWANGA: Haji Kibira-Kaaya, do you know the implications of signing something?

KIBIRA-KAAYA: Because I am not so educated, I do not know the implications.

MR. KAWANGA: So, it means you were in the habit of signing things without knowing their implications?

KIBIRA-KAAYA: Ask me another question.

MR. KAWANGA: No, I want to know because other questions are going to arise out of this.

KIBIRA-KAAYA: My Lord, I am not ready to answer that question now; I am tired - my head is tired.

MR. KAWANGA: When will you answer it?

KIBIRA-KAAYA: My head is tired.

MR. KAWANGA: I see. So, perhaps we might as well stop asking you any other questions.

KIBIRA-KAAYA: I will answer what I can answer.

MR. KAWANGA: In other words, you do not know why you signed the documents, you cannot answer that question. Alright, Haji Kibira Kaaya, you said you are not very educated, may I know your education?

KIBIRA-KAAYA: I was educated very, very narrowly, I only know how to write my name.

MR. KAWANGA: Do you know how to read?

KIBIRA-KAAYA: Not very much.

MR. KAWANGA: And you do not know how to write?

KIBIRA-KAAYA: No.

MR. KAWANGA: But you know how to sign?

KIBIRA-KAAYA: Yes.

MR. KAWANGA: According to your document, you are an experienced politician.

KIBIRA-KAAYA: Yes.

MR. KAWANGA: May I know your experience?

KIBIRA-KAAYA: I know how to address public rallies and without experience, you cannot address public rallies.

MR. KAWANGA: I want to know your own experience, can you tell this Commission your experience?

KIBIRA-KAAYA: That is what I have explained, nothing else.

MR. KAWANGA: So, your experience is knowing to address public meetings?

KIBIRA-KAAYA: Yes.

MR. KAWANGA: What were the responsibilities of a UPC Chairman in a constituency?

KIBIRA-KAAYA: One of the duties was to mobilise the people together with other Chairmen. If there was going to be a meeting for the constituency, not much was to be done and the meeting did not take place everyday.

MR. KAWANGA: Was it part of the UPC Chairman to advise the UPC Secretariat on security matters in the constituency?

KIBIRA-KAAYA: Yes, it was part of the duties of the Chairman to collect information from other Chairmen and then forward it to the Secretariat as this Commission was assigned a duty, they have to make a report and send it to the higher authorities.

MR. KAWANGA: Haji Kibira Kaaya, do not take this Commission to what, they know, I want to know about yours. I am asking you about your job. In short, I want to know Haji Kaaya whether in your view by virtue of your education of barely knowing how to read and how to write and sign, you were qualified to be a UPC Chairman of a whole constituency; in your view.

KIBIRA-KAAYA: I cannot answer that question, but the people who elected me know why I was capable of being a Chairman.

MR. KAWANGA: But do you think you are, yourself?

KIBIRA-KAAYA: I was capable because I had been elected.

MR. KAWANGA: No, you first seek to be elected. You think you deserve to be elected, you stand and then you get elected.

KIBIRA-KAAYA: I said it earlier on that I was experiences in making public rallies - to speak in public rallies and I could get elected, so I was capable.

MR. KAWANGA: Okay. Did you end up being arrested although you were a UPC Chairman?

KIBIRA-KAAYA: Yes, I was arrested.

MR. KAWANGA: You were taken to Police?

KIBIRA-KAAYA: Yes.

MR. KAWANGA: And charged?

KIBIRA-KAAYA: Yes, my Lord.

MR. KAWANGA: You were charged and eventually charges against you were withdrawn?

KIBIRA-KAAYA: Yes.

MR. KAWANGA: What were you charged with?

KIBIRA-KAAYA: I have already explained earlier. You came a little bit late, but I had explained that.

MR. KAWANGA: Do you think it was unfortunate for a UPC Chairman to end up in this fashion? It was unfair to you?

KIBIRA-KAAYA: And that is why I resigned as Chairman.

MR. KAWANGA: After that you left, I think, you constituency, where did you go after resigning?

KIBIRA-KAAYA: When I resigned, I went to Tororo to do my other duties. I went away from Luwuriza Kirunda because I knew he would bring more problems to me.

MR. KAWANGA: You should have gone out of Uganda, he should have got you in Busia. Anyhow, after what you have written, you do not apparently hold yourself responsible for documents which you signed. But do you think it was wise advice to a Head of State to tell him to arrest or seize all children between the ages of 15 and 30 and exile them to a farm in another region?

KIBIRA-KAAYA: Mr. Commissioner, I said earlier on that these were ideas and suggestions made in a meeting by a number of Chairmen. After summing up all these ideas and suggestions, they had to be drafted and I signed; these were not my own ideas.

MR. KAWANGA: Yes, that is why I am asking because according to you this is a responsibility of all UPC Chairmen in Mpigi District. But I want to know your opinion.

KIBIRA-KAAYA: At first the idea was brought because those youths had nothing to do. During Amin's regime these youths were doing nothing and it was suggested that they should do something.

MR. KAWANGA: One other problem you have, perhaps again it is illiteracy, but some of the documents you signed are signed Haji Kaaya Kibira, Chairman UPC Mpigi District constituency. Would you hold those to be your responsibility and not of the whole district?

KIBIRA-KAAYA: It should be the responsibility of the whole district.

MR. KAWANGA: Even when you signed as UPC Mpigi East Constituency?

KIBIRA-KAAYA: I signed on behalf of all the Chairmen in the constituency, because I was not alone in my bed when writing those letters.

MR. KAWANGA: Well, I am asking you about what you signed as UPC Chairman Mpigi East Constituency.

KIBIRA-KAAYA: After being discussed, I signed them as Chairman.

MR. KAWANGA: So, whatever was discussed, you had to sign, you could not disagree?

KIBIRA-KAAYA: Whenever a meeting was convened in the constituency, resolutions were passed, the secretary types and then I had to sign.

COUNSEL: Commissioners, there is a problem, I think, in exhibit 59 where he says, he could not meet? Does it mean that when he wrote this report, they could not meet because the chairmen were not there; this is something which is not clear. Because what is not clear in your report is, you went saying "Lastly, our branch Chairmen have gone away, and you had no meets." I think "meets" was meant for meetings. So, when you wrote this report, it means you could not meet other chairmen; is that what you meant?

KIBIRA-KAAYA: We were meeting.

MR. KAWANGA: Has he answered your question?

COUNSEL: It was a clarification, I thought he would assist the Commissioner if he clarified that.

KIBIRA-KAAYA: This was prior to the writing of the report. we have not been meeting and that is what I meant.

MR. KAWANGA: But where had the Chairmen gone?

KIBIRA-KAAYA: Because of the prevailing situation at that time, they had fled the area, but eventually they came back. I asked them where they had been and I asked each one of them to make a report as to why they had left the area. So, from their reports, I compiled this report.

MR. KAWANGA: Finally, Haji Kaaya Kibira, I find it difficult, perhaps not difficult for you, but if you wrote this letter to the President as Chairman of Mpigi District and you ended it by saying "this is the advice I am giving and I have based it on my long experience in politics and on the extent I have as a person who has stayed in Buganda for a long period and I have based it on my old age." in those words, I find it difficult to say this is a letter on behalf of other chairmen. This is a personal thing.

KIBIRA-KAAYA: No, that is not true. My Lord, when we could meet perhaps I could give an opinion, but I personally I felt that our children were getting spoilt so I had to advise that these youths should be given at least something to do; some had been trained outside, they had come back but they were doing nothing. So, as an old man, I could see that our children were being spoilt.

MR KAWANGA: Yes, but what I want to know is, was this your personal opinion or others; should you hold it personally responsible?

KIBIRA-KAAYA: My Lord, we were together. Maybe as I have said a few words, the interpreter has prolonged the words; it may be the same that the person who drafted that in English added some other words.

MR. KAWANGA: Even the way the letter starts "I have been forced by the present circumstances to relate to you the following matters within my district, Mpigi and I am convinced that a similar state of affairs applies to others." Everything is 'I, I'.

KIBIRA-KAAYA: My Lord, I will not answer that now because we have talked about it many times, may be my brain is tired.

MR. KAWANGA: I take pity on you, Mr. Kaaya Kibira.

KIBIRA-KAAYA: Thank you very much.

KAKWENZIRE: Haji Kaaya, did you have one interpreter or several interpreters for your letters?

KIBIRA-KAAYA: I used to get interpreters from the UPC boys; because we were on different sides - I was in different side with them, maybe that is why they added some words which I did not tell them. These letters were first drafted and then typed, maybe the secretary typed some other things, when she or he has finished typing, he does not read it over to you word by word. And I noticed their crookedness not through writing but actions, so I told them that my friends, you made this mistake in the party.

KAKWENZIRE: So, now you have discovered after the very letter you tendered in as exhibit of your complaint that actually, your interpreter misquoted you. You have just learnt?

KIBIRA-KAAYA: Yes.

KAKWENZIRE: So in other words, they were working against you the very people you were trusting?

KIBIRA-KAAYA: Yes, at first, they did not show directly their grudge against me.

KAKWENZIRE: When this letter of 14th September, 1981 was read to you, you wished to make a correction where the point touched what you had done with lawlessness in the area.

KIBIRA-KAAYA: Yes, I wrote that part and I explained to them that let us write like this so that they do not bring soldiers in our area because I used to walk about without being guarded but I did not notice any bandit. So I did not want them to bring soldiers in the area. The other chairmen together with the youths; UPC youths in the area were not happy about that. So that is why they started making up all sorts of fabrications.

KAKWENZIRE: I want to draw his attention actually to the fact that he need not correct that mistake because the rest of his letter goes on to cite instances of insecurity which he had personally worked to correct. So in which case, you were right to state that you had left no stone unturned in the great task. Trouble makers, gangsters and guerillas have been arrested and arrangements are under way to make sure that all lawless elements are eliminated from the two constituencies.

KIBIRA-KAAYA: That is the mistake I have just explained because I just said that all efforts have been made to see to it that our area is secure but they did their own thing. They wrote another thing because they wanted to eat.

KAKWENZIRE: Well, I am not saying that you should not have done your duty to put the area into place. You were saying, you went on to say Kasangati Police Station was attacked and looted of all its property and Matugga police station. Mpererwe police station was attacked and looted. So me who understands English, I take it that there was actually lawlessness in the area. So you need not deny that you were not doing something to put the situation to normal. So, can we first of all agree that there was lawlessness in the area, you had done your level best which you could highlight to the Commission before we proceed. It is better to admit that there was lawlessness in the area because you have stated it.

KIBIRA-KAAYA: Commissioner, you will notice it in my letter if you go on that soldiers were fighting among themselves in the area. So I wanted these police stations to be restored because I wanted policemen, not soldiers in the area.

KAKWENZIRE: You are saying that in Gayaza and Mpererwe and what have you, it was Uganda Army versus Police?

KIBIRA-KAAYA: The reports which reached me said that soldiers were the ones who used to attack these police stations but you could never tell what kind of soldiers but the reports said so. At one time a Tata lorry full of soldiers came from wherever it came and soldiers were brought to Kawempe Police Station. Those soldiers attached Kawempe Police Station during broad daylight. So from that time, I was of the opinion that these bad acts originated from inside the army themselves. At times see CPS releasing prisoners who had made offence. So from that time, I decided to write to the President and take it myself by hand. I thought that the President did not know what was going on. So from that time, maybe the President showed this letter to some of his Ministers and from that time, I knew that these things sparked off from among us. So Commissioner, from that time I knew problems would befall me so even a soldier who is prevented from eating or getting things free perhaps would shoot me and kill me. So I decided to take all my belongings to Busia and I went.

KAKWENZIRE: But I think before you took your belongings, you wrote another letter on February 5th, 1982 where you heaped now all the blame on - where you seem to say that now it is Baganda elders and DP; the source of this alarming situation in Baganda elders who are propagating acts of violence. What prompted you to think that now it was Baganda elders and DP members?

KIBIRA-KAAYA: I have already told this Commission that those letters were first drafted and then typed. May be these people added some other words and when it is over he reads as you heard; he reads the words in the draft.

KAKWENZIRE: Unless you want to suggest that the whole letter would be changed because having elaborated on what is the trouble, you go on to elaborate on the methods to deal with the trouble source. It is very inconsistent.

KIBIRA-KAAYA: When these letters were drafted, I used to ask these people whether they had really typed what was drafted and they used to tell me that they had but they used to add their own words because they did not want security in the area. They wanted insecurity, so they started doing this thing and I have just heard of DP now. I never mentioned it.

KAKWENZIRE: Haji Kaaya, from the little I know because I was here and this place is not far, maybe it would be useful for the Commission if you really admitted that there was insecurity and you could tell us the source of insecurity, what was happening or the reports you heard about these stations being attacked. It is in our interest, the Commission wants to know whoever violated acts and I can assure you whether it was bandits or otherwise, it is all violations. So I would encourage you really to speak as somebody who was in authority and on the spot to tell us exactly what was affecting the people of Kapeeka, Semuto; I mean people we know died as a result of conflicting forces. It is our duty to highlight the problem and you are the right man to tell us exactly what caused the people of Semuto, Kapeeka and what have you, Namugongo, to tell us why they were killed and the way they were killed. So please, help us to establish the truth.

KIBIRA-KAAYA: We cannot deny that there were bandits and I cannot tell this Commission what happened at Kapeeka or Semuto because it was not part of Mpigi District. My Lord Commissioner, as you said that you were around in this country, we were also around but we used to hear only rumours that such and such a thing has happened and we used to watch on the T.Vs that these are bandits who have been arrested but I never witnessed it.

KAKWENZIRE: But even in his own area -

KIBIRA-KAAYA: After my arrest, I got information that there was some confusion in my area and after my release, people said, aha! no, we want *mzee* but I said, no, I will not come back. At one time, they were fighting for the chair, this one saying I am the chairman and another one saying I am the chairman. But I was hearing of this from the place where I was. That confirms the fact that there was some confusion in that area. People were fighting for the post. There was no peace in the area.

DR. MAKUBUYA: Well, I would like to preface my remarks by telling Mr. Kaaya that before this Commission, he is not charged with a criminal offence. What we are trying to do is to establish the facts about violations of human rights. I know that he has been on the witness stand for many hours. He must be tired but we also take into account that you held a responsible

position and it is from such people that we can get the facts. That is why I am asking him to bear with us. I will ask a few things but they are really forgetting details on what he has been saying. I did not get his first name.

KIBIRA-KAAYA: Abdalla Kaaya.

DR. MAKUBUYA: You also said that you have never left this country since you were born.

KIBIRA-KAAYA: I go abroad and come back like Mecca. I go to Mombasa and come back.

DR. MAKUBUYA: Oh, yes, that clarifies things. Thank you. Where was your home in Mpigi East?

KIBIRA-KAAYA: In Mpigi East, my home was at Ntinda.

DR. MAKUBUYA: What sub-county was that?

KIBIRA-KAAYA: It could be Kira but it was on the other side of Kira.

COUNSEL: No, the interpretation my Lord was not correct. He did not say it was in Kira sub-county. He said it was in sub-county bordering Kira sub-county. Is it Nakawa?

KIBIRA-KAAYA: Yes.

DR. MAKUBUYA: You see, I have four sub-counties here: Kira, Nangabo, Musaale, Nabweru. Which of these are we talking about?

KIBIRA-KAAYA: I have two homes, one at Ntinda, another one at Kazo in *gombolola* Nabweru.

DR. MAKUBUYA: You have been asked about this but I think we still need some clarification. As chairman of Mpigi East, did you spearhead development projects in the constituency?

KIBIRA-KAAYA: At that time, we who were under higher authorities at the time I resigned, there were no projects started in that area.

DR. MAKUBUYA: Okay, did you as chairman of the constituency represent the constituency in the national organs of the party?

KIBIRA-KAAYA: In that constituency, we had a person who would represent the area on the UPC higher level and another one would be elected from the district. The reason why we were elected two people was because we could not understand what was going on. But the UPC chairmen who could understand English and what was going on in the meeting would go to the higher meeting.

DR. MAKUBUYA: Yes, but did you, yourself attend these meetings?

KIBIRA-KAAYA: I did not attend these meetings because we had elected people to represent us and they could come and brief us on what happened in the meeting.

DR. MAKUBUYA: Why could you not represent your constituency?

KIBIRA-KAAYA: Yes, as I said I could not follow what was going on in meetings and you can see the same reason why there were some confusions in those letters.

DR. MAKUBUYA: You wrote this petition to Party President and President of the Republic to complain about what was happening in the area?

KIBIRA-KAAYA: Yes.

DR. MAKUBUYA: Did you ever receive a reply to this petition?

KIBIRA-KAAYA: He did not reply.

DR. MAKUBUYA: And were you happy with that situation?

KIBIRA-KAAYA: I was not happy because I realized he was not a straight forward man. When he did not reply I knew that this man is happy about what is going on in my area so I decided to leave him. He did not want even to see me because he was told that this man writes this letter on his own, we know that there are bandits in the area so I was regarded also as a bandit.

DR. MAKUBUYA: Yes, but my friend you are talking about a very serious matter. You are talking about the President of the Republic of Uganda, are you really saying that he did not care about this confusion? Then at least, the then President.

KIBIRA-KAAYA: I communicated to him as a party President of the party, UPC but not as a President of the Republic of Uganda.

DR. MAKUBUYA: Yes, even so are you saying that the President of the UPC Which was in power then did not care about the confusion?

KIBIRA-KAAYA: He did not care to help us and the confusion went ahead and we were harassed.

DR. MAKUBUYA: Okay, you said you were arrested from Luwuliza-Kirunda's office and you were imprisoned?

KIBIRA-KAAYA: I said some policemen came for me and told me that I was wanted by Kanywamusaayi when I reached in the office of Kanywamusaayi he said that my affairs has been finalized and he ordered me to be taken in the Parliament before the Commissioner of police. When I reached Commissioner's office he ordered six of his policemen to take me to Crested Towers before Luwuliza Kirunda. When we reached there Mr. Kirunda made an order that I be taken to Luzira. I told Mr. Kirunda frankly that you have failed to organize your office. I told him that when the Minister of Defence imprisons his people you do not release them and when you imprison people he does not release them, so I told him frankly

the grudge they had. I told him that every Thursdays you hold Cabinet meetings but you do not finalize this matter. That is why he asked me to take over his chair and I told him that leave it and I will take it over. So, he ordered his people to take me and I was taken away.

DR. MAKUBUYA: You know then that Dr. Luwuliza-Kirunda was the Secretary General of the party?

KIBIRA-KAAYA: Yes, that is why I went to him as Secretary General but not as a Minister.

DR. MAKUBUYA: Yes, were you surprised that this official of the party ordered the imprisonment of you and other officials of the party?

KIBIRA-KAAYA: Yes, that is why I got angry with him. I said those are not people.

DR. MAKUBUYA: You mentioned that after you left there were two people fighting for the chairmanship of the constituency Samari Muwanga and Ssali Kaggwa.

KIBIRA-KAAYA: Yes, those are the people who went through the constituency drawing the majority of people so those are the people who went behind me and made those allegations.

DR. MAKUBUYA: Have you seen those people recently?

KIBIRA-KAAYA: I saw them a long time ago when they were fighting for the chairmanship of the UPC and I fear there.

DR. MAKUBUYA: What about this Mr. Lumu whom you allegedly had confined? Have you seen him recently?

KIBIRA-KAAYA: I met him one day and we conversed.

DR. MAKUBUYA: Now in one of these letters you mentioned a Youth trained in Lunyo, who were in your district?

KIBIRA-KAAYA: Those youths were trained at Lunyo it is true as it is stated in the letter but they were many, I was alone in the meeting. Whenever they used to meet they left what was discussed in the draft and they used to add their own words or style the letter in their own way.

DR. MAKUBUYA: Yes, earlier on I asked you whether there was some eatings being used and you said there was no eatings, now you are talking about *"omulyo"* what is this thing *"omulyo"*?

KIBIRA-KAAYA: Yes, when I found out that these people were getting eatings, that is why I wrote that letter complaining that these people want to confuse my work. There are different ways of eating but at first when you asked me I thought you were asking about the money we were paying them. The fact is that we were not paying them. So when they got their own way of eating that is when the confusion started so I had to leave the whole matter.

DR. MAKUBUYA: You mentioned that you have been a transporter for many years?

KIBIRA-KAAYA: Yes.

DR.MAKUBUYA: Do you have a business name?

KIBIRA-KAAYA: Yes, it is called Kyamulibwa Transport Service Ltd.

DR. MAKUBUYA: And you said that some of your buses were stolen under Lutwa's government? How come?

KIBIRA-KAAYA: As they were walking on foot from Kampala these buses were at Mbale depot that is where they met the buses, they took them.

DR. MAKUBUYA: In again this exhibit here a letter of 5th February, 1982 in the last paragraph, it says something like this: "this is the advice I am giving and I have based it on my long experience in politics and the experience I have as a person who has lived in Buganda for a long period etc. etc." what is the meaning of" lives in Buganda for a long period?"

KIBIRA-KAAYA: I meant that as a person who has lived in Buganda for a long time I knew how the Baganda behaved. They did not want any interference in their affairs so I was advising him on that but whoever typed this thing changed the meaning that is what I was meaning.

MR. KAWANGA: But perhaps just for clarification because the English part of it when you say "I have lived in Buganda," the suggestion is that you are not a Muganda perhaps you are not born there you have just lived there. May we get that clarified why did you have to use the expression somebody who has lived in Buganda as if he is not born here or something?

KIBIRA-KAAYA: My Lord perhaps that was a mistake but as I said earlier on these things were first drafted but whoever put in English might have changed the meaning. If it had been read over to me as it was drafted I would have corrected it.

MR. KAWANGA: And saying what? That I am a Muganda?

KIBIRA-KAAYA: My Lord as I have heard I have said a few words in Luganda and you heard the interpreter, perhaps he interprets it about five minutes.

DR. MAKUBUYA: What would you have said in brief in answer to the Commissioner's point?

KIBIRA-KAAYA: Yes I told each of them that as I have stayed in Buganda for a long time - I know how the Baganda behave. I know what they want and what they do not want. So I was advising them about that, but, maybe, they wanted to frame it differently. I do not know!

DR. MAKUBUYA: Yes you are being asked whether you are a Muganda yourself.

KIBIRA-KAAYA: Yes. I was born at Kazo, Gombolola Mutuba II, Nabweru.

DR. MAKUBUYA: Are there some things that you regret during your tenure as party chairman?

KIBIRA-KAAYA: Whatever went wrong, when I realized this that is why I wrote that letter. I have enumerated all these in that document such as fighting between ourselves. We did not understand what we were aiming at.

DR. MAKUBUYA: Yes, but, Mr. Kaaya, it is difficult to follow you. In one breath, you try to disassociate yourself from the document; then, when you are asked a specific question, you come back and you say, `I have said so in the document.

KIBIRA-KAAYA: What disturbed me most -

DR. MAKUBUYA: I mean, do you want us to take the document? Do you want us to take what you say? It is important to us.

KIBIRA-KAAYA: Some parts are correct, for example, where I said that policemen fought against the soldiers at Kawempe and Gayaza. I witnessed this. And at the Central Police Station policemen were badly treated because even in the presence of the public because Central Police Station is exposed to the public. And at the road blocks even my watch was removed at a road block. So we realized that the people who were supposed to guard us were the ones robbing us. So I could not bear the situation.

DR. MAKUBUYA: What is the biggest contribution you made as chairman of your constituency?

KIBIRA-KAAYA: About what?

DR. MAKUBUYA: No the biggest contribution he thinks he has made to his constituency.

KIBIRA-KAAYA: It was unfortunate that at the time I took over the chairmanship in that constituency is the same time when these problems started in the constituency. So I could not get time to concentrate and do something for the constituency.

DR. MAKUBUYA: Thanks.

DR. LUYOMBYA: I want a little clarification. Mr fellow Commissioner asked you about Ssali and Kaggwa, those who were fighting for your constituency when you left. You said that they imprisoned people.

KIBIRA-KAAYA: No I did not say so.

DR. LUYOMBYA: When you had left the constituency and those people took over.

KIBIRA-KAAYA: They confiscated it.

DR. LUYOMBYA: And then they were imprisoning people.

KIBIRA-KAAYA: Yes I got information to that effect. I only got information. I did not witness it.

DR. LUYOMBYA: And you said that they were using the power you had.

KIBIRA-KAAYA: Yes, that is what they did; if one takes over the chair, he has got to use the same power.

DR. LUYOMBYA: So what I wanted clarified the power you had, did it include imprisoning people?

KIBIRA-KAAYA: No.

DR. LUYOMBYA: Then do you want to tell us that they had different power?

KIBIRA-KAAYA: Yes, may be, because they were not elected by people, they used that chance to have extra power.

DR. LUYOMBYA: Do you know what I have noted, Mr. Kaaya, is that you do not answer questions directly and you try to answer in a roundabout way.

KIBIRA-KAAYA: No, my Lord.

DR. LUYOMBYA: Now you have just accepted that those people used the power you had and they imprisoned people and -

KIBIRA-KAAYA: The power I am talking about is the power I had to prevent them from doing bad things - and they refused. That is the power I was talking about.

DR. LUYOMBYA: You are still vague to me. Now tell me in clear terms what powers did you have as a constituency chairman?

KIBIRA-KAAYA: I was the leader of all the Vice-Chairmen and they could not convene any meeting in the constituency office before the chairman is notified. My Lord Commissioner, although you say that I am answering your questions in a round way but those are the chairmen I am talking about who used to bring soldiers without my notice in the area.

DR. LUYOMBYA: I have not asked for that. My question I thought was clear. What powers did you have as -

KIBIRA-KAAYA: I have nothing more to explain beyond that.

DR. LUYOMBYA: Did you have any powers or you did not have any powers?

KIBIRA-KAAYA: I have explained the powers I had but you have refused. I have nothing to add. I have explained the powers I had.

DR. LUYOMBYA: Now it seems probably you had no powers.

KIBIRA-KAAYA: We can take it like that.

DR. LUYOMBYA: And do you regret today having been a constituency chairman at that time?

KIBIRA-KAAYA: In what way, my Lord - to regret that I lost my chairmanship or - I do not know what you mean?

DR. LUYOMBYA: When you look back to your life, are you happy that you were a constituency chairman of the time?

KIBIRA-KAAYA: I was not happy at that time but presently I am happy because the situation has gone back to normal. You can live peacefully.

DR. LUYOMBYA: Mr. Kaaya, I am not asking you about the present situation whether it is normal or abnormal. I am asking you about the period you were in office. Are you happy that you were a constituency chairman of the time?

KIBIRA-KAAYA: When I look back to that period, I am not happy because I had a lot of problems - I was not very happy because I could not even fulfil the work or my duties which were entrusted to me.

DR. LUYOMBYA: As a citizen of -

CHAIRMAN: Sorry to interrupt you. Perhaps, it is a follow up. Now were you not happy because you were a chairman or because of what happened when you were a chairman? Let us get the two distinctions. Is there anything wrong being a chairman or were you not happy with what happened when you were a chairman?

KIBIRA-KAAYA: I am not happy because of what happened while I was a chairman.

DR. LUYOMBYA: What ideal situation would you have liked?

KIBIRA-KAAYA: That time I would have liked the situation to be as it is now. I wanted people to settle down in their areas.

COUNSEL: That is all, my Lord.

CHAIRMAN: Mr. Ssendege, do you have something to say? Did you want to say anything?

SSENDEGE: No, my Lord, I do not want to say anything.

DR. LUYOMBYA: Let me ask one other little thing. You tried to serve the party as a constituency chairman to the best of your ability; and now and then you were being accused by those in authority as assisting bandits.

KIBIRA-KAAYA: Yes.

DR. LUYOMBYA: Did you actually help bandits?

KIBIRA-KAAYA: Whether the bandits were there or not, I might have helped them because I stopped these from taking soldiers to that area.

DR. LUYOMBYA: But did you know that they were in those areas?

KIBIRA-KAAYA: I just heard - I heard - that bandits were in the area; but they were in the adjacent area. I never saw them.

DR. LUYOMBYA: So in your area they were not there?

KIBIRA-KAAYA: They were not there; that is why I made inquiries.

DR. LUYOMBYA: They were in the adjacent areas.

KIBIRA-KAAYA: Yes.

MR. SSENDEGE: No, my Lord, that is what he heard.

COUNSEL: My Lord, that is the end of this witness.

CHAIRMAN: Thank Mr. - sorry Haji - Abdalla Kaaya for your evidence. Now, before I tell you to go, I would like to make - emphasize - an observation which has already been, I think, referred to by two of the Commissioners here. One is that, you see our work can only be done if only people come and try to tell us what has been happening, because otherwise, we cannot find the truth. We need the facts. We need truthfulness. People come and they contradict the positions which they hold at a particular time; trying to wriggle out and so on. It makes the work very difficult. For instance you have tried to confuse us about those letters and so on; but the contents of these letters are consistent with the position you hold at that time. Probably, you may be trying to get out - try to wriggle out. It might appear to you that you are on trial here, for having been a chairman of your party. This we can assure you that you are not. You would only need to fear if you yourself did anything wrong using your position in which you were. But there was certainly nothing wrong with your having been a chairman of your party as such. So I am telling you this so that it may get across so that, when witnesses come they should give evidence which is consistent with their views and positions at that time.

Another contradiction, for instance, you have just mentioned - earlier on you denied, 'oh, no there were bandits in this place;' but later on you said, 'Oh, no I helped them'. This is because it appears now fashionable to say that, `I helped at that time.' So we are appealing that people should come and give evidence which is truthful, which is consistent with their views and positions at that time. Well, thank you. We have held you here for such a long time. We thank you for having persevered in a rather hot room as we all have done. Thank you. You may go now. Counsel, the next witness, please.

COUNSEL: My Lord, I would ask my Assistant - Jogo - to lead the witness in respect of the other case which we did not complete on Friday.

CHAIRMAN: Very well, then.

WITNESS NO.144: MR. SHABAN MATOVU - AFFIRMED

COUNSEL: Would you state your name?

MATOVU: I am Shaban Matovu.

COUNSEL: How old are you?

MATOVU: 45 years.

COUNSEL: Where do you reside?

MATOVU: I live at Bugerere, Gombolola Kangulumira.

COUNSEL: What do you do for a living?

MATOVU: I am a cultivator.

COUNSEL: Are you a Haji?

MATOVU: Yes.

COUNSEL: How did you achieve this title of Haji?

MATOVU: I got money and I went to Mecca in 1977.

COUNSEL: Were you in this country in 1981?

MATOVU: Yes, I have never left this country since 1981.

COUNSEL: Where were you in 1981?,

MATOVU: I was at Bugerere.

COUNSEL: When you were there is there anything which made you leave Bugerere?

MATOVU: Yes.

COUNSEL: What is that?

MATOVU: I received information that my uncle had been arrested from Luwafu.

COUNSEL: Who is your uncle?

MATOVU: He is called Juma Ssentongo.

COUNSEL: What did you do?

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eave Bugerere?

om Luwafu.

MATOVU: I came to Kampala.

COUNSEL: Where in Kampala?

MATOVU: I went to Kibuye Police Station.

COUNSEL: What did you do at the police station?

MATOVU: When I reached Kibuye Police Station, I met Haji's relatives - his wives and his children.

COUNSEL: Yes.

MATOVU: I inquired from the relatives the whereabouts of Haji and they told me that he was at Makindye.

COUNSEL: Did you inquire from the police also?

MATOVU: I did not go to the police at first; but I received this information from his relatives. Then we went back to the police station and they rang to Makindye.

COUNSEL: After how many days was then, when you went to the police station?

MATOVU: This was after two days.

COUNSEL: What did you do then, after receiving this information about Makindye?

MATOVU: Then I went to Makindye Barracks.

COUNSEL: What did you do at the barracks at Makindye?

MATOVU: At first I remained at the gate and there were some soldiers passing by and I called one of them. He came. I told him that I had a person who had been arrested and brought in Makindye. So I asked him to go and check and see my uncle was there. He came back and he told me that he was there.

COUNSEL: Did you know this soldier?

MATOVU: I did not know the soldier. I just called him. I met him there.

COUNSEL: Later on did you learn who he was?

MATOVU: That is all I wanted from this soldier; only to know whether my uncle was in the cell.

COUNSEL: When you received that information about your uncle, what did you do?

MATOVU: I made all efforts to see that I see the prisoner.

COUNSEL: What are those efforts you made?

MATOVU: Then I approached one soldier who used to drive a Land Rover on which there was a canon - called Kagwa. Then this Kagwa promised me to take me to the person who was responsible for the prisoner.

COUNSEL: Were you taken to that person responsible for the prison?

MATOVU: He did not.

COUNSEL: So what did you do, next?

MATOVU: Before I saw the prisoner, he was transferred from Makindye to Kireka.

COUNSEL: How did you come to learn about his transfer?

MATOVU: Because I went back to Makindye, hoping to find ways of rescuing him; but I was told that he was no longer there.

COUNSEL: So what did you do next?

MATOVU: They told us that he had been taken to a place which is unknown. I made efforts and I saw one gentleman who promised to take us there during the night.

COUNSEL: Now, when you received this information about the transfer, did you report this matter to the wives and relatives of Haji Juma Ssentongo at Luwafu?

MATOVU: At that time, I was staying in the home of the prisoner.

COUNSEL: Yes, what did you decide to do?

MATOVU: I tried to contact the friends of the prisoner but they also found it difficult to trace the place where he was.

COUNSEL: Eventually, did you trace the place where the prisoner was?

MATOVU: Eventually we found out where he was; but, at first, we thought that he was dead because there were some dead bodies dumped on Entebbe Road.

COUNSEL: How did you find out?

MATOVU: We got to know that he was at Kireka where they used to kill some people - in a uniport.

COUNSEL: Would you describe to the Commissioners the methods you employed in locating this prisoner?

MATOVU: I made all efforts through crooked ways - using money - to see that I reach the place where the prisoner was.

COUNSEL: There is on record already evidence to the fact that an advertisement was made that - if anyone could give information leading to the tracing of this prisoner then he would be given money, is that so?

MATOVU: That is so.

COUNSEL: The announcement was made before I was informed and before I come to Kampala. So, after the announcement some people responded to the announcement and they came.

COUNSEL: How many people?

DR. LUYOMBYA: I think let him finish the translation.

MATOVU: Before I came the announcements were made and some people responded to the announcement, they came they took the relatives of the prisoner and they demanded some money.

COUNSEL: Were you also taken?

MATOVU: When some of the clothes belonging to the prisoner were brought I also gathered guts to go and see the prisoner.

COUNSEL: Did you recognize this piece of cloth brought as belonging to the prisoner?

MATOVU: Yes.

COUNSEL: So, when you gathered guts to go and see the prisoner did you see him?

MATOVU: When I was being taken to see him even I was made to sign an agreement.

COUNSEL: What was the gist of this agreement?

MATOVU: The agreement stated that if you go and see the prisoner and you talk about it he will be killed. If you tell other people you will be killed and if it is published in the press you shall also be killed.

COUNSEL: Did you keep a copy of your agreement?

MATOVU: It was a verbal agreement.

COUNSEL: Who was the other party to this agreement?

MATOVU: He was a soldier but referred to as a Sergeant. He was responsible for the prisoner.

COUNSEL: Who was there to witness this oral agreement?

MATOVU: That agreement was made while we were in a vehicle and they said that we should go there. This was about 8.00 p.m. we thought that, that place

was risky during the night.

COUNSEL: How many of you were in that vehicle?

MATOVU: At first I went to him together with another person but the one who introduced me to him had remained behind. There were three of us in the vehicle, the driver, the person who was responsible for the prisoner and myself.

COUNSEL: Yes, after the agreement what happened?

MATOVU: They told me they were taking me to the prisoner.

COUNSEL: Did they take you?

MATOVU: They took me.

COUNSEL: Where did you find the prisoner?

MATOVU; I met the prisoner at Kireka in a uniport.

COUNSEL: Were you allowed to talk to him?

MATOVU: At the time we reached Kireka the uniport was locked but there were some prisoners inside and when he heard, he called out as my name and said; "*Waria* has come I am almost dead." Because we used to use that term in the past with the prisoner when he called out that word "*Waria*" he knew that I was the one and not anybody else.

COUNSEL: What did *"Waria"* mean?

MATOVU: It is a Somali word used when calling somebody, that"you."

COUNSEL: So, when he recognized you, what happened?

MATOVU: Then later on they opened the door and because I was refused to take food I had bought two sodas which I took.

COUNSEL: Were you allowed to enter this uniport?

MATOVU: They opened the uniport and because it was dark he crawled and came nearer the door because there was no light outside. There were other people in the uniport whom I did not recognize.

COUNSEL: What did you see on this prisoner?

MATOVU: At that time he could not really hold a bottle of soda I am the one who helped him hold the bottle while he was drinking because his arms had been tied. At that time I told those people who were around that "please this man has no case at all, he has no problem at all please if you help me release him I will give you money ten times your salary to release him. That time I had Shs 5,000 on me, so I gave Shs 3,000 to the person who took me who was in charge, and the other money I gave to those people I

met at the gate. Then they assured me that they will not kill the prisoner. I replied that if you keep him and release him I will give you whatever you want. The prisoner instructed me to sell all his property so that his life could be saved. Then I went back home I informed his wife and I did all my best to see that we collected money.

COUNSEL: Just a moment. How long did it take you to talk to this prisoner? How long did you stay in this uniport?

MATOVU: I remained at the uniport for almost 30 minutes.

COUNSEL: Were you able to observe other parts of the prisoner's body?

MATOVU: Yes, previously he had been tied with wires I could notice on his legs and his hands and he had been stabbed with a bayonet on the right shoulder and all his clothes were full of blood.

COUNSEL: Were you also able to see other prisoners in this uniport?

MATOVU: There was not enough light but I could only talk to my prisoner, to the Haji.

COUNSEL: Are you able to estimate how many prisoners were in this uniport?

MATOVU: Because it was dark I was unable to recognize or estimate the number may be some were dead. I cannot tell whether they were sleeping or they were just there dead.

COUNSEL: Haji Juma Ssentongo has been before this Commission and he says there was some form of light in this uniport what do you say to that?

MATOVU: The light was not enough because if one had stayed in the uniport for some time he could see clearly but if you come from a darkness you cannot see properly.

COUNSEL: So, did you come back to join the relatives of Haji at Luwafu?

MATOVU: Yes I went back a little bit happy because I had seen him and I went back to make arrangements and see how we could save him.

COUNSEL: You said he asked you to sell his property?

MATOVU: Yes, he told me to sell all his property and give the money to the soldiers.

COUNSEL: Was this suggested? Was there a demand for money made in your presence while you were visiting this Haji Juma?

MATOVU: Yes, the very person with whom I went, the sergeant I talked about was the one who demanded money.

COUNSEL: How much did he demand?

MATOVU: He demanded 2 million shillings and a radio cassette but I told him we had the radio cassette at home, I will give it to him.

COUNSEL: So, what happened after this agreement?

MATOVU: I went back and I wrapped the radio cassette in a table cloth and then I took it.

COUNSEL: Where did you take it?

MATOVU: I took it to Makindye this time.

COUNSEL: To whom did you take it?

MATOVU: I took it to that same Sergeant who took it to Kireka.

COUNSEL: Did you find him?

MATOVU: Yes, at the time I arrived here he had gone out but the only person who had an appointment with me and could keep on checking on me. At last he came I unwrapped the radio and I handed it over to him. He assured me that as he had received the radio cassette he will not kill Haji, so he took the radio cassette in the barracks where they were staying.

COUNSEL: And what happened to you?

MATOVU: He told me to come back later. When he took the radio to where he was staying his friends asked him where he had got it and they asked him for a receipt but when I went back to him later he asked me where we had got the radio from. I told him that the radio was bought from Mecca. Then he said "oh, no, this is a holy thing it is not good to take it". He went back to the barracks, he brought back the radio cassette to me together with a watch belonging to the prisoner and he told me to take the items back and told me to take money instead. I went back and got Shs 20,000. When I gave him the money he went to the shops and bought a new radio, he bought it at about Shs 6,000 and there he got a receipt. During that time I started looking for money to buy the life of Haji but all this time this soldier kept on coming to Haji's home demanding money whenever he got visitors he used to come and ask for money. Then I told him that it was of no use to give him money without the person, so I told him to make a choice. If he wanted to kill him I asked him to dump Haji's body very near then we could find it or else I told him if you want money bring the person, I will give you money.

COUNSEL: Now at Kireka, you were asked to raise Shs 2 million then they would hand over Haji to you; it is of interest to the Commissioners to know how you went about raising this money; the Shs 2 million.

MATOVU: We got this money from friends and the prisoner had a lorry of Tata make and a small car, so one time we thought perhaps they would give us the Haji but when we went there they were going to remove him from the condemned, they said they were going to replace him with another person

whom they would kill.

DR. MAKUBUYA: Because the bodies were to be counted?

MATOVU: Yes. When I took the radio at Makindye, we went to Mbuya where they removed one man and put him in a vehicle and stepped on him; then we took this man - to Kireka where Haji was and those people said that this man would be killed in the place of Haji.

COUNSEL: So, what happened to Haji when this man was brought to replace him?

MATOVU: He was removed from the uniport at Kireka and brought to Mbuya.

MATOVU: How did you deploy this lorry and car in getting this money?

MATOVU: We took this lorry to the bank as security to get some of the money, and I went back to Bugerere - the lorry was mortgaged in the bank to get part of the money, and I went to Bugerere where I was able to raise another part of the money by mortgaging my home.

COUNSEL: Which bank was this?

MATOVU: We mortgaged these properties to Libyan Bank.

COUNSEL: The same applied to your home at Bugerere?

MATOVU: No, there are some people at Bugerere to whom I mortgaged my home and they gave me money, and I had a small Datsun which I also gave them as security. So, I managed to raise the money like that.

COUNSEL: How much did you raise from the Libyan Arab Uganda Bank?

MATOVU: Personally I did not go to Libyan Bank but it was the prisoner's wife being assisted by Dr. Ntabaazi; they are the ones who mostly dealt with the matter.

COUNSEL: How about from Bugerere from the village mates; how much did you realize?

MATOVU: It was about half a million.

COUNSEL: So, eventually did you raise this two million?

MATOVU: Yes.

COUNSEL: How did you make contact with the prisoner and the sergeant?

MATOVU: I had made arrangements with Sergeant to meet him at Makindye, but he failed to produce the prisoner because it was still during day time. So, he told us to go back and that he would produce the prisoner at mid-night; so we went back with the money, but we were fortunate that he did not take the money, he would have killed us because we had the money but

he left us and we took back the money. But he fulfilled his promise and at mid-night he produced the prisoner.

COUNSEL: What happened?

MATOVU: When they came they hooted the horn and I put on the security light, it was drizzling a bit and they lifted him and they brought him in. We were all seated there like people who were in a last funeral rites.

COUNSEL: When Haji was brought in what did you do?

MATOVU: When they came I opened the door and the son of haji gave them the money which was in a bundle then they went back to their vehicle and drove away.

COUNSEL: Did you know how much was in that bundle?

MATOVU: I did not count the money myself but those people who arranged the money in a paper bag of 20 kilos.

COUNSEL: Did you eventually find out how much was given?

MATOVU: Yes, later on I learnt that they were given two million shillings.

COUNSEL: Is there something else which happened after those people had gone away?

MATOVU: When those people had left I went to a neighbour who was called Yosefu Matovu who is dead now, who advised me that 'do not take that person to Mulago he might be traced' because at Mulago they could ask him to make a statement of what happened to him.

COUNSEL: Okay, was Haji Juma taken for treatment anywhere?

MATOVU: Yes, I took him to Dr. Ntabaazi at Ndeeba.

COUNSEL: How long did he take there to recover?

MATOVU: He himself might know the period he took there because after when I took him to hospital, I went back to the village.

COUNSEL: Now, when Haji was brought, how many people were with you witnessing this handing over?

MATOVU: All his members of the family were there and I was the only outsider.

COUNSEL: Now, you mentioned Kagwa, but you have not told the Commissioners where he disappeared. At what point and time did he abandon you or you stopped seeing him?

MATOVU: He was the driver of this Land Rover.

COUNSEL: Was he present when Haji was being handed over to you?

MATOVU: Yes, and he was the one who came driving the vehicle.

COUNSEL: My Lord, that is all the evidence from this witness.

DR. LUYOMBYA: Haji Matovu, we have heard about this story from Haji Juma and members of his family and we wanted to clarify a few things. How did you come to Kagwa?

MATOVU: Mr. Kagwa is the one who made a line and introduced us to the soldier who was responsible for the prisoner.

DR. LUYOMBYA: Did he establish that line with you or with somebody else of the family?

MATOVU: We knew this Kagwa after inquiring from the Police and the Police advised us to approach Kagwa.

DR. LUYOMBYA: Who at the Police advised you to approach Kagwa?

MATOVU: He was a youth known as Aziz who was a *muyaaye* on that village and he used to work with those people.

DR. LUYOMBYA: Did you know any other name for Aziz?

MATOVU: He was a youth on that village, whenever he learnt about somebody who was in a problem he used to get lines in that way so that he could, at least, get something.

DR. LUYOMBYA: After Haji Ssentongo had been returned to his home and you had taken him to Dr. Ntabaazi in Ndeeba; did the Sergeant and other soldiers keep returning to Haji's home?

MATOVU: No.

DR. LUYOMBYA: After taking the prisoner to the hospital, how long did you stay in Haji's home?

MATOVU: I could not bear to stay long here after seeing all that I saw; I only spent only two days and then I went back home.

DR. LUYOMBYA: Did you know that the bundle of money that was handed to the soldiers when they returned your uncle was not enough at the time?

MATOVU: I did not because I had gone away.

DR. LUYOMBYA: Well, we were told that it was not enough and they kept returning to the home demanding for more money; and we had been informed that you could have participated in raising further money until all the bill had been completed.

MATOVU: When Haji left prison that was all I could do for him, then I left and they disturbed them, they left him a poor man, at that time he was driving but now he is footing, and they took away all his property.

DR. LUYOMBYA: What do you do for a living yourself?

MATOVU: I am a *Mutongole* chief.

DR. LUYOMBYA: What were you doing at the time Haji was arrested?

MATOVU: I was a cultivator; now I am both a cultivator and a *Mutongole* chief.

DR. LUYOMBYA: Are you or were you a successful farmer?

MATOVU: Yes, I have a lot of coffee.

DR. LUYOMBYA: Okay.

DR. MAKUBUYA: You said that at one time when you were looking for Haji Ssentongo, you were told of some dead bodies dumped on Entebbe Road; did you go there yourself?

MATOVU: I did not go there; some people went there but there were other dead bodies.

DR. MAKUBUYA: This sergeant and yourself dealt with each other for some time; did you ever hear his real name?

MATOVU: No, I did not hear his name at all, maybe, Haji himself bothered to find out as he was imprisoned at one time, but for me I feared even to step in Kampala.

DR. MAKUBUYA: You see, you have been to these soldiers, first of all at the police in Kibuye then in Makindye, then in Kireka; did they say what charge they had against him? Did they explain why they were holding him?

MATOVU: Some bodies were brought and dumped in front of Haji's house and most of the people in that village ran away, and even Haji's family had also run away, but when he came back about three people were arrested together with Haji.

CHAIRMAN: Commissioner, sorry to interrupt. We did not hear all this from Haji himself and members of his family; were you present, did you see these bodies yourself or they told you?

MATOVU: I was just informed.

DR. MAKUBUYA: Who?

MATOVU: I was hearing rumours from the village when we were looking for Haji.

DR. MAKUBUYA: Now, this Sergeant says he is going to release Haji Juma but - he must have somebody else to replace him as a dead body; were you surprised by this?

MATOVU: It surprised me very much!

DR. MAKUBUYA: Why?

MATOVU: Because as they introduced themselves to me they said they were government agents and they were killing people. So, I thought it was their responsibility to replace Haji and that was how we went with another person.

DR. MAKUBUYA: Yes, this question of paying money to get your relative out, did it surprise you?

MATOVU: That was very important! Somebody being accused of a crime, you have to pay the money to save his life!

DR. MAKUBUYA: Yes, but why could they not take him to court if he had done something?

MATOVU: There was no court at that time; each one had his own court in his hands and you had to buy yourself out. I had even refused to come here because they had instructed me not to disclose this information; and I was lucky to get the money and Haji was released, but other people raised the money and yet their people were killed.

DR. MAKUBUYA: Yes, but is this what you would expect from the authorities?

MATOVU: It should not happen at all!

DR. MAKUBUYA: What have you done since then? This is not what should happen; when things changed did you take up the matter with the authorities?

MATOVU: There was no particular person whom I could point out; and I think we better forget the past and start afresh because those people have escaped.

DR. MAKUBUYA: What should we do now?

MATOVU: To sit down and discuss our problems, and that is why I joined the Government; the RCs have to discuss and keep the areas safe and not to play about with human life!

DR. MAKUBUYA: Of course Haji Matovu, I commend you very much for your courage; you have kept quiet for six years, but I am glad that you dared to come out and speak. I am sure that many authorities are listening and you can be rest assured that nothing will happen to you because you have come to tell us the truth.

KAKWENZIRE: If you found that the people who were doing those things, who were taking money unlawfully, who were playing about with human life; - if perhaps as you walk around you come across one, would you recognise

them?

MATOVU: There are some people whom I know, whom I am looking for who violated human rights but not these very ones.

KAKWENZIRE: I can see that you think these people were very helpful, and it is not surprising because your uncle is alive, but you will agree with me that they themselves were doing very unlawful acts.

MATOVU: I would agree.

KAKWENZIRE: Would you like to bring them up for prosecution?

MATOVU: If they can be arrested.

KAKWENZIRE: Are there some points or some hints you could give to our investigators which they can follow to look for these people - names if you can remember or description?

MATOVU: I did not follow up these people because after doing all that I could, I had to go immediately to the village because I was also in fear. Some people were even taken to houses which look like these ones and they did not appear again.

CHAIRMAN: Just to assist the Commissioner. You are coming up with more information. If you have specific information, let us talk in generality. Do you know where they were taken and who did it?

MATOVU: One person called Kalema was brought this way but fortunately later on he was released, and we welcomed him after his release.

CHAIRMAN: Is that all? From what you said it appeared you know so much.

MATOVU: There are some youths who burnt some people from my area with melted jerry cans, - but later when they were taken to the authorities they found out that they had no case and they were released; - but these youths ran away and we are looking for them, but I am sure they are in Uganda.

CHAIRMAN: You may not have the facilities to look for them; you tell the Police because you yourself may not succeed easily.

MATOVU: I will do that, my Lord.

CHAIRMAN: Anybody else or any other incident?

MATOVU: No.

CHAIRMAN: Okay, Haji Shaban, thank you - as the Commissioner here said - for having been brave enough to at long last tell the story about your uncle. You may go now.

COUNSEL: My Lord, this is the close of the evidence on the case of Haji Juma Ssentongo.

CHAIRMAN: Do you have any other witness for today?

COUNSEL: No, my Lord.

CHAIRMAN: I see. So, the time now is about 25 minutes to 4.00 p.m. and we have not had a lunch break. So, we are suggesting that we break off now for lunch and I think it will be too late to come back again because in one hour it will almost be 5.00 o'clock. So we shall adjourn now and resume hearing of evidence here tomorrow at 9.30 a.m.

COUNSEL: Most obliged my Lord.

CHAIRMAN: Commissioners, Ladies and Gentlemen, let us commence the Session of today, the 19th of August, 1987. Learned Counsel, I understand you are calling a new witness this morning.

COUNSEL: Yes, my Lord.

CHAIRMAN: Let us proceed.

COUNSEL: My Lord Chairman, Lady and Gentlemen Commissioners, this morning we are beginning a new case regarding the murder of one UNLA Captain named Magala at Bukoto; and the first witness in this case is Irene Namulanze who was staying with the deceased Captain. She is Witness Number 145.

CHAIRMAN: Swear her in Luganda.

WITNESS NO.145: MISS IRENE NAMULANZE - SWORN IN

CHAIRMAN: Let her sit down.

COUNSEL: Can you state your names, please?

NAMULANZE: My name is Irene Namulanze.

COUNSEL: How old are you?

CHAIRMAN: Can you tell the witness that she can speak vernacular if she wishes, unless she is - she is free to speak English; but if she is not comfortable with English, she may speak vernacular. Whatever language you want you are free to use. You do not have to speak Luganda if your language is different. Counsel, could you find out, please. What language do you speak?

NAMULANZE: Luganda.

COUNSEL: Okay, you will speak in Luganda and we translate.

MR. NAGENDA: Counsel, first find out. Would she prefer to speak Luganda or English?

COUNSEL: What is your name?

NAMULANZE: My name is Irene Namulanze.

COUNSEL: How old are you?

NAMULANZE: I am 15 years old.

COUNSEL: Pardon.

NAMULANZE: Fifteen years.

COUNSEL: Who are your parents? Who is your father?

NAMULANZE: My father is Luzinda.

MR. NAGENDA: Can you please speak louder and speak in this machine because we want your voice to be recorded?

NAMULANZE: My father is Luzinda.

COUNSEL: Do you know any other name?

NAMULANZE: No.

COUNSEL: And who is your mother?

NAMULANZE: My mother is Harriet Nnamakula.

COUNSEL: Where do they stay?

NAMULANZE: My mother is staying at Nakawa; my father is staying at Ntinda.

COUNSEL: What do you do? Are you studying?

NAMULANZE: Yes.

COUNSEL: Where are you studying?

NAMULANZE: At Kololo High.

COUNSEL: What class?

NAMULANZE: S.1.

COUNSEL: Now have you been staying with your parents ever since you were born?

NAMULANZE: No.

COUNSEL: Where have you been staying?

NAMULANZE: I was staying with my grand-mother.

COUNSEL: At which place?

NAMULANZE: At Nakawa.

COUNSEL: Now, in 1980, where were you staying?

NAMULANZE: I was at Kamwokya.

COUNSEL: You were staying at Kamwokya, at whose place?

NAMULANZE: My Uncles's place.

COUNSEL: Who was your Uncle?

NAMULANZE: My Uncle was Magala.

COUNSEL: How old were you in 1980?

NAMULANZE: I was 7 years old.

COUNSEL: Now you say you were staying with your Uncle called Magala. Apart from your Uncle, were there other people whom you were staying with at Magala's home?

NAMULANZE: Yes.

COUNSEL: Who were these people?

NAMULANZE: My aunt, plus the uncle.

COUNSEL: Aunt called who? Mention their names.

NAMULANZE: Aunt called Rebbeca.

COUNSEL: Was this the wife of Magala?

NAMULANZE: Yes.

COUNSEL: Yes, and who?

NAMULANZE: Plus the uncle called Ssemakula Ben.

MR. NAGENDA: Please, speak up. We cannot hear you.

NAMULANZE: Ben Ssemakula.

COUNSEL: What was Ssemakula doing? Was he working?

NAMULANZE: Schooling.

COUNSEL: Who else were you staying with?

NAMULANZE: I do not remember because I was young.

COUNSEL: I see. Now you say you were staying in Bukoto. Is this -

MR. NAGENDA: Kamwokya -

NAMULANZE: Kamwokya.

COUNSEL: Kamwokya. In Bukoto Street?

NAMULANZE: Yes.

COUNSEL: Is this what was known as Plot Number 23?

NAMULANZE: Yes.

COUNSEL: Bukoto Street. Now you said you were staying with your uncle; is this uncle of yours still staying at Kamwokya?

NAMULANZE: No.

COUNSEL: Why?

NAMULANZE: Because he died.

COUNSEL: In which year did he die?

NAMULANZE: In 1980.

COUNSEL: Do you know how he died?

NAMULANZE: Yes.

COUNSEL: How did he die? Okay, let me put it this way. On the 10th of May, 1980, were you at your uncle's home?

NAMULANZE: Yes.

COUNSEL: Did any people visit you on that day?

NAMULANZE: Yes.

COUNSEL: Who were these people and what did they do?

NAMULANZE: They were just men. They came.

COUNSEL: How many?

NAMULANZE: About four.

COUNSEL: Yes.

NAMULANZE: We were just outside. They came.

COUNSEL: At what time?

NAMULANZE: I do not know because I was young.

COUNSEL: Was it in the morning?

NAMULANZE: No.

COUNSEL: At night?

NAMULANZE: No.

COUNSEL: During day.

NAMULANZE: Yes.

COUNSEL: Okay. Yes. Tell us. When these people came. What did they do?

NAMULANZE: They came. They entered into the house; for us we were just outside playing. They entered. They came outside with our uncle. They started pushing our uncle. Our uncle started asking, "Where are you taking me?" The uncle started crying. They just pushed. Then they pushed him into the car which they came with.

COUNSEL: Now, when you say your Uncle, what was your uncle doing? Do you know where he was working, what job he was doing?

NAMULANZE: Me I knew that he was an army man but I never knew where.

COUNSEL: Now, when these people came, were they dressed in clothes of common people or they were in army uniform?

NAMULANZE: I remember, I think, they were in military uniforms. They were just pushing him with the guns.

COUNSEL: Was your aunt at home - Rebbeca?

NAMULANZE: No.

COUNSEL: Who was at home on that day?

NAMULANZE: Uncle called Ben Kiwanuka - Ben Ssemakula.

COUNSEL: Now, when you said your uncle started crying that, "Where are you taking me?" Did these people beat your uncle?

NAMULANZE: Yes.

COUNSEL: And they took him.

NAMULANZE: Yes.

COUNSEL: Were they walking or they had a vehicle?

NAMULANZE: They had a vehicle.

COUNSEL: What colour was it? Do you remember?

NAMULANZE: I do not remember.

COUNSEL: Did your Uncle come back after these people had taken him?

NAMULANZE: No.

COUNSEL: Now, what followed after they had taken your Uncle? Did you still stay in your house where you were staying with your uncle?

NAMULANZE: Yes.

COUNSEL: Did those people come back again?

NAMULANZE: They came back in the morning.

COUNSEL: The next day?

NAMULANZE: Yes.

COUNSEL: And did what?

NAMULANZE: They took things.

COUNSEL: You mean, the things in the house?

NAMULANZE: Yes.

COUNSEL: Did they take everything?

NAMULANZE: Not all of them. They took some. The majority they took.

COUNSEL: Did they say anything? Did they talk to you?

NAMULANZE: They were just asking for things, plus the gun which was remaining in the house.

COUNSEL: On this day when they came back was your aunt - Rebecca - at home?

NAMULANZE: Yes.

COUNSEL: Now eventually did you hear anything about the whereabouts of your Uncle? What had happened to him?

NAMULANZE: Yes.

COUNSEL: What did you hear?

NAMULANZE: I heard that they found our uncle at Mulago.

COUNSEL: Did you go there to see?

NAMULANZE: No.

COUNSEL: Now, who was paying your fees while you were staying with your uncle? Was he the one?

NAMULANZE: Yes.

COUNSEL: After that, how have you been able to go to school? Who is now paying for you?

NAMULANZE: My grandmother.

MR. NAGENDA: Excuse me, before you go on. When you say, they found him at Mulago, what was he doing at Mulago? Was he visiting? Was he - what does it mean?

COUNSEL: My Lord, it is just hearsay. So there is no need to follow it.

MR. NAGENDA: Well, you ask here - presumably you -

COUNSEL: I did not want to go into the details because there are other witnesses who will cover that area.

MR. NAGENDA: I see. Okay.

COUNSEL: Now how did you leave that house? Were you chased away or you went way freely?

NAMULANZE: I do not remember because I was young.

COUNSEL: My Lord Chairman, that is all from this witness.

KAKWENZIRE: Just a small thing. Was the uncle Magala your mother's brother or your father's brother?

NAMULANZE: My mother's brother.

CHAIRMAN: Had you started school by then - by that time, seven years usually, perhaps, you would have been in P.1 or P.2 or something like that.

NAMULANZE: I was in P.1.

CHAIRMAN: You were in P.1. In which school?

NAMULANZE: I was at Bugolobi.

CHAIRMAN: I see. Was it during the holidays or during school time?

NAMULANZE: Yes, during the holidays.

CHAIRMAN: I see. So on that day you were going to school in Bugolobi but on that occasion you were staying for your holidays with your uncle?

NAMULANZE: Those days I was sick. I was not attending school.

CHAIRMAN: Oh, you were sick. So it was during school time.

NAMULANZE: Yes.

CHAIRMAN: Not during the holidays?

NAMULANZE: Yes.

CHAIRMAN: Okay. That is all. Thank you. You may go. Thank you very much for having come to give us the evidence and you did very well for your age. Thank you.

CHAIRMAN: Counsel, I see the next witness who has sat in the seat seems to be a very young boy. I do not know whether you insist to have his evidence.

COUNSEL: No, my Lord, we are expecting other elder witnesses to come but we had summoned him.

CHAIRMAN: Since he has sat on the chair, let us find out.

COUNSEL: Mr. Chairman, there was a witness whom we are expecting to hear this morning, if he is there.

CHAIRMAN: No, I mean let us just find the particulars of this young boy here. Now have his name.

COUNSEL: This is Witness Number 144, my Lord. His name is Vincent Ssemogerere.

CHAIRMAN: How old is he? Let us know the age.

MR. NAGENDA: Swear him first.

CHAIRMAN: How old is he?

COUNSEL: 13 years.

CHAIRMAN: Thirteen?

COUNSEL: Yes.

CHAIRMAN: No, I think, he is a child of tender years. We cannot have him sworn to give evidence.

COUNSEL: Now, do you know English? He will speak in Luganda.

CHAIRMAN: Okay. Let him sit down.

COUNSEL: Can you check who his parents are?

SSEMOGERERE: Sarah.

COUNSEL: And who? Who is his Father?

SSEMOGERERE: My father is Magala. My mother is Sarah.

MR. NAGENDA: Swear him in.

MR. NAGENDA: You better speak up. What is his name? I have not got his name.

COUNSEL: His name is Vincent Ssemogerere. Where is your father? Is your father with you still?

SSEMOGERERE: No.

COUNSEL: Where is he?

SSEMOGERERE: He is dead.

COUNSEL: Did you see him dead?

SSEMOGERERE: Yes.

COUNSEL: Where did you see it?

SSEMOGERERE: When we were burying him - his body.

COUNSEL: At which place?

SSEMOGERERE: At Buloba Village.

COUNSEL: Now do you know who took your father from home on the 10th of May, 1980?

SSEMOGERERE: They were soldiers.

COUNSEL: Did you see that they were soldiers? How did you know they were soldiers?

SSEMOGERERE: They were dressed in military uniform.

COUNSEL: How many of them?

SSEMOGERERE: I did not count.

COUNSEL: Did they beat your father when they came?

SSEMOGERERE: They pulled him and he was beaten.

COUNSEL: Then what happened after that?

SSEMOGERERE: They took him away.

COUNSEL: From that time, until when you buried the body, did you see him? Did he come back?

SSEMOGERERE: No.

COUNSEL: Now, who are you staying with at present?

SSEMOGERERE: I am staying with my aunt.

COUNSEL: Is she the one paying for your school fees, if you are studying?

SSEMOGERERE: Yes.

COUNSEL: Do you have other brothers and sisters?

SSEMOGERERE: Yes.

COUNSEL: How many?

SSEMOGERERE: They are 7.

COUNSEL: All of you are staying with your aunt?

SSEMOGERERE: Yes.

COUNSEL: What happened to your property? Are you still having it - the one you used to have in your house, when your father was alive?

SSEMOGERERE: No.

COUNSEL: Who took them?

SSEMOGERERE: The soldiers.

COUNSEL: That is all, my Lord, from this witness.

CHAIRMAN: Vincent, you must have been about six (6) years at that time. Don't you know your age? Do you know how old you were when your father was taken away? Do you know that?

SSEMOGERERE: I do not know but, I think, I was about six (6).

CHAIRMAN: Do you know your birthday?

SSEMOGERERE: Yes.

CHAIRMAN: When were you born?

SSEMOGERERE: In 1974.

MR. NAGENDA: Yes, that is right.

CHAIRMAN: Thank you for having come to tell us about your late father. We are sorry about this. May be, I do not know whether you should have been called. But thank you all the same.

COUNSEL: My Lord Chairman, this case of Captain Magala will continue. But we have got a witness who has come all the way from West Nile and this is a witness we wanted early during the proceedings when we were dealing with the death of the Archbishop - Janan Luwum. And, if, my Lord, you would allow me, I think, I better get the evidence of this witness. He may wish to go away to West Nile.

CHAIRMAN: Yes.

COUNSEL: Then we revert to this case of Captain Magala.

CHAIRMAN: Yes, certainly, by all means. Let us have his evidence. I can see the former Archbishop - Silvanous Wani - sitting there. I suppose, he is the one you are referring to?

COUNSEL: Yes, my Lord. This is Archbishop Silvan Wani - retired Archbishop Silvanous Wani - of Anglican Church of Uganda. And my Assistant - Mr. Tabu is assisting in the translation.

CHAIRMAN: I think, Mr. Jjemba for the time being, you are redundant. Mr. Jjemba, sorry. I know he is from the High Court. But wait. Sit around for the next witness.

CHAIRMAN: Archbishop. Sit down, please.

COUNSEL: He is saying, my Lord, Chairman, that he is unable to speak in the English language.

CHAIRMAN: You would like to speak your vernacular which is Kakwa?

ARCHBISHOP WANI: Yes, please.

CHAIRMAN: Fortunately, one of our Counsels knows the language. Okay, if it is your choice you may do so.

WITNESS NO.146: ARCHBISHOP SILVANOUS WANI (RTD.) - SWORN IN

COUNSEL: You are retired Archbishop Silvanous Wani of the Church of Uganda, Anglican.

ARCHBISHOP WANI: Yes.

COUNSEL: How old are you?

WANI: I am 72 years old.

COUNSEL: Where do you leave?

WANI: I live in Arua - Mvara village.

COUNSEL: Now, when did you join church work?

WANI: I started work in the Church of Uganda in 1940.

COUNSEL: As what?

WANI: I was a lay leader.

COUNSEL: I see. Now would you start from 1940 to the time you became the Archbishop of the Church of Uganda, Anglican?

WANI: I read as a Lay Leader for one year. Thereafter, I went for ordination for two years at Bulwasi Theological College. In 1943, I became a Priest. In 1944, I was sent as a Chaplain to the Kings' African Rifles. In 1946, when the war ended, I came back home.

CHAIRMAN: Sorry, sorry. Let us go back on the 1944. Where was he sent?

WANI: As Chaplain of the K.A.R, I worked in Nairobi, in Addis-Ababa - Somalia. In 1946, when I returned home, I was sent to Arua as a Parish Priest up to 1950. In 1951, I was transferred to Koboko as a Pastor. I stayed there for nine years - for about ten years - and that brings the years to 1961. Thereafter, I was made the Diocesan Secretary for Northern Uganda.

CHAIRMAN: Sorry to interrupt you. I suppose, he means Northern Uganda Diocese?

WANI: Yes. In 1963, I travelled to Jerusalem and I returned home in 1964. In November, 1964, I was made Assistant Bishop for the Northern Uganda. When Bishop Russel went to England, I was then made a full Bishop.

COUNSEL: And when was that?

WANI: In November, 1964. I held this post up to 1969, when I was then transferred as the Bishop of Madi West Nile. In March, 1977, when the late Archbishop Janan Luwum was murdered, I was then elected by the House of Bishops and made the Archbishop of Uganda. That is when I became the Archbishop. I was enthroned in May, 1977, at Namirembe. I became the Archbishop of Rwanda, Burundi and Boga Zaire - Uganda inclusive. I was chosen the same time, the Bishop of Kampala Diocese. On the 15th February, 1977, the entire House of Bishops was summoned to the Nile Mansions. This was at a time when I had not yet been made the Archbishop. They all assembled at the Nile Mansions Garden.

COUNSEL: Maybe, I do not want to interrupt you, Archbishop, but let us have it. You said the entire House of Bishops was summoned at Nile Mansions. Were you in Kampala? How did you hear this summon?

WANI: We were found at the House of Bishops. The House of Bishops had convened in Kampala.

COUNSEL: I see. When did it convene?

WANI: It was convened on the 13th/14th of February, 1977. Then we were summoned to the Nile Mansions on the 15th of February.

COUNSEL: The entire House of Bishops - without trying to get your confirmation letters, could you tell us the reasons why the House of Bishops convened on the 13th of February, 1977?

WANI: The House of Bishops was convened after the late Archbishop had been summoned by the then President - Idi Amin - to Entebbe for questioning. Thereafter, the late Archbishop convened the House of Bishops so that he could discuss the issue together with the rest.

COUNSEL: I see. Did the Archbishop discuss the issue or did he informed you as to why he had been summoned at Entebbe?

WANI: Yes, he was accompanied by his wife to Entebbe and he was questioned, and he did not individually tell us but he decided to convene the House of Bishops in which he would impart the issue that he was questioned about.

COUNSEL: Yes, did he tell you why he convened the meeting?

WANI: He said, Idi Amin instructed him to convene the House of Bishops so that, when they are around, they would be able to see guns which had been displayed - which were later on displayed - at the Nile Mansions.

COUNSEL: Yes.

WANI: So I travelled from Arua and I came for the House of Bishops Meeting. And on the 15th at about 9.00 a.m, we responded to the summons and assembled at the Nile Mansions Gardens.

COUNSEL: Well, it is not really clear. How about these guns? What did the Archbishop say about the guns? Why were they relevant to the Bishops?

WANI: It was relevant because the Archbishop was alleged to have been smuggling these guns.

COUNSEL: Did the Archbishop say anything about him having smuggled these guns in your meeting on the 13th?

WANI: Yes.

COUNSEL: What did the Archbishop tell you?

WANI: He said he was accused of having smuggled guns, bullets and he kept them at his home. And in the House of Bishops' Meeting, he denied this.

COUNSEL: Well, did he tell you whether a search had been made at his house?

WANI: He did not disclose that his house had been searched.

COUNSEL: Now, during this meeting of the 13th or 14th February, 1977, do you remember the - did you make any - resolution? Did you pass any resolution?

WANI: Before we could make a resolution, we were required to report to the Nile Mansions Gardens.

COUNSEL: May be, to assist him, evidence has been given here that a memoranda or a letter was written to His Excellency the President, complaining at the search at Archbishop Luwum's residence and this letter was copied to a number of personalities, including religious leaders of other denominations and the Ministers. Does he remember anything of that kind?

WANI: I heard about the letter to President Idi Amin later on.

COUNSEL: You mean you did not sign it yourself?

WANI: I signed the letter.

COUNSEL: So in this meeting a certain document was prepared and sent to the President?

WANI: Yes.

COUNSEL: Anyway, we shall assist you because we shall put in the letter, may be you remember. Okay, now what followed?

WANI: At the Nile Mansions, after we had stood for a short while, I saw soldiers pushing the Archbishop around and the entire House of Bishops were being pushed around.

COUNSEL: Yes?

WANI: Thereafter, I saw Abdalla Anyuru being brought and he later on read a letter. From the letter he read I understood that it concerned the overthrow of Amin's Government. From the letter, I got the impression that he was praising Amin's Government. Then the meeting was closed by Amin himself.

COUNSEL: Yes.

WANI: At about mid-day or at about 1.00 p.m there.

COUNSEL: Yes. How was it closed?

WANI: He closed it by saying that he had got guns from several people, which he had displayed down and invited the assembly there to move down and see for themselves.

COUNSEL: Did you move down?

WANI: No, the House of Bishops, did not go. And some people were able to see from a distance away.

COUNSEL: What did you see?

WANI: We saw from a distance but we did not move down.

COUNSEL: I see.

CHAIRMAN: Sorry to interrupt - just a little. To move down from where?

WANI: We were standing behind personalities like Ministers and these guns were down.

CHAIRMAN: On the lawn was it? On the lawn and on the grass?

WANI: Yes.

COUNSEL: Now, after the people had viewed the guns, did they come back to where you were?

WANI: Some people returned to their original positions, others did not.

COUNSEL: May be, before we go away from this point, how many people addressed the gathering at Nile Mansions on that day?

WANI: Let me say that they were about three or four people who also addressed the gathering after Abudala Anyuru. Then finally Amin himself closed the meeting.

COUNSEL: Yes. Do you remember the four people who addressed the meeting?

WANI: I have forgotten their names. I cannot recall.

COUNSEL: Now, did you know a person by name of Adrisi Mustafa - Vice President?

WANI: Yes, I knew Adrisi Mustafa.

COUNSEL: Did he address this gathering?

WANI: He was present during the gathering but I am not certain whether he addressed because at that time the soldiers started pushing us around.

COUNSEL: Did you know Colonel Maliyamungu Isaac?

WANI: I knew Colonel Maliyamungu.

COUNSEL: Did he address the meeting?

WANI: Yes, he addressed but whatever he said I cannot recall it now.

COUNSEL: Who else do you remember? Any Minister who addressed the meeting?

WANI: I cannot remember.

COUNSEL: When Abdalla Anyuru read the statement in which language was he reading it?

WANI: He read it in the English Language.

COUNSEL: Was there any kind of interpretation made?

WANI: Yes, it was translated. I cannot remember but it could be Luo into English or English into Luo and his concentration was lacking because of the soldiers had started torturing them and they were put right to the southern end of the garden.

COUNSEL Okay, what happened then?

WANI: At about 3.00 p.m., we the House of Bishops of the Church of Uganda were asked to move into one of the room in this house. Then they sat in that Committee Room for about one hour. Thereafter, somebody who appeared to have come from the Intelligence came in then he said leaders of other religious denominations could go out of the room and only the Church of Uganda Bishops should remain behind. Then a second person after a short while came in and called for the Archbishop. When he moved out this same person followed him, then the house of Bishops said, since I myself the witness was the Dean of the Province and Bishop Festo Kivenjere, we should follow the Archbishop. We complied but because this soldier who took away the Archbishop was meandering a lot we lost trace of his whereabouts, but we then went up to the Nile Mansions. At the Nile Mansions we inquired from the soldiers and policemen who were outside as to where the Archbishop had been taken. We were told to wait for a short while because the Archbishop would soon come back. For about 30 minutes we kept on waiting. Then we asked a second time as to

where the Archbishop was. We were told to be patient. Then thereafter we were told to leave the place rather than standing at the spot. Thereafter some group of soldiers came and said we should leave if we do not leave, we would see. Then some police officers approached us and politely told us that the soldiers were becoming annoyed and we should leave the place, but we insisted on standing. Then another group of soldiers came and told us if we insisted on standing there, they would put us in car boots and take us somewhere else. Then the same police officers came again they beseeched the two of us to leave the place. Then we decided to go into our cars and drive away. Then we met with the other Bishops at Namirembe and thereafter we went to the house of the Archbishop and prayed. After the prayer the widow of the Archbishop insisted that she should be brought to the Nile Mansions. I remember that I was either accompanied by Bishop Kivenjere or another Bishop. When we came to the Nile Mansions we could not make a headway and she was taken back to Namirembe. Thereafter, we went to our respective places of abode within Namirembe. On the 16th of February, 1977 in the morning I went to my office. Then the former Archbishop Eric Sabiiti came to my office with a newspaper and said; "You the Provincial staff and you Bishop Wani, do you not see that the Archbishop has already been murdered?" Then we gathered at the House of Bishops to discuss this matter and some of the Bishops decided that they should see the President but all of them never managed to see him. What we did, we rushed to Mulago Hospital and inquired from the Medical Superintendent or his Assistant if the body of the late Archbishop was there. We were told that the Medical Superintendent was at Entebbe and we should travel to Entebbe to see him. While at the hospital we could not be assisted by the Assistant Medical Superintendent because he was fearing, so that eventually we did not even see the corpse of the late Archbishop. Later on we learnt that Archbishop had died because of an accident, we were shown some vehicles and it was alleged that they had collided and the Archbishop died in that accident at around about Nakasero. After about three days we learnt that the body of the Archbishop had been transferred to Mucwini near Kitgum and it was buried there, and we the House of Bishops were not allowed to go there, so what we did was to hold a quiet memorial service. This is all I know about the death of the Archbishop.

COUNSEL: Now, you said that in March, 1977 you were appointed, elected Archbishop Church of Uganda?

WANI: Yes.

COUNSEL: And you were Archbishop up to when?

WANI: Up to 1983 December when I retired.

COUNSEL: Now, the period you were Archbishop, did you find any problem of violation of human rights, worship of your communicants?

WANI: While I as a Bishop I remember that on the 30th of June, 1977, when we were holding our Centenary celebrations, we had printed some badges and

Amin did not look pleased with the old business of holding the centenary.

COUNSEL: Would you substantiate, give some details about this.

WANI: I remember that the whole year 1977 was a bad year. After the death of the Archbishop we embarked on preparing ourselves for the occasion of the Centenary. Now on that day I remember that soldiers who came there forced the members to eat the badges they had made.

MR. NAGENDA: Badges?

WANI: Yes, and a report also came from Mbale about the same treatment.

COUNSEL: I did not understand this, to eat badges, what does that mean?

WANI: They had printed Centenary Badges, now these are badges they were made to eat. As part of the celebrations they had printed some badges to be sold.

COUNSEL: Was this metal badges or embroidery or what, or cloth?

WANI: They were plastic badges.

COUNSEL: Yes?

WANI: So when I heard of this it appeared to me Amin was not happy with the Centenary celebrations. And prior to this Centenary celebrations most of us, the Church of Uganda members, had been molested but all the same we held the Centenary celebrations.

MR. NAGENDA: I cannot let this badges pass away, how is it possible to eat a plastic badge? How did the people eat them, did they break them into small pieces, powder or what happened?

WANI: These are the reports I received as the Dean of Province.

MR. NAGENDA: Who were the people who were made to eat the badges and where was it?

WANI: I received this report about the eating of badges from Mbale and Busoga.

MR. NAGENDA: Did the other Bishops ever get the chance to talk to the people who sent in the report. We are going to have in our proceedings that people ate plastic badges but it will help us to find out how they accomplished this difficult task.

WANI: I just received reports but I did not have the opportunity to contact these people who ate the plastic badges.

MR. NAGENDA: Sorry, why did you not have the opportunity to ask them?

WANI: Because I was not convinced that a person could eat a plastic badge.

MR. NAGENDA: So in the Archbishop's report or whatever it was, did he say that he had received the report but did not believe them?

WANI: We did not write in the report.

MR. NAGENDA: Do you believe these people ate the badges or not?

WANI: I do not believe that these people ate the badges.

CHAIRMAN: Was there any type of interference to the celebrations of the Centenary either by government agents or soldiers?

WANI: All I know is that our Centenary celebrations were okay, whether some people were disturbed or molested, I cannot tell.

CHAIRMAN: You said Amin did not seem to appear to be happy with the whole thing, how did you read this? How did you receive this message or how as this indicated?

WANI: I just heard this from people.

COUNSEL: Yes, but did you know President Amin?

WANI: Yes.

COUNSEL: How did you know him?

WANI: I know Amin because Amin's father came a long time ago and there was a police line where now the Conference Centre and the Nile Mansions are situated, there was a police barracks here this is where Amin was born.

COUNSEL: Yes, so were you on talking terms? Because I am asking you this to find out whether you talked to Amin about the problems the Church was getting in organizing these celebrations?

WANI: Well, I gathered that Amin was not happy with our celebration because in 1978 when we went for the Lumbert Conference in England, Amin sent there spies to cover their discussions and in fact when they returned he again summoned them to brief him on what the conference was all about. In that Conference they introduced the issue of homosexuality for pastoral benefit. Now when we came back Amin picked this bit of it and he was not happy at all with it.

COUNSEL: Yes, what did he do?

WANI: The house of Bishops who were around were summoned and some heads of the Catholic Church were also called. I remember the Cardinal having attended.

COUNSEL: Yes, what happened?

WANI: Then he said why does the Church bring the question of homosexuality to

Uganda? Then they said the question of homosexuality is of international interest. It is not that they are just bringing it to Uganda, and the purpose of discussing the question of homosexuality was to educate the Church about the danger of homosexuality. So, he decided to rebuke them. Then he told them to disperse but I said; "No, I have a question to ask". Then he said; "what is your question about?" Then he changed his mind and he said; "I am not accepting your question, it is time you should go home". Then I was adyised by other Bishops to abandon the question and the Cardinal himself advised me to. Then we insisted that I should ask the question because it pertains to the Lumbert Conference. Then I said; "the Church was not importing the practice of homosexuality to Uganda but the Church was educating its members about the danger attached to homosexuality". Then he gave me chance to speak. Then I told him it was part of our pastoral duties to teach the Christian about the danger of men meeting with men and women meeting with women. Then his mood changed and he agreed to pray together with us.

COUNSEL: My question was did he interfere with worship as during the period you were the Archbishop apart from this isolated incident of Lumbert Conference?

WANI: I cannot pinpoint interference by Amin but from what I saw, during the meeting of 1977 and that one of 1978, I formed an opinion that Amin was not happy with the Church. On occasions I managed to speak to Amin and about murders. There were murders and I talked to him about these murders and we as the House of Bishops also wrote a letter to Amin about these murders which were taking place. He did not acknowledge receipt of these letters. On two or three occasions I managed to travel to Entebbe to State House and at one time also at Nakasero.

COUNSEL: May be when you wrote to him about these murders, which murders did you have in mind?

WANI: I did not have a particular murder in mind, but information reaching me was saying murders were taking place.

COUNSEL: Where were they taking place and by whom?

WANI: I heard that people were being murdered at Nakasero and that their bodies were being dumped at Karuma Falls. Then I sought audience with him to advise him that murdering is not good but he denied that there were murders.

MR. KAWANGA: Specifically what about the killing of the Archbishop, in your view was that a murder?

WANI: Yes, that was a particular case of murder.

MR. KAWANGA: Now, did you talk to Amin about this particular murder?

WANI: On these three occasions I sought audience with him, I talked about it

MR. KAWANGA: And what did he say?

WANI: For him he denied having murdered these people including the Archbishop. He told me that the Archbishop died in an accident.

MR. KAWANGA: Were you convinced he had died in an accident?

WANI: I was not convinced.

CHAIRMAN: Well, Archbishop there is some minor things which you passed through perhaps, I would like to find out. You said Amin's father came here a long time ago and there was a police line somewhere, where did he come from? Amin's father had come here a long time ago?

WANI: Amin's father came from Zaire.

CHAIRMAN: He came from Zaire, would you remember about which year? No, that is too much to expect.

WANI: Amin was born in 1928, so it is most likely that his father came around 1920.

CHAIRMAN: His father came and joined the police force, did he?

WANI: Yes.

CHAIRMAN: Where did he join, in Arua, Koboko or here in Kampala?

WANI: He joined the police force in Kampala.

MR. KAWANGA: What about his mother? Amin's mother?

WANI: Amin's mother is a Christian, I have forgotten the name but I know her.

MR. KAWANGA: Where did she come from?

WANI: They all came from the Republic of Zaire.

MR. KAWANGA: So in other words these people originally were Zairwas, they came from the Congo?

WANI: Yes.

MR. KAWANGA: And it is because the father of Amin joined the Uganda Police that Amin was born as a Ugandan?

WANI: It is true.

MR. KAWANGA: Do you know how he grew up? Okay he was born in the police line here, did he go to school? Do you know about his schooling and all that?

WANI: All I know is that there was a school within the police line and he was

attending that school. Thereafter I do not know.

MR. KAWANGA: You do not know?

CHAIRMAN: His father came as Muslim or was he converted?

WANI: They were originally Christians but then converted into Muslims.

CHAIRMAN: In Uganda?

WANI: Yes, but the mother was a Christian up to the time we buried her.

CHAIRMAN: Where was she buried?

WANI: She was buried in Arua.

CHAIRMAN: When?

WANI: It was in 1977 when she was buried at Arua.

CHAIRMAN: Did his parents belong to the same ethnic origin?

WANI: They were Kakwas from Zaire but from different clans.

COUNSEL: Now, say after Amin had gone, did you find any government interference in your running of religion in Uganda?

WANI: After that I did not witness any interference into our religious activities.

COUNSEL: Did you find people who were connecting you with Amin because of your tribe?

WANI: Yes, that was there.

COUNSEL: When was this?

WANI: At first, when I succeeded the late Archbishop Janan Luwum, it was alleged that it was Amin who chose me but this was not true. I was elected by the house of Bishops. In fact when Amin heard from the radio that I had been elected the Archbishop, he sent emissary to warn me to leave the job. That shows clearly that he did not like me being the Archbishop.

COUNSEL: Did the emissary tell the reason why you should quit the job?

WANI: The reason was that since he had murdered my predecessor, he was likely to murder me also.

COUNSEL: No, no, the other one was sent by Amin to advise you not to accept the job or take up, did he tell you the reason why you should not?

WANI: The emissary just said he had been sent to tell me to leave the job because

the job was bad but he did not say the reason. But all I felt was that Amin did not want the Church of Uganda to exist in Uganda.

MR. NAGENDA: But before we leave that point, obviously President Amin did not want you in this job, but would you say that there has been a tendency for your house of Bishops to choose people who are his ethnic group at any rate close to the centre of power?

WANI: I was elected to become the Archbishop for two reasons. One was that prior to the election; I was the Dean of Province and they had confidence in me due to experience. Secondly I think it was God who elected me because at the time I succeeded the late Archbishop Luwum it was a bad time but I cannot dismiss people thinking that I was elected because I spoke the same language with Amin, I cannot dismiss that.

MR. NAGENDA: No, and in fact we have evidence which was brought to us by one of the Bishops that they thought that you would be in a better position to protect the church at this difficult time, so we accept that. Would you then go further and say that when your own successor, was being elected, it did him no harm that he was a friend of Obote?

WANI: Personally, I did not think my successor was elected because he was friendly to Obote, but I cannot dismiss other people's thinking that he was elected because he was friendly to Obote.

COUNSEL: Did the Government not interfere with the election of the Bishops, your successor, I think that is the question he is asking?

WANI: No, government did not interfere.

MR. NAGENDA: Archbishop perhaps you could just on this point, is it a good thing in your view that people of this very high position should be appointed with regard to their relationship with the person then in political power?

WANI: It is not good. In fact during my election I had been elected in two prior occasions and this was the third.

MR. NAGENDA: But would it not help in bad times like these regimes of Amin's and Obote's. Surely it would have been of some help to your flock who could understand and talk to Amin in his own language and this a subsequent Archbishop was able to converse amicably with the then President and later, Obote. Surely if the opportunity had been used then this would have helped your flock.

WANI: Yes, I think talking to Amin at times helped.

MR. NAGENDA: Now, do you think knowing that this helped, perhaps I should say, is it also true that your successor could avail himself the opportunity of talking to Dr. Obote in the same way?

WANI: Yes, it was the same like during my time it would have helped but personally I detest political influence, in that I mean hindering the church.

MR. NAGENDA: What I am trying to say, Archbishop is this, you had thousands of people killed in these regimes, they had nowhere to turn to as a result they kept dying and if the church whose primary duty is to protect the flock, I take it who are at the same time preaching at them or to them; if the Church is one of the ways in which they are readily protected then surely it is a good thing and should be done and it should not be thought of as politics, it should be thought of as protecting your flock, this is my point.

WANI: That is true and I believe it but when the Church is connected with politics then it will no longer be spiritual.

MR. NAGENDA: Yes, I just want to bring two examples for your comment Archbishop, one is this thing of the badges which I sadly will not forget in a hurry because it seems so terrible. If people come from Busoga and from Mbale and say they were made to eat the badges then the very need the Church can do is to find out if these people were made to eat badges. We had never heard of people being killed by their fellow inmates with amnesty but it happened. So if it happened to me it would be important enough to take it out. Secondly, later on we heard of a case at Namugongo one of the most holiest shrines of this country where people were killed and your successor did not even bother to go there for a year. He did not even write a letter, now is this the kind of thing, these two examples are they the kind of examples where we can take it that the Church is very worried about its flock?

WANI: Let me say this that these two examples you have pointed out may show that the Church leaders are not worried about their flocks. But the problem is that when the problem of the Church is linked with the political head, sometimes, his link incapacitates him.

MR. NAGENDA: You mean you cannot point out the wrong things done by the head of the government?

WANI: Yes.

COUNSEL: Now, while still following the question I had earlier asked you, now, after the liberation did some government agents connect you with Amin and then made your work difficult?

WANI: Yes, I felt it but nobody came forward.

COUNSEL: What did you say?

WANI: I felt it because on two occasions, two of my cars were taken at gun point.

COUNSEL: Who took your cars at gun point?

WANI: I did not know them.

COUNSEL: Did you approach government for assistance to recover your cars?

WANI: I reported to the Inspector General of Police and he tried to trace the cars.

COUNSEL: Now, on your retirement you returned to your home district Arua, have you witnessed any kind of discriminations by government in your area be it based on political ground or religious ground?

WANI: I did not witness.

COUNSEL: Now, is a place called Ombaci in Arua District?

WANI: Yes.

COUNSEL: Did you witness or did you hear anything bad that happened at Ombaci?

WANI: I heard about an incident which happened at Ombaci but I did not witness it by then I was outside.

COUNSEL: What did you hear?

WANI: I heard that some people had stolen property from Ombaci and later on there was a search at this place.

COUNSEL: There has been a talk, I do not know whether it is true or not, about 100 people were killed at Ombaci and buried there at the Mission.

WANI: I heard about this but I have not investigated.

DR. LUYOMBYA: Archbishop were you connected with police line which was in this place in 1928?

WANI: I had a connection because I used to come there for teaching practice.

DR. LUYOMBYA: What sort of teaching practice were you carrying on?

WANI: The teaching was teaching English and Swahili.

DR. LUYOMBYA: You told us that you know Amin from the time of birth, is it not ?

WANI: I know Amin was born in 1928.

DR. LUYOMBYA: And he was born in the police line, where you used to carry out that teaching?

WANI: All I know is that he was born here. At that time they had two homes; one in the police line here and another one at Bugerere.

DR. LUYOMBYA: Did you know Amin as a boy?

WANI: No.

DR. LUYOMBYA: When did you first come to know him, if you knew him at all?

WANI: I first had contact with him when he was a soldier.

DR. LUYOMBYA: What was that connection?

WANI: The connection was that after Archbishop left the ground I was made a Chaplain General in the army.

DR. LUYOMBYA: Yes, as Chaplain within the army that is when you knew Amin when he was a soldier?

WANI: Yes.

DR. LUYOMBYA: Did he belong to your flock then?

WANI: He was a Moslem.

DR. LUYOMBYA: He was a moslem; did you know him because of his parents?

WANI: Yes, I knew him because of his parents.

DR. LUYOMBYA: Can you tell us about the character of this man?

WANI: It is difficult to tell his character because I really did not stay with him for a long time.

DR. LUYOMBYA: Now, when you were appointed Archbishop, Amin sent an emissary to you to advise you to abandon the appointment?

WANI: Yes.

DR. LUYOMBYA: Do you recall the name of this emissary?

WANI: No, I cannot recall, in fact he did not introduce himself to me.

DR. LUYOMBYA: If he did not introduce himself, how did you know that he came from Amin?

WANI: He told me he was sent by Amin to inform me accordingly.

DR. LUYOMBYA: Now, I would like you to clarify this point for me. You told us that Amin was not happy, it seemed he was not happy about the Centenary Celebrations and you cited the example of people eating badges in Busoga and Mbale and Christians being molested around that time but you could not give any specific examples. So would you like us to dismiss this as a rumour?

WANI: It may be dismissed as a rumour but when you look at the rebuke he gave us at the Nile Mansions and the treatment he meted out to the Archbishop at Entebbe, you can deduce that he was not happy.

DR. LUYOMBYA: Well, if we may deduce that he was not happy, it is the concern of many Ugandans that probably this Church did not come out strongly to criticise

the leaders of the time. How would you react to that?

WANI: That is not so because on two or three occasions the House of Bishops wrote letters and at other time sent a memorandum from me about molestation of people and general mistreatment. This is a clear sign that the church did express its misgivings with Amin's Government.

AG. CHAIRMAN MR. KAWANGA: Your Grace, I think, after this you also need some rest. So for that reason we shall have a short break for about 25 minutes and we come back at 1.00 p.m. when we shall continue with your evidence.

WANI: I would be very glad if Mr. Chairman you will complete my evidence today because tomorrow I intend to travel.

MR. KAWANGA: We shall complete - we are just going to have a short break and then come back and finish with you.

WANI: Thank you.

COUNSEL: Mr. Chairman, may be I think to assist the Archbishop, I would like to remind him that this Commission is inquiring into a period of over 24 years since Independence to 1986 any kind of violation of human rights. So we are not limiting you to the death of Archbishop or to matters pertaining to your Church or religion but you can talk on anything that you may know of.

MR. KAWANGA: And I think with those words from Counsel, we resume from our break and I think at that time it was Dr. Luyombya who was asking questions.

DR. LUYOMBYA: Archbishop Wani, with the opening remarks from the Legal Counsel, we are interested in the violation of human rights and we have a big task before us. So we want people like you, people who had influence in this country in one way or another to assist us to get closer to our task. You talked of christians being molested, let me hope that after the break you could remember any specific examples which you can tell us.

WANI: Yes. Thank you very much Mr. Chairman but most of the molestations made to the Christians are what I just heard but I did not witness.

DR. LUYOMBYA: Around the Centenary Celebrations, did you know a man who belonged to your Church called Lugolobi?

WANI: I heard about him but I did not have occasion to talk with him.

DR. LUYOMBYA: What did you hear about?

WANI: I heard that he had done bad things either bad things were done to him.

DR. LUYOMBYA: So you do not know much about him?

WANI: No.

DR. LUYOMBYA: Were your Centenary Celebration a success?

WANI: Yes, it was a success because many people came from far away to attend it.

DR. LUYOMBYA: Could there have been any better?

WANI: Yes, it could have been better or much better.

DR. LUYOMBYA: In which way and if there was not, what happened?

WANI: It was a success so many people came from far away but then in their address they were grateful that the occasion did take place because there was fear that it might not take place.

DR. LUYOMBYA: Did you have all the logistics necessary for that occasion?

WANI: We had money, goats, cows and several people gave gifts and there was food.

DR. LUYOMBYA: Did you purchase or did you receive any gifts from outside Uganda for that occasion?

WANI: We did not receive gifts from outside but we received letters congratulating us on that occasion and others sending blessings. We had invited people from England, America and Canada but they did not turn up because at that material time there was a talk about the authorities not being happy. The only visitors we had were about three from Holland and some from West Germany.

DR. LUYOMBYA: Specifically, did you receive motor vehicles from outside?

WANI: Yes, I heard that we had been sent vehicles but they got lost.

DR. LUYOMBYA: How and where?

WANI: That they got lost on the way so I did not see them.

DR. LUYOMBYA: You do not know whether a follow up was made to find out where they disappeared?

WANI: As Archbishop I did not trace this but the duty was of the Provincial Secretary to trace it up, but then all the same we could not locate these vehicles.

DR. LUYOMBYA: Now about the elections of your successor, was the Government of the time represented in the exercise?

WANI: I am certain that Peter Otai was there but whether before the elections or after, I cannot be certain but certainly he was there and he delivered a speech.

DR. LUYOMBYA: Is it normal for a Government Minister to attend or deliver speeches to the House of Bishops?

WANI: It is normal when we invite him but it is abnormal when he is not invited.

DR. LUYOMBYA: Was he invited?

WANI: I am not aware whether he was invited.

DR. LUYOMBYA: But you were the Archbishop?

WANI: Precisely that is what I am saying that I was the Archbishop but I was not aware, his coming took me by surprise.

DR. LUYOMBYA: Do you remember what he said or the gist of his address to the House of Bishops?

WANI: He made no mention about the elections only he was talking about togetherness, uplifting Uganda development, those are the things he talked about.

MR. NAGENDA: Archbishop, can I just start off by asking for some clarification? You said that a certain man that you thought was from Intelligence, you know this 3.00 on the 16th February that came in asked only the Church of Uganda to stay inside and the rest to go out. Then a second person came and called out the Archbishop and then followed him. Do you know the names of either of the two people concerned here?

WANI: Mr. Chairman, this was on the 15th.

MR. NAGENDA: The 16th, okay, the 15th February, 1977, yes.

WANI: All, I know was that later on I learnt they were from Intelligence but I did not inquire neither did he introduce himself, so I do not know their names.

MR. NAGENDA: Did you perhaps ever see these people again on another occasion?

WANI: Yes, later on I saw them in the town like that but not officially just seeing them, I saw them after that.

MR. NAGENDA: You see Archbishop, we are talking about the death of your predecessor, Archbishop Luwum, the death had shocked people all over the world very much and two Ministers. Then you are the Archbishop you saw these people, surely it would have been a reasonable thing to get their names for future reference?

WANI: I did not do that because I was not sure whether it was these two who actually murdered the Archbishop or they just took him away only.

MR. NAGENDA: But Archbishop then they could have been asked afterwards whether they demanded him or just took him away? If they just took him away they

might have said who asked them to take those people, and where they took them, surely? Anyway, did your Church, the Church of Uganda, did they ever compile files on all reports that came to them about the death of their fellow christians and other people?

WANI: Me, I entered the case of the murder of my predecessor but the Provincial Secretary should be having the file but I am certain that other churches outside they keep such a file.

MR. NAGENDA: Which churches?

WANI: All the Churches of the Church of Uganda because they know their christians who die form those localities.

MR. NAGENDA: But what I am trying to find out, Archbishop, when you were the Archbishop, did you or your Secretary keep a record of all the atrocities that were reported to you as Head of Church of Uganda?

WANI: I did not open such a file during my time.

MR. NAGENDA: Archbishop, looking back on it when these people were being killed and you as the Head of the Church of Uganda, what do you think of such an action or lack of action?

WANI: When I was in Arua I opened such a file, I was accused and later on the Government demanded for that file so they took it forcibly that is why we feared to keep such a file at Namirembe. Secondly, we kept some but during the war these files were looted.

MR. NAGENDA: Yes, but I was talking about the time when you agree when you were the Archbishop. I just like to quote a line may be inaccurately from my memory of the Bible which says 'greater love has no man that he gave his only begotten Son to come and die'. Who is going to die for the Church men of Uganda?

WANI: It is we the heads or, the christians who would die for the Church of Uganda.

MR. NAGENDA: Exactly, but yet a file was not kept. Anyway, let me quote you something which you said. "After you had been told that there has been a car accident, after three days we heard that the Archbishop's body had been taken to a place near Kitgum and buried, we were not allowed to go there instead we had a memorial service at Namirembe." Now Archbishop, do you consider this is enough for a Church which is to be followed by people?

WANI: We still remember him, actually every year we hold a memorial service in remembrance of him at All Saints sometimes at Kitgum sometimes in Gulu and there was a time when we were joined by some people from England and we held another one.

MR. NAGENDA: Would your think that your actions are in any way related to the Martyrs who are remembered at Namugongo, for example?

WANI: Yes.

MR. NAGENDA: So, you think the Church did enough in those difficult times?

WANI: Yes, I think so.

MR. NAGENDA: Your Grace, I would like to ask you about your relationship when you were the Head of the Church of Uganda to start with Amin, would you say your relationship was a friendly one, would you say it was a difficult one, what would you say?

WANI: My relationship with him was not bad but after two or three occasions when I talked to him about the murder in the country he was hostile.

MR. NAGENDA: Did you get the impression that he was very worried about what happened to the members of your church and other churches?

WANI: He was a difficult man he did not look happy and he even went ahead and banned other churches.

MR. NAGENDA: What about Mr. Obote?

WANI: With Obote also upon the reports we received about murders of people we wrote to him and he did not acknowledge receipt of it.

MR. NAGENDA: Would you therefore say that these leaders were good or bad for their country?

WANI: I can say that these leaders their beginning was not good and people were not happy not only us in the Church of Uganda but everybody in the country because of murders and the molestation of people.

MR. NAGENDA: Archbishop, were there and is there a lot of tribalism in your Church which might sometimes lead to different parts of the country not caring very much what happens in other parts of that country?

WANI: That is true tribalism does exist in the Church of Uganda that is why when we preach against it and in the House of Bishops it can be seen.

MR. NAGENDA: What can be seen, tribalism?

WANI: Yes.

MR. NAGENDA: How does this manifest itself, Archbishop?

WANI: It appears in this manner in the manner of elections of Bishops it is only in Bunyoro that Bishop Ruhindi who comes from Rukungiri has been posted there as Bishop of Bunyoro and myself I was also Bishop of Northern Uganda, Acholi. But in other areas you do not see a Bishop from another

place being put there normally, it is the Bishop or a person from that area who is made a Bishop there.

MR. NAGENDA: Would I be right in thinking that the minority of Bishops come from the north?

WANI: That is true.

MR. NAGENDA: Is it therefore God's miracle that we have had two Archbishops from these place when in fact the majority of the Bishops were from other places?

WANI: This was God's plan.

MR. NAGENDA: You should say more than that, Interpreter. He spoke for over a minute you are giving me three words and I insist on getting more of this interpretation do not summarise your interpretation.

WANI: First of all, it is God's plan then secondly in the election, the Westerners and the Northerners when they combine they out vote the others but you can see that not all the Bishops vote for you.

MR. NAGENDA: I am very glad to hear it. Now Archbishop, I have only got two more questions. The first one is that I can understand that it would have been difficult to ask Amin or Obote or whoever was in charge who was killing people and get them to stop doing so, that is understandable but I also find that it will be very understandable for you from your great height as Archbishop to ask those of the Army who are in your Church to tell you what had happened in those bad days, have you used this opportunity?

WANI: We had friends in the Army and we tried to ask them but they always avoided these questions and they feared telling me.

MR. NAGENDA: Are they still frightened today?

WANI: Now some of them when you meet them they tell us in brief.

MR. NAGENDA: Archbishop, Could this Commission beg you to ask them to tell you not in brief but more because it is the only way that any of us you, yourself and ourselves would be able to repair some of the terrible damage that has befallen to this country?

WANI: The problem is that of the fear. The fear is that if they tell me these things in detail I might pass them across to the Government which may lead to their being arrested.

MR. NAGENDA: I hope so. But yourself Your Grace, are you also afraid?

WANI: I do not fear.

MR. NAGENDA: Okay. I think it is only fair if people have done criminal deeds they should be punished for it. Anyway, my last question is this one. Have you got any particular names of the people when you were Archbishop, names of people whether in the Army or outside it who caused so much of these

sufferings? You see what has encouraged this Commission very much is that so far we have been dealing here in Kampala mostly and therefore mostly with people from around here, from the south, and what we have noticed which is very heartening is that people have come out with names of their neighbours of their in-laws sometimes of their own direct relatives and certainly names of people they know which caused suffering not people from other parts of the country, but right here, they have come up. It would be a very great pity if there were areas where this did not happen and therefore I ask you, do you yourself, Your Grace know of people that have the names of some of the people who can be questioned about things that happened - particular names?

WANI: I do not have the names at heart that I can give to you to assist.

MR. NAGENDA: Let me put it on record that I hope these creatures of God did not die in vain and that anybody who is able to help to repay their terrible doings will be able to do so. Thank you Your Grace.

MR. MAKUBUYA: I think as has been explained to you, Your Grace, we are just trying to figure out where the rain began to beat us and it is the people like you who can assist us. First of all, you said that you had audience with Amin two or three times and you expressed concern over murders that were going on in this country but you had no specific murder in mind. You also said that you had molestation of christians but you yourself never witnessed any. May I know from you, whether the Church of Uganda then when you were its Head, had a machinery for investigating reports of violations of human rights?

WANI I may not have machinery of investing these things but when I saw him, I saw him about the death of Michael Ondoga and also one Muganda, the in-law of Mulira, and sometimes you would get these dead bodies alongside the roads so I went there to warn him.

MR. MAKUBUYA: I imagine that the Church is concerned about the spiritual welfare of its followers but is it also concerned about the material and social welfare of its followers?

WANI: The Church also is concerned with the material and social welfare of christians and we have assisted in accidents, for example at one time we found soldiers who met an accident; we collected them and we also helped in the Luwero Triangle when there was no food we supplied food on several occasions.

MR. MAKUBUYA: Well, His Grace will pardon my ignorance but it will help me to know about the programme of material welfare which the Church of Uganda was running in his time as Archbishop, what were the Church's programmes in fighting poverty, in fighting lack of opportunity, in fighting deprivation and in fighting injustice it would help us to know?

WANI: We have in the Church of Uganda the Rehabilitation Office, it is called Planning and Rehabilitation and in this office we assist; sometimes we buy food from Kigezi and then other dioceses come and collect them and also

in this diocese we have offices of planning and rehabilitation. So it is this office that deals with this assistance.

MR. MAKUBUYA: Okay. In 1970s the Government operated a Department of Religious Affairs, from the Church's point of view how did this department affect such church operations?

WANI: This department was created during the time of Amin. It was meant to be a link between all churches and Government, it could get information from the churches and then convey it to the Government but the reason for setting it up, I do not know.

MR. MAKUBUYA: Yes, did it affect church operations negatively?

WANI: Sometimes it affected the church and other times it did not because we never got a feedback on the matters that had been submitted to this department.

MR. MAKUBUYA: What kind of information did they seek from the churches?

WANI: I do not know the type of information they wanted from the churches but what I know is that if the Church of Uganda convened a conference or go outside to countries like Kenya either for a conference or a course, permission had to come through this department of Religious Affairs.

MR. MAKUBUYA: I see. Should the Church pray for political leaders?

WANI: Yes, the Church should pray for political leaders.

MR. MAKUBUYA: Yes, even if they are dictators?

WANI: No.

MR. MAKUBUYA: But you have to pray for dictators?

WANI: Yes, we have to pray for dictators even for violation of human rights because if you read the Bible, from Romans Chapter 13 it says so.

MR. MAKUBUYA: Okay, I do not know, you better read Article 16 of the Constitution to His Grace because I want to ask him something about it, Article 16(1) of the Constitution of Uganda 1967.

DR. LUYOMBYA: No, I think you are asked to read it not to read it for him and as well as for record purposes.

INTERPRETER: Article 16(1), except with his own consent no person shall be hindered in the enjoyment of his freedom of conscience and for the purpose of this Article, the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, to live and freedom either alone or in community with others, and both and in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice

and observance.

DR. MAKUBUYA: Yes, in the time, when you were the Archbishop of Church of Uganda was that provision complied with?

WANI: This provision was not observed because as I said earlier, Amin had abolished some churches.

DR. MAKUBUYA: And then Your Grace, should priests get involved or participate actively in politics?

WANI: The Church does not prohibit priests from participating in politics but there are two types of politics; there is dirty politics and there is clean politics. So long as the priest indulges in clean politics the Church should not prevent him. Only when he indulges in dirty politics then the Church should stop him.

DR. MAKUBUYA: What is clean politics?

WANI: By clean politics I mean where a priest gives assistance in General Election, he assists in identifying any upright man to be elected into the Government or into the party, he also assists in identifying a person who does not preach tribalism.

DR. MAKUBUYA: No, if he wants to be a candidate himself, can a priest be a candidate for a district council, for National Assembly? Can he accept appointment as Ambassador?

WANI: Really this should not be so but it is any individual's choice, once you have been ordained a priest and you are a church leader, it is not good to accept appointment as a district counsellor or go as Ambassador, but now this is a question of an individual's choice. As the Archbishop, when I see this all, I can do is to advise him that you are already a church leader, why should you go as an ambassador? To whom will you leave your responsibility as a priest?

DR. MAKUBUYA: Are there certain things which His Grace regrets to have occurred when he was the Archbishop?

WANI: In Government or in the Church?

DR. MAKUBUYA: The Church for example?

WANI: During my time as Archbishop, I regretted the presence of tribalism in the Church and I also regretted politics in the Church. I was pained because sometimes some people instigated others during elections, against election of certain people of certain tribes to being elected bishops.

DR. MAKUBUYA: Looking back over your ten years Archbishop, are there certain things that you would have done differently?

WANI: During my time as Archbishop I fought for exchange or transfer of

Bishops. My idea was, a Bishop from Bulemezi who is a son of Buganda here should be able to work in Gulu, somebody from West Nile should be able to work in Mbale, somebody from the East should be able to work in the West and somebody from the West should be able to work in the North but I could not succeed because of tribalism.

DR. MAKUBUYA: Finally Your Grace, this Commission is supposed to inquire into all aspects of violation of human rights, breaches of the rule of law and excessive abuses of powers and possible ways of preventing the recurrence of the aforesaid matters and my interest now is in possible ways of preventing the recurrence of the aforesaid matters. You have served your Church tor many years, you have held the topmost office in the Church, you have a lot of experience, you have been in Uganda all the time, you have gone through its tribulations; its good times and bad times, how are we to avoid a recurrence of violations of human rights, breaches of the rule of law, excessive abuses of power and things like those, how are we going to avoid them in the future?

WANI: I am sorry I cannot give my own opinion but I would like to derive some examples from this present Government in its policies teaching people to avoid tribalism, people should consider themselves as Ugandans, preaching against killing and preaching for love among each other, staying together as a result I myself also pray to God that this should be adhered to unlike the past regimes.

DR. MAKUBUYA: Thank you very much, Your Grace.

MR. KAWANGA: Your Grace, I have several questions. I want to be sure of your past record. You said you were a Chaplain in the K.A.R., King's African Rifles. Am I right also to suppose that you were the Chaplain General of the Uganda Army during the Amin's days the whole period. Which period were you Chaplain General during the Amin's days?

WANI: I was Chaplain General from 1964 up to 1979 when the war of liberation started, that is when the office of Chaplain General was closed.

MR. KAWANGA: I supposed that in your office you had constant communication with soldiers during that whole period that is why I want to ask these questions.

WANI: Yes.

MR. KAWANGA: What is the basis of the kind of indiscipline that we have had in the Army and which had led to the death of so many Ugandans at the hands of soldiers?

COUNSEL: I do not know whether this question should be that way. Actually he is asking him whether he knows the basis?

CHAIRMAN: Well it is assumed the Archbishop knows as a result of his long association, that, first with the K.A.R, as Chaplain and then as the Chaplain General. So Commissioner, I think you are right.

WANI: I can say that up to the eve of Independence, during the civilian rule things were okay, much better but with the setting in of the Military Government, I think discipline deteriorated and I think it is the Military Government itself which is the basis for this indiscipline, this is what I saw. This indiscipline ran through Amin's Government to Obote's second government and even my chaplains whom I used to oversee, had no discipline they were indulging in heavy drinking and so on. So my Chaplains were also affected with this indiscipline.

MR. KAWANGA: One other question, we do not know but there is a belief that during the Amin's days, there was an importation of foreigners into the Uganda Army, the people who were not really Ugandans and they got jobs in the Uganda Army rose to higher ranks, is this true, Your Grace?

WANI: I saw it, it is true.

MR. KAWANGA: Was it quite extensive?

WANI: Yes, they were so many.

MR. KAWANGA: Where exactly were these foreigners coming form or where generally were they coming from?

WANI: These people were coming from Arab countries, from the Sudan, from Zaire and from countries that gave him the necessary assistance.

MR. KAWANGA: Would you agree, Your Grace, that the presence of these foreigners helped in killing the spirits of nationalism within the Army and therefore spoiling the relationship between Native Ugandans and the Army?

WANI: That one I also witnessed, it is true.

MR. KAWANGA: I was going to ask about the role of Chaplains but apparently you said your Chaplains also fell by the wayside in which I need not pursue that one. Now I want to find out, you come from Arua yourself and you are considered an elder from there just as well as an elder in the whole of Uganda, after the fall of Amin, there was a tragedy in West Nile, how do you explain or what do you think are the causes of the tragedy, the massacre and what not, that befell of the people of West Nile?

WANI: During the time of war I did not stay in Arua I was mostly in Gulu and Kampala.

MR. KAWANGA: I see. After your retirement, did you go back to Arua?

WANI: Yes.

MR. KAWANGA: Did you witness any discrimination or any persecution of the people of Arua such as Madi, Kakwa and so on?

WANI: This question of tribalism will not end until the coming back of Jesus Christ.

MR. KAWANGA: I see! May I take it, Your Grace, that on this one, you have given up there is nothing that can be done about it?

WANI: No, it can be done or it can be stopped, as I have been saying earlier that if we can teach our people against tribalism, we consider ourselves as Ugandans, we avoid killings, we love one another, we stay together and we pray to God that the things that happened in the past regimes do not be repeated again.

MR. KAWANGA: I see. From what you have said, Your Grace, am I right to think that you think what befell the people of West Nile is an act of tribalism, a reaction to tribalism?

WANI: When you think in that way, it is true, it is right.

COUNSEL: But, may be, Commissioner, there has been evidence by some witnesses including the Archbishop here, and it has been suggested that federal system of government would lessen the impact of tribalism in this country; do you agree?

CHAIRMAN: Counsel, without underrating His Grace's political knowledge about federalism, militarism and so on and so on - well, let us leave it to him to try but I do not know whether that is a subject on which he would have very good knowledge.

COUNSEL: Well, I think some witnesses, my Lord, even bishops have cited about this and I am just suggesting to him, he could say -

CHAIRMAN: Those bishops may know more, but anyway let us -

COUNSEL: Yes, I am just trying to find out whether he has an opinion on this.

WANI: This is a question of individual thinking, but once any federal system is adopted, then again the question of clanism will come in and personally I think it is a question of selfishness because some people want to stay by themselves.

DR. LUYOMBYA: Your Grace, from what other fellow Commissioners have been asking and discussing with you, you have promoted certain questions I would like you to clarify to me. One is about tribalism; you told us that there was tribalism in the church and even in the House of Bishops, and I think somewhere in the Bible it says that you should remove something, like a piece of wood in your own eye before you look at the mote in your neighbour's eye; and quite rightly I believe that we should look at clean leadership - we should clean our own leadership before thinking of cleaning those who lead. What did you do as a leader of the church when you noted tribalism in the House of Bishops?

WANI: When I talked about tribalism in the House of Bishops, I did not suggest that the bishops did not like themselves, what I meant was that when it comes to the election of a Bishop for a certain area, you find that the

House of Bishops do not want a Bishop from a different tribe to be posted to that area. And sometimes when they like the idea of taking this Bishop from a different tribe to that area, you will find that the people of the area themselves do not like it. This is what I meant.

DR. LUYOMBYA: My question was; what did you do about it?

WANI: When I noticed this, that is when I started preaching against tribalism. I started teaching that we should consider ourselves as Ugandans; we should love each other and we should stay together.

DR. LUYOMBYA: To whom exactly; to the congregations to your Bishops or?

WANI: I preached to the Bishops themselves and also to the christians.

DR. LUYOMBYA: Did you succeed?

WANI: I succeeded with some of them and with others I did not.

DR. LUYOMBYA: So with those did you just shake the dust off your feet as Paul did in one of the towns?

WANI: Yes, I gave up.

DR. LUYOMBYA: I see. Now, another question was about the banning of some religious denominations by Amin. What did the Church of Uganda do about this? Or how did they react about it, as a church in general and you in particular?

WANI: When Amin closed other churches, I came out and spoke against it; I told him it was bad, and what I did was to absorb them into my church and some of them came. I preached to them about helping one another and loving each other.

DR. LUYOMBYA: Do you mean that you absorbed them into your church?

WANI: Some of them came to my church, others remained and we were sort of care taking their church.

DR. LUYOMBYA: I see. Now the final question from me is in connection with appointments of church leaders and in line with political heads of government. You told us that this sort of connection entertained in the minds of the people that church leaders are appointed because of the connection with the political heads in the country interfered and marred the performance of the church leaders. Were you affected by this personally when you were Archbishop?

WANI: Upon my appointment I thanked the House of Bishops for electing me but I told them my election at that material time did not make me happy. I agree that the appointment of a Church leader having the political head in the background was not good; it marred my administration because then, I had to compromise on certain issues to help my church.

AG. CHAIRMAN DR. LUYOMBYA: Was it because the soul was willing but the body was weak or vice versa or both?

WANI: God, for purposes of His Church during hard times can cause such a thing to happen for purposes of protecting His Church from suffering.

MR. NAGENDA: Earlier Archbishop, when I asked you about whether you had started any files when you were Archbishop, you said you had not but that you had started one when you were in Arua but that this had been seized by the government and taken away. I should have asked you which government seized this file?

WANI: This was at the time of Idi Amin.

MR. NAGENDA: Was it before you became Archbishop?

WANI: This was before I became Archbishop.

MR. NAGENDA: Yes, this is why you never kept files after that?

WANI: This is why I never kept files after that.

KAKWENZIRE: Archbishop, I wanted to ask you about what has been hinted at as the deteriorating relationship between the Church and Idi Amin - that, the deterioration of which of course led to the murder of Archbishop, now either than the allegations of the gun being found in the Archbishop's house, were there other areas where the Church had conflicted with Idi Amin? Any other letters that had been written by the House of Bishops to Idi Amin?

WANI: The late Archbishop himself had written a certain letter to Amin, I was with him. Then later on, again the house of Bishops as a whole wrote to Amin, letters protesting against killings and the banning of other religions. So, when the Archbishop was murdered, those letters had actually already been in his hands. I suppose they had annoyed him.

KAKWENZIRE: Did the Archbishop know all those letter he wrote or the letters you said he wrote, did he consult with the other Bishops, did he have the mandate?

WANI: Yes, he did.

KAKWENZIRE: I am asking this because before I left you said that you had not heard of the protest but then you said you had signed it, I wonder if there was some action the Archbishop took individually and then asked for you to sign or whether you would have had a meeting and agreed on what to write?

WANI: The late Archbishop was a man who did not do things alone, what used to happen was if he had any idea he would convene the house of Bishops then the matter would be discussed and it would be up to the House of Bishops whether for him to sign it alone or elect three other Bishops to

sign together with him or the whole house decide to sign and then they despatch.

KAKWENZIRE: I am asking this because later on, in your testimony you mentioned how normally an Archbishop would emerge as a result of a little bit of coercion or playing around with people's voices or what have you. You mentioned how tribalism plays part in the election of the Archbishop, I wondered whether this would not contribute to eventual performance of such an Archbishop, whether actually if he has not got the whole house's mandate, whether he would not be left may be to make up some decisions by himself. This is not in particular reference to Archbishop Luwum but do you not think there is a danger in Church leadership, then when somebody has been elected either because of tribalism or some kind of interference from some other political quarters whether such an Archbishop may not from time to time find himself isolated in decision making?

WANI: We all have our failures but during the time Amin, during the time of the late Archbishop, I did not see him taking individual actions. As I have said before but now there may be other Bishops who may not support, but then once the majority elects the Bishop then the majority takes.

KAKWENZIRE: Thank you.

DR. LUYOMBYA: Well your Grace, I think the Commissioners have what they want to ask you for the time being. I say that for the time being because if need arises and we need any comments or assistance from you as far as our work is concerned, we may call upon you but for today this is all we want from you. We thank you very much for having travelled all the way to come and give this piece of evidence, thank you very much and we wish you a safe journey home.

WANI: Mr. Chairman, tomorrow I am going. I have blood pressure and I was about to say that since you have asked me for a long time, I was going to ask a break but all the same I thank you for asking me those questions.

DR. LUYOMBYA: Okay, thank you. I think it is by God's grace that the exercise coincided with your bodily need.

WANI: Thank you.

DR. LUYOMBYA: Legal Counsel, Assistant Legal Counsel, the time is almost 3.20 p.m and it is time that we broke off for lunch and I think after this we shall not be able to take up another witness, did you have any?

ASST. COUNSEL: No, thank you Commissioners, Chairman and other Commissioners we had planned to continue with the case of Magala but as you realize the way we started with the witnesses who came forward were not the witnesses we had anticipated to be with today. In that case the others seems have not arrived, I would pray that we adjourn the session until tomorrow when we shall be able to have the proper witnesses here to begin with in that case.

DR. LUYOMBYA: Fair enough then we shall reassemble tomorrow at 9.30 a.m.

ASST. COUNSEL: Most obliged.

CHAIRMAN: Commissioners, Learned Counsels, Ladies and Gentlemen. We should start the session of today the 20th of August 1987. Legal Counsel, can we have the next witness please?

COUNSEL: Next witness is Rebecca Nalwanga Magala.

CHAIRMAN: Could you remind us what number this is please?

COUNSEL: My Lord Chairman, this is number 147.

WITNESS NO.147: MRS. REBECCA NALWANGA MAGALA - SWORN IN

COUNSEL: Can you state your names please?

MAGALA: Rebecca Nalwanga.

COUNSEL: How old are you?

MAGALA: Aged 36.

COUNSEL: What do you do?

MAGALA: I am a Secretary.

COUNSEL: Secretary at which place?

MAGALA: UGMA Engineering Corporation at Lugazi.

COUNSEL: Where do you reside?

MAGALA: I reside at Lugazi.

COUNSEL: Are you married?

MAGALA: I am a widow.

COUNSEL: So you are a widow; that means you were one time married. When did you get married?

MAGALA: In 1973.

COUNSEL: Married to who?

MAGALA: Late Captain Deogratious Magala.

COUNSEL: When you got married, where was your matrimonial home? Matrimonial home, place of the residence of the family.

MAGALA: At Bugolobi.

COUNSEL: Did you say in Kamwokya too?

MAGALA: Yes.

COUNSEL: Now while you were staying at Kamwokya - we received evidence around 1980 - what job was your husband doing?

MAGALA: He was a soldier.

COUNSEL: That is in UNLA?

MAGALA: He was in UNLA, the army which was there by 1980.

COUNSEL: What rank was he in 1980?

MAGALA: He was a Captain.

COUNSEL: And do you know the specific office he was holding in the army?

MAGALA: He was at Mengo but attached to Signal.

COUNSEL: Did you ever get occasion to know who his workmates were in the Signal department, maybe his boss and his immediate junior?

MAGALA: His superiors were Major Nanyumba and Opwonya but I have forgotten his rank.

COUNSEL: So Nanyumba was his superior and Opwonya. Now on the 10th of May 1980, were you at home?

MAGALA: I was at home in the morning hours for a while. Then I proceeded to the town and then returned.

COUNSEL: Now, before you went to town, maybe you will tell us what time you went and whom you left at home.

MAGALA: I left home Timothy and Semwogerere who were a bit old plus the young ones and my brother-in-law.

COUNSEL: How old was your son Semwogerere by that time when you left home?

MAGALA: About 6½ years.

COUNSEL: And how old was your brother-in-law, Ben Kiwanuka?

MAGALA: About 16 years.

MR.NAGENDA: Clarification. Was Ben Kiwanuka also known as Ben Semakula?

MAGALA: Yes.

COUNSEL: But before you left, did you leave your husband at home on that date?

MAGALA: We went together.

COUNSEL: You went together to town. Did you come back home with him?

MAGALA: He came back first.

COUNSEL: How did you come to know that he came back first? Did you meet him at home?

MAGALA: I did not meet him at home but on my arrival at home, I received information that he had been taken by the soldiers.

COUNSEL: Who gave you this information?

MAGALA: I received this information from my brother-in-law, Ben Kiwanuka, my sons; Timothy and Semwogerere plus my brother-in-law who was our neighbour.

COUNSEL: Who was this neighbour?

MAGALA: He is called Richard Semakula.

COUNSEL: What information did you receive?

MAGALA: The information I received was that when he was still at home, some soldiers came in a vehicle. They told him that he was required for duty and then he told them that"let me wait for the vehicle that always takes me to the job" and they went away.

MR. NAGENDA: She mentioned the name of the person.

COUNSEL: Continue please to narrate the story.

MAGALA: Shortly after, they returned in a Mercedes Benz which registration number I do not remember, with other soldiers. They tried to take him by force but he resisted until the overpowered him and forced him into the vehicle and they took him away.

COUNSEL: When you found this out, what did you do?

MAGALA: I ran to the Mess at Kamwokya. I tried to inquire from the soldiers I found at the gate and they asked me whom I was looking for. I told them that I was looking for Captain Magala and they chased me away saying that." We can beat you. Leave the place immediately. Those were the Tanzania soldiers who were around.

MR. NAGENDA: No, that is a wrong thing. Some people said that they could hit her and Tanzania soldiers said "you go home," I think. Is that not what you meant?

MAGALA: Yes.

COUNSEL: Did they tell you the reason why they were annoyed with you?

MAGALA: I did not ask them because they were very harsh and instead I just ran away. I proceeded to Mr.Opwonya and I related the story to his wife and I asked whether the husband was around. She said that he was on duty.

COUNSEL: Where was Opwonya's home?
MAGALA: It was at Kamwokya.

COUNSEL: Yes, continue.

MAGALA: I left a message to the wife that Captain Magala had been forcefully taken away but I do not know where he has been taken. I went back home till the following day when that very Mercedes Benz came with about six soldiers some of whom were in civilian clothes. They entered into the house and they called me in because they found me outside and when I entered, they asked me to surrender the uniforms and the gun to Captain Opwonya because that was government property. And I asked them where my husband was but they replied that I should ask Opwonya.

COUNSEL: Were these people armed?

MAGALA: Some were armed and some were not.

COUNSEL: So they took only government property?

MAGALA: At first they took only government property and I insisted on inquiring as to where my husband was and they also replied that I could go and ask Opwonya or at Luzira. After a short while, a lorry came with many soldiers. They entered and started sweeping the house and I was telling these people that this was not the property of Government but it was ours. They wanted to beat me and I went out. Then after they had left, I went inside and found a few which had remained and I removed them.

COUNSEL: Were the people who had come in the Benz in this group which came again?

MAGALA: I recognised two.

COUNSEL: You said they took your things. Did you have a lot of property in the house? Maybe if you had big things like refrigerators, may be TVs and what. You could mention those major things they took.

MAGALA: They went away with two sets of chairs which were in the house, a television, a radio.

COUNSEL: Did they tell you maybe in the course of taking these things, why they had taken your husband?

MAGALA: I asked them why they had taken my husband and they said they had taken him for duty because Opwonya had sent them for him.

COUNSEL: They told you that Opwonya asked them for your husband. Did you see Opwonya to ask him where your husband was?

MAGALA: I returned at Opwonya's home after they had swept the house. When I arrived at Opwonya's house, he was not in but I found a soldier who was armed, seated with the wife of Mr. Opwonya. I asked her whether the husband was around and she said, since yesterday, the husband has not returned home but while I was leaving, I saw a Land Rover which by-passed me and Opwonya was among the occupants in this Land Rover and I saw it dropping him at his home. Then I returned to Opwonya's home and when I arrived there, I asked his wife whether her husband had returned home but she denied that he had come back and I had seen him coming out of the vehicle. When I asked the wife, she said that her husband was not at home and I was not expecting such an answer from here and therefore, I decided to go away.

COUNSEL: Had you known Mrs. Opwonya before?

MAGALA: I only used to see her at the school where my children were studying because she was a teacher.

COUNSEL: Which school is that?

MAGALA: At Kololo Primary School.

COUNSEL: Is she still there?

MAGALA: I do not know.

COUNSEL: Now, about this soldier whom you found in the sitting room of the Mr. Opwonya, was he one of those who came to your home to sweep your property?

MAGALA: I cannot tell because they were many and I cannot state whether he was among them.

COUNSEL: After this surprise reply from Mrs.Opwonya, what did you do eventually?

MAGALA: I went back home and collected the left overs - the small things that had been left in the house; with my children, we went at my sister's at Lugazi.

COUNSEL: Why did you decided to leave the house?

MAGALA: I went to the captain who was opposite but he did not want to communicate with me, but he only gave me an advice that I should vacate the house.

COUNSEL: Was this Captain Opira?

MAGALA: I do not remember his name. He was just opposite.

COUNSEL: Did he tell you whether he was present when your husband was taken from home?

MAGALA: He did not tell me but he was aware that my husband had been taken.

COUNSEL: Eventually, did you see your husband?

MAGALA: I saw him dead.

COUNSEL: After how long?

MAGALA: (Sobbing).

CHAIRMAN: I do not know whether we need a short adjournment to keep this witness and to recollect herself!

COUNSEL: Yes, my Lord. I apply for a short adjournment.

CHAIRMAN: We ought. The memory is too bitter for her to bear right now.

MAGALA: I saw him about after seven (7) days.

COUNSEL: My Lord, maybe, I think, at the temperament of the witness, it would be advisable we have a short adjournment until she recollects her moods.

CHAIRMAN: Yes. Should we give you a short time to ...?

MAGALA: No, it is all right.

CHAIRMAN: Recompose yourself? You can continue?

MAGALA: Yes.

CHAIRMAN: Okay. Thank you.

MAGALA: I saw him after seven days.

COUNSEL: Now, before you saw him, was there any search that was made so as to find him?

MAGALA: There was a lot of search that was made because we went to Luzira, to Makindye, but all in vain.

CHAIRMAN: Where was the body found? Did she know?

MAGALA: I found the body at Mulago Hospital and this was due to the information that I had received from my sister-in-law who had gone for the last funeral

rights at Busaabala; and also she had received information that a body had been dropped at Makindye; and the village mates had offered themselves to contribute something. And they went at Kibuye Police Station and the police came and they removed the body. Then she came and told me after she had inquired from Kibuye and they had referred her to go to check at Mulago and then I also proceeded to Mulago.

COUNSEL: Who was this sister-in-law of yours who gave you this information?

MAGALA: She is Regina.

MR. NAGENDA: She is a sister or a sister-in-law?

MAGALA: Sister-in-law.

COUNSEL: When you found the body at Mulago, was there any post-mortem done to find out the cause of death?

MAGALA: I did not know whether any post-mortem was done because, by the time I arrived, the body had decomposed and they were folding it up and they were only telling us to go away with the body and not to open it again.

COUNSEL: Is this the report which -

KAKWENZIRE: Had the body just been brought to Mulago? According to your informers and the information you got from your sister - had the body been taken the day before or days before?

MAGALA: It appeared that the body had been there for some days.

KAKWENZIRE: In Mulago?

MAGALA: Yes.

KAKWENZIRE: And the other thing I wanted to know, where about in Makindye? Did you get to hear the exact spot in Makindye where it was found - Makindye is quite big?

MAGALA: At Lukuli.

COUNSEL: You mentioned that a Medical Report was given. Would you have a look at this?

CHAIRMAN: Sorry Counsel. Was the Medical Report different from the Post-mortem Report?

COUNSEL: My Lord, I think, it is the same thing. She said that a letter from the hospital was given.

CHAIRMAN: I see.

MAGALA: I was referring to the Death Certificate. I thought it was the one she was

referring to.

COUNSEL: Is it the same?

MAGALA: I did not see this paper but it was my mother-in-law who was handed over this letter. So I did not know whether it was a death certificate or a medical or a post-mortem report or anything.

COUNSEL: That is fair. Now when you found eventually that your husband was killed or dead and was in the hospital, what did you do? Did you continue to arrange for the burial?

MAGALA: We did.

COUNSEL: I suppose that your husband was an officer of high ranking in the army. Did you get any assistance from the Army for the burial?

MAGALA: We did not get any assistance and the exercise took a very short time and we were in fear.

COUNSEL: In which place did you bury him?

MAGALA: Thirteen (13) miles, Mityana Road at a place called Buloba.

COUNSEL: How were you able to transport the body then?

MAGALA: Friends assisted.

COUNSEL: And who bought the coffin?

MAGALA: A brother-in-law, the late called Katende.

COUNSEL: Did any person who used to work with your husband, let us say any soldier, attend the burial?

MAGALA: There was none.

CHAIRMAN: Counsel, I am sorry to interrupt before you proceed any further. Are you going to - a document has been mentioned - is it going to be exhibited; and, if so, could you read the contents on the record, please?

COUNSEL: I will exhibit it, my Lord, when the witness who received it - as she has mentioned that it was her mother-in-law when she comes out.

CHAIRMAN: Okay. Thank you.

COUNSEL: How many children had you with the late?

MAGALA: He, the late, had six children; but I had with him three children, and another woman - concubine was having three children with him.

COUNSEL: Now how were you able to look after these children, since all your

property was taken?

MAGALA: It is very complicated and it was a difficult time even up to today because I reached at one stage whereby I could not even have something to cover the children with.

MR.NAGENDA: She had nowhere to stay.

CHAIRMAN: Something to cover - blankets or what?

MAGALA: Blankets or anything.

MR. NAGENDA: But, I think, also she said that they had nowhere to live. Am I right? Did you say that, in fact, you had nowhere to live at one stage?

MAGALA: At one stage, I had to live with my sister at Kawolo. From Kamwokya, I went first to my sister because I had no anywhere to stay.

COUNSEL: Did you, may be, try to approach the army for the terminal benefits of your husband?

MAGALA: We tried many times to approach the army because his account had been closed, until we got tired because we got no help, at all.

COUNSEL: Now, did your husband ever tell you his - about his - working relations with Opwonya or Major Nanyumba?

MAGALA: He used to tell me the relationship with him and his boss but he had a complaint against Opwonya that they were not on good terms.

COUNSEL: Did he tell you the reason?

MAGALA: He did not.

COUNSEL: Did the police investigate the cause of the death of your husband?

MAGALA: It did not and we never bothered to go there because that time was difficult.

COUNSEL: Ever since your husband died, have you ever seen Opwonya again?

MAGALA: Not at all.

COUNSEL: My Lord, that is all from this witness.

CHAIRMAN: Thank you. Now you could tell us more about her husband. Does she know when he joined the Army and at what rank?

MAGALA: I do not remember because I found him already he had joined the army, and, by the time we met, he was at the rank of second lieutenant.

CHAIRMAN: You did not get to know it. He never told you.

MAGALA: He did not.

CHAIRMAN: When did you meet him for the first time?

MAGALA: It was late in 1973.

MR. NAGENDA: You married in 1973?

MAGALA: Yes, late 1973.

CHAIRMAN: Now, after 1979, what happened? How did he move from one army which had been defeated, driven out, to the next U.N.L.A? How did he join? In 1979, there was fighting.

MAGALA: In 1978, my husband got a scholarship to go to Pakistan for further studies and we went together and we returned in 1980 after the war. When we returned, he came and reported before Peter Otai, here in Nile Mansions.

CHAIRMAN: Who was Peter Otai?

MAGALA: I did not know who he was but, when we arrived here, that is where we went first.

CHAIRMAN: You mean he was the former Minister of State for Defence. Yes, carry on.

MAGALA: After reporting to Mr. Peter Otai, we were allocated a room in Speke Hotel where we spent two days and later on, we got a house and he was returned to duty. All along for the period we spent in Pakistan - he was not being paid a salary but we were only being assisted by the Embassy of Uganda in India.

CHAIRMAN: For the whole period, even before April, 1979 - before the change of government.

MAGALA: Even before.

CHAIRMAN: Now, you said you met him when he was a second lieutenant in 1973 - that was in 1973, when was he promoted to full lieutenant, then captain and so on.

MAGALA: I do not recall exactly but promoting him to a lieutenant in 1973/74, and to a captain, maybe, 1975 or 1977 somewhere.

CHAIRMAN: Did he always work with the signals section or did he work in another section?

MAGALA: He was working in Signals Department.

CHAIRMAN: Throughout?

MAGALA: Throughout.

CHAIRMAN: What was his educational background?

MAGALA: What I know he had a Telecommunication Engineering Certificate.

CHAIRMAN: Engineering in what?

MAGALA: Telecommunications.

CHAIRMAN: I see. Trained where, in Uganda or in Kenya?

MAGALA: He was trained at first in Britain and then in Pakistan.

CHAIRMAN: So he was a well trained professional. That is all from me.

MR. NAGENDA: When you say that he had been in Pakistan at the overthrow, did he ever tell you whether he had worked with Opwonya in the Amin Government or not? Do you know?

MAGALA: No. I do not know whether he had ever worked with him before.

MR. NAGENDA: Do you know anything about his politics?

MAGALA: My husband?

MR. NAGENDA: Yes.

MAGALA: He was not a politician, at all.

MR. NAGENDA: He was not a politician?

MAGALA: No.

MR. NAGENDA: For example, how did he speak of Amin?

MAGALA: He used to dislike him.

MR. NAGENDA: Okay. I will take it that his boss, Major Nanyumba, is the same Nanyumba who was made for a short period Chief-of-Staff by President Binaisa. Am I right?

MAGALA: Yes, you are right.

MR. NAGENDA: Did you try and go to talk to Major Nanyumba after your husband disappeared?

MAGALA: Personally, I did not but my brothers and sisters-in-law and my mother-in-law went.

MR. NAGENDA: Legal Counsel, are any of these people coming before us?

COUNSEL: Mother-in-law is around. She is out. Maybe, that will be answered by the witness, Major Nanyumba.

MR. NAGENDA: Nevertheless, did you ever get any assistance yourself from Colonel Nanyumba as he came? Were you surprised when there was no attempt from him to get in touch with you?

MAGALA: I was very much surprised.

MR. NAGENDA: Why did you not try and get in touch with him yourself?

MAGALA: I could not because I was staying very far. My mother-in-law and my brothers-in-law were the ones who tried to see him.

MR. NAGENDA: Legal Counsel, can I ask you whether Colonel Nanyumba is one of the witnesses you will be calling in this case?

COUNSEL: My Lord, since he has just been mentioned, I think, the investigation desk will have to maybe get in touch with him.

MR. NAGENDA: Good. Do you know where Opwonya is today?

MAGALA: I do not know.

MR. NAGENDA: Nobody has told you anything about him?

MAGALA: No.

MR. NAGENDA: Okay, thank you; I am sorry that you have had to relieve your sad story.

KAKWENZIRE: Before he went to Pakistan, had you known this Opwonya?

MAGALA: No; I had not known him at all.

KAKWENZIRE: Did he come with the liberators of 1979; did you find that out?

MAGALA: I did not find that out but that is the feeling I had.

KAKWENZIRE: Did your husband say, he had known him before?

MAGALA: I did not even bother to ask him. But I had never seen him before.

KAKWENZIRE: What was Opwonya working as?

MAGALA: Opwonya was also working in Signal but I do not know as what?

KAKWENZIRE: Senior to your husband or junior?

MAGALA: He was senior. I do not remember very well.

KAKWENZIRE: When your husband died, did you get to know who took over his job?

MAGALA: I heard that Opwonya was the one who was in his position.

COUNSEL: So in that case you do not know who was senior either your husband or Mr. Opwonya?

MAGALA: I have forgotten actually.

MR KAWANGA: How old was your husband by the time he died?

MAGALA: He was 29.

CHAIRMAN: Mrs. Magala, we are grateful that you have been able to come to give us this evidence; and at the same time we are sorry that you have had to do it, which will remind you of unfortunate takes of your late husband; thank you very much for you having come. We do not have anything we can do for you directly by this Commission by way of assistance for yourself and your children, but there are organisation which are concerned with - voluntary -say, UWESO, for instance, which has now existed I think for one year. Have you tired to solicit any assistance from them; or have you heard of them?

MAGALA: I have not heard.

CHAIRMAN: I see. Well I do not know - maybe our Secretariat can tell you where their offices are. It is not a government organisation; it is entirely voluntary organisation instituted by the women of Uganda. I think for Womens' Organisation for Emergency or something orphans. They may not be able to help you but it is worth while trying.

MAGALA: Thank you.

CHAIRMAN: Yes, next witness please Counsel.

COUNSEL: My Lord the next witness whom we should have received his evidence before this one is Bonson Kiwanuka; but because he has just come, he has been interjected.

WITNESS NO.148: MR. BENSON KIWANUKA SSEMAKULA - SWORN IN

COUNSEL: I do not know whether he can speak English?

SSEMAKULA: I will try; but I think to be clear, I want to use my mother tounge.

CHAIRMAN: Okay, you are free to use vernacular.

SSEMAKULA: Thank you.

COUNSEL: You are Mr. Benson Kiwanuka?

SSEMAKULA: Yes.

COUNSEL: Are you called Ssemakula?

SSEMAKULA: Yes, Sir.

COUNSEL: You are a trainee in building; is that true?

SSEMAKULA: Yes, Sir.

COUNSEL: Aged 22 years?

SSEMAKULA: Yes.

COUNSEL: Currently residing at Nakawa?

SSEMAKULA: Yes.

COUNSEL: In 1980 - in May 1980, where were you residing?

SSEMAKULA: At Kamwokya, that is, Bukoto Street.

COUNSEL: On which plot number?

SSEMAKULA: I think it was 25 - or 23; I have forgotten a bit.

COUNSEL: Whom were you residing with?

SSEMAKULA: With my brother, the late Captain Magala.

COUNSEL: At that time, what were you doing?

SSEMAKULA: That is the year when I started my S.1.

COUNSEL: In which school?

SSEMAKULA: Kololo High School.

COUNSEL: How large was your Uncle's family - the people you were staying with?

SSEMAKULA: By that time?

COUNSEL: Yes. Was he married; with how many children?

SSEMAKULA: About five.

COUNSEL: Five children.

SSEMAKULA: Yes.

COUNSEL: On the 10th - maybe before I come to that - what was your uncle doing; what job was he doing?

SSEMAKULA: He was a soldier.

COUNSEL: Do you remember the rank?

SSEMAKULA: Captain in Signal.

COUNSEL: Where was his office - was it in Republic House?

SSEMAKULA: Yes.

COUNSEL: Did you know whom he was working with?

SSEMAKULA: No; I did not know which particular people he was working with.

COUNSEL: I see. On the 10th of May, 1980, were you at home?

SSEMAKULA: Yes.

COUNSEL: Was your uncle at home also?

SSEMAKULA: No.

COUNSEL: Where had he gone; had he gone to work?

SSEMAKULA: He left home probably when he was going for work in Republic House. But unfortunately he came back very early at 11.00 a.m. He came back and told me that he was coming from Nile Mansions. Maybe he had some cases to talk about or to solve, I do not know. But he came from the Nile Mansions and told me that in city or in town here; it is danger; and I do not know whether people will survive. And he just left the Nile Mansions by escaping through the fence. That is what he stated to me.

COUNSEL: I see. Did he tell you whom he had been seeing in Nile Mansions?

SSEMAKULA: No.

COUNSEL: By what means did he go to work when he left home?

SSEMAKULA: He had the government vehicle, the Land Rover.

COUNSEL: And it is the one he came back with?

SSEMAKULA: No; he just escaped; he came by footing. And he told me in our vernacular -it has a saying which goes on like this *"simanyi oba omwaana w'omuntu anawona"*; "I do not know whether the son of man will survive"

COUNSEL: You understood this that it was referring to himself?

SSEMAKULA: Yes; and it was a sign which was meaning a danger to human life maybe.

COUNSEL: Did he tell you why he said that he did not know whether people will survive in the city?

SSEMAKULA: No; apart from that, I did not notice anything from that; and not until we waited to see what happened next. That is when I confirmed that meaning.

COUNSEL: May be before we come to that - apart from what you have mentioned, did he tell anything more?

SSEMAKULA: About the way he came or rather?

CHAIRMAN: About the danger - did he elaborate to you what danger was in the city?

SSEMAKULA: It was attached maybe to take over the government; because the way he saw the situation around the place, Nile Mansions, it was a sign of telling danger; that there might be any change.

COUNSEL: During this conversation when you were talking, did he tell you anything to do with his job, whether his job was going to, maybe how it will be affected by what he had said?

SSEMAKULA: No.

COUNSEL: So after he had talked these, what followed on that day?

SSEMAKULA: After he had talked?

COUNSEL: Yes, after this talk with him, did anything happen on that day?

SSEMAKULA: In a few minutes after that, he went to the neighbour which was the opposite house; there is a Jjambula tree on that building; he went there; and there was also an officer on that building - he went to discuss about that incident which happened in the town. When they were talking -

COUNSEL: Excuse me, you mention the name of that officer.

SSEMAKULA: I have forgotten his name. He was working at Mbuya; very fat man; but if you can recall and go there or ask for the man who was staying in that house during that year, you can get the name.

COUNSEL: Could it have been Opio?

SSEMAKULA: It is another tribal name - for that I do not know.

COUNSEL: What rank was he?

SSEMAKULA: I have also forgotten it.

COUNSEL: When he went there, did you accompany him?

SSEMAKULA: No; he went there for a talk, but certain soldiers came at that man's house; when they came, I do not know whether he knew all the conditions; may be the approach, when they came, it was not all that sufficient. He got someone's gun - he told me that - because the gun was laid may be on the table or on the side of the chair, he wanted to lift it maybe to safeguard against himself; but someone took it from him and said, "no problem, no danger." They continued conversing. He did not know what was going to take place really. He told me that information when he came back at ours.

COUNSEL: Okay, when he came back -

CHAIRMAN: Counsel, let him continue; maybe he can clarify later.

COUNSEL: Okay, My Lord.

CHAIRMAN: Let him narrate it.

COUNSEL: Please continue; tell us when he came back, what followed and what happened?

SSEMAKULA: When he came back, he told me about that thing; he told me that story, the way he took a gun and how they refused him to use it, maybe to be in his hands, because anyway it was not his, but he wanted to use it may be as a fighting stick.

CHAIRMAN: Let us not speculate - you are not supposed to speculate, maybe, what; just tell us what he told you and what you saw as happened.

SSEMAKULA: May be that man, the opposite one talked with the other soldiers who came; and afterwards they went back. And that was all.

CHAIRMAN: Would you rather - a suggestion that maybe perhaps you will be more articulate in vernacular. Would you rather switch to vernacular?

SSEMAKULA: Yes, Sir.

CHAIRMAN: Okay.

COUNSEL: Please continue.

SSEMAKULA: When he went to the neighbour who was just opposite -

CHAIRMAN: No, we finished that; let us not repeat it, you save time. He had come back now - we reached a point where your brother has come back, you have told us the story; proceed from there.

SSEMAKULA: It stopped there when the other soldiers went off.

COUNSEL: What followed from there, after they had left?

SSEMAKULA: After some time when those soldiers had left, there came a yellow Renault vehicle. The occupants came and asked whether he was around.

CHAIRMAN: Sorry, Counsel, may I suggest that when you are interpreting you use "I" as if you are the one speaking; because it brings confusion when you start saying "he" - there is "he" then there is another "he"; so you do not know which.

SSEMAKULA: Prior to the incident I had seen this vehicle before patrolling, going about inquiring as to which plot belongs to who? And when they approached me on that day they asked me that who is the owner of this home? And I told them that the home belongs to Captain Magala. On this occasion when these people came in this vehicle, I was surprised, because they used to come on and off, on and off inquiring as to who was the owner of this home. Until I communicated this information to my brother, that I am seeing these people coming here asking and then go; they ask and they go, but is there a problem? Do they want to take over the house or anything? He suspected that maybe some one wanted to take over this house; and on the day when acquired this house, they went together with another person and, when they reached at Mbuya Barracks, they started saluting my brother; and he was surprised why that second person with whom they went, was not saluted.

CHAIRMAN: What was his rank?

SSEMAKULA: He did not know his rank.

CHAIRMAN: While in Mbuya - did you go with them?

SSEMAKULA: He told me that information after he came back at ours.

CHAIRMAN: I see. Carry on.

SSEMAKULA: And he went further and told us that they had assigned him to guard - to patrol. And he wondered how he, an officer could be assigned such a duty. And when we asked him whereabout was he assigned to patrol, he said that that was in Makindye. And we do not know whether it was a trick.

CHAIRMAN: Just tell us the story; do not speculate; tell us what happened.

SSEMAKULA: Afterwards a Land Rover full of military soldiers came at our place; they also asked whether he was around. They asked me where the toilet was.

COUNSEL: So I think they asked you where the toilet was?

CHAIRMAN: Let the interpretation to us; you are not supposed to do the interpretation of what happened; but just tell us what happened; what you saw, what you heard and so on.

SSEMAKULA: They asked me where the toilet was. They were searching for him here and there even in the rooms and eventually, he came out and approached them; then he asked them what was the problem. And they replied to him that he was wanted in the Republic House to repair the machines which he had damaged. He refused to go. When he refused to go along with them,

because he had already reported at the Republic House and from Nile Mansions. Then shortly after came other soldiers in a Mercedes Benz. He had told me to stay outside watching or waiting - that should I see other people coming in, I ring the bell, but not to call him out. One of the occupants in this Mercedes Benz was the same person who used to come in the other Renault vehicle, and he asked me that - "is he in?" And I replied him affirmatively. When I rang the bell he passed via behind door; and some of these occupants who came in a Benz had also gone behind the house, then they told him the same story that he was wanted in Republic House to repair the machines which he had spoilt; and he resisted, because he had done nothing there. And he referred them to one man in Kololo at Mackenzie Vale who may be Opwonya.

COUNSEL: Did you go behind the house yourself?

SSEMAKULA: Yes, I did. They conversed; and when they told him to go to the Republic House, and after he had resisted, refused to go along with them, then they said, please, accompany us up to the vehicle. And he said, no, for that, that is very easy, I will do so. They went with him up to where the vehicle was parked. Then the vehicle reversed to where this company was with him. Then in that vehicle was a soldier who had put on a rain coat; and I saw him coming of this vehicle, then they were trying to force him to enter and he was also resisting; but afterwards he saw the soldier who removed off his rain coat in which his gun was being hidden; thereby he gave up and entered into the vehicle, and they went away.

COUNSEL: What language were they talking?

SSEMAKULA: English and some Swahili.

COUNSEL: So what followed after that; what did you do?

SSEMAKULA: Throughout that day we did not know where they had taken my brother; but there were some vehicles which were coming just opposite to our place; but we could not tell what they wanted there and there is a vehicle which spent a night at that place. On the following day there came a vehicle and it asked us to surrender the government property. I was present but I was not in the right position to talk with them; according to the incidence I saw, I was in fear. Then that vehicle took off and, afterwards a lorry came with many military soldiers who came and collected household properties. But the wife asked as to where they had taken her husband. They did not respond properly, some said, they had taken him to Luzira because he had spoilt the government machines and he did not obey to what he had been told to do. Thereby we sensed danger and we decided to vacate the house because we suspected that something may happen. What followed was to investigate as to where or to make inquiries as to where he had been taken. But as I was still young I left that duty to my elder brothers. After some days through these inquiries they discovered the body at Mulago when it had decomposed. And I received information that he had been murdered or killed at Lukuli village. What followed next was to arrange for burial, and we took him at our home at Buloba. That is all.

CHAIRMAN: This is a difficult question but you seem to have a bearing, I do not know whether you would know. Did you ever come to know who subsequently occupied the house?

SSEMAKULA: The one who was occupying the house just opposite ours.

CHAIRMAN: He moved into this one.

SSEMAKULA: He moved into ours.

CHAIRMAN: Did it appear to be a better house than the house that officer was occupying? Did your house appear to be better than the one opposite?

SSEMAKULA: These houses were similar, they were of the same plan but I do not know what forced him to move from his to this one.

CHAIRMAN: Okay.

COUNSEL: Please, have a look at that photograph and tell us who, maybe, that one was.

SSEMAKULA: He is the one, the late.

COUNSEL: Did you eventually see the body?

SSEMAKULA: Yes.

COUNSEL: Now, was your uncle paying your school fees while you were staying with him?

SSEMAKULA: In my primary education my father was the one paying my school fees, but from senior education my uncle was the one paying the school fees.

COUNSEL: After his death, how were you able to have your fees paid.

SSEMAKULA: Another older brother of mine rendered to pay my school fees up to senior four.

COUNSEL: Have you met any difficulties since your brother died in having your fees paid?

SSEMAKULA: Yes, I did face some problems because this brother of mine, who had taken over the responsibility of the other one, was still young while the other one was already independent and he could face whatever responsibility would be.

COUNSEL: Suppose you see these people who took your brother, can you recognise them?

SSEMAKULA: At present I cannot, because it is long since, but if some one identifies them to me I would say that they are the people.

CHAIRMAN: No, you see, there are two points; the first you say `at present' as if later on you might be able to identify.

SSEMAKULA: In the past I could.

CHAIRMAN: I see. No, it is you but not somebody; if somebody else has to identify them for you - that somebody else may not be there and you are the one who was the witness. So, it would not be relevant.

SSEMAKULA: I cannot identify them.

COUNSEL: Did any of your neighbours come during the scuffle when your brother was being taken?

SSEMAKULA: None.

COUNSEL: That is all my Lord from this witness.

MR.NAGENDA: When your brother came in on the 10th of May and said there was danger in the city, and that he did not know whether people would survive; did he say there was danger on that particular day of the 10th of May, or did he say that there was just generally danger?

SSEMAKULA: Yes, because it was by that time when the Military Commission took over the previous government.

MR. NAGENDA: Was that the very day that the Military Commission took over?

SSEMAKULA: I am not sure, but it was by that time that they announced that the Military Commission had taken over the power of the government.

MR. NAGENDA: Before then you told us that he was not fully confident of his position, because, in fact, on one occasion he had been assigned patrol duties although he was very senior. Did you get the impression that he felt very uncomfortable in the Army around this time, before the 10th of May?

SSEMAKULA: He did not tell me so.

MR. NAGENDA: Did your brother ever talked to you about somebody called Opwonya?

SSEMAKULA: Yes, because they used to move both in the same vehicle.

MR. NAGENDA: Did you know whether Opwonya was a senior or junior to your brother?

SSEMAKULA: He was junior.

MR. NAGENDA: What was his rank?

SSEMAKULA: I do not remember exactly but he was junior.

MR. NAGENDA: How do you know that he was junior?

SSEMAKULA: From the stars which he had; he had two.

CHAIRMAN: Those stars are for Generals; those things are called pips; pips for lieutenant, captains and so on.

SSEMAKULA: And my brother was having three.

MR. NAGENDA: Do you know who took over your brother's job when he died?

SSEMAKULA: I do not know.

MR. NAGENDA: Did you ever see Lieutenant Opwonya again?

SSEMAKULA: No, Sir.

MR. NAGENDA: Now we are told that Mrs. Magala's mother-in-law and one of her brothers-in-law went to see Major Nanyumba; were you the brother who went to see Major Nanyumba?

SSEMAKULA: No; he was my elder brother.

MR. NAGENDA: Okay, thank you very much.

DR. LUYOMBYA I just have one question for clarification please. How old were you by the time your brother died?

SSEMAKULA: About 16 or 17 years?

DR. LUYOMBYA: Did he use to discuss with you?

SSEMAKULA: We used to discuss with him, except on secret matter maybe.

DR. LUYOMBYA: You told us that by the time you acquired a house somebody was interested in your house.

SSEMAKULA: Correct.

DR. LUYOMBYA: Did he tell you the name?

SSEMAKULA: He did not.

DR. LUYOMBYA: Okay, thanks.

CHAIRMAN: Mr. Kiwanuka, I think your evidence has been clear enough with a result that we do not have many questions to ask you for clarification. Thank you for having come and for your evidence; you may go now. I think at this time we shall adjourn for a short break of 20 minutes, which means we should resume here at least before a quarter to 1.00 p.m this afternoon.

(Commission adjourned for 20 minutes)

CHAIRMAN: Commissioners, Learned Counsel, Ladies and Gentlemen, we better resume now from the break we have finished. Let us have the next witness please, learned Counsel.

COUNSEL: The next witness is Matilda Ssemakula.

WITNESS NO.149: MRS. MATILDA SSEMAKULA - SWORN IN

COUNSEL: You are Matilda Ssemakula?

SSEMAKULA: Correct.

COUNSEL: You are a widow?

SSEMAKULA: Yes.

COUNSEL: Aged 43 years?

SSEMAKULA: Yes.

COUNSEL: You are a Cleaner at the Parliamentary Buildings?

SSEMAKULA: Correct.

COUNSEL: Where do you reside?

SSEMAKULA: I reside at Nakawa.

COUNSEL: Do you have children, and if so how many?

SSEMAKULA: Yes, I have six children; two died.

COUNSEL: Who is the eldest of these children?

SSEMAKULA: You mean among those who are still alive?

COUNSEL: No, the oldest whether dead or alive.

SSEMAKULA: The first born was Deogratious Magala who is dead, and even the second born also died and he was called Katende.

COUNSEL: Now, we concentrate on Magala -

MR. NAGENDA: Excuse me, before you go on Mr. Legal Counsel, there is something which snags me here; I do not know whether you said she was 43 years.

COUNSEL: Yes, my Lord.

MR. NAGENDA: But is Magala her real child? Because he died aged 29 in 1980; so he would have been 36 years. So, she cannot be 43; so can we before we go on -because otherwise you will just make things not work.

COUNSEL: Maybe, I will ask you madam whether you know when you were born.

SSEMAKULA: I was born in either 1935 or 1937.

COUNSEL: So you do not know exactly when you were born?

SSEMAKULA: I do not know.

COUNSEL: And for that matter you cannot precisely say how old you are?

SSEMAKULA: Yes.

CHAIRMAN: Well, let us put it over 50 years.

COUNSEL: Very well, my Lord. Now, please give us the year when Magala was born and whether he received any education, you give us the education background of your late son, Magala.

SSEMAKULA: He was born in 1951.

COUNSEL: Okay, we have received here evidence that he was an Army man;

SSEMAKULA: Correct.

COUNSEL: Do you remember when he joined the Army?

SSEMAKULA: In 1973.

COUNSEL: Where was he working?

SSEMAKULA: By the time of his death he was attached to Republic House.

COUNSEL: Do you know what rank he held when he died?

SSEMAKULA: I knew him as a Captain.

COUNSEL: Where was he staying?

SSEMAKULA: He was staying at Kamwokya.

COUNSEL: Was he married?

SSEMAKULA: He was married.

COUNSEL: With how many children?

SSEMAKULA: He had seven children.

COUNSEL: Now, you have mentioned that he died; do you know the cause of his death?

SSEMAKULA: I was at home on the 10th day of May and I received information or a report from my children, that is Ben Kiwanuka - Ssemakula and Margaret Nakijoba, that `your child has been taken away' and when I asked as to who had been taken, they told me that he was Magala that had been taken away - my son.

COUNSEL: Now, after receiving information that your son had been taken; did you look for him?

SSEMAKULA: I tried to look for him; I came here at the Nile Mansion where they used to take place by then, but it was fruitless. Then the following day his brothers and sisters gathered at my place, and after they also tried to look in every prison to see whether they could get him but all in vain.

COUNSEL: We have received evidence to the effect that you went with some of your sons to see some big Army officials, and see whether they could help you to find your son; did you do this?

SSEMAKULA: I personally did not go to the officers, but I sent his wife to approach Nanyumba to know whether he knew where they had taken my son. When she did not find out anything, she came back and then proceeded to Opwonya and when she reached there, at Opwonya's place, she returned with information that Opwonya had hidden himself on seeing her; and on that day when she went at her mission, I also proceeded to Luzira.

MR. NAGENDA: I just want a piece of clarification which seems to me important, at that point. I do not think the lady said that her daughter had gone to Nanyumba and found nothing. I think she said, as I understood it, because I cannot hear very well perhaps she would speak up. As I understood it, she failed to go to Nanyumba and instead went to Opwonya. So, can we please have this properly recorded for our records?

SSEMAKULA: She went to Nanyumba.

MR. NAGENDA: Did she see him?

SSEMAKULA: They told her that he was out of the country.

COUNSEL: Now, did you eventually find your son?

SSEMAKULA: After six days there was my relative, the daughter of my aunt, who had gone for last funeral rites and while there she was telling the people who were around that `I have been looking for my nephew but I have not been seeing him' and some people told her that there is someone who had been released from Makindye, you can go and talk to him probably he may know something. So, she went and approached this person, then this person gave her information that the person she was looking for, that is Magala, was killed; and whatever this person was reporting to her, she was recording it and what she recorded is with that Counsel.

CHAIRMAN: Recording on tape or?

SSEMAKULA: She was writing down.

COUNSEL: Now, may be, before that; who was this daughter who gave you this information?

SSEMAKULA: She is called Regina Nakacwa.

COUNSEL: So, after receiving this information, what did you do?

SSEMAKULA: After this information, they proceeded to the place where they had directed them that the body may be lying there, at flower gardens. They went to the place and the neighbourhood told them that `they had told us to bury this body, we refused and instead we went to the Police and reported, then we arranged and took the body to Mulago Hospital some two days back, and it was still lying there'. So, when they returned with that information we arranged to go to Mulago where I found the body. (Inaudible)

SSEMAKULA: At Lukuli, there is a well, down there, where the body was thrown.

COUNSEL: Lukuli is near Makindye?

SSEMAKULA: Yes.

COUNSEL: Is that between Nsambya and Makindye?

SSEMAKULA: Correct.

COUNSEL: Now, when you saw the body at Mulago; what was the state of the body?

SSEMAKULA: When I saw the body it was rotten and there was some identical marks on it, because he was putting on a blue under-wear and his armband was not removed. So, when I saw the way he was putting on, I recognised him as the body of my son. But the doctor advised us that; `I am going to wrap this body for you, but if you take it home, please, you must not expose it to anybody as the custom of Baganda is; you just take it and bury it straight'. Then I took it to Buloba at Kiwesa and buried it there.

COUNSEL: You may have a look at that photograph, was it the body of that son which you saw at Mulago?

SSEMAKULA: This is the one.

COUNSEL: My Lord, that photo has already been exhibited.

CHAIRMAN: Sorry, we did not get the exhibit number please.

COUNSEL: The one having the file where the exhibits are, is not here.

CHAIRMAN: Okay, you will inform us on another occasion when the number is

available.

COUNSEL: Most obliged my Lord.

SSEMAKULA: And I also have his passport here with me.

COUNSEL: May be, you can bring it and Commissioners look at this passport. Now, did the medical authorities in Mulago examine the body of your son, to your knowledge?

SSEMAKULA: They did and they handed me a report to allow me to carry the body.

COUNSEL: Do you have that report?

SSEMAKULA: The Counsel is having it.

COUNSEL: Could that be the report they gave you?

SSEMAKULA: If it bears Magala's name then it should be the one.

COUNSEL: My Lord Chairman, it would have been Dr. Kakande, maybe, to present that medical postmortem report, but we were unable to get him. So, I request to exhibit that medical report.

CHAIRMAN: Yes.

COUNSEL: Mrs. Ssemakula, did -

CHAIRMAN: Counsel, sorry to interrupt you, let it go on record right now; you could read the postmortem report.

DR. LUYOMBYA: And also I think the Police file.

CHAIRMAN: Yes, read the whole thing; there is a Police file opened according to the report.

COUNSEL: "Uganda Police Postmortem Report by Medical Officer when body sent to him. Reference, Police Case file, CRB 1105/80; made at request of Detective Corporal Opio, Police Officer; body brought in to City Mortuary by Police. Identified by unknown in my presence as at 11.45 hours; 12.5.80. Time of arrival of body (blank); Date and hour of postmortem examination (blank); Sex, male; height (blank); apparent age - 30 years; state of body - well nourished or otherwise (blank); existence or absence of marks not of recent origin such as scars, tribal marks, etc.; multiple linear bruises - are over the body; gunshots - external injuries; wounds entrance left side, back exist wound right fravic region; internal injuries, internal haemorrhage, chest. Cause of death and reasons for the same; internal haemorrhage chest, gunshot wound chest. Dr. M.L.Kakande, Medical Officer - date signed is on the 12th day of May, 1980. Forwarded to Katwe Police Officer".

CHAIRMAN: Thank you.

COUNSEL: To your knowledge, did the police investigate the death of your son?

SSEMAKULA: We were at all times reporting to them to see whether there is anything that is being done, but had it not been that Lady I have already mentioned who went at the last funeral rites, we would not even know his whereabouts.

CHAIRMAN: Counsel, maybe, the witness does not know, but according to that report a Police file, at least, has been opened, which file could be traced at Katwe Police Station. Now it is from there that it will be found whether investigation was carried out or not; and if so to what extent. I suggest that our investigators should try to find out where the file is.

COUNSEL: That will be done my Lord. Did the employers of your son, that is the Army, assist in the burial in any way?

SSEMAKULA: There was no assistance at all even from Nanyumba who recruited him in the army. Even when he was outside on his studies, he was not being paid anything, and they had not recognised him as someone who is important, he was not paid for all the 18 months and he used to come to me for some financial assistance. So, when he died he left me with all the responsibility and I have no assistance at all.

CHAIRMAN: What did she say about Nanyumba? I think she mentioned his name.

SSEMAKULA: Even Sam Nanyumba who recruited the deceased did not even send his condolences to me.

COUNSEL: Where did you bury him?

SSEMAKULA: At Buloba.

COUNSEL: I see. Now, how are you able to look after these children?

SSEMAKULA: I am working here as a Cleaner on a salary of Shs.300.; but I have been using to buy these left-overs of the chicken - that is the back - because they do not eat them here, and I have been going around to these people who can assist me to get these, and I pay them some money and I sell them to our people in my locality. But now as the hotel is closed I have no any further assistance.

COUNSEL: That is all, my Lord.

MR. NAGENDA: Mrs. Semakula, I am very sorry about the story you have told us and the chairman will tell you about our limitations on how we can help unfortunately. But let me ask you a couple of questions. This other son of yours Katende who also died, how did he die?

SSEMAKULA: He suffered from fever and then it became as if it was cerebral fever and then he reformed but still he was going ahead with his sickness and later on he died. He left a widow when she was pregnant who later produced

twins and they are living with me also and almost starting to talk. And one of them was at Namirembe Hospital.

MR. NAGENDA: Going back to your late son's employers, your daughter-in-law told us that you actually managed to see Major Nanyumba. Is this true?

SSEMAKULA: It was after I had buried my son and I did not find Nanyumba at home but only his wife who felt sorry about it. Only that.

MR. NAGENDA: So, are you saying that nobody of your family ever managed to see Major Nanyumba?

SSEMAKULA: By the time I went there, I did not find him there. They told me that he was out of the country and even on his return, he has never come to me to say condolences that he is very sorry for the son he had recruited in the army.

MR. NAGENDA: Now, can I ask you whether you got in contact with Republic House to see whether they actually could help you perhaps get some of his back pay or hand over any money they might have owed him? Did you try to do this?

SSEMAKULA: I did not because I was fearing that place. I only used to go there while the late Magala was still alive but after his death, I could not dare to go there.

MR. NAGENDA: Well, it is a very sad story Mrs. Semakula and I just hope that somewhere somebody will be able to help you and your family.

SSEMAKULA: Thank you very much.

KAKWENZIRE: There is something that seems confusing which she can clarify. She said and other witnesses said that "we spent six days looking for the body" and all give us 10th of May as the time Magala was taken. Now, according to that death certificate, the body was identified on 12th which is two days after. Can she try to highlight where the error is?

SSEMAKULA: The one who made this report is the one who made a mistake.

COUNSEL: My Lord Chairman, I really do not think there is any mistake because what happened, this man was taken on 10th apparently, he was killed on 10th or 11th. Then his body was taken to Mulago. That is why you see it was unidentified; people did not know the body and it was after sometime that these people found the body in the mortuary. So they have not said that they got the body on 12th. Otherwise, if it was on 12th, they would have identified it to the doctor.

MR. NAGENDA: But I think the Commissioner has a point there because in the evidence that lady gave, she said that when they contacted the villagers, the villagers said the body had been lying down for six days at that place where they picked it up. Well it is a legitimate point; I mean it is not covered by - all I am trying to say Legal Counsel is not covered by your answer.

COUNSEL: Well, I am saying she will not be able to cover it.

MR. NAGENDA: I agree.

COUNSEL: There is a discrepancy but that exactly is not very important.

KAKWENZIRE: I need also to be informed. When is it written, when people come to claim the body or the time it arrives?

CHAIRMAN: Mrs. Semakula thank you for evidence which you have given to us about your late son. We are sorry that we have had to recall the sad memory of the death of your son but it is necessary so that we know what happened.

SSEMAKULA: Thank you very much for this evidence.

CHAIRMAN: Perhaps, what makes it even more unfortunate is that the former employers of your son who had not paid him for 18 months when he was away did not pay those benefits and then, they did not do anything perhaps. This is explained by the chaos which has been taking place. The armies come and go and nobody takes responsibility for things like this. And this Commission is actually hopeless; there is no assistance we can give you. Thank you. Have you attempted to claim his salary which was not paid to him for 18 months?

SSEMAKULA: I had nobody to lead me to that place because even Nanyumba who could assist me and the one who really recruited the deceased in the army never came to me.

CHAIRMAN: I cannot advise the legal position, whether the present government or army can take responsibility. I do not know.

COUNSEL: My Lord Chairman, as actually said, the entire problem is caused by changes in the army because the period she is talking about is the period when he was sent there as a Uganda Army in India with Colonel Nanyumba because it seems they were working in the Signal. Apparently when they came back, he must have joined the liberators in Tanzania. He became member of UNLA. The other ceased to exist.

COUNSEL: So, I think UNLA could not pay the debts for Uganda Army. I think that has caused the problem.

CHAIRMAN: It is sad but - okay thank you. Does she have anything to ask from us?

SSEMAKULA: She says that the Commissioner had told her that may be, she may be assisted by the Chairman, but has that failed?

MR. NAGENDA: I just said that the Chairman might have some information on where help could go and also as solving that, the Chairman might have said that in our recommendation, this might be some of the things we can try - say maybe there should be change of law or whatever. It was not the Chairman himself.

CHAIRMAN: Well, first of all, I told your daughter-in-law that there is a womens' voluntary organisation to which she as the mother of these children could go, I suppose you could also go together with her since you seem both to be responsible for these children. That is a voluntary organisation; you may or may not have assistance depending on their resources.

DR.LUYOMBYA: We have already told her daughter-in-law.

CHAIRMAN: As to what the other Commissioner has suggested definitely this is one of the things we shall consider when making recommendations but that is something in the future on whether or not, what recommendations they will be and whether the government will act on it, we do not know. So that is something in remote possibility. I mean to give assistance in cases like yours either ex-gratia payment or assistance or perhaps change of law, something to extend period of liability on part of government for loss of life caused by government agencies.

SSEMAKULA: Thank you very much.

CHAIRMAN: Yes, next witness.

COUNSEL: My Lord Chairman, Lady and Gentlemen Commissioners, we had three witnesses this morning for this case and they are all over. We had thought that maybe they would have covered the whole day but incidentally they have taken a shorter period. In which case, we are

CHAIRMAN: Commissioners, Learned Counsels, ladies and gentlemen I would like to call the Commission into order to start today's business. Well although only two of us appear here, the third Commissioner is somewhere may be outside the corridor, so we should start because it is getting late now. So, Counsel, let us have the witness, the next witness today 21st August, 1987.

ASST. COUNSEL: My Lord Chairman, we continue to hear the same case regarding the murder of Captain Magala and our next witness is Police Officer, Musisi. Sorry, my Lord, *Muluka* Chief.

WITNESS NO.150: MR. GODFREY SAMUEL MUSISI - SWORN IN

ASST. COUNSEL: Could you state your names please?

MUSISI: I am Godfrey Samuel Musisi.

ASST. COUNSEL: How old are you?

MUSISI: I am aged 40.

ASST. COUNSEL: What is your occupation?

MUSISI: I am a sub-county chief, Makindye which is under Kampala City Council.

ASST. COUNSEL: Where do you reside?

MUSISI: I am staying at Lukuli.

ASST. COUNSEL: Where exactly in Lukuli?

MUSISI: It is situated at Makindye behind the military police barracks.

ASST. COUNSEL: Since when have you been a sub-county chief?

MUSISI: When this government came to power that is when I was appointed to be the sub-county chief.

ASST. COUNSEL: Before that what were you doing?

MUSISI: I was a Parish Chief.

ASST. COUNSEL: Of which place?

MUSISI: Lukuli area.

ASST. COUNSEL: Now we have received here evidence to the effect that a body was found in Lukuli, which had been murdered; are you aware of this?

MUSISI: Yes, I saw the body.

ASST. COUNSEL: How did you come to see it?

MUSISI: It seems that body was thrown there during the night at around ten.

CHAIRMAN: No, Mr. Musisi, do not tell us what you think, tell us what you know or what somebody informed you, unless you were there. If you were there, well, you were there when it was thrown, the body was thrown there but if you were not do not say you think. If you received information to that effect say so and the source.

MUSISI: On that day we were somewhere, somebody had died so as a tradition we went to guard the body at night, then we heard a car moving and it stopped somewhere; so the situation at that time was tense and we decided to run away.

ASST. COUNSEL: Did you see this car yourself?

MUSISI: I only heard it moving but it seemed it was a lorry.

ASST. COUNSEL: Now when you ran away what followed?

MUSISI: We did not go to the place but afterwards it left, then the following day people came to report to my office that a certain body had been thrown to

that area.

ASST. COUNSEL: Who came to report to you?

MUSISI: I cannot remember but she was a lady, one of my neighbours.

ASST. COUNSEL: Could it have been one called Regina Nakacwa?

MUSISI: It can be so because she is also my neighbour.

ASST. COUNSEL: Now, when you got the report from this lady what did you do?

MUSISI: We decided to report the matter to the police and I went to Katwe Police Station to report.

ASST. COUNSEL: Did you report?

MUSISI: Yes, we did and the Police Officers told me that they were to come to collect the body.

ASST. COUNSEL: Now, did you go to the Police without seeing the body?

MUSISI: I went after seeing the body.

ASST. COUNSEL: Now, when did you go to see the body?

MUSISI: It was 7.30 a.m.

ASST. COUNSEL: And did you find the body?

MUSISI: Yes, I saw it.

ASST. COUNSEL: At which place?

MUSISI: It was on the side of the main road.

ASST. COUNSEL: Did you identify the body?

MUSISI: I did not know the person because the body was naked, I decided to report the matter to the Police and I just went away.

ASST. COUNSEL: Now from your looking at the body what did you observe? Was it still fresh?

MUSISI: Yes, the body was fresh and it was clean even we were surprised to see that the body was very clean and I think it was thrown in that area a night before.

ASST. COUNSEL: Now, from your observation did you see any marks on the body?

MUSISI: I cannot remember.

ASST. COUNSEL: Did you see any wounds?

MUSISI: I did not spend time there because of the fear so as soon as I saw the body, I just went to the Police.

ASST. COUNSEL: Now, you said you reported to the police and the police said they would come to take the body, did the police eventually come?

MUSISI: Yes, they came.

ASST. COUNSEL: Did you go with them to the place?

MUSISI: At that time that road was used by the soldiers, there were many vehicles belonging to the soldiers that used to pass through that road to Gaba, so when the policemen came I feared to accompany them and I just directed them where the body was but I did not go with them.

ASST. COUNSEL: Did you look at the face of this body? Have a look at that photograph.

MUSISI: Yes, I looked at the body in the face but I did not spend a lot of time there. When we saw the body the villagers told me to go and report the matter to the police so that it could be removed immediately.

ASST. COUNSEL: What would you say is it in any way related to the face you saw of the dead body?

MUSISI: It could be similar but I think there can be similarities but what I remember is that the body was of a tall man and I do not know whether this one was tall.

ASST. COUNSEL: Now, eventually when the police went to fetch the body do you know what happened to it?

MUSISI: I do not know what happened but they told me later that they were taking the body to Mulago.

ASST. COUNSEL: My Lord Chairman, that is all from this witness.

CHAIRMAN: Now, was it taken away from the scene?

MUSISI: Yes, the police took it.

MR. KAWANGA: You said these were difficult times, what do you mean?

MUSISI: What I mean is that during that time, many people used to be murdered and the security people used to come in that particular areas, to arrest the people to get evidence from them by force and on the other hand there were random shootings in the area so that is what I mean, that the situation was tense.

CHAIRMAN: Mr. Musisi, thank you for your evidence we do not have any further questions for you, your evidence was clear enough.

ASST. COUNSEL: My Lord Chairman, Lady and Gentlemen Commissioners for the time being that is the close of the case regarding the murder of Captain Magala. We would have liked to summon Regina Nakacwa who reported the matter to the Chief but she has not been seen so is one who was detained with the deceased in Makindye. He is now said to be in NRA but our attempts to trace him have not been fruitful in the circumstances therefore I pray that we adjourn this case until may be when this witness can be traced.

CHAIRMAN: Very well then when you trace him you can call him some other time.

ASST. COUNSEL: Thank you my Lord.

CHAIRMAN: The next witness please. I have said the next witness because the leading Counsel earlier informed us that Mr. Ntambi, who is Head of the Investigation Team for this Commission, will come forward to testify; to put on record his evidence what he told the Commission when the Commission visited Naguru, the former Naguru Public Safety Unit last week on Friday. Since we have plenty of time I think Mr. Ntambi should come.

ASST. COUNSEL: He is coming my Lord. My Lord Chairman, I have just been informed by the Assistant Secretary that Mr. Ntambi has gone to Immigration to see if he can get a witness, he will be here shortly.

CHAIRMAN: Counsel, shortly means 15 minutes or 30 minutes?

ASST. COUNSEL: My Lord, this being information which I have just received I cannot specifically state how long it will be.

CHAIRMAN: We shall stay around and wait at least for, well, the next 15 minutes.

ASST. COUNSEL: Most obliged, my Lord.

CHAIRMAN: Let us know by a quarter past eleven what the position is. Commissioners, Counsels, ladies and gentlemen, I see that Mr. Ntambi, the Head of the Investigation Team for this Commission, has now taken the witness' turn as the next witness.

WITNESS NO.151: MR. MATHIAS NTAMBI - AFFIRMED

CHAIRMAN: I think Counsel, Mr. Ntambi has testified before; let us give him his original witness number, do you know it?

ASST. COUNSEL: I cannot remember it off hand my Lord but -

CHAIRMAN: Well you will fill it in, you will let us know, then you will also fill it in the record, after you have checked.

ASST. COUNSEL: My Lord Chairman, Mr. Ntambi has given evidence before regarding his detention and torture in the Nile Mansions and other places. This morning he will be giving evidence regarding his arrest, detention and torture by the Public Safety Unit Officers in Naguru and other places. Could you state your names please?

MR. NTAMBI: My names -

CHAIRMAN: Well the fact that you have said that he has given evidence before all his details are in his previous evidence so we do not have to go into all that again.

ASST. COUNSEL: Now, Mr. Ntambi in the year 1975, where were you working?

NTAMBI: I was working at Entebbe Airport in charge Travelling Control Office connected with Immigration Department.

ASST. COUNSEL: What were your duties in detail?

NTAMBI: My duties in brief, I was responsible for the security of Entebbe Airport for incoming and outgoing passengers and also liaising with Customs Department for the purposes of collecting intelligence.

ASST. COUNSEL: Now, I will take you specifically to the months of August, 1975, were you still working at Entebbe Airport?

NTAMBI: Yes, my Lord.

ASST. COUNSEL: During that month did anything that was not in the ordinary course of your work happen?

NTAMBI: Yes, I remember immediately after the OAU Conference, Mr. Obura who was the in charge PSU came to the Airport looking for me. When I reported to the officer at about eight in the morning, Mr. Lotwa, who was the in charge Airport security force, the uniform branch, informed me that I was wanted at Entebbe Police Station and he escorted me there. When I got to the Police Station, I found Mr. Obura in District Police Commander's Office with his men from Naguru and he had arrested Mr. Kanyari, who was in that office. Mr. Kanyari was the Lake Victoria Hotel Manager.

ASST. COUNSEL: Now, were you told why Mr. Obura was looking for you?

NTAMBI: No, I was not told my Lord.

ASST. COUNSEL: Did you eventually know why he was looking for you?

NTAMBI: I knew may be after a day.

ASST. COUNSEL: Now, what followed that day when you found he had arrested Mr. Kanyari?

NTAMBI: He directed me to take him to his office in Lake Victoria Hotel and search his office and residence.

ASST. COUNSEL: Did you do this?

CHAIRMAN: Search for what? Did he tell you what to search for?

NTAMBI: When he told me to go and search, my Lord, I asked him to brief me on what to look, for then he angrily rebuked at me and told me I was a senior police office who is trained in security, I should know what to look for. He directed a junior officer of the rank of Assistant Inspector to supervise my search.

CHAIRMAN: Sorry, what rank were you there at that time let us have it on record?

NTAMBI: I was Assistant Superintendent my Lord.

ASST. COUNSEL: May be before we leave that spot, in the course of your training and as Mr. Obura put it, as senior officer, you knew what to look for, did you know what to look for?

NTAMBI: I could not know and you cannot expect any officer to know what to look for. When you have directed for a search, you have to brief him of what to look for and I did not know what I was going to look for, my Lord.

ASST. COUNSEL: And secondly was it normal in the police procedure for a junior officer to be in charge of a senior officer?

NTAMBI: It was abnormal, my Lord.

ASST. COUNSEL: Now, did you follow, Mr. Obura's instructions?

NTAMBI: I did not react and followed his instructions. I took Mr. Kanyari to his office in Lake Victoria Hotel accompanied by a group of Public Safety Unit men and officer and Mr. Obura also followed us. For him, he remained in the bar drinking and I carried out the search, being crossed examined by the junior police officer, I have forgotten his name. The search of his office and residence took me about three hours mainly I read the documents in his office and residence and he had a very good stereo system and I played a number of records some were in French.

ASST. COUNSEL: Now, what did you find out from your search?

NTAMBI: Definitely I did not find anything of significance and as soon as I completed my search, I went and reported to Mr. Obura.

KAKWENZIRE: Excuse me, where were you playing the records?

NTAMBI In Mr. Kanyari's bedroom.

ASST. COUNSEL: Why, why, the Commissioner want to know why?

KAKWENZIRE: Why?

NTAMBI: Because, some of them could be of interest because according to some of security technique, some can be of security interest and those ones I found to be in French I impounded them and -

CHAIRMAN: Is it because you could not understand French?

NTAMBI: Yes, my Lord.

CHAIRMAN: Or for any other reason?

NTAMBI: No because I could not understand French.

CHAIRMAN: I thought so.

NTAMBI: I impounded them and took them to Naguru.

KAKWENZIRE: When you said they could be of security interest what do you mean?

NTAMBI: May be things of interest recorded on such records in case they are identified, they are taken as of security interest.

ASST. COUNSEL: You mean they may be against state security?

NTAMBI: Yes, yes, my Lord.

ASST. COUNSEL: Now was Mr. Kanyari with you when you carried out this search?

NTAMBI: He was with me all the time, my Lord.

ASST. COUNSEL: And what was his reaction to the search?

NTAMBI: He did not look very happy.

ASST. COUNSEL: Now, when you reported back to Mr. Obura, I suppose in the bar, what followed: Did he give you further orders, what was his response? Give us the story.

NTAMBI: He was surprised when he heard I did not have anything of interest. Then he asked me of a certain machine which transmits his message to outside countries. I told him there was not such a machine apart form the stereo system which I found in his residence.

ASST. COUNSEL: Was he satisfied with your answer?

NTAMBI: He was not, my Lord.

ASST. COUNSEL: So what happened, what followed?

NTAMBI: He directed me to escort him to Naguru Safety Unit.

ASST. COUNSEL: Yes?

NTAMBI: As we were going, passing Entebbe Police Station, the vehicle I was travelling in had a radio system. Mr. Obura communicated to Naguru reporting that the work is done and speaking in Swahili "*kuku na mayai iko kwa kikapu.*" meaning, "the chicken and the eggs are in the basket."

ASST. COUNSEL: Did you understand what he meant by that?

NTAMBI: That was a coding word, I understood myself and Kanyari were under arrest.

ASST. COUNSEL: You mean one of you was an egg and the other one was a hen?

NTAMBI: I expected so, my Lord.

ASST. COUNSEL: Now eventually where did you lead to?

NTAMBI: We led to Naguru Safety Unit, when we got to their office we had people waiting for us.

ASST. COUNSEL: What sort of people?

NTAMBI: Members of Naguru Safety Unit.

ASST. COUNSEL: Did you know these people since you are a police officer?

NTAMBI: I did not know them, those were directly recruited for that unit, they never worked in general duties, some of them.

ASST. COUNSEL: Now, when you reached the Public Safety Unit what was your reception? How were you received?

NTAMBI: From the office, we were escorted right to the yard and when we got to the yard, the officer on duty we got there directed that we should not be given "chai", we should be kept there until bosses come. So we were not tortured we were made to sit in an office.

ASST. COUNSEL: Did you understand by what they meant by "chai?"

NTAMBI: At that time I did not know what it meant.

ASST. COUNSEL: But did you eventually know?

NTAMBI: Yes, as I stayed there, I eventually knew. It meant warm up or the first slaps when you are getting in the yard.

ASST. COUNSEL: Now, what followed after that?

NTAMBI: We stayed in the office the whole day up to late in the evening about seven when Obura and Towili came.

ASST. COUNSEL: Now, may be before Obura and Toweli came did you make any entries because if I may remember, usually when a person is taken to a Police Station, an entry is made to the desk diary, was this done?

NTAMBI: Yes, there was an entry made in the yard not at the office.

ASST. COUNSEL: Say, and what was the reason given for your being taken to the yard?

NTAMBI: Entry was made, I did not know what they wrote in the station diary and I was not interviewed, so I was just only told to sit in the office.

ASST. COUNSEL: I suppose you were still together with Mr. Kanyari?

NTAMBI: Yes, my Lord.

ASST. COUNSEL: Now, at what time was this?

NTAMBI: It was about seven in the evening when Mr. Towili and Obura came.

ASST. COUNSEL: Yes, continue.

NTAMBI: Then Obura asked for the Manager and his Secretary. Then the name of Kanyari was called and my name. So, Toweli directed for a warm up.

ASST. COUNSEL: Who was Toweli?

NTAMBI: Toweli was the Director of Operations in the Police by then. So, they brought too rims of the motor vehicle and our heads were forced in that rim. One man stepped on the neck of each and they started whipping us. This took about ten minutes.

ASST. COUNSEL: Now, there are rims for small cars, for lorries, heavy commercial vehicles and trailers, what sort of rims?

NTAMBI: They looked commercial vehicle's rims.

ASST. COUNSEL: That means were they very big?

NTAMBI: Yes, they were very big.

ASST. COUNSEL: Approximately how many kilos, 15?

NTAMBI: That, it could be, my Lord.

ASST. COUNSEL: Approximately 15 kilos, so you were whipped while you had a rim on your neck?

NTAMBI: Yes, the head was inside and somebody was stepping on the neck, so you could hardly bring out the head.

ASST. COUNSEL: Now, what sort of cane or whip was used to have you whipped if you saw it?

NTAMBI: They used wires and kiboko.

ASST. COUNSEL: What sort of wires?

NTAMBI: These are big wires of almost this size.

ASST. COUNSEL: Can you remember how many whips each of you received?

NTAMBI: It was very difficult to count.

ASST. COUNSEL: Estimate about three, four?

NTAMBI: More than 20. Imagine for ten minutes non-stop and we heard our skin getting removed, the whole back blood was coming out and the buttocks. He could beat anywhere apart from the head which was in the rim.

ASST. COUNSEL: Now, while this torture was going on was Mr. Toweli and Mr. Obura there?

NTAMBI: Yes, they were looking on.

ASST. COUNSEL: And did they in any way react to your being whipped?

NTAMBI: I did not see any reaction.

ASST. COUNSEL: Now, had you known, Mr. Toweli before since you are a police officer?

NTAMBI: I knew him very well my Lord.

ASST. COUNSEL: How was he? Was he a man of good character or did you know him as a man who liked to think people being whipped as he saw you?

NTAMBI: Generally this is an officer who had failed in the police duties completely. Anyway he was in the Kenya Police; after independence Uganda and Kenya government agreed to exchange officers and men in the police force, so Toweli came under such a shifting from Kenya and when he came to Uganda, by then we had a good system of promoting men and officers. He only managed to get to the rank of Assistant Inspector and he could not work even in a police station because he did not know any political figure. He was made to look after Nsambya barracks cleanliness.

ASST. COUNSEL: Yes?

NTAMBI: And when Obura got into power he found his way and he spoke to him and he promoted him from an Assistant Inspector to senior Superintendent.

ASST. COUNSEL: Yes, My Lord.

CHAIRMAN: Sorry, Mr. Ntambi, you said when Obura got into power he promoted Toweli, did you mean Obura?

NTAMBI: No, I meant Amin, my Lord.

ASST. COUNSEL: Yes, you said that Toweli was in Kenya Police, are you implying that he was a Kenyan?

NTAMBI: He was a Ugandan and that is why he came back.

ASST. COUNSEL: Now, after these 20 or so whips in the presence of Toweli and Obura what followed?

NTAMBI: Obura directed the boys who were whipping us to stop and we were put inside in a general cell.

ASST. COUNSEL: So, it was in the yard?

NTAMBI: It was in the yard, the big one we visited which was not opened.

ASST. COUNSEL: Now, when you reached in the yard did you find there, in the big cell of the yard, did you find there any prisoners.

NTAMBI: Yes, I got there about 30 prisoners.

ASST. COUNSEL: How large was this cell? You will remember that the Commission visited the yard but was unable to enter this cell because up to the time the Commission visited there, it was still locked. Can you give an estimation of how large the area was inside.

NTAMBI: It was poorly ventilated, very, very small ventilators.

ASST. COUNSEL: Was there light?

NTAMBI: There was very deem light during the day.

ASST. COUNSEL: Did you have facilities for toilet and bathing while you were in this place?

NTAMBI: Yes we had two buckets just at the door.

ASST. COUNSEL: For what?

NTAMBI: Of course for any prisoner to ease himself. The door remained open throughout the day and night we never locked it.

ASST. COUNSEL: Did you know the reason why the door was not locked?

NTAMBI: I think for the purpose of those buckets.

ASST. COUNSEL: For how long did you stay in this cell.

NTAMBI: About two months my Lord.

ASST. COUNSEL: Between which dates?

NTAMBI: Between first August up to the end of September, I do not remember the exact dates, my Lord.

ASST. COUNSEL: This was in 1975?

NTAMBI: That is right my Lord.

ASST. COUNSEL: Now, could you describe to the Commission a typical day while you were in prison from morning up to maybe the next morning; what you would do, how you would be treated, how other prisoners would be treated.

NTAMBI: My Lord. I think Mr. Kanyari and myself were the most lucky prisoners during that period because we were beaten only once. The following morning when Obura came, he addressed me as my '*MUKO*' which means "brother in law" and he directed the men in the yard not to torture me and my Manager. So, every morning at six, everyday prisoners were ordered out, counted by hitting on each head of the prisoner but we were not hit. Then after that, they were made to do some running for about ten minutes outside the yard and as they are running there were three policemen beating each prisoner.

ASST. COUNSEL: With what?

NTAMBI: With anything because some had sticks, some had *kiboko*, and others had wires.

ASST. COUNSEL: Continue.

NTAMBI: So, after that exercise which was a good exercise apart from beating, it was meant for physical exercise; so, prisoners could do some cleaning in the yard washing the cells and after that fatigue we were then locked inside up to mid-day when they could bring lunch. We used to eat lunch and supper.

ASST. COUNSEL: What of breakfast?

NTAMBI: No breakfast, my Lord. For bathing there was a small house which I showed you which we used for bathing, there was water.

ASST. COUNSEL: Now, you mentioned that you were lucky you were only beaten once, did any other prisoners whom you say suffered any injury as a result of these beatings?

NTAMBI: Yes, several almost everyday. A few examples I can remember. There was a day when some pilgrims came from Rome and two professors, very unfortunately I forgot their names, they are lecturers in Makerere University; one was in faculty of psychology. As they accompanied their friends from Entebbe Airport on Bombo Road, when they were going

back; that was about 9.00 p.m. they were stopped by a Public Safety Unit patrol car near Wandegeya. Then they were asked where they were going. The Public Safety Unit men asked them in Swahili and it appears these professors were not conversant in Swahili so they replied in English. They were arrested and taken to Naguru Public Safety Unit.

ASST. COUNSEL: I suppose you were not there, how did you come to know of this?

NTAMBI: The policemen told me.

ASST. COUNSEL: Yes, what happened to them?

NTAMBI: So, when they got to Naguru, they were given warm up in the usual way. It appears Oola and his colleague the name I cannot remember were a bit drunk, they very badly tortured these professors and two became unconscious. They were pulled in the cell and in the morning one was still unconscious. Obura, when he came, he became very, very furious.

ASST. COUNSEL: Was this in your presence?

NTAMBI: Yes, it was in my presence.

ASST. COUNSEL: Yes?

NTAMBI: Because that prisoner could not come out in the cell and he could not talk so he directed to take these professors to Mulago Hospital and they were taken.

ASST. COUNSEL: What did Obura say when you say he became very furious?

NTAMBI: He became very furious because he asked why those were brought in, the charges, the entry was vague. He could not explain. Even he asked Oola. He could not explain.

COUNSEL: Was Obura in the habit of coming to check the prisoners who were in the cells?

NTAMBI: Yes, every morning at six, it was his duty to do so. .

COUNSEL: Did he also participate in the exercises that were being carried out?

NTAMBI: I never saw him beating people in the yard.

COUNSEL: Did you witness - may be, this may make you remember easily - any prominent persons that were brought to this place during your stay in prison?

NTAMBI: Yes, the Secretary of Lint Marketing Board, I think, he was Mr. Barlow, when Bob Astles arrested him and brought him in the Yard. I do not remember but it was towards the end of August, I was there.

COUNSEL: Anybody else?

NTAMBI: Accountant of the same - Lint Marketing Board - was arrested with Mr. Barlow. I forget his name.

COUNSEL: Did you have occasion to talk to Mr. Barlow when he got arrested?

NTAMBI: When he was arrested, he was beaten badly. He was put in the cells. Then did not talk to anybody and he stayed in the cells for two days and he was released.

COUNSEL: Did you get to know the reason why those people had been arrested by Bob Astles?

NTAMBI: From the accountant, it was alleged that Barlow was diverting money sold from cotton to Obote to enable him to fight Amin's Government. That was vaguely the allegation.

COUNSEL: Now you have mentioned one Oola who was with another who was drunk but making the tortures. Did you come to know who he was?

NTAMBI: What I only knew of him, he was a corporal - I mean a red corporal, very cruel and especially trained in whipping; and in most cases he was the one murdering people behind the cells, beating prisoners with hammers on their heads.

COUNSEL: Did you see this?

NTAMBI: I witnessed only once. This was a man whose name was not disclosed to us. He was accused of being the leader of robbers in Mukono District. He was arrested and brought to the Yard. This was about ten in the morning. It was towards the beginning of September. When that prisoner was brought, he was handed to Oola.

COUNSEL: Do you know by who?

NTAMBI: By one of the Public Safety Unit men. I do not know their names.

COUNSEL: Good. Continue.

NTAMBI: Oola was so annoyed and he never whipped this man. He just took him behind. By then I was allowed even to leave the cell in the morning because I was given a duty to look after the goats of Obura, and this was a privilege.

COUNSEL: Is it because you were his brother-in-law?

NTAMBI: Yes because he called me his brother-in-law and that privilege a prisoner could be out all the time from the cells. He could send policemen to buy things for him and it was a great privilege. So I was grazing the goats when Oola took that prisoner behind the cells and he had a knife - a very sharp knife. He pulled the trousers of the prisoner and he cut off a piece on his buttock and he gave it to the prisoner to eat it.

COUNSEL: Did the prisoner wail or cry?

NTAMBI: He cried, my Lord.

COUNSEL: Did this draw the attention of anybody?

NTAMBI: There was a lot of commotion there, including men of Public Safety Unit.

COUNSEL: What commotion? How? What happened?

NTAMBI: They looked not happy.

COUNSEL: With who - with the prisoner?

NTAMBI: No with Oola's action.

COUNSEL: Yes.

NTAMBI: So, from there, Oola took that prisoner inside the cell and he said he cannot die before he reveals all the names of his fellow robbers.

COUNSEL: What happened to this prisoner? Was he treated in any way?

NTAMBI: No I used to pour some water mixed with salt on his wound at night; but he stayed with us for only two days and he was killed by Oola.

COUNSEL: Where did you get salt from?

NTAMBI: After a week, my wife was allowed to come and see me; so she used to bring me some good food and salt; and this is one of the things which I used to treat this man, including some other prisoners.

COUNSEL: Now, to your knowledge, was any disciplinary action taken against Oola?

MR. KAWANGA: But, perhaps, before we continue, I thought we were following that story of the prisoner with his wound and what not. Can we see it through first and then proceed?

COUNSEL: You have mentioned, Mr. Ntambi, that eventually, this prisoner was killed by Oola. Is that true?

NTAMBI: Yes, my Lord.

COUNSEL: Did you witness the killings?

NTAMBI: One night, Oola took him out of the cell and took him outside where he usually killed people and we heard the kick and the cry.

COUNSEL: Did you eventually see the body?

NTAMBI: We never saw anybody. Immediately, all the bodies were taken away

that very night.

KAKWENZIRE: It is not clear how he was killing the victims? Did he shoot him or did he

NTAMBI: No, he was using a hammer.

KAKWENZIRE: And had he revealed the fellow robbers?

NTAMBI: I do not know, my Lord.

COUNSEL: So what followed after this man had been killed? Was anything done by the authorities in this place; may be Oola was asked why he decided to kill one of the prisoners? To your knowledge, was anything done?

NTAMBI: That was the normal duty at the Yard; so there was not anybody to query what was happening.

COUNSEL: Now, you said that you were about 30 in your cell. Did anything, apart from this one being killed - did anything - else happen to the others?

NTAMBI: As we stayed on, the number of prisoners increased; at times it could go up to 60. Release some. At times, it goes down. But I remember there was one day, as it was the system; whenever there were some prisoners to be killed, they used to separate them and put them in a cell which was called "Condemned Cell." And, when they were taken there that very same night, they could select strong prisoners to go and tie the other prisoners. After tying them, they could take them behind the cell and leave them there. They are put inside. Eventually, after a short time, you could hear cries and kicking. So there was a certain incident where 12 prisoners were removed to the "Condemned Cell" and about 30 other prisoners were taken in the"Condemned Cell" to tie the 12. Unfortunately, they had put some crates of beers - empty. So there was a struggle between the 12 and the 30 and the 30 failed to tie the 12. So after about half an hour, the officer who was on duty, rang up Obura to tell him the prisoners had rebelled. So immediately Obura came - because his house was just a few yards, just at the fence, the north of the yard. He came and he was very, very furious. He wanted first to shoot the duty officer.

COUNSEL: Who is this duty officer?

NTAMBI: I forgot his name. He was Assistant Inspector, a Jaluo. So the Condemned Cell was locked and Obura started shooting inside at random. The prisoners also answered by throwing bottle at the fence and some bottles even cut his face.

COUNSEL: You mean Obura's face?

NTAMBI: Obura's face. The shooting went on for almost 15 minutes and after which he stood up and called for anybody who was still alive, and there was not any response. So he called his men to be on the alert at the gate, and he told the duty officer to open. When he opened, he again called for anybody who was still alive to come out, and nobody came out. So the

policemen went inside and examined - everybody was dead. Then he ordered for the opening of the prisoners in the main cell. They opened for us. During that period, I was in-charge of prisoners as called Charge. So, as a custom, the in-charge prisoner comes out first and sits in front. Anyway, it took us about 5 minutes before anybody could dare to come out; until he stood on the door and ordered everybody out.

I came out. Of course, whenever I was moving Kanyari was behind me. I sat in front with him and other prisoners also followed. Then Obura asked whether, 'my *muko* was also involved among the dead.' I stood up and I said, 'I am alive.' So he beat on my head and he told me, 'You are lucky. Go back inside the cell with your manager'. I went back. But, when I went back, I sat on the gate of the cell on the door.

COUNSEL: What time was it?

NTAMBI: This was almost midnight. Then Obura ordered the prisoners to pull out the dead bodies. They went and removed them. We were seeing with Kanyari sitting on the door of the cell. Pulled out the bodies. And, as he pulled out, one he was not dead completely. Then one policeman told Obura that there was still one alive. Obura was almost shooting the policeman; telling him that he did not know his job. Then immediately the policeman shot the man and he died. So, when all the bodies were removed, there was one senior police officer - a Detective Superintendent - Esau. He was with us. He was just brought in that very day. Esau. Obura ordered him to -

COUNSEL: Was he brought as a prisoner or -

NTAMBI: He was brought as a prisoner. Obura directed him to remove the bodies to the vehicle which was outside. That man started lifting the bodies alone and taking the bodies to the vehicle outside. Incidentally there was one fat man. He failed to lift him. So he was pulling the dead body. He was being beaten and this was the last body. So, after loading all of them, he was also ordered to board the vehicle. He boarded and we heard the vehicle getting off.

COUNSEL: Did Esau come back?

NTAMBI: Yes, after - it was almost - five in the morning, Esau was brought back. We could not recognize him. He was full of blood, dust. Even we made him sleep in the corner - in the last corner - that very night. And that was the most nasty incident that I experienced during my stay at Naguru; although there are so many isolated incidents.

CHAIRMAN: How many people were killed in this incident:

NTAMBI: Twelve, plus thirty , my Lord, forty two in number.

COUNSEL: Now did Esau, may be when he came back, tell you where they had taken the bodies?

NTAMBI: He did not tell us. He was not himself almost for two weeks. The reason why Esau was taken there, this was the Officer who investigated Towili's activities; killings; when so many allegations were made against him to Amin. So it was senior officers' team of investigators: Esau, Mr. Kyefulumya and I forget the third. So they investigated into his activities and they reported to Amin. Then Amin dismissed him. And, when he came back - the very day he came back, he started looking for these officers. And, I think, what saved Mr. Kyefulumya, he was just transferred immediately to North - Kapchorwa possibly. And, as Obura and Towili were discussing about these officers, I wanted to send a note to Mr. Kyefulumya. I did not know where he was. But, I think, he also got the information and run away. That was the reason why Esau was brought.

COUNSEL: Do you know the whereabouts of Esau now?

NTAMBI: His address remains as a county chief in the village where he is.

COUNSEL: Was he not the officer who was charged with manslaughter - murder and manslaughter - and convicted in Kabale?

NTAMBI: Yes he was charged and convicted, but eventually he was released. I think, this was during the Obote Two era.

COUNSEL: In this yard, were there also female prisoners?

NTAMBI: Yes, there were three female prisoners and, my Lord, I showed you a cell for the female prisoners. And eventually one interesting incident, one day, Towili picked a quarrel with his wife. This was at about eight in the morning. So Towili ordered his men to arrest that woman and she was taken to the yard -brought to the yard - called Oola; undressed her, left her in a nicker. Two policemen - one - held the feet and another one the arms, and Oola started whipping that woman for almost five minutes and she was made to sit there as a prisoner. She was never entered in the cell. And she was released at mid-night to go back to his home. And in fact, his men were not happy with that incident.

COUNSEL: Did you see this yourself?

NTAMBI: I saw this myself because, during that time, I was not put in cells; I was looking after the goats.

COUNSEL: Now, how were other female prisoners treated?

NTAMBI: They were treated like any other male prisoners. In fact, we had a female specialized in whipping; so she was in-charge of beating the female prisoners.

COUNSEL: Did you come to know her name?

NTAMBI: I did not know.

COUNSEL: Now, apart from what you have mentioned while you were in the yard, is there anything of interest that happened while you were in prison?

NTAMBI: Yes, may be another incident, there was one civil servant - now I have managed to trace him; I did not remember his name; but he is around. He is ready to give evidence. He was working in foreign affairs. The allegation was that he sold a file to a certain diplomat in Kampala. And they took him to the yard. They wanted to kill him. But, as I was in-charge of prisoners that time, I had developed friendship with Oola. At times, he used to ask me, 'Ntambi, can I now do this? And, at times, I could advise him not to do it. So one time he asked me, 'There is this man. He is a civil servant. He is a spy. He sold a file to a certain embassy. The file is a secret file. What should I do to him? I told him, "He can be investigated, interrogated and one time a file will be traced." Then he asked me, 'Who could do it?' I advised him, "special Branch or C.I.D." He said, 'Okay, those people have failed and they cannot succeed. Now what I will do, I will remove one of his testicles and then, after one week, I will remove another one." So I pleaded. I told him, "Look. this is a young man; one time, if he stays here, he will say where he put the file?. He had even scheduled him to take him somewhere to remove the thing. Then he returned the man to the cells. But he was very severely beaten everyday. He stayed there, I think, for six months. My Lord, that man is here to testify.

COUNSEL: We shall have to summon him next week. Now eventually how did he come to get out of this place since you said you stayed there almost for two months?

NTAMBI: I was then so surprised. It was a Sunday. Kanyari, from time to time, his wife almost brought him food twice a week and my wife also twice a week. So on Sunday, we were surprised. We were called to the office of the Public Safety Unit. I understood later that Kanyari had a doctor - a friend - who used to treat Obura. So he had treated Obura that morning of Sunday. And again, in the process, he asked him why he cannot release his Manager. Then Obura said, 'I think, I am detaining these people for nothing. I better release them.' So they called us. We were taken before Obura where they were cutting his hair in front of the office. And he told me, 'My *muko*, you are free now. You can go back. I advise you, never step at Entebbe Airport in your life. Secondly, never come to Kampala. You must always stay at your place on Entebbe Road,' and wish me well. He told me, if I got any problem about transport, he was willing to send me any vehicle that day; and he directed me to report to Special Branch Headquarters. I think, he had already arranged with Police Headquarters. So, when I reported there, I got mixed up. He was a Deputy Director of Special Branch - Mr. Kayima. He had a letter. Immediately I entered, he gave it to me - which was dismissing me with disgrace. And, when I asked Mr. Kayima whether they, Mark Okellowange, investigated, he said they were busy investigating especially Mr. Okellowange Mark who was the Director of Special Branch by then. He worked very, very hard for my release. And I understood it costed him his life later, he was killed. So that is how I got to be released from Naguru.

COUNSEL: Now your dismissal with disgrace, was it related in any way to your failure -of your failure -to get anything in Mr. Kanyari's place?

NTAMBI: Eventually, I tried to carry out some investigations; and, from some good reliable sources, the allegation was that Mr. Kanyari was communicating with Kibedi in London. And, at times, he used to hold meetings at Entebbe Airport and I was his secretary. Actually this allegation was made purposely to connect me with Kanyari by Bob Astles. When I was at Entebbe Airport, Bob Astles used to come to my office, making sorts of reports which I investigated and informed him that they were not true allegations. And he was not happy with me - and I do not know why on the side of Kanyari, connected with Bob Astles.

CHAIRMAN: But Obura never told you even during your detention or the day he released you. He never told you why you had been detained.

NTAMBI: No he never told me anything, except only one day, Mr. Otto who was a staff officer just told me that, 'Ntambi, you do not mind. You know, the reasons for your being here; they are investigated but no truth is found out'. And he did not tell me the particular reason; but just vaguely told me so.

KAKWENZIRE: In your investigations, what did you find out which made you think it was Bob Astles who incriminated you?

NTAMBI: This was from my juniors because he used to go there, talk to them; tell them to be active, although Ntambi was trying to say he is efficient here - these sort of stories. Because there was not any good reason why Bob Astles - he was not connected at all with Special Branch duties, Police duties, Immigration duties - why he could go to my staff and talk to them.

KAKWENZIRE: What was Bob Astles doing at that time? What would be bringing him to the airport - to your department?

NTAMBI: He had no any connection. I used only to see him with his walkie-talkie, moving about at Entebbe Airport, but he did not have any specific duties to perform.

CHAIRMAN: What role was he playing in the Government? What position did he hold?

NTAMBI: He was in-charge of trapping smugglers on the lake.

KAKWENZIRE: Is it only on the lake? What about those who may smuggle through the airport?

NTAMBI: No, he never acted at the airport.

KAKWENZIRE: But are you sure it was not one of his duties also to act at the airport?

NTAMBI: I could have known it, my Lord, because I was directly connected with

activities of goods coming out and going out, liaising with the Customs Department; but I never sighted him involved.

KAKWENZIRE: What I am trying to say is, since you saw him with a walkie-talkie, he would be looking for smugglers from the airport.

NTAMBI: No, whenever he came, he used to go to the restaurant with his walkie-talkie, take lunch - breakfast - and then he goes out to Kigungu - that is a landing port.

KAKWENZIRE: And you could check for us whether that was not part of his duties in anti-smuggling unit.

COUNSEL: Now where is Mr. Kanyari?

NTAMBI: Kanyari is around in the City, I have been trying to contact him. I do not know his office but he was not there. I will be able to contact him, my Lord.

COUNSEL: When you made your investigations and found out that it was Bob Astles who was connecting him to Kibedi, did you talk to him about this?

NTAMBI: You mean Mr. Kanyari?

COUNSEL: Yes.

NTAMBI: Yes, I talked to him about it and he denied the allegation. It could be Mr. Bob Astles wanted to take his good stereo system because he used even to spend -he had a room at Lake Victoria Hotel. Well, it was a very good stereo system given to him by his brother in Germany.

COUNSEL: Do you know what happened to that system eventually when you were released?

NTAMBI: Eventually I did not find out whether it was taken or not because we left his wife in Lake Victoria Hotel, I do not know whether it was taken or not.

COUNSEL: Now you as a Police Officer, what would you say about your arrest? Was it an administrative disciplinary measure or how do you look at it? What can you say about your arrest?

NTAMBI: To my assessment, they only wanted to eliminate me from the force. I do not have any reason other than that. Because, during that period, many officers were dismissed anyhow.

COUNSEL: Were you in bad relations with anybody in the force, either below you or above you?

NTAMBI: I never identified one, my Lord.

COUNSEL: Did you look at your detention as legal or illegal?

NTAMBI: It was purely illegal. And, when I came out, I wrote a petition and gave it to Mr. Okellowange to present it to the Public Service Commission. I took about half an hour discussing it with the late Okellowange and he advised me to drop it because it could cost me my life. Anyway, I left the original with him and I kept a duplicate which was filed in my file in Special Branch Headquarters later. Mr. Okellowange destroyed the original. And, when I was reinstated, I was reinstated on a contract of two years.

CHAIRMAN: When was that?

NTAMBI: This was in 1983 - no 1979, March - no 1979 December - and I was given some forms to fill and reluctantly filled them. I kept the forms and presented my petition to the Public Service, through the Inspector General, appealing to be reinstated with full benefits, which I got.

KAKWENZIRE: There is something you have just said and, I think, you should make clarification on it. When you say that, may be Bob Astles wanted to take Kanyari's music system; but then you said you do not know what happened to that system; I think, you should make some clarification on that or otherwise it would -

COUNSEL: The witness, my Lord, had mentioned that he did not know - up to now, he does not know what happened to the system when they were released.

NTAMBI: May be, my Lord -

KAKWENZIRE: And just talking of such speculation, may be, he wanted -

NTAMBI: The reason why I mentioned this because Mr. Obura, when I reported to him that there was not anything of security significance or criminal, then he asked me, 'Have you not traced the machine which transmits messages to Britain?' And I told him, "the only thing which I got is that good music system made in Germany." and it could be that gave me an impression as Bob used to sleep in Lake Vic, he might have been interested in that music system. That is why I brought it as a point.

CHAIRMAN: Oh, they thought it was a transmitter - somebody thought.

NTAMBI: Yes somebody thought it was a transmitter. And even I told Obura that he could go and have a look at it, because this music system had circulated music even in the toilets. It was so good.

KAKWENZIRE: I was also wondering because you specifically went and played some records on the music system. I wondered whether you had had a hint from Towili about the machine before you embarked on the search.

NTAMBI: I did not get any hint; that is why I demanded a brief from Mr. Obura before I could proceed with the search as a procedure, which he refused to do.

CHAIRMAN: What happened to the French records?

NTAMBI: I took them to Naguru. I do not know what happened to them, my Lord.

CHAIRMAN: Now you said something about Mr. Okellowange who was Head of the Special Branch. You said he died or he disappeared or something like that. What happened? What information did you give?

NTAMBI: My Lord I learnt he was picked, may be, 1977; he was a Chief Security Officer in the Bank of Uganda or something and he was killed. Anyway, during that period, I never stepped in Kampala. So I just got a vague message and I did not follow it up. But he was picked from the Bank of Uganda - or Uganda Commercial Bank or something. I am not quite sure, my Lord.

CHAIRMAN: As Head of our Investigation Team, you have not contacted his relatives or somebody who could come and tell the Commission what happened.

NTAMBI: It is one of the files I am trying to investigate, my Lord.

COUNSEL: Mr. Ntambi, as a Senior Police Officer, what would you say about the tortures that were being meted out to people in the yard?

NTAMBI: Well, these were quite inhuman, and, as the Public Safety Unit was a branch of the Police Force, we really condemned such activities in Public Safety Unit. This was a section purposely formed for extracting information from people arrested; not going through the normal police procedure; a system which has been carried out by other government agencies like the State Research, Public Safety Unit and other formations and any good Police Officer does not actually support it.

COUNSEL: You, as a trained Police Officer, in the course of training policemen, are they also trained about tortures to torture people. May be, when you underwent your training, were told something about tortures - how to extract information may be through such?

NTAMBI: No the normal training of Policemen and Officers, we are taught law. We are taught the method of arrest - I mean technique of arrest and the system of investigation and how to get information from the prisoner. And, in fact, it is one of the Police Standing Orders that, when a Policeman uses an excessive power in effecting arrest, he is also committing an offence. So, when you arrest somebody, you have to use reasonable power; and, once you have arrested that person, immediately you stop any act of violence. Similarly to the use of arms. We have laid-down instructions how and when a Policeman can use a firearm, and not just to use it anyhow.

CHAIRMAN: Mr. Ntambi could you later on prepare those instructions and give us copies?

NTAMBI: Yes, my Lord, I have a general police file where all these things will be spoken about by certain officers; in-charge, training, Director of

Training, in-charge administration and other departments.

CHAIRMAN: Thank you.

COUNSEL: My Lord Chairman, Lady and Gentlemen Commissioners that is all the evidence from Mr. Ntambi.

CHAIRMAN: Mr. Ntambi, thank you very much. It is always good to hear evidence from a competent witness like you; not surprisingly, perhaps, because you are experienced, seniority in rank and what you are doing for the Commission. Okay, thank you. You may go now. I expect you will be coming again on other aspects.

NTAMBI: Thank you, my Lord.

CHAIRMAN: From the information we received earlier which Mr. Ssekandi - Leading Counsel - informed us, this would seem to be the last witness for today.

COUNSEL: My Lord, another witness has turned up, who was mentioned by Mr. Ntambi in his evidence: Mr. Francis Ssemombwe

CHAIRMAN: Commissioners, Counsel, Ladies and Gentlemen, we resume now the inquiry. Let us have the next witness.

COUNSEL: My Lord, the 152nd Witness is Francis Ssemombwe.

WITNESS NO.152: MR. FRANCIS SSEMOMBWE - SWORN IN

COUNSEL: You are Francis Ssemombwe.

SSEMOMBWE: Francis Ssemombwe.

COUNSEL: How old are you?

SSEMOMBWE: I was born in 1954.

COUNSEL: Pardon.

SSEMOMBWE: 28th November.

COUNSEL: Where do you live?

SSEMOMBWE: I live in Makindye.

COUNSEL: Sorry you say, you live at Makindye.

SSEMOMBWE: Yes, Sir, I live at Makindye.

COUNSEL: What do you do?

SSEMOMBWE: I am a civil servant.

COUNSEL: Where do you work?

SSEMOMBWE: I work with the Ministry of Internal Affairs, Department of Immigration.

COUNSEL: As what?

SSEMOMBWE: I am a clerk.

COUNSEL: I see. When did you become a civil servant?

SSEMOMBWE: Of late or first?

COUNSEL: Before. Well, when did you leave school and at what stage did you leave school?

SSEMOMBWE: I completed my 'O Level,' in 1970.

COUNSEL: Where?

SSEMOMBWE: This was Kisubi.

COUNSEL: From there, where did you go?

SSEMOMBWE: In 1972, I joined the Ministry of Foreign Affairs.

COUNSEL: As what - a clerk?

SSEMOMBWE: As a clerk.

COUNSEL: Yes. Continue, from 1972.

SSEMOMBWE: I continued working with the Foreign Affairs until 1975.

COUNSEL: Yes. Then?

SSEMOMBWE: Immediately after the O.A.U. Conference in Kampala, I was arrested by the Public Safety Unit -

COUNSEL: Yes.

SSEMOMBWE: Alleging that there was a missing file.

COUNSEL: What file was this?

SSEMOMBWE: I did not know because it was wrapped in a big envelope. So I did not know what type of file; but my duty was to receive it and sign in the delivery book.

COUNSEL: Where was it coming from?

SSEMOMBWE: It was coming from C.I.D. Headquarters.

COUNSEL: To Foreign Affairs.

SSEMOMBWE: Yes.

COUNSEL: Yes. Did you receive it?

SSEMOMBWE: Yes I did.

COUNSEL: And, on receipt, what did you do?

SSEMOMBWE: I channelled it through the Security Registry as was the procedure.

COUNSEL: Yes.

SSEMOMBWE: Since then onwards, I did not know what action it had come for or what action had been taken.

COUNSEL: Yes.

SSEMOMBWE: Only to be picked up after some time, that the file was not delivered in the Security Registry.

COUNSEL: I see. Do you remember the date when this happened - when you were arrested?

SSEMOMBWE: I do not remember precisely but it was, I think, early July of 1975.

COUNSEL: Now where did they take you?

SSEMOMBWE: They first took me to C.I.D. Headquarters where I recorded a statement.

COUNSEL: Yes.

SSEMOMBWE: And later on it was decided that I was covering some big shorts in the Foreign Ministry, who were responsible for the disappearance of the file.

COUNSEL: Yes.

SSEMOMBWE: So they were referring my case to Naguru Public Safety Unit.

COUNSEL: Yes.

SSEMOMBWE: I arrived at Naguru.

COUNSEL: So you were taken to Naguru.

SSEMOMBWE: Yes, Sir.

COUNSEL: Yes.

SSEMOMBWE: I arrived there at about around 3.30 p.m.

COUNSEL: Yes.

MR. KAWANGA: Who referred you there and what took you there?

SSEMOMBWE: The C.I.D.

MR. KAWANGA: You do not know the names of the officials?

SSEMOMBWE: No I do not.

COUNSEL: Yes.

SSEMOMBWE: When I arrived there, I was taken before Kassim Obura who was in-charge of Public Safety Unit.

COUNSEL: You knew Kassim Obura before?

SSEMOMBWE: Yes.

COUNSEL: Yes.

SSEMOMBWE: I used to see him coming to Police headquarters.

COUNSEL: I see.

SSEMOMBWE: Because Foreign Affairs has the same entrance with the Police Headquarters. So I used to see him coming and going.

COUNSEL: Yes.

SSEMOMBWE: Then he asked me whether I had been to Naguru before. I told him, `No'. Then he asked me to take off my shirt, which I did.

COUNSEL: Yes.

SSEMOMBWE: And he said, 'Yes, you have never been here'.

COUNSEL: By looking at your -

SSEMOMBWE: My back.

COUNSEL: I see. Yes.

SSEMOMBWE: So he called a certain man called Hussein Oola.

COUNSEL: Hussein Oola?

SSEMOMBWE: Yes.

COUNSEL: Yes.

SSEMOMBWE: And a senior Superintendent of Police called Otto.

COUNSEL: Yes.

SSEMOMBWE: And another Assistant Inspector of Police called Obonyo.

COUNSEL: Obonyo?.

SSEMOMBWE: Yes.

COUNSEL: Yes.

SSEMOMBWE: And a Detective Constable called Mugema.

COUNSEL: Yes.

SSEMOMBWE: And told them that they should take me to the yard and prepare me for his coming.

COUNSEL: You mean prepare you as food or what?

SSEMOMBWE: I did not know what he meant at that time.

COUNSEL: May be, my Lord Chairman would like to know the names. Would you go over these names - who?

MR. KAWANGA: Hussein Oola?

MR. SSEMOMBWE: Hussein Oola.

MR. KAWANGA: Senior Superintendent Otto?

SSEMOMBWE: Yes.

MR. KAWANGA: Obonyo. What is his rank?

SSEMOMBWE: Assistant Inspector of Police.

COUNSEL: Mugema?

SSEMOMBWE: And Detective Constable Mugema.

COUNSEL: Yes.

SSEMOMBWE: And he ordered them to go and prepare me for his coming.

COUNSEL: I see. You mean as nurses prepare a patient for a doctor.

SSEMOMBWE: Well, I did not understand what he meant by that very time.

COUNSEL: I see. Right.

SSEMOMBWE: But I came to realize afterwards - when I reached at the yard, they asked me to remove my shoes, which I did. I removed all my possessions, including the belt.

COUNSEL: Yes.

SSEMOMBWE: A big rim of a lorry was brought. they placed it just at the extreme end of that yard. I was asked to kneel down and put my head in it.

COUNSEL: On, I see.

SSEMOMBWE: In the ring.

COUNSEL: Yes.

SSEMOMBWE: When I put my head inside, I resisted putting my head there because I did not know what was going to happen. So I was forced , in the process - when we were fighting, one of my teeth got broken, which is this one.

COUNSEL: Yes.

SSEMOMBWE: So finally I was defeated and my head fixed in the ring and someone came and stepped on my neck.

COUNSEL: You mean was it easy for the head to pass through the rim?

SSEMOMBWE: Yes.

COUNSEL: It was a big rim sort of.

SSEMOMBWE: Yes, from a lorry.

COUNSEL: Yes.

SSEMOMBWE: Now, from there, beating started.

COUNSEL: Who were doing it, these officers Mr. Kassim Obura summoned?

SSEMOMBWE: Hussein Oola in particular.

COUNSEL: Hussein Oola in particular.

SSEMOMBWE: And Otto was stepping on my neck.

COUNSEL: How did you know?

SSEMOMBWE: I saw him because there are some small holes.

COUNSEL: I see. Right.

SSEMOMBWE: So I was beaten for about 20 minutes and then they removed me from the rim and they started taking a statement from me, what had happened to the file.

COUNSEL: Who took the statement from you?

SSEMOMBWE: Mugema.

COUNSEL: Detective Mugema.

SSEMOMBWE: Yes.

COUNSEL: Yes.

SSEMOMBWE: And all the time they were asking me questions. Obonyo was kicking me. Otto was kicking me and Oola was striking me with a whip.

COUNSEL: Yes.

SSEMOMBWE: I told them I knew nothing about the file. I just received some sort of parcel which I passed on to the Security Registry as the procedure was.

COUNSEL: Yes.

SSEMOMBWE: And they said I will produce that file or else it will cost me my life.

COUNSEL: Yes.

SSEMOMBWE: I stayed in Naguru. After some, may be, 10 minutes Obura came.

COUNSEL: He found you prepared?!!

SSEMOMBWE: Yes.

SSEMOMBWE: And he asked them whether I had told them where the file was. And the detective told him that I had refused to tell them. So he ordered for another beating.

COUNSEL: Yes, proceed.

SSEMOMBWE: I was beaten for an extra, may be, 20 minutes. the I collapsed. From there on, I do not know what happened but I just found myself in a cell some time after mid-night when I was full of swellings and wounds.

COUNSEL: Yes, what happened?

SSEMOMBWE: In that cell, I found about 20 people lying there with wounds and they formed some sort of a court to ask me what really happened. So I told them about the whole affair and they told me, 'if it is true, you know this thing is true, better accept it and go to Luzira rather than being killed here. So I told them I knew nothing. Now, in the morning, Kassim Obura came. Now the procedure was that, in the morning is when you

know if you are going to die or you are going to survive that night. So you sit in a line, squatting'. The new ones are put in front and the old ones sit behind. So, when Obura came, he said, '*Wapi muntu ya jana ye mwenye* file?' And I was just in front of him. And he beat me with a butt stop of a gun and he said, 'if I did not produce that file that very day, I was going to die in the evening'.

COUNSEL: Was this done inside the cell or outside?

SSEMOMBWE: There is some sort of enclosed place like this, not really in the cell.

COUNSEL: In the yard?

SSEMOMBWE: In the compound of the cell. So, when I tried to argue the matter, he just forgot about me and he went to the other prisoners. Now, after he had finished with us, he ordered Oola to keep me on the whip until I produce the file. I was beaten for about three weeks and my fellow prisoners were advising me to accept that, may be, I took the file and I destroyed it so that I go to Luzira, which advice I refused to take because I know I did not know anything about that file.

COUNSEL: Did you get to know any of these inmates when you found in the cells?

SSEMOMBWE: I remember one of them was either Mr. Kaijuka or Mr. Kajura. He was working with the Uganda Commercial Bank and there was another man called Mr. Kasirye. This one was working with U.D.C. I later on came to learn he was arrested and taken there by Bob Astles.

COUNSEL: Yes?

SSEMOMBWE: There was another man called Mr. Mwebe. He was also working with U.D.C. there were so many others. I cannot remember now. It is many years since.

COUNSEL: Okay. Proceed.

SSEMOMBWE: So I languished in that place for about six and a half months. But after three months some officials from the Foreign Ministry tried to intervene for my release but were warned by Kassim Obura not to interfere in a sensitive matter.

COUNSEL: Because you were told this after your release?

SSEMOMBWE: Pardon!

COUNSEL: You learnt about this after you had been set free?

SSEMOMBWE: Yes.

COUNSEL: Yes. Alright.

SSEMOMBWE: Now quite because one time I was taken to the Foreign Ministry for the

Minister to decide; that was Juma Oris.

COUNSEL: Yes.

SSEMOMBWE: But, instead, he pulled out a pistol and he wanted to shoot me in his office. So I was taken back to Naguru. Other foreign service officers who had the interest of having me released just abandoned the idea. So I was left there to go it alone.

COUNSEL: Yes.

SSEMOMBWE: Now we continued like that until after some time. The now Minister of Education was also brought, alleging that he had connection also with that file.

COUNSEL: Mr. Ntimba?

SSEMOMBWE: Yes.

COUNSEL: Yes.

SSEMOMBWE: He was also treated in the same way as I was.

COUNSEL: Mr. Ntimba was then working in Foreign Affairs?

SSEMOMBWE: No, he had been suspended as Permanent Secretary in Foreign Affairs.

COUNSEL: Right.

SSEMOMBWE: We later came to learn that he was arrested when he was going to his home area in Mbarara.

COUNSEL: When he was brought, did you talk over the matter with him?

SSEMOMBWE: No, at first I did not because he was not allowed to mix with us; and at other times I was separated from other prisoners for may be a week or two. I would be kept separately.

COUNSEL: Who in particular was in-charge of you?

SSEMOMBWE: Pardon!

COUNSEL: Who was in-charge among the officers at Naguru? Is it Oola?

SSEMOMBWE: Oola was responsible for the cells. He was in-charge of beating. He was in-charge of killing. He was in-charge of anything at the yard.

COUNSEL: Okay. Proceed.

SSEMOMBWE: Now, after six and a half months, I was called to the office of Obura; and, when I reached there, Otto was there, Obonyo was there, Oola was there, Mugema was there and there were some officials from the CID

Headquarters. And Obura told me that the way he looks at things, I do not really have an interest in the missing file but I am trying to cover up some shots and who are not willing to assist me in the problem which I was undergoing. So he advised me that, if I wanted to stay alive after seeing what had taken place there, I better accept that I got that file and gave it to one of the big shots - and he was referring to Mr. Paul Etyang.

COUNSEL: Yes.

SSEMOMBWE: I told him I know nothing though I knew Mr. Etyang very well as my boss; but surely I never handed this file to him. So I refused to accept that. And he ordered, I was taken back to the yard. Now that evening, they arrested some people from Kisenyi, saying that, when a patrol car of Public Safety Unit had gone there to do some official work, a gun was snatched from the land rover. So they arrested so many people; I cannot say how many, including women with children, men and they stayed there for about one and a half days. That very evening, there was a man called Masaba. When they were rounding up those people, this is the man who, I think, was just passing through the area. Now, when they asked those people to identify each other, some people would say, `Yes, he is Mr. so and so,' and no one knew Masaba. So it was taken for granted he was the one who had stolen the gun. They started asking him about the gun and the man said he knew nothing.

So one morning, Obura came and told him to prepare himself that he was going that evening together with me. And this was a common thing at the yard. If someone is told, `You are going this evening,' you are locked up somewhere alone; or, if you are two, you are locked two. They used to come to the yard at around eight; if you survive up to ten, you are sure you will go through the night.

COUNSEL: Telling them, you are going, this - is it to alert them to prepare their souls?

SSEMOMBWE: May be.

COUNSEL: Yes.

SSEMOMBWE: I think, that is what they meant because, when they told me, I prepared my soul.

COUNSEL: Right.

SSEMOMBWE: So that evening Otto came together with Oola and Obonyo. There was another man who was a detective there on duty - I do not exactly recall his name - so they came and opened the cell. Masaba was handicuffed from behind - like this; I was also handicuffed from behind. and there was someone who was arrested from Kasese, who was carrying a human head to Zaire; he was also handcuffed from behind. So we were taken near the toilet where they used to kill people.

COUNSEL: This toilet, is it inside the courtyard you mentioned or it is outside the building?

SSEMOMBWE: No it is outside the building but it is in the same fence. So, when we reached there, we found Obura standing by the toilet and he asked Masaba: 'Masaba, where is that gun you snatched from our truck?' Masaba said, "I know nothing about it." And Obura warned him twice. He said, 'We are not going to waste time on people like you. You know you stole the gun and now you are not willing to give it to us.' So he ordered Oola to kill him. Oola was holding a very big pipe. Later on we came to learn it had concrete inside and hit him just here. He fell down. He broke his arms. He broke his ribs and legs.

COUNSEL: You mean Oola broke or by falling the victim broke just by himself?

SSEMOMBWE: No he struck him on the head with that pipe. He fell down. Now, when he fell down, he started breaking his arms with that very pipe; and, after he had finished that process, that man was folded just like a parcel and he was put on a land rover.

COUNSEL: Was it during day time?

SSEMOMBWE: No, night time. It was immediately after eight.

COUNSEL: Was there some light outside?

SSEMOMBWE: They used to use torches.

COUNSEL: And you were witnessing this.

SSEMOMBWE: Yes I was sitting behind Masaba.

COUNSEL: Yes.

SSEMOMBWE: Now, after Masaaba had been killed, it was my turn and he said, 'Where is the file?' I said, "I know nothing about the file." He said, 'You see, I warned your colleague twice. Are you willing to go or you are willing to accept the file and you go to Luzira?' I said, "I know nothing about the file." So they released me and asked me to help another policeman to carry the body to the land rover. But I failed. I could not stand - my hands could not -

COUNSEL: Masaaba's body.

SSEMOMBWE: Yes. I failed. I could not stand. My hands could not hold the body. I was not in my senses. So Obura ordered me to sit down. Now they brought that man -I understand his name was called - I am slightly forgetting the name and this man was asked those had he was carrying. And he said somebody had just given him a parcel and he said they meet at the other side of the border; and this man was also struck with that pipe. And all his body was broken. So he was also folded. Now two bodies were lying there. So they came inside and they brought some two prisoners who carried the bodies together with me and we loaded them on a land rover. So I was taken inside and some other prisoners were

brought out and they were harassed in the same way I was; but they were not killed and they were brought back.

COUNSEL: Yes.

SSEMOMBWE: So this sort of thing continued until finally when I was released; that was after six and a half months.

COUNSEL: Who released you?

SSEMOMBWE: I was released by Kassim Obura.

COUNSEL: What did he tell you on your release?

SSEMOMBWE: We were having lunch around one o'cloth when some detectives from CID I had known already came and asked: Who is Ssemombwe?' I said: "I am the one." They said, Okay, go to that office and have your belongings." Now, when I reached in that office, there was nothing for me other than my identity card and graduated tax tickets. Shoes had gone, money had gone and I was just on barefoot. They gave me my identity card and my fax ticks; I was seconded to Obura's office and he told me: "I cannot believe you are still alive in this place. You must be lucky. I warn you. You have seen much in this place; and, if at all we ever hear anything concerning this place, it will not be anyone else other than you. Get out of my place and he gave me a very big slap.

COUNSEL: I see. Now, before we move to another matter, you mentioned this Senior Superintendent Otto, Assistant Inspector Obonyo, Oola Hussein and detective Sergeant Mugoma. Do you see these people here? Have you seen them again?

SSEMOMBWE: I only saw Otto in 1977 after he had come back from exile. I met him in Luweero. He was the District Police Commander. We solicited for his arrest but then we were advised by some of the UNLA officers that we should keep our hands off that man, that they were taking care of him. So we gave up the whole idea.

COUNSEL: I see. The others you have not seen.

SSEMOMBWE: I have only heard that Oola ran mad; perhaps, he is dead; but I have heard nothing about Obonyo.

COUNSEL: I see.

KAWANGA: Mugema.

SSEMOMBWE: I have heard nothing about him.

COUNSEL: Now, when they released you, what happened? Did you go back to Foreign Affairs?

SSEMOMBWE: When I was released, I was advised - before my release, I was advised -

that I go back and report to my Head of Department who was the Chief of Protocol - Mr. Oseku. When I reached home, I digested the whole affair. I realized it was unsafe for me to go back to the Ministry because Juma Orisi was still the Minister; and this is the man who tried to shoot me in his office. So I abandoned the idea. I did not go back to Foreign Affairs.

COUNSEL: What did you do?

SSEMOMBWE: Later on, I went to the Embassy of Egypt. Abbass Efasi the then Ambassador was a personal friend and he accepted to employ me. Since I knew how to process papers say for work permits, how to go to units - Foods and Beverages - to process diplomatic papers, he accepted to employ me. I had only worked there for two weeks when I got a tip off from Foreign Affairs through a one Mr. Christopher Iga - a friend of mine - who told me, the Public Safety Unit men had been there, looking for me. Contacted me on phone. And he said that someone had told them that I was working with the Egyptian Embassy; that they were on their way to the Egyptian Embassy.

COUNSEL: So, what did you do?

SSEMOMBWE: I just went and informed the Ambassador. He was already aware of my previous problem. I informed him of what was taking place and he said, if I can rush out of the building as soon as possible. I decided not to wait for a lift. I went down the steps. They are found on fourth floor. On the second floor, I by-passed these men when they were going to the Embassy of Egypt. So, when I reached down at the Post Office, I started running. Anyway, no one detected my movement. So, when I reached home, I sent my young brother -incidentally who was killed in Makindye during Obote's time - to go to the Ambassador and find out what I can do. I felt I wanted to leave the country.

COUNSEL: Who was this brother of yours, please?

SSEMOMBWE: He was called Sunday Kisa. When he reached the Ambassador's office, the Ambassador gave him Kenya Shillings 400/= and he gave him (three hundred dollars) US$ 300 and he gave him about Uganda Shillings 10.000/=. And he told him that I better tell him how I can get to the border because I told him that I wanted to go to Kenya. So the following morning, I arranged myself and got a taxi. I reached at the Uganda Commercial Bank just behind there and my brother went to the Ambassador's office and told him I was ready. So the Ambassador wanted to give me an official car to take me to the border, which I thought, may be, could bring some complications. So I decided to go by a taxi until I reached Jinja where I spent that night. The following day, early in the morning at around six, I boarded a taxi and went to Busia. When I reached the border, I found two of the men I had known in the Public Safety Unit. So I was scared. Now there was a woman who was having a boy friend on the border. That man was called Juma Etima who was in-charge of the border security. Now she asked me whether I was going to Kenya. I told her, 'Yes'. She wanted to know whether I had any

money on me, if she could help me to ferry it over to the other side. I did not really have much money. I had hidden those dollars in my shoes and the Kenyan money except the Ugandan money. So she said, 'Let us wait here. I have my boy friend from whom I want to get some extra money'. But because everyone seemed to know the women people accepted to stay with her there, though I did not want to be there even for a minute.

From nine o'clock, this man came back at around six in the evening. When he arrived, he started talking to people: *'Wewe nakwenda wapi'?* They were getting money from their pockets and what. So this man gathered something like Shs.7,000/= from the travellers which he gave to the woman and he said: 'You can cross over to the border with your brother'. So we crossed over to Kenya. I boarded a bus until I arrived in Nairobi.

COUNSEL: Yes, proceed.

SSEMOMBWE: I stayed in Nairobi since that time. There were very few Ugandans who were living in exile by then until the exodus of 1977 when so many Ugandans arrived in Nairobi. This is when we were first recognized as refugees. I was getting a pay of Shs.150/= per month provided by the J.R.S.K. (Joint Refugee Services of Kenya) I lived there until the way of 1979; that is when I came back to Uganda.

COUNSEL: Yes, when you came back to Uganda, what happened?

SSEMOMBWE: When I arrived here, I really came back fighting. I fought up to Soroti. So, from there, I was sent to Luwero as an Aide to the District Commissioner who is still living in exile now in Canada - Mr. David Ndiwalana; and that is how I came to find Otto in Luwero and we tried to arrest him.

From there I was sent on secondment to State House and I worked as an escort to the late Professor Yusufu Lule. When Lule was removed from power, I was transferred to the Ministry of Internal Affairs. Passport Office as an Investigation Officer. From there, I was sent back to State House; and from State House, I was sent to Algiers - Algeria - to take up a course in VIP Protection and Security. While there, Binaisa was toppled as President of Uganda and we were asked if we were safe if we came back to Uganda. We were 20 of us in Algiers. So we used to sit in small groups comprised of what I would call a tribal line: some people were unhappy and other were happy; until we were summoned by a certain Musitafa Kamali and he asked us individually, each one had to make his own statement: "Why do you think you are safe if you go to Uganda? And why do you think you are not safe if you go?" Now each one did not tell his friends what he had decided. So they said, 'Since Algeria was maintaining relations with Uganda, they could not keep us there. Should anything happen to us, they would be responsible. So, if each one has known what he has decided, so we are giving you air tickets and money, to leave this place. You can use that money to seek political asylum elsewhere where you want.

I had lived outside for those years and I was fed up; and, when I looked at the Government - the Cabinet - the Military Commission had appointed, I happened to know some of those people. So I said, 'I must go back to Uganda.' We arrived in Nairobi at around mid-day. I missed the Kenya Airways flight which was supposed to take us straight to Entebbe. Instead they said we shall be boarding Uganda Airlines plane which was coming towards 3.30. The man who piloted that plane landed in Entebbe after 4.00; we took off at around 5.00 or 5.45; but, when we were approaching Jinja, the pilot was informed by the Control Tower in Entebbe, 'there was no landing after six.' So we had to go back to Nairobi. I was very tired. I was scared and frustrated. So I decided to go for a drink. When I was there -

COUNSEL: You mean in Nairobi.

SSEMOMBWE: Yes. I really got drunk and went to sleep. I slept in Hotel 680. Then van come to pick all the passengers who slept in that hotel at six. I woke up at nine. When I woke, I caught a taxi and I went to the airport, only to be told, 'the plane is already in Entebbe.' Now I was scared; some of my friends whom I had met in Nairobi, who had accepted to come back were already in Entebbe. Supposing they ask them what I was doing in Nairobi, well, I do not know what they could tell. But, supposing they asked me why I decided to remain in Nairobi, it was a problem. I picked a phone and tried to contact Kampala, but all telephones were disconnected. I stayed in Nairobi for three days until I was put on a Kenya Airways' flight and I arrived in Entebbe.

When I arrived in Entebbe, I met Detective - I am forgetting his name; and this is a man - who had been with me in Nairobi during these difficult years; now he was manning security at the airport. So I knew he would be the man to direct my arrest, so when I picked my luggage I just walked straight to him and he just said, "oh, Francis we have been wondering why you decided to remain in Nairobi." I said well I missed my plane because of some drunkenness. He said, "okay." So, we went inside the Airport, they wanted to check my luggage he refused so he cleared me through the Airport and he asked me if I had any money on me. I did not have any Ugandan money except some French francs. So he went inside the building where he got money I do not know, he gave me Shs.50,000/= and said you can use this for the time being but we are going to Kampala. Now, I was not sure whether I was under arrest or not. Now, when we arrived at Katabi road-block he came out of the Uganda Airline bus in which we were travelling and talked to a certain solder, the soldier came and looked at me he nodded his head and they did not search my belongings. Now, my mother lives at Baitababiri near Entebbe, I had to find out whether I was really under arrest or not. So, I told this officer, "you see, there are certain things I brought for my brother and my mummy am I allowed to take these things home first and then come to Kampala?' If he had said no, then I would know I was under arrest. So, he said, "yes as long as you can be in Kampala before three." So, I arrived home instead of welcoming me my mother was crying. So I left those things and came to Kampala. When I arrived in Kampala.

COUNSEL: Where in Kampala were you going anyway?

SSEMOMBWE: I was going to report to the Office of the President.

COUNSEL: Yes.

SSEMOMBWE: So, when I arrived here, I met Benson Ogwang the former ADC of Mpigi and he said "we have been waiting for you." So, we went inside the building and waited a minute and they said the Chairman of the Military Commission wanted to see me. Because when we were in Algeria I was the group leader and they said they wanted a report about our studies, about what I thought of others, about what we think about the new administration and I had to put all these things in writing. Later on he said you can go on unpaid leave for one month and ordered the Chief Accountant to give me Shs.100,000/= which the rest received. After my leave I went and reported back as was directed. They said right now we do not have any work for you but I will try and speak to the Minister of Internal Affairs and see if we can have you back in passport office. This time as not investigation officer but as a local employee which I accepted. Later on I was informed by the then Permanent Secretary of special duties, Mr. Ntende that I would go back and work in the passport office on temporary terms. I worked there until December, 1981 when I received a letter from the Office of the President written by Mr. Peter Owot saying that the Unit was no more it was now time that I should vacate the office. I went to the passport control officer, Mr. Kintu and explained, showed him the letter and said, "this time I am not here under UNLF, I am here on appointment by the Ministry," then Mr. Kintu said he would look into the matter. I tried to sort it out with Mr. Owot but it was difficult so I was thrown out of employment. And on the so called Bushenyi Day when I was seated at the Treasury Offices, waiting for a friend of mine John Lutaya, who was living in Germany and who committed suicide when I was still in prison, I was arrested by two people posing as NASA Security Officer.

MR. KAWANGA: Bushenyi Day of which year?

SSEMOMBWE: Of 1982.

COUNSEL: Yes, you mean that is 27th May, 1982.

SSEMOMBWE: Yes. I was arrested by two men and they said that since I left the office they have been trying to track me down; saying that most of the people and they used to refer to us as the Nairobi group. The people who came from Nairobi to go to TZ and join the fighting forces are known as the Nairobi Group. So, they said all the Nairobi group are no where to be seen in Kampala, what are you doing here yourself? Unless you are their agent? I am taken before Mr. Peter Owot and then I was being taken I am sorry to say I happened to see that gentleman but he did not know I was under arrest and he knows me very well. So, I was taken inside the President's Office and I was accused on the first account that when I left the Liberation War, I did not surrender my arms. We went outside the country and they were engaged in banditry activities. So, they ordered

for the search of my house. Six people from the Office of the President, two policemen and some other people I did not know whether they were security personnel or what but I suspected them to be, went and searched my house which was at Makindye. My wife had given birth to a baby of just two months she was harassed, she was thrown out of the house, they started pulling this and that throwing it there. In the process, one man called Ochan pulled out some bullets from his magazine, from the magazine of a pistol and started putting them in a box of matches. Then one of the policemen who had accompanied them, said: "why are you doing that I have now known the problems let us stop the searching and go back." They asked for my passport, of course after dismissing me like that I was suspicious of what would happen next. So, I was keeping my passport in the toilet. I said this was taken from me long ago, it had expired I took it for renewal but I have not received it back.

COUNSEL: Yes.

SSEMOMBWE: So I was brought back to the Office of the President and Peter Owot wrote a letter to the Director of CID, Mr. Kanywamusai at that time. I had known Mr. Kanywamusai and he had known me he used to come to passport office and he read a letter, that letter and he said "Francis is this really true?" I said, "but what is there" He said, "I will not tell you what it is but if it is true I do not know how you will get out of it?" He said, "this is a very serious matter, it has got to be decided by higher authority and I have been directed to investigate it but during the process you will be kept behind bars." So, I was taken to Wandegeya Police Station. After one month some officers from CID came for me, took me to Impala House before the late Mr. Ociti and said some men from the Office of the President wanted also to record a statement from me. So, the CID men were handing me over to the Office of the President. I protested bitterly but I had no helping hand so I was taken to President's Office. While there, I was accused that when they searched my house they found photographs of people who were in the bush, they found a list of names to be killed in Kampala. They said they were not going to take me back to CID, they were taking me to a different place altogether. So, they took me to the police signal centre, they had opened an office there. They started beating me up and someone pulled out a can and sprayed it on my face and on my head and this is what happened afterwards - (interjection) - For three days with terrible torture they got a hammer and removed my nails of my big toes and removed also these ones with a hammer. They did this to me several times until they decided to transfer me back to CID. I was then taken back to Wandegeya Police Station. After some weeks I sent a message to a friend who is now a Police Officer, Mr. Fred Kaggwa, of CID Headquarters together with Mr. Balaba, they came and visited me, together with Mr. Ociti. They tried to solicit a way of having me released on Police bond but Kanywamusai insisted that if I am released and walk on the street I would not be as safe as I would be in the cells. So, I accepted to remain in the cells.

I was there for seven and a half months. After my release on police bond, Mr. Ociti advised me not to run away because the issue would not be resolved. I abandoned Kampala and I went to stay with my mother in

Entebbe. While I was there my elder brother, the late Edward Kiwanuka, was arrested on suspicion of guerilla activities. They ransacked his house, they took my sister, my brother in-law who married my sister and my young brother, they were all killed at Makindye.

SSEMOMBWE: Who is your brother in-law and sister.

SSEMOMBWE: My sister was called Florence Namusisi.

COUNSEL: Brother-in-law?

SSEMOMBWE: He was called Haji Matovu.

COUNSEL: Where were they living?

SSEMOMBWE: Pardon.

COUNSEL: Where were they residing?

SSEMOMBWE: At Makindye.

COUNSEL: When was this?

SSEMOMBWE: That was in 1982. Realizing this I could not stay with my mother anymore and she hated to stay with me so I was thrown out of the home. I went and lived with a friend called Dan at Makindye, I was hiding in his house for three months without getting out. Now, I was trying to cultivate a way of leaving the country again may be for good and never to come back. Now, my passport had expired, I had to renew it and when I gave it to a friend to go to the passport office to renew it everyone there was scared, they said "ah, no I cannot commit myself." Later on I convinced one of the staff and my passport was renewed. I sent a message to London and a friend of mine called John Kiranggwa, who is here now sent me a ticket. When I went to Uganda Airlines to collect this ticket I was asked who sent that ticket and what connections I had with him. I was almost arrested until I had to pay a sum of Shs.10,000/= this was when the ticket was given to me. I packed up my few belongings -

COUNSEL: Please to whom did you pay this money?

SSEMOMBWE: There was a lady, I do not remember her surname but I just new her as Flora, she was at the counter. Flora or Florence, something like that. She was dark and tall.

COUNSEL: Is she still there?

SSEMOMBWE: Pardon.

COUNSEL: Is she still working with Uganda Airlines?

SSEMOMBWE: I have been there several times but I have never seen her again.

COUNSEL: Yes?

SSEMOMBWE: Now, I packed my few belongings, I did not say bye to mummy. I rushed to the Airport it was not safe for I reached inside, I happened to know a certain Tanzanian by the name of Captain Hasan, who was in charge of the Airport security and he asked me where I was going. He had known what had happened I told him I was going for treatment and I showed him the ailing on my scar, he sympathized with me and he decided to keep me in his office until the plane took off. I arrived in London, I had only 300 dollars on me and they wanted me to produce Pound 1,000 which I did not have I was squeezed at the Airport. I was forced to sleep at the Airport Hotel, the following morning that friend of mine came and they solicited for my entry. I entered Britain and stayed there until after Lutwa had toppled Obote, that was the time I came back. I stayed here briefly but things were not well in Kampala so I went and stayed with my mother until the NRA came and took over power. Realizing this, I had no job, I had to battle it out. I approached the authorities, I wrote a letter requesting for reinstatement, the Permanent Secretary, Ministry of Internal Affairs approved my case. So, I was reinstated and I am now working with Immigration.

COUNSEL: It is quite a sad story Francis.

CHAIRMAN: Mr. Ssemombwe, this is quite a very disheartening story an experience which you have gone through but I think it was with great courage that you have been able to tell us this but if you need a break we can adjourn but if you can continue - because we have some few questions which we may ask you for clarification.

SSEMOMBWE: I can continue.

CHAIRMAN: Yes, may be that is well so that we finish with and you do not have to come back again. Yes, let us go back to Naguru, 1975. You told us of the two cases of people who were killed. During the whole period you stayed there six and a half months how many people did you reckon were killed in this place. In the same manner or any other brutal manner.

SSEMOMBWE: It would really be difficult to tell because some of these people were being brought from other confinements not Naguru alone. Sometimes they used to bring a Land Rover with four, five people inside and kill them outside, call out some prisoners to come and load the bodies. Except that those who were picked from the Naguru cells themselves, the people who were killed during my presence there are well over 60.

CHAIRMAN: Of the inmates who were there?

SSEMOMBWE: Yes.

CHAIRMAN: Yes. Now, those who were brought outside did you ever get to know who were doing this? Was it Public Safety Unit personnel also?

SSEMOMBWE: Yes.

MR. KAWANGA: This file because it starts it all what was special about this file? What was unusual about it.

SSEMOMBWE: Well from the information I got later I was told that some people were trying to sell the Uganda House in London and that was a police file investigating the matter.

MR. KAWANGA: And you do not know what happened to it, you just passed it over and that was the end of it?

SSEMOMBWE: Honestly I do not know.

MR. KAWANGA: Now, why do you think at some later stage they wanted you to say that it was Paul Etyang who was involved, do you have any idea?

SSEMOMBWE: I would think that politically he had some problems with them. Now, there was such a case, they only wanted to implicate him as a way of getting rid of him.

MR. KAWANGA: Now, what connection would a person like Mr. John Ntimba have with this matter?

SSEMOMBWE: This is a man who had already been thrown out of by those authorities so I think they just used that chance to torture him or to mistreat him.

KAWANGA: Yes, I have a feeling, well since you have now been trained in these things you may have to help me. It appears that there is a system in intelligence circles of having a case and then using it to get rid of people you do not want, investigate and appears to be. Now, do you think this kind of thing was used, applied in your case. To begin with our being picked on.

SSEMOMBWE: Well, as far as I know, right from when we entered Tanzania, we looked a bit different from the people we found there.

MR. KAWANGA: Yes?

SSEMOMBWE: Their treatment was quite different from ours in Nairobi, they were in camps and we were on the streets, you could find someone from Kampala, he could give you some money or someone who even if he has two shirts and he offiers you one. So, we really looked different and when we arrived there we were branded spies.

CHAIRMAN: Sorry, did you say you had to go to Tanzania?

SSEMOMBWE: Yes.

CHAIRMAN: Yes.

SSEMOMBWE: That was before the liberation, the 1979 was I was in Tanzania.

CHAIRMAN: Yes.

SSEMOMBWE: So throughout we were not in favour of some people we found there and when we were coming to invade Kampala they tried to put us in different groups which some authorities there refused. We were given the same combat uniform and the two groups the Nairobi groups and FRONASA were not in those people's favour, it has proved to be.

MR. KAWANGA: Now, you come back and you get all this kind of training and then you get all these accusations and tortures, were the allegations made against you true? Were they just meant to get rid of you?

SSEMOMBWE: There were meant to get rid of me.

MR. KAWANGA: Why did they not just kill you, for example when you were taken to this place, why did they not just finish you off?

SSEMOMBWE: I think in most cases which I have seen a matter which has been handled by the police before is normally feared because it has a follow up and if I had not been taken before the Director of CID in the first instance I would have been killed, but now the police were aware they were having a file on me I think it became very difficult for them.

MR. KAWANGA: Now, I want to know do you think Kanywamusai would know the people who took you from Impala House to his signal section?

SSEMOMBWE: That one I do not know.

KAWANGA: Do you know of a police officer who would know, because you were handed over from the police to certain people. You were in police custody first.

SSEMOMBWE: Yes.

KAWANGA: And then you were moved from there, who handed you over?

SSEMOMBWE: The man who should have known better, the men who took me is the late Mr. Ociti.

MR. KAWANGA: Yes.

SSEMOMBWE: Because the Director summoned him to his office and he said, "these people have come for this young man now go and take some sort of a record and hand him over to them." We came down to Mr. Ociti's office, he wrote down their particulars and he handed me over to them.

MR. KAWANGA: You do not know them yourself?

SSEMOMBWE: No.

MR. KAWANGA: Then they took you and carried out all those tortures on you?

SSEMOMBWE: Yes, Sir.

MR. KAWANGA: For, you said two days?

SSEMOMBWE: For about three days.

MR. KAWANGA: And then they handed you back to the police?

SSEMOMBWE: Yes.

MR. KAWANGA: The same people?

SSEMOMBWE: The same people.

MR. KAWANGA: To whom did they hand you over?

SSEMOMBWE: To Mr. Ociti.

MR. KAWANGA: Again?

SSEMOMBWE: Yes.

MR. KAWANGA: Yes, so otherwise you have no idea of who they are?

SSEMOMBWE: I knew one by face, but I do not know his name.

MR. KAWANGA: Okay, do you know to which security branch they belonged? You said they are President's Office but -

SSEMOMBWE: They were NASA.

MR. KAWANGA: They were NASA people?

SSEMOMBWE: Yes.

MR. KAWANGA: Did you find any other people in that place?

SSEMOMBWE: I even found there a dead body.

CHAIRMAN: Where was this place, you said police signal or something?

MR. KAWANGA: Yes, just in front of the Treasury Office.

SSEMOMBWE: Opposite Treasury Offices. Yes that place where you have the Central Registry.

MR. KAWANGA: You found there a dead body, any body else. No, other people?

SSEMOMBWE: There were about some three people who had been beaten unconscious they could not talk.

MR. KAWANGA: And the whole time you stayed there they were unconscious?

SSEMOMBWE: No, two were taken away and another one later was released.

MR. KAWANGA: But you do not know who they are?

SSEMOMBWE: No, I knew one man by the name of Ssajjabi, who said he was staying in Mpigi that he was picked because his car was taking food to guerillas.

COUNSEL: Yes perhaps following what you answered the Commissioner, you said you knew one by appearance, when you say you knew him by appearance does it mean you have seen him of late, he is around here?

SSEMOMBWE: No.

COUNSEL: When did you last see him?

SSEMOMBWE: I last saw him during Lutwa's time.

MR. KAWANGA: Now, you stayed in that place for two days, did they have a cell or were they keeping you in a room, what kind of place were they keeping you?

SSEMOMBWE: It is a small office but they removed all the chairs and the tables.

MR. KAWANGA: So, there are windows and door and all that?

SSEMOMBWE: Yes.

MR. KAWANGA: But otherwise there was no furniture in it?

SSEMOMBWE: Yes, and the wall was stained with blood stains.

MR. KAWANGA: Well, yes, finally you made a reference to the gentleman standing there, sorry, that you passed him you did not know he was under arrest, I want you to go over that again, why did you think it was necessary to make a reference to the gentleman there.

SSEMOMBWE: Well, perhaps he may also have noticed it but when I looked at him he seemed not to have -

MR. KAWANGA: He could not - (interruption) -

CHAIRMAN: Sorry, sorry, there are two gentlemen there, there is Mr. Wod'Omal.

SSEMOMBWE: Yes, Mr. Wod'Omal.

CHAIRMAN: Yes.

MR. KAWANGA: So, he just saw you and he thought perhaps you were in, he could not notice that you were under arrest?

SSEMOMBWE: No, in fact the manner in which they were taking me could not arouse someone's suspicion that I was under arrest.

MR. KAWANGA: Yes, that is all.

DR. LUYOMBYA: Sorry, I did not get the rest of the story but it is pathetic to see what happened to you, you talked of the Director who asked the late Ociti that these men have come, get his file and hand him over, something to that effect.

SSEMOMBWE: Yes, Sir.

DR. LUYOMBYA: Who was this Director?

SSEMOMBWE: That was Mr. Kanywamusai.

DR. LUYOMBYA: So, from that it seems Mr. Kanywamusai knew what was going on?

SSEMOMBWE: I think so because in the first instance when I was arrested, I was taken before him and a letter accompanying me was addressed to him, which he read and told me it was a serious matter and when I was removed from Wandegeya being handed over to President's Office, I went through his office first.

DR. LUYOMBYA: Yes, have you seen Mr. Kanywamusai of late?

SSEMOMBWE: No.

DR. LUYOMBYA: And you do not know where he is?

SSEMOMBWE: I read in the papers that he was before his Commission that was all.

DR. LUYOMBYA: Did you happen to know at the time or later the men to whom you were handed within that signal office?

SSEMOMBWE: All I knew was that these men were from the Office of the President but I cannot say one of them was Mukasa or another one was so and so, no.

DR. LUYOMBYA: Were you given any medical treatment?

SSEMOMBWE: When I was in that place?

DR. LUYOMBYA: Yes.

SSEMOMBWE: No.

DR. LUYOMBYA: Were you given food?

SSEMOMBWE: No. I only took a piece of bread from there which belonged to the man they released when he was going away he gave us that piece of bread.

DR. LUYOMBYA: When you were in custody, were you given medical treatment at all.

SSEMOMBWE: In 1984?

DR. LUYOMBYA: Yes.

SSEMOMBWE: I received treatment at London's Park Side Hospital, 1985 I received treatment at 122 Paris Street London.

DR. LUYOMBYA: No, I mean within the country here when you were still under custody.

SSEMOMBWE: I was not given treatment at all.

DR. LUYOMBYA: Okay.

MR. KAWANGA: Perhaps another question.

SSEMOMBWE: Yes.

MR. KAWANGA: Do you know Mr. Ntambi by any chance?

SSEMOMBWE: Yes, I do.

MR. KAWANGA: Did you ever see him at Naguru?

SSEMOMBWE: Yes.

MR. KAWANGA: And he saw you there?

SSEMOMBWE: Yes.

MR. KAWANGA: Yes.

DR. LUYOMBYA: Clarification, in what capacity did Ntambi and yourself see each other?

SSEMOMBWE: I first knew Mr. Ntambi while I was in Entebbe because their home is near our home. He stays at Kitala I stay at Nkumba and in the cell I had known him as a police officer I was even shocked to see that he was in the cell with me.

CHAIRMAN: In Naguru?

SSEMOMBWE: Yes, and indeed he helped me when I was in Naguru because at least he knew some of the police officers.

CHAIRMAN: Yes, while still on that Mr. Ntambi informed us in fact he told us this morning that you were there. He told us that I think you were threatened with castration or something like that.

SSEMOMBWE: Yes.

CHAIRMAN: I think you have not referred to this in your evidence, this afternoon.

SSEMOMBWE: In fact so many things were being said to be done on to you. We saw some people's buttocks being chopped off, pins were being driven in

people's nails. There were so many things.

CHAIRMAN: Yes, did you receive this threat?

SSEMOMBWE: Yes I did but it was not carried out.

CHAIRMAN: How did it happen? How was the threat made and by who?

SSEMOMBWE: It was mainly Hussein Oola who used to control the yard and in most cases he was carrying out the instructions of Obura. If he says go and remove one of his nails, he comes direct and removes the nail, then the following day Obura would come and say show me your nails and when you show and he sees it he says, "*ndio iyo*" so I am sure if Oola was to castrate me, I mean Oola if he was to castrate me it must have been on the orders of Kasim Obura.

CHAIRMAN: Well that is, maybe, a conclusion or something but what I am asking you is when did such a threat happen and so on? The factual, what happened factually.

SSEMOMBWE: This was part of the normal torture which every prisoner was subjected to. A man would come and say unless you tell us this or you show us this we are going to chop off your head or we are going to cut off one of your hands, something like this. So, I was told that if I keep on insisting and I do not produce the file they would start castrating me one testicle first and if I do not response they would remove the second one.

DR. LUYOMBYA: Probably to help us with further investigation because we would like to know exactly what was happening in these places and why and who was giving the orders. Besides Oola do you know any other policemen at that time?

COUNSEL: Yes he had mentioned them.

DR. LUYOMBYA: Okay, thank you.

COUNSEL: My Lord this is the end of this witness we may, I am not saying he will not be recalled he may be recalled further.

CHAIRMAN: Mr. Ssemombwe yours is one of the most I think horrific experiences, I think anybody has ever gone through in these years. You have suffered on the various periods which relate to our inquiry. I think your evidence will be very good and it will give us the insight of what happened in all these various places in which you were detained and the tortures which were metted out to you. In that respect your evidence is valuable. We are sorry that you have had to recall to your memory all that you have told us, we are sorry about it but it was necessary. I think also I must commend you on the fluency with which you gave your evidence. One of the Commissioners here asked me "what was the educational background? Did he give the educational background?" Noting that you only had O'Level education, I think you must have improved yourself a lot since then because you have given your evidence with exceptional

clarity for which we thank you. Okay, you are free to go now.

CHAIRMAN: Well Counsel that would seem to conclude the business of today, I therefore adjourn the inquiry to Wednesday next week which will be held in Kampala City Hall at 9.30 a.m. not in this Conference Centre Committee Room A. We are going to sit in the City Hall for some time because renovation work will start here soon for some time to come.

Commissioners, Legal Counsels, Ladies and Gentlemen, today, we are sitting in another place the 26th August, 1987, we are also starting rather late there are many reasons for this we have had to wait for the recording equipment to be fitted. So originally we were supposed to move and sit in the Main Hall of the City Council but this morning at about 9.30 a.m. when I was already there, somebody came and said, look, the Minister of Commerce is going to meet traders and other people in this place because it is bigger they preferred that the Commission should move somewhere else so the gadgets which had already been fixed in that place had to be dismantled and brought here. In fact I must commend the staff who are doing it they have done a very good job they have worked very hard they are only two people they have just managed to complete the installation. I think this room is called Chambers that is what I was advised, it seems to be even a better place than the Main Hall and I told the City Council officials concerned that in order to avoid such interruptions in the future because we cannot predict that there will not be such meetings again which are called on the radio. So I think we shall sit here permanently until perhaps we go back to the International Conference Centre. This place seems to be better anyway it is better lit, the Main hall was very dim, you could hardly read, I could not see my proceedings. So I think we shall be here for some time. Actually that explains the reasons for the delay. It is now 11.20 a.m. I think that now that we are all assembled here we should start today's business. Yes, Legal Counsel.

COUNSEL: My Lord Chairman, the case which was prepared for today will not be presented because yesterday there was a problem of logistics in terms of transport and the witnesses that were to be transported here could not be. So I only present one witness, this is in connection with the Office of the President and in particular in connection with the death of the Archbishop... The witness I intend to call today was the Senior Personal Secretary of the President at the material time, Mrs. Joyce Mawalo.

CHAIRMAN: You will notice one other thing I forgot to mention is that there are no loud speakers in the recording system we are having here for technical and a variety of reasons we are not going to have loud speakers. So, in any case the room is small enough, so it will be necessary for all of us to speak louder than perhaps we were doing in the Conference Centre so that what we are saying can be heard throughout the room.

WITNESS NO.153: MRS JOY JUDITH MAWALO - SWORN IN

COUNSEL: Could you state your names please?

MRS. MAWALO: Joy Judith Mawalo.

MR. NAGENDA: What is the number of the witness?

COUNSEL: Should be 153. What do you do?

MAWALO: I am a business woman.

COUNSEL: Where do you carry on your business?

MAWALO: Kampala Road.

COUNSEL: Where do you live?

MAWALO: I live at Mulago Hill.

COUNSEL: How long have you been engaged in business?

MAWALO: Since 1973.

COUNSEL: Are you doing it as part time or full time job?

MAWALO: At first, it was part time job but now it is full time job.

COUNSEL: When did you start making it a full time job?

MAWALO: Since 1979 that is in December.

COUNSEL: In 1973, what other work were you doing?

MAWALO: I was working in the President's Office.

COUNSEL: As who?

MAWALO: As a Personal Secretary.

NAGENDA: What business are you doing?

MAWALO: Retail business.

COUNSEL: When did you join the President's Office?

MAWALO: In 1969.

COUNSEL: Did you have any training for your job?

MAWALO: Yes.

COUNSEL: What training?

MAWALO: I did secretarial course at the International Speed Writing in London.

COUNSEL: When was that?

MAWALO: That was 1969.

COUNSEL: And then immediately on completion you joined the President's Office?

MAWALO: Yes.

COUNSEL: As what?

MAWALO: As a personal Secretary.

COUNSEL: Did you get any promotion?

MAWALO: Yes.

COUNSEL: Please tell us.

MAWALO: As a Senior Personal Secretary but I do not remember the year.

COUNSEL: You mean when you ceased to work in President's Office you were Senior Personal Secretary?

MAWALO: Yes.

COUNSEL: Apart from the President, who was your boss?

MAWALO: The Principal Private Secretary.

COUNSEL: Who was he?

MAWALO: Mr. Ekochu Jonathan.

COUNSEL: You mean in 1969 when you joined, Jonathan Ekochu was your immediate boss?

MAWALO: No. when I finished my course I was working for the Chief General Service/Permanent Secretary Research.

COUNSEL: Who was that one?

MAWALO: Akena Adoko.

COUNSEL: May be would you like to educate us the nature of Adoko's job?

MAWALO: He was working as the Chief General Service Officer and Permanent Secretary, Research but we were three Secretaries, one was working at his office at Nakasero and his Personal Secretary for General Service Officer who was working with him in President's Office as Permanent Secretary, Research which Section was dealing with achieves.

COUNSEL: It seems you suggest we know what a General Officer does, would like to tell us what he does?

MAWALO: He deals with Intelligence.

COUNSEL: For how long did you work there?

MAWALO: Up to 1971.

COUNSEL: Did you say he had two other Secretaries?

MAWALO: Yes.

COUNSEL: Who were they?

MAWALO: I remember Mrs Oboco but the other one I cannot. Her name was Jemina, I cannot remember her other name.

COUNSEL: So in 1971, you joined President,s Office?

MAWALO: Yes.

COUNSEL: What was your schedule of work?

MAWALO: I was working with another Private Secretary to the President Miss Emokoro and I was typing the minutes of the meetings and speeches for the President and then the usual office work.

COUNSEL: Who was directly giving you instructions of what to do?

MAWALO: At that time?

COUNSEL: Yes.

MAWALO: That is Miss Emokoro?

COUNSEL: So you are suggesting Emokoro was getting instruction from the President and then pass it over to you?

MAWALO: No, from the Principal Private Secretary, the President, the President, P.P.S. then Private Secretaries.

COUNSEL: Specifically I want to take you to 1977, were you still working in the President's Office in 1977?

MAWALO: Yes.

COUNSEL: In 1977 were you Senior Personal Secretary?

MAWALO: Yes.

COUNSEL: Were there other Senior Personal Secretaries in the President's Office or

you were the only one?

MAWALO: We were three and two other Personal Secretaries.

COUNSEL: Who are the other three?

MAWALO: There was the late Rose Akuro, John Cokas Oumo and me. Those were the three Personal Secretaries.

COUNSEL: Among these three Senior Personal Secretaries, was there a boss of the other two?

MAWALO: No. we used to work in turns.

COUNSEL: Were you sitting in the same office or you had different offices?

MAWALO: The President has two offices for his Personal Secretaries, one is connected with Principal Private Secretary's office and another one is directly connected to his office and me I was sitting with the Principal Private Secretary but there is a telephone which comes from the President directly to that one to the Principal Private Secretary's office.

COUNSEL: Did the President have only one office?

MAWALO: The main office was Parliament but he had many offices.

COUNSEL: Would you tell us where these offices were?

MAWALO: There was one in Entebbe State House, Nile Mansions, Nakasero Lodge, Command Post and I think he used to work wherever he would be.

COUNSEL: Does it mean that the three of you were moving with him wherever he went?

MAWALO: No, he used to telephone the Principal Private Secretary to get the Secretary on duty because we had a duty roster.

COUNSEL: Around 15th February, did you attend to your job, 1977, did you attend your office?

CHAIRMAN: Sister, this is the date proceeding the arrest of the Archbishop and other two Ministers.

MAWALO: Yes, I was on duty.

COUNSEL: Where?

MAWALO: Parliamentary Building.

COUNSEL: Was the President in office?

MAWALO: No.

COUNSEL: Where was he?

MAWALO: State House Entebbe.

COUNSEL: Is there anything you recall which is significant that happened on that day?

MAWALO: The Archbishop rang the Principal Private Secretary's office at around 8.30 a.m., I picked the call, he asked me to put him through the Principal Private Secretary and I did that. Then the PPS told me to get the hot line to Entebbe and we got the President on the line for the Archbishop, they spoke and then afterward Mr. Ekochu told the late Rose Akuro to go for a meeting at State House but it was the late Rose Akuro who attended that meeting.

COUNSEL: When you say the Archbishop rang what do you mean the Archbishop, who was the Archbishop that rang?

MAWALO: That was Luwum.

COUNSEL: When he rang, did he tell you why he rang?

MAWALO: Usually they do not - He just said, can I speak to Ekochu? Then I connected him to Ekochu. Then Ekochu afterwards told him that he should hold on that line and then we got the hot line to get the President.

COUNSEL: So you do not know what they discussed I suppose, do you know?

MAWALO: No, I did not.

COUNSEL: Did the lady who was supposed to go to Entebbe go?

MAWALO: She went.

COUNSEL: Did you see her back, did she come back?

MAWALO: She came back.

COUNSEL: When she came back did you have any discussion with her?

MAWALO: She told me that the meeting was hot, it was attended by the Archbishop and his wife and that Luwum got his Bible and told the President that this is my gun you should not have come to my house to bring in soldiers to check my house. This is what she told me.

COUNSEL: Did you make a conclusion that the matter was actually about a search in the Archbishop's house.

MAWALO: She is the one who told me.

COUNSEL: Did she tell you anything else?

MAWALO: No.

COUNSEL: What followed?

MAWALO: On the next day, Oryema and Oboth Ofumbi came to our office they wanted an appointment with the President and they talked with Mr. Ekochu. Later on, I got the President on the line and Mr. Ekochu made appointment for them to meet at the Conference Centre at around 10.30 a.m.

COUNSEL: Before you connected them to Mr. Ekochu, did you talk to them or did you hear them talk anything?

MAWALO: I heard Ofumbi saying that we must talk to this man, this is what I heard.

COUNSEL: You mean, this was between Ofumbi and Oryema?

MAWALO: Yes.

COUNSEL: What happened?

MAWALO: Mr. Ekochu arranged for the press, the Presidential Press Unit, John Cokas Oumo and they went to the Conference Centre for us we remained in the office.

COUNSEL: When you say, for us we remained in the office, whom do you include with us who remained in the office?

MAWALO: It was Rose Akuro, me and other staff whose names I cannot remember.

COUNSEL: When you say they had to meet at the Conference Centre, according to your roster who works there as a secretary?

MAWALO: I did not follow you.

COUNSEL: You said that you were three of you as Personal Secretaries to the President?

MAWALO: Yes.

COUNSEL: You stayed at the Parliament?

MAWALO: Yes.

COUNSEL: Who went to serve the President as a secretary?

MAWALO: John Cokas Ouma.

COUNSEL: Who is this Cokas Ouma?

COUNSEL: Where is he?

MAWALO: I do not know. It is a long time ago I do not know where he is.

COUNSEL: When did you last see him?

MAWALO: I last saw him in 1979.

COUNSEL: You do not know whether he is still in Government or not?

MAWALO: No, I do not know.

COUNSEL: What happened that day?

MAWALO: What happened that day I just saw on T.V. afterwards because we were left in the office. When we left the office those people had not yet come back to the Parliament Building.

COUNSEL: What did you see on the T.V.?

MAWALO: I saw Mr. Anyuru reading a document then displaying arms, I saw Mustafa talking, I cannot remember very well.

COUNSEL: Please pick up what you remember some important things you saw.

MAWALO: Sorry I cannot remember. I remember Anyuru reading a document and the arms and then Mustafa saying something in Swahili, I cannot remember well.

COUNSEL: Did you see the document which was being read?

MAWALO: No.

COUNSEL: The previous day you were not at the Nile Mansions?

MAWALO: No, were in Parliament.

COUNSEL: You seem to mention Both Ofumbi and Oryema, did you also see the Minister of Finance, Mr. Iumba Masagazi?

MAWALO: No, but I saw him on T.V.

COUNSEL: I cannot remember.

COUNSEL: Was he seated?

MAWALO: I cannot remember surely.

COUNSEL: Did you see the President on T.V.

MAWALO: Definitely he must have been there but in my memory I cannot remember. My memory only remembers Anyuru reading a document and arms being

displayed and Mustafa talking in Swahili, but definitely most of the people must have been there.

COUNSEL: I think as Senior Personal Secretary to the President you must have known other closer members of staff who were working with the President, is that.

MAWALO: Yes.

COUNSEL: Did you know a driver by the name Abbas?

MAWALO: Can you tell me the other name because Abbas alone cannot bring me the memory.

COUNSEL: A driver from Karamoja?

MAWALO: No, unless if I see him.

COUNSEL. So you mean you do not know any driver by the name Abbas who was there?

MAWALO: No, because drivers really were not connected with us; to know their names is not easy. But faces I can notice that so and is this one, but names it is not easy. It is not easy to know their names because if somebody comes he just comes for you to go and work and you cannot ask him for his name. But if I see him, may be, I can recall that may be this one must have been a driver.

COUNSEL: Okay, did you know the President's Range Rover? He had a Range Rover.

MAWALO: Yes.

COUNSEL: Did you know the driver particularly who was driving that Range Rover?

MAWALO: His Range Rover was being driven mostly by himself; so, I do not know other people.

COUNSEL: I see. So, as far as the Archbishop's arrest and so forth, you do not know other than the appointment you made for him with the President?

MAWALO: I do not know.

COUNSEL: Now, do you remember some few - in 1972 you were working with the President?

MAWALO: Yes.

COUNSEL: Do you remember the day when the Chief Justice Kiwanuka was arrested?

MAWALO: I cannot remember; the truth is that I cannot remember, it is a long time

go, because at that time I was not working with the President - in 1972 I was working with Mrs. Emokolo.

COUNSEL: This is the witness.

MR. NAGENDA: I did not quite catch what you said and I want some clarification. You said you had worked for Mr. Akena Adoko who was Chief General Service Officer and Permanent Secretary, Research; is that right?

MAWALO: Yes, please.

MR. NAGENDA: And you said that he had three secretaries?

MAWALO: Yes.

MR. NAGENDA: One at Nakasero.

MAWALO: Yes.

MR. NAGENDA: Who was that please?

MAWALO: Her name, I think, was Jemina Kakitahi.

MR. NAGENDA: Jemina Kakitahi.

MAWALO: I do not know very well, I cannot remember the names.

MR. NAGENDA: What was her first name?

MAWALO: Janina

MR. NAGENDA: Janina?

MAWALO: Yes.

MR. NAGENDA: And you think she might have been Kakitahi?

WAMALO: Kakitahi.

MR. NAGENDA: Then were you at President's Office?

MAWALO: Yes, I was in Parliament.

MR. NAGENDA: You were in Parliament?

MAWALO: Yes, and Grace Obace.

MR. NAGENDA: Grace Obace was where?

MAWALO: We were together in Parliament.

MR. NAGENDA: What work was Mr. Adoko doing as Permanent Secretary Research?

MAWALO: He used to write speeches for the President, letters to different heads of departments, and then he used to write his books, poems.

MR. NAGENDA: I see. So, what does 'Research' mean? You mean he was sort of carrying out research for the President - you know - for statements he might make, and research to Mr. Adoko to write books?

MAWALO: That Research Section was dealing with archives; we were keeping speeches made by all the Presidents and - I do not know how to put it! All work going on in the President's Office is kept in the Research Section.

MR. NAGENDA: And apart from two personal secretaries, did he have a large staff for this work?

MAWALO: Yes.

MR. NAGENDA: What sort of people?

MAWALO: I am trying to remember so you give me some time. There was Mr. Okwenje -

MR. NAGENDA: Who did what?

MAWALO: I cannot remember their titles - There was Mr. Nangodi-Gubi; there was Bikobo - mostly people from Makerere were put in that Section.

MR. NAGENDA: And what were their duties?

MAWALO: They used to go through the archives and then report to the Permanent Secretary Research.

MR. NAGENDA: The research they came up with, was this filed? Was it one of your duties?

MAWALO: Yes, they were filed.

MR. NAGENDA: Where were the files kept?

MAWALO: In the President's Office.

MR. NAGENDA: When you left this job to go on to working for the President, who took over your job?

MAWALO: I cannot remember.

MR. NAGENDA: Do you in your recollection remember any people coming to harm in the archives - I mean, was it the kind of a section which might cause people problems?

MAWALO: No.

MR. NAGENDA: It was quite innocent; - it was archives?

MAWALO: It was, and I think even the present President was in that section.

MR. NAGENDA: Mr. Museveni worked in the same section?

MAWALO: Yes.

MR. NAGENDA: Now, what about the one at Nakasero where he was General Service Officer; what happened there?

MAWALO: That section, I worked there for two months so there was not much I knew about, but there were some officers stationed there.

MR. NAGENDA: What did they do there?

MAWALO: Intelligence, I think that will generalise.

MR. NAGENDA: They were dealing with intelligence? What sort of intelligence?

MAWALO: I do not know.

MR. NAGENDA: No, you see, let me tell you the reason I am asking you this question though it is a long time ago.

MAWALO: Yes.

MR. NAGENDA: But this Nakasero you are talking about is Nakasero this Commission went and visited where they had a long tunnel; is that the one?

MAWALO: No.

MR. NAGENDA: This is another Nakasero?

MAWALO: This is Information - there were offices attached to the Ministry of Information which were called General Service Unit; it was on top of the Ministry of Information.

MR. NAGENDA: So, this was not the same as State Research?

MAWALO: No.

MR. NAGENDA: Okay. General Service Unit.

MAWALO: Yes.

MR. NAGENDA: That is the one which was headed by Mr. Akena Adoko?

MAWALO: Yes, please.

MR. NAGENDA: You worked there for two months?

MAWALO: Yes, before I was transferred here.

MR. NAGENDA: What did you see there in your two months? I mean, do not tell me 'I saw somebody bringing in a cup of tea at ten O'clock, this we would expect; but what happened in intelligence?

MAWALO: I think at that time mainly the reports I saw were mainly on Army and - because I think the Army were not co-operating with the President. So, mainly it was Amin and Akena Adoko spying on where he has gone, what he has spoken and then they came and make the reports. Mainly it was on the Army - the ones I saw.

MR. NAGENDA: And after these reports were received; what happened? Were people brought in to explain what had been reported on them or what happened?

MAWALO: Those were offices, so I did not see anybody.

MR. NAGENDA: So, it was really an intellectual exercise rather than a physical exercise, was it?

MAWALO: I think so.

MR. NAGENDA: Did you get a chance to talk to this lady called Jemina; did you know her very well?

MAWALO: Not very well.

MR. NAGENDA: Are you trying to tell us that in your view and in your reflection that all that happened with General Service Union of which Mr. Adoko was heading, was that there were reports, may be in the Army and that was the end of it?

MAWALO: No.

MR. NAGENDA: No, what happened?

MAWALO: I do not know because I am saying what I saw; but whatever they were doing I did not know.

MR. NAGENDA: Let us say that you did not actually see it by sight.

MAWALO: Yes.

MR. NAGENDA: Occasionally on this Commission a certain amount of informed hearsay is allowed to give us some kind of direction of what was happening! So - I mean if you say 'I did not see it myself but I was told that following these reports something like this happened' then we would like to hear it. You see, - what I am getting at is that - you know, you look to me like a bright person. -

MAWALO: Yes.

MR. NAGENDA: Good, and my Commissioner knows you for a bright person, which is very good. Therefore, it would have been impossible for you to work for two months in a place without knowing what was going on!

MAWALO: No, because there was the Accounts Section and General Office work.

MR. NAGENDA: Yes, what we are dealing with here, although general office work is extremely interesting, is the violation of the human rights; that is why we are here. So, if when you were working at the general service Unit for two months, and then talk to people with whom you worked to, presumably.

MAWALO: Yes.

MR. NAGENDA: If you think some of these things led to violation of human rights, that is what we are interested in! I mean, if you say you knew nothing about violation of the human right at this place, when we have to believe you! Or we have to have it noted.

MAWALO: I did not see that.

MR. NAGENDA: No violation?

MAWALO: Where I worked I did not see it.

MR. NAGENDA: Anyway, as far as you are concerned, if there could be something you just heard about, in the newspapers or - you know - quite you - yourself have no personal recollection of what might have happened to people who came into contact with Mr. Akena Adoko and his General Service Unit?

MAWALO: No, I did not.

MR. NAGENDA: Thank you.

DR. LUYOMBYA: Mrs. Mawalo, could you please tell us your educational background?

MAWALO: I was educated at Kawete Primary School, then Wanyange Girls' School, then Jinja Senior Secondary School up to my Senior 4; I got married and then after that I went for a secretarial course.

DR. LUYOMBYA: This is the one you did in London?

MAWALO: Yes, but I started it at - there was a government secretarial course at Queens Road first where I did my elementary at Nakasero Queens Road.

COUNSEL: You mean State Research School?

MAWALO: No, Queens Road.

COUNSEL: General Service School?

MAWALO: Yes.

COUNSEL: So, you were a member of General Service, actually?

MAWALO: Pardon!

COUNSEL: You were a member of the General Service, because the school you are talking about belonged to General Service.

MAWALO: Yes.

DR. LUYOMBYA: That is interesting; did you get a scholarship to go for this secretarial course?

MAWALO: Yes, I got a government scholarship.

DR. LUYOMBYA: Now, while you were working with Akena Adoko.

MAWALO: Yes.

DR. LUYOMBYA: Let me labour what my fellow Commissioner was trying to get out of you;

MAWALO: Yes;

DR. LUYOMBYA: We now know that you were sponsored for this secretarial course by the general Service, is it not?

MAWALO: It is true.

DR. LUYOMBYA: But at the same time you are a responsible Ugandan; is it not?

MAWALO: Yes, I must be.

DR. LUYOMBYA: So, we would like you to tell us what you saw that went wrong within that general Service.

MAWALO: I did not know what went wrong.

COMMISSIONER: Was it alright?

MAWALO: No, I cannot say it was alright; but I did not see - the problems if you cannot say - because if I say it will be personal - how I would have felt about that Unit, it will be personal; but I did not see.

DR. LUYOMBYA: Was there a public outcry about that Unit?

MAWALO: Of course; I do not think anybody wants intelligence.

DR. LUYOMBYA: What was wrong; - what was the public outcry?

MAWALO: Nobody would like to be spied on.

DR. LUYOMBYA: Was it a spying Unit?

MAWALO: Yes, intelligence is a spying unit.

DR. LUYOMBYA: but you can spy for the good, as well as for the bad!

MAWALO: Yes.

DR. LUYOMBYA: Were any people's human rights violated as a result of that spying?

MAWALO: I think some might have been victims of that.

DR. LUYOMBYA: Well, you were a senior secretary and very close to the man who was doing the research.

MAWALO: I was not senior; because that is when I had just finished my course.

DR. LUYOMBYA: But you were working in that office.

MAWALO: Yes.

DR. LUYOMBYA: And you used to type or prepare documents;

MAWALO: Yes.

DR. LUYOMBYA: So, you had access to information which most of us could not get.

MAWALO: Not all.

DR. LUYOMBYA: But some of it?

MAWALO: Yes.

DR. LUYOMBYA: Okay, the bit you had.

MAWALO: Because when we are talking of intelligence there was this - when those reports come, they are not even being typed if they were for sensitive matters.

DR. LUYOMBYA: Yes.

MAWALO: They directly go to the top security committee; which we did not have access to.

DR. LUYOMBYA: Who were on the top Security Committee; which we did not have access to.

DR. LUYOMBYA: Who were on the top Security Committee of the time?

MAWALO: I think that was President Obote, the Chief General Service Officer, Akena Adoko; the Chief of Staff, that was Amin; and I cannot remember

the rest.

DR. LUYOMBYA: So, such documents would not be typed?

MAWALO: No.

DR. LUYOMBYA: You mentioned a certain Mrs. Emokolo -

MAWALO: Yes.

DR. LUYOMBYA: Who was this person?

MAWALO: She was the Private Secretary to the President.

DR. LUYOMBYA: Was she your boss?

MAWALO: Yes.

DR. LUYOMBYA: Where is she now?

MAWALO: I do not know, but she left - I think in 1973 - for Arusha; her husband was a Tanzania.

DR. LUYOMBYA: Now, let us go to the incident of the Archbishop and the two Ministers.

MAWALO: Yes.

DR. LUYOMBYA: We received information in this Commission that the day prior to the display of arms you were in office.

MAWALO: Yes.

DR. LUYOMBYA: And the President was very busy that day;

MAWALO: I did not work with him directly, so I do not know.

DR. LUYOMBYA: Was he in office where you were?

MAWALO: As I said earlier, the President had many offices, and we had a hot line; when he is in State House he just rings, sometimes you would not even know where he is; he only tell you 'do this and that and that' but on that day he was not in Parliament.

DR. LUYOMBYA: I see. Just to be direct to you.

MAWALO: Yes.

DR. LUYOMBYA: Did you type any documents concerning the incident of the Archbishop?

MAWALO: No.

DR. LUYOMBYA: Categorically no?

MAWALO: No, I did not.

DR. LUYOMBYA: I see; okay, thanks.

MR. KAWANGA: Mrs. Mawalo,, you have been around for some time.

MAWALO: Yes.

KAWANGA: So have some of us.

MAWALO: Yes.

MR. KAWANGA: And even when we were not in President's Office we got to know certain things. So, as a result of that we get extremely suspicious if somebody who was actually in the President's Office - So, you will excuse us if we express scepticism about your having forgotten, not remembering, not knowing - you know - we get a little; so, we ask you to help us, by trying to remember. Now, how did you get recruited into the General Service? Perhaps you do not remember?

MAWALO: That is why I am keeping quiet to try to remember. It was Mr. Wante who talked to my husband, because as soon as I left school I got married; who told my husband that there are courses at the Queens Road and if your wife wants she can go for an interview. So, I went for an interview and I passed and I started the course.

MR. KAWANGA: Yes; you will agree with me that the kind of people who were being taken for these courses were being carefully selected, no intelligence officer would just take on anybody for training.

MAWALO: I do not know.

MR. KAWANGA: So, you do not think you were selected carefully for this course; to be chosen to go for the interview?

MAWALO: That Wante was an officer in the general Service who happened to be a friend of my husband.

MR. KAWANGA: I see.

MAWALO: Yes, so, I do not know whether I was chosen carefully or not.

MR. KAWANGA: All right, so you go and you sit the interview and you pass.

MAWALO: Yes.

MR. KAWANGA: May I know how many people who were in your class?

MAWALO: We were 34.

MR. KAWANGA: And all of you secretaries?

MAWALO: We were doing an elementary course, not secretaries as such, but we started from there.

MR. KAWANGA: Elementary course in secretarial work?

MAWALO: Yes, that is right.

MR. KAWANGA: Now, besides the training - you know, being trained specifically for secretary, was there any other additional training given in information gathering?

MAWALO: No.

MR. KAWANGA: You were just being trained to be secretaries?

MAWALO: Yes.

MR. KAWANGA: Finished?

MAWALO: Yes.

MR. KAWANGA: Then after that you went for the course in London, where I am sure you never got any - you also got just training as a secretary?

MAWALO: Yes.

MR. KAWANGA: Now, do you know it as a fact - or I happen to know it as a fact that people in this country at that time believed that secretaries who were trained by this school were actually spies on their bosses.

MAWALO: Then if I was a spy, I must have spied on Akena Adoko?

MR. KAWANGA: Yes, I am saying this because this was the general belief.

MAWALO: Yes, but that one I cannot know.

MR. KAWANGA: Would you say it was true or not because either they were or they were not!

MAWALO: I do not think they were; anyway, for me I was working with my boss; I was not trained to spy on any boss.

MR. KAWANGA: I see.

MAWALO: And I have not worked in any other office where I could say that I was spying on anybody, because I was working with the...

MR. KAWANGA: Why do you think this secretarial course was set up - you know, there was Nakawa and other places, but why was this school 'Queens Road' established?

MAWALO: I really do not know.

MR. KAWANGA: Because there were so many other secretarial schools in the country at that time!

MAWALO: I really do not know why. I do not know why they put it there, may be, it was convenient for them - may be, they wanted to watch secretaries who go through their school to see, may be that they do not -

MR. KAWANGA: Would you agree with me that somebody to become a secretary to the General Service Officer would be a very special privilege?

MAWALO: Yes.

MR. KAWANGA: So in a way you would be specifically vetted to sit in such a sensitive place.

MAWALO: Yes.

MR. KAWANGA: Were you vetted in this way?

MAWALO: Can use a simpler word, because by 'vetted' I do not follow?

MR. KAWANGA: Checked for loyalty, for hard work, for ability not to disclose information - that kind of thing.

MAWALO: Surely that has to be done.

MR. KAWANGA: I see. Now after the fall of Obote you got transferred from the General Service Officer's place to the President's Office, and you worked for the new President for the whole time he was there.

MAWALO: Yes.

MAWALO: Yes.

MR. KAWANGA: So, in a way you know quite a lot of things which we do not know because you were near him.

MAWALO: Yes.

MR. KAWANGA: Did you get to know a little more about his wives? Even us who were not in the President's Office know something about his wives; but did you ever got to know something about his wives?

MAWALO: Yes.

MR. KAWANGA: How many did he have?

MAWALO: I knew four official ones.

MR. KAWANGA: Now, out of those four official ones, do you know of any who died or who got killed?

MAWALO: Yes.

MR. KAWANGA: Which one specifically?

MAWALO: Kay Amin.

MR. KAWANGA: Do you by any chance know the circumstances under which she got killed?

MAWALO: No, but on that day I was not on duty and I heard just people saying that they saw a body in a sack somewhere, and later on they said it was Kay Amin who was cut. But on that day I was not on duty, so I did not know.

MR. KAWANGA: You did not know how she died?

MAWALO: Yes, but I heard.

MR. KAWANGA: Did you see the President after that?

MAWALO: That day?

MR. KAWANGA: After the death of his wife?

MAWALO: Yes, I must have worked with him after that.

MR. KAWANGA: Did you notice anything unusual on him about the death of his wife?

MAWALO: No.

MR. KAWANGA: Besides that one, do you know of a former Minister who died or who got killed?

MAWALO: A former Minister?

MR. KAWANGA: Yes, somebody who may have been a Minister in any government and got killed.

MAWALO: They were many but I cannot remember.

MR. KAWANGA: You cannot remember which one?

MAWALO: I think Ondoga - I do not know whether he was a Minister.

MR. KAWANGA: He was. I mean, you were a personal secretary to the President?

MAWALO: Yes.

MR. KAWANGA: Did you get to know President Amin fairly closely - President?

MAWALO: It was not easy to know him personally. As I told you that he has many offices, he only rings. When he wants to meet an Ambassador - for the Presidential Press Unit and then we go there. When you finish

you come back to the Office to go home.

MR. KAWANGA: So, really it was a telephone connection? - Nothing like being called upon to say 'how are you' or to be given personal instructions to do certain things?

MAWALO: Of course, when you get in the office he greets you and says I am going to meet so and so.

MR. KAWANGA: So, you had chances to meet him personally?

MAWALO: I met him personally and talked to him personally.

MR. KAWANGA: What kind of person was he?

MAWALO: Can you ask me a particular question, you see that one is not easy; I do not know - I am not an expert to explain that so and so is like this, like that. But if you can ask me a particular question-

MR. KAWANGA: Okay, was he a harsh person?

MAWALO: Yes.

MR. KAWANGA: Extremely?

MAWALO: Like any other military man.

MR. KAWANGA: And was he given to friendly attitude sometimes?

MAWALO: Yes.

MR. KAWANGA: So, you had opportunities to see him in those moods?

MAWALO: Yes.

MR. KAWANGA: Now, knowing that, were you able to notice this with his wives - we are asking this because some of his wives died, and we want to know why it could have happened.

MAWALO: Usually he did not come with his wives to the offices. So it is not easy to know.

MR. KAWANGA: Okay, thereafter the death of the Archbishop at least, was a meeting somebody reported to you and said you see, it is was a hot meeting the Archbishop says this is his gun and so on and so forth.

MAWALO: Yes.

MR. KAWANGA: Now, did you hear anything about what had gone on and what may have led the death of the Archbishop?

MAWALO: I really do not know, I heard rumours.

MR. KAWANGA: You heard rumours, which ones?

MAWALO: That the Archbishop might have died or he was supposed to have died in an intended accident; I heard rumours.

MR. KAWANGA: Were you surprised that he died or he was supposed to have died in the President's Range Rover which the President used to drive himself?

MAWALO: Of course, we were surprised all of us.

MR. KAWANGA: It struck you as strange?

MAWALO: Of course.

MR. KAWANGA: Did it also strike you as strange that two other ministers died in the same circumstances?

MAWALO: It did.

MR. KAWANGA: So, then you remained on until 1979 doing your secretarial work?

MAWALO: Yes.

MR. KAWANGA: What were your feelings working for a government which was being accused of killing so many people, or for a President who was being accused of killing so many people?

MAWALO: Can you repeat your question please?

MR. KAWANGA: What were your feelings working for a government which was being accused of killing so many people?

MAWALO: I was scared.

MR. KAWANGA: You were scared, but what did you do about it?

MAWALO: There was nothing I could do about it, I was working for my daily bread.

MR. KAWANGA: Could you not resign?

MAWALO: And do what? And cook? That could not help me with my many children.

MR. KAWANGA: No, you have since then stopped working for the government_

CHAIRMAN: Madam, could you speak nearer to the microphone; sometimes you do not.

MR. KAWANGA: Since you left you have survived, have you not?

MAWALO: Through hard way.

MR. KAWANGA: Why did you not resign then?

MAWALO: Because I was not a person being pressed.

MR. KAWANGA: I see, it did not concern you personally?

MAWALO: Yes, so I struggled to get my living.

MR. KAWANGA: I see. You will excuse me for asking this kind of question; We keep asking it to people who worked for this government, because various people got various reactions to this kind of situation.

MAWALO: Yes.

MR. KAWANGA: You must have heard that government was killing very many people.

MAWALO: Yes.

MR. KAWANGA: But did you also know it as a fact that it was actually doing it?

MAWALO: I knew it as a fact.

MR. KAWANGA: Had you lost some relatives of yours?

MAWALO: I do not remember.

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MR. KAWANGA: You do not remember; okay, thank you.

COUNSEL: No, Mrs. Mawalo, when you say you knew it as a fact, why do you say so, which fact do you have?

MAWALO: Because people died, like Kay; she was put in a sack; like the Archbishop -after the meeting he died! - so surely, those were facts.

COUNSEL: Now, as a personal secretary to the President, Were you getting instructions to send orders by President to kill people?

MAWALO: No.

COUNSEL: Were you receiving complaints of the public to the President about the killing of the people?

MAWALO: Yes.

COUNSEL: What complaints do you remember you received?

MAWALO: I think the Archbishop and Bishops wrote a memorandum complaining that there are many widows and that the Church is tired of having so many widows and I came across that document.

COUNSEL: What was the reaction of the President to it?

MAWALO: It was not easy to know with a military man; he does not show his reactions.

COUNSEL: Are these the only facts you remember? Were there some people who approached you to intercede -I mean, the relatives having been taken to intercede for them to the President?

MAWALO: To do what?

COUNSEL: Well, to approach the President and say; 'I beg you please leave this man or try to see that this man is freed' did you do that?

MAWALO: No, I did not find that.

MR. NAGENDA: Mrs. Mawalo, when you worked at the General Service Unit at Nakasero.

MAWALO: Yes.

MR. NAGENDA: This was at the offices of this organisation; am I right?

MAWALO: Yes.

MR. NAGENDA: Were these offices connected to any detention centre?

MAWALO: No.

MR. NAGENDA: If reports came in to the Unit which necessitated somebody being detained,-what happened?

MAWALO: He was taken to Luzira.

MR. NAGENDA: Who took him to Luzira?

MAWALO: I think when they got information they used to send it to - they has liaison with CID and Special Branch.

MR. NAGENDA: So, if they got this information, they got in touch with -

MAWALO: With the head of CID who was an Indian whom I cannot remember.

COMMISSIONER: Was he called Hassan? .

MAWALO: Hassan, yes.

MR. NAGENDA: These CID they got in touch with Hassan; and with the Special Branch with whom did they get in touch?

MAWALO: I do not remember their name?

MR. NAGENDA: How did they get in touch; did they phone them, did they go round where these people-

MAWALO: They were phoned to come in.

MR. NAGENDA: They were phoned to come in; who phoned them?

MAWALO: The Chief General Service Officer phoned them to come and they meet.

MR. NAGENDA: Did he have power over the CID and the Special Branch; did he just tell them 'go and pick these people up and take them to Luzira' or what happened?

MAWALO: I think he had powers.

MR. NAGENDA: You think he had powers?

MR. NAGENDA: Okay, you were with him for two months, did you witness any such arrest - I mean, did you witness any such giving of orders to Mr. Hassan of CID and the Special Branch person whose name you forget being told by Mr. Akena Adoko to go and take somebody to Luzira?

MAWALO: I did not witness any personally, but he used to come to the office.

MR. NAGENDA: He would come to the office?

MAWALO: Yes.

MR. NAGENDA: When called or would just come?

MAWALO: When called.

MR. NAGENDA: And then what they talked about you would know nothing about?

MAWALO: No.

MR. NAGENDA: So, in fact, you are not even sure that after that people were arrested and taken to Luzira?

MAWALO: I think after that you could hear people saying that so and so is in Luzira; so you make one and know it must have been this, but I was not there personally to witness this.

MR. NAGENDA: No, but what you did witness, which is my next question, are some reports; because you told us that you saw some reports when they came in and that mostly they were on people in the Army. Is that correct?

MAWALO: Yes.

MR. NAGENDA: Subsequent to you seeing these reports, did you then hear that the

army people concerned had been taken to Luzira? Is that what you are saying?

MAWALO: I think, with the army, they had the reports that failed to discipline them.

MR. NAGENDA: You mean all the reports that you saw on the people on the army there was no follow up as far as you knew.

MAWALO: No.

MR. NAGENDA: Okay. Who then were the people who were taken to Luzira as a result of reports coming to your group?

MAWALO: I think the people who were taken to Luzira were - when there was an assassination attempt at Lugogo - that is when they started picking people.

MR. NAGENDA: Assassination attempt on whom?

MAWALO: On Obote.

MR. NAGENDA: On Obote.?

MAWALO: Yes.

MR. NAGENDA: Then reports came in to G.S.U.?

MAWALO: Yes

MR. NAGENDA: At Nakasero?

MAWALO: No, at Parliament.

MR. NAGENDA: At Parliament.

MAWALO: Yes.

MR. NAGENDA: You mean G.S.U. had offices at Parliament as well?

MAWALO: No; the Chief General Service Officer was actually like the other one, he used to move. He had offices.

MR. NAGENDA: That is the point I was going to come to funny enough. Therefore, when he was working at Parliament, he was not only doing his archives work at Parliament; he was still doing his G.S.U. duties.

MAWALO: Yes.

MR. NAGENDA: So even after you had actually left the place at which you worked for two months, because you worked in the same office - you could and, obviously, did follow up things to do with G.S.U. Is that not?

MAWALO: Not directly.

MR. NAGENDA: Not directly but indirectly, if not directly, then indirectly.

MAWALO: I mean because, let me say, like the Hassan used to come there and they talk; but the work being done in the office was not that. Of course, they could come and meet in the office wherever he was.

MR. NAGENDA: Yes. Tell me about these offices - I mean, as we sat here we could hear people talking quite clearly outside; in fact it was a nuisance. Were your offices thick walled or what?

MAWALO: With his, it was a special one; it had a double door.

MR. NAGENDA: It was double door.

MAWALO: Yes.

MR. NAGENDA: So anything that was said there you could not hear.

MAWALO: No.

MR. NAGENDA: I see.

MAWALO: It has a double door.

MR. NAGENDA: Did you ever manage to hear any of his telephone conversations?

MAWALO: No.

MR. NAGENDA: No; of course, not as a good Secretary, you could not.

MAWALO: Not easy, because when you connect it, it just goes direct to him.

MR. NAGENDA: Yes. But yet you have said that after the attempt on Mr. Obote's life at Lugogo, people were picked up as a result of what the G.S.U. officer told the C.I.Ds. Is that what you said?

MAWALO: Yes.

MR. NAGENDA: I see. Who were some of the people who were - no, first of all, how do you know - this is true?

MAWALO: Some of them were neighbours - because I was staying in Lungujja; so they were neighbours.

MR. NAGENDA: Who were picked up?

MAWALO: Yes, but I cannot remember their names.

MR. NAGENDA: No. But you yourself are sure in your own mind that they were

picked up as a result of Mr. Akena Adoko telling the C.I.D. to pick them up?

MAWALO: I think so because they met.

MR. NAGENDA: Yes, alright. What happened to these people?

MAWALO: They were put in detention.

MR. NAGENDA: Did they come out?

MAWALO: I think they came out in 1979; in either 1971; I Do not still remember.

MR. NAGENDA: Had they been well treated while in detention?

MAWALO: I do not think so.

MR. NAGENDA: Let me go back to those reports on the army which you saw. What sort of reports were they? Tell us about one of those reports. What sort of things did they say?

MAWALO: They used to say that they want to overthrow the government; that they saw soldiers going to certain installations; and then they were meeting day and night, like that.

MR. NAGENDA: Who made these reports?

MAWALO: The General Service Officers.

MR. NAGENDA: Yes, exactly. Who were these people; do you have a list of these officers?

MAWALO: I can remember that Waante, Ddumba, and then there was - their names are difficult.

MR. NAGENDA: Yes, but I mean, maybe you will be able to when you are not being quizzed so vigorously by ourselves, you might be able to remember the names; then I am sure you will do your duty as a citizen to give them to our investigative team. But we have got Ddumba and Waante. Where is Mr. Waante at this moment; do you know?

MAWALO: I think he died.

MR. NAGENDA: He died.

MAWALO: Yes. When - he was killed; I do not know.

MR. NAGENDA: Aha! He was killed. He was a friend of your husband, Mr. Mawalo?

MAWALO: Yes.

MR. NAGENDA: Who is Mr. Mawalo, what did Mr. Mawalo do?

MAWALO: He was working in the Post Office as an electrical engineer.

MR. NAGENDA: So he was very strong U.P.C. supporter?

MAWALO: Yes.

MR. NAGENDA: Yes; what was his office?

MAWALO: Where?

MR. NAGENDA: In U.P.C.; was he an officer of the U.P.C.?

MAWALO: No. He was a chairman of - they had chairmen in organisations.

MR. NAGENDA: I think he was a chairman of one of their branches perhaps.

MAWALO: Yes.

MR. NAGENDA: Where?

MAWALO: Post Office.

MR. NAGENDA: He was the chairman of the Post Office.

MAWALO: Yes, U.P.C. Club.

MR. NAGENDA: Do you think Mr. Mawalo might be able to give us more information on Mr. Waante and people like him; did he know a lot of them? Well in the G.S.U.?

MAWALO: He only knew Waante because they were staying together in one house.

MR. NAGENDA: Yes. But I take it, you husband is around.

MAWALO: He is around.

MR. NAGENDA: These reports that were made - did they make any recommendations? I mean, did people who wrote them make recommendations about what should happen?

MAWALO: No; they make them and send them to the boss. Maybe if they meet, I do not know. I do not know what happen when they meet.

MR. NAGENDA: Did you have a list of General Service Officers in your office; did you have a file of their names, of their code names, of their numbers?

MAWALO: Actually I was not the Senior Personal Secretary, so may be she had them. But I did not come across any.

MR. NAGENDA: Yes; and who was this then?

MAWALO: Mrs. Grace Obache.

MR. NAGENDA: Mrs. Grace.

MAWALO: Yes.

MR. NAGENDA: Incidentally, do you know where Mrs. Obache is?

MAWALO: I think she is working in Labour.

MR. NAGENDA: In Labour?

MAWALO: Yes. I am not very sure because -

MR. NAGENDA: Where do you think she could be if you remember?

MAWALO: Because by the time I -

MR. NAGENDA: When you last knew about her, she was in Labour - I mean working for Labour rather than in Labour. (laughter).

MAWALO: Yes.

MR. NAGENDA: When was this?

MAWALO: In 1983/84.

MR. NAGENDA: Labour - Where?

MAWALO: Headquarters.

MR. NAGENDA: You said that the very sensitive matters were not typed by yourself, they went straight to the top security office.

MAWALO: Yes.

MR. NAGENDA: You gave us names of Obote, Adoko -

MAWALO: And I think even Hassan was in that, because now I am remembering one by one.

MR. NAGENDA: He was in this one too?

MAWALO: Yes.

MR. NAGENDA: Where is Hassan? Do you know?

MAWALO: I think he is dead.

MR. NAGENDA: When they got there, who typed them? When they got to this top

security committee.

MAWALO: I do not know. May be either the President had a person to type them or;' I do not know what happened next.

MR. NAGENDA: Yes. But then you fortunately went on to work for the President yourself as Senior Personal Secretary.

MAWALO: Yes.

MR. NAGENDA: Were you ever in a position to type these very sensitive matters once you were working for him?

MAWALO: Now you are connecting two governments; because the system is different.

MR. NAGENDA: Oh, the system changed. Yes, I very much like you to tell us about this system in a minute.

MAWALO: Because Amin did not have any top security council.

MR. NAGENDA: I see. If he did not have any top security officer, I will ask you what he had instead of a top security committee in a minute, but let me leave this for the time being. So you do not know whether there was a secretary who was actually typing those?

MAWALO: No, I do not know.

MR. NAGENDA: Do you think Mrs. Obache might have seen some of the more sensitive matters that came in?

MAWALO: I do not know. It is better to ask her personally.

MR. NAGENDA: Okay, let me put it in other way. A report comes in from may be Mr. Waante or Mr. Ddumba; what would happen to it? Will it just come by post so that when you come there are a lot of envelopes or will he bring it in person or what would happen?

MAWALO: In a file and he goes in to see the chief.

MR. NAGENDA: He would being his report in a file. Did you know any of the people who worked for Mr. Waante who perhaps had made up these files?

MAWALO: I did not know.

MR. NAGENDA: No. What about Mr. Ddumba? Did you know any of the people who worked for him?

MAWALO: I do not remember those secretaries; but they had secretaries.

MR. NAGENDA: Do you think there were secretaries who prepared their files which they brought to your boss?

MAWALO: I think there must have been secretaries who did it.

MR. NAGENDA: So would they then say, they take out of their files one thing which they would allow you to see because it was not very sensitive or would your boss later on say, this file came in and that particular piece of paper you can type. What happened?

MAWALO: Can you repeat the question please?

MR. NAGENDA: Some of the reports you saw, some you did not see because they were very sensitive.

MAWALO: Yes. No, I mean, some of them may come when you are the one on duty; some might come when you are not on duty.

MR. NAGENDA: But when they come do you see them first before you send them on to your boss?

MAWALO: No, they go directly and meet the boss. It is only when you are filing.

MR. NAGENDA: When you are filing what they have left behind.

MAWALO: Yes.

MR. NAGENDA: So how do you know that there was some reports which you did not see at all?

MAWALO: Because they were not filed.

MR. NAGENDA: But if you did not see them, how do you know that they were there? Do you see what I mean? You are saying, some sensitive stuff you did not see, they went straight to the top security committee; but some you saw. So how do you know that there were some you did not see?

MAWALO: But they come in - let me say, Hassan comes in with a report, and these officers come in, they meet and they do not come and you do not file them. So they go up.

MR. NAGENDA: So the things you filed were brought in by very small flies. Is that what you are saying?

MAWALO: I think so.

MR. NAGENDA: Like whom?

MAWALO: Like those Ddumbas -

MR. NAGENDA: Ddumba and Waante what they brought in you could see.

MAWALO: Yes.

MR. NAGENDA: What was the most of the reports that you saw brought in, say, by Waante and by Ddumba? Looking back on now 15 years afterwards or may be even more, what was the most striking one you remember seeing?

MAWALO: Surely, I cannot remember.

MR. NAGENDA: Were there any striking reports you saw when you were in the G.S.U.?

MAWALO: That is one I told you that of the assassination attempt.

MR. NAGENDA: Okay; the assassination attempt; who brought in that particular report?

MAWALO: I think it was Ddumba.

MR. NAGENDA: Ddumba?

MAWALO: Yes.

MR. NAGENDA: And he did mention names of people who were involved?

MAWALO: Yes, but I cannot remember their names.

MR. NAGENDA: At the time were some of the names mentioned-

MAWALO: In the report?

MR. NAGENDA: Yes.

MAWALO: Yes.

MR. NAGENDA: But some of these names, did they belong to people who were finally picked up?

MAWALO: Yes.

MR. NAGENDA: Including your neighbours perhaps?

MAWALO: That is right.

MR. NAGENDA: Were your neighbours in the report that Ddumba brought?

MAWALO: Yes, some of them.

MR. SEKANDI: Who?

MAWALO: I cannot remember their names.

MR. NAGENDA: You mean Kamanyi?

MAWALO: Yes, those who were at Kamanyi there.

MR. NAGENDA: Okay, fine, now we are getting somewhere. What I take it, in fact I do not take it because I understand Luganda, but I would say it into the machine for the sake of documentation. The people at Mr. Kamanyi's were named in the document that Ddumba brought in concerning the assassination - the attempted assassination of Obote at Lugogo. Is that true?

MAWALO: Yes.

MR. NAGENDA: Were you unable to warn these people to run away?

MAWALO: No.

MR. NAGENDA: But surely if you had neighbours that they were mentioned, would it not have been natural to warn them?

MAWALO: I did not know that they were my neighbours until they were picked.

MR. NAGENDA: When you say neighbours, how?

MAWALO: I did not know their names.

MR. NAGENDA: I see, you did not know their names.

MAWALO: Yes, until they were picked.

MR. NAGENDA: Had you lived there for a long time?

MAWALO: In the area?

MR. NAGENDA: Yes.

MAWALO: I was there for one year.

MR. NAGENDA: But you did not know the names of you neighbours.

MAWALO: No, on that side, because they were on the opposite side. They were down.

MR. NAGENDA: I see. When did you stop working for the General Service?

MAWALO: That was in 1971.

MR. NAGENDA: In 1971?

MAWALO: Yes.

MR. NAGENDA: Were you not recruited to work - what took over from the General

Service -what organisation?

MAWALO: The State Research.

MR. NAGENDA: State Research, exactly. Did you ever get an invitation through Mr. Waante to work for the State Research?

MAWALO: Mr. Waante was not in State Research; I think by that time he was dead.

MR. NAGENDA: Did you get any invitation from anybody to use your skills in State Research?

MAWALO: No.

MR. NAGENDA: If you had got - this is a hypothetical question, but I would like to find out. If you had got an invitation to work, to use your skills which you had acquired at the school where you went to; would you have joined State Research?

MAWALO: No, I joined that organisation because I wanted to become a Secretary and I was already a Secretary and I was working already in government. So I would not have liked that.

MR. NAGENDA: Now when you went to work for your new boss, Mr. Amin my colleague used a word "vetting" - were you not vetted? Did they ask you whether you had worked for General Service Unit?

MAWALO: Yes.

MR. NAGENDA: What did you say?

MAWALO: I said, I did. And he used to see me there; he used to come.

MR. NAGENDA: Okay. But he never or any of his officers asked you to help them in spying?

MAWALO: No.

MR. NAGENDA: If they had asked you to spy, would you have spied?

MAWALO: No.

MR. NAGENDA: Why not?

MAWALO: Because I was not interested in the type of job, my job was Secretarial.

MR. NAGENDA: Yes, you can have Secretarial spies, of course.

MAWALO: Not my type anyway. I do not know how they spy.

MR. NAGENDA: Really? You said that Amin did not have these top security committee.

MAWALO: No.

MR. NAGENDA: How do you know?

MAWALO: Because it was not there.

MR. NAGENDA: What did he have instead?

MAWALO: He used to have Defence Council.

MR. NAGENDA: Defence Council?

MAWALO: Yes.

MR. NAGENDA: Did it do the same job?

MAWALO: The Defence Council, I think, was there to discipline officers and may be report on what is coming in, the security of the government.

MR. NAGENDA: I can see Amin had replaced Obote on that one. Who replaced Adoko?

MAWALO: At first there was Abdu Nassa; then there was Amin Onzi; then there was Itabuka; I think they were only those.

MR. NAGENDA: Now that you were working for the President Amin as Senior Personal Secretary, were you sometimes given work to do - secretarial for the Defence Council?

MAWALO: Not directly; it is when they are meeting - because when there is a meeting going on, they come, the press takes the photographs, you take the notes, and then leave the Defence Council to discuss their matters when you are out.

MR. NAGENDA: When you say, "you take the notes", what does that mean?

MAWALO: Let me say, he addresses them, then afterwards, there are matters they discussed without me.

MR. NAGENDA: In camera.

MAWALO: Yes; after camera, then you do not get in.

MR. NAGENDA: Who was the Secretary who took the notes at these meetings?

MAWALO: I took some of them.

MR. NAGENDA: During the meetings themselves?

MAWALO: Yes.

MR. NAGENDA: When the Defence Council was sitting?

MAWALO: They used to sit when we were there with the Presidential Press Unit. the Presidential Press Unit takes the minutes and we take them. And then afterwards, there is what they call the top security meeting where they do not have a secretary.

MR. NAGENDA: Then who takes the notes for that one?

MAWALO: They do not.

MR. NAGENDA: They do not?

MAWALO: They do not.

MR. NAGENDA: No record of those wonderful deliberations? Let us go back to - not the top secret, but just secret enough, you took some of these notes; what sort of things did they discuss?

MAWALO: They used to discuss the security of the country; and may be other countries.

MR. NAGENDA: What sort of things did they say?

MAWALO: Let me say, they would say that the commanding officer in this area is not doing his job, he should be transferred to another area; then these people should be demoted; others should be promoted.

MR. NAGENDA: When they say, this particular officer is not doing his job very well, he should, may be demoted or moved on, did they at any time when you were taking these notes, ever say, this particular officer is behaving very badly because he is killing too many people?

MAWALO: No.

MR. NAGENDA: No. Did you get the impression that - or why not, when people being killed in these areas?

MAWALO: They were -

MR. NAGENDA: They did not come up.

MAWALO: They did not come up. May be they used to come up after we came.

MR. NAGENDA: In the Top Secret one. So at no time when you were actually taking these notes was the question of being killed or people being killed come up?

MAWALO: No.

MR. NAGENDA: It never came up.

MAWALO: Yes.

MR. NAGENDA: Who chaired these meetings?

MAWALO: Amin himself.

MR. NAGENDA: What sort of Chairman did he make?

MAWALO: A dictator. That is how I can sum up.

MR. NAGENDA: Did people come with their briefs; did he say, "Mr. Itabuka, read to us what has been happening in State Research; Mr. Abdu Nassa, do this, do that; what happened"? Or did he talk and then the other people answer?

MAWALO: He used to talk then the other people answered.

MR. NAGENDA: Did you ever get known to any of these people at all?

MAWALO: Pardon?

MR. NAGENDA: Did you ever get known to any of these people on the Defence Council at all?

MAWALO: To know them?

MR. NAGENDA: Yes, to be able to talk to them, you know, to discuss matters of that matter?

MAWALO: No.

MR. NAGENDA: In my thinking, you might have known somebody like Itabuka, for example.

MAWALO: I knew him.

MR. NAGENDA: Did you ever get a chance to discuss what was going on with him?

MAWALO: No.

MR. NAGENDA: Were you frightened of him or you were just uninterested?

MAWALO: In the office I was in - we were so busy that we did not have time to talk to the bosses.

MR. NAGENDA: Now looking back on it, and I am going to ask you for your personal opinion because you were very close to the big people of this time; even if you worked for them; you read reports; you saw some of these reports effected; would you say that the work that the G.S.U. did was good work for the country?

MAWALO: Part of it.

MR. NAGENDA: Part of it?

MAWALO: Yes.

MR. NAGENDA: What part?

MAWALO: The security of the country.

MR. NAGENDA: What was the bad part?

MAWALO: People to be spied on.

MR. NAGENDA: But if you are going to have your country secure, you have to spy on people, to see what they are doing.

MAWALO: Very few Ugandans want to be spied on.

MR. NAGENDA: How are you going to have the security of the state without spying on people? how can you do it?

MAWALO: When we talk of spying, it is may be, you see me at my shop, you just see -you know - you go into somebody's personal movements; not the top ones like may be if somebody wants to, say, overthrow a government; but may be if Joy is there, she is eating this and that or she is doing this and that. That is what I mean, spying on just on personal things.

MR. NAGENDA: And the G.S.U. used to do this?

MAWALO: I think that is what they used to do; part of it. That is why I said they were spying for the country and then looking into other peoples' affairs.

MR. NAGENDA: Do you think because of what you saw when you were working there.

MAWALO: I did not see anybody tortured or killed there.

MR. NAGENDA: But did you hear by people what was happening there?

MAWALO: At the G.S.U.?

MR. NAGENDA: Yes.

MAWALO: No.

MR. NAGENDA: You never discussed with them?

MAWALO: No, and I did not hear, and I did not see.

MR. NAGENDA: And you have no opinion on the matter?

MAWALO: No, except that they were spying on the people.

MR. NAGENDA: If they had not been spying the rest would be been alright.

MAWALO: Pardon.

MR. NAGENDA: If they had not been spying on you, to see you in you shop eating this, that or the other, the rest of the stuff they did would have been alright by you?

MAWALO: On the government part of it.

MR. NAGENDA: No; on any part. They spied to the government, that is fine for you.

MAWALO: Yes.

MR. NAGENDA: They spied on people which was wrong?

MAWALO: Yes.

MR. NAGENDA: But that is only wrong thing the G.S.U. did in your view.

MAWALO: I do not know any other. May be they did it but I did not know.

MR. NAGENDA: You do not know anything about it?

MAWALO: No.

MR. NAGENDA: Very kind of you. Thank you.

DR. LUYOMBYA: Mrs. Mawalo, I want you to clarify one more other point for me. You talked of reports being hand written, those which were Top Secret, and they went on to the Top Secret Committee, and they were filed up somewhere, you never filed those yourselves. Who filed these other reports - the Top Secret Reports?

MAWALO: I do not remember but - because you ask me that question there was one time that top security committee sat; and then it happened that the Chief of Staff was not there and he was supposed to be there. They first met, and then they left, when they had left, these people came back to discuss him, I understand. So he rang our office and said that "I want those Minutes". We did not have them. And we asked the boss; the boss also said he did not have them. And later I think they were produced - he was so hot - I do not know where they came from; but they were brought and that part where they discussed him was not there. But they were hand written. That is why I came to know that they were there.

DR. LUYOMBYA: They were discussing Amin.

MAWALO: Yes. So that part was not there but he brought the Minutes.

LUYOMBYA: And to your knowledge you do not know where they were kept?

MAWALO: No.

LUYOMBYA: I see. You said, you stopped working for the President's office in 1979.

MAWALO: Yes.

LUYOMBYA: And then you went full time into general business.

MAWALO: Yes.

LUYOMBYA: I see. Did you play any role in government as a citizen when you went out of government employment?

MAWALO: No.

LUYOMBYA: No. Did you assist Mr. Mawalo in running the UPC office?

MAWALO: No.

LUYOMBYA: I see. You wanted to earn your bread, and this is your primary interest.

MAWALO: Yes.

LUYOMBYA: You never cared what happened to others.

MAWALO: I might have cared but I was toothless.

LUYOMBYA: Well, you told us that since it did not concern you, you never bothered.

MAWALO: No, you can be hurt but still you will work.

LUYOMBYA: Exactly I was going to ask you that. During the terms you worked for the two Presidents; first Obote One, then Amin - what hurt you most that you now look back to regret?

MAWALO: People dying and insecurity.

LUYOMBYA: Was there insecurity during Obote One?

MAWALO: I think you remember that incident of Lugogo.

LUYOMBYA: But the rest was brief?

MAWALO: Yes.

LUYOMBYA: Okay. You knew that people died, but you were toothless if you had teeth, what would you have done?

MAWALO: May be I would have tried to stop it.

LUYOMBYA: How?

MAWALO: There are many ways.

LUYOMBYA: Tell us.

MAWALO: May be I would have condemned them.

LUYOMBYA: Condemned them how?

MAWALO: I mean if you have power - if I am of equal power with you I can come and tell you, please stop doing this.

LUYOMBYA: Are you genuine with that answer surely?

MAWALO: Yes. Let me say, if he is my husband, I can tell him, please stop doing this. Is it not so?

LUYOMBYA: Okay, during Obote Two, did you see anything going wrong with the administration that was in power?

MAWALO: I do not know about the administration but people were dying like Amin's time; it was continued.

LUYOMBYA: The UPC administration has been blamed of what was going on during the Obote Two period. Your husband was part and parcel of that; he was chairing a constituency within the Post Office.

MAWALO: No;I do not think that was a constituency. I really do not know.

LUYOMBYA: Well he was a head of a branch.

MAWALO: Well I do not know; he was very minimal. (laughter).

LUYOMBYA: But he is not minimal, he is an electrical engineer.

MAWALO: Yes, but that was a small organisation in - let me say we are D.P., now you are UPC in the same Post Office - so it was not something of an administrative calibre.

LUYOMBYA: No, but he was the head of a branch.

MAWALO: He was for a very short time; I think when they came back to power, UPC people, they wanted to organise themselves. But he served for a very short time.

LUYOMBYA: And do you agree that an electrical engineer is a highly placed person in a country?

MAWALO: Yes; but in that UPC thing he was not; because it was a small group.

LUYOMBYA: But surely he knew other highly placed people in government.

MAWALO: He knew them.

LUYOMBYA: He knew them?

MAWALO: Yes.

LUYOMBYA: And you knew them?

MAWALO: I was not much connected with them.

LUYOMBYA: Now going back to your failure, you said that if you had the power you would have condemned the wrong acts. And here was your husband leading a branch, highly placed in a country. What did you do?

MAWALO: When he was there, there was nothing much; when he was a chairman, it was the beginning. And I think at that time there was not much insecurity; it came in after when he was no longer a chairman.

LUYOMBYA: So then insecurity came afterwards.

MAWALO: Yes; I remember that very well because those were just organising people at that time. And he left, he did not continue as a chairman.

LUYOMBYA: But still he was a UPC supporter although he was not a chairman.

MAWALO: I do not know; that one is better to ask him because I do not know whether he continued when he was voted out; I do not know whether he continued to be a UPC supporter.

LUYOMBYA: Surely, you know what is happening with your husband.

MAWALO: I do not think I know.

LUYOMBYA: You do not think you know?

MAWALO: On that particular one because he was voted out and he was no longer active; may be indirectly but he was not active.

LUYOMBYA: Did you ever discuss what was going wrong during this period?

MAWALO: To discuss it with him?

LUYOMBYA: Yes.

MAWALO: No.

LUYOMBYA: Were you affected directly by anything going on during the Obote Two period?

MAWALO: Not directly.

LUYOMBYA: Did you have any human rights violated as far as you are concerned

during this period?

MAWALO: They must have been violated.

LUYOMBYA: You were not concerned yourself?

MAWALO: I must have been concerned but what could I have done?

LUYOMBYA: No, in which way? Even if you did nothing, were you affected?

MAWALO: I do not follow you, may be you can clarify it.

LUYOMBYA: I am not tricking you in anyway.

MAWALO: No, I am not saying you are tricking me. I said "can you clarify it? I do not get you."

LUYOMBYA: Did you note any violation of human rights during the Obote Two period?

MAWALO: Yes.

LUYOMBYA: Which ones?

MAWALO: They were shooting all over - especially in our place there. There was a lot of insecurity.

LUYOMBYA: You mean the noises of the guns could not allow you to rest.

MAWALO: Yes.

LUYOMBYA: Anything else?

MAWALO: I do not know much.

LUYOMBYA: Did you have any relative or a friend killed in cold blood?

MAWALO: I had friends.

LUYOMBYA: You had some.

MAWALO: Yes.

LUYOMBYA: Did you do anything about it?

MAWALO: No.

LUYOMBYA: I see. Okay, thank you.

CHAIRMAN: Mrs. Mawalo, thank you for having come and for the evidence you have given before this Commission; you may go now.

MAWALO: Thank you very much.

CHAIRMAN: Counsel, from what you said earlier when we opened this morning, it would appear that there is no any other witness for the rest of the day. Is that correct?

COUNSEL: Yes.

CHAIRMAN: In which case the inquiry is adjourned to resume here in this very hall tomorrow at 9.30 a.m.

CHAIRMAN: Learned Counsels and Gentlemen, we are unable to commence the hearing of evidence for today for the simple reason that witnesses have not been brought as they should have been brought yesterday or this morning. The reason for this is that the vehicles which we normally use to ferry in witnesses from outlying areas are now in the hands of the Minister of Transport who is streamlining the method and system of using all Government vehicles. Some of you who were in Kampala yesterday must have seen a very extensive operation by Security Forces who were collecting in government vehicles I think to be for a better re-organisation and better deployment. So we expect that this exercise should be completed today and tomorrow we shall resume our normal work if vehicles are available. So dor those reasons, this session is adjourned until 9.30 a.m. tomorrow here. Yes, Leading Counsel seems to have something to say.

COUNSEL: I do not know whether this exercise will be completed today, I would suggest that My Lord, you adjourn this hearing of evidence to Wednesday to give us, say, tomorrow to see how they have streamlined this transport business.

CHAIRMAN: Very well then, since the Leading Counsel is the one who is responsible for bringing evidence before the Commission, I have to accede to this suggestion. So I will cancel what I have said earlier and say that the session is adjourned and will resume Wednesday next week at 9.30 a.m. in this Hall.

CHAIRMAN: Ladies and Gentlemen Commissioners, Learned Counsels, we should now start the session of today - the 2nd of September, 1987. I am sorry that we had to start so late. The problem has been our usual chronic problem - fuel problem: Vehicles could not pick up Commissioners in time by 9.30 as should have been the case. I am sorry about this. But we are now ready to start. Now, perhaps, before we start, I would like to put on record that we have with us this morning Mr. B.E. Kwaw-Swanzy who is from the Amnesty International in London and he has been sent by Amnesty International on a Watching Brief at the treason trial which is going on in the High Court of Mr. Nyanzi and others. I would like to say that we are glad to have him here and we are glad that he has been able to spare a little time to come and see what this Commission is doing. Thank you.

COUNSEL: My Lord Chairman and Gentlemen Commissioners, when the public

hearing of evidence in respect of matters we are investigating opened, we started with an incident that happened at a wedding party where a number of people were picked on that occasion. The case that I intend to introduce today also concerns a wedding party; but this was a bachelors' party where security personnel arrested - in fact, kidnapped five people, including a man who was supposed to marry the following day. It is unfortunate that that man has never been seen again. This happened on the 27th of August, 1982, at Silver Springs, where the following people were kidnapped: Mr. Rwakakaire, Mr. Rukyarekere, Mr. Banya, Mr. Kayondo, Wamala and Kuluwa. Fortunately, Mr. Kayondo is alive and he will be here to give to us what he saw. And a number of witnesses in this case will also give evidence in respect of torture at the Nile Mansions and at Argentina House at Mbuya. My first witness, my Lord, will be Mr. Kiyiimba Kagwa.

CHAIRMAN: We notice that it is possible that the other witnesses in this incident may be sitting just outside the door and may be hearing what is being said here. I think, that door should remain open because this is a public hearing; do not close the door; anybody is free to walk in. But the witnesses should be kept somewhere out of eavesdropping. Let us proceed.

MR. NAGENDA: What number of witness?

MR. KAWANGA: 154.

NAGENDA: 154.

KAGGWA: My name is Elgoon Tony Kiyiimba Kaggwa.

NAGENDA: What name, please?

KAGGWA: Elgoon.

COUNSEL: Elgoon?

KAGGWA: Yes. (Elgoon).

KAWANGA: 'Tony,' is for?

KAGGWA: Tony - 'T-o-n-y.'

KAWANGA: Not Anthony but Tony?

KAGGWA: No - Tony

NAGENDA: And Kagwa.

KAGGWA: Kiyiimba-Kagwa - single 'g'.

COUNSEL: How old are you?

KAGGWA:
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KAGWA:
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KAGWA:

KAGGWA: I am now 47.

COUNSEL: What do you do and where do you live?

KAGGWA: I am an architect by profession.

CHAIRMAN: Counsel, I am sorry to interrupt. Have you sworn him?

COUNSEL: I am sorry.

CHAIRMAN: If he is not a Christian, you can affirm him.

WITNESS NO.154: MR. ELGOON TONY KIYIMBA KAGWA - SWORN IN

COUNSEL: Where do you reside?

KAGWA: I reside at Mbuya.

COUNSEL: And what do you do?

KAGWA: I am an architect by profession and I practise privately. My firm is called Linear Consultants.

COUNSEL: For how long have you been in practice?

KAGWA: I qualified in 1968 and since then I have been practising as an architect.

COUNSEL: In Uganda.

KAGWA: In Uganda except one year when I was practising in London.

COUNSEL: When was that?

KAGWA: In 1984 - sorry 1974. Correct.

COUNSEL: Now do you remember the 27th August, 1982?

KAGWA: Yes, 27th August?

COUNSEL: Yes.

KAGWA: Yes.

COUNSEL: Where were you?

KAGWA: I was in Kampala, the whole day at my house. But the most important event that I remember on that day was a Bachelor's Party which I attended that evening - that afternoon and part of the evening.

COUNSEL: Where was this bachelor's party?

The bachelor's party was at the Silver Springs Swimming Pool.

KAGWA: That is in Kampala.

COUNSEL: Yes, on Port Bell Road.

KAGWA: Whose Bachelor's Party was it?

COUNSEL: It was for Mr. Norman Kuluwa.

KAGWA: Had you been involved in the arrangement of this bachelors' party?

COUNSEL: Very much so.

KAGWA: Did you get permission to hold a bachelors' party that day?

COUNSEL: Yes, we got permission from the owner or the proprietor - not permission from the police. No. But from the proprietor; and we paid for the place.

KAGWA: Who is this proprietor?

COUNSEL: He is called Mr. Gandesha. I do not know the other name but Gandesha.

KAGWA: When did this bachelors' party start?

COUNSEL: Well, the preparation started a bit early but invited guests started coming in at 2.30 in the afternoon. It started much earlier.

KAGWA: For how long was it supposed to go?

COUNSEL: Since the following day the wedding was going to take place, we thought it could have ended round about 9.00 or 9.30 to give people time to go back and get ready for the following morning.

KAGWA: You said there were invited guests with cards.

COUNSEL: Not invitation cards as such but by word of mouth and, I think, there were some papers typed; but not invitation cards as we know them.

KAGWA: Now what happened?

COUNSEL: Now, at the bachelors' party, we started the function, as I said, round about 2.30; and round about five o'clock some two gentlemen came. We had not invited those gentlemen. They came and joined - mixed with us. We served them. Then round about 6.30 the dancing started; and during the course of the dance round about 7.00 between 7.00 and 7.30 some other two men came and joined the group down in the room. I was dancing on the floor and then I noticed Mr. David Kayondo who was one of us who had arranged the occasion - he was also dancing on

the floor; then I noticed that he had stopped dancing and he was talking to some fellows in a bit or sort of serious manner. Then all of a sudden the volume of the music was put down. And I noticed that a third man or a second man was talking to Kayondo and his partner. Then everybody got concerned as to what was going on. Then Mr. Norman Kuluma and Edward Amooti who was going to be his bestman they got concerned and also came to the floor to find out what was going on. As they approached, these other fellows who were talking to Kayondo, turned to Norman and Edward.

COUNSEL: Edward is also known as Rukyarekere.

KAGWA: I think, that is his other name. Yes. And they were very hot with them. In fact, they immediately told them to sit down.

COUNSEL: You mean to sit on -

KAGWA: On the floor - sort of *"laala chini"* or something like that. I realized that it was getting very serious. So I personally shouted to my wife. I said, 'Let us get out of here. This is not a place to enjoy ourselves'. We went outside and in the meantime the group was getting bigger - those who were involved in the scuffle. Then I realized that I should inform Mr. Gandesha - the owner of the place and who had hosted us. We run. I went to Mr. Gandesha. He was seated on a table. There were a group of people on a table drinking. So I went straight to him and I said, 'Look, Mr. Gandesha, our occasion is being interrupted.' He said, 'By who?' I said, "By some fellows and they are apparently taking the bridegroom-to-be and the bestman please come and assist us". He immediately stood up and said, 'here are they?' So we went. I do not know whether you know Silver Springs very well. But we were now going downwards the swimming pool. And as we had just come out of the building we saw Norman, David and Edward being now escorted at gunpoint. Perhaps, I may, if you do not mind since, it is quite some time, I may go back a little bit for a detail that I had missed. And I beg you to excuse me.

The fellow who had come to the Silver Springs at five o'clock who had joined us, I got to know he was called Matiya. The other fellow I did not know. But, during the scuffle on the floor, Matiya pretended to be defending Edward and Norman. I got to learn later on that actually he had come in advance; he was in the same party as the other fellows. But he pretended to be defending Edward and everybody as if he did not know the other fellows. And, in fact, at one point, he drew a gun to fight the other fellows. They also took out their guns. Anyway, to come back to the point now, as they were coming, when we went out they were coming to the Land Rover now to put these fellows in the Land Rover. Gandesha saw them and then he went back to the lounge. Apparently on the same table he was sitting with Akena Adoko and Akena Adoko had an escort. So he told him about the incident. Akena Adoko stood up immediately with his escort. They came out; went to the Land Rover before these people were actually inside. They talked to the fellows.

COUNSEL: When you say 'Akena Adoko,' who is this Akena Adoko?

KAGWA: At that time, I think, he used to work as the General Manager of either Nytil or some place in Jinja. I do not know in what

COUNSEL: Chairman - National Textile Board.

KAGWA: I think so. Yes. That is it. Yes. Exactly. He talked to these people. We were all standing in fear - everybody. And talked to them for about five minutes.

CHAIRMAN: Did you hear what they were saying to each other?

KAGWA: No they were talking in a language I could not understand. Not English. Then, after talking to them, he just walked with his escort. Went back without saying a word to us. He just went back and sat down on the same table. Gandesha also followed him. They sat down. So we were there standing and everybody was in a real fear, not knowing what to do. After some minutes now there is a friend of ours who said, 'No. I must follow these people. Where are they taking these people?' And this was Mr. Charles Olet. Charles Olet, I think, he was the Commissioner of the Customs by then. He had been invited to the party and he was there. So he was courageous enough to say, ' I am going with them. I must know where they are taking these people.' So, as we were standing there, waiting for Charles Olet to come back to tell us what had happened, Matiya who had also followed them in another car, came back and said, "Look, we have tried to chase this car and they disappeared. This is very bad. We must try again and go and do what we can do." Now, in the meantime, the people who had come with Matiya in the same car, were now concerned with Amooti's driver. They were now arresting him. You see. The man was pleading, 'Look here,'

MR. KAWANGA: Who is Amooti? We have not heard about this Amooti before.

KAGWA: I said Edward -

KAWANGA: Amooti.

KAGWA: Amooti and the third name is -

COUNSEL: Rukyarekere.

KAGWA: Rukyarekere. Yes he was going to be the bestman. So they were arresting now his driver. So you can imagine.

MR. NAGENDA: Who were these people - sorry - with Matiya: friends of Matiya?

KAGWA: Friends of Matiya. I did not know who their names were but they were in his company. So we were really put in a real panic.

KAKWENZIRE: Excuse me I did not get you. You said that two gentlemen had come. There were two gentlemen. I take it that it was Matiya and another gentleman.

KAGWA: Yes, yes.

KAKWENZIRE: Now you are saying that there were people who were with Matiya. How many were they?

KAGWA: When I said two gentlemen, he was coming in a hotel with a friend of his; but now in the end, when there was commotion and so on people were running up-and-down, he was now in a group of people in a car. So, although I said two gentlemen, at the time when they were coming in, now, the time of dispersing and running away, they were many. The number increased.

CHAIRMAN: Were these gentlemen in civilian clothes or uniform?

KAGWA: Civilian.

CHAIRMAN: Civilian.

KAGWA: The ones I saw were in civilian.

CHAIRMAN: Including those in the Land-Rover.

KAGWA: I did not go very near the Land-Rover. I do not know whether the driver was in civilian or in army uniform. I was really keeping away at a distance. But the fellows who were involved in the scuffle and who were trying to take these people to the Land-Rover were in civilian. May be those - most likely 'may be', because those who were inside might have been in army uniform. I did not know.

CHAIRMAN: Did the Land-Rover appear to be civilian or military?

KAGWA: Military.

CHAIRMAN: Military colours.

KAGWA: Yes.

MR. KAWANGA: Continue.

MR. NAGENDA: Clarification. When you said they started arresting Amooti's driver, did they say why they were arresting him? Were they talking?

KAGWA: They were just grabbing, trying to force him into their car. The man was pleading that, 'Look, gentlemen, I am a mere driver. Why are you taking me?' Now, when we saw that they were taking the driver, we realized it was terrible - getting terrible. So people started dispersing and he actually was forced into their car; and one of them drove Amooti's car. Both cars disappeared.

COUNSEL: What was the make of the car?

KAGWA: It was Mercedez-Benz. I do not remember the registration number. I am very poor at that. Then people did not know even then whether to go home or what; whether to stay at the Silver Springs. But I happened to have a house near Silver Springs. So quite a number of people came to my house that evening and they spent the night there. But, before we left the Silver Springs, we asked Gandesha whether he knew why they had taken these people. He said, 'No. I do not know.' We asked him whether we should cancel the ceremony the wedding which was to take place the following day. He said, 'No, no, no do not cancel. No, no, I think, it will be alright. It will be alright. I know those people. I am going to ring them up. I will follow it up. Please, do not cancel. Go ahead with the arrangements.' So that gave us a bit of encouragement and he said, Please, get in touch with me - Keep in touch'. We said, "Fine." So about 20 to 30 people came to my house, stayed there and we were all the time trying to - we were ringing him to find out, every say after one hour to find out whether these people had come back or whether he had received any news. All the time, he was saying, 'Oh, no, no,no;' until round about one; nobody was picking the telephone.

So we stayed there and very early in the morning round about six we had to go in all different directions to try and cancel - inform the people concerned - those who mattered most that something had happened; and most likely the wedding was not going take place. Some of us, of course, went to the bride's place; others went to Namirembe Cathedral to see the Dean who was going to officiate; others went to all different directions.

COUNSEL: Who was supposed to be the bride?

KAGWA: She was - her name was - Resty. She was supposed to be the bride. Yes. After -

KAKWENZIRE: Any other name?

KAGWA: Resty. She used to call herself her father's name and, I am sorry, it has now escaped my mind. The poor man died a few months later. I am sorry, I do not recall the name. She used to call herself her father's name. Then after that, of course, that was the end of the show as far as I am concerned. Efforts were made by the bride, by the friends and what have you to locate these people. After that, I only got very scanty information really and I do not know whether it was the truth - whether it was true or not. But the information I got was that these people were being tortured in a place called Argentina. There was a residential house in Mbuya - apparently it was very near my house and one could shout and you could hear. This is the information I got that they were being tortured there but it was very, very difficult to get in touch to assist these people. Up to now I do not know. I do not know.

COUNSEL: For purpose of record, how many people, to your knowledge, were

KAGWA:

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KAGWA:

arrested that very day?

KAGWA: The people I can remember, as I said: Norman Kuluwa, David Kayondo, Edward Amooti and the driver. I did not know the name of Amooti's driver.

COUNSEL: Wamala.

KAGWA: It could be 'Wamala.' Yes - yes. I think, that rings a bell. It rings a bell.

COUNSEL: Can't you know whether one Banya was also arrested?

KAGWA: One Banya I got to know that he was arrested; but not from our function, I think. I think, he was arrested from a different function but not on the same day. I do not know. I do not know. I did not know Banya very well. I do not know.

COUNSEL: Now, among these people who were arrested, have you seen any of them?

KAGWA: Yes, Kayondo came back after about - more than a month, I think. He managed to come back and, I think, he is around. He is around.

COUNSEL: Did you talk to him?

KAGWA: Yes, I talked to him a few days after he had been released. The man was still in a state of confusion. Apart from saying, 'Well, I have come back.' He could not talk much. Perhaps, he did not want to recall his experience and it was understandable. It is something that one does not want to - would not be so courageous to discuss with him.

COUNSEL: Did you ask him about those people who had been arrested - their whereabouts?

KAGWA: Yes, but apparently, as I said, at the time, when I talked to him a few days after he had been released, well, as I said, he was not talking much really. I did not get much out of him and you could appreciate.

COUNSEL: My Lord Chairman, David Kayondo will be summoned. He is working in the Co-operative Bank.

KAGWA: He is around. Yes. So that is all I know, my Lord.

COUNSEL: That is all, my Lord.

MR. NAGENDA: First of all, I am intrigued by the fact that your bachelors' party started at 2.30 p.m. My own experience of these matters is that they start at night. Was this usual?

KAGWA: I would say, 'yes,' and 'no.' I would say yes, because, at that time, it was not out of place for people actually to hold their bachelors' party much earlier than usual because of the situation that prevailed at the time. But

I would say no because normally, yes, people prefer at night. This was the intention. We want people to come and go back as early as possible. So it was pre-arranged.

MR. NAGENDA: In other words, you are saying that it was because of the security situation, people were very frightened about moving at night.

KAGWA: I must say that was one of the reasons. Yes.

MR. NAGENDA: Am I also right thinking that, at this time, if a party of this type took place since it was usual for people to stay over night where the party was going on.

KAGWA: It could have been yes so far for the party to continue until the morning than dispersing say at one. But then on had to weigh the advantage and disadvantages because the same people who come at the bachelors' party are the ones to take part in the arrangements the following day. So we decided to hold it much earlier so that we could go back in time; at least, people get a rest and then the following day would attend the ceremony.

MR. NAGENDA: Okay, you also said that you got to know the espionar provoketer as Matiya. How did you get to know that his name was Matiya; and also how did you know that he was on the side of the other people whom he pretended to be, in fact, fighting?

KAGWA: I did not know that he was Matiya as soon as he came in. You see, we had devised as means of cutting down or excluding uninvited guests. That day we had devised a system of cards of coupon to get beers from the counter. That all who invited guests were given cards, a number of coupons. and this man, when he came in, he had no coupon and he wanted to drink. So we could not serve him until actually the bridegroom to-be told us that, "Look. You better serve them. Serve them.' And we said, "Look , we had decided not to serve these people. Who is he , anyway?" So that is how I got to know his name.

MR. NAGENDA: Then what made you think that he was with the people that he pretended not to be arguing with, otherwise the people who took away the bridegroom and so on?

KAGWA: This was after the incident had taken place. Apparently I was one of the few people who did not know Matiya; but those who know him, they knew his operations. They knew where he worked. They knew his business and so on and so forth. And they associated those fellows who came to be one of them. They told me that this fellow just came in advance actually to see what was going on so that he could inform the fellows who would come later exactly what the arrangements were.

MR. NAGENDA: And apparently I was one the few people who did not know Matiya. But for whom did he work, according to the people who told you?

KAGWA: They said he worked in one of the security organisations by then. I do not know whether it was NASA or something of that nature. But one of

those so-called security organisations.

MR. NAGENDA: Have you seen this gentleman again?

KAGWA: Matiya?

MR. NAGENDA: Yes.

KAGWA: Yes, I saw him afterwards. I used to see him not in company but somebody would say, 'That is the man. That is the man', but at a distance.

MR.NAGENDA: Is he still around?

KAGWA: I have not seen him for quite a long time now.

MR. NAGENDA: Now to us it seems, although we are getting used to very odd occurrences; but it seems a bit odd that you are holding a party; people just come in and grab people and take them away. Was there any explanation as to why these particular people were picked up?

KAGWA: No, in fact, they never talked to the organizers as such. They just came straight for the people they wanted. At least, they came to Kayondo. I do not know whether they wanted Kayondo or not. But what Kayondo told us was that they told him they wanted a lift to be taken to Mbuya and he said, he was a guest and he was invited. I was on the floor dancing. Why should he have taken them to Mbuya. They said, 'No, you will take us'. In otherwords, may be, that was just a way of introducing their intentions. But they just said they wanted to be taken to Mbuya and they insisted and they said, 'We want you to take us.' Actually they wanted, I think, to take him on the pretence that he was going to give them a lift. But then, when the bridegroom came and the bestman to intervene, we were surprised that they were also included.

MR.NAGENDA: You said, Kayondo came back of the people they took. Did anybody else come back?

KAGWA: No, Kayondo did not come back on the same day.

MR. NAGENDA: No, but he came back subsequently.

KAGWA: Oh, about more than 30 days later.

MR. NAGENDA: Anybody else came back?

KAGWA: No, of the four I mentioned, I have never seen any and I said that -

MR. NAGENDA: Are you saying that of the five people they took away, four are still missing?

KAGWA: Did I say five or four?

MR. NAGENDA: Well, I think, may be you said four and then there was Banya who was not directly involved. Let us say, of the four people you mentioned.

KAGWA: Four people yes. So, of the four, one came back; three have never come back. They have never come back.

MR. NAGENDA: To your knowledge, were any reasons given for the disappearance of these people - to your knowledge?

KAGWA: To my knowledge - no. no.

MR. NAGENDA: Thank you.

KAKWENZIRE: You mentioned that Gandesha promised to contact the people to clear the air that you kept talking to him; but you did not tell us substance of your telephone conversations. What would he tell you; what would you tell him and what would he tell you?

KAGWA: Yes, the telephone calls we used to make were very brief? 'Is that Mr. Gandesha?' "Yes". 'Have you heard anything? Has anybody come back? Should we continue making arrangements for tomorrow?' That sort of thing -very brief. And he would say, "No. I have not heard anything. I am sorry. I am trying, I am trying" that sort of thing.

KAKWENZIRE: I was wondering whether you were able to find out from him who these people he was talking to were the people who had taken your friends?

KAGWA: No, no. We did not try to find out whom he was talking to or whom he was contacting for assistance. He was simply saying, 'Do not worry. Do not worry,' that sort of stuff and we just banked on him.

KAKWENZIRE: Now, after that, had you tried to speak to him?

KAGWA: Yes, after that, we spoke to him because, in fact, we had left a number of other stuff behind, scattered all over the place. So we went back to collect those stuff; and we talked to him; and frankly speaking he could not say much. You know, he had a way of putting you off. I cannot say that he spoke to us in specific terms as to what happened and who did it and where they were. But he would in a sort of a clever way putting you off, saying, 'Oh, we shall see. We shall see', that sort of thing.

KAKWENZIRE: Yes.

KAGWA: He was very careful.

KAKWENZIRE: You also mentioned that later you learnt that they were in Argentina House just across where you lived.

KAGWA: Yes.

KAKWENZIRE: Did you make any attempts to contact the authorities? It was the order of the day that, when your person was in such a situation you would go

here and there. Did you make any such efforts?

KAGWA: Yes, a number of people did. They did. But, of course, they did not get out very much. They did not go very far. I personally did not contact anybody in high circles because frankly speaking I knew very few. I knew very few. But there are other friends of mine and the people connected who actually went; and I am sure they may perhaps be some of the people to give evidence. I do not know. But they are around. You will know them.

KAKWENZIRE: This Argentina House, do you know who was in it being close to where you lived?

KAGWA: Who was in it.

KAKWENZIRE: The owner at that particular time.

KAGWA: It was a Government house. Here at Mbuya we have a number of - it is an estate - Government houses; and, I think, it must have been one of the Government officers who was putting there before, and may be, it fell vacant. I do not know really how they acquired this place because it is just a domestic house.

KAKWENZIRE: But do you know who was occupying it?

KAGWA: Before?

KAKWENZIRE: Yes.

KAGWA: No.

KAKWENZIRE: Do you know who was occupying it at the time of this incident?

KAGWA: At the time of the incident, apparently, it had been turned into some sort of prison or torture place. They nicknamed it Argentina. I do not know why. That was at the time of the incident because I am sure Norman or those people were not the first people there. There might have been others. It had been turned into a torture place for some time before.

KAKWENZIRE: This question is not strictly to do with this case but you said you were so close, you could hear people shouting. Could you -

KAGWA: No I said that our house is not very far and, if one could shout, you could hear him.

KAKWENZIRE: Did you ever hear any shout?

KAGWA: Occasionally yes.

KAKWENZIRE: Did you see any people being taken there?

KAGWA: No the approach we are on the lower side of that house and the

approach to that house is from the upper side. So you may not see who is going there.

KAKWENZIRE: The shouts you would hear would they be like cries of people being tortured?

KAGWA: I would not say cries or somebody being tortured because you could not hear any word, apart from noise or sound that you hear faintly. I could not say somebody is being tortured or somebody - but some loud noise reaching you faintly. That is all.

CHAIRMAN: Let us hear from the witness direct and stop this hearsay or speculations, and so on.

KAKWENZIRE: Of those people who were taken, I wondered whether they worked together professionally, whether they had any connection - business profession, background, anything visible you can point out.

KAGWA: The only thing that I can say is that they were friends and as this young man was about to be married obviously you invite your friends to assist you in the arrangements and so on and so forth. One of them is a banker in the Co-operative Bank - Mr. Kayondo; another one - Amooti, I think, was a businessman. The bride-groom Norman Kuluwa was also a businessman. I had a shop on Market Street and the driver, of course was a driver. So they were just friends. That is what I can say.

MR. KAWANGA: Now you talked about Mr. Charles Olet saying, 'Let us follow up these people'. Did Mr. Charles Olet come back?

KAGWA: By the time I left Silver Springs he had not come back but the following day we got to know that he actually came back briefly round about mid-night.

MR. KAWANGA: So when he followed he never came back to report what happened.

KAGWA: Now, when he followed, he stayed there for quite a number of hours.

CHAIRMAN: Where?

KAGWA: Where he went - wherever they took those people; and round about mid-night that is when he left that place. He came back.

CHAIRMAN: We want to know because you did not go with him.

KAGWA: No.

CHAIRMAN: Whén he came back, did he report to you? Did he report to somebody specifically?

KAGWA: No, no, by the time he came back, we had already disappeared. We were in my house.

CHAIRMAN: But how did you know he came back?

KAGWA:

CHAIRMAN:

KAGWA:

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KAGWA: Because the following day we got to know that he actually went back to Silver Springs.

CHAIRMAN: From whom did you get to know?

KAGWA: Even Olet himself told me.

CHAIRMAN: Oh, I see.

KAGWA: Yes because later - a few days later we got in touch. He said, 'Look, I came back where were you?' And I said we had already disappeared. We could wait until everybody was picked.

COUNSEL: But did he not tell you what he saw when he went?

KAGWA: That is a good question. But he did not tell me what he saw.

MR. KAWANGA: Neither did you ask, I suppose.

KAGWA: I asked him.

MR. KAWANGA: But he did not -

KAGWA: As I said, just like Kayondo he was tight lipped.

MR. KAWANGA: I see. Okay. Now besides Gandesha whom you said was seated at a table with Akena Adoko. Were any other people there whom you know?

KAGWA: No I did not know the other people in the group.

MR. KAWANGA: But there were some other people sitting together with you?

KAGWA: Yes, I think, there were about eight around the table.

MR. KAWANGA: Well, you know Mr. Akena Adoko he was a fairly important person in the country.

KAGWA: Yes, but he did not know me; I knew him because he was an important person.

KAWANGA: Yes were you surprised when he talked to those people and he just walked away.

KAGWA: I was very much surprised actually when he did not say a word to us.

MR. KAWANGA: He had no business talking to you because he did not know you.

KAGWA: No we were the people who caused his going there.

MR. KAWANGA: I see. But he did not tell you.

KAGWA: We ran to Gandesha. Gandesha came with us. He saw that things were a bit more serious than he could handle. We went back to him. We said, 'Can you come and assist these people? They have been having their function, and they are being disrupted and we were all there trembling. He spoke to those people. We were all standing there and then he just walked back. He passed through us and he went to his table. Definitely he must have known that we were concerned; at least, he would have said a word of sorry but take courage - or this or that. But he never said a single word. So that surprised me.

MR. KAWANGA: And Gandesha did not tell you what he got from Akena Adoko.

KAGWA: No.

MR. NAGENDA: And you never then or afterwards asked Mr. Akena Adoko what he had discussed with the people, personally yourself.

KAGWA: Personally no because, first of all, I was not known to him.

MR. NAGENDA: Anyway you did not and that is a point. You also said that, when you talked to Gandesha, Gandesha said, 'Don't cancel the wedding ceremony because I know the people.'

KAGWA: Correct.

MR. NAGENDA: Is that what you said?

KAGWA: Correct.

MR. NAGENDA: Did you get any opportunity to ask him how he knew the people?

KAGWA: No.

MR. NAGENDA: Did they work together? Did they frequent his hotel? Did he say how he knew them?

KAGWA: No.

MR. NAGENDA: Legal Counsel, is Mr. Gandesha on of the people you are asking to come up?

COUNSEL: Yes, my Lord.

CHAIRMAN: Mr. Kagwa, thank you for you having come forward to give evidence and for the evidence which you have given before this Commission in this matter. We hope that other people will come with more direct knowledge to know about these people and so on and tell us what happened. Thank you.

KAGWA: Thank you very much, my Lord. Thank you Commissioners.

CHAIRMAN:

COUNSEL:

COUNSEL:

KAMYA:

CHAIRMAN:

MR. KAWANGA:

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CHAIRMAN: The next witness, please.

COUNSEL: The next witness is No. 155; Miss Imelda Kamya.

WITNESS NO.155: MISS IMELDA KAMYA - SWORN IN

COUNSEL: Would you state your names please?

KAMYA: Imelda Kamya.

CHAIRMAN: Miss Kamya, you should sit near the Counsel than where you are, so that you share the -

MR. KAWANGA: The microphone.

CHAIRMAN: Do not be shy.

COUNSEL: You are Imelda Kamya.

KAMYA: Yes.

COUNSEL: Where do you live?

KAMYA: Bugoloobi Flats.

COUNSEL: What do you do?

KAMYA: I am a Senior Personal Secretary in the Ministry of Foreign Affairs.

MR. NAGENDA: Sorry. I did not hear that.

KAMYA: I am a Senior Personal Secretary in the Ministry of Foreign Affairs.

COUNSEL: For how long have worked for Government?

KAMYA: Fourteen years.

COUNSEL: Were you trained as a Secretary and Where? if so?

KAMYA: I was trained at the Uganda College of Commerce as a Secretary.

COUNSEL: Would you tell us the various departments of government in which you have served?

KAMYA: President's Office.

COUNSEL: Yes.

KAMYA: Ministry of Housing.

COUNSEL: You can tell us the time when you worked in these departments, if you

can remember.

KAMYA: President's Office when I left College - 1970, 1973 or 1975.

COUNSEL: Yes.

KAMYA: The Ministry of Commerce - 1975 to 1977. 1977 to 1981 - Ministry of Transport and Communications.

MR. NAGENDA: Would you, please, speak up so that we can hear you?

KAMYA: 1977 to 1981 - Ministry of Transport and Communications then. 1981 up to (1983) Ministry of Housing; 1983 - 1985: High Court; 1985 - Military Council.

COUNSEL: Pardon!

KAMYA: Military Council - 1985.

COUNSEL: Yes.

KAMYA: For six months; after that - Prime Minister's Office. Now I am in Foreign affairs.

COUNSEL: Now do you know one David Kayondo?

KAMYA: Yes, I do.

COUNSEL: Who is this David Kayondo?

KAMYA: He is a husband of my cousin-sister - Olivia.

COUNSEL: Where is he now?

KAMYA: He is working with the Co-operative Bank.

MR. KAWANGA: Miss Kamya, I will have to protest again, speak up so that everybody hears -can hear what you are saying? This is a public hearing.

COUNSEL: Now is there anything which happened to this Kayondo in August, 1982?

KAMYA: Yes, he was picked up from Silver Springs - 'akasiki'. He was arrested at the time, among others.

COUNSEL: Do you remember the date?

KAMYA: I don't remember.

COUNSEL: Were you there?

KAMYA: No I wasn't.

COUNSEL: When did you learn about his arrest and from whom?

KAMYA: After about two weeks from his wife - Olivia.

COUNSEL: What did she have to report to you?

KAMYA: She told me that David amongst others has been arrested by Nile Mansions boys; and she was wondering if I knew anybody who could assist.

CHAIRMAN: Sorry, Counsel. Is the wife coming

KAMYA: Olivia.

CHAIRMAN: Who told this witness?

COUNSEL: My Lord, this is a simple reporting because we shall know more about it as a result of a report received from the wife of Kamya; she made some investigations. Those are the most important.

CHAIRMAN: Yes.

COUNSEL: I am not intending to call the wife because Kayondo himself will be coming.

CHAIRMAN: I see. Let us leave out the details of Kayondo's arrest from her, if Kayondo is coming. Let us go to what she did, after information.

COUNSEL: No, you see, my Lord, what I am trying to do is, as a result, she played a part in the release of Kamya - and it was as a result of - I mean Kayondo; it was a result of this report that she started making certain moves.

CHAIRMAN: Yes.

COUNSEL: So, as a result of a report received from the wife of Kayondo, what did you do?

KAMYA: I went to Nile Mansions because they had told me that a certain Onen is the one who had arrested them; and I knew Onen because he was a body guard to the Minister I was working for in the Ministry of Transport and Communications two years back.

CHAIRMAN: You are speaking a little too fast. Onen was a body guard to who?

KAMYA: Onen was a body guard to Akena P'Ojok who was the Minister of Transport and Communications for and I was his Secretary then.

COUNSEL: Did you see Onen?

KAMYA: Yes I did. I found him in Room 211.

COUNSEL: Now, did you talk to Onen? Incidentally, does Onen - has he got another name - second name?

KAMYA: He is Ben Onen but he was popularly known as doctor in the Nile Mansions.

MR. KAWANGA: Pardon.

KAMYA: He was popularly known in the Nile Mansions as doctor.

COUNSEL: What did you say to him?

KAMYA: I told him that, 'Look, I understood that my brother-in-law has been arrested and you should be knowing where he is'. He told me he did not know.

COUNSEL: Now, as a result of that answer, what did you do?

KAMYA: In actual fact, he sent me away and I came back the next day. I kept going to their place for over a month until one day to their boss - Captain Peter Owili - asked me what I was doing there. Then I told him the whole story that my brother-in-law had been arrested but we have not found out exactly where he is. He told me he would ask his boys to find out if they knew where he was.

COUNSEL: Yes.

KAMYA: Still I did not get any answer until after a month and a half when they told me that he is somewhere.

COUNSEL: Who told you and where did they tell you he was?

KAMYA: Moris Okello who was in room 211.

COUNSEL: Yes.

KAMYA: He looked he was the in-charge of that room - 211 - he told me that my brother-in-law was in some place I am not supposed to know neither go there.

COUNSEL: Yes.

KAMYA: Because I kept on insisting and sitting in their office, one day, Morris Okello told me that he would give me somebody to take me to a place where David was and others. So I sat in the Nile Mansions Room 211 until about six o'clock and a certain somebody one of the boys popularly known as Lira-Lira -

COUNSEL: Pardon!

KAMYA: Somebody popularly known as Lira-Lira but whose name was Solomon

Olupot but he was popularly known as Lira-Lira simply because he used to drink a lot said that he would take me to where my brother was - my brother-in-law. I sat there till about six o'clock in the evening and Morris Okello and Solomon escorted me down-stairs in Nile Mansions and Morris said that that gentlemen can take you to where you brother-in-law is. I said, 'Alright.' We sat in a vehicle. We passed via Nakawa. I thought we were going to Mbuya Barracks but we did not. We went to a certain house on Solent Avenue.

MR. NAGENDA: Sorry.

KAMYA: A house in Mbuya - Solent Avenue - I do not remember the house number -fifteen something. When we reached the place we found soldiers guarding the house - several of them. I do not remember the number exactly. We went behind - behind door which Solomon did not open but just banged. When we reached the inside there was a kitchen where there were about 30 people all naked. Then he furiously asked me, 'Is your brother-in-law in here?' I said, "No, I do not see him." But I only saw one person whom I knew and could not even talk to him. Then after that!

COUNSEL: Whom did you see that you could not talk to?

KAMYA: Eddy Amooti.

MR. NAGENDA: Who?

KAMYA: Eddy Amooti.

COUNSEL: Has he got another name - Amooti is Empako? Has he got another name?

KAMYA: We used to know him by this name. I do not know the other name.

COUNSEL: Yes, continue.

KAMYA: I walked from that place to my house because it is in Bugoloobi. He did not give me a lift back home. So the next day again I went back to Nile Mansions and told the story to Morris that the place where I was taken my brother-in-law is not there. Then he said, well, he does not know where he is; if he is not in the place, he does not expect him to be anywhere else. Then during that same week my brother-in-law sent a message from a soldier and said that he was in Mbuya Barracks.

COUNSEL: Was it a verbal message or was it a written message?

KAMYA: It was a written note.

COUNSEL: To whom did he send it?

KAMYA: To his wife.

COUNSEL: Did you see the note?

KAMYA: No I did not.

COUNSEL: Yes.

KAMYA: It went on and on; everyday I kept going to Nile Mansions to ask these people where he was. The could not tell me until one morning, Morris Okello rang me at the Ministry of Housing and said, 'Look. Come and see your brother-in-law. He is here'. I immediately went to Nile Mansions and found David there.

COUNSEL: Yes, carry on.

KAMYA: I found him with Peter Owili and other soldiers who were in the place - several of them - about five. I only remember one by the name of Obote.

COUNSEL: Pardon!

KAMYA: I can only remember one, apart from Morris Okello and one called Obote.

COUNSEL: Obote.

KAMYA: Yes.

COUNSEL: A soldier called Obote.

KAMYA: He was not in military uniform.

CHAIRMAN: I can hardly hear what you are saying and what is worse you speak so fast. I am missing quite a lot so must other people.

COUNSEL: So Okello rang you to the effect that you brother-in-law was in Nile Mansions.

KAMYA: Yes.

COUNSEL: You went there and you met your brother-in-law who was with Peter Owili.

KAMYA: Yes.

COUNSEL: And other soldiers.

KAMYA: Yes.

COUNSEL: And also one - Obote.

KAMYA: Yes, that is the only one I can remember apart from Morris Okello.

COUNSEL: I see. Now who is this Obote you are talking about?

KAMYA: He was also a soldier who was permanently in Room 211.

COUNSEL: How did you come to know Obote of Room 211?

KAMYA: Because all that time I used to come to the room to look for my brother-in-law he was always there, and I heard the colleague soldiers calling him.

CHAIRMAN: Make sure that the microphone is near her. I do not know whether what the witness is saying okay the other one; there are two microphones there.

COUNSEL: No this one is for them. This is for recording.

CHAIRMAN: Yes I know that. The other one seems to be worn out. Yes carry on.

COUNSEL: Yes. After meeting these people, did you talk to your brother-in-law?

KAMYA: I did. I found they had given him food and he was putting on rags. But because I used to move with clothes because every minute they were telling me that, 'Come with clothes. Your brother needs clothes'. I had a trouser and a shirt and I told him to change into those clothes.

COUNSEL: Yes.

KAMYA: After that I asked Owili, 'Is it okay? Can I go with him?' He said, "No. You sit here until such a time when I give you a lift to take him back to wherever you are going." It was about five thirty. Peter Owili gave us a lift - me and Kayondo - and we went to Kololo to his place where we found his wife and his family.

COUNSEL: Yes.

KAMYA: Then after he had been released he tried very much to find out the fate of his colleagues. He kept asking Captain Owili and the other boy - Morris Okello but they did not help much. And we never heard of them again.

COUNSEL: How did you come to get in touch with this Owili? When did you come to know Owili?

KAMYA: Well, earlier on, I knew Owili soon after the War of 1979, well, because soon after the Government had changed then in 1979, all our offices - most officers were operating from Nile Mansions. And Peter Owili with Oyite Ojok in 211 and me and the staff of Transport and Communications were in Room 223; directly opposite their office. So, at times, we used to see Peter; he used to come and tell us to help them type things, until when we moved out of the Nile Mansions to Amber

House. And he had helped me once when my father had been taken away by soldiers too.

COUNSEL: Who is your father?

KAMYA: Mr. Fabian Kamya.

COUNSEL: When was he arrested and taken by soldiers?

KAMYA: Should be either at the end of 1979 or the beginning of 1980; because I remember the Tanzanians were still around and they are the people who had taken him with his vehicle.

COUNSEL: Where did they take him?

KAMYA: They took him to a forest on Masaka Road - Mitara Maria.

COUNSEL: And left him there.

KAMYA: Yes, they left him in the forest and came back with the vehicle.

COUNSEL: Was he tied in the forest? What happened?

KAMYA: They had tied him.

COUNSEL: How did you find out that he had been left in the forest?

KAMYA: When he was taken, after some time, there were neighbours in the area or something like who had heard him wailing in the place and a certain lady, I forgot her name, went and told the villagers that, 'Look. There is somebody there'. Then my father came after two days. And, in actual fact, ourselves when we were in Kampala here, we did not know that he had even met such a fate; because he was trying to go back home to Mpigi and he was picked up at Nabbingo. He was taken to such a place. And after about a week we saw the soldiers driving the lorry around.

COUNSEL: You mean they took his lorry.

KAMYA: Yes.

COUNSEL: What lorry was it?

KAMYA: It was a Tata lorry.

COUNSEL: Registration Number.

KAMYA: UWN 539.

COUNSEL: What is it? 539?

KAMYA: 539.

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e lorry around.

COUNSEL: Now, when you went for assistance to Owili, what did Owili do or say?

KAMYA: In actual fact, it was not Owili himself. It was somebody else - Namiti whom I told the story.

COUNSEL: Yes.

KAMYA: And he communicated on radio and on the radio message was sent that my father's Tata Lorry was in the Lubiri Barracks, arrested with soldiers with some stolen goods. They had used it for robbing.

COUNSEL: Did you recover the lorry?

KAMYA: Yes, it was recovered and given back to my father.

COUNSEL: I see. Is you father still in Mpigi?

KAMYA: Yes, please.

COUNSEL: Where in Mpigi?

KAMYA: A place called Kasambu. It is about seven miles from the main road.

COUNSEL: Did your father inform you why he was arrested - what they told him when they arrested him?

KAMYA: Well, he just said that, may be, they were after taking the lorry, to use for their own purposes.

COUNSEL: My Lord, that is the evidence I have in respect of this matter from this witness.

MR. NAGENDA: Miss. Kamya, you said you went to a house in Mbuya.

KAMYA: Yes, please.

MR. NAGENDA: And in the kitchen you found thirty people.

KAMYA: About.

MR. NAGENDA: About thirty people.

KAMYA: Yes.

MR. NAGENDA: How big was this kitchen? Were they crowded?

KAMYA: Packed in actual fact.

MR. NAGENDA: They were packed.

KAMYA: It is a very, very small kitchen. It was not a large kitchen. It was very small.

MR. NAGENDA: Did you say they were all naked?

KAMYA: All of them.

MR. NAGENDA: I am sorry that you were subjected to the scene. Did they look as if they had been beaten up?

KAMYA: They looked starved as if they had been eaten up by maggots all over their bodies.

MR. NAGENDA: By maggots.

KAMYA: Yes, when we collected him.

MR. NAGENDA: He was near enough for you to see that he had maggots.

KAMYA: Yes because I think they had the curiosity of - when seeing somebody else they had to come; so he was standing. He came in front because he knew me and I knew him. He thought I could may be talk to him. But I was not given a chance to talk to him.

MR. NAGENDA: Is it, in fact, the last time you saw Eddy?

KAMYA: Yes it was the last time I did.

MR. NAGENDA: Has he been seen again?

KAMYA: No.

MR. NAGENDA: This soldier called Obote; I suppose you do not know whether he had any relationship to Dr. Obote who was the President of Uganda. Do you?

KAMYA: No I do not know.

MR. NAGENDA: Now, when you used to go to Room 211 -

KAMYA: Yes.

MR. NAGENDA: What did you see there? Were there prisoners there or was it just an office?

KAMYA: On and off, they used to bring in people before transferring them upstairs. I do not know which upstairs.

MR. NAGENDA: How were these people treated in Room 211? Do you know?

KAMYA: Beaten up.

MR. NAGENDA: They were beaten.

KAMYA: Yes at the balcony.

MR. NAGENDA: On the balcony.

KAMYA: Yes, please.

MR. NAGENDA: Did you actually see them being beaten?

KAMYA: Yes I did because I was seated in the chairs.

MR. NAGENDA: Who were the people who were beating these people on the balcony in Room 211?

KAMYA: I remember Lira-Lira.

MR. NAGENDA: Who?

KAMYA: Lira-Lira Solomon.

MR. NAGENDA: Yes you said Solomon.

KAMYA: Solomon.

MR. NAGENDA: What did you say he was popularly known as?

KAMYA: Lira-Lira because he used to be drunk all the time.

MR. NAGENDA: Was this, do you think from the place he come from or 'Lira,' meaning, 'crime?'

KAMYA: No he used to take waragi. He used to drink as a habit in the office.

COUNSEL: Meaning Waragi.

MR. NAGENDA: Oh, I see. So long as we get it and know what it is; evidently all my colleagues know what it means, including the Chairman. Thank you. You got to know Peter Owili quite well. Am I right?

KAMYA: I cannot say really very, very well but because I had worked with him for about three years in the same area.

MR. NAGENDA: So it was really as a personal favour to you that he found your brother-in-law. Was it?

KAMYA: I cannot say that it was him who found him and I cannot say whether it was Onen; because, when I asked him about David he told me that one when they were transferring them from that prominent house - Argentina House to Mbuya Barracks, he was asking him about his sister. David just kept quiet. So I do not know whether it was Onen or Peter Owili.

MR. NAGENDA: Did you, in fact, pay any money to these people?

KAMYA: Not at all.

MR. NAGENDA: Thank you.

KAKWENZIRE: This Lira-Lira you also said he was popularly known as a doctor. Did you say so?

KAMYA: No, no.

KAKWENZIRE: Yes.

KAMYA: It was Onen.

KAKWENZIRE: Onen.

KAMYA: Who was popularly known as a doctor.

KAKWENZIRE: Yes, why was he called so? Do you know? Was he a doctor?

KAMYA: Not really because I had known him as a body guard to the Minister I was working for earlier on.

KAKWENZIRE: And you do not know why he was popularly known as a doctor?

KAMYA: No I do not.

KAKWENZIRE: You say he was a body guard to your boss; at the same time, he was a -

KAMYA: No, no, he was a body guard to the Minister then in 1979 until about early. Then he changed his duties and he was permanently in Nile Mansions

KAKWENZIRE: When you eventually saw your brother-in-law David Kayondo in what state was he - what state or rather what state, physical?

KAMYA: It was very bad: He looked starved. He was very thin and he had - what do you call them - lice all over his head. He was really starved. He was very, very very thin and he was putting on rags.

MR. KAWANGA: But do you think that this was a favour for you to be able to get your brother-in-law back?

KAMYA: Oh well, yes.

MR. KAWANGA: Why do you think you got this favour?

KAMYA: May be, because I had approached Onen who was the leader of the people who had arrested them; may be, it was his luck to survive since his other colleagues have not.

MR. KAWANGA: One had his group which arrested them.

KAMYA: He was the in-charge of the people who had arrested them.

MR. KAWANGA: I see.

KAMYA: Yes.

MR. KAWANGA: And Onen belonged to NASA or you do not know the secret agency he belonged to.

KAMYA: Yes.

MR. KAWANGA: But he had been a soldier before.

KAMYA: Yes he had been a soldier.

MR. KAWANGA: And that is why he had been a body guard to your Minister.

KAMYA: Yes.

MR. KAWANGA: Where did you get this courage of going back to the Nile Mansions so many times; most people used to be chased away once or more?

KAMYA: Yes, I was not alone. There were even others. They kept on chasing us away. Sit outside. Do this. When you are determined to look for your relative -

MR. KAWANGA: You just made it a nuisance they chase you out. You sit outside and you come back the following day.

KAMYA: Yes, sit outside and when you see them coming back you follow them to the office till they came because my sister-in-law was pregnant and she was almost dying. She could ask us, 'Now what are they telling you? David is dead? Can they give us the body?' So we had to keep coming.

MR. KAWANGA: Do you know of any men who dared to do that kind of thing?

KAMYA: I beg you pardon!

MR. KAWANGA: Were there any men? You are a woman all right. But do you know men who used to do that kind of thing - pestering these people.

KAMYA: There are - there are - who were looking for their relatives, including a small boy of about 14, who was looking for his father.

KAMYA: Okay now I want you to get a picture of how those people Peter Owili we hear their names but we do not know about their reaction; when you used to go and ask about you relatives, were they harsh, were they friendly? What kind of persons were they?

KAMYA: A person like Morris Okello could be kind and tell you that, 'Look here, with patience, we will try to find where your relative is. With somebody

like Lira-Lira would come - because he is coming in with somebody he has arrested instead of telling you that, 'Can you, please, leave this room for a short time,' he could be just banging, push you out that, 'What are you doing here? You are also part and parcel of the bandits. What are you doing here?' Push you out like that.

MR. KAWANGA: What about Peter Owili?

KAMYA: Peter Owili would just come in; saying, 'What is the matter?' Then you would say that, 'Morris Okello is trying to help me.' Then he would say, "Okay," and he moves away. He never sat in that office for a long time really.

MR. KAWANGA: I see. Thank you.

KAKWENZIRE: Since you were friendly to Onen, did you try to find -

KAMYA: I was not friendly.

KAKWENZIRE: Okay, since you knew Onen, did you try to find out why your brother-in-law and his colleagues were arrested? What did he tell you?

KAMYA: He never said anything. He never told me anything; neither did Morris Okello say anything.

KAKWENZIRE: Did any other person say why they were arrested?

KAMYA: Well - we were hearing it from rumours that: 'Look, they arrested them because they were looking for a friend of Eddy who was supposed to be attending that wedding', and we just took it like that.

MR. NAGENDA: Obviously, having been in Room 211

KAMYA: Yes.

MR. NAGENDA: On many occasions, you must have got to know the people quite well by sight, anyway.

KAMYA: I did.

MR. NAGENDA: Do you ever see any of these people in Kampala any more?

KAMYA: Yes.

MR. NAGENDA: You do.

KAMYA: Yes.

MR. NAGENDA: Like who?

KAMYA: Obote.

MR. NAGENDA: Obote you see in Kampala.

KAMYA: Yes.

MR. NAGENDA: Where?

KAMYA: On several occasions, I have seen him in Parliament Buildings because I am in Foreign Affairs. He usually goes up. I think, he goes to Police Headquarters.

MR. NAGENDA: Do you mean he works with -

KAMYA: I would not know really. I wouldn't.

MR. NAGENDA: Is he just roaming about the building or what?

KAMYA: Not really roaming - there is a corridor and I see him going up. I never greeted him.

MR. NAGENDA: When was it?

KAMYA: About a month back.

KAMYA: Yes.

MR. NAGENDA: Anybody else?

KAMYA: Another one, I know him by face, very, well; but I do not know his name. He puts up in Bugoloobi, and so is Obote. Obote also puts up there.

MR. NAGENDA: I am sure our Investigating Team will be talking to you very shortly.

CHAIRMAN: You said you worked in Nile Mansions as a Secretary; your own Minister had offices there. Did he?

KAMYA: Yes - 1979 when the war had just ended.

CHAIRMAN: For how long did you work there?

KAMYA: Oh, it was a long time - for about six months.

CHAIRMAN: So you are familiar with this place.

KAMYA: Yes.

CHAIRMAN: You had worked there.

KAMYA: Yes, up to the floor where I was working.

CHAIRMAN: I see.

KAMYA: Yes.

CHAIRMAN: Is this also when you knew Peter Owili?

KAMYA: Yes that it the time I had known Owili.

CHAIRMAN: Morris Okello and the others.

KAMYA: Yes.

CHAIRMAN: And

KAMYA: Of course, we used to assist them.

CHAIRMAN: Solomon.

KAMYA: Solomon I knew him during the problems; but he had not been there since.

CHAIRMAN: I see.

KAMYA: But the others had been there since 1979.

CHAIRMAN: So you are more familiar with the surrounding to Nile Mansions than many other people who might have had their relatives arrested there.

KAMYA: How do you mean?

CHAIRMAN: You knew the place and the people - some of the people.

KAMYA: Yes, I knew some of the people and I was not scared really. I was not scared about going to Nile Mansions.

CHAIRMAN: Would you say that this must have contributed to your courage to look for your brother-in-law.

KAMYA: Yes.

CHAIRMAN: At the place.

KAMYA: Yes.

CHAIRMAN: Thank you. That is all from the Commissioners. Miss Kamya, thank you for the evidence. Should it be necessary, you may be recalled again.

KAMYA: Okay.

CHAIRMAN: You may go now.

KAMYA: Thank you.

CHAIRMAN: Next witness, please.

COUNSEL: Sula Kiwanuka.

WITNESS NO.156: MR. SULA KIWANUKA - AFFIRMED

COUNSEL: You are Sula Kiwanuka.

KIWANUKA: Yes.

COUNSEL: How old are you?

KIWANUKA: Forty years.

COUNSEL: What do you do?

KIWANUKA: I am a businessman. I have got a shop at Dastur Road Plot 1618, Kampala.

COUNSEL: Where do you live?

KIWANUKA: I live in Najjanankumbi, and I also have another home in Bugoloobi. I have got two homes.

COUNSEL: Now, in 1982, did you, by any chance, go to Nile Mansions?

KIWANUKA: Yes.

COUNSEL: Under what circumstances did you go there?

KIWANUKA: It was on the 20th August, 1982, I met a gentleman called Haji Kateregga. He asked me for a lift to go to Nile Mansions. I gave him a lift. I took him there. He left me in the parking and he went in upstairs. He stayed for about 30 minutes. He came back and he sat back in car. We started off coming out of the gate. When we reached the gate, we found there some security men -police and the army. Then there was a military police gentleman whom later I came to know by the name of Opio. He said we should go back to Nile Mansion together with Kateregga. We were under arrest. So I drove back my car, packed it behind Nile Mansions and we were both escorted to Room 326 I am not sure of the number of the room. We entered the room and we were told to sit down at the balcony with Kateregga. We sat there. I asked him whether he had brought me intentionally to be arrested.

COUNSEL: May be, can we get some details about this Kateregga. Who was Kateregga?

KIWANUKA: Kateregga - he was a Haji I knew right from the seventies when he was a body guard of Butabika. We used to see him in town here and furthermore, he came and married on our village in Butambala. So, by reason of marrying near our village, we came to know him as a man

actually we used to call him '*muko*'; somehow he came to be familiar with me and my brothers and the family. That is how I came to know him.

COUNSEL: Yes, at the time you gave him a lift, what was he doing? Was he a businessman like you?

KIWANUKA: No I did not know exactly where he worked but people had given us a rumour that he was working in Nile Mansions. Whatever he did there we did not know.

COUNSEL: Is Haji Kateregga around?

KIWANUKA: These days I do not see him. I understand he was killed in 1985 or 1984 or before but I do not see him.

COUNSEL: Where was he supposed to have been killed?

KIWANUKA: People say he was killed in Bwaise; but that one I am not sure but I heard that he was killed.

COUNSEL: Is he this Haji Suraiti Kateregga of Masaka?

KIWANUKA: Yes, that is the fellow.

COUNSEL: Yes continue. You asked him whether he had brought you to be arrested.

KIWANUKA: I asked him whether he had brought me to be arrested. He denied. He said, 'We shall come out'. By that time, both of us were panicking. Especially me I had never been in prison. I did not know what I had done. We were forced to sit down. But later on he left me at the balcony. He entered one of the offices there were no officers, one of the rooms there and he left me at the balcony. Actually he never came back to where I was and I never saw this man until six months later. He left me seated; and then after about one hour some people there - because, I think, they worked there, they asked me to come into the room. I found a gentleman called Wanyama. I do not know his second name. there was a doctor Onen. They called him Dr. Onen. There was another one called - I heard them calling him Kokole and many others - Kasule was also there.

COUNSEL: Please, try to remember as many as you can.

KIWANUKA: There was Bosco. There was A.B.C. Okabo. They called him A.B.C. Okabo. First of all, they asked me to take off my shirt, which I first opposed; panicking as I was. I tried to resist. They told me that I was joking, I will put off. I put off my shirt. I put off my watch. I put off my shoes. I had a small handbag I was moving with. That one they had already taken it.

COUNSEL: That is 'No Problem.'

KIWANUKA: You can call it 'No Problem'. They had already got in possession of it. So these gentlemen started asking me a lot of questions which I did not know how to answer; because they tended at the same time and sometimes they were asking me questions about things I did not know. They were asking me that I was frequently going to London and in contact with Lule Group and, on the way, I was passing through Libya, buying arms and all these other things which I did not know, of course. So I had a very hard time because they were asking me about things I did not know. We were there arguing with them and they started beating me when I was not responding, I think, to their requirement. I was interrogated for about three hours and I also lost my temper and I quarrelled with them. I told them that I did not know what they were asking and I do not see why they should ask me and Wanyama because I had gone to school with him.

COUNSEL: Where?

KIWANUKA: At Teso College Aloet. So I said, if anybody knew who I was, it should be Wanyama. But later on I came to learn that this is the man who was the chief planner of my arrest. So I was talking to a wrong man. I was told to go back and sit down. In my bag, I had a lot of things: documents. I had an air ticket of Uganda Airlines to Entebbe, London. I had a bank draft of about Shs. 3.8 million from Barclays Bank. I had my business contacts. I had some sort of a booklet where I kept my visiting cards from business associates. So they went through all this. They started asking me a lot of things. How did I know all these people with those visiting cards and I tried to explain that this is normal to any businessman to have contact. The draft they asked me where I was taking it. I said I was -I had made a draft, I was going to get some money to pay my goods in the shop. So they interrogated me. That was a Friday afternoon. They told me to go back and sit with the others who had already been arrested.

COUNSEL: You mean, there were other people who had been arrested.

KIWANUKA: Yes.

COUNSEL: How many of them?

KIWANUKA: It is difficult to remember; but there were some like Kizito Mubanda - International Football Referee. There was Mr. Male. There was Mr. Katimbo.

COUNSEL: Katimbo.

KIWANUKA: Katimbo I do not know his second name but he owned a petrol station near Nakivubo Stadium and many others from other areas; because I came to understand some people were coming from different places like Jinja, Masaka, Mbarara. It was difficult to know everybody's name.

COUNSEL: About how many were in that room?

KIWANUKA: Between ten and twenty I could say about that.

COUNSEL: Yes continue.

KIWANUKA: By that day late in the evening they brought in my friend - Charles Okwera. He was picked from the football match there. He was also brought in. So we were all there by ourselves.

COUNSEL: Who is this Okwera?

KIWANUKA: Charles Okwera is a man heard of in Kampala. I do not know where he stays; but he is a town man. He is a businessman, I think so. But I had known him before so we were left there. Again at night, at about eight o'clock, I was called back to the room where I found Wanyama, and doctor. They tried to talk to me to persuade me to accept whatever they asked. But I told them simply cannot accept whatever you say in contact with Lule and other people when I have not been with them. They tried to see - by now they were not as harsh as they had started and they asked me about especially Wanyama and Dr. Onen and A.B.C. Okabo, they were very much interested in my draft; what I was going to do with it. I said, "This is normal. A bank draft is a bank draft. It is to pay for goods". They beat me again and asked me to go back and sit down with the others, and by that time I was half way naked. I was only remaining in my trousers. And all of us actually those who were there we had no shirts. We were left there. We were not given anything to eat that day. Rain came. We were supposed to sleep in one of the rooms. Again Kasule - a gentleman called Kasule he came at about mid-night. He chased us to the balcony and then it rained at night at about three o'clock. We were all there crowding like cattle - raining and it had rainy storms on us. We started shivering till morning.

COUNSEL: Who is this Kasule?

KIWANUKA: Kasule is a gentleman who used to work in the Nile Mansions. I do not know his second name. I found him there.

COUNSEL: Have you seen him around here - Kampala?

KIWANUKA: No - not these days. So the following morning this man came, pushed the door in the balcony of the room. He laughed at us. Kasule pushed the door. He laughed at us. We were there shivering. We had developed fever. Some of us had never slept outside naked. So he laughed at us and he kicked some of us; because they were not beating us for anything, just looked around and then somebody picked a stick and he hits you.

COUNSEL: Was he drunk?

KIWANUKA: No he was not drunk. So we went through all this. Saturday we were there until very late say three, four o'clock. They gave us food but this

food was not meant for us. They collected whatever the left overs in the Nile Mansions, put them on one plate; placed it in front of us and we were all up struggling to get into the plate to see something to eat after two days. So we went through all this. They could call anybody. You could hear people being brought in until Monday evening. Monday evening, A.B.C. Okabo called me to this room where they were what they called office. They started asking me whether I had refused to tell them the truth. I said I had no truth. He started asking me about what I do in London. I said, "When I go, I buy goods. I come back". So they were very harsh this time. They started to beat me. Wanyama was seated there in the chair; Dr. Onen got the - whatever they call it - 'kibooko'. He started - really that day I had it very rough. They beat me thoroughly because they beat me from head to legs. They kicked me. But I did not know what offence I had done. A.B.C. the last word he said, if I do not accept by the following day -Tuesday I will see. So they pushed me back. They went away nobody touched me.

On Tuesday, A.B.C. came at about three o'clock. He said, 'Do you accept that you have been helping these people in the bush?' I said, "I do not help them". He said, 'I am going to kill you at eight o'clock tonight.' That was about three - four. I tried to plead. I said, 'My friend, I am innocent. I have done nothing'. He said, "My dear, you do not accept but you are going to die today and I want you to wash yourself. I do not want to kill dirty people'. He threw me a shirt - a tattered shirt. He gave it to me. He said, 'put on that shirt. I want to find you after seven ready'. But later on I came to learn from my wife that on Monday they tried to go to Barclays Bank with this bank draft and the Manager in the Bank told them that that bank draft is as useless as any other paper. Because my wife had already stopped payment of the bank draft. So that I came to learn later on; that is why they were very rough with me.

CHAIRMAN: In whose name was this draft? Who was the payee?

KIWANUKA: I was paying Muhindo and Company. So for them I do not know whether they were conversant with bank procedure; that, if a draft or a cheque is not in your names, you cannot cash it! They went straight to the Manager later on I came to know from my wife - they wanted to cash it but they could not. So they came back very annoyed and they were very rough with me. So, on Tuesday, Okabo came at about - after seven 7.30. I had no watch, of course. This man called me. He said, 'Haji. Where is this Haji?' I said, "I am here." He called me out. Then I knew he was going to kill me because he had promised. He took me out of the room. We came to the lift. He had a radio call in his hand. Before the lift came, somebody was talking on the radio call. He distanced himself from me to talk on this radio call. I do not know what they talked actually. Me I was there panicking, waiting to go and die at the hands of Okabo. This man came back. He said he would not talk to me. He went to another room. He left me there at the lift. He did not come back for say ten, fifteen minutes. I was there confused, bare-footed. I had no shoes. I thought of escaping; but I was bare-footed and I knew there were security people at the gate. So I went back to the

office - to that room 326 and I found there Wanyama and Dr. Onen. They asked me , 'Where is Okabo:' I said, "I do not know. He left me at the lift." They laughed at me and said, I am very lucky. I can go back and sit.

I went back and sat down - waited; actually Okabo never came back to me. I went on for about 11 days in Nile Mansions and all those days I cannot tell you any particular incident, except that whoever came could kick you, could beat you; could do anything to you especially Lamogi. There was another fellow called Lamogi. He had a shop on Luwum Street. This man could come especially lunch time. He normally came at lunch time. I do not know why he came at lunch time; but he normally came at lunch time. Before he eats the food, he has to beat all of us. At least, he kicks you. Until Friday evening. Friday evening by Wednesday we were about 25 because they used to bring in and out. A certain incident happened. One of the people, as we sat at the balcony, hungry we had taken about two days without real food. We were drinking only water. This boy saw some visitors up at the next floor. He tried to raise his hands for food or something like that, ask the visitor upstairs. The visitor, I do not know whom he contacted. This visitor tried to find out whether there was any prisoners in Nile Mansions or something like that. So that very afternoon some people came like Peter Owili and others, trying to find out how many we were, why we were brought there. We tried to state individual cases. Actually he released some of them except ten of us or I do not remember the number.

So we were left there and Friday evening - Thursday they brought in some other people and then Friday, they brought in a group of other friends whom I knew like Amooti, like Norman like David Kayondo. They brought in Fred Banya. That day they really did a great job because they brought in too many people. There is a group they brought from Kibuye at Kizito Bakery's Garage. They brought about five people or ten people. We were left ten but by mid-night on Friday we were about thirty; some were brought from Jinja, some fishermen from Katosi, some people from Masaka. That day they brought in a lot of people and some of them we knew each other. That one I asked Amooti what is happening. They said, "We had gone for Norman's wedding." I had also known about it, except that I was arrested a week earlier. They told us that they were on a wedding in Silver Springs. They were again arrested and brought there and also there was a lady called Betty. This one was a wife of Ivan - the man who owned Rico Bar in Kabalagala. Again Fred Banya was brought in at mid-night by that Matiya - the brother of Ochwo. There was Ochwo former M.P. but his brother Matiya.

COUNSEL: Dennis.

KIWANUKA: Dennis Ochwo. His brother was called Matiya. They worked there. That one was very, very bad. If you are a Muganda you know you are going to die or you are going to be beaten or you will have it rough. That one was very bad.

COUNSEL: This Matiya, did he have another name? Is he Kokolem?

KIWANUKA: Either they called him Kokolem or Karamojong or something I think, they called him Kokolem. That is the fellow. That one that very night he brought, I think, ten people. So here these people were brought. They joined us. Now we were about over thirty. That was Saturday morning. And another incident also happened that day because Matiya went to Norman's house, he collected all the spirits which were supposed to be drunk on the wedding. They drank the spirits. All of them got drunk and we had it very, very rough that very night. They beat us throughout as they got drunk.

COUNSEL: I want this detail. How did you know they collected them from Norman's house?

KIWANUKA: You see, Norman and Amooti and David Kayondo were brought in at about -between seven and eight. But again Fred Banya was arrested later on at about - between seven and eight. And Matiya was driving; actually he got him. They were driving with Fred Banya in the same vehicle. Then they went to Norman's house; collected all this. Then he told him that he should accompany him to Nile Mansions and he also dumped him together with those people later on so that I came to know.

COUNSEL: Yes.

KIWANUKA: So, we stayed there in Nile Mansions with very little to eat, very rough treatment, beating us every night, sometimes they throw us on the balcony, very few days we slept in the room. We were sleeping at the balcony. So, days passed, we were all there panicking hoping to be released nothing happened then that fateful day of Monday afternoon came. They threw to us some old clothes, they said we should all have shirts, because by then we had no shirts, that we were going to be transferred. We did not know where we were going to be transferred. A lorry was parked on the main road, Nile Mansions and we were told to walk in pairs, bare-footed, slowly we were not supposed to hurry because we are passing in front of the bar in the lounge downstairs and people I did not think noticed what was going on because you were supposed to hold your friend and then you walk slowly under guard to the lorry and when you reach the lorry you lie down, you do not sit in but you have to lie down and whoever went there first, if you had it rough because others would lie on you, on top. Then all of us were removed and the leader of the people who took us was a gentleman called Lira-Lira.

COUNSEL: Do you want to call them gentlemen?

KIWANUKA: I do not know. There was a guy called Lira-Lira whom we came to know later on as Solomon Olupot, this man is the one who told us to be calm he is taking us somewhere for safe custody we should not worry. This lorry a red one actually a Bed-Ford with a metal body nobody would see what is inside there, was driven we were there on the lorry, we were not supposed to talk or to do anything. We did not know

actually where we were going because it was a box lorry you could not know. Either we heard it stopping or going and it branched. There is a house with actually I cannot go there now. Later on we came to know that this house is up on the upper side of Silver Springs, (they called it Argentina) For them they called it Argentina. The lorry reversed and we were told to come off slowly. The house was quiet, it was somehow an abandoned house. We did not know what was there, we reached that house in some sort of a sitting room. We passed through soldiers who had been put on the line, we entered the house from the down part of it. We were told to remove our clothes, everything. We had to remain in our underpants, the trousers, the shirts they gave us, nothing, you do not remain with anything and each of us was being slapped, kicked there by the soldiers we found there. Actually one old man from Kasubi whom I do not remember his name, he had no underpants this man remained naked. He was thrown in naked as he was. This is a group of all of us which were in the Nile Mansions. Inside this kitchen - (interruption)-

:OUNSEL: Were you men or?

:JWANUKA: No, we had one lady, Betty, the lady that one who had been arrested by Matiya.

:AKWENZIRE: Was she with you in the group, was she told to undress also?

:JWANUKA: She was left, she did not undress because she had one dress Matiya had brought her with one dress and remember she used to appeal to Matiya to taker her back home and collect her baby. She had a baby of about two months, but Matiya refused and to go a little bit back she told us that Matiya made her leave three kids. The oldest was about four years, another one was about two years and this baby they were all locked in this house by Matiya and she was brought to Nile Mansions. So, by all that time she was crying for her kids but there we were in Argentina. We had all clothes removed, beaten there they called it refreshing us, kicked, beaten. Anybody could kick you anywhere there was an old man there who was in charge, Sergeant, I do not know his name but this man was very harsh, he had a hammer in his hand, he could hammer you anywhere, where in the head or in the eye or anywhere. So what we did was to hurry up taking off the clothes and then thrown into the kitchen of that house. We were about 30, we found there about five people. We were about 31 or 32 we found there about five people, these were including Stephen Kyalya of Jinja. There was a Mr. Matovu also from Jinja, there was Walakira, there was Moses who had a shop on Luwum Street and his group he had about three brothers and some others about ten of them. But those I knew, were not supposed to talk to each other, so the 30 plus the ten we were all put in that room naked. Nobody had a shirt, not a trouser, we were squatting there, we were not supposed to talk to each other, that was evening and mind you we had not eaten the Saturday, Sunday at Nile Mansions that was Monday again the third day, we were thrown there. At about seven this old man who was in charge of the place came to address the new comers. He said, "Here, you are brought here you can count yourselves dead because here we do not have a book where to write, you are people who have

been opposing government." Of course, the Mzee was talking in Swahili. "There is one government, there is one chair you all want to sit on the chair". He was lecturing us a lot of things but we were all frustrated men we did not want to listen. He said we should obey, we should do what they tell us to do. He locked the door, that was Monday and then we stayed there. For us we stayed until 30th September, I was arrested on 20th August, 11 days in Nile Mansions but one month we took in Argentina.

COUNSEL: I suppose during that period they were adding other people, they were bringing other people, were they not?

KIWANUKA: Yes, they were adding other people at the same time also removing other people. This man, the man in charge of the place used to come and open the door, simply look around, I do not know what criteria he used, he would pick you and say "You come here." If you hear that you have been picked that is the end of you. Actually by that I tell you, we found there a certain lady; Cissy whom I came to know later on as Cissy Kagodo, she had already been taken there with her brothers like Nsubuga. Nsubuga I knew him because we had been to school together and there was also another tall man called - they were arrested together with Nsubuga I forget his name but these people actually were in a very, very, bad state because they had been beaten badly. This man the guard, he had all sorts of equipment. He had two hammers, one of five kilos, another one was two and a half. He had a panga which was sharpened on both sides. He showed us all these. He had two iron bars three-quarters and one and a half and then three-quarters. He had a big gun and a pistol, he had this bayonet, he had all things. He could use anything. This man, we were told inside, he had beaten Nsubuga. The man had beaten all his ankles, Nsubuga could not stand up at all because they used to call it removing fuse, I do not know what fuse. They had beaten all his ankles - here in the knees, I understand there is some liquid inside the knee this one had gone out. Nsubuga could not stand up and also that other gentleman whom he arrested with and actually he had a very big wound on the head. You could see they had very big wounds, all over burnt, you could see maggots coming out of their bodies. Stinking but again were also thrown to stay with these people, stinking, they were actually rotten. No medicine, they were supposed not to get any medical treatment and they were naked. So, all sorts of things were in this place Argentina, whatever they call Argentina. Actually that man only talking to you friend could mean your life because there is a gentleman called Austin who was beaten to death.

COUNSEL: Austin who?

KIWANUKA: Austin I do not know his other name because this Austin was arrested at Kizito's garage in Kibuye together with the son of Kizito. This young man all the time was pleading with these people right from the Nile Mansions that he had gone to this garage to pick school fees to go to Makerere University. He was supposed to do Medicine in Makerere he was also picked up in this *panda gari* in the place of Kizito, he was also thrown in Argentina with us and this young man used to tell us that he

was supposed to go for studies in Makerere. So, this man Austin was talking to this boy they were heard and they were beaten. Austin was beaten and this man was beaten to death. They did not give us any food actually if they gave us food they gave just very little posho half way cooked and there were no plates, we used to put up our hands and they throw it there. If you finish that is all and it is once a day, they used to bring it in the afternoon about three/four o'clock. Another thing is that we were taken once to toilet everyday. There was a toilet across the sitting room we were supposed to go there under very very heavy guard and we had not toilet papers we had to use our hands and in these hands we had no water to wash the, it is the same hands we used for eating. Sometimes and to make it worse they had even blocked the ventilators. The door was locked, the windows sealed, the ventilators sealed also, so there was no hope of any fresh air inside this places. Some of our friends used to suffocate. Some, I remember there was a boy called Mwambazi, I do not know the other name he was picked from Kibuye Agip Petrol Station, this boy died because of suffocation, because he had no fresh air. Actually one day we had also to save Mzee Malo's life by, because this had hypertension disease so because of the suffocation this old man was almost losing his life. Luckily enough me and Stephen Kyalya were sitting near the sealed door to next that so called kitchen, so we used that gap between the floor and the door. You can imagine that gap between the floor and the door that was the only access of fresh air we could get and I remember we pushed this old man's nose in that gap only for a night and this saved the Mzee's life. Because the pressure had gone up, he was almost collapsing dead and he was seated away from the door and we were not supposed to move inside. So, we brought in that Mzee and put his nose just in that gap and we saved his life there. At night there was no water you had to keep you own urine in a tin, they used to bring tinned beans because it was easy to distribute to us because they could take off the top and pour that tin half of it or a quarter of it in you hand that was you meat for a day and these tins somehow remained with us inside. So, we had to make sure that you keep a tin in which you will have to keep your urine and this urine was very useful to us because at night with all that suffocation people used to drink their own urine, at night because it was the only water you could get on. Actually people fought, used to box each other inside if you stepped on his tin and poured it. (Laughter). If you stepped on his tin and poured it the man could box you. So, that was Argentina. I have told you that we used to be taken once a day to toilet in the afternoon I do not know how they knew that people go to toilet in the afternoons only. That one they knew themselves but they were taking us in the afternoons once a day and you had no toilet paper, we had to help ourselves with our hands and there was no water and you were in a hurry the man has put a gun at you back and if you went there you can see the windows, there is one gun in the corridor, there is another one, he is telling you to finish quickly and go away and you are in a panic with this and you have got to go to the toilet you do not relax, so you have to use your hands and that is the time they bring food, so you have to bring your food. You eat the food with the same hands with your nails uncut for about two months, some of us with beards, the beards, they had grown and grown until it cannot grow, with lice all over us.

COUNSEL:

KIWANUKA:

COUNSEL:

KIWANUKA

COUNSEL:

KIWANUK

We had not bathed for about one month and in the corridor there between the cell and that kitchen; the place where they used to lock us, there is somebody with a *"kibooko"*, he is beating you to toilet and then beat you back to jail so you have to rush in between.

COUNSEL: Now what would happen to this Mr. Nsubuga who could not stand?

KIWANUKA: Mr. Nsubuga, they used to allow us two only, to carry him - you pull him and the people who were pulling him were also already very weak. Of course all of us had developed at least a disease. We had some insects coming out of our bodies, some of us had diarrhoea so we used to pull him and he sits there and also in a hurry and you are carrying him when sometimes they are beating you. So, we went through that for one month. I remember at one time somehow we got banana, somebody managed to sneak in some banana and *"Kabalagala"* something like that from the Middle East or what they call Middle East in Bugoloobi and this banana was supposed to be somehow - it was dropped through the ventilator to me. So I had the first chance to grab about two but again when I was eating the banana, some people did not want to eat the banana they wanted to eat the peels of the banana, the man was crying distributing the peels of the banana because we were so hungry we could eat anything you could give us because the people were eating the peels of the banana. They did not want the banana because you cannot give him the banana he wants the peels of it at least to keep his life. We could go three days without food and what was somehow interesting we could hear lorries bringing in posho and beans but we were not given the beans and the posho. We could peep through the ventilators in the day because during the day they opened the ventilators and we could see some bags being passed to the nearby house where they made *"marwa"*, I do no know, they make *"marwa"* nearby. So, we could see bags of posho going through and to the next house probably for making "marwa" but for us about 30, we were 49 inside this house.

COUNSEL: Yes.

KIWANUKA: There was an interesting thing also they use to come to know who had survived the night. The man does not open the door, he knows he has locked say 47 people, the man knocks on the door he says how many are you? If we answered the same number he locked, the man quarrelled. He used to quarrel, *"tumbavu"*. If we answered that we have got two dead bodies, you could hear them jumping up and down and say "ah," this is it. They were happy to see us reduced I do not know why they knew themselves, especially that old man was a very cruel man. The man used to come and open the door once a day and everyday he opens it, he looks around, without any criteria the man would pick on you and say, "you come here". The man could beat you. He used to say there is what he beats for death and what he beats for-

COUNSEL: Now how did you get free, we see you here?

KIWANUKA: Yes towards the end of that hard time, there was a gentleman I do not know his name, he had come I think either to rink or to do what nearby.

This gentleman heard a gun shot inside that house. Somehow he came, actually that gun shot was that - because everyday we used to pray in all our religions. Catholic, Protestant, Moslem but one day one Mzee was praying and the soldiers guarding the place overheard us. So, they asked us who was making noise, we kept quiet, again they insisted to show them man who was praying. This mzee who was praying was brought out to be beaten and then one man decided to shoot him dead. Somehow, I do not know how he missed the bullet, so this gentleman came when he heard this bullet. He had a police bodyguard but by that time our senses had gone somehow, we could not find out, we were not supposed to talk. This gentleman wanted to find out what was going in this house. The soldier refused to open, he insisted they opened. When he saw us in this physical state, the man was very very much shocked; he did not say a word he went away we do not know whether he instigated it, coming to the end of it I do not know.

Another incident is that among the prisoners, we had some former soldiers, like a boy called Kalumba. This Kalumba, a former soldier, this boy was all the time telling us that he was trying actually to find out whether some of us knew how to shoot the gun. He said he was going to grab one of the guards, take away the gun, shoot the rest, give us the gun and then we escape but of course very few of us knew how to shoot and before it could work out we had some soldiers also who had been imprisoned there and funny enough they had told them to spy on us whatever we talk, whatever we do. So, one of the soldiers went. When they came for routine checking, he reported that we were plotting to escape and these people really were very dangerous. When he was told this boy was really beaten thoroughly, they said you did not report to us you must have also been one of them. They turned on him and the man was beaten thoroughly. He was thrown back to us.

KAKWENZIRE: You were lucky.

KIWANUKA: Those were the days towards the end of it. And also there was a day when Norman was talking to us, to some friends and he was overheard and he was talking, he said Norman. Because Norman had actually been so frustrated or fed up with the whole thing he said, "If they want they can kill us, it is me talking". That only saying "Norman talking", the man picked up an iron bar and actually he beat Norman that day, he crushed his private parts with that iron bar. Norman was actually pierced all over his body. There was a *'kadogo'*, and we were all terrified, this man was crying saying, "You are killing me". The man was continuing to pierce him until he came to pierce through his hand. He pierced even through his leg with this iron bar. Until he was all the time wanting to pierce the chest probably looking for the heart. As if this was not enough, there was a hole already in Norman's chest and this man, this 'kadogo' brought his hand and pushed it through this hole with blood all over. Norman remained there crying all the time and actually the boy pierced him to such an extent that he left him there to die and that day was a terrible day. That *'kadogo'* decided to shoot all of us dead. He said, "You have become big headed. You are *'aduhi'*. You came here, we talk you also talk. I am going to shoot all of you dead."

Until his friend was struggling with this '*kadogo*' not to shoot us. They started again a fight between themselves, they beat the boy to get the gun away from him. And then after three days, two days actually when Norman was there helpless, he could not stand up, his private parts had been pierced through, he was there, he had nothing to help him except by that time water was coming in that sink. There is a sink there, we used to give him only water and on Friday, was it 30th September, this Dr. Onen, Kasule, Mike, and others came; actually we were surprised, they came in the morning on Friday at about ten o'clock; they opened that door because the door was difficult for us we kicked it to be locked or they kicked it to be opened. They asked us one by one to come out. They write down names, they ask you where you come from and all the time they tell you have refused to tell us the truth asking the same questions they were asking in Nile Mansions. "Have you refused to tell us the truth"? Then you say, "After all these days what truth can I tell you?" They went away after taking all the names; at two o'clock two lorries came with Omoya's pick-up. There was another one called Omoya. Omoya had a pick-up, blue, he was the one leading the lorries. We were all confused, we did not know what was going on. Lira-Lira also was there with his list. They opened the door, they said, "Okay, today we are going to remove you from this place but eleven of you have been released and your release is going through the Central Police. Eleven of you whom I going to read are going to CPS from there your relatives can connect to you and you will be released." Funny enough he read our names. Actually we are the 11 people, the 11 names who survived. Later on we came to know that we are the 11 people out of 46 because they had already killed three there in front of us. 11 of us were read, our names, and we were told to dress up that they were taking us to police. But funny enough we had nothing to put on, what to dress in. We had only rags there, we picked the rags. We had sat over our underwear and the underwear, the bottom of them had torn off, virtually we were naked. They read the names including Betty's.

COUNSEL: Who were the names please? Betty, David Kayondo, Stephen Kyalya, myself Sula Kiwanuka, Walakira Ekaabe, there was a boy called Ekaabe, he was a conductor in UTC, Kibitu, Rogers Nsubuga of Villa, this is a football player; how many are those? Yes, they are eight, Kizito Muhanda, Male; how many are those?

COUNSEL: Ten.

KIWANUKA: Charles Okwera. Actually I should comment that this man Charles Okwera was very very vital to our surviving for one month because Charles knew the language those askaris talked and he knew us, I mean he knew of course the Luganda language and he used to tell us what to do. Because I remember one day they had decided to kill all of us but he tried to talk to them in that language which he understood properly and he appealed to them he said we -he tried to explain that we are business people, some of us are people here in town, we do not know even where the war is. We do not know how to fight. We do not know where they have been fighting. So, that day it was a Friday, they read those eleven names, asked us to come out and we were put aside in that

sitting room. There is a sitting room in that house. We had no guards. They said, "You, you are free, you can talk of yourselves as free." Even Lira-Lira commented he said, "You are lucky." So, they said, "The rest are going to be put on a lorry, they are going to be taken to Makindye because there is food there." They tended to be sympathising with us. We have been going hungry for one month, today they come they say we have been going hungry so they are going to be taken to Makindye in a pair to board the lorry. Their lorry was in front of ours. They were put on a lorry under very very heavy escort. Very heavy guard. Actually we were suspicious with the soldiers because the soldiers looked frightened as we saw them. Those who were going to accompany them, they were frightened. They were put on a lorry, the lorry was accompanied by Omoya's pick-up. Lira-Lira was put in charge of us, he sat in front of the lorry and we were there congratulating ourselves that we had gone through this. We are lucky. But surprisingly when we reached the way branching to Mbuya barracks, this man decided again to take us to Mbuya barracks. We were surprised the lorry branched to Mbuya barracks. We were worn out yellow in colour, we had not seen the sun for about one month or so. We had not brushed our teeth for one month or so, the hair had grown, the beard had grown, lice all over, we were naked only to reach Mbuya the soldiers wanted to start beating us. They said, "These are the people". This man said, "Do not beat these people, they have had enough. I want to put them here for safe custody. I am going to come for them.

CHAIRMAN: Who is this?

KIWANUKA: Lira-Lira. He asked us to get off slowly, we were put in a prison there in Mbuya at quarter-guard. But surprisingly this man said he was going to collect us later on when he has time because he was very busy, I think he wanted to accompany that group of 36 people. The man never came back until one month. There we were locked up - (interruption)-

KAKWENZIRE: Incidentally can I interrupt you a bit? Can you recollect some of the names the 36 who were not released, do you recall some of the names?

KIWANUKA: There was Moses of Mexico as I told you, there was Amooti, there was Norman, that one was somehow in a very bad state. there was the driver of Amooti, I do not know his name but he was the driver of Amooti. Actually this old man had it very rough because that Mzee I do not know, whether he opened the door. He was the man to be beaten all these days for one month. Everyday actually they used to beat him sometimes and say this one they will pick him for dead but in the morning he was there alive. Fred Banya, Matovu of Jinja. There was that son of Kizito Bakery, actually I could not get his name, there was David the soldier, that one actually he is the man who accused us that we were plotting to escape he was also taken with them. There was that Kulumba, there was Nsubuga, there was Cissy Kagodo and many others actually 35.

KAKWENZIRE: Had the soldier died, I want to know?

KIWANUKA: I beg you pardon.

KAKWENZIRE: You did not mention the soldier?

KIWANUKA: I did, Nsubuga. There was also his friend called Sebiyai, actually they were arrested together with Nsubuga and this man was really in a very bad state. I remember one day there was a man who had a lot of maggots in his body he had been crushed badly. These people instead of asking to take him to hospital the man said he would ask a friend when he comes it is better we kill this man because he is in too much pain. Actually this man I do not remember his name but he was pulled out in that sitting room an shot dead because he was in too much pain. Can you imagine these people? Especially that old man I do not know his name but that old man was a very bad man. So we were thrown in Mbuya. Actually in Mbuya that is where we came there at about three o'clock, they had finished lunch and there was a lot of posho left over from the soldiers who were in quarter guard, imprisoned. So, we were given a lot of posho. We ate what we called food for the last one and half month, for me for about 40 days I had not eaten anything. So, we remained there. To make it worst one day Omoya came at about mid-night. He wanted to take all the civilian prisoners, why, we do not know. He was there outside struggling with the guards and Charles Okwera because he knew the language he told us that you pray, otherwise the man is asking for the keys to open the jail and take all civilian prisoners and by then again we stayed there for a few days then they added more people, '*panda gari*', like Sheik Kayira, like Sulaiman Lule of Solar Electric and many others. Actually there is another man including the 35 whom I should mention. This man was selling 'mandanzi' in Bwaise. Poor man, the vehicle of Nile Mansions stopped, he wanted to sell these people *'mandazi'*. They ate the *'mandazi'*, they did not pay the boy. The boy was pulled into their vehicle. He was brought to Nile Mansions because he was demanding money for *'mandazi'*. The boy ended in Argentina and he was included among the 35 people and he also died. Simply because he sold them *'mandazi'*. So we remained in Mbuya, naked of course, we had no cloths. But in Mbuya they used to at least give us posho and beans but whatever remained when the soldiers ate they gave us some food.

We stayed there until 9th October. On that day I do not know what happened, there was a lot of shooting in Kampala and in Mbuya and then those soldiers had decided to shoot all of us dead. Again one soldier by the name of Smith struggled with these people. He refused to open the gate to shoot all of us but they started shooting through the ventilators. Then we were missing bullets by chance. They were dropping into our jail that one also passed. The beating also was there, anybody could walk into the jail and beat all of us or kick you or do whatever he can do to you. There were some women there. Betty and other women, they were being used by those soldiers as they wanted. There was no resistance, how do you resist him, the man says, "If you do not want, I will kill you". So they were there, all of us until about 30th October about that time, end of October.

COUNSEL: When were you brought, do you remember the date when you left Argentina?

KIWANUKA: It was about 30th September it was on Friday or something like that. So, all of a sudden we heard lorries and the lorries came they said, "All civilian prisoners, on the lorry". We were not supposed to sit on the lorry normally as it is usual, we were told to lie down, some came with some other prisoners from Makindye, from Lubiri, from other places, some people were really in very poor state of health. Some had been beaten in Makindye, burnt, we were all heaped on this lorry, kicked, beaten up to Luzira and then thrown into Upper Prison. From Nile Mansions to Argentina, Argentina to Mbuya to Luzira. But then for us when we reached Luzira we started congratulating ourselves. We said we are lucky because some people did not reach Luzira. Actually one bit of information is that by that time when we were in prison in Mbuya, some soldiers who had seen us in Argentina and had accompanied those 35 people saw us in Mbuya jail and one soldier said you, "You are very lucky, your friends are already finished". But I do not know his name. Of course, he had been imprisoned at quarter-guard I do not know, he had made a mistake somehow and he was thrown down also in jail with us at quarter-guard so when he saw us and he had already seen us in Argentina he commented that we are lucky because our friends had already been finished. So, we ended in Luzira. We stayed there. Me, I stayed there until 3rd January. You can imagine, I started on 20th August, giving a lift to Kateregga and then I ended the journey on 3rd January, 1983 that is when I was released.

COUNSEL: Yes, how did you come to be released?

KIWANUKA: Actually I cannot tell you exactly how but I was told later on that my wife used to press those people at Nile Mansions so hard and she was pregnant. Actually she threatened to deliver in Peter Owili's office one day because she had been going there everyday, everyday, everyday, and that day she was just about to deliver, she said, "I am going to deliver in your office if you do not release my husband". Somehow Peter Owili softened up, he sent some people to fetch me from Luzira and to make it one interesting point is that the people of Nile Mansions were sent to collect me from Luzira again I was about to be released then I realized that I am going back into the hands of Nile Mansions people I started running back to prison shouting, "I am not going with you". Actually they brought me by force. I said, "I am not going" because I saw them with their pistols at their back, with the radio call, they had come to collect me from prison; I had gone through all these, I said, "I can as well stay in Upper Prison until such a time when I will be released but I am not going with you". They got me by force and the O.C. actually was also somehow afraid, he was Mr. Olupot. He put there a soldier to accompany me up the main gate, from Upper Prison. From there I said, "You gentlemen you go if you have released me". They refused, they put me in the vehicle by force, brought me to Bugolobi Flats and dumped me there. They said, "Is this your Flat"? I said, "Yes". They said, "You can walk out of our vehicle". That is how

I came out?

COUNSEL: What is the name of your wife?

KIWANUKA: Sofia Kiwanuka.

COUNSEL: Well thank you very much. My Lord this is all from this witness.

MR. KAWANGA: I will start from the beginning. You said you know Sulaiti Katerega?

KIWANUKA: Yes.

MR. KAWANGA: You did not know exactly what he was doing, why on earth did you give him a lift to Nile Mansions?

KIWANUKA: I did not say. First of all I want to correct that. I did not say that I did not know what he was doing.

MR. KAWANGA: Yes.

KIWANUKA: I said I knew him here in town just as somebody who used to come to our shop. Secondly somehow in the 70s he turned up on our village to marry a neighbour's daughter.

MR. KAWANGA: Yes all that went true.

KIWANUKA: And to put more details on it the daughter of this man was not a Moslem and Kateregga was a Moslem and this old man was not a Moslem also, he asked us to recommend Kateregga but by then Kateregga had not been a bad man. So, I knew him from there and with that sort of connection he used to come even to my shop and ask me for money. He used to come and greet me and to see what I am doing in the shop. Actually that frequency in the shop is the one which drove him to arrest me because he used to come sometimes to find me talking on phones to London, to Hong Kong, to some business connections. So, he came to know that I have got the outside link.

MR. KAWANGA: In otherwords your friend turned against you?

KIWANUKA: Yes.

MR. KAWANGA: He is the one who took you to Nile Mansions?

KIWANUKA: Yes. Actually among all people who would do me anything bad I did not think of Kateregga. I knew people told me, actually he even told me he was working there but I did not fear him. I had no crime I had committed, I was not involved in any bad things so I did not fear him.

MR. KAWANGA: Had you refused to give him money or something?

KIWANUKA: I refused actually that day I did not give him money I said, "I do not have money". He said, "You can take me to Mansions I get money from

there" because it was a Friday, he was going home. I said, "Okay".

MR. KAWANGA: Yes, you said he asked for money you did not have. So, in otherwords you were taken to Nile Mansions to your prison because you failed to raise money to give Katerega, your friend, that day or perhaps he had some other reasons?

KIWANUKA: Actually he simply trapped me on money. He asked me for money I did not give him the money, he asked me simply to give him a lift to collect the money in Nile Mansions, bring him back to town and he goes to Masaka for a weekend. So actually he had been - it is more than that; he had been planning this thing before.

MR. KAWANGA: So he had been spying on you in otherwords?

KIWANUKA: Yes, I should say.

MR. KAWANGA: After you had been taken to Nile Mansions, these tortures and what not, I am asking this because I must say you are a very intelligent man, and so on and so forth but do you think this kind of interrogation that was going on was aimed at getting any information, the way you were interrogated was it really to produce the kind of information that they would want from anybody they have arrested.

KIWANUKA: Yes, you see these fellows in Nile Mansions they were many and even their characters were very many. Some were skilled men I should accept like ABC Okabo. Okabo was a very skilled man, he tried to interrogate me in a very skilful way. He tried to ask me a lot of questions outside and inside Uganda, whether I knew people, he even brought some photographs of Kayira and other people connected with the bush but that one was a skilled man he was trying to lead me to accept that I had been a financier as I was a businessman in town, to this cause of bandits. But again there is another group like Wanyama and his other friends, this one they wanted money from me, they wanted me to bribe them that I was under arrest I should pay them some money and I refused right from the start because I told you that they wanted me to negotiate on this draft of Shs. 3.8 million. I said, "I am not going to give you any money because this money is for business it is not for giving you". There were different types of interrogations, one for really to lead me to something, another one to extract money then another one was simply, I should say, abuse of anybody's head because these other people used to come and ask you very useless questions like how many wives did you have? How many children you have? Why did you marry a Munyarwanda wife, something like that, these are useless questions. But these two groups, one wanted money and one wanted to lead me into something.

MR. KAWANGA: After you had been transferred from the Nile Mansions and taken to Argentina House, do you think this was again an aspect of getting any information from you or what was the purpose because you end up there? What was it in your view?

KIWANUKA: As I had been in Nile Mansions for about eleven days, Katerega tried to go to my brothers to ask for money but these brothers also had fled, they had run away. He tried to go to my wife for money and the wife had somehow been very very repulsive she did not; she said the man instructed me not to give any money for anything. So, as I had refused to give in on money basis and Wanyama, of course, was No. 2 or No. 3 in Nile Mansions. So this is what I came to think later on that Wanyama wanted to put me in Argentina and probably press hard for money from my people and then somehow remove me from there because they used to put there people and then come for them after one day or two because I remember a case of Gilbert Inyalio. He was brought there, we saw him for one day or two and he was removed from there.

KAKWENZIRE: In such hard circumstances why did you refuse to give money especially as you said there was a time when you were told you were going to die at 8.00 a.m?

KIWANUKA: Personally I felt that if I started giving them money and I can tell you today because there was no fear, I was not connected at all with these things they were simply victimising me for nothing I did not know for what I was giving them the money. After all, I had been giving some small amounts, Katerega used to come I help him with a few amounts of money and of all people and then I also knew that even if I gave them money if they wanted to kill me they would kill me because some people we had heard here in town who gave money but sometimes if they wanted they could kill you. So, I gave instructions to my people and even myself I was convinced that if it is to die for this money I have worked for let me die for it. I was not going to give it to Wanyama and Kateregga and Dr. Onen just like that because they pick me on the road, take to Nile Mansions, beat me, threaten me with death then I give them my money I had worked for some time?

KAKWENZIRE: My question is to do with the people you mentioned who tortured you people in the Nile Mansions and Argentina house and at the same time you have told us quite clearly that you first friend Katerega implicated you. What I have in mind is, you are asked questions and you have answered them you are the best person to know whether you said eventually incriminated you, whether you were imprisoned for all those months after some word you said or something, you could again say as you said to tell us exactly where those people failed to find you innocent whether they found you guilty? It is ambiguous.

KIWANUKA: I am sorry I have not got your question.

KAKWENZIRE: Even it is not very clear in my mind. This may be is muddled up by your story but I want to know exactly where things go wrong, somebody brings you, has a story with you, you are interrogated, did you these people believe that you are actually guilty? In the course of those interrogations where would you, okay, where did you - I will work it out much later because I know I have something.

MR. NAGENDA: Mr. Kiwanuka, you said that you actually found out later that Wanyama was responsible for your being imprisoned that is how I understood it, how do you mean and how did you dig this out?

KIWANUKA: Later on, he tried to ask me because as I have told you, I had been to school with this man and at first, I mistook him for somebody who knew me better than anybody else. One night he called me to their room and he tried to say that if they ask me to give money, can I not give money and be released? I told him, look Wanyama, I am not going to give anybody money because I am innocent. He asked me he himself. Actually he even took many pair of shoes, he is the one who took it when I was being undressed on arrival.

MR. NAGENDA: So, can I take it that what you mean is that he was not your friend but you are not saying that he was actually instrumental in your being arrested?

KIWANUKA: Later on, I came to know that Katerega and Wanyama were working together for my arrest because even to go to Barclays Bank to get the money they went Katerega and Wanyama and by then Wanyama was, I did not know either second in command or third in command but he was a big man in Nile Mansions.

MR. NAGENDA: Perhaps I am going to help out before I go on my question fellow Commissioner. I do not know whether this is what she meant to ask you but for me I am also interested. Did you gain the impression, talking to these people, that they really thought you were involved in the guerrilla movements?

KIWANUKA: Judging from what Okabo used to ask me, Okabo had been informed I do not know by Katerega or by Wanyama that I was really involved in these things and all the time I tried to explain to him that I was not involved but Okabo was really convinced that I was involved as I was travelling abroad very frequently of different destinations and, of course, by then especially there is a time when I had made a trip to Bujumbura, Burundi, and actually this one came out very very prominently in their interrogations that why should I go to Burundi and then from Burundi I go to London? I said it is for business. They were somehow convinced but it was not actually involved at all.

MR. NAGENDA: Did you, looking back on it, once you found out about the people who were involved, did you yourself discover whether unwittingly might have been having meetings on business with these particular people who were involved in guerrilla movements?

KIWANUKA: Not at all.

MR. NAGENDA: Forgive me for asking you a personal question but I see some scars on your face, are these a result of your interrogations?

KIWANUKA: No, this was a motor accident in 1978.

MR. NAGENDA: You said, it is a small point but just to verify what you said. I think you said that ABC was going to kill you on Tuesday.

KIWANUKA: Yes.

MR. NAGENDA: And he gave you a shirt to put on but then later on when you were being moved you said none of you had a shirt, had he taken his shirt back?

KIWANUKA: Because when I was told to go back to sit with others I was told to take off my shirt I think it was a tradition of Nile Mansions that they did not keep anybody with a shirt.

MR. NAGENDA: You told us about Nsubuga who was in a very bad way when you got to him, how was he able to survive? You said they broke his ankles, they had beaten his knees so that the liquid seeped out, how was he able to survive especially with a little food.

KIWANUKA: Actually it is very difficult to answer that question myself because we were all there, given food once a day, depending only on water sometimes, it is very difficult to say he survived by this means or by that means but he was there alive like ourselves and actually there was a time when that old man - that cruel man used to give some food to Cissy Kagodo and Cissy used to send some small amounts of food to the two sick people Nsubuga and the other brother especially in the morning hours because one of us Walakira used to go out everyday to sweep and clean the place whatever they called cleaning for themselves. So in that movement Walakira could bring in small particle of posho sometimes even the posho the soldiers used to eat they used to throw it outside as left-over and you know ducks would be eating on it but Walakira would pick some of this posho and somehow sneak it to us after it had been eaten half way by ducks then bring it to us we would even fight over it and eat it and survive.

MR. NAGENDA: This old gentleman from Kasubi that you mentioned who you helped to survive that night pressing his nose between the door and the floor, was he amongst the 35 who disappeared in the end?

KIWANUKA: No, luckily enough he is here in town he is surviving.

MR. NAGENDA: So, he was one of the eleven?

KIWANUKA: He is one of the eleven, he is called Mr. Male.

MR. NAGENDA: A lady called Miss Kamya who appeared before you did tell us that she was taken to a house where she saw some naked people, was this your group?

KIWANUKA: It depends what time she was taken there.

MR. NAGENDA: I cannot remember I did not know whether you shared the same place with her.

KIWANUKA: They used to take there for a week and release and then take and then bring, it is difficult to know whether she was in our group.

MR. NAGENDA: The eleven of you who were singled out to be taken to CPS except you never made it to CPS, when you were in Quarter-guard, and when you yourself were released from Luzira Upper Prison, were there these people released at the same time or subsequently or before?

KIWANUKA: Actually we were released, take for instance, like David Kayondo was released when we were still in Mbuya and some others. Some we went with them to Luzira some I left them there some came out before me like that.

MR. NAGENDA: You also told us this sad story about Norman who was badly beaten up by Kadogo, how old was this Kadogo?

KIWANUKA: This young man was between 15 and 20 years, stout, and what I can very well remember is that he was a Muganda by tribe.

MR. NAGENDA: What was the Sergeant incidentally by tribe, the Sergeant at Argentine House?

KIWANUKA: The Sergeant seemed to be an Acholi man he used to speak Luo.

MR. NAGENDA: And also Norman survived this terrible attack by Kadogo?

KIWANUKA: He survived, he was still alive by the time they were put on the lorry but he was in a very poor state of health and actually Fred Banya had developed a disease and he had swollen up and Amooti, they had a disease they had swollen up, each part of their body had started swelling up you could not recognise them, the cheek, the mouth, the nose everything had swollen up.

MR. NAGENDA: When Omoya came and tried to take you away presumably to kill you and your friend Okwera said that you had to pray because he could understand the language, how did Omoya get to go. Did they have a fight with the other soldiers or, how did they leave?

KIWANUKA: Actually it seems that the man with the key to the gate - you know there was no light in the Quarter-guard the man decided to sit somewhere in a dark corner and keep quiet and he was there looking for him for about 30 minutes or so, he failed to get the key so he went away, and one bit also I want to add is that this man the Lira-Lira is the man who used to come to collect the dead bodies from Argentina in his Land-Rover open Pick-up and I do not know where he went because these bodies sometimes were left in that place of the prison for two days uncollected, the body would start swelling up eventually then Lira-Lira probably would come and we are made to lift the dead body and put it on the Land-Rover and taken then he brings back the Land-rover for washing up but he did not delay I do not know where he was putting them normally he went for one hour or 30 minutes and come back.

MR. NAGENDA: You told us about three people who were killed in front of you including one person who was in a great deal of pain, how many other people were killed or died as a result while you were imprisoned?

KIWANUKA: It depends which prison.

MR. NAGENDA: Let us start with Nile Mansions, did any people die in Nile Mansions?

KIWANUKA: No.

MR. NAGENDA: What about Argentina?

KIWANUKA: Argentina people died. I told you that this man Austin was beaten and he was left to die actually he died that night. That old man beat him thoroughly, struck him with an iron bar on the neck and everywhere and he was left not dead, he was pulled inside the prison and locked and then he died later on in the night, the body was not collected that night that day and then another day the body stayed there for about two days and then they came to collect it. Actually the body had started swelling up letting out a lot of water to us and the place was stinking and the place was very small, squatting there. Then there is another one also who died I forget his name that one also was after beating. Normally this man in Argentina did not shoot people he used to torture, leave you there and then eventually you die through pain.

MR. NAGENDA: So, about how many people died at Argentina, three?

KIWANUKA: Yes.

MR. NAGENDA: And then when you were taken to Mbuya did people die as well?

KIWANUKA: No.

MR. NAGENDA: You told us that you left at the end of September then I went through the process until 3rd January, 1983 I do not know whether they put there some other people or not. Actually I have never gone to that house and I think I will never go to that home again.

MR. NAGENDA: We do not blame you at all. You said that when Katerega left you in Nile Mansions and he went away you did not see him again for six months. When you saw him again what was the nature of your conversation?

KIWANUKA: Actually when I saw him at first he feared he did not want to greet me but I made sure he greeted me and from 1983 up to 1985 I used to meet him somehow somewhere in town but all the time I made sure that I greet him but he did not want to greet me he was always nervous so I said I shall always greet you. Actually he thought probably I would revenge but how? I was also helpless but we tried to avoid me but all

the time I insisted Coming to him, to greet him, until as I told you in 1985 or 1984.

MR. NAGENDA: How did you take news of his death?

KIWANUKA: I took it as any other death. Actually I had told him when I came out of prison, 46 of us collected ourselves for fun, we said all people who were brought in by Katerega can we have a meeting some from Masaka, some from Busia, some from Jinja including an Assistant Inspector of Police Mr. Emunyu from Masaka that one we said you are the leader, but we used all to meet in Luzira for fun we said how many are we? 46 Katerega prisoners all of us on different reasons, different dates and different places of arrest.

MR. NAGENDA: And are you trying to tell us that you forgave this gentleman?

KIWANUKA: I did not forgive him as such because I could not also punish him anyhow anyway I was helpless I just left him.

MR. NAGENDA: Please do not understand my question to be in anyway personal but I can ask you how Katerega died?

KIWANUKA: I heard that he was shot dead.

MR. NAGENDA: By whom?

KIWANUKA: I did not try to find out actually, I was first of all, interested in one thing, is Katerega alive or dead? They told me Katerega has been shot dead and I did not want to know anymore.

MR. NAGENDA: I will not trouble you on that one any further. You have mentioned some names to us like Mr. ABC, like Omoya, like Sergeant at Argentina House, Like Wanyama, Katerega, certainly but he is gone and some other names I have forgotten where I wrote them, do you know any of these people who can be found today?

KIWANUKA: I beg your pardon?

MR. NAGENDA: Do you know where any of these people who were concerned with you during the time you stayed in prison, where any of them are to be found, where are they?

KIWANUKA: Yes, I understand Wanyama is in Luzira, actually he found us there and we welcomed him very warmly, we said you have also joined us, you can be calm here is posho you can eat it and sit calmly. I do not know why he was brought there he found us there. Dr. Onen I understand he is in Nairobi and Kasule's and the rest of them. Omoya and the rest of the group I understand they went northwards I do not know whether they are there or not.

MR. NAGENDA: But Kasule and other people are in Nairobi?

KIWANUKA: Kasule and Dr. Onen, ABC, that one I do not know, after all, he was removed from Nile Mansions before but the rest I do not know where they are.

MR. NAGENDA: You have never seen them really again?

KIWANUKA: I saw them when I came out of prison I used to see them right from 1983 up to July, 1985, they were here they were still doing the same job in Nile Mansions but they used to see us and I think they thought they had worked on us enough that time and they did not want to do anything to us, they were here in Kampala.

MR. NAGENDA: Can I assume because these people have a habit of showing up again when the heat is off, can I take it that when you see them you would get in touch with our Investigating Team so that they can help us?

KIWANUKA: Oh yes, I am very very much willing, I can do anything to assist anybody to bring these people to book even to arrest them myself if I can.

MR. NAGENDA: I think you can?

KIWANUKA: Yes.

MR. NAGENDA: Thank you very much indeed.

KAKWENZIRE: I am very sorry, actually one of the people you have been talking about was a friend of mine, one of the people who met his death, so you will excuse me for being muddled up but I think I have sorted myself out on the question I wanted to probe is how the security organs were functioning. You have talked here and there of people, now looks such a vicious circle to me and I want you to help me whether you were able, in the course of your stay there, to identify who was the boss.

CHAIRMAN: Mr. Kiwanuka, I think all the points which need clarification have been clarified by questions from other Commissioners so I do not have more questions to ask you. Thank you for having come and for the evidence you have given before this Commission on this incident in Nile Mansions Argentina House, Mbuya and at Luzira. Thank you. Excuse me Counsel, we are still consulting here whether to carry on or have a break, what do you say?

COUNSEL: My Lord, I suggest we have a break and then come back for one witness.

CHAIRMAN: Well, I think we should have a break. We shall break off for about 30 minutes and resume here at 2.30 p.m. this afternoon.

CHAIRMAN: Commissioners, Legal Counsel, Ladies and Gentlemen, we are back for this afternoon session. I am sorry, we stayed a lot longer than we originally intended. Let us resume now at 2.15 p.m. with the next witness.

COUNSEL: With Mr. Ibrahim Walakira.

CHAIRMAN: Sorry, Learned Counsel, what number is this pleas?

COUNSEL: No. 157.

WITNESS NO.157: MR. IBRAHIM WALAKIRA - AFFIRMED

COUNSEL: You are Ibrahim Walakira?

WALAKIRA: Yes.

COUNSEL: How old are you?

WALAKIRA: I am 24 years old.

COUNSEL: Where do you live?

WALAKIRA: I am staying at Wandegeya.

COUNSEL: What do you do?

WALAKIRA: I am working with my mother who is a businesswoman.

COUNSEL: In 1982 where were you?

WALAKIRA: When I was arrested I was in Jinja.

CHAIRMAN: Mr. Walakira, could you speak louder please? We cannot hear you let alone people sitting further on, so, please speak loud.

COUNSEL: Do you remember when you were arrested?

WALAKIRA: I remember the day but I cannot recall the specific date.

COUNSEL: Okay which day of the week and which month?

WALAKIRA: It was a Monday in June.

COUNSEL: Who arrested you?

WALAKIRA: It was Wanyama, Kasule, Matiya and the others were in uniform I did not get their names.

COUNSEL: This Wanyama, Kasule, Matiya were they people of Jinja?

WALAKIRA: No, they were not staying in Jinja but they had somebody who was directing them where our home was.

COUNSEL: Were they policemen, army, who were they?

WALAKIRA: They used to put on civilian clothes but they had guns.

COUNSEL: Did Matiya have another name?

WALAKIRA: I cannot remember his second name.

COUNSEL: When they arrested you, did they tell you why you were arrested?

WALAKIRA: They were inquiring about my friend who had escaped they said that we were all bandits.

COUNSEL: Who is your friend that they were looking for?

WALAKIRA: He was called Mukasa Semukutto.

COUNSEL: You were arrested because you were a bandit, had you been in banditry activities?

WALAKIRA: Yes, I was there once.

COUNSEL: Where were you?

WALAKIRA: I was at Najjemba.

COUNSEL: And you were a UFM man or what were you?

WALAKIRA: Yes. I had just joined.

COUNSEL: When they arrested you where did they take you?

WALAKIRA: They brought me at Nile Mansions but I did not come out of the car.

COUNSEL: Now where did they take you?

WALAKIRA: From here I was taken to Argentina House.

COUNSEL: Did you know the Argentina House?

WALAKIRA: No.

COUNSEL: How did you come to know that it is Argentina House?

WALAKIRA: When we were seated in the car I heard them saying that let us take him to an island called Argentina.

COUNSEL: Where is this Argentina?

WALAKIRA: This Argentina House is found on Luzira Road and when you reach Silver Springs you take another route going inside that is where the Argentina House is.

COUNSEL: Is it a house?

WALAKIRA: Yes, it is a house.

COUNSEL: What type of house is it?

WALAKIRA: It is a big house build for a civil servant to live in.

COUNSEL: What happened, did you reach Argentina?

WALAKIRA: Yes.

COUNSEL: Now what happened?

WALAKIRA: I was beaten up when they were asking me where my friend was. Later they took me to a kitchen where I found other friends of mine.

COUNSEL: When you say other friends, you mean people you have been with in the bush.?

WALAKIRA: No, the people I found there.

COUNSEL: How many people did you find there, did you count them?

WALAKIRA: The room was small but approximately we were about 50 people.

COUNSEL: What type of people were these, were they men? Old men, young ones?

WALAKIRA: I found there old men, boys and there were no women except that they were brought later they found me there.

COUNSEL: In what state were these people whom you found in?

WALAKIRA: They were in bad position.

COUNSEL: What do you mean their condition was not good?

WALAKIRA: I found some their legs had been broken and some had lost their hands.

COUNSEL: Were they dressed?

WALAKIRA: There was no dressing in that place.

COUNSEL: Did they appear to you?

WALAKIRA: There was no eating.

COUNSEL: Were they clean people?

WALAKIRA: If there is no eating how can there be bathing?

COUNSEL: Among about 50 people you found in Argentina did you know any of them?

WALAKIRA: Some had come from my place Wandegeya.

COUNSEL: Whom did you know?

COUNSEL: I knew Moses Akaya, Badru Kasule, Juma Sensonga, Sewava and Nsanja.

COUNSEL: Those were the people from Wandegeya?

WALAKIRA: Yes.

COUNSEL: Did you try to talk to them?

WALAKIRA: Moses informed me that if they found us talking they would kill us, so I did not say anything we did not talk.

COUNSEL: What followed after your confinement?

WALAKIRA: Later the Nile Mansion people came back they collected me from the room and they handed me over to the Mzee who started beating me to get evidence from me.

COUNSEL: Who is this Mzee, we do not know him?

WALAKIRA: I have forgotten his name but he was a sergeant we used to call him sergeant.

COUNSEL: Did you find out why he was beating you?

WALAKIRA: No.

COUNSEL: How did he beat you, with what?

WALAKIRA: He was using a hammer and a slasher.

COUNSEL: Where was he beating you, on buttocks, where?

WALAKIRA: Everywhere and mostly at my back.

CHAIRMAN: We see scars here, were these scars caused by the beatings you received in the back?

WALAKIRA: Yes, they were caused by my beatings.

CHAIRMAN: With what?

WALAKIRA: With a hammer and a slasher.

COUNSEL: Did this kind of torture continue or was for one day or it continued?

WALAKIRA: This went on for three days and later the Nile Mansions people came for me and Kasozi shot me here - sorry, Kasule shot me;

COUNSEL: Who is this Kasule?

WALAKIRA: I only knew his names as Patrick Kasule.

CHAIRMAN: Where did he shoot you?

WALAKIRA: It just slid over.

COUNSEL: Do you know where he comes from?

WALAKIRA: I do not know. They did not come back and I remained there and later they brought the women.

COUNSEL: How many women did they bring?

WALAKIRA: They have first brought one and on another occasion they brought two. When they brought these women they started beating them and later they brought me out to ask these women whether they knew me and they did not even know me.

COUNSEL: Did you know the women?

WALAKIRA: I did not know them except one I used to find at general auctioneer but I did not know her than that.

COUNSEL: Where is this general auctioneer?

WALAKIRA: On Bombo Road.

COUNSEL: That near AFRO Motors?

WALAKIRA: It was between a certain shop where they were selling furniture and another one where they were selling chairs and another one where they were selling chicken food.

COUNSEL: When these women were brought were they dressed or were they naked or were they what?

WALAKIRA: They came dressed but later they were undressed and they remained naked.

COUNSEL: Were they undressed when they were in Argentina.

WALAKIRA: One remained in her petticoat and Mrs. Kamya remained in the

knickers.

COUNSEL: There was also Mrs. Kamya?

WALAKIRA: Yes, she found me there and this is the third woman to be brought.

COUNSEL: How did you know Mrs. Kamya?

WALAKIRA: I remember because the moment they brought her inside she started crying asking what she could do and she informed us her names, that is how I came to know her.

COUNSEL: What names did she inform you?

WALAKIRA: That she was Mrs. Kamya.

COUNSEL: Did you find out as to how she was arrested?

WALAKIRA: It seems that these people wanted to get her car.

COUNSEL: Did she tell you whether she had a car?

WALAKIRA: Yes, I saw it myself. It one time came to Argentina and they had changed the registration number to UC.

CHAIRMAN: Will you please speak up?

COUNSEL: What type of car was this?

WALAKIRA: It was a Fiat Mirafiori.

COUNSEL: Did you notice the colour?

WALAKIRA: It was white.

COUNSEL: Apart from the car did she say they wanted her car or there were other reasons?

WALAKIRA: Her case was difficult because she was first taken to Muwanga and then Muwanga chased her away, so she was brought to Argentina and she did not know why she had been arrested.

COUNSEL: Could you be able to identify her if pictures were shown to you?

WALAKIRA: Yes.

COUNSEL: Is she in the picture?

WALAKIRA: Yes, she is the matron but at that time when she was brought at Argentina she was bigger than what she looks in the picture.

CHAIRMAN: Is this the lady in the yellowish dress?

WALAKIRA: Yes.

COUNSEL: Now you say you were about 50 people when you were taken there, now when these women were brought were they put together with you?

WALAKIRA: Yes, but these people had a system whenever they saw that the room was packed they could come and say that they were going to release some people. So they used to come from time to time to get out some people.

COUNSEL: Then what happened?

WALAKIRA: They would bring in then release some people and mine was the third phase to get out.

COUNSEL: My Lord, that picture I would only put in for identification for the time being I think there will be another person who will bring up because that is a picture from somebody who wants to keep it. Because I had asked you whether women were sleeping together with men in the cells?

WALAKIRA: Yes, women used to stay with us and that woman in the picture used to sleep near me.

COUNSEL: Now, what happened to that lady?

WALAKIRA: When we were getting out of Argentina House they made us into two groups and they took us into lorries, one was for us whom they said that we had been released. Then the other one is the one which took the rest who had not been released.

COUNSEL: So how many were released with you?

WALAKIRA: We were 11 people.

COUNSEL: Do you remember their names?

WALAKIRA: I cannot remember them all except some of those with whom I went to Luzira, people like Kiwanuka and another lady who is now owning a bar at Kansanga.

COUNSEL: Who is this fellow Kiwanuka has he been here you seem to suggest that he has been here?

WALAKIRA: Yes, I saw him here.

COUNSEL: Is it the person who came to give evidence before this Commission today?

WALAKIRA: Yes.

COUNSEL: My Lord, I think this is the last witness. Apart from this lady who was

taken with others, do you remember some others who were taken in other lorry?

WALAKIRA: I remember two youths from Wandegeya.

COUNSEL: Who and who?

WALAKIRA: Nsanja and Sewava.

COUNSEL: While in this Argentina did you talk to other inmates who were arrested and put there?

WALAKIRA: Yes, we used to talk very quietly because if one talked loudly he could be killed.

COUNSEL: Evidence had been given here that there were some people who were arrested at a bachelor's party at Silver Springs and brought to Argentina House, were you aware of these people?

WALAKIRA: They found me there.

COUNSEL: Did you get to know their names?

WALAKIRA: Yes.

COUNSEL: Who were these people?

WALAKIRA: Norman, Kayondo, Amooti - he was Edereka Amooti, and Fred Banya.

COUNSEL: Any other person?

WALAKIRA: There is no other person I remember.

COUNSEL: What happened to these people? Are there some of the people who were released from time to time?

WALAKIRA: Those were the people who went with the second lorry.

COUNSEL: Do you remember any kind of special treatment any of those people received while at Argentina?

WALAKIRA: Yes, Norman his name.

COUNSEL: What treatment did Norman get?

WALAKIRA: He was beaten up.

COUNSEL: Certainly everybody was being beaten how special was this one?

WALAKIRA: His was special because they were using an iron bar and he was pierced everywhere even the hands, the mouth and I think he lost a tooth.

COUNSEL: While in Argentina was there some people who died?

WALAKIRA: Yes.

COUNSEL: Who and who and how did they die?

WALAKIRA: I remember a Veterinary Officer from Entebbe he was knifed to death.

COUNSEL: Did you get to know his name?

WALAKIRA: Yes, but I cannot recall them.

COUNSEL: Now you have mentioned that one, is there another who died?

WALAKIRA: Another one was a youth he was taken from UTC and he also died in Argentina House.

COUNSEL: Anybody else?

WALAKIRA: There were so many but I cannot recall their names.

COUNSEL: Do you remember any of those who came to Argentina to make up the tortures to the prisoners?

WALAKIRA: I know them, I remember them.

COUNSEL: Who are they?

WALAKIRA: Kasule, Dr. Onen, Lira-Lira, another boy called Mike, a Haji and many others I did not get their names.

COUNSEL: Apart from Wanyama arresting you at Jinja did he ever come to Argentina?

WALAKIRA: Yes, he was the in-charge with Dr. Onen he used to come there.

COUNSEL: You seem to suggest that you were arrested in June and put in Argentina House?

WALAKIRA: Yes.

CHAIRMAN: Sorry Legal Counsel. We did not get the year, during what year?

WALAKIRA: 1982.

COUNSEL: For the period you were in Argentina, did you have any occasion to be taken away from Argentina to another place or an office?

WALAKIRA: They used to get me from Argentina to see Muwanga but every time they took me there he was not around I did not see him.

COUNSEL: Who is Muwanga?

WALAKIRA: The former Vice-President.

COUNSEL: Where did they take you to see Muwanga?

WALAKIRA: At Nile Mansions.

COUNSEL: How did you know - I mean because we want to know, how did you know they were taking you to Muwanga. Did they tell you they were taking you to Muwanga or what?

WALAKIRA: They used to say that let us go to Paulo Muwanga so that he can decide what to do with you.

COUNSEL: Did Muwanga have a office in Nile Mansions?

WALAKIRA: I did not know but whenever we went there they used to put me in Room 326.

COUNSEL: Who were there who took you?

WALAKIRA: The Nile Mansions people like Wanyama.

COUNSEL: Were they taking you alone or they used to take other people?

WALAKIRA: They used to take me there alone.

COUNSEL: How about the women, were they ever taken out?

WALAKIRA: Except this one in the picture was taken out two times and the second one is on which she told us that she failed to see Muwanga and she was brought back.

MR. KAWANGA: Tell us what she said.

WALAKIRA: When she came back from Nile Mansions she told us that my things are difficult.

COUNSEL: Did she tell you why her problem was special?.

WALAKIRA: Her self did not know why she had been kept there and in fact, inside we had spies so she did not talk much.

COUNSEL: Did you know the spies?

WALAKIRA: Yes, later we knew him he was one.

COUNSEL: Did you find out his name?

WALAKIRA: Yes, he was called Daudi.

COUNSEL: Daudi who?

WALAKIRA: I cannot recall the second name but he was a Muganda.

COUNSEL: But this spy was he treated differently from you?

WALAKIRA: Yes, later we realised that he was treated in a special way but he was also naked like ourselves.

COUNSEL: Was he one of the eleven that were set free?

WALAKIRA: No, he went with the second lorry but he was dressed.

COUNSEL: Do you know what happened to him? Have you seen him again?

WALAKIRA: No, I have never seem him again.

COUNSEL: When you were taken to Nile Mansions, how were you taken, on a lorry, bus, car or what?

WALAKIRA: It was a 504 Peugeot car.

COUNSEL: When you with the other ten were released from Argentina were you told to go home, did you go home immediately?

WALAKIRA: They took us to Mbuya Military barracks.

COUNSEL: To do what?

WALAKIRA: The one who was in-charge told us that he was too busy and he would come for us but later we spent there a month.

COUNSEL: But at Mbuya were you prisoners or you were just given a house to stay in?

WALAKIRA: We were prisoners.

COUNSEL: How were the conditions at Mbuya?

WALAKIRA: We were given food.

COUNSEL: What about water?

WALAKIRA: We used to get water.

COUNSEL: Were you tortured?

WALAKIRA: Not much except when soldiers came to count us.

COUNSEL: After a month were you set free?

WALAKIRA: They took us to Luzira Upper Prison.

COUNSEL: Did they tell you why you were taken to Luzira Upper Prison?

WALAKIRA: They told us we were bandits.

COUNSEL: How long were you at Luzira?

WALAKIRA: Two years and six months or seven months.

COUNSEL: When were you set free?

WALAKIRA: At the end of 1984.

COUNSEL: How did you secure this release?

WALAKIRA: I got out in confusion.

COUNSEL: What confusion?

WALAKIRA: I used my friend's name.

COUNSEL: Who was your friend?

WALAKIRA: He was called Paulo Mutebi.

COUNSEL: You mean Paulo Mutebi was one of you at Luzira?

WALAKIRA: Yes, we were together but he had gone for treatment so when they called his name I stood up.

COUNSEL: You mean you were not given identities at Luzira?

WALAKIRA: We did not have except the numbers.

COUNSEL: So what happened?

WALAKIRA: They told me to hand over the prison blanket and other things to the reception, they gave me a gate pass and I walked out.

COUNSEL: Did you not jeopardise your friend Paulo?

WALAKIRA: There was nothing I could do.

COUNSEL: What happened to Paulo because we are interested, did you find out what happened to Paulo?

WALAKIRA: Those I left behind told me that he was released later under my name at the City Square.

MR. NAGENDA: What year?

WALAKIRA: In 1985 after Lutwa had taken over Government and those were the people who came out with those of Professor Kyesimira.

COUNSEL: On your release did you go in hiding since you had come out under a false name?

WALAKIRA: I went back to Jinja.

COUNSEL: What were the conditions at Luzira as compared to Argentina?

WALAKIRA: We were as if we were at home.

COUNSEL: Have you seen any of those who went on the second lorry again.

WALAKIRA: No.

COUNSEL: That is all, my Lord.

MR. NAGENDA: It is just a matter of clarification. You said that those who were at Bacherlors' Party you mentioned Norman, Kayondo, Amooti and Banya, you said all went on the second lorry but am I right in thinking that Kayondo did not go on the second lorry?

WALAKIRA: Kayondo was added to us at that place because he was about to board that lorry the second one he was taken from there and he was released we did not go with him but he was released.

MR. NAGENDA: Were there any other U.F.M guerrillas at Argentina House that you knew?

WALAKIRA: No, those people were innocent civilians.

MR. NAGENDA: How were you recruited in U.F.M.?

WALAKIRA: My friend who escaped is the one who recruited me with Budala, Kasule's son in Wandegeya.

MR. NAGENDA: What did you do in U.F.M.?

WALAKIRA: I did not do much because I stayed there for a very short time and I went back that is when I was arrested.

MR. NAGENDA: You went back to Jinja?

WALAKIRA: Yes.

MR. NAGENDA: But did you actually take part in any actions in the bush in U.F.M.?

WALAKIRA: I was an instructor because I was a former soldier in UA.

MR. NAGENDA: Where did you do your instruction?

WALAKIRA: In Najjemba.

MR. NAGENDA: Since you agreed that you were a guerrilla do you think that the way you were treated as an army of Uganda Army soldier was justified?

WALAKIRA: Yes, that type of treatment is one that one must expect there are always difficulties in life.

MR. NAGENDA: If you are let us say, in present NRA and you captured somebody fighting against NRA how would you treat him?

WALAKIRA: There are many ways that a person can give us information without being subjected to torture.

MR. NAGENDA: But if he did not answer your question then what would you do, send him home?

WALAKIRA: Then the senior people take the responsibility as to what they can do with him.

MR. NAGENDA: What was your rank in the Uganda Army?

WALAKIRA: I was Senior Private.

MR. NAGENDA: And then in the U.F.M.?

WALAKIRA: I did not have a rank because I told them the truth.

MR. NAGENDA: What in general? I am asking you because you were a member of Uganda Army and then a member of UFM, you yourself as somebody who served in both armies, do you think it was a right thing to be a guerrilla?

WALAKIRA: Yes, it was right thing.

CHAIRMAN: Would you do it again?

WALAKIRA: Only if they come back, the Obote's people.

CHAIRMAN: I did not quite understand from the beginning, I thought you said you were in Wandegeya doing business with your mother who is a business lady. What were you doing in Jinja when you were arrested?

WALAKIRA: I was referring to my current work currently I am working with my mother but the time I was arrested I was in transport I was working with Professor Kyesimira.

CHAIRMAN: You have been asked your views this last question the Commissioner asked you would you fight a group of people? What precisely would make you fight again would you just fight Obote's people if they come back?

WALAKIRA: It is because I know when these people come back they are going to look for me so I go back to the bush to fight.

CHAIRMAN: Is it people you fight or you fight for ideas? Did you fight because they are what they are, people?

WALAKIRA: What is bad with these people it is their thinking it is there in their heads and if these people come back they are going to behave as they did.

CHAIRMAN: What is their kind of thinking and behaviours?

WALAKIRA: They cannot co-operate with us, they failed to work hand in hand with us.

CHAIRMAN: What do you mean by us? Who are us?

WALAKIRA: The civilian population and in fact even those people who are in power they failed to work together.

CHAIRMAN: What do you mean by us, what people including you, that is what us means?

WALAKIRA: We people in this side that is what I want to mean.

CHAIRMAN: On which side?

WALAKIRA: It is because when we went in bush we fought to remove the dictatorship and we know that if these people come back they are going to do the same so that is why I say that when they come I go the bush.

CHAIRMAN: No, you have complained that, all I just want is clarification, what do you mean by us? That is a simple question, is it not?

WALAKIRA: I have failed to explain it.

MR. NAGENDA: No, but by us, do you mean the people of Wandegeya?

WALAKIRA: No, I mean all Ugandans.

MR. NAGENDA: Okay. Are you saying that a dictatorship whoever might be at the head of it ought to be fought even by the extreme nature of going to the bush?

WALAKIRA: Yes, because if dictatorship returns it should be fought and is removed.

MR. NAGENDA: Agreed. Have you tried to join the current Army? I mean you were in the Uganda Army then you were in the UFM Army, have you tried to join the NRA?

WALAKIRA: It would have been very easy but my mother is reluctant, she does not want me to join the army.

MR. NAGENDA: Did you get any permanent ill effects from your stay in prison?

WALAKIRA: No, except the scars.

MR. NAGENDA: Yes. Thank you.

CHAIRMAN: That is all, Mr. Walakira, you may go now. Thank you for your evidence and having come here. From earlier information Learned Counsel it would seem that this is perhaps the last witness for today. In which case we shall adjourn the inquiry and resume tomorrow in the same place at 9.30 a.m.

CHAIRMAN: Good morning Commissioners, Learned Counsels, Ladies and Gentlemen, we should open today's Session of the 3rd September, 1987 Counsel I understand you have got your witnesses ready for today's Session.

COUNSEL: Mr. Chairman, I expect a number to come today. At the moment I have Commander Ronald Kakooza who intends to give evidence on his experience on violation of human rights on the causes as he knows them and he will suggest remedies as to the occurrence of human rights in Uganda. This witness is No. 158.

WITNESS NO.158:COMMANDER RONALD MUTALE KAKOOZA - SWORN IN

COUNSEL: You are Commander Ronald Mutale Kakooza?

KAKOOZA: Yes.

COUNSEL: How old are you?

KAKOOZA: 39.

COUNSEL: You are a member of NRA?

KAKOOZA: I am a member of NRA.

COUNSEL: When did you join it?

KAKOOZA: I joined it in 1983 but, of course, I had a connection with it right from the beginning of 1980.

COUNSEL: Where are you stationed?

KAKOOZA: I am at the moment the Director of Political Research and Education in the Secretariat of the National Resistance Movement.

COUNSEL: Where do you live?

KAKOOZA: Kanyanya on Gayaza Road, four and half miles.

COUNSEL: When were you appointed Director of Political Research and

Education?

KAKOOZA: 1985.

COUNSEL: What is the nature of your work as Director of Political Research and Education?

KAKOOZA: Briefly it was to develop literature which is to be used in our schools, in our political school, under NRM. Then develop literature which we use in the general mobilization of masses.

COUNSEL: Would you like to give us you educational background, where were you born?

KAKOOZA: I was born at Masooli/Kitetikka, Gombolola Mutuba 1, Kyadondo County.

COUNSEL: Would you like to tell us your education background?

KAKOOZA: Briefly, I went to Kyankowe Primary School in Singo. Then Nangabo Primary School Kyadondo, Kira Junior Secondary School, Kazo Junior Secondary School, then I did my Secondary school at St. Francis Kampala. Then Uganda College of Commerce where I did my exams of Certified Accountant at that time we used to do them by correspondence. Then in 1968 I qualified as a certified Accountant. Then I worked for a few months, about six months, then I joined Makerere University - I joined Makerere University, that is 1969. Then I did Political Science, Sociology and Economics. After that I worked at Makerere, the Centre for continuing Education up to 1973. Then I was seconded to Management Training and Advisory Centre as a Research and Information Officer at Nakawa, I worked up to 1975 then I went on training at Turin, Italy to train in information systems. It was a short course.

CHAIRMAN: Who sponsored you for this?

KAKOOZA: Management Training and UNDP. It was a short course for about six months. When I came back in 1976 I found Uganda had become very hot at that time. So when I rejoined my Institution, I found that the Institution was no longer as I left it, there was a lot of disturbances all over the country, the killings had intensified so the degree of our performance actually declined at that time.

CHAIRMAN: Sorry, what happened?

KAKOOZA: The degree of our performance, what we were doing at the Management Centre.

CHAIRMAN: The degree of your performance?

KAKOOZA: Yes, actually we were no longer a viable institution, nobody would call

on us., there was no longer the need for the type of people who were at Management Training. So between 1976 and 1978 I was still at Management Training but we were just there, go and report and come back, there was not much activities.

CHAIRMAN: You were still a staff there?

KAKOOZA: Yes, I was still a staff there but there was not much until around 1978 I resigned from the Management Training Centre.

COUNSEL: Where did you go?

KAKOOZA: I set up a business consultancy firm which I called Mutale Associated Business Consultant. So it was there and while I was running this, I was commissioned, can I say commissioned? I was called upon to assist the Ministry of Commerce to set up the National Chamber of Commerce and Industry. So throughout 1978, apart from my private work, I was occupied with this project which took almost a year to set up and I think around February, 1979, it was commissioned by the then President Idi Amin, I finished the job and I handed over the thing to them. But at that time things were becoming very bad for the Government which was in power, that is Idi Amin's Government was running into more problems both internally and externally. So we were receiving reports from mainly our radios and from some people who were outside Uganda that there was some efforts of trying to come and overthrow Idi Amin's government. I think I sympathised with the forces which were coming to overthrow this Government because somehow I had already suffered the loss of my step father who was called Ssenyondo at Bamba village along Kampala-Gayaza Road. This step father of mine, some people prefer to call him uncle but I think a step father to me is more meaningful. He was next to my father. The Military Police came to arrest some people in the neighbourhood, they came actually to arrest a man called Luboyera of Bamba. In the course of looking for this man there were two Military Police vehicles, they used to call them Kanyaanya, were parked on the other side of the road. So my step father, as he was coming from Kampala from work, he was a transporter, around six he met these people at the place of Mr. Luboyera; he was driving his lorry. He stopped for a while to know what was going on and he was told that they were looking for Mr. Luboyera, so he could not do much, he headed to continue to his house. But just 50 metres from the place one soldier among these who had come to arrest Luboyera shot him through the rear window, the bullet passed through the rear window of the lorry and shot him. So this was my first direct experience with (interruption)

COUNSEL: He died?

KAKOOZA: Yes, he died there and then. The hind skull was blown and the brain was smashed so he died and we buried him at Bamba, he is lying there. Another one was also a close relative, he was my uncle on my marternal side; this man was called Ssemanda Mutaka living at Kamamboga village. I have forgotten the actual year because as I will later tell you

why, because I tend now to forget dates and figures. I will let you know but it was between 1976 and 1977 around there. Vehicles came I think they were chasing some criminals I did not know the nature of the crime which had been committed by these people but they came and passed Waligo's house, the former Prime Minister, and they came chasing a vehicle. Now my uncle was sitting in his compound taking tea around five. So when they arrived in the compound of this man they began shooting against this car which was going but the bullets struck my uncle who was sitting in the compound and collapsed there so he was killed and at that time there was no way of asking, we just buried the body. They did not even stop, they just continued chasing the other man. This man called Ssemanda Mutaka was buried at Komamboga. He left a big family of about nine children and a wife who today actually are suffering because he was the only bread winner for his family. So these two examples which I have just brought were to illustrate that I had begun to feel that Idi Amin's regime was not actually good for Uganda and you will recall that I had also informed you that when I came back from Italy I found that things in the country were bad. So I thought that whatever effort would be made to remove this Government I think will be welcome. So 1979 arrived when we were hearing this, the coming of some attempt by some people outside trying to remove Idi Amin. So we were waiting, we were helpless, we could not do much inside here. I was also among the people who did nothing, I was a true career professional, I did not think that I was good for politics. I thought I was good for my own things I had learnt at school, I thought these were useful I should continue with them that Tanzanian Government had decided to wage a war against Idi Amin and some guns were going that effort to come and remove the Government of Idi Amin. We were happy but we were not happy openly but secretly in our small houses there we were very happy because we thought something was going to be done but we could not contribute; we had our morale so we prayed in our small huts wherever we were so that this effort should succeed until 11th April, 1979 that Idi Amin was overthrown. But personally this really touched me and I am going to inform you how it touched me. On the day Idi Amin was overthrown we came up in the street to celebrate. I was very very happy. So I took out my car around 7p.m and put a few people in my car and drove to Kampala but as I reached around about two miles there was I think a road-block.

COUNSEL: Round about where, Wandegeya?

KAKOOZA: You know the round about on Gayaza Road?

COUNSEL: Yes.

KAKOOZA: This is Bombo Road and that one is Gayaza Road?

COUNSEL: That is Wandegeya.

KAKOOZA: Around there, there was a road-block made by the Tanzanians I was not aware that there was a road-block, so I continued in my jolly mood. Then somewhere I heard gun shots in the air so I stopped the car. Then

in the small bush there emerged two Tanzanian army officers because they introduced themselves to me. One was a captain so and so, I cannot remember the name, but he introduced himself to me and he was speaking what I considered very good English, he was a soldier and he was speaking good English and he was not very harsh, he asked me to identify myself which I did and he told me that look, I know you are happy we have removed a bad leader in your country but your country is still at was so you are advised to stay indoors, do not move around because now we would have shot you. In my life I have never met a soldier of this type who spoke to me politely and advised me as to what to do which would actually save my life. So I turned around my car and I went back home. But this touched me as you will learn later on when I will be narrating this on, it touched me to see a polite soldier who could help. I had never seen this in my life time here. We had spent all our time here dodging road blocks all over the place, saying if you want to pass a road block you have to pay, you are harassed, you are removed and you are humiliated all over the place. So this is the thing I associated with soldiers, debaucherism and the rest. But this soldier from Tanzania really surprised me, he spoke very well to me and I went back. Okay, what followed we celebrated and a new Government came in, the UNLF under the chairmanship of Professor Yusuf Lule. We were happy to have Lule because, you know, apart from having been a Principal at Makerere University, his wife is my aunt so you can see, of course, that is some kind of nepotism but I think I was happy to have my aunt know being the first lady here. I was happy because he was family man. Because of his being academic and touched normally people who are scholars are touched from the ordinary troubles in life I did not know much I simply respected Professor Yusufu Lule as an academician, as a man who exemplified to me the idea of a professor, a scholar and of course, being that he was the husband of my aunt also that was additional but he was a bit distant, I was nearer to my aunt but it was a bit distant. So we were happy to have Lule and we were around at Parliamentary Building when he was being sworn in. Later on among many things he did in a few days he stayed in power, he appointed a national committee to re-allocated businesses and he made Mzee Paulo Kavuma the Chairman of this committee which was supposed to re-allocate the businesses and so on or looking into the matters of allocating and so on. I was also appointed the Secretary to this committee. Now this thing never moved at all, we never even sat in an office.

COUNSEL: Did you know why you were appointed the Secretary?

KAKOOZA: No, I think my association with businessmen here is not a secret. At that time apart from being a person who had set up a national chamber of commerce and industry (Interruption).

COUNSEL: You had programmes on Radio about it?

KAKOOZA: Not only that I was also asked to mobilize Kampala businessmen to make a memorandum to the UNLF Government as to what they thought the UNLF Government could do. So I was at the centre of the

commerce activities at that time because I had done my work well when I was setting them up in 1978. I got to know many people and when the UNLF Government came in I was still assisting these people, mobilize them. I recall very well that just immediately Kampala had fallen I addressed Kampala people in the compound of the National Assembly and with me and other businessmen we worked out an ad hoc committee to assist in the removal of debris and dead bodies from the streets. So with that I think may be when it came to getting people who could assist (Interruption).

COUNSEL: It influenced your appointment?

KAKOOZA: Yes.

COUNSEL: Right, proceed.

KAKOOZA: So but we never met, we never sat because my friend Lule spent there only 68 days, there was not time for us to sit, he was removed. Before Lule was removed actually I had an inkling that efforts were being made to remove him. I had an inkling because some people who were staying in the International Hotel were sort of debating or discussing in their small corners about the clash of power, the clash of ideas within the National Consultative Council, one particularly saying that Lule is becoming a dictator, that he is forgetting who gave him power and that he is now forgetting the Constitution of the National Consultative Council, that now he is using the Constitution of Uganda. Now this kind of discussion was towards the end of actually getting rid of Lule. So I went and warned by then Minister Sebagereka. I warned him of this and said please for I am hearing rumours to this effect may be you could check them since you are a Minister, I think he was the Minister of Finance, could you go and check and find out about this? I do not know whether he ever did but anyway Lule was removed. Personally I was not very happy and I must straight away clarify that no weight should be associated with the idea of being appointed as a Secretary to the Board.

COUNSEL: You were not happy with the removal of Professor Lule?

KAKOOZA: No, I was not happy. One, it was so abrupt. Secondly, as far as I was concerned we were not given adequate reason why he had been removed. Thirdly, which actually caused me a very high degree of apprehension is the man who replaced him. That was Godfrey Lukongwa Binaisa. I would kindly request the Commission to regard my submission in a way, if I do not put them, may be, in a very organised manner and again my view bringing my personal feelings in these affairs because I begin with what I feel myself as Kakooza and then perhaps look around to see who share with my feelings. My idea of Lukongwa Binaisa originates from 1966. He was associated with the overthrow of that Constitution of 1962. He was associated with having drafted, I do not know whether it is true or not because at that time he was the Attorney General. So he was associated with drafting the 1967 Constitution. (Interruption)-

CHAIRMAN: Counsel, if I may interrupt please, the witness seems to be giving his own opinion now, unless he knows it as a fact because in the rule of evidence which we have to follow we are not supposed to have an opinion which adversely affects the integrity of any person unnecessarily. Learned Counsel, let us have your view on this. You have come here to give evidence what really concerns your evidence is what we want to hear but not of the hearsay or what somebody told you or what you heard and so on, unless you know it personally as a fact.

COUNSEL: So, are you saying Binaisa drafted the 1967 constitution?

KAKOOZA: As I said, I was a young man at that time. So what I am saying is that, the idea of him, how I felt about him I was told that he was associated with it.

CHAIRMAN: If it is a fact that you were told then it is not admissible. I rule that we cannot accept your opinion as a fact.

KAKOOZA: I was a young man in P.4 so that is what I thought.

COUNSEL: Are you saying that whoever had changed the 1962 constitution and replaced it to 1967 did something wrong?

KAKOOZA: I think so.

COUNSEL: Okay, continue without adversely affecting other people.

KAKOOZA: Now, I mentioned my reaction to that event and we began to suspect that somehow we are going to have a repeat of the 1966. (Interruption)-

CHAIRMAN: Sorry to interrupt you. You are giving evidence for yourself, when you say 'we' what do you mean?

KAKOOZA: Oh, "I".

CHAIRMAN: Yes, unless you can explain it to us.

KAKOOZA: Not "we" but "I". I felt that I was going to have a repeat of the 1966 kind of crisis because what I know as a fact is that during the 1966 crisis, Binaisa and Obote were the major actors and this is true that Binaisa and Obote were the major actors in 1966 crisis, this is true it is not an opinion. So with now seeing again Binaisa I thought that again he was going to bring his friend Obote.

COUNSEL: Are you suggesting that you did not like Obote to come back and do you have reasons why?

KAKOOZA: May be I would have begun earlier on but as I said the Commission will assist me. I will have to go back a little to talk about the past Governments. Throughout a bigger part of Obote's first Government I was a young man, a school boy but I thought that he begun well in 1962,

he begun with support of, I think, a big majority, he was welcome in the area where I am born, in Buganda here, he was given even a wife here.

CHAIRMAN: Who gave him a wife?

KAKOOZA: The Baganda gave him a wife.

CHAIRMAN: Are wives given in this country?

KAKOOZA: Yes, we give you a wife.

CHAIRMAN: Is that an opinion or a statement of fact?

KAKOOZA: It is a matter of fact.

CHAIRMAN: I am not sure about that.

MR. NAGENDA: Commander, to be absolutely honest I was older by ten years than you were at this time. I know Obote, I know Miria Kulule and I am from Buganda and it never occurred to me that I was part of anybody who handed over Miria Kalule. I think it was a private business between herself and Obote and some people and her parents.

KAKOOZA: Okay, me as far as I am concerned, it was a state party.

CHAIRMAN: Perhaps you could answer, was she somebody's property to be given away?

KAKOOZA: Property?

CHAIRMAN: Yes.

KAKOOZA: No when I talk about giving I think we are using English. Supposing I put this sentence in Luganda you could hear. *'Yampa omukazi'*, how could you put that in English?

CHAIRMAN: I do not understand Luganda and our record is English.

KAKOOZA: *"Yampa omukazi"* how do you translate it in English? Because actually we give you.

COUNSEL: Are you sŭggesting that a Muganda father and a Muganda mother gave away their daughter to Obote?

KAKOOZA: Yes.

CHAIRMAN: Well, that would be an opinion, you would not know personally, would you?

KAKOOZA: That they gave away?

CHAIRMAN: Yes. This is your opinion.

COUNSEL: Was there a customary ceremony?

KAKOOZA: Yes, there was.

COUNSEL: Which you attended?

KAKOOZA: Yes, at Kawempe and then there was a state party which we attended.

COUNSEL: Okay, continue.

KAKOOZA: I think the idea of Obote marrying Miria, to me, it was part of, it was regarded as part of kind of political association of good will. Now later on in 1964, I think that was when Baganda first experienced disappointment with Obote but I think this time he was not wrong but I think the Baganda were disappointed. Maybe they thought he should have acted otherwise. That was on the issue of the 'Lost Counties'. Of course the Constitution was saying that the issue of 'Lost Counties' was to be, a referendum was to be held and decide which way the counties would go and I think Obote was not wrong in this, he held a referendum and the counties went to Bunyoro. Now this did not please Baganda so they were disappointed with Obote and at home where I was staying there were a lot of unpleasantness, people were unhappy. I was a young man, I was a young boy seeing all these things but they were not happy. So after that then came the Crisis of 1966 then Obote moves up his troops and attacked Lubiri, the Kabaka's palace. This did also upset Baganda very much even more than 1964. I witnessed part of this because at that time I was at St.Francis but because of the fighting I ran away from school and stood at Old Kampala a place called Kapere that is Captain Lugard monument. We were trying to see what was going on. Some Baganda had mobilized themselves going to defend their King but they had gone with spears and sticks in Kanzus. Now here comes the guns commanded by Idi Amin. I saw Idi Amin on that Land Rover which had mounted gun and he was now going to shell the palace, I saw him actually he was sitting on it. So I saw the tragedy of people having spears and sticks and so on defending a palace and the force - the main force of guns, bullets and so on many people actually died in this confrontation. The Baganda actually got very upset, it is my opinion and I was left at home. The Buganda was declared to be under State of Emergency. This emergency used to be renewed every six months, emergency, emergency and emergency meant having troops all over the place, we had troops all over the place seeing soldiers on meetings and so on. Actually that was the beginning of seeing State using brutality while in power against its citizens, that was the era of the Special Force that was beginning. Now later on, I was travelling in a Bus in 1968 the KDS but was coming from Kampala going to Gayaza. I was sitting with an old man here who was wearing a badge with BU. This BU I think, I do not know, all that meant Bataka BU or something like that, he was an old man of about over 60. When a bus arrived at Mambule's place two and half miles along Gayaza Road, some people stopped the bus and they came checking, they were asking us our cards then they came around this man who was wearing this badge Bataka BU

something, they said this man was *Kabaka Yekka*. So they took him out of the bus and ordered the driver to continue.

COUNSEL: So you also continued, you went with the bus?

KAKOOZA: We continued, but the people who were in this bus knew this man said that he was living - this old man was living at Lusanja seven miles from Kampala, when you come to Mpererwe you take that murram road when you are going to Matugga. Now this man was taken and he was never seen again, we never saw him again.

COUNSEL: So he disappeared?

KAKOOZA: He disappeared. The people who took him were described as being members of the General Service Unit.

COUNSEL: They were working at the road block?

KAKOOZA: There was a sort of a road block because they just stopped the bus I did not know whether it was a road block or what.

COUNSEL: You mean the people with authority?

KAKOOZA: Yes, people with authority, they were organised by a man who was driving a car and others I think they had their car but they were described as members of the General Service Unit. So this old man who was wearing a badge of BU and charged as being Kabaka Yekka because they said you are *Kabaka Yekka* so they took him so he is never seen again. In my mind I was debating why this man had been taken, was he against may be *Kabaka Yekka*, was he against the Government and so on? My political thinking was not as yet mature as it is today; my judgement was that I think I did not like the whole thing of taking the old man, he was very aged. I think around 1969 there was an attempt on his life, some people wanted to kill him, they wanted to shoot him. So after that there was a lot of oppressive measures which were put into effect. The entire Kampala was sealed off and on that day, I think he was hit in the evening but the next day the soldiers beat people. Now when I arrived at Wandegeya there were so many soldiers at Wandegeya and these soldiers were doing nothing but beating people, telling people that you Baganda are the ones who want to kill our President, they were accusing the people of Wandegeya and so on. So they went on beating people and I was not very happy about it much as I was not also happy to be beaten for the crime I had not committed I thought there would have been other measures to be taken but they were very brutal, they beat people on that day because of that incident which had taken place an evening before. So in all these incidents it would seem that Obote ended his first term of Government as a very unpopular man in Uganda.

COUNSEL: Are you suggesting that you were happy he was overthrown?

KAKOOZA: I was happy when he was overthrown may be not with political clarity I

would have given but the few things I have given, to me illustrates what I felt.

COUNSEL: So this is why in 1979 when Binaisa assumed power you were apprehensive?

KAKOOZA: Yes. Now when we saw Binaisa again and this was associated with Obote we thought Obote was coming.

COUNSEL: Proceed.

KAKOOZA: Now from there, I think that is when I rang our Tanzanians, that is when I really reacted to the situation.

COUNSEL: That is in 1979, June?

KAKOOZA: Yes, in June. And I said that I was not happy to see Lule go and my apprehension of what was coming I thought that we were going to have a repeat, now we are going to have a circle, Obote one, Amin then back to Obote, I was seeing this type of thing now because I was mature and understanding. Now a very oppressive regime had gone of Amin and I do not think that Obote's coming back would actually help the matter I think it will make them even worse. Then I want to draw the attention of the Commission that the other man, the soldier, the Tanzanians soldier had impressed me the way he had behaved. I had admired the Tanzanians who walked from Dar-es-Salaam to come to Uganda and help us to remove bad leaders. These leaders were not governing Tanzania, they were governing Uganda but these people who took courage and resolved to walk to Kampala and assist us to remove a bad leader, I was impressed. These people were courageous and I think they had shown us an example of what to do, that when there are problems in a country I think it is important that the people themselves who are directly concerned should take action. So with this removal of Lule I felt that it did not help us to sit here and call ourselves professionals, careers, civilians - career civil servants - and watch things. So I sort of thought that I think I must do something may be to emulate what these people had done for us that we should make a stand and oppose this.

COUNSEL: Now what did you do?

KAKOOZA: I am coming to that.

CHAIRMAN: Let us get there quickly. Let us have your evidence, Mr. Kakooza than your opinions and views.

KAKOOZA: That is why I said that it is very difficult for me to separate the two.

CHAIRMAN: No, it should be, it is easy, it is very easy.

KAKOOZA: I will make effort.

KAKWENZIRE: There is a bit of information. Something you could fill in may be this

juncture. You say you were impressed also by the leader that (Interruption).

KAKOOZA: I beg your pardon?

KAKWENZIRE: Were you impressed also if Tanzanians put a leader you did not like?

KAKOOZA: Yes, because they brought Lule when they came and we thought that we had come to a starting point to resurrect the political life of this country, so we were initially happy and I use the word "initially", we were happy and especially their courage. I also actually admired their courage to come and assist us because we would have done this ourselves not Tanzanians. So I admired them for that. When Lule was removed, as I mentioned, I did not feel alright, then I decided to oppose personally to oppose it. I went and talked to my wife, she is here in this house. I talked to my wife about it that you know Lule has been removed but I think things which are coming are very good. I discussed this with her. So I went around my friends, I called some of my friends and they were also unhappy so they said, but what do we do now? You know the behaviour when people are under that type of pressure; they have just heard of the removal of a leader, you are excited and so on. So I said, I think we should demonstrate, we should go and demonstrate against this. They said, what do we do now; you know we have to call people to demonstrate. I said, okay. I became an instantaneous leader of a disorganised kind of group. So we said we should print some leaflets, of and throw them all over the place and call people to come and demonstrate. So I went to Wampewo, a Secondary School along Gayaza Road about nine miles. I went there, the Headmaster there was my Headmaster in Primary and I told him of what we were going to do because he had heard that Lule had been removed. We felt that we should do sort of demonstration, to show that we are not happy; that these people should not whatever they want with power, I think they owe us an explanation. So we went and typed a stencil, and we came back and we distributed the leaflets calling people to come and do all sorts of people who came at the City Square to demonstrate.

CHAIRMAN: What did the posters read? "No Lule, no work"?

KAKOOZA: Yes, "No Lule, no work" - I was part of "No Lule, no work".

CHAIRMAN: I see.

KAKOOZA: No Lule, no work and many other statements to express our displeasure. So we came all moving from the Makerere Campus; we came walking up to the City Square. You know, this was a kind of - it was a demonstration, harshly and rashly organised - it was not something which was worked out; it was something just to show the State, those in power, that we were unhappy. So I was part of that group "No Lule, no work".

COUNSEL: Now, what happened?

KAKOOZA: As we were there some people came to address us, one of them was now the Minister of Education, Mayanja Nkangi, addressed us; I think the late Kayiira also addressed us. So around eleven I was standing near Mzee Kavuma - just opposite the Central Police Station, around there -

COUNSEL: City Square?

KAKOOZA: Yes. A yellow citroen car came with its boot open; first of all we saw the yellow citroen coming, but when it was by-passing us, we saw the boot was open; and inside the boot were soldiers. And as soon as the car stopped around the City Square they emerged out; then somebody came and grabbed -not from the citroen but somewhere either a Government Official, came and got the microphone and ordered us to disperse immediately and he gave five minutes for people to do it. But even before the five minutes could really -before actually he could say his speech, bullets begun to be fired. Now, we saw that commotion. A stampede of people followed crying, some screaming and I ran with - as I tried to get Muzee Kavuma to come with me - you know he is an old man, I tried to carry him with me but as we were going, Mzee Kavuma was shot in the leg around the thigh and he fell down. Some people came to assist us and we had a car there to assist us to take him to some hospital. Actually we drove to Namirembe and we put him in St. Luke Ward. So I left the Mzee there. We went home to wait; so what followed there was actually that there was some statement condemning people who had come on the City Square to demonstrate and a few other things to make us cool down. But this was not enough; we thought that they owed us an explanation and the statements which were made actually were not helpful either. They had told that UNLF is the one which brought Lule and it is the one which has removed him and therefore, what are we talking about. They were telling us that it was UNLF which had power Lule and it was UNLF which had removed him so the rest of us were to sit down and see a change of actors without our participation; not even showing our feelings. So we were not happy with this.

COUNSEL: Did you think you had a right to participate in decisions about political leaders of your country?

KAKOOZA: I was under the impression that the people in any given politics should have some say. They should participate in deciding what they want to be, how they want to be governed. I believe may be in democracy this is what I thought that people should actually participate. Things should not come out of the blue because these things concern them. People must determine what they want to be; together they sit down and say we want to be this. So the way things were now, it seemed that people, the majority of Ugandans were not supposed to may be say anything. They were supposed to watch and see how things go. So I was not very happy when I saw that trend of events.

CHAIRMAN: Mr. Kakooza, you straighten that. Did this UNLF say they were acting on behalf of the people?

KAKOOZA: No, I did not hear it myself. What I heard was that we were quarrelling over nothing because it was UNLF which had put Lule in power and it was UNLF which had removed him. So that is what we heard

COUNSEL: Carry on.

KAKOOZA: So after the demonstration and the shoot out and so on, several people were killed. Four or five people were killed at City Square whom I knew and one died in hospital; others were wounded.

COUNSEL: Did you get to know people who shot these people?

KAKOOZA: We understood that they were sent from Nile Mansions; they said they were coming from Nile Mansions. They were ordered from Nile Mansions. That was where many Government Officials were residing and meeting. So after that, I decided with a few other friends of mine not only to stop a demonstration but I think we should now begin to -

COUNSEL: Well, did you think the shooting was an attempt to silence the people from expressing themselves?

KAKOOZA: I think so because at that moment, it was uncalled for because the people who were demonstrating were not violent, were not throwing stones, were not damaging property. They had assembled peacefully singing 'no Lule, no work.' So the shooting I think was uncalled for and it was may be one way to intimidate the people and then go and anyway, we went; and nobody opposed them. When they told us to go, we went but started shooting. So, a week later, I had resolved not only to confine my opposition to what was going on; to mere demonstration, I thought we should put up something, a kind of a medium through which we could voice our feelings and have may be a dialogue with Government that by writing in the newspapers and so on, may be we would let the government know what we feel and through that, may be it could reply. So myself and a few others set up a newspaper and this newspaper, we called it the Economy. We founded it in 1979 and the founders apart from myself were Mzee Paulo Kavuma, Mr. Ssebuliba Haji Kanamala and Mzee Daudi Mukubira. I became both the Editor-in-Chief and Managing Editor of the paper. The Hon. members would appreciate that the beginning of this papers was as a reaction to what had taken place. So we came in actually to explain the views; we thought the views people were expressing about the situation as it existed in 1979 after the removal of Lule. So the first article which appeared there was about 'who demonstrated in the City Square?' So I wrote that article because some people had called us bayaye. They state radio said that bayayes on the City Square and hooligans and so on. This is how we were dubbed. We were called bayaye and hooligans. So I thought that I think we should explain to these people that we were not bayaye nor hooligans. So I wrote a very big article call, `who demonstrated in the City Square?'

MR. NAGENDA: Before you go on, can I have clarification here. Starting a newspaper is a very expensive business. Are you saying that five people managed to raise money to run the paper? You did not have any other funding?

KAKOOZA: Those were the founders and they are the people who brought money voluntarily. There was no any other. We associated our paper with Lule. Since we had demonstrated along a line of 'no Lule no work', also our paper was made in such a way to support the cause of Lule but at that time, it was pro-Lule if you want me to put in a nutshell. We wanted to advance the cause of Lule. But Lule here stood - perhaps I will explain - not actually Lule as a person but what Lule stood for, people who were opposing his removal, that unmethodical removal of Lule and what we think Lule stood for.

COUNSEL: Did you know what Lule stood for?

KAKOOZA: Yes, to some extent. For us as I mentioned, when Lule came, it was a symbol of reconciliation. He was a man with no known criminal record. He was not being accused of anything, he was not known to be among the people who had acted in a manner which had brought our country to suffer - he was not associated with many of the bad political acts which were going on. He was educated; you remember the government which had been removed was also -you know Idi Amin was described as a man with humble educational background. So the contrast of Idi Amin and Lule - you think twice because here is a man we think is educated with many good things. We think people who are educated are supposed to do good things. It may be erroneous but this was our opinion that this is a good contrast that having a man like Lule in the chair I think would help us to enhance not only our image internally but even abroad.

CHAIRMAN: It had nothing to do with being a husband of your aunt until your appointment.

KAKOOZA: I pointed that out -

CHAIRMAN: As far as you were concerned.

KAKOOZA: No, no.

COUNSEL: Did your paper achieve its goals?

KAKOOZA: Actually as I am going on, I will come to some nasty areas. So, we published under very strenuous conditions but we were known to be opposing the government at the time which was in power; that was Binaisa's government. We did not make secret of this because we had already had some feeling that Binaisa was not there to govern Uganda but was there - and we used the word there - to warm the place for somebody coming. We knew that he was just merely warming the place. We were feeling like that through the rumours we were getting and so on, our monitoring of Dar-es-Salaam, the preparations of UPC at that time how it was preparing and so on. So we knew that it was a matter of time.

COUNSEL: When you say you knew, did you have facts to support this position?

KAKOOZA: When Binaisa came in power, we had some people who came to work for our paper and some of these were actually UPC people in Buganda here and they were working for UPC clandestinely. Now they used to brief us on some of the meetings they were holding in various places and what they were telling us was that they were busy preparing. One, they were preparing to may be by hook or crook to come into power. That is when we knew that they were even prepared to rig the elections. Here I have the copies here, may be I will give them to the Commission later on. When we wrote our first article that 'Will elections be rigged?' And this was around November, 1979 and we asked on our front page, 'Will elections be rigged?' And we knew it from these people. So we put it there in a question from when actually we knew what they were planning. So we put there and eleven months later, the elections were rigged. So we were monitoring through their people and other people who were pro-us gave us information.

MR. NAGENDA: Clarification. I am sorry I should let you go on but quite soon I will have to go to another occasion but I am sure I will find you when I get back. But are you saying that - according to your information which you got from people who were working for the UPC that President Binaisa himself was part of the plot according to the information you got or was he just being used a as a pawn?

KAKOOZA: Initially, I think he knew his role but -

CHAIRMAN: Mr. Kakooza, could you tell us your knowledge please. Let us limit it without what you think and you views because we are not going to get very far if all were to use your opinion, what you think? Did you know? Answer the question.

KAKOOZA: I will say yes but then knowing means that you concretize what actually you saw but this was a collection of many incidents which could come up into knowledge which could be worked out. It was true that originally according to Binaisa's behaviour and statements which he was making, which we have, he knew that he was temporary in that office. He was only supposed to lead us to elections. So he was temporary in that office. But later on, there emerged a situation whereby himself now began - and I say begun - to nurse the idea of becoming the next President after the elections and this was true it is not opinion. He invited us the Press in Nile Mansions and gave us documents how they were going to hold elections and the document in short was banning other parties for function that we were going to elect under UNLF and people were supposed to contest under UNLF. Now, by this it implied that other people who were having their parties like the DP, the UPC and so on, were to contest under his umbrella where their chance of succeeding seemed at that time very remote. The UPC leader was still in Dar-es-Salaam and the DP leader was here but part of the government. Actually Binaisa was most likely to emerge as the next President under that arrangement of the umbrella structure. That is when we saw a rift between UPCs who were in Uganda here and Binaisa. In fact through many Press Conferences he begun to make after that, it seemed that now he was so much trying to create or try to make

himself, sell himself to people as the most viable candidate. I remember very well when he was giving us a Press Conference. He was asked by Otema Alimad that when will you invite Obote back from Dar-es-Salaam and Binaisa's answer was that Obote is free to come back any time he wanted to come. Now this was not only an answer which would have been given by a man who was now merely warming the place for the other fellow! We detected that there was now a rift and again the information we got after that was showing this indication that Binaisa was breaking away from the UPC camp and trying to go it alone with whoever could support him. These are circumstances because we in the Press, we were attending many functions, we were being addressed and we sometime monitor. So we thought that actually Binaisa was actually trying to break away. Later on, I met Binaisa through the good offices of one of his advisers by then Professor Kiwanuka. He came for me and I met Binaisa in Nile Mansion. The purpose for this invitation actually was to ask us why our paper was very critical of him and his government. We told him that we followed, our stand and so on and so forth. We thought that we think there is something amiss, something wrong going on there. We told him a few things which we followed that were not good. There was insecurity in the country, it seemed that he was a President but without power because even the soldiers were behaving differently and he himself was not actually in control. But then he implied that he also was very much concerned over this issue. I said, okay, this is it; then we meet over that because we are saying that since your assumption of power, insecurity has continued, people are not happy about the atrocities being committed by the army and you are not doing anything to stop it. Now, I do not know whether this was the main purpose of inviting us because after that, when I left, I thought that may be he wanted to persuade us also to join his camp so that we could may be write favourably about him. Because later on, we were invited in a meeting where a few other people including now the Minister of State in the Office of the President Mr. Kirya; when he came as a delegate from Binaisa and this meeting was in Nairobi. We were there and somehow, Binaisa was making an effort to get into contact with Lule and that we should not continue to rival each other and Binaisa thought that he would work with Lule to restore order in the country. That if Lule's group would join him, he would restore order. So, with this Kirya coming on behalf of Binaisa to inform us of this created an impression that now Mr. Binaisa was trying to canvass for being a President. From that group where we met, I was asked that when I go back to Uganda, we should not harass Binaisa. We should stop harassing him and we should assist him instead. This is what came from Lule himself that we should not harass him and we should continue to assist him and see that he continues to govern. When I came back here, the that is when I begun to work closely with Binaisa. I became his close aid in terms of public relations and so on. We began to feed him information as regards the security situation, we began to monitor the activities of some of his enemies, what they were doing and it was from that I published one article when Akena Adoko came back here. When Akena Adoko came back - of course he was the former head of the General Service Unit of Obote and generally this man was feared in the country. People thought that this man represented evils. The return of

this man was not - people came to my office as Editor. They said, they are now seeing the true thing. Akena-Adoko is back, he was staying in Nile Mansions and most likely he is going to start again that General Service thing. So they feared that. So, I said, what can we do? Here is a man who is back. I flashed an article entitled, 'Bad news. Akena-Adoko is back'. You hear the word libel and those were the conditions under which we were operating in 1980. So, I flashed and said, "Bad news, Akena-Adoko is back", and it is known in Kampala. Some people now call me 'bad news' but this it what I felt, this is what people felt that his coming back spelt doom to this country. so we wrote it to assist, that my friend, be aware, this man is here.

COUNSEL: By writing that, were you trying to scare away Akena Adoko from Uganda?

KAKOOZA: Not actually. My intention was not to scare him away, my intention was to alert that here is the thing. Where you see smoke, there is fire. How do we know? This man was a head of an intelligence unit which was very unpopular in the country and now he was back and he was being given good hospitality in Nile Mansion; and rumours were to the effect that actually he was planning to set up the thing -the GSU again. So I was not actually trying to scare him but I was trying to alert the people that be aware, this man is back. Because I think what - he stood for was not very good.

COUNSEL: Yes, but before you published it, did you confide in the President about it?

KAKOOZA: No, I was not supposed to consult the President of what I was printing in my newspaper. No, I did not. I was not supposed but we did this because we has an understanding that we would assist him by pointing out his possible enemies who actually turned out to be his enemies later on.

CHAIRMAN: Mr. Kakooza, on that article, I understand you were sued; the paper was sued.

KAKOOZA: Yes.

CHAIRMAN: What was the result of the suit?

KAKOOZA: Mr. Chairman, Akena Adoko withdrew the case on another case because Muwanga sued me and when he was suing me, he saw there. When I defeated Muwanga, Akena Adoko withdrew the case. I will come to that. So I published and it was good I think because people liked it.

COUNSEL: Did Akena run away?

KAKOOZA: I understand after having read the thing at Nile Mansion, he panicked and rushed back to Dar-es-Salaam after having ordered Obol-Ochola to sue me for libel and so on. Of course I knew it was the way I was

feeling at that time when I published is the way now I found my be - later on he saw the feeling because the whole thing was becoming very bad. I was beginning to feel that something serious must be done to prevent what was coming. So my writing this, I did not think of the likely ethics of libel, what not. I said okay, if he can take me to court, let him go to court but to me, I was beginning to nurse very strong feeling against what was going to come. In effort also to assist Binaisa, I published another story, 'Treason plot smashed.' I will mention this one to the Commission because later on, you will see they assisted me, when we come to actual tortures which I underwent. This one was to the effect that we discovered a plot; some people who were plotting to overthrow Binaisa's government and part of the plot was here and partly in Nairobi. So in the investigation of this story, we were actually assisted by then a State Agency which was in the Office of the President at that time. It was called NSS some people from there assisted us when we were investigating this story because we got a contact with some people in the NSS. So we were assisted here and we went to Nairobi to investigate the plot and when we came back here, we published the findings; our findings and we mentioned in that story, the role of Paulo Muwanga; that Muwanga was hatching a plot to overthrow Binaisa's government. The story is around and it is available to the Commission and in that story - apart from the story, I wrote an Editorial, a commentary on that story and it is where I said that, "from what we have gathered. I think if the government could clarify what we have discovered here, then Paulo Muwanga and some of the people we have mentioned in this article should be ARRESTED immediately to save this country from the coming bloodshed." That was around March.

CHAIRMAN: Do you have copies of this?

KAKOOZA: Yes, I have them here.

CHAIRMAN: I hope you will give us to exhibit them.

KAKOOZA: Yes, I will. Perhaps if the Commission is not being bored, I would be permitted to just make a little quotation there. Mr. Chairman, this is the conclusion I made on that article. "If the names of people we have mentioned are found to be totally innocent, it is for the better of this country and we can only state that there cannot be smoke without fire. If they are found to be implicated, PLEASE, IN THE NAME OF ALMIGHTY GOD ARREST THESE PEOPLE AND THIS COUNTRY WILL GAIN PEACE AND TRANQUILLITY." We wish to end this investigation by quoting the words of a true son of Africa who hails from Kenya, David G. Mairu who said in his book, 'My dear Bottle' on page 89. It is time we Ugandans came to realise that selfishness will lead us only to one goal and that is bloodshed. The thing is, when you suffer a constant robbery through a bullet or force, you will one day come to a point beyond which you will not bear anymore to be robbed. From that time, you will be forced by necessity to pick up your gun and fight for yourself.' That was the end of that article. This plot was aiming at that and we saw no way, so that was the end if the article and we knew what was going to happen; that these plotters were actually

serious, they were going to overthrow the government and were going to face bloodshed in the country. But we also were saying that if this comes to that then I think we will have to fight for ourselves.

MR. NAGENDA: Apart from Muwanga, who were the other names mentioned, Commander?

KAKOOZA: These names actually were associated in this investigation - sorry I had covered the file. "information received reveals that a network of a murderous conspiracy which includes two Ministers in the current UNLF government namely Mr. Paulo Muwanga described as a sponsor of the conspiracy, Mr. Bidandi Ssali who owns Sapoba Bookshop and Printers which was the operational headquarters of the conspiracy and Kintu-Musoke, member of the NCC described as head of the intelligence unit being operated by the conspirators, is responsible for the wave of political murders which have resulted into untold terror." Now these are the names which were mentioned in that plot. "They are alleged to have under their command hundreds of thugs/assassins whose sole aim is to carry out the scheme of murders intended to frighten some sections of Ugandans to cow down to terror. Secondly, to disrupt peace and stability so that Binaisa's government could be described as inefficient and incapable."

MR. NAGENDA: So the names were Muwanga, Bidandi Ssali and Kintu-Musoke, those were the three names?

KAKOOZA: Yes, those were - no, there are other names of operational people; the information we got of big people but there are very many names which are here. I can only give you the copy. There are many names who were operating at that time and actually we went as far as getting one of our reporters to be planted in a meeting and which - that meeting which was to be organised at Katwe and unfortunately this reporter eventually was killed because they got to know him.

CHAIRMAN: Who was he?

KAKOOZA: Mr. Sseviri.

MR. NAGENDA: When the Chairman asked you that what had happened to the suit which Akena Adoko had brought, you said that Muwanga had brought a case which you won. Is that what you said?

KAKOOZA: No. As far as the question of Hon., the Chairman was concerned, that was right but this was not the case.

MR. NAGENDA: Oh! I see. So on this, the names that you pointed in your paper, you were not sued?

KAKOOZA: No. I was arrested by the State for having published a seditious statement.

CHAIRMAN: This is really contradictory. You were writing in support of his

government and -

KAKWENZIRE: Excuse me, Commander Kakooza. You mentioned a few names of people who were involved in the plot. I would like to know whether the other names you did not mention included some kind of UPC conspiracy?

KAKOOZA: Yes, of course. Like Rwakasisi, he was there and others.

KAKWENZIRE: Were they linked with Obote?

KAKOOZA: Yes, they were. Of course I thought that I would not bother the Commission to read through the whole article but it will be available for you to pursue. The Rwakasisis and so on were there. Now, I would like to answer the question Mr. Chairman, of what is apparent contradiction that I was arrested by the State, I was now working for. The fate of this story I gave, I went to the President himself and he read the story, he checked it with his intelligence and I asked him whether I could actually publish the story and he said, go ahead and publish it. When I got the first copy, I did not release the paper to the people but I drove to State House and I gave him the copy. I found him at State House at Entebbe and I gave him the release of the paper. So, he agreed but he had advised me through by then his Minister of State Professor Sempebwa that after publishing the story, I should keep away for the time being. But this information never reached me in time. So, around 4.00 p.m., I was entering Parliamentary Building, then I was arrested by some officers of the police. Apparently, these came from the Special Branch. They took me to their headquarters at Impala House and typed out a case against me. The time was about 5.30 p.m.

COUNSEL: May be you did not tell us the date. When was this?

KAKOOZA: I cannot definitely remember the date but it was in March because I was arrested in - (interruption).

CHAIRMAN: Mrs. Kakooza, if you want to give evidence, you will come and speak afterwards. But she cannot speak to you from where she is.

KAKOOZA: The problems, Mr. Chairman, perhaps I should mention to the Commission that when I was taken to Makindye, they struck an iron bar on my head, there is a crack down my head and this destroyed my memory. So my memory is not good in recalling certain things but I will come to that later. But I would like the Commission to be aware that I have that kind of problem because this came. So, I was arrested and taken to Impala House they drafted a case, they went and looked for a magistrate. This was James Okuku; he was by then the magistrate but he had gone home because time for work was already finished. So they went for him at Kololo where he was staying, and they brought him at the Magistrate Court at around 6.00 p.m. Then I was presented before Chief Magistrate Okuku to answer a case of sedition.

CHAIRMAN: If I may comment on that, that is still better than being arrested and kept indefinitely in prison without being charged.

KAKOOZA: Yes, this one was good because -

CHAIRMAN: They were following the law.

KAKOOZA: Yes, it was the beginning but the only thing I am wondering is whether courts in Uganda are held after five. Is it permitted?

CHAIRMAN: The law requires that a person arrested should, within 43 hours, be charged before a court of law. I think this is what they were trying to do.

KAKOOZA: Okay, the facts are that I was put before this magistrate and he was very lenient. He asked people to stand for me so that I could be released. Now at that hour, there was nobody to stand. So, I could not raise 100/- there and nobody could stand for me. So I was ordered to be taken to Jinja Road Police Station. When they were taking me there, this police station of Jinja Road had become so notorious that the people who were being kept there were at night removed and then killed. We picked a story from Sam Njuba now the Minister of Constitutional Affairs who was also locked up in that place and the story he told us was that some of his inmates when he was there, were removed and their bodies were found at Lugogo by-pass. So it was known to be connected with Muwanga; that it was Muwanga's prison, that whoever annoys Muwanga or what is taken there. So, as we were going along Udyam House there, I thought that I was being taken to that place. So I sort of staged a commotion. I tried to protest that they should not take me to this place but they could as well lock me at Central Police Station but not at this place Jinja Road Police Station. But they continued to drive anyway. When we reached there, somehow, I think I was just lucky because I had left my car at Wandegeya and I was having the keys. So, I told them that okay, before you lock me here, I think I better remove my car from Wandegeya. They suggested that they would go and pick it themselves and I told them that it may be difficult to start. So they assisted me to take me back to Wandegeya and when we reached Wandegeya, they told me to drive the car to go to Jinja Road. Now, instead of driving to Jinja Road, I drove to Wandegeya Station and I stopped in front of that. I did not go there. I entered there, they also followed me and I told them, okay, Jinja Police Station is a police cell of the State and this Wandegeya is also a police cell. So, you can put me here. They protested but eventually the other man; the O.C - I cannot remember his name but he knew me as a student at Makerere. Actually he saw me and he told them that no, I think we can keep him here. I know him, he is a chap I have known for a long time. We can keep him here. So, I was kept there that day. So because of this story which I published, I was put in and next morning, I was again rushed to court and during the court, I think, the order came from the office of the President that I should be released immediately. So I was set free. That was the circumstances of what I apparently referred to as contradictory but I was retrieved by the powers which were working at that time. But

this story had actually annoyed many people especially Muwanga because I think I had discovered their plot. Eventfully, Muwanga did not see me. It was only Rwakasisi who tried to start proceedings against me but again he came to my office and said, "I think you people are joking with us". He just came and bragged in my office at Kimathi Avenue. He just came and bragged that whether you write these things or not, what is supposed to come will come. So he never sued me but he came into my office at Kimathi Avenue. Later on, on May first 1980, it was Labour Day, this time soldiers led by a plain cloth intelligence man came and found me in my office and arrested me. After the other arrest where I was acquitted and so on, this was the second arrest. This time this arrest was by these two soldiers who were actually wearing UNLA uniform and a plain cloth man called Onyango. They took me away from my office and brought me to Nile Mansions. From Nile Mansions, I think there was a man there called Peter. So I was taken in a room where there was a radio-call and this man and people who had arrested me were communicating on radio-call that we have got him. Mr. Peter, we have got the man you told us. They were speaking Swahili; that we have got him. So we waited but he was called Mr. Peter. I never knew his other name. Later on, order came that I should be taken to Lubiri. They put me -

COUNSEL: You mean when they arrested you they tell you why?

KAKOOZA: No they did not tell me, they said: "we have arrested you, we are taking you to Nile Mansions." That is what they told me. I wanted to protest but it was meaningless because at the first attempt of protesting the other man told me and said "move" he had cocked the gun. There is an order no and he had cocked the gun so I had to obey the order because I thought the man was going to shoot me. So, I was taken to Nile Mansions, I waited for some hours until the order came that I should be transferred to Lubiri. Now, when I arrive at Lubiri, first of all I was dumped at Lubiri quarter-guard. The quarter guard which is on Wankaki's gate, the main gate of Lubiri. I was dumped in a room where I found over 200 people actually hardly a room to sit, they were all packed in that small room.

COUNSEL: About 200?

KAKOOZA: About 200. So, because I knew now I am a prisoner I sat down and I waited. Around 4.00 then an Intelligence officer came and ordered the askaris to open the cell. They saw me there I think I could be clearly identified, he said that; "who is that man?" The Intelligence Officer was asking the askari, he said this is Kakooza Mutale, he was brought here from Nile Mansion. "Oh! have you given him his tea?" Now tea, I think he meant beating that; "have you given him his tea?" He said; "not yet." And then I was still wearing my glasses, because I do not see very well I am myopic I suffer from a very acute degree of myopia so I was still wearing my spectacles. He said that; "you are still allowing him to wear spects in jail?" So, I was removed and they removed my spects and a soldier clasped them with his teeth down then they took me there to get my tea. Now, this tea a gang of soldiers with sticks came and they started beating me sporadically. They beat me for about an

hour then I think I passed out, I collapsed, I went into comma. Later on I think they lifted me and threw me back to the jail but knew that my left eye was bleeding apart from other parts of but I was feeling that I could not look with my right eye because I saw blood coming from my right eye. I did not know how severely I had been injured until next day. Now the people who were there, who I found there were, all beaten and their faces were actually strangled and twisted. They were all having expression of violence committed on their body. They were all beaten I think that is why I was being conspires to the officers because I had just arrived, I looked very strange that I had not been beaten so when I was beaten I joined the actual colour of the people who were in this jail.

Next morning we were ordered to come out but I began to see that my eye was no longer in the socket it was protruding out and I was not seeing through it so I went on leaning on the wall until I arrived outside where we were supposed to line up so that they can give us our - again punishment for the morning. Because we were to be punished I think in the morning as well as in the afternoon. So, now we were supposed to came out and line up, after reading out all our names that we are all present then they began to administer what they called morning tea or breakfast. First we were told to sing songs. The song which I remember very well which I was singing there was the *'okiwombe'*. *Ekiwombe* we were singing saying that we thieves we need to be punished, we *bayaye* we need to be punished, we whatever so the song was to humiliate us. We were supposed to sing and humiliate ourselves that we are *bayaye*, that we are thieves, that we are criminals and so on. This was the *ekiwombe* song. Then I was singled out for the next punishment that I was told, that my eye now I cannot close my eye. I was told to put my legs on the wall, a kind of somersault, and I found my legs on the wall bricks, hands down then they began pilling bricks one by one on my back. One by one, I think they put there about five bricks then I fell down. Then when I fell down they started again beating to go back in the same position. So I struggled with this eye which was actually protruding and this exercise of lifting bricks with my back. This was fetching a lot of laughter, a sign of sadism which was going all over the place and then after that you come and be given strokes of the morning 20 or 30 then you are back so this went on for several days until one soldier he was an officer or cadet, he was a doctor he casually called at the cell and when he entered he saw me, he asked who I was and I told him that I was Kakooza Mutale. He said; "oh! the Editor of Economy? I said yes, eh! but then - and he looked at my eye, I think it was very bad. So he ordered some askaris there to take me to the Sick Bay where he was treating patients. They said; "Yes *afande* we will bring him there." So, then he went nothing was done I was left there. Next morning we got our usual tea, it was beating. As they were beaten then this man again came entered the gate, going to his clinic, then he saw me being beaten again. This man came and said no I told you to bring this man to my clinic and now you are continuing to beat him. So, he ordered some people to put me in a wheelbarrow, there was a wheelbarrow there because I could not walk and I was wheeled down to his clinic under his escort.

Now, this man's name I cannot recall very well but his name was John Olam something like that, the man who was a doctor. When we reached there he was very very concerned about the state in which I was, he looked at the eye and he said that I think we cannot do much here you need operation. So, he wrote out a chit and some forms so that I can be transferred to Mbuya to be operated. But then there was no vehicle so I was brought back in the cell to wait for the vehicle which was transferring me to Mbuya for operation on the eye. The vehicle did not come until around one and it was he who brought it himself, put me in and with a few askaris he drove to Mbuya. When we reached I think Silver Springs, the man felt may be - I do not know why but I think this man was a good man. He felt that I will not get any help in Mbuya, he told the driver to take me to Mulago. I was taken to Mulago and he made efforts to see that I am admitted and he told the nurses there and the doctors there to take care of me that he was going to bring troops to come and guard me there. So he went and I was left in the hands of Professor the eye specialist at Mulago. In the evening this man brought the troops and I was confined at Mulago in floor six but I do not remember the name but six and I was guarded there.

We spent there a week. Perhaps I forgot to mention that at that time another fellow had also been arrested, this is Jesse Namakajo who was then the Press Secretary to the President. He had also been brought in. So, when I was being beaten he was also being beaten. He was among the people who were being beaten and when it came to take some people to Mbuya he was also put on the van. So we were together now with him. Now when we reached Mulago with this kind of assistance which this soldier had given us we were treated well. But after some days soldiers came, right at night, and told us that the President wanted to meet us. Probably me I thought may be we were going to be released but me I was only in pants and I was in bandages but the idea of meeting the President I thought that we were going to be released. So I did not feel anything amiss. So we put on, I was in pants and bandages and my friend put on his shirt and trouser and we were led then we were put on a Landrover. The Landrover had a radio call there and they were communicating that; "yes we have picked them and we are coming." So, we thought they were communicating with State House that they are taking us. Later on we reached the Queen's Tower and instead of taking the road going to Entebbe we saw that we were going to Katwe. So the Landrover drove up to Katwe then Lubiri and then entered the barracks. So we were removed, and ordered to be put back into the jail. Then we said; "this is State House now! They had told us they were taking us to State House." So we were dumped back with our fellow prisoners with my bandages and everything and my eye which was actually still bad. Next morning we are waiting that may be we would be taken to the President, a Landrover came, entered Lubiri, and we were told to come out also. Myself and Namakajo we were led to the Landrover and entered. There was only one person at the Landrover at the back of the Landrover and that person was then the Minister of Internal Affairs, Dr. Kununka, Binaisa's Minister of Internal Affairs. He was in pyjamas and a vest he had no shoes.

CHAIRMAN: You mean he was also a prisoner?

KAKOOZA: Yes, he was in the vehicle and in pyjamas and a vest, he had no shoes. So, we were pushed in the Landrover. Now Namakajo, Kununka and myself we were driven and taken to Makindye. So, now from Lubiri we entered a new prison at Makindye. Perhaps I skipped a very big part of the story because as I mentioned that my memory was destroyed at Makindye. There is something I forgot. On the fourth May, something happened; fourth May, 1980; something happened at Kisenyi and I think in response, an operation was ordered to comb Kisenyi for the people who had either murdered or killed those soldiers. Now, just before day break on Sunday a Lorry Tata came with some people, some wanainchi. Some people around Kisenyi, Rubaga areas and so on, they were brought in as suspect who had killed the two soldiers. Later on a Landrover came with a young man aged between 20 or 25 there. When he was brought in, he was badly beaten and he was bleeding at the hind of his head. There was a big wound behind his head he was dumped in the cell but after a few minutes this fellow died in the cell. This fellow accused was among the people who were being accused that had killed the UNLA soldiers. So, after the killing of those two soldiers we got information from a soldier called Private Kazibwe that we are also to be executed on Sunday evening that on fourth, as soon as we were taken to Lubiri. We are supposed to be executed on the fourth May, 1980 as a response to what has taken place. There was an order that these people should be killed on the same day, that is Sunday, and we were to bury the dead body of this young man. We folded this man in a Kavera. They brought a kavera there was nothing to bury this man, we polythene him in a kavera and brought one irons sheet. Now, they told us to take the body behind the quarter-guard, that particular quarter-guard which is near the main gate. I was very weak because I could not stand, I could not lift anything. So, Namakajo assisted me and when I lifted the chest, and the head and I went around to lift the legs. So two of us were ordered to go and take the body and bury it behind the quarter-guard of Lubiri. We found three graves. Now, when you stand behind that place you can see the peak or the roof of the old Twekobe, the residence of old King Mutesa, where we buried him because when I looked I could see the roof of the old Twekobe. There were three graves. Now, we buried this young man in the middle grave and then we saw the two graves. I looked at Namakajo and Namakajo looked at me because we knew that this one -

CHAIRMAN: They were empty?

KAKOOZA: They were empty.

COUNSEL: The all three of them?

KAKOOZA: Yes, we buried him in the middle grave and there was one there, another one there. Now, when I looked at Namakajo also Namakajo was looking at me. But we did not take trouble the askari there told us that this is yours and that is Namakajo's grave. You *ona kufa lewo*. You wait today you will see, *ona kufa lewo*. So there was no doubt, there

were two graves and we knew that we were going to be executed. So, we went back and we waited. I have written about this I do not know whether I should be very boring but point.

CHAIRMAN: No, your evidence is enough for the time being you read it afterwards, you finish the evidence first.

KAKOOZA So, we waited and around four a Benz these small benzes what do you call them?

MR. NAGENDA: L.D?

KAKOOZA: No the ones which were being used for Matatu and so on - I cannot describe them. They are like buses, they are small buses but they are benzes.

COUNSEL: Yes.

KAKOOZA: They were very popular during Amin's time people were using them to do taxi, came it was creamish with a red band and in that vehicle emerged seven soldiers. So, when we saw this vehicle with soldiers then we knew that these people had come to do what they were supposed to do. The M.P. Commander of Quarter-guard and came and opened up the door of the cell and we were taken out. They pointed out Namakajo and myself to be taken to the Military Police Commander where we found these soldiers. As soon as we were there they told us to of course we sat down; but as soon as we were there the soldier or who was the leader asked us in English that: " I think you know what has brought us you gentleman"? He was speaking good English. "I think you are aware of what has brought us you gentleman?" For the sake of uttering a word I said yes, Namakajo "Ah, shoot those people straight away do not suffer much, first of all let us beat them." and then I think the order was taken, he was the leader instead of first of all clearing us straight, they invited MPs together with RPs to beat us. So they called these people with stocks and wires then they began beating us. They beat us, they began with me and I passed out because everytime they were beating me, I would go into comma. They beat me, what happened next was told to me by my fellow inmate, Namakajo that he was also beaten but after beating us I think it was at around six so that man asked one of the soldiers whether he had brought the silencers, may be you will call Namakajo here he will also testify. He asked the other man whether he had brought the silencer and the other man said that he had forgotten them at the Nile Mansions. So he said: "Okay, we will finish this job at night, so they threw us back into the cell so that may be they could come later on. I was told these things which I am telling you were told to me by Namakajo because me I was in comma already. But when I had I came back to my senses, I was in darkness and after a while a soldier came and tried to open the door but failed. Then we heard him talk or address some people that I had left the key to the unipot and I do not have a torch with me to identify those people whom you want but let me go and get the torch and the key from the uniport. Now this man who was the guard over the prison that evening was

called Private Kazibwe whom I mentioned earlier on. When he went to pick up the keys and the torch he never came back and that is how may be we survived that night. Unfortunately Kazibwe I understand was killed at Masindi in 1981 but this man, I think, we survived that night through the understanding of this soldier who did not bring the keys and the torch. So this was the part which I had forgotten before we left Lubiri.

Now, when we arrived at Makindye, myself, Kununka and Namakajo we were removed from the vehicle and began beating us welcome, it was called a welcome. First of all, as soon as we emerged from the Landrover we were really given a hell of sticks. They beat us until they took us to the MP Commander and we registered our names in his book and then he said we are going to have chai. Now, the old man Kununka he was given 60 strokes. He was given to be beaten 60 strokes. Namakajo was to be given 40 and me may be I was in a very bad picture I was supposed to be given 20 but the old man, the Minister was to be given 60. So, seeing now this Minister we understood that somehow something had gone wrong with Binaisa's government because this Minister now is going to be beaten being the Minister of Internal Affairs, and is going to be beaten here that means something has happened to Binaisa's government. Kununka knew or knows some Luo because I remember very well that when he was told to be beaten 66 strokes, Kununka is an old man you can imagine to be sentenced to that, he tried to plead but plead in Luo thinking that may be by speaking Luo this could help but this did not give him help. He spoke Luo and we saw the other people were replying him but they did not spare him. They beat him and eventually took him in a water tank dumped him in a water tank. We never saw the water tank but he was taken there they said: "you take him in the water rank." So I never knew what type of water tank it was but that is what I heard he was not put with us. For us we were, after beating Namakajo and myself we were entered into the quarter-guard cell at Makindye. So, what we found there that day was very horrified, there was tensions. I think that was the time when they were removing Binaisa's government; even some Bantu soldiers had been disarmed on that day and they were also in the jail with us, they had committed no crimes but they had been disarmed. So we found some Banyankole and some other group the Basoga and so inside and these had been disarmed. Now from what we heard, they had just been disarmed and kept there, they did not know their case but they were there. So, later on we knew that they had been disarmed may be to forestall the reaction of some of the people who may not agree with what was going on because eventually after removal of the government of Binaisa they were released, and some of them assumed their duties which they were doing there. They were re-armed and they went around there was no case against them. So for us we stayed there I cannot remember the date but the time when Binaisa was being removed we were at Makindye. Now, over the weekend I think, it was a sunday afternoon, they brought a man, a soldier from Republic House and his name was Captain Magala. This man was brought, it was around mid-after-noon, and when they brought him, first of all they gave him the usual *chai* "tea" and he was pushed in also in the cell. Now, Captain

COUNSEL:

KAKOOZA

Magala joined us where we were sitting with Namakajo and myself and others, he came and sat with us. He was a soldier then I asked him, why are you brought? He told us he had been arrested on the orders of the late Oyite Ojok. So, I said, for what? That he had been accused, he was a signaller of the army and he had been accused that he had tried to interfere in the process of taking over the government. That he had tried to interfere with the signal when they were removing Binaisa, so he was being accused by Oyite Ojok that he had tried to sabotage, may be sabotage their - So, this Captain Magala was with us and we were together. Now, around seven on the same Sunday, some Intelligence people and some Officers came and entered the jail. We were all summoned from the various rooms where we were sleeping and brought to the main hall where we sat and one man, there was an *askari* whom we had given a nickname, because we knew him and whenever we saw him some people would disappear, for our purposes we called him, "The Owl", this bird traditionally associated with the omens.

COUNSEL: The owl.

KAKOOZA: "The Owl" So we had given him a name the owl because whenever we saw this man some people were either going to be beaten or they were going to disappear we could not know where they had gone. So, "The Owl" came with some officers and as I have said we were called and made to sit in that big room. He had a chit on which there were names. He read seven names which included my name, Namakajo and Captain Magala, I cannot remember the other fellows but we were seven in all and he told us to remain and the rest to go back to the cells. So, to do that quickly the Owl alias Okello pulled out a pistol and fired in the cell roof there so there was something of going back. Some people really just struggled to go back and we remained there to wait for what was coming. Now, this man alias Okello began to introduce us to these Officers one by one and then he came to me that this is the Editor of Economy, advisor to Binaisa, this is Namakajo Press Secretary to Binaisa, then this one was Captain Magala from Republic House, a Signaller. Now, in our sitting, Namakajo was the last, I was next to Namakajo and Captain Magala was on my right. So, as he was introducing us these people really were nodding and appreciating and so on but I think they were just mere expressions. Immediately a shot rang and a first person, a man was having a pistol a very heavy pistol and shot the first man on my right, he fell. Then a second was shot, he fell, then a third was shot, he fell. Somehow, somebody standing before me had an iron bar, a three edged iron bar, I think in excitement, seeing those four he raised it and struck me in the head and blood gashed so I fell, for me I thought I was finished. So, I fell and my skull was cracked. Now, they came shooting, the fourth was shot, the fifth one was Captain Magala he was next to me, he was also shot there among the seven people. Then, Namakajo told me that something scared them, there was a sound outside and this scared them. So, they stopped shooting on Magala, me I was already down on the floor and Namakajo was the only one who remained unhurt in this exercise of killing us. The five and the fifth was Magala, were killed like that. Me I was blasted and only Namakajo remained. So now these people rushed out

on hearing what was happening outside. Whether they were scared or not we do not know but they ran out and now when they had gone the prisoners one by one came to see what had taken place. They found the five dead bodies that had been executed there and then, myself was bleeding profusely but I think I was still alive - (Laughter) -

COUNSEL: Otherwise no.

KAKOOZA: Otherwise I would not be here. So, Namakajo and with the assistance of some people they pulled me, I think they felt my pulse and they pulled me, I was told by Namakajo and the rest, I was unconscious that they pulled me and put me in the toilet somewhere. Later on around nine, somehow nine-ten, these people came back to fetch the bodies and there was some attempt, I think, they brought some water, some *askaris* brought some water in saucepans to clean the floor. Now, they called some of the prisoners to assist in this exercise of cleaning the floor and lifting the bodies on the Land Rover. Now, it is - what I am going to say was reported by those people who participated in the lifting of the bodies that each body which was being put on the Landrover was stabbed just to make sure that the person was actually dead. They stabbed all the five bodies including of Magala and then they continued to wash the floor and they went. Next morning as we were there we heard reports that the bodies had been dropped at Nanganda, that is about half a mile from Makindye Military Police and the bodies were damped there and also reports had leaked that I had been killed and my wife also came in the morning and she was among the people who were checking the dead bodies to find out her husband because she had been informed by some people that those people were killed last night. That we had been killed last night and the bodies had been dropped at Nanganda down there - about half a mile. From the Military Police Makindye. Of course she checked for my body and my body was not there but those bodies including the body of Captain Magala were dropped down there on that day. So around eight Bazilio and then he was in charge of 15th Battalion which was commanding Kampala and so on came and when he went around and asked the *askaris* and they reported that some five people had been killed so I understand he called a parade and he addressed them that it is not good to kill people when not authorised. He gave a very funny speech but actually this did not help because that very evening again on Monday they brought another man, he was really a very strong man he was brought in at around two or three, he was beaten but as if this was not enough they brought just in the main room where we were sitting; they brought him, they undressed him and they brought paraffin and poured it here at the private part and on hair, he was tied and an *askari* put a match and the man began burning especially here and the man turning in agony then fire spread all over the body and he burnt in that very room before us. This man was burnt there and then we never knew the name of the man, we never knew the offence he had committed. He was burnt there. Good enough some of these people, some of the people I was arrested with, those who survived that holocaust of the time, some of them are still alive and I have ever met them so may be they will come here and testify - so, they are still alive and they saw that.

KAKWENZIRE

KAKOOZA:

Then they used to bring in people at night, I remember one time when they brought in Njuba. Njuba was brought in also he was picked on the day Lule was supposed to come back from exile. He was picked there, we were brought and actually he was brought to my cell, he joined me and I assisted him to get conditioned to the jail because me I stayed there long. Now, one day they came for us again they wanted to kill us including Njuba this time. So, what we did was we tried to contact - (interruption) -

KAKWENZIRE: Please, which Njuba?

KAKOOZA: Sam Njuba, the Minister of State for Constitutional Affairs, we were with him there in that cell. So, they wanted to kill us that day with another man called Bonny Kasule but this time we got it early enough. What happened is that the keys of the jail were kept at the office of the RCM, that is the Regimental Sergeant Major now anybody who wanted to open the jail could pick up the keys from that office and then come and open up. So once we knew that, that they could come and open jails anyhow we sort of admit, actually we bribed one of the *askaris* to go and buy us a lock, this man went to Katwe and got us another lock so that whenever we saw that they had locked and gone we would also put a third lock. We put on a third lock and on that day we were saved by that third lock. Actually we were having the key ourselves in the jail so they could not open that was one way among the many ways we tried to survive by trying to lock ourselves inside instead of actually coming out. But throughout my period at Makindye they used to bring in people and kill them at night, there is a grave, they dug up a grave and I think the Commission should note it. When you leave the quarter-guard you go towards the Sick-Bay, what used to be a Sick-bay, I do not know now is there, just besides that there was a grave where they buried people. If you try to dig there is a mass grave. Within the Makindye there is a mass grave as you could dig behind the quarter-guard of Lubiri you could find out that persons were buried there and I do not know what happened to our graves, those two graves which were supposed to be ours.

I saw this, I participated in the burying in darkness around just besides the Sick-bay. The form of tortures which were being given, down there is an underground cell down there which is dark. Everyday you could hear wails and crying a man crying for sometime then you hear that he is no longer crying then you see bodies being removed from that place. So, 1980 from May to October, when I was there actually Makindye was a place of murder. There are certain moments some events which intensified the killings. One day, the return of Obote on 27th May, because it found us there, it found us at Makindye, the return of Obote. Now, the return of Obote, for us who were in jail meant a different thing. First some Bantu groups, Bantu soldiers were disarmed. Then there was a bus, a white bus, I could give you the numbers but not now the number of the bus. They nicknamed it *"mpaawo atalikaaba"* this bus combed all roads, picking up people who were supposed to be anti-Obote and so on and this bus was supposed to bring people who were

supposed to be killed. Actually it was always bringing people around seven, this bus called *"mpaawo atalikaaba"* it would pick people from Natete, Kibuye, where, where but - (interruption) -

CHAIRMAN: Excuse me Mr. Kakooza does that mean anything in English?

KAKOOZA: Yes?

CHAIRMAN: Can you say it for record purposes? Some people do not understand also.

KAKOOZA: Yes, the phrase means that nobody would be spared the misfortune of this thing. So *"mpaawo atalikaaba"* means.

MR. NAGENDA: There is nobody who will not cry.

KAKOOZA: Nobody would be spared the crying. You will not be spared with the crying. Everybody will cry if I could be permitted to paraphrase it, you will be crying, everybody will be crying *"mpawo atalikaaba"* which means whoever goes there actually was supposed to suffer. So, this bus I have the numbers and some of the names of the drivers but not off hand now, I cannot recall this but I have them I will furnish them to the Commission; the numbers and some of the drivers who were driving these buses which were bringing people at Makindye.

COUNSEL: Well you will show it to the Leading Counsel and then you will formally tender it in evidence. You will be recalled for that purpose.

KAKOOZA: So, the killings, first the return of Lule, when Lule was supposed to come back there were many people who were killed in Makindye and being accused pro-Lule. So, to be pro-Lule at that time actually would earn you death. Then on the eve of Obote's coming back also spelt death at Makindye because some people were arrested and brought as anti-UPC or anti-Obote and they were killed there. Now, there was another occasion when people were also killed but this is unfortunate. It was reported that Tito Okello by then Chief of Defence Forces was going to Gaba and there was a road block between Gaba somewhere there, Kabalagala, there was a road-block there. Now these soldiers who were there, had just been brought from Kitgum they did not know much about the procedure, they did not know who was Tito Okello. So when they saw this vehicle they stopped it, may be it was not supposed to stop, but when they stopped it they fired at it. Now, Tito Okello's vehicle stopped but then the people around that place were picked that they wanted to kill Tito Okello, so many people were rounded up including the soldiers, even the people around there were picked from Kabalagala and brought to Makindye. They brought about 11 people but these ones we did not know where they went because they were taken underground there, at night there was a lot of crying and so on apart from the soldiers because the soldiers remained with us and when they came to interrogate them why they had shot at the vehicle, they were saying when they asked them their numbers they were saying *"nya"*. *"Nya"* which meant Number not yet alloted". They did not know

Swahili very well, they had no numbers, but it seems they were saying; what is your number, they were saying *"nya, nya,"* like that. So, which meant that they were not yet may be confirmed.

COUNSEL: Not yet allocated.

KAKOOZA: Or may be not allocated, I do not know that but that was their answer. But those people who came with those soldiers were never seen again about 11 just from that incident of these soldiers who were trying to shoot Okello may be unfortunately or accidentally but the people around there were picked up. So my experience at Makindye, was that I saw murder. I was beaten myself because my head was cracked, I remember another incident whereby I was taken to MP Commander and a soldier came and was asking me, who are you? I said Kakooza Mutale. Then he took out his bayonet and I was sitting down then he tried to pierce this bayonet to my heart, he just took from his pocket and pushed it. Now, in response I put up my hand like this so if I took out my shirt here I do not know if it is permissible, there is a big scar here where the bayonet stopped to save my heart then the man cut. There is another cut here on my hand and the man licked the bayonet. He just licked it! He licked the blood! I could not believe it. Trying to pierce me and he cut and these scars are here because the round scar of the direct bayonet and the cut where - and then the man licked and swallowed up the blood I did not know what that meant but these were the type of people we were under who were keeping us.

Now, I come to the phase of being released. Later on, today some officers could come and address us and encourage us that it is all right killing should not continue and so on then tomorrow the killings continue but the intelligence for that time, the intelligence of the UNLA was under the control of Tanzanians so these officers who were stationed there, Tanzanian Officers who were there were a little bit helpful some of them could come and ask about some people who had disappeared but of course he would do nothing. He could ask about the state of us who were being beaten and so on daily. They could see us they could stop, they could order us that we should not commit atrocity of this nature and I remember one man called Kenneth. Now this Kenneth, the other name I do not know but he was an intelligence officer in charge of Makindye. One day he came and entered the jail and he called us out. He pointed out two people, Njuba and myself, and he was asking some officers of the UNLA that "you people how do you put people like this lawyer, a Chairman of Lawyers in Uganda and put him here and this is an Editor of a newspaper, how do you lock them here and commit atrocities you are committing? Do you not think that these people are going to write, if they are lucky enough to leave here alive - he said if they are lucky enough - that if they are lucky; that they are not going to write those things? So this was a Tanzanian Officer asking these people that. Some people had feared that I had been killed and he was very unhappy about it so he singled out Njuba and myself. We were examples may be of some educated citizens of Uganda that perhaps we could not have been treated like that and of course the thing continued until we left.

How did we leave that place? An order came I understand and we were made to understand that President Nyerere had heard our case especially Njuba's case, Namakajo and myself that there were accusations that Tanzanian soldiers were locking up some educated people in Uganda and this was not making good publicity to the Tanzanian government which was in effect in power here. So, he had heard this and he ordered our release. So, one day two Colonels came, Tanzanian Officers came and they ordered us out, myself, Njuba and another man called Bonny Kasule. We were taken to an office where we found Kenneth and other army officers and we were made to fill forms. The form actually was saying - perhaps, I may point out that, during all out stay there, we did not know why we were there, anyway. There was no case which was - I had not been charged any case at all; but now we were given a form that we should sign here. The form was reading that we should swear that we will never overthrow - we will never attempt to overthrow the Government of the Republic of Uganda. Those were the forms that they were giving us.

I asked Njuba who was a lawyer - I said, 'You are the Chairman of the Law Society. Now is it acceptable now? Are you going to sign it? And Njuba told me that for the sake of his life, he was going to sign it. I remember his words exactly. He said, for the sake of his life, he was going to sign. So Sam Njuba - I call him Sam Njuba. After all Njuba is a lawyer; me I am not a lawyer. So when I saw a lawyer signing such a document, then I also signed. So we signed. After signing, we were given some talk. This man told us that, 'We are releasing you on the orders of our Government,' meaning the Tanzanian Government; 'that the Government of Uganda was not happy with this'. They had not sanctioned it and they were not happy with this order of releasing us. So they advised us that, after our release, we should hide somewhere. We should leave Kampala immediately and hide in some place. This was advice given by the officer of the Tanzanian Government who released us.

Now, as soon as this was signed, Njuba, barefooted and so on, we started running through the Quarter guard. Now for me I was in a problem. I was not yet able to walk. I could not walk because I could not stand. That I could not stand alone. I had no clutches. So one fellow - one intelligence officer there called ....., I have forgotten his name; he said he was going to get me a vehicle at Kibuye. After a minute he brought a vehicle. I was dumped in. Now they said that they are driving me to my home. I said, 'No, do not drive me to my house. You drop me at the Bus Park'. Now among the things that I picked up in jail, I remained with a shirt and a vest of Captain Magala. Because I saw this man and I said that, if I survive, I will take his shirt and a vest and show to the relatives of Magala that Magala died - this man - because he was determined. He stayed with us for only two hours but we were impressed by this man. To us he seemed very innocent and he was among the people who were killed - among the five who were killed. So I reserved - I remained with - his vest and a shirt. So I dropped them at some place there near Emporium Store where there

were some people who knew Magala, somewhere there, at the Bus Park there. So I delivered the pyjamas and the shirt and a vest and I delivered them to that place. So I have here - before me, I think, there has been one witness, the wife of Captain Magala - and, I think, there was that gap missing in her submission; that she did not know how her husband was killed. But I was an eye witness of how that man was killed. He was killed like that.

CHAIRMAN: Mr. Kakooza, I think, we have been wanting to have a break - quite some time back - but we wanted you to reach at a particular time where we could break in your story. So, I think, we shall have a break now and we shall decide soon when to resume. Sorry, I have had some consultation with the other Members of the Commission and, contrary to what I have said earlier, we are now of the opinion that we should carry on, receiving Mr. Kakooza's evidence until 2.30; when we should break for lunch and we resume the next day. so we should carry on now until 2.30 p.m.

COUNSEL: Now, on your release from Makindye, did you continue as a citizen to continue to witness other forms of Violations of Human Rights?

KAKOOZA: After my release from Makindye, actually, I went into hiding. As you know, I was advised that the Government of Uganda that day could not let us free. So I went into hiding in some place at Kiti. Kiti is very near Matugga - some place there. There is a house there. I went there and I began to nurse my wounds. I got a place. I got some clutches. They made some clutches and I moved on those for some time. Now this was still -

KAKWENZIRE: In what month were you released?

KAKOOZA: We were released in October - early October, 1980. What I can remember is that I was arrested on May 1st I will find out this. It is early October. Now Mr. Chairman and the Members of the Commission should, as I said, bear with me when certain things when I was reading them they had been all right; but I thought as you advised me that I should give it verbally -

CHAIRMAN: Yes.

KAKOOZA: I want to take you back a bit on an incident which may be of interest to you and the people of Uganda. When I was arrested by these soldiers, my wife made efforts to get information where I had been taken and to approach those people who were in power of the whereabouts of me. So she actually went to Kununka. Now I am taking you back to Kununka area, Kununka phase. She used to go to Nile Mansion and consult with this Minister Kununka. So he used to tell her and I think, he informed her that he understood that Kakooza was at Lubiri but the police - the Minister of Internal Affairs - could not do much, since he was arrested by the Army. I was arrested on the orders of Paulo Muwanga and Oyite Ojok. This is how she was told. Now for some time, she frequented the offices of Kununka now one day, I think, she

was noticed and observed and an order - as I came to learn later on was given to kill her - an order was given to kill her - around Nile Mansion.

CHAIRMAN: To kill your wife.

KAKOOZA: Yes. She had been seen going to the offices of Mr. Kununka. I think, Oyite Ojok and the others who were watching, since they knew me -

CHAIRMAN: Mr. Kakooza that thinking is not evidence.

KAKOOZA: No.

CHAIRMAN: No, you do not know.

KAKOOZA: Next step. They had watched her because the man who informed us eventually was an intelligence officer at the Nile Mansions, who narrated the story.

COUNSEL: Who is he?

KAKOOZA: The name - I will recall from my wife. I will give the name if you can put it down. The story, it is not thinking, it is not imagination. I am telling you a true story. Now she was identified. She was pregnant at that time and wearing a dress looking blue. Do you want to see it? The dress is preserved - and carrying a red bag.

CHAIRMAN: Let me see it.

KAKOOZA: You can get them because they are here.

CHAIRMAN: Is she going to give evidence?

KAKOOZA: She will be giving evidence some time.

CHAIRMAN: I see.

KAKOOZA: But I am just getting that thing for my own story. You will interview her at her own time.

MR. NAGENDA: Perhaps, while we are finding this, can I ask you, when your wife used to go to Kununka's office, was this after Kununka had been arrested and detained or before?

KAKOOZA: No before.

MR. NAGENDA: Oh, before?

KAKOOZA Ngobi's daughter was shot in a mistaken identity for my wife; my wife was supposed to be killed and they shot Ngobi's daughter who was wearing similar dress and carrying a similar bag. So this was a serious note that I think you should note also. Actually she was shot when my wife was just emerging from the back of the Nile Mansions, entering the

car -bullet actually - she had just entered when this girl was shot in the compound. When I remember actually that thing I will let you know. Now having been released, I went into hiding. Perhaps the question is, how did I get these things cured - the scars? Somewhere when we were still at Makindye, she managed to come - she was brought by the askaris to see me; and by that time my head was rotten.

COUNSEL: Incidentally, would you like to tell us the name of your wife?

KAKOOZA: Ruth Kakooza. I was taken out - I was on a chain; so they brought me before my wife to see me; by that time my head was oozing pus because of the crack. So when she went back she tried, she will tell how she managed to get assistance and she was allowed to come in. Now that evening I was told that I will be taken back to Mulago for treatment so that they could repair this. Actually we were taken, me and Namakajjo; but we were not taken to Mulago. We were taken to Mbuya; and from Mbuya we were brought back pending my transfer again to Mulago; this was a second attempt. That evening the bus came and I was transferred to Mulago under escort and I left Namakajjo at Makindye. So the next day they began to prepare me for operations at Mulago; I was still under guard and so on; but they were preparing to operate me on the skull. So when they took me to the theatre they put me under anaesthesia, they gave me an injection and I passed out so that they could repair this thing. Then suddenly vehicles arrived from Makindye; they came with a stretcher, they entered the theatre and picked me from that bed where I was supposed to be operated and took me back and dumped me in the truck and drove back to Makindye. The reason for my withdraw was that, Namakajjo, the night before, had escaped from Makindye; so they thought that I also had to escape when I was at Mulago. So they withdrew me before the doctors could repair me, they could look after my head; and I was returned to Makindye and they put me on four chains, there in a room there, they put me on chains with my head still open and so on and they deployed a sergeant to protect that door where I was locked now because Namakajjo had escaped. So the idea of treating me now was abandoned and I never received any medical treatment from these people. So a week later my wife again managed to come and she was allowed by some people - some friendly people; there is a particular woman who was in-charge of this clinic; this woman now - she can also be summoned, she is working now in Republic House - she is a nurse in Republic House; the name - I can bring her here; because she was in-charge of us when we were at Makindye; the people were killed and so she was aware of all these things which I am talking about. She is a nurse now in Republic House but I will assist the Commission to get this woman. Now through her my wife got some injections and so on and she was allowed - my wife was allowed to come in jail daily to treat me under the supervision of the other woman. So the actual repair and dressing of my skull was done by my wife when I was still at Makindye. She is the only one who treated me; and they refused me treatment because I would be escaping like Namakajjo had done.

KAKOOZA: Before

NAGENDA: Okay.

KAKOOZA: She was wearing her skirt - this was supposed to be a maternity dress; but this is the dress she was wearing. This is the exact dress she was wearing. It was a long maternity dress. This was now transformed into a skirt. But this is the actual dress. It was a maternity. She was wearing this and carrying a red bag.

COUNSEL: With money.

KAKOOZA: Of course, there used to be money but now there is no money. (Laughter). So these people earmarked her. Now the day she was supposed to be killed, I think something happened - she entered - and I think these people did not see her entering - she entered and saw Kununka and came out. As she was coming out, emerging from the door at the back of Nile Mansions, another girl wearing a similar dress, with same colour of a bag, entered. Now as soon as this girl entered the compound, my wife was coming out going to the cab yard, that girl was shot - who was wearing this type of a dress and carrying a similar bag, and that was the daughter of Minister Ngobi.

MR. NAGENDA: Was your wife a nurse?

KAKOOZA: Yes, she is. So I will be remembering some of these phases as we go along. But as I was nursing my wounds at Kiti, when we were separating with Njuba, we had - I wish to put this on record, we had occasion to discuss the past political situation as it existed in the country. We were receiving some information that some people had formed parties, there was UPM, CP, DP and UPC; they were campaigning;; and then Njuba had an idea to stand at Nangabo. So we used to discuss politics whenever I had time; I would join with him and say, now what do you think, what are you going to do? I think Njuba was not very happy - he used to express that he was not happy with his former party, the DP had behaved in response to relation to his arrest; so he said, now he was going to join UPM. Actually when we left Sam Njuba joined UPM. But during our argument, I informed Njuba that our problem is not parties; it is not UPM, it is not CP, it is not UPC, it is not DP, our problem is that we are cowards; we who are here are cowards. Then I told him about one soldier called Kamugisa, Kamugisa was a soldier in UNLA; and he was in-charge of the Quarter Guard when we were there. One day I was ordered to clean the toilets because they had been filled, they had not been cleaned since the fall of Idi Amin. So I was selected to go and clean these toilets myself, I think to humiliate me - of course there were some people there who were not as badly beaten as myself - and I am not merely praising myself because I could bring people my fellow inmates whom I was with could testify this that I was the most beaten prisoner at Makindye in 1980. While I would accept that they were beaten, but because I was so badly beaten, I would get assistance from my own inmates who were sympathising with my case. I was the most beaten and tortured prisoner in 1980 at Makindye there. But those who survived there would tell the story; I think I was the most

tortured fellow there.

They called me to clean the toilets, but I was crawling because I could not stand; so they told me to push the faeces with my hands - *"fagiya namukono yako"* -thus down the cistern tank. Now as I was doing that, then the man said, *"onawona,"* Kakooza, you have degrees, can your degrees help you? He was showing me a gun which I actually - I carry a similar gun today, just to remind me of that man; it is outside there. He was carrying a howitzer gun S.M.G. Israeli Make; and he was pointing it at me like this - you have your degrees, and this is my degree; now which of them is more powerful? Your degree or my degree? *"Onawona degree yangu? Now fagiya namukono yako."* So he ordered me to continue doing what I was doing; that he was showing me his 'degree'. In actual fact, Gentlemen and Lady, I honour you, actually, I felt very small; and this man was right; he was showing me what my education had not allowed me to know; I was not exposed to this. So when I was discussing with Njuba there, I said, look, do you remember what that man told us, that our degrees are useless; his degree is a gun; and we are here because of the gun; we are here because we are cowards; we are here because of the gun. So when he was talking of joining UPM, I said, okay, you will join UPM but mind you, we have been here because of the gun.

So when I was busy nursing my wounds, my idea was that man who had shown me the gun, he said, his degree. I thought, that man was right though, in his ironical way, in sadistic manner, but I got the message; that this is the thing I think somehow somebody has to get hold of this. The only way you can actually fight fascism of that nature is when actually you answer them back in the same manner; not by talk; talk will come later but you should answer these people in the same language they are using. So that is when I began to think of planning to start a guerrilla war fare. I was not recruited, nobody came to talk to me about joining a guerrilla group, no. But when I was nursing my wounds at Kiti, that is when I began to think of starting an armed struggle against fascism. Of course I did not know that at that time there were so many other people who were also thinking like me along those limes; because I did not know many people; I had never been in any political party in Uganda; I had never been DP, Kabaka Yekka, what, UPC, no, I was just - my response to the political situation in Uganda was out of, as I felt as an individual how it affected my life. So I came to conclusion that the only thing to do is to take up arms; but how? This is another story; it is a long story.

After when I came out, my office which is now under the management of my Production Manager who is here today, they continued to publish some stories, but luke warm stories. So later on we fell on a story at Namanve - Namanve Forest had been a notorious place during Idi Amin's time; many people were dumped there, they were killed. And at one time when the UNLF Government came, they had proposed to put up a monument in that forest to remember those who had been killed and buried there. Even during the Military Commission, there were some people who were cutting wood and burning charcoal in that forest

and they came across bodies of people who had been dumped - their bodies had been dropped in - there is a railway line passing in Namanve and their bodies had been dumped there. So a report came to my office - I used to come there cautiously -we despatched some reporters to go and find out what had happened in Namanve. Even other newspapers went there - I remember very well *Taifa*, some repporters from *Taifa*; and I think there was *Saba-Saba,* at that time there was a newspaper called *"Saba Saba"*, they were also there. So we photographed the bodies, actually, and we inquired from the wood choppers who used to be there; they told us the story that a Land Rover had come, had turned around and dropped in these bodies there.

COUNSEL: Which Land Rover?

KAKOOZA: A military Land Rover. A military Land Rover had come around 8.00 p.m. in the evening and had dropped these bodies there. So we photographed the bodies and we came and wrote a story which is there; it says: "NAMANVE BACK TO BUSINESS." That is the story my office flashed. "NAMANVE BACK TO BUSINESS" - that is, I was trying to tell the people of Uganda that the forest again is now receiving more dead bodies as it used to do. So when this story was published, at that time Dr. Luwuliza-Kirunda was the Minister of Internal Affairs, he ordered for my arrest immediately. Somehow this order found me in the office, I had come back to Kimathi Avenue; when the order came, by then a man who was the in-charge of Special Branch was called Banturaki - he was the head of the Special Branch. He came for me because we were colleagues - we were friends; he used to come to my office, and I used to come to his; so he came to me and said, "Kakooza, you are again in trouble, they have told me to come and arrest you on this story of "Namanve back to business." I said, okay, let us go. So when we reached at Banturaki's office, he read the story and asked me, but honestly, Kakooza, is the story true? I said, it is true; photographs are there, you can call even my researchers. He summoned my chief reporter; we gave him the photographs; we gave him the file and he read the things. And Banturaki said that this is true; why is the Minister now furious about these things which are true. So he telephoned Luwuliza-Kirunda who was in the Cabinet Meeting that he had got Kakooza and he was waiting for his orders. But Luwuliza Kirunda was, I think, in the Cabinet Meeting because the Secretary told Banturaki that she could not get in touch with Luwuliza-Kirunda, may be he tries later on. After several times, Banturaki said, "Ah, this thing is - okay, do you have a passport or Identity Card with you? I had my passport with me; so I gave it to him and he said, okay, tomorrow you report yourself here so that we can continue with this matter. I left my passport with Banturaki; but next morning, you know, when I mentioned this to my wife, she asked me that, Kakooza, what are you trying to prove? Are you trying to prove that you are very courageous? So I said, "Okay, I think I will not go." I decided not to go; I never turned up; and that is how I lost my passport in the office of that - the Special Branch man, Banturaki.

As you asked me, throughout 1980, that year was full of killings; many Ugandans lost their lives at every police on roads in forest like Namanve

all sorts of places; this hotel which is called "Park Hotel" had also started to get people - people were being murdered in that Park Hotel. As news-men, we were picking all sorts of stories; sometimes we could not print them for fear that I think they could attrack too much government action against ourselves. But throughout that time honestly, 1980 was a year of bloodshed in Uganda.

MR. NAGENDA: Can I have just a small clarification there. When you say, you did not go back after being given this good advice by your wife; did you continue to work normally or did you go again into hiding?

KAKOOZA: No; after that I actually disappeared from Kampala.

MR. NAGENDA: And you went where?

KAKOOZA: I went to Kabunyata, 60 miles from Kampala, in Bulemezi, just around Sezibwa, to establish my first guerrilla camp. Of course, you have asked me a question which makes me to enter into another phase of my struggle which, I think, I should not start now; I think I will do it maybe when we resume. But I would like to talk more about my personal response to that. When all these things were happening, especially my paper if I could, as you would see it, I tried to as courageously as possible to inform the people of Uganda about the atrocities; I carried many of these at the risk of my life. When I say, "at the risk of my life", for example, Editorials like - "missionary murdered;" then I come to - "police men gunned" - this was still 1980. Then I discussed Human Rights of exiles, we thought maybe these people - they were talking about human rights of exiles and not for the stayees. Then another one you can see "massacre" just one word. Now chief killer is here - these are front lines -"chief killer" -

COUNSEL: Who was that?

KAKOOZA: This was - at that time there was a man - okay, I can read a little bit of this. Greg Mathews holding a British Passport No.1231942 with no fixed address anywhere in Britain but with a postal contact .. 74/1212, Geneva 6, Switzerland; described as, by reliable sources as a notorious

killer and a desperate professional is now back in Uganda. He came back at that time; he was here during Idi Amin's time.

COUNSEL: What do you know about that man?

KAKOOZA: What I know is what I wrote here.

COUNSEL: I see! We would like to have it, please. Will you spare us with some copies.

KAKOOZA: Yes, I will.

CHAIRMAN: Commander Kakooza, you have not been referring to the dates and issues of these papers; so that it will be easy for us to identify and reference of files. If you refer to any article in your papers, you say what date it is.

KAKOOZA: Okay.

COUNSEL: No, I think, what you do - the issue you started with if you can remember.

KAKOOZA: I have them.

COUNSEL: Yes.

KAKOOZA: So, for example, that of massacre, Mr. Chairman, it shows Volume No.l, number 27, January 31st. 1980 - Massacre. That one which said "Chief killer" is Volume l, Number 26, January, 23rd, 1980. Then another of "terror" - just one word, "terror" also on front page and I was showing the dead bodies and nobody could explain. "Terror" this was Volume I, Number 25, January l6th, 1980.

CHAIRMAN: Was this a daily or weekly newspaper?

KAKOOZA: It was weekly newspaper.

CHAIRMAN: Weekly; I see.

KAKOOZA: Of course the other one, I think bad news - "Adoko was - " Volume I, number 21, December 19th, 1979. And then down there say - "General Service at Park Hotel" same day. After talking about the coming of this Akena Adoko and then General Service at Park Hotel. Connection can be understood. For some of these we talked about that we stood and we warned the people of Uganda of what was likely to come, for example, "Lake may be in trouble" -I think this was last Magazine I printed before I left for war; "Lake may be in trouble" that was a story which was relating to the coming of certain troops which were being ferried on Lake Victoria and carried to North Kitgum. This was Volume I, number 35, April 29th, 1980.

COUNSEL: Plot smashed -

KAKOOZA: I will come to that one - "Treason Plot Smash" was Volume I, number 32, March 28th, 1980.

MR. NAGENDA: And that was called what story?

KAKOOZA: This was "Treason Plot Smashed", Volume I, number 32, March 28th, 1980. So we made - at least of our lives, especially in our staff, we made effort to expose these atrocities and so on. Eventually also we underwent the same the very, very atrocities we were writing about we also suffered them. But there was no change; nobody could hear, the things continued; and many of you who stayed even when we went

away, I think you have seen with your eyes what we predicted. We were predicting war; we were talking of blood shed which was coming; and today Uganda actually is about to create a museum of skulls; we are about to create a museum of skulls. The atrocities did not stop in 1980, but they continued throughout the Second Tenure of Obote's government. So you have seen them; and for me I am grateful that I lived a bit longer to read the history I wrote in advance; that many of the things which we were trying to write at the risk of our lives actually have come to pass; and I think, all of us now can look around and see what we can do about them. So M r. Chairman, I wanted to stop there today.

CHAIRMAN: Yes, may be that is a convenient place to stop. There maybe some questions here to clarify on the evidence which you have given. So could you please answer them?

MR. NAGENDA: First of all, I would have liked to commend the witness the way he has given us his evidence and also to sympathise with him very much about the things he underwent through his search for truth. And also to agree with him that it is, not only very useful, but also it is a good thing that he survived to be able to give us this testimony. And I would like to say that from what you have said and from the way you kept referring to your wife, she was of very great use to you in your survival. So I would like that also be entered on record. Now my first point really concerns your very swift crossing of the road, if you like, to become a close aide of Binaisa's. Because before that I had got the definite impression that you thought that Binaisa was actually - to put it mildly, a chair warmer for Obote. You told us that was a wrong thing. So I find it intriguing that all of a sudden you crossed over to him and started being a close aide to him. How do you explain that?

KAKOOZA: That is a good question. I referred briefly on a meeting we had in Nairobi. Now I will try to amplify that part then you see how we got involved with Binaisa. In this House, there is also a fellow I went with in that meeting, he is here; and if the Commission wishes, he can also be summoned here, he is called Alosious Seruyidde. I went with him in a plane; and we arrived in Nairobi. There was a meeting of some people who were supporters and close aides and associates of Lule. Our own role there - main role was that we had put a front, Lule's front here; we were trying to advocate for Lule stand, to try to keep him alive here. So as journalists we were thought to be useful. So we were summoned in this meeting in that capacity. When we were there, a cross section of people emerged - there was Lule, Dr. Kibuka-Musoke, many other Ugandans, a cross section of them, including Minister of State now in the Office of the President, Mr. Balaki Kirya. As the meeting went on, we were informed that Mr. Balaki Kirya in that meeting had brought the message from Godfrey Binaisa of reconciliation, a kind of reconciliation between Binaisa and Lule. Of course earlier on, in order for Binaisa to remain where he was at that time, he showed that he was a little bit apathetic; he was rather distant from Lule. And it was good for, I think, as far as he was concerned, it was not good politics for Binaisa to either associate or show that he was in sympathy with Lule. So he did this

privately, he sent Balaki Kirya with this message of reconciliation that Binaisa wishes to communicate and establish a rapporteur between Lule's group as we were seen at that time as Lule's group and Binaisa's group. This meeting lasted for two days; and discussed all sorts of aspects concerning this kind of communication; it was even discussed that maybe Lule should write to Binaisa to reply that message which Balaki Kirya had brought. And I think that was done. And I think, the late Kayira was there, the late Robert Serumaga was also in that meeting; these are the names that I can remember. But they agreed to in principle that I think, the way the political forces were lined up in Uganda at that moment, it was useful to work with Binaisa.

MR. NAGENDA: Almost as a convenience, a marriage of convenience if you like.

KAKOOZA: I think so. It was - because Binaisa also was moving away from the forces which had made him what he was. And again these people thought that if at all he was of this political position, then, I think, they could talk to him. So one of the things - what was agreed there was that for the group which was advocating for Lule at that time should now reduce the temper and try to assist him so that we supply him with information which could assist him to understand the political situation as it existed.

MR. NAGENDA: Okay; but now knowing what you do - I mean, it was not - you did not have that information at the time; your political training, if you like, which you did. Now looking at it, would you say that this in fact was just tampering with personalities rather than with good ideas. In other words, would you say that, today you might not have been as eager to become so close to Binaisa, because, would you say that Binaisa had really changed just because he wanted to take part in this marriage of convenience?

KAKOOZA: You see, as I mentioned earlier on, I had not participated in politics until 1979. So my chance here was to learn; I was more a student than an expert. To me, first of all the political actors who had been on the political system - so even going in that meeting where I found Balaki Kirya, and that was my first time hearing that Kirya was in the first regime, and by this time we were still boys; so meeting these big men now, old - to me it was an experience - I was more a student and learning of what transpired in the world of politics. So when we were there and those people were taking a short line towards Binaisa. I did not see any harm in that; we thought that he is willing to do that, then - okay, I was not going to be a candidate, I was not going to be a Minister or anything, we were saying, what can we do, you people who are leaders here, tell us what to do. So when we came back here, my decision of being an aide was the fact that, now I was trying to feed him with information, not doing his work, I was not his employee, but trying to feed him, not that I was in Binaisa's group; I was still in Lule's group; and I was executing the wishes of that group which was that we should spread and create a system of communication with this. But then the closer I became to the President by that time, I found that he was not very serious with what we were giving; we were giving information and

as it was put on record that, he did not deal with the information in the way we gave him; until actually we sort of, as I would put, burnt our fingers in the process. I would say so, we sort of burnt our fingers in the process. And of course I would recall that he tried hard when I was in jail - when we were arrested, before he was overthrown, he tried hard to save us, because he tried to come to Lubiri to try to retrieve us; but these people hid us; they removed us from Lubiri and hid us in some place far away where he could not see us. So that was what I would refer to as my close associate of Binaisa. But on behalf of the group I was actually working for, that was, the Lule's group.

MR. NAGENDA: Yes. there are so much I would like to ask you, but I will just pick out some points. You were lucky enough to be out of Makindye on Nyerere's orders, by what I would call elitism because you were known as an editor and Mr. Njuba as a lawyer. How do you regard this?

KAKOOZA: Okay, we were happy to be released, this is the first thing, whatever reason will be given to explain our release; for us we were very happy to leave that place alive, because we left many people dead there. The rationale behind our release, you know I think it was just answered more by Nyerere and myself; because he had reasons to release us but for, maybe this was embarrassing. But I think, whether you are educated or not, you do not have to be subjected unfairly in such a process - you do not have to undergo such a process of torture whether you are an elite or whether you are not an elite. I think it is unfair for Ugandans to undergo such a thing. We were lucky as you have put that we were released under that. And I do not know why, we were told that it was because of that; because of our names and so on. But in my personal opinion, no Ugandan whether he is educated or not educated, should undergo in that process.

MR. NAGENDA: Now I was going to ask you what happened when you were released to Namakajjo - can I now take it that he had already escaped?

KAKOOZA: Yes, he had already escaped.

MR. NAGENDA: What happened to Dr. Kununka.

KAKOOZA: Dr. Kununka, eventually - Understand, somehow late in night they took him out of the water tank on the order of some people I think from the Nile Mansions and eventually I think he was released. That is the last I heard of him.

MR. NAGENDA: Yes. But you see we had Namakajjo who was the Press Secretary or Press Officer to the President Binaisa, I think I am right in saying that: Then we had Dr. Kununka who was the Minister of Internal Affairs. how do you explain the fact that they were being taken when - do you think they were picked up on the orders of their President, their employer?

KAKOOZA: No; there were two different cases. Namakajjo was brought on 2nd May, 1980 on the orders of Oyite-Ojok. Since Namakajjo is in Uganda,

I think he will have an occasion to explain that. I do not have to tell his story.

MR. NAGENDA: No. what about Dr. Kununka.

KAKOOZA: Dr. Kununka was taken when the government of Binaisa had been overthrown, in the process of overthrowing Binaisa's government. So, Dr. Kununka was brought.

MR. NAGENDA: I see. But I think we can, to the fact that you were as an editor to Binaisa but you were picked up; and his Press Secretary was picked up; can we take it that in fact Binaisa proved to have been no more than a figure head that he did not have any real power?

KAKOOZA: That question is very involving because if you will accept a lengthy answer to analyze it and again my Hon. Chairman had cautioned me not voicing opinions and call them facts, but this is an analysis I am calling it and analysis of what happened. I was actually involved an analysis. I think at the beginning when we were matching "No Lule no work", I think he knew that he was being used - but as he said - I think we can quote him - maybe the mass media quoted him wrongly - he said that "this chair is sweet"; you remember this remark?

MR. NAGENDA: Yes.

KAKOOZA: He said "this chair is sweet" -*"Entebbe eno ewooma nnyo."* He was addressing a rally somewhere and he talked about the sweetness of this chair. And it is from that time - Okay, as you have known that he said that that chair is sweet and he should not be disturbed. But I remember that phrase that "the chair is very sweet". Now from that time when, I think, he began to chat his own line, but I think he was facing many ordeals, the king makers, the people who had made him, knew what purpose he had to serve; but as soon as he diverted from this purpose, he ceased to be useful. Then when he started to chat his political line, he had no forces, he was helpless. First of all for us we were with Lule, we were not there to assist him in his adventures; the army was not behind him, he was having the problem of the umbrella; because now, various army functions in umbrella, there were tearing it, the DP wanted their own party; UPC, UPC wanted to be strong, CP also wanted also to be formed, and possibly UPM also was saying no, I want my own; he was having a problem with the umbrella. So this umbrella, I think, collapsed because he had no actual back of this. He had not marshalled political forces to his own advantage.

MR. NAGENDA: Okay. Now, your wife went to Kununka, trying to get release or to find out where you were - you know, to find out about your case. And I think you said at some stage that she was told, he was powerless to help because you have been arrested on the orders of Muwanga. Is this so?

KAKOOZA: Yes.

MR. NAGENDA: Who told her this?

KAKOOZA: This was Kununka.

MR. NAGENDA: Kununka himself said that he had been picked up by Muwanga?

KAKOOZA: By orders of Muwanga and Oyite-Ojok.

MR. NAGENDA: Muwanga and Oyite-Ojok

KAKOOZA: Yes. And this was true.

MR. NAGENDA: Okay. You mentioned the name of this gentleman from whom you have taken the habit of wearing an howitzer-gun, by name of Kamugisha?

KAKOOZA: Kamugisha.

MR. NAGENDA: What is his first name please?

KAKOOZA: I cannot tell; but I think my wife will tell you because this man died when my wife was at Bombo; she might know much about him, she can tell you about the name. But Kamugisha at that time, he was in-charge of that place.

MR. NAGENDA: Right. Presumably, you use your gun rather differently than he did his.

KAKOOZA: Of course, I used it differently and for different reasons; not for committing atrocities. In fact when I decided to take up a gun, it was not actually something which I did out of excitement. First here, if you allow me one minute or two, I will tell you, that I did not take a gun just because I was annoyed; but I think, I was one among the first Ugandans who dared to question the role of soldiers in this country. I wrote an editorial on the role of soldiers - a lengthy editorial, on May 1980 - Economy of May, 1980 - here are some of things we abandoned, if it was survived as an editorial, it is full here complete. I had already thought of what I had seen and I conceptualised this in questioning actually the role of the soldier in Uganda. Permit me to read a bit about the role: "The role of the soldiers - editorial - the people of this loved nation especially the civilians who pay for the guns and the tanks are puzzled as to what the role of the UNLA is going to be in a free and a democratic Uganda. Firstly, now that the liberation of Uganda from Idi Amin's leadership is over. Is it proper to continue to describe our new army as liberation Army? Secondly, from the experience gained from the two previous leadership, namely Milton Obote's leadership and that of Idi Amin, there is one fact that must be understood; that, in both regimes, the army was used to suppress the general will of the masses. Now how would the new army defer from the previous two? Those are serious questions which must be considered by a very Ugandan. We must remember that, for one reason or another, the aspects of the 1962 constitution paid a very negligible interest in specifying the role of the Army in our political, economic and social life. The difference of the 1962 constitution enabled Dr. Obote to assume absolute control of the army and it served him well in his oppressive designs; until 1971, when

the dragon ate its own master.

Idi Amin conceived also the army's role as absolute and he proved beyond reasonable doubt that Might is Always Right - and we think, Amin was right; because if it was not the gun then Amin would still be around here. Today we have been told that the role of the UNLA is to protect lives and properties of the people. That is all right; but the question is, lives and properties are protected against who? There is one single phrase which Amin never forgot to tell all the people of Uganda especially the soldier to protect the lives and properties of all Ugandans. Did Idi Amin really protect the lives and properties of Ugandans? This is a question which every Ugandan can supply a different answer. One biggest lesson which Ugandans might have learnt at a great human cost is the Ugandans have fooled around to much their own country; that it is high time we settled and pursued politics of peace and development; that we are all losers if by our negligence promote a society of war. If we pursue a policy of peace with our neighbours, then there is minimal role of the army in our ordinary lives. If we concentrate on developing the economic and social lives of Ugandans, we will alleviate a lot of discontent, which warrants the maintenance of a huge army, which, in itself, becomes uneconomic and a political burden. It is desirable, therefore, that our first step to the role of peace and democracy is to demilitarilise our society. At that time I thought because I had not handled a gun, when I saw everybody was having a gun I said look what about us? But this is part of the editorial that my conception of the army did not mean by going to the bush.

MR. NAGENDA: Okay. Can I also ask you, by the way, whether you were trained as a journalist or are you self-taught as a journalist?

KAKOOZA: Self-taught.

MR. NAGENDA: That is a good school. Finally, I must ask you about something which you mentioned, which, to me, seemed funny.

KAKOOZA: Probably I should point out because casually I think I got this. Now, when I went for the training at turn for Research and Information system, actually the course under which I was a course in journalism and because it was on management and information system. But it was not what we call the school of journalism but this was based on management science.

MR. NAGENDA: Okay.

KAKOOZA: How to disseminate information on management and leadership and so forth and so on. That is when I started journalism.

MR. NAGENDA: Good, perhaps, I will ask you this, too. You are in loot at present. Economy is not coming out. Is it?

KAKOOZA: It is coming out. I will give you a copy.

MR. NAGENDA: Now, let me go back to this point which you mentioned, which, in fact, brought about all your problems, it seems to me. This is when you named Mr. Paulo Muwanga as somebody who should be arrested immediately to save this country from bloodshed to come in March, 1980.

KAKOOZA: Yes.

MR. NAGENDA: And you mentioned some other names -

KAKOOZA: Yes.

MR. NAGENDA: In which you were helped by a state agency the NSS.

KAKOOZA: Yes.

MR. NAGENDA: Do you think that the information you got from what you or how you have been able to check out was accurate?

KAKOOZA: To a very big extent that information was very correct; because, for example, that was in March, 1980; the plot was to overthrow Binaisa. Too much of Binaisa was overthrown under circumstances which we mentioned. Among the people mentioned like Rwakasisi were the very actors in that overthrow. The man I mentioned as a key witness - as the key man - he became the Chairman of that Military Commission. So in those two months.

MR. NAGENDA: And then they used hundred of thugs to - I have forgotten how you put it.

KAKOOZA: Actually they were having squads. The killing - I proved this when I was in jail. That is when I proved exactly what the other fellows had told me. We had one reporter/researcher who used to monitor these people he was in that group at Katwe. Now they actually recruited people train and armed them to create instability; for example, shoot at night - the idea of shooting at night -so that the Binaisa's government would feel insecure, that they cannot cope with the situation - they shoot in the air, arrested people. These are the kind of training they were giving them. And this was done by Muwanga.

MR. NAGENDA: Okay.

KAKOOZA: And then at one time, after this, he was quoted I remember very well and I put it here. When he was addressing one of the sessions. He said, *"Binaisa bukya ayingira mu kifulukwa, leero ayingidde omuli abantu"*. This was one of the statements and we put it there? When he was addressing one of these meetings.

MR. NAGENDA: Which means what? I think, you ought to translate them?

KAKOOZA: May be, it says that Binaisa has always - sorry, I am going to translate literary word by word that Binaisa has always entered empty houses.

This time he has entered a house where there are people. Okay, meaning that now Binaisa should stop joking with these people. Now we are talking to take a serious action against him. This was the thing. And two months later this action was taken. Now, secondly, when I was in jail - because I went to jail before Binaisa was overthrown - the intelligence officers there now they were carrying identity cards of General Service Unit and they were very open about it. For me I often talked to them because these people could bring me up, ask so many question then leave me after asking me so many questions. Because I was being accused of being a Muganda. 'You Baganda do not want Obote; that we were working to refuse Obote to come back; and for that we did not know that it was Obote who fought Amin - and do bring peace. So we were trying to refuse Obote's coming.' So I was being singled out. Being a journalist and a man who had to stand in writing my ideas were on papers. So I was being singled out and brought to special sessions of these. So, they were carrying General Service Cards before Binaisa was overthrown - and they were not hiding them.

MR. NAGENDA: Okay, my main question as a matter of fact is this. When I asked you for names of people who were engaged in this activity alongside Mr. Muwanga, you mentioned two names.

KAKOOZA: Yes.

MR. NAGENDA: One of them was Bidandi Ssali whom I take to be Minister of Energy currently; and the other one Mr. Kintu-Musoke, who is the Chairman of Nile Breweries amongst other things. Yes. Are you standing by your story that those people were involved in the thuggery to which Muwanga, you say, was involved or have you changed your mind?

KAKOOZA: When I came out I did not change my mind but when I was released, I met Bidandi Ssali in his office and we had a chat over the very story. He said that - he told me, in his office, in fact of the late Bakulumpagi; because Bakulumpagi was the Publicity Secretary of UPM. He was there and Bidandi Ssali was there then he talked about that story. He said, 'Okay, you wrote that story and you included our names; but actually ourselves thought those people were operating because Muwanga had some business connections with Bidandi Ssali and so on.

MR. NAGENDA: Sapoba Press.

KAKOOZA: Yes. I think, they have some connections. So, 'But for us, we were not involved.' And then he said that, 'You have seen also that, I think, he was arrested. I think, later on he was arrested also and locked up in some place.' So he said, 'Okay, those people also arrested me and locked me up.' "Although they were operating at my premises as you mentioned, but we were not directly involved in those acts." So, this information, I took him.

MR. NAGENDA: This information, may be, you realize that in March, 1980, you were saying something about, Mr. Bidandi Ssali which was not correct or not?

KAKOOZA: No, these were investigations. As a journalist it is very difficult to prove A, Z, Y, to be right. That is why you write "Reliable Sources because you are not a CID actually per se. Because when you are a CID then you talk of truth; but, if a journalist operated along the lines of looking at the truth, then nobody would publish anything.

MR. NAGENDA: Yes.

KAKOOZA: Because I do not think, things would only have that angle, that way, whereby he can report something, not necessarily it is true; but indicate that may be my sources are not correct. That is why in fact I put a ride and said that - if these people are innocent, they have committed no crime, then it is good for this country. And I said that, if they are proved that they had done these things, then let them be arrested. Which names that I was also giving the Government in power - the people of Uganda who were in charge of power - to investigate from where I had stopped.

MR. NAGENDA: Okay, because it is a very serious statement which was made seven (7) years ago and repeated today. If you put it in a weighing machine the information which you left courageous enough to publish this allegation held by the NSS so that you were able to mention these people's names - I am thinking specifically of Mr. Bidandi Ssali and Mr. Kintu-Musoke; but that on one side of the weighing machine; put back what he told you in the presence of Mr. Bakulumpagi, would you say that your earlier information which you got in March, 1980, was erroneous?

KAKOOZA: No, I do not think I would consider it that way because, if for example, that story was put in a court of law, I would not say that I did not say that Bidandi Ssali was actually training; his name was mentioned among the team and then you actually categorically say that this is not all, we have handed over this because we mentioned that we have contracted Government officials and we have given them our findings. Which means that, if they are found untrue, then these people are free; but if they are found to be true, then an action should be taken. Now during the process our work had stopped there. We had got an inkling. We said, 'Look, we are in trouble. The trouble may originate from here. Now it is up to you to find out the accuracy of the information. And the events which came about did not disprove the entire story, the fact that Bidandi Ssali and Kintu Musoke actually would not provide an additional information about them, did not prove that the story actually was untrue because what later transpired was that the plot we predicted came and the man we found out became the Chairman of the Military Commission. Now, that role - I do not say because I was - I do not know whether they played any role in the Military Commission, I do not know what role they played because I was in jail. But I would not say that I wanted to malign. No there was no intention to malign but it was in connection with this story that their names were mentioned.

When I mentioned here and there was a confusion of names, for examples; Chris Rwakasisi and Ivan Rwakasisi; we had a confusion which Rwakasisi we were talking about. Was it Ivan Rwakasisi or Chris

Rwakasisi? Eventually here the story was concerning Chris Rwakasisi but the reporter was putting the name of Ivan Rwakasisi. So Rwakasisi came - after reading the story - he came - and he said, 'No, I think, your reporter made a mistake. He was meaning Chris Rwakasisi and not Ivan Rwakasisi.' Then after explained this was corrected to say Rwakasisi Chris - not Ivan. This was corrected in good faith though Ivan Rwakasisi appeared in this story but Ivan Rwakasisi never even came to say 'I have read your story, but I think you have confused the names. Similarly but because we confused the names about Ivan Rwakasisi to bring harm to that fellow which actually now becomes a story because, instead of Ivan and Chris. We thought that the bigger part - what we call a story actually was surrounded. As the story is that where there is smoke there is fire and anyway fire came; not only smoke but even the fire came.

So, in a nutshell, I would say that these people were mentioned in the story not that we had very criminal records about them; but as we were investigating their names were being mentioned. Anyway, our man who actually was chasing these people and they were travelling in Bidandi Ssali's car, when they were going to Nairobi. We chased them up to Nairobi, anyway.

MR. NAGENDA: Which boys were travelling in Bidandi Ssali's car?

KAKOOZA: These boys were contacts of Muwanga. We mentioned them in the story and some of them are around. But they were travelling in a car which was, I think, owned by Bidandi Ssali that the meeting again with Bidandi Ssali, these things were cleared. But they had also seen and what we suffered these people also suffered what we had suffered. So mutually it was not an attempt to malign or to libel Kintu-Musoke and Bidandi Ssali. So today we think that we have gone through a terrible life. That they have all seen that our own effort - it brings out our effort. How do you get information without trying? Nobody was if they had not brought information to you and then you are to do some work; and, in the process, you have seen what has been happening to me. So you will appreciate that.

MR. NAGENDA: Perhaps, if you have a copy of the files which you handed over to the officials - if you have a copy, perhaps, you could show that copy to our Legal Counsel because it might help us in our investigations.

KAKOOZA: The files of -

MR. NAGENDA: The files which you handed over before doing your story of March, 1980.

KAKOOZA: We never retained a copy, apart from the story we wrote. The only thing that we have is this one. My office had been - the other files which we had Muwanga ordered an attack on my office which was attacked on the orders of Muwanga and it was broken into and all the property was taken in 1981 round mid-February. All the things were taken.

MR. NAGENDA: Thank you very much then.

CHAIRMAN: We have been sitting here since twenty past ten this morning. I think, we deserve a break and, I think, Mr. Kakooza also his voice may get hoarse. We shall adjourn the Session now -the inquiry until 9.30 a.m. here. Mr. Kakooza you will come back I presume to continue with your evidence.

KAKOOZA: Yes.

CHAIRMAN: Commissioners, Learned Counsel, Ladies and Gentlemen, we are sorry that we have had to wait for such a long time before we can start this morning, which we are now ready to do; this is because the Leading Counsel was not yet available, but the Assistant Leading Counsel, Mr. Tabu Jogo has now arrived. Because the nature of this Commission we are a Quasi Judicial Commission, we are an investigative Commission. So, we cannot lead the witnesses to tell us what evidence they should adduce. Evidence is presented to us by Counsel, that is why we have had to wait for the Counsel to arrive.

When we adjourned yesterday, we were hearing the evidence of Mr. Roland Kakooza who is a Commander in the NRM Secretariat. He did not finish, so we are going to continue with his evidence this morning. Counsel, that was the position.

COUNSEL: My Lord, it is unfortunate that the delay today has been on our part but it was due to reasons beyond our control, my Lord, and we apologise.

CHAIRMAN: Yes, we are ready to proceed now.

COUNSEL: Yes, my Lord. Now, yesterday you remember you told our Lordship and Commissioners that you went into hiding, where did you go in hiding?

CHAIRMAN: Sorry, counsel, if I can remind Mr.Kakooza, I think specifically the stage we reached yesterday was after he had been released from Makindye and he had gone into hiding in Matugga in a place called Kiti, and political ideas evolved then he began to put into action.

KAKOOZA: My Lord, yesterday when I was submitting, as I mentioned that during my stay at Makindye, my memory was impaired by the iron bar which was struck in the middle of my skull, so I talked in a round-about manner and I asked the honourable members to excuse me for that; because there are things which I was only hinting on and I could not really substantiate them. So, when I went back I wanted to fill some of these gaps, especially where I thought, maybe, I did not disclose enough in terms of factual evidence as to what took place there. So, I should be permitted to try to fill some blanks on a few things which I mentioned in passing yesterday, but because of lack of adequate preparation I had not laid down that but when I went back I made point especially my stay at Makindye. When we were in the bush, the CHC, by then we were

calling him the CHC - Chairman of the High Command - Mr. Yoweri Museveni, asked me to assist in the compilation of crimes of Milton Obote, an exercise which was geared to try to make a document which we would communicate to various Head of State of African, especially OAU, so that they could know our cause, they would know why we were fighting Obote's government. This exercise was given to me on Thursday, 13th October, 1983, that is when he gave me that exercise. And in a discussion, I discussed my particular part of my being detained at Makindye. So, he wanted me to write something about that in detail and fortunately some of the soldiers who were at Makindye during my detention, some of them were now with us in the bush; they had joined in the bush and one particular soldier I want to mention, who should be noted by the Commission, is now Commander Ben P. Oteng; this one should be summoned also to assist the Commission because he was actually there. He was now with us in the bush, he saw me and he knew what went on and so on. So, the Chairman of the High Command ordered me to interview him to interview then P. Oteng for the purposes of compiling that document. It was an order from CHC to P. Oteng to supply information which I required for the writing of the document which we were compiling. So, this old paper which is here is the one where I wrote that report whose substance I am going to introduce here to fill the gaps of what I referred to yesterday; but himself also I think will feel free as he felt free at that time in the bush to talk about it here openly. For example I talked about Tanzanian officers who were there, and I talked about somebody called Kenneth but actually his full names were Kenneth Kapalamase - Lieutenant Kapalamase Kenneth. This one was the Intelligence Officer - a Tanzanian Intelligence Officer attached to UNLA 4th Battalion which was in control of Makindye; another Tanzanian officer, this one his name remains unknown, but he was called Charles, he was Second in Command he was second in charge - Charles, but you can find out later on; but Charles was deputy to Kenneth Kapalamase. Now, these were in charge of the following barracks; Makindye, Lubiri, Mbuya and Bugolobi. Now, the time we were at Makindye, the Makindye barracks was under `B' Coy; `B' Company of the 14th Battalion which was under Captain Augustino Amone - that was a period between April and August 1980; he was in charge of that barracks at Makindye.

This particular Augustino Amone, from what we saw and the way he used to carry himself there, he was against general brutalities and atrocities which were being committed there; he was always -whenever these things occurred, he was always not very happy about it. He would make effort to talk to the soldiers but it seems, I think maybe it was rather out of his hand. It seemed that some things were done sometimes without his knowledge. He gave us that impression the way Army things used to happen, and when a case was reported to him he used to be positive in a sense that he would take substantive action, but apparently things were sort of out of his control. Now I would like to mention some of the names of those who were notorious at Makindye. At that time there was a man who was called private Mike, you know usually in the Army some people could go with single names `Mike' and others; and sometimes pseudo names-and like that. But this one was

Private Mike who was in charge of the armoury. On one occasion this man came to the jail, pulled out a person one of the detainees there, I think at that time and in a frenzy he shot him in the arm; then he began beating him and eventually he was returned but with a bullet wound. On that day Private Mike was drunk. Then another one was the RCM, Max Oyak; RCM means Regimental Sergeant Major.

CHAIRMAN: Commander, although we are civilians, I think this word is`RSM' but not `RCM'.

KAKOOZA: Yes, RSM - Regimental Sergeant Major - because I am also a freedom fighter. Max Oyak; then there was 2nd Lieutenant Oryema - Felix, 2nd in charge Commander of 'B' Coy - he was deputy of Augustino but he was a 2nd Lieutenant, Oryema Felix.

CHAIRMAN: 'C'. Coy or 'B'. Coy?

KAKOOZA: All these are B. Coy, because at Makindye - these are the names of those people, actually, who used to organise and kill people; who were responsible for deaths of many people in that period when we were there. Then Warrant Officer 11 Ocaya; then Warrant Officer II Bosco Omige; then there was another one whose numbers were UA 3692, Justo Okot, a sergeant; the sixth one was Sergeant Anywar who was in charge of support platoon skilled under 'B' Coy; the seventh was Staff Sergeant Odra, he was formally Odwar; the little we knew about him is that he belonged to the Uganda Army - he was formerly in the Uganda Army and he exiled to Tanzania, and I think he was an athlete and he used to do some athletics and so on; that is the little we knew about him. The eighth was Warrant Officer Lukwiya and nine, Sergeant Bosco Otim, the little we knew about him is that he was a thief and a murderer, he was taking opium and a habitual drunkard. He was once dismissed from the Army officially, but again he was admitted when Binaisa's government was overthrown! But he had been dismissed from the Army before, but when Binaisa's government was overthrown he was readmitted, tenth is this is the soldier I talked of yesterday, Ephraim Kamugisha, who was actually in charge of a quarter-guard cell. The little we knew about his behaviour, he was corrupt and he was supposed to spy on detainees, that was one other additional work. He used to collect money from people who used to çome to see prisoners -you could give him money and then he could allow one of your relatives to come and see you. My wife will tell you how Ephraim Kamugisha died, because Kamugisha died at Bombo when my wife was there in 1985. So, during her testimony she will tell how Kamugisha died.

COMMISSIONER: Did you know his rank?

KAKOOZA: His rank was not very clear to us, but he was in charge of the quarter-guard cells. So, we never made sure of his actual rank, but he was in charge of the cells at makindye. Now the eleventh, this one was an RP Okello. This Okello we called him the flogger, the little we knew about him is that he attended a British Overseas training course which he failed, and on his return he was made a Sergeant of the Uganda Army.

He murdered a big number of the prisoners at Makindye, and his uniport was just opposite the cells. He would wake up in the morning in a pyjamas and then summon all detainees and would beat them flog - that was his work actually, flogging, beating and so on. His uniport actually, was opposite the cells; there was no work for him other than waking up, call out the detainees and then beat till, I think, he got tired or until he passed out. This very man at one time he was a subject of preaching at Namirembe Cathedral Church when some soldiers had gone to attend services. So, one preacher there, actually, preached on this man Okello; but for us we call him Okello the flogger.

COMMISSIONER: What does the RP mean?

KAKOOZA: Regimental police; he was in charge RP - people who discipline other soldiers within the barracks. There is one Warrant Officer II, Ocaya, whom I would like to talk about; I think I mentioned him, that was number three if you look at the list. I would like to talk about one incident about that particular Warrant Officer II Ocaya. He was a UA and dismissed for having raped a wife of his fellow soldier in 1968. After liberation, that is 1979, he rejoined the Army as Warrant Officer II; he was taken to course at Jinja and he escaped; he was demoted to the rank of Sergeant and he was told to come to headquarters to surrender his rank, that is of the Warrant Officer II - he was told to go and surrender his rank. Contrary -

KAKWENZIRE: What was the source of the information as regards Mr. Ocaya's life?

KAKOOZA: It is part of a document I got when I was compiling the crimes of Obote; but a soldier whom I mentioned in mind was Commander Ben P. Oteng.

KAKWENZIRE: He is the one who told you this?

KAKOOZA: Yes, because he was there, he was part of him and he is now part of us.

COUNSEL: So, he is actually the source but not that document?

KAKOOZA: Yes, he is the source. Of course, when we were compiling this, I was a detainee there - when we were compiling this, I knew the people and I could identify the people, but I did not know their names and their background. So, he could help me to supply the background to these people. So, after there was a joint effort to compile a background, because I knew what they were doing there, but some cases I have not known their names that this one is so and so; - it was that all the time when we were there. As I mentioned he can himself be called here assist the Commission.

KAKWENZIRE: But can we take it that some of the things you are telling us are your impression, not all of what you are saying is for P. Oteng's.

KAKOOZA: It was a joint effort, because I was the one who was supposed write the document, assisted by Commander Otim's words ordered by the CHC, for he was there. So, what I am writing here is what actually he gave

me, plus what we gathered around, as you said he had got to stay there for a period so that we gathered on those people. We observed we were subject of their actions, but sometimes we did not know because when you are inside you may not know what happened outside, so P. Oteng here will become very useful. So, in terms of interrogating my story, then that is why I was referring to this man who can be summoned here.

DR. MAKUBUYA: This fellow surrendered his rank?

KAKOOZA: Can I proceed?

COUNSEL: Yes.

KAKOOZA: Now, he was demoted to Sergeant and referred to surrender his rank. Contrary to normal procedure, when he was demoted, actually, he would have now joined, having been dismissed from the Army in 1968, actually he would have now joined as a private; but you can see that he joined there as Warrant Officer II, he never surrendered his rank and he continued to go around - you know, this was not enforced his rank and he continued to Warrant Officer II, but actually he would have been demoted to Sergeant. Now, you will recall that I mentioned yesterday the Natete massacre - a massacre which took place two days before the return of Obote, this fellow Ocaya was involved in the Natete massacre on the lst or 2nd day just before Obote returned. What happened -and here I am reporting the story as given to me by Commander P. Oteng. That bullets were fired by Ocaya and the escort of the RSM whose name I have mentioned as Max Oyak. Now, when they fired bullets at Natete, that is a day or two before the return of Obote, this one organised a theft at Natete. He stole a car called Honda Civic, blue in colour and having fired the bullets and so on at Natete, he grabbed a car, a Honda Civic blue in colour. The owner of the car was Principle Officer in the Ministry of Information and Broadcasting at that time; I did not get the name, but I think you can find out. He went with a car to the home of this Principal Officer and stole there a radio cassette and a few other house hold property which fitted into the car; and afterwards he went back to the barracks. But that very car later on was seen being driven by Bazilio Olara Okello. In fact, when we were at Makindye, Bazilio Olara Okello was driving that Honda car which Ocaya had grabbed from I think, its owner at Natete. Eventually the car disappeared without trace. This is what I could gather on Ocaya.

Now, I mentioned yesterday something about the Bus called *'Mpaawo atalikaaba'*. Now,*"Mpaawo atalikaaba,"* unfortunately I could not get the numbers, but this bus was notorious at that time. It was supposed to patrol especially on the day Obote was supposed to come back here; it was detailed to patrol around Kibuye, Clock Tower, Najjanankumbi, Namasuba, Ndeeba, Natete and Busega, it was supposed to be on patrol; but before and during and after this Bus was very much known, and whenever it was seen by the civilians, they would know that it has come to take people either to be killed or detained. So, among many names they call this Bus, one was the one I mentioned yesterday called *'Mpaawo atalikaaba'*, but other names were there also. Others called it

'Nsanga bisibe' and others called it `Ssekiriba kya ttaka.'

COUNSEL: Would you translate these names please?

KAKOOZA: *"Nsanga bisibe"*, literally means that you find things which are already tied and then you take; but in recalling my Luganda lessons one authority in Luganda wanted to translate the word `lorry' to mean *"Nsanga bisibe."* This was Michael Nsimbi; when he was trying to translate the word 'lorry' in Luganda, I remember he called it *'Nsanga bisibe*; but for them, the *wanainchi*, I think, were meaning that this was a lorry to carry those who were going to be locked and so on; so, they called it *"Nsanga bisibe"*. Then *'Ssekiriba kya ttaka'* is a Luganda word meaning that this ground where everybody is buried is a skin; that all of us will be wearing that last skin, the skin made up of soil. So, they were describing this Bus as a Bus of death, that whoever goes there is to be killed. So, they described that Bus by three names, one *"Nsanga bisibe"*, *"Mpaawo atalikaaba"*, which I explained yesterday, and *"Ssekiriba kya ttaka"*, all trying to show that that particular Bus was very notorious of carrying people who were supposed to be either killed or detained. Now, I want to provide the names of those who were driving this bus, one of them was called Samburiya, another one Bukenya then another one who went on with a name called *Sina makosa,* but actually his name was Nkambwe and he used to go around calling himself Sina makosa. The little we gathered on the actual massacre at Natete, and during that time or the time when Obote was coming back here. Seventeen people were massacred in that thing at Natete.

CHAIRMAN: What date was this?

KAKOOZA: The month of May, 1980.

CHAIRMAN: Yes, what date?

KAKOOZA: I cannot recall but we can find out; that incident is very much known - the Natete massacre - I think some other people can also assist on the date, but I do not have it here.

MR. NAGENDA: Did you say seventy or seventeen?

KAKOOZA: Seventeen people; two were shot separately and the 15 were removed from a neighbouring bar where they were drinking and they were shot in the compound of Police Station at Natete, so that was the number. Two were shot separately but the other 15 were collected from the bar at Natete and taken to the Police Station there and were shot in the compound.

KAKWENZIRE: Did the source tell you the cause?

KAKOOZA: No we never knew the cause; people were killed and it was very difficult to ask questions. Now, yesterday I talked of how the killings were going on in these barracks, especially, those which I mentioned like Lubiri, Makindye, Bugolobi and so on. Actually, there was some

confusion; it seems there was the official Army which was sticking to its normal duties, and then a murder squad these were started after Binaisa had been removed from power. There were private murder squads within the UNLA, and these murder squads were reporting to some people. So, that is why we would see confusion when some people are killed, and maybe, if they are killed by the order, maybe, of the in charge of the barracks, when actually it is not. There were orders which were always coming from above, and I think you will recall yesterday I mentioned that when we were removed from the bigger group of detainees and we were going to be killed, the man was reading on a chit and our names were on a chit, and after shooting Captain Magala, me already I was down with my iron bar, so something scared them and they ran away, and then they returned at night to collect the bodies; and I mentioned that that phase my friend Namakajjo will fill in when he is called to testify, because here he was conscious and myself I was actually non conscious. So, these murder squads which had started they were operating within the actual official Army; they were there to eliminate certain people they used to go around these barracks and kill people according to their wishes. Now, around September, 1980.

MR. NAGENDA: Sorry, before you go on Commander, these murder squads which were ordered from the above, do you have the names of the people who ordered them; or can we assume that these are some of the names you mentioned yesterday?

KAKOOZA: I think I do not have the names.

CHAIRMAN: Commissioner, I think we should not assume anything!

MR. NAGENDA: Okay, I am not assuming, can you please tell us whether - (Inaudible).

KAKOOZA: I did not know the names of the people who were sending these people. What was commonly known at that time was that orders were coming from Nile Mansion on whatever was happening; people who used to interrogate us used to come from Nile Mansion, so we did not know the particular names of people who were giving orders at Nile Mansion; but these were orders coming from Nile Mansion; and whenever there was something to report it would be reported to Nile Mansion; but the ones I have mentioned there -

COUNSEL: Do you think people who were in Nile Mansion knew about these killings?

KAKOOZA: I think they were aware.

CHAIRMAN: Counsel, could you ask him whether he knew, but not whether he thought.

COUNSEL: Yes, I am asking him.

CHAIRMAN: Yes, but there is a difference.

COUNSEL: Yes, I am asking you whether you knew whether the people in Nile Mansions were aware of these atrocities?

KAKOOZA: I do not know whether they were aware.

COUNSEL: Were these atrocities published in newspapers which these people ought to have received?

KAKOOZA: Yes, they were; this particular massacre, for example, was published. If you come around certain archives of certain newspapers you will find that this particular case of Natete was much covered by the Press in Uganda. So, I presume that they might have read this, but I do not know actually whether -(Interruption).

MR. NAGENDA: Commander, when you say that these orders came from above, they did not come from the Army itself, and then you say that they came from Nile Mansions; the Nile Mansions held a whole range of people, some of them Corporals and some higher up, and some of whose names have come here; Nile Mansions also held very highly up people, so for me I am not still satisfied by your answer. Do you mean to say that the orders came from Nile Mansions or that the orders came from people high up in government?

KAKOOZA: Here I am expressing my personal opinion from what we gathered, that people detained were always detained by orders of certain people, some of them were there on orders of Paulo Muwanga and Oyite-Ojok; Captain Magala who was killed was detained there on orders of Oyite-Ojok! So, these are cases I know. So, if we work along my own example and that of Magala, because he talked to me before he died, then we assume that they were from - Oyite-Ojok was among the high ranking officers.

MR. NAGENDA: But just because these people asked you to be detained in Makindye it does not follow necessarily that they also ordered your demise!

KAKOOZA: This I cannot say; that is why I have mentioned these particular people whose names are here; if they are called here they can account for what they were doing; on whose orders they were acting.

KAKWENZIRE: When you say Oyite-Ojok and Muwanga are you saying a government or these people picked you in their personal capacity?

KAKOOZA: I think first of all I should consider them in their official capacity, but again there is some element of personal interest. I was arrested by soldiers belonging to the National Army, I was taken in a Land Rover which was owned by the State; I was interned in a place officially gazetted as a government owned place or barracks. So, in this case they were acting in their official capacities to arrest me; but again you might find another personal element, for example, later on Muwanga sued me in his personal capacity over certain things I published about him. So, I think there is a problem here of trying to distinguish when is an officer in government doing a thing on his own personal capacity or doing it as an agent of the State. So, I think in this case they were doing in their

capacity as officers of the government. But as I have mentioned, at that time there was a lot of chaos, you see, many political interests were at conflicts at that time, so you cannot here seriously say that at this particular time so and so was acting in government capacity or at this time acting in a personal capacity, because people were pursuing their own interest. Now, around September, 1980, seven people including Captain Rwabureeba were picked from International Hotel by the following people; Ephraim Kamugisha, the one I have mentioned who was in charge of the cells, then Okello, the flogger, and another done called Sulaiman Nyamugasira; those are the people who arrested Captain Rwabureba and seven others -

MR. NAGENDA: And six others?

KAKOOZA: Yes, six others. This case of Captain Rwabureba started when there was a brawl, they were quarrelling at International Hotel. They were drinking there and they started a brawl, so these people, I think, got annoyed and arrested Rwabureba and other six people. They took them to some place and shot them, including Captain Rwabureba. The bodies were taken-to-Makindye and put in a cell for a full-day, they were kept there in the cell. Around six p.m. a Land Rover came at the gate of the cell and these bodies were put on the Land Rover. This exercise was supervised by an RP, a Sergeant whom I cannot recall his name, but he was in charge of MPs, Military Police, which is Askaris supervising discipline in the Army. That very fellow who was in charge of those at that time, he was RP Sergeant who was in charge of the RPs at Makindye quarter-guard, and Cadet Officer Ocaya from Bugolobi 'D' Coy. These are the people who supervised the loading of seven bodies on the Land Rover. Later another Land Rover which carried RSM Max Oyak, I think I referred to Max Oyak sometime in the list; this was RSM. He was sitting in his own Land Rover, he led in his Land Rover, and this Land Rover which was containing seven bodies followed the other Land Rover and they came up to Kibuye round about. But as they were taking the Entebbe Road, the Land Rover which contained the bodies collided with a mini car, and the Land Rover which contained these bodies overturned. The bodies fell out and got scattered all over that place at Kibuye; people came out to see what had fallen out and these were the bodies! This Cadet Officer, Ocaya, was severely hurt and was whisked away - we do not know which hospital he was taken, but the informer informed us that the was, actually, severely hurt. Also yesterday, I talked about a man called Onyango and I never gave the second name. I think the Chairman asked me his second name. His second name was Stephen Onyango. This was the man who actually led the people who arrested me at Kimathi Avenue.

MR. NAGENDA: Can you spell that?

KAKOOZA: 0-N-Y-A-N-G-O. The man who used to come from the Nile Mansions to interrogate me was Tom Ongom. And these are few things actually which I thought I should fill in the blanks.

COUNSEL: Still you went to your place which you called Katabulengwa?

KAKOOZA: Kabunyati.

COUNSEL: Kabunyati, yes.

KAKOOZA: I think here, let us talk about why other than and how. This, I do not know what -

CHAIRMAN: No, the causes. Talk about both.

KAKOOZA: I talk about both?

CHAIRMAN: Yes.

KAKOOZA: Okay. When you read my statement which I published in my Economy especially when I quoted one Kenyan writer that but not only once there were several occasions the insecurity which was in this country was making me actually fed up and many people I used to talk to also saw that we were really helpless.

CHAIRMAN: Let us put this in the context, the period; this was in October 1980 when you were released?

KAKOOZA: Yes. But I am talking now of the why because you said that I should talk about both which means that the why would involve a span of one year that is 1980. The killings which had been reported in the press and the newspapers which I was writing, my own experience when I was put in jail - Makindye and so on, what I saw in Makindye and so on and then even if when I was released, still this was an abated. So a process of thinking was going in my mind but I mentioned also yesterday that we used to talk in jail with a few people there like Sam Njuba, John Kizito, another Kulubya came there and a few others who were a little bit articulate over politics of Uganda. We used to talk about this. But what emerged there was that some people were holding the rest of this nation at ransom. They were having a gun, they were using it to suppress people, not only suppressing them but 'kill them.' There was no way innocent people could reply. So that is why when my friend Njuba was talking about deserting DP and entering UPM, me I told him that parties or no parties the problems in Uganda were, at that time as we were there - I told him frankly that we are cowards. Why are we here? Why are we behind these bars? You see the other man there is holding a gun and you will not move whether you are in which party but you cannot leave that Quarter-guard. Because we are here; there is no case which has been charged against us. We are here because of the gun. And then I mentioned when this Kamugisha was telling me to push faeces with my own hands in the cistern tank to humiliate me so that may be it was wrong for me to go to school, he showed me a gun and I said that no, the man was in a very ironical way, it was an irony but it actually touched me, when he told me that his degree was the gun and I was undergoing all that process of torture because of the gun he was holding. So when I emerged from that and I was nursing my wounds at Kiti where I was hiding, the whole idea of taking arms, to

start a struggle against what I saw as my idea was not very clear as such but I saw something evil in Uganda. Of course, I knew that was passing but to me I realized that this was evil. Somebody was to fight somehow and it meant that somebody had to sacrifice his own life and face it. So I started to think along the lines of taking up arms against the regime.

Well, I used to discuss these things somehow with my wife but my wife is not as articulate over this matter as I am but I used to talk to her because it did affect her. I said, look, what do I do now, I either run from this country and avoid; and may be save my soul or do something. That was the kind of proposition I gave to my wife. I think the only thing to do is to run or else do something otherwise I could not stay in Uganda. I saw that I would be killed also like other humans who had been killed. So I talked to my wife and persuaded her that the most reasonable thing for me is to see how we can begin to fight. Of course there had been some talks of some people trying to put up some kind of struggle; armed struggle but these were not very clear. So I said okay I will start my own; I took it alone and left everything to God. I said that let me try. So I worked out a plan that I should go to the bush. I would not leave Uganda, I would go somewhere and hide and then try to start an armed struggle. Now, saying these things here on a microphone sounds very easy but they were not very easy that time; when I talk about starting a struggle. It meant recruiting people, it meant getting guns, it meant getting bullets, it meant getting grounds for fighting and so on. These things were not very easy. They did not come automatic as I talk them today, because now they seen to be just history, but now they are just painful experiences. So in my attempt to find a suitable place, I got a friend. I think I should not mention his name but I got a friend, he is still alive and he assisted me first of all to go to Bulemezi. I had never been to Bulemezi as such; Bulemezi country side. I had never been there. I am born at Singo county along Mityana road. That is where our tradition home is. So this Bulemezi was new to me. I did not know it but I thought I should get some place to start something. So this man asked me to go to Bulemezi which he knew very well and we ended up in a place at Kabunata, just on the border between Buruli and the old Bulemezi along River Sezibwa which separates Bugerere from Bulemezi. Then I began trying to recruit people. It was not very easy. I remember when I was trying to recruit at Bwaise there, a man called Bisase who was a Chairman of UPC because it was not official he was right to chase me and it took me about a year trying to get a few people, to start something there. So this is a long story. There were no human rights abrogated there in that phase. But my going to the bush I decided on my own accord, nobody told me to go to the bush and when I decided it, I decided with my wife to go to the bush alone. But going to the bush, I decided on my own accord, nobody told me to go to the bush. And when I started it, I started it with my rights to go to the bush alone. I said okay, either I go into exile or fight. I chose to fight instead of going to exile.

CHAIRMAN: Yes, let us make some progress still on that.

KAKOOZA: So I continued as we carried on to arrange this struggle and so on I used

to come to certain areas and then go back but around February 1981, I heard that Obote had come into power and Muwanga was Vice-President and Minister of Defence. So he had filed a case against me in the High Court on some matter - not on this one, on the treason, and I wonder why he sued me on a very small case on what we published in my sister Luganda Newspaper called Mulengera. There was an article we wrote there on Muwanga when he had been removed from Internal Affairs and given the Ministry of Labour. So he had sued me now. He had followed a case that I had slandered him and libelled him in that article and he filed a case. I was already in the bush. So, I purposely drove to Kyebando where our home was and discussed this with my wife whether actually I should go and defend or not. She advised me not to go because I had suffered enough in jail and by going to High Court, what would I be proving? But I considered it otherwise. All along, in 1980, I was publishing these newspapers and the headlines there do not, as I said yesterday, do not actually show a different spirit from mere writing, from mere realistic kind of work. We were writing a struggle trying to change a system so that we thought by writing like that we perhaps influence the system. And many being people were reading my newspapers. People used to flock on the verandah and buy the Economy. How since Economy was in the court, it was now being challenged. I thought it was an act of honour to go and defend what I had published; that if I refused to appear in the court as I was required, I think I would let down my readers. They would think that when I was writing - I was not very serious. So I decided to leave my camp at Kabunyata and come. I put on my suit and came and met Muwanga at High Court. Muwanga came in person; he appeared in court. Troops surrounded the High Court, soldiers all over the place, communication equipment was there. He was actually the Vice-President and Minister of Defence. In this case, apart from myself, there was Samson Kisekka now the Prime Minister of Uganda. He was my co-defendant. We were charged together, Muwanga was charging us together - myself and Samson Kisekka.

CHAIRMAN: Sorry, when you say charge, was it criminal charge?

KAKOOZA: No, it was - my words - (Interruption)

CHAIRMAN: You were sued I think.

KAKOOZA: Sued I think. It was not criminal. It was libel. Muwanga was suing us in his private capacity of libel, of the things I published. Samson Kisekka was not in because he was by then Director of Maransa, a printer owned by the Seventh Day Adventists, and they thought that since he was an official of that company, he should come and answer on behalf of the printer. So I had the counsel of Katende and Sempebwa who were advising me and Nsereko and Katende and Greg on the side of Muwanga. Justice Ntagwoba was in the chair and he presided over the case. The case dragged on for two weeks and a verdict was returned when we had won. The case was dismissed and I have the newspapers here in Munno and Taifa actually saying that '*Omusango gwa Muwanga gugobedwa*'. And he was asked to compensate me which he never did.

He was asked by the court to compensate me but he never did but a week later, he deployed troops to come at Kimathi Avenue - my office is opposite Uganda Airlines - used to be opposite Uganda Airlines and he broke into my offices and took everything. That is how he compensated me. Instead of paying me as the court had ordered him, he deployed troops. They laid an ambush all over the place and broke into my office.

They took all the typewriters which were there, they teleprinted the cameras, all these were taken and the office was given I think to some other people. So that was the end of the affair of Muwanga's case. But this verdict when it was turned in my favour. I was very happy because I thought that I had done one thing, I had defended what I had published. Secondly, when I was defending, a question arose as to human rights. If the archives of Uganda Times at that time reported my defence and the key word there was that I was accusing Muwanga of actually transgressing human rights in Uganda. I took occasion to accuse him there point blank what he was doing so that much as I was here I shall continue to accuse him of that. So after winning the case, I went back to the bush and carried on with the struggle until we came back. But during my period in Bulemezi - I would like to talk about my experience there - I continued to witness the violation of human rights and the killing of innocent people. For example, during our struggle when we were traversing the plains of Luwero, we came here at Kakogo sub-county on the village called Ngaju and there was a farm there called Kaya's farm owned by a man called Kaya. This particular place, Kaya's place, we saw it in 1983 around November 1983. That is when we came across this place. Here we found that it was a dumping ground of Ugandans killed. We found various heaps of dead bodies. We first of all met one heap of skulls, all the skulls were mutilated. Then we moved and saw another or two heaps of dead bodies. We decided to count one of those. And we counted 169 skulls one heap. Then we continued and found another three heaps. The victims continued and found another three heaps. The victims were lying with their faces up and that was one heap. The second heap their faces were facing down. I am talking of heaps because they were very many. The second heap, we found that the victims were still in their clothes. And the third, we found another heap and those were burnt, they were really burnt up. So we continued and found other dead bodies. These dead bodies I think may have been dropped a day or two before we arrived at that scene. They were really in their shorts. I think the ages of these people ranged between 15 to 50 years. Some were dressed in suits, very clean suits, some even smelt some perfume, some kind of perfume as if they had been on a party. We could hear in a strange place like Luwero where we were, we could hear a smell of some people who had been attending a function, some kind of a party. So they were really people maybe who were picked from a wedding party or some function which necessitated the wearing of good clothes.

KAKWENZIRE: Yes, can I interrupt you? Did you take any photographs on that scene?

KAKOOZA: We have a film of this. This one, with the permission of the army, I

think they will be made available to you. But we made a film on that scene. We actually filmed.

CHAIRMAN: Sometimes I watch UTV and on a few occasions, I have seen this screened on TV where we are free to hear what appear to be things you are talking about. May be Commissioners may have seen it also. I certainly have.

COMMISSIONER: I have also seen it.

KAKOOZA: Not only did we see it ourselves but when we captured some members of the Red Cross, we made it a point to take one official of Red Cross. He was taken there and also took photographs of this and took it to France.

CHAIRMAN: To complete the information, Commissioners have also visited this place.

KAKWENZIRE: May be to say what I wanted I have also seen the film. I wondered whether you could assist us to secure it as evidence, tendered in as exhibit.

KAKOOZA: Yes, I think as I said with the permission of the army Commander, this can be done. Then we moved on and found another heap of bodies but these were very funny. They were laid in a cris-cross form. They put two bodies and then laid other two bodies in a cris-cross form just like that and then they were burnt. Below that we noticed that under that particular heap which was put in a cris-cross there were remains of the shirts, of the trousers, some very expensive shoes buttons which are really expensive which meant that these people who had been burnt there were actually important people in the sense of their wearing.

COUNSEL: Wanainchi do not wear buttons.

KAKOOZA: These were special buttons; not these ones which show a kind of - (interjection). Okay, whatever it was. These ones which show rank and importance. We noticed that these people, I think were very important kind of citizens and the dumping actually continued for along, long time in that place. Luwero had become a disturbed area but again the way the UNLA acted, I thought that as an army - because there is a difference between an army as an organized institution. It is an organized institution, they are organized and when they come to operate, they operate according to certain rules. So, I remember one case when they came to attack and to look for *"bayekera"* and they found *Mzee* Nyonyintono who was an old man of about 70 years on a village called Kabale. It is a known place there. After Kabunyata, it is about two miles. This *Mzee* was sharpening his panga on a stone and then I think - just early in the morning. He was sharpening a panga - and then these people arrived. They asked him where are the guerrillas as usual. The guerrillas were not there. So they got hold of the panga he was sharpening and cut off his head. And that was the end of *Mzee* Nyonyintono, then they went around captured chickens, one goat was

caught and it was taken. That is how they were fighting.

COUNSEL: How did you know about this? Nyonyintono's business, how did you come to know?

KAKOOZA: He was in a neighbourhood parish where our camp was. It was about three or four villages from Nyonyintono's home. After killing him, we came actually. We did attend the burial of Nyonyintono.

COUNSEL: How did you know that the death was caused in the way you described?

KAKOOZA: When we were operating in Luwero, we had certain committees which were set up in these areas to assist us in our work. One of the people who was staying with Nyonyintono was a young man about age of 17. He was a son of Nyonyintono. After his father had been killed, this young man went to report to the brother of Nyonyintono who was hiding in the forest with us. So, after getting this report, then we came because the rest of some of these people had gone. Then with me and the brother of Nyonyintono and the other boy, we came back to the home and found this body of Nyonyintono who had been killed.

CHAIRMAN: You got information from ...

KAKOOZA: The young - the actual killing.

CHAIRMAN: From the son?

KAKOOZA: Yes. From the son of Nyonyintono who reported to the brother who was in hiding with us in the forest. So we came back and found the body hacked with a panga which was there.

MR. NAGENDA: Commander just before you go on, you said we came. It is my pleasure to ask you the name of your organisation because you said you had started your own thing at this place and I am now wondering whether you were still fighting on your own or part of NRA, UFM or whatever. So could you please tell us who `we' means?

KAKOOZA: At that time between 1981 and 1983, we were called Uganda Vumbula Armed Forces.

COUNSEL: "Vumbula" meaning discovery?

KAKOOZA: Discovery.

COUNSEL: Yes, Vumbula - *V-V-U-M-B-U-L-A.*

KAKOOZA: So we were called Uganda *Vumbula* Armed Forces. *Vvumbula* Armed Forces. *Vvumbula* is double V.

MR. NAGENDA: This was not part of other organisations at that stage?

KAKOOZA: No, it was not. It was our own movement but which eventually merged

with NRA.

MR. NAGENDA: In 1983?

KAKOOZA: 1983.

MR. NAGENDA: I do not think you can do any military mystery to ask you about how many you were because the particular war is over.

KAKOOZA: This I think is not - I know that it is meaningful here. We can discuss that later outside but not here.

MR. NAGENDA: No, I tell you why I have asked this question and actually I am going to insist on an answer, Commander because we are trying to build up a picture of what was happening. I have to admit that to me, this is the first time I have heard of "*Vvumbula*." So I just want to put your armed forces in perspective with what was going on and later on, in fact I shall ask you about some of your operations. But please, could you tell me about how many you were roughly?

KAKOOZA: We were really very many; over 1,000 plus, you could not say the exact number. There were some who were staying in barracks the so called camps and then we had a network of militia who were operating all over the place, then add on our contacts informers and so on. The strength was over 1,000 plus.

MR. NAGENDA: Can we take it that - Oh! no, I should not take it at all - but were you the commander-in-chief of this organisation?

KAKOOZA: No I was not the Commander in-Chief. We had another commander-in-chief. Our commanding officer at that time was Commander Terulaga but I was the head tactical to headquarters of Vvumbula.

MR. NAGENDA: Can I take it - perhaps I should have waited until the end but I just want to get this thing before we move on. Can I take it that you had had an opportunity to be trained yourself?

KAKOOZA: Not that way. That is what I said that I had never gone to any formal military training in any place. During my early years, one, I had got training in scouting. We had that type of idea and I was part of the boys' brigade and also were being taught to match and so on. But the actual fighting I taught myself how to fight and I read books on how to fight and then I put that in action. Because there were military science books and revolutionary warfare. For example, I read the Nkrumah book; a Revolutionary warfare by Nkrumah helped me a lot in organising an armed struggle. I read a few things about Mao Tse Tung, people's war and how they fought in China, I read the struggles in Vietnam - how the Vietcong struggled against the Americans. So that is how we learnt, plus the actual practice of learning how these things work. In actual fact I am self taught.

MR. NAGENDA: And how did you come by your equipment which you had to use in this

fighting.

KAKOOZA: First it was not very easy. I remember my first time going, I went with a shotgun which was lent to me by a friend. That friend of mine I will not mention his names here but he is still alive. He lent me that shotgun with 80 rounds and these ones I went with to begin training a few people.

COMMISSIONER: Did he teach you?

KAKOOZA: Of course I had my own ideas about a gun. So the actual idea of shooting a shotgun was not new to me. I had known a gun. Particularly I took this shotgun to use in training of my people. To first introduce the idea of a gun; that was one thing. You remember these wars of wanainchi, some of them had never seen a gun and if they had ever seen a gun, they had never heard the sound of a gun. So these were problems which - first of all to fire a bullet so that one can stand there and say a bullet has come from a magazine of a gun was an experience. So I took this and had to begin with that. Then when we had learnt tactics and so on, then we decided to attack some weak points like the police station and Gombolola.

MR. NAGENDA: Using this one shotgun?

KAKOOZA: Well, we get some others somewhere.

MR. NAGENDA: Excuse me, what is being handed over to you by the way? I do not understand.

KAKOOZA: He is A.D.C. by the way. He is supposed, as I mentioned yesterday, to assist me to get my ideas right whenever they were bad.

MR. NAGENDA: He was with you at this time?

KAKOOZA: What do you mean, yesterday?

MR. NAGENDA: No, I mean at the time you are talking about.

KAKOOZA: Yes. So after getting a few guns - we actually bought some guns. We had to buy some guns. Some people could come and say, I am selling a gun. He calls you somewhere and you buy it 4,000/-. Then we could look for bullets to be used in these guns. This was also another problem. You get a gun but no bullets. Then you make plans to get bullets which fit into them. Next day you get an SMG, but you have no bullets, you have that G.3 you have no bullets; then you have a new gun and then you start to look for its markings to replace. But in fact we could get bullets from various resources but still buying. Some good people who knew our cause but who were inside UNLA sometimes could send privately though and they could send to us. But around 1982 actually we started attacking some police stations for the purpose of getting these weapons and we knew that the strength of resistance at Gombololas and Sazas were not very strong. Thereafter that we could

go to police stations and then we were in position now to lay ambush, to attack any military vehicles which were really moving and that is a bigger feat than attacking a gombolola. We could attack a moving military vehicle and if you are lucky enough you get one or two guns and some grenades and then you go. Continue like that. So we built our force by those methods. We did not get weapons from everywhere but what we thought was theoretically to get arms from the enemy and arm ourselves that each gun we get from the enemy makes us stronger; until we get all guns from him, then we will be stronger and he will be weakened. That was our aim.

MR. NAGENDA: Were you well organised enough not to attack the people who were fighting the enemy or did you have skirmishes with other people who were trying to fight the then government?

KAKOOZA: No, we did not have that misfortune because we were in contact. For example, we had contacts with NRA before actually we were absorbed in. So we had that contact. Until very recently, until 1985, that is when I personally got into contact with another organisation; that was FEDEMU at Gita but still we had some pursuers to communicate. So, we know each other we could know that this is NRA, this is FEDEMU. So, I did not suffer that.

COUNSEL: Okay, continue with what evidence you have on the violation of human rights where you were, at Kabunyata.

KAKOOZA: I did not tell the operation we were mounting. I think the conduct of war - the conditions in which certain cases of violation of human rights were registered, I remember they could come and collect people from a village, round them up, they had established certain camps where they were taking these people and keeping them. These people were forced to come into the camps. They were captured and forced to come and stay in the camps in Luwero. Later on, these very people would be told to lead the UNLA to look for the guerrillas actually under compulsion. They were brought to the villages and they were being used as cannon folder, they were sent ahead so that when we open fire, we kill the civilians. Me I think this was one other instance of murder. Actually it was murder because I do not think that it is sensible for an organized Army, a State Army to use these people like that under compulsion to bring them on battle field! They are forced to come to look for us and they are brought and used as cannon feeder, they are shot at so that these people can escape.

CHAIRMAN: Did this actually happen did it take place?

KAKOOZA: Yes, several times, several times. They would tie people on ropes and bring them to show them where guerilla camps were but they were brought under compulsion. It was not their own wish.

CHAIRMAN: And they were killed here?

KAKOOZA: Yes, because in this exchange, they get killed. This happened. I

thought this was not a very good way of fighting insurgence in the country by getting wanainchi who are innocent and use them as cannon folder. Then within these camps - I did not stay in these camps but - sorry, I think I should remember the Chairman's caution that I should not speak opinions. Because some people used to escape from these camps which were scattered all over Luwero and there were some who were being starved to death so that they could talk where the guerillas are. They would be tied and starved.

KAKWENZIRE: Excuse me, could you tell us more about these camps: Who were taken to these camps? Men and women?

KAKOOZA: Yes all of them. In fact eventually, these are the camps which were serviced by Red Cross after complaints I think Red Cross intervened and began to bring something to them. But originally, there were camps managed by the Government and they were supposed to capture people and bring them into these camps and then use them to go and look for guerillas; children, women, they were there.

COUNSEL: Did you know some of these camps? Did you come to know about the number of these camps? Could you name some?

KAKOOZA: One was at Katikamu, Kapeeka, there was also a camp there. We have some documents where these camps are but at least Kapeeka and Katikamu were actually very notorious.

KAKOOZA: I have some documents where I kept all these things. Later on, I will be looking at them and then give you these camps; but I know them. I think I wanted to stop here the actual information human rights during the war and then perhaps -

COUNSEL: Now, having told us the causes, having told us about your experience of violations. Do you have any idea as to how these things may be stopped so that in future we do not have violation of human rights in Uganda, recurrence of violation of human rights?

KAKOOZA: I think - if I may be permitted to think I have not discussed the cause. I have just given the instances - I have been trying since yesterday, to give instances of these. So, if you want me to discuss the causes, as well giving the incidences I have quoted, then I will begin. Now the major question which is paused is that what has been the cause of this widespread - (Interruption).

CHAIRMAN: Mr. Kakooza, sorry to interrupt. That seems to be another chapter. We would like to have a break at this stage. I think when we resume, you can start on the causes as you know them. We shall have a break for 30 minutes and resume here at one o'clock this afternoon. It is 12.30 now.

CHAIRMAN: Commissioners, learned Counsels, Ladies and Gentlemen, we are ready to resume now the inquiry from the break. Now, Commander Kakooza, when we stopped for the break earlier this afternoon, you were going to start, I think, what is, perhaps, what, I think, I called then another

chapter within your evidence. Can we resume from there, please?

COUNSEL: I would like you, if you can to tell us what you think are the causes of kind of violation you have testified on earlier in the hearing?

KAKOOZA: My Lord, in order to know and to understand some of the causes of the violation of human rights in Uganda, I would suggest that we look at Human Rights in the wider content of Uganda' history. We shall look at it that way. Because, if we confine ourselves only to incidents which have capitalised violation of human rights, without looking at the history of Uganda, we may not have right solutions for these. From my point of view, I think, that the existence of violation of human rights in Uganda may be considered in the colonial history of this country and then the post-independence of this country. That is the first part, if you look at the colonial history. I am not going to just give a lecture about this; but I would like to shade light about this; that, when the Europeans came to Africa - and particularly, when they came to Uganda -they came with their own purposes. They came to look for wealth so that they can take back to their mother country, in this case - Britain. So, in the course, of introducing the colonialism here, the imperialists - the colonialist - planted seeds in this country which today can be explained as causes of violation of human rights. They sowed seeds of conflict so that these conflicts became a kind of strategy that in Uganda today some of us tend to overlook the fact that some of our conflicts in Uganda were brought during that time when they were introducing their colonialism.

First, they found that, in Uganda, there were existing government institutions which were administering people here. Now, in order for them to introduce their colonialism, they undermined these very institutions. They first of all undermined the leadership - the popular leadership - which was in this country. They undermined it and then instituted theirs which could serve their own interests. But also, in the process of doing that, they also introduced those elements of conflicts which today are making every Ugandan knock his head against another. So that now we sort of - we now in Uganda today - think that these problems actually are ours, when actually they were brought by those who arrested the process of political development in Uganda. Here there are several examples. You can talk of authority; that there were authority here. Say, by the time they came here, they found that there were established feudal societies which had their authority - authorities - and people respected the law and the guidance of that society. Now, when they came here, they sort of gave us new concepts of authority which were foreign to us; and, when they were forcing these to us, they destabilised our original concept of power, and we absorbed their concept of power, which made us fight each other. I remember very well that, when they came here, some came with religion or christianity; but, within christianity, there were divisions: protestants, catholics and even at that very early stage of introducing these, there were conflicts. Now these conflicts caused wars here and then there were many battles which were fought between catholics groups and protestant groups; and this undermined the authority in Uganda. For example, if you take the example of one say Buganda, these conflicts undermined the Kingdom

of Buganda at that time. That, in the end, the king was removed who was the sovereign ruler of this country; and they put there a one-year-baby king. Now this caused division first of all.

Those who were following their traditions, who recognised then authority in the way they knew it and now those who had acquired the colonial bodies now clashed. Now say by putting there a one-year baby king - Daudi Chwa by then some people who introduced colonialism, then that established a structural conflict between those traditionalists who were still believing in the traditional power of a king and then those ones who were merely agents of the foreign power which had come to rule us. Now, the people who captured - who were used as agents, were not actually acting in the interest of the people here. They were there. They were given titles and the responsibilities, in order for them to carry on the interests of our masters; now these conflicts, even today, they are there; that they are still having, when we got independence in Uganda, we still remained with people whose training and upbringing was not to serve the interest of these people but to continue serving the interests of our former masters - political masters. And this caused problems. In the pursuit of serving the interests of your masters, you end up also contradicting the interests of the general masses here - the ordinary people. For example, for them the colonialists - would not - so long as the colonialists got their wealth say from Uganda; we send them whatever they wanted. They got their coffee. They got their gold. They got their copper from Uganda. We send them cotton. They would not bother what actually was going on here; so long as the leaders on the top were actually executing their wishes.

COUNSEL: May be, to cut you short. Are you suggesting that, whenever there are divisions amongst members of a society, there is violation of human rights? Is that what you were going to say?

KAKOOZA: Because violation of human rights arises out of conflict of ideas in a society; and then some people take it to violence. They resort to violence to suppress their opponents. That is my line; that, when do we have experience of violation of human rights? It is when one group is trying to suppress another -

COUNSEL: I see.

KAKOOZA: So that it can carry on the way it wants to carry on.

COUNSEL: I see.

KAKOOZA: So I was examining that conflict - the causes of conflict - because, to me, conflicts cause violation of human rights in the country; so long as these are there.

COUNSEL: And what has been areas of conflicts here - in Uganda?

KAKOOZA: Now, when colonialists were here, we had first of all what I talked of as the colonial history which introduced here religious conflicts, that the

people of Uganda ceased to see themselves. They ceased to see their own problems. But they were seeing themselves as agents of people's interests. For example, when they came here - Europe at the time, had suffered these conflicts: the religious wars and so on, they had fought the crusades and so on. So, when they came to Uganda also, they exported their problems to Uganda; so that, having a king here in Uganda was not ruling moslems. He was not ruling catholics. He was ruling Ugandans. Or Buganda, for example, the Kabalega was ruling Bunyoro as that and Mwanga or Muteesa was ruling Buganda as such. He was not ruling factions. But, when the *Bazungus* (Whites) came here, now it came to be that they were not governing people. They were governing factions of people -

COUNSEL: Yes.

KAKOOZA: As it is in England.

COUNSEL: Yes.

KAKOOZA: So the religious conflicts in England and some parts in Europe are still raging - they are still going - on; and these were brought to us and sort of we were made to believe that they are also our problems.

COUNSEL: That is one area of conflict.

KAKOOZA: Now then when another conflict was - another area of conflict is - when trying to create - when they were trying to colonize Uganda. They brought an element of tribal conflicts - tribal conflict. Now when they came to - say, when they came to - Buganda, they used Buganda to advance their own interest in other areas. Now, in this process, many of the other areas who were seeing Baganda as the vanguard of colonialism and bring colonialism there, really unhappy about this. I remember the Banyoro - especially the Banyoro - were very unhappy about seeing Baganda coming with the Bazungu to break the position - the resistance - which the Banyoro had put against the colonialism. I have written a thesis on this, which I have and ready on these conflicts. The thesis I have written in Uprising and Imperialism in Buganda and I quote a particular author over this that the Baganda were not - no that the Banyoro were very unhappy when they saw the Baganda coming with Stanley in Bunyoro. They really did not like this. They said, "Baganda are the agents of these whites." And eventually you remember that, when it came to settle the problems, the Baganda were involved in subduing the rebellion - in the Kabalega Rebellion and then some part of Bunyoro was transferred to Buganda. And, when we got independence, this became an issue in 1964. It brought us conflicts where the *"masaza"* go - this part. Should it go to Bunyoro? Should it go to Buganda: Now this caused a conflict among ourselves. But neither of us was the author of these "masaza". It was not in the interest of Baganda, nor in the interest of Banyoro. Whether the counties were in Bunyoro or in Buganda, all of us were subject people. We were subject to colonialism. It was only the colonialists who were benefitting from this. So I look at religious aspect -

COUNSEL: Tribalism.

KAKOOZA: Which caused us conflicts and then the tribal conflict. But all these were the machinations of the - our - masters. Now, in actual implementation of colonialism here, they went ahead to not only to divide us along that; but they began to assign certain roles to us. For example, they said that the Baganda - they deceived the Baganda; that was deceiving; they said, `the Baganda - you were very bright. So you can be teachers and you put down your guns and so on, and become teachers and so on'. So you are fit for the job of the brain workers. So actually deceiving us. Then they went around because they had come with the Sudanese - actually the people who were belonging to Sudan. They came with these as soldiers. They told them, 'No, you are well built. So you will be soldiers.' Now they assigned these functions, not for the interests of Uganda that actually we needed protection but they thought that, by dividing us along those lines - that some people are armed no some people they think they can do white collar jobs and so on and so forth, they can be used in clerical work; should not be armed; and then some other people are not assisted to develop but they are armed. So you see this division now which is structured by the colonialists; now, when we get independence, you will find that now the security - our security because now are facing the problem of providing security to our nation - you will find that, we remained with a divided country. That some people think by tradition that they should provide security and others are supposed to work in the offices.

Now, when there arose conflicts between these two groups, you find that these people who had traditionally held the gun now really fought hard to remain with the gun, and those who were not having this gun traditionally they suffered under the hands of those people who had the gun. Now both groups thought that these are their problems; but the problems were of our colonial masters who had designed - who had structured a society like that. Now some people are armed and others are left working in offices or on gardens and they are not armed. "*Kumbe*" all of us - those who are armed and ourselves - we all need security. It is not only thing the *wanainchi* in Acholi needs security as a Mukiga in Kabale. Both need security. And, when it comes to talking about national security, all of us are concerned. It is not one group of people to discuss this. So, during post-independence, we discussed this. Now we found this as if it was our problem. So I submit to the Commission that these colonialists are to a large extent responsible for planting seeds of conflict, which have resulted into the violation of human rights. Of course, we are actors - okay, we are actors - but the actual culprit - the actual person behind all this in somewhere else. And, when I come to solutions, I think, I will talk more about that. So, when I look at the colonial problem, the colonial problem is very important.

COUNSEL: Now, would you like to illustrate how these conflicts - areas of conflicts -actually contributed to the Violation of Human Rights?

KAKOOZA: Perhaps, before I come to that, actually I am wondering whether I have made my point clear on the actual -

COUNSEL: Unless you have got another area of conflict.

KAKOOZA: No.

CHAIRMAN: Sorry Commander, before you go on, I think, this is a convenient time to put this question which - this is part of a discussion. You seem to think that these conflicts were planted - the seeds of conflict were sewed - by colonial administration. You seem to go more further in our history than beyond establishment of colonial Government here. Didn't some of these conflicts exist before - the tribal conflicts, for instance? Surely they were not brought here only by the British.

KAKOOZA: No, the conflicts - the pre-colonial Uganda history is like the history of other nations. Of course, you talk of the development of nations, if you are studying how societies have been developing. There has been one society developing at the expense of another; some empires have come and others have collapsed. This has been a kind of a natural law in the development of societies.

CHAIRMAN: Did that suddenly stop?

KAKOOZA: But this was not actually the human rights you talk about today; that a group of people within that country captured state power and used it to exterminate others.

CHAIRMAN: No, what I am trying to say is that - I thought you saw it - is that conflicts, I think, some of the conflicts referred to did not suddenly start with the establishment of the colonial system here. Some of them existed before and may have continued.

KAKOOZA: No, for example -

CHAIRMAN: You see what I mean? Tribal conflicts, for instance -

KAKOOZA: No, for example, if you take Bunyoro and Buganda, if that is to me is an immediate example; because this is known that Banyoro have been conflicting with the Baganda and the Baganda -

CHAIRMAN: But there are many other tribes in Uganda - those are not the only two.

KAKOOZA: I was using that as an example -

CHAIRMAN: Yes.

KAKOOZA: That is an example because this is very immediate and it is a myth that the Baganda have been fighting with Banyoro and, therefore, during this time of independence, they are supposed to fight. But, I think, the conditions which were prevailing during the pre-colonial times, were the conditions which you could find when societies are developing: One

society rising - a society arising - as an organized group of people, and then another declines in that way. But it was not a tribal conflict - it was not a mere tribe - but a matter of grooming the structuring of society as they are. And the process of this is when, for example, take the Acholis and the Langis when they were developing. The Acholis clashed with the Langis but not as a mere tribal - not the idea -

DR. MAKUBUYA: You may call them mini-states.

KAKOOZA: Yes they were mini-states and - yes, I think, you helped me there - because they are states in their own way and they were trying to exist - to survive as entities; and this could not be described as the tribal here; at one time a powerful state could absorb another one and then they merge and form a new unit - a new social unit. This is development of societies. But here we talk of a group of people under one authority, manipulated one against another under one authority. So we talk about the peasants as they stood under the pre-colonial administration here. You find that they are one under that - they were one and they were submitting to one authority and they used the means which were at their disposal to govern their people. But, when the Wazungus came - now - they introduced their own concept of authority and these were assimilated by some of the people here and were used to divide us, not as - they divide us against another because the policy of colonialism was to divide and rule. The people organized and stayed together they could fight off the invader. So by continuing creating divisions and divisions over divisions, then the era of colonialism extended.

DR. LUYOMBYA: Commander, following your argument, I see that there are two issues which you were trying to combine into one. When you talk of conflicts and following onto what the Chairman said, conflicts existed long before the colonialists came to this country. Taking the example you quoted of the Baganda and the Banyoro, my great grand-fathers were telling me of wars between Baganda and the Banyoro long before these whites came. So tribal conflicts or state conflicts as you may want to call it if you think that these tribes were little, little states of their own. They were conflicting against one another for a long time before the colonialists came to this country for various reasons; sometimes to raid or get cattle or get women and the like. And the great, great grand-fathers tell us of what they used to loot. After such-and-such a war, these people surrender. They bring their girls and marry them. So conflicts as much we may not say that they are purely a colonial implantation. They had been there before. But probably, in that context, you may say the colonialists saw and appreciated these conflicts and used them to achieve whatever they wanted. They just advanced the existing problem. When it comes to religion, there one may probably say that this was a new concept which the colonialists used to divide the people. But certainly conflicts, had been there and it is not - you cannot blame it onto the colonialists, except that they used - they utilised - that chance to advance what they wanted. How do you look at that?

KAKOOZA: When I was explaining the type of conflicts which would emerge into

Violation of Human Rights, it was very clear. For example, the conflicts you are talking about are these of boundaries for example, boundaries. One develops at the expenses of another. Those are conflicts of geo-political nature. But I am talking here about the conflicts here whereby today you will find that - as I gave an example of arming one section of the people - under the colonial administration, one group is armed during the colonial era, another group is not armed; is refused access to state power through the arms. Now this was not the case before the Bazungu came here. The conflicts we are talking about were expansion and I do not think, these could be considered as violation of human rights. I am talking of these ones which a Ugandan will murder a fellow Ugandan for reasons based on her history. And the history not of ours but of the *Muzungu*. So, while talking about conflicts, I would like to narrow down that those conflicts which will cause a Ugandan to murder another Ugandan, not the ones which established boundaries.

COUNSEL: In fact, what you are saying is that, before the colonialists came here. There was no unit called Uganda. These were different units, fighting among themselves. Therefore question of the conflict within Uganda does not-did not - arise then.

KAKOOZA: Yes, so, I think, you have explained that one. When we come here now, we are under one administration under the colonial umbrella. We belong to them. Now they begin to sow seeds of conflict which actually, even when they went, they left their residue here; that even today we are still suffering from those conflicts which are making us kill one another.

DR. LUYOMBYA: No what I am saying is that they tried to unite us into a unit called Uganda. But, as little states of Basoga, Baganda, Banyoro and all other tribes, there had been those conflicts before among them. So they failed to unite the little states that had existed into one said group. But they rather advanced the conflicts which existed before.

KAKOOZA: I do not know why we are disagreeing because me I am talking of those conflicts. I realize them. I am not denying them. I am agreeing that these were there but I give them a different category. I say that these are conflicts which arise when societies are developing. It is a development you find between Britain and France when they are conflicting over territory. Then at one time France really invaded Britain and then at another Britain invaded France. These conflicts were there. But they did not arise - when the actual fighting for territorial expansion should not be dubbed as causing violation of human rights.

MR. NAGENDA: Just a small point I wanted to come into. I think, otherwise, you cannot say that - as Commissioner Luyombya said that - when we had these conflicts, the victors used to take away people's cattle, people's women, daughters and so on and so forth. You cannot seriously say that this was not a violation of human rights.

KAKOOZA: Well, what then are elements, of expansion. When you have a political

unit and I am ascribing in a bigger unit, this happens.

MR. NAGENDA: So you mean to say the obvious old phrase 'the end justifies the means', if you are going at the end of it to say, 'We have expanded'. It does not matter what you do to achieve it.

KAKOOZA: No.

MR. NAGENDA: That seems to me to be a very dangerous statement.

KAKOOZA: This is not an idea of expansion. It is not a matter of, for example, when you come to the looting here, for example, is not the looting the expansion of when say Rome attacked Britain and they took wealth from Britain. It is not the same thing. We are talking about here fascists - a group of people begin to loot. They take people's property. So it is not the same example.

MR. NAGENDA: You have been very selective about pain, if I may say so - Commander - because, if surely I come and cut off your head for the sake of expansion, you know - getting a bigger area than I had before, your head will hurt all the same, from whether I am just sort of doing it for other purposes. And I would have thought it was a very basic rule of human rights that they should not be violated for any reason. Of course, they are always being violated; but you cannot turn round and say, 'Well, I violated them but it was for a good cause. I wanted to expand'.

KAKOOZA: For example, when man arrives at the level of recognizing human rights, I think, there was a process in social development. You will agree that, before society did exist but, I think, it is hardly a hundred years ago when countries recognized this, as it is hardly a hundred years ago that the British gave right for women to vote it is their democracy. So these are processes. So, before that, they had this idea of expansion, of one big unit absorbing a smaller unit or a weak unit. It was natural law of social development and societies developed like that by dividing; if a country is big - is powerful, it can absorb smaller one, and this was natural. It was not dubbed as violation of human rights.

MR. NAGENDA: What was it dubbed as?

KAKOOZA: I have said, look it was a way of expansion - the formation of a nation and this history of Europe.

MR. NAGENDA: Whether it is in Europe, it does not mean that it is right.

KAKOOZA: They are ways of expansion.

MR. NAGENDA: Are you saying that, if the Uganda of today feels that it wants to expand to take in, perhaps, a coastline and save us the problems of transportation, are you saying that that would not constitute violation of human rights if we went and sort of interfered with the rights of another state, so that we could expand?

KAKOOZA: The very situation that man has experienced that is why O.A.U. has put a provision that all colonial institutions should respect their boundaries, because they were expecting this that this would take place. But because they were anticipating that that is why they have put in the O.A.U. Charter that those countries should respect their own colonial boundaries. Otherwise, why did they put that provision if it was not anticipated that this is possible?

MR. NAGENDA: But, when they said that people should not murder, therefore, then true that was because they thought that people might murder. But just because somebody said you should not do it especially the O.A.U. as a Charter. You are saying, if they hadn't put it there, it would not be a violation of human rights?

KAKOOZA They have said that people should not murder. Murder means unlawful, which means that there must be law, first of all, which prevents you from taking the life of a person. Because there exists that Charter. Therefore, if you violate it, if you go and expand now Uganda would be violating a certain international law. So until laws are made to prevent a certain thing it is regarded as natural. So you put a law to prevent something.

CHAIRMAN: Commander Kakooza, we do not want to - you see there are lots of debates. We could say a lot. We could spend weeks discussing this, perhaps not accepting your views.

KAKOOZA: Yes.

CHAIRMAN: But those are views and, I think, you restrict them so far as they try to explain what you see is the cause of violation of human rights.

KAKOOZA: Mr. Chairman, I just wanted to put a sort of background to this statement because it is important that when we are going to solve - it has got a great bearing on the solutions I am going to provide. So that is why I gave a treatment.

CHAIRMAN: Yes, you have laid the foundation but it should not be as if it is the end.

KAKOOZA:- No, it is not.

KAKWENZIRE: Mr. Chairman, can I just remind you? You made a statement which I personally like and I put it on a separate piece of paper here hoping to develop it for our benefit. You said, violation of human rights results from conflict of ideas in society. Now you are diverting from this.

KAKOOZA: I will come to that.

KAKWENZIRE: Now you are diverting from this central theme, conflict of ideas amongst ourselves. I am very much interested that you develop this rather than giving the colonial escapism theory.

KAKOOZA: No, not escapism. I strongly believe it is not escapism. I believe that there are greater bearings - colonialists had a better bearing on what is happening in Uganda, if you allow me to -

CHAIRMAN: But it is not the only bearing.

KAKWENZIRE: It is not the only bearing. The conflict of ideas both pre-colonial and post-colonial.

KAKOOZA: I have been talking about colonial. I will talk about post-independence. And, by giving you the background of the colonial time, you will find that these are manifested during our post-independence. Now, I move ahead.

COMMISSIONER: Mr. Chairman, I know you have stuck on the colonial period.

KAKOOZA: I am not stuck.

DR. MAKUBUYA: But there are lots of people in this room who are listening to us and, I think, as a Commission we would not like those to go away with the idea that the conflict of ideas started only at the colonial times. They were pre-colonial as well.

KAKOOZA: You must conflict that is if at all you should agree that is the nature of conflicts. It is not a matter of -

KAKWENZIRE: Conflict of ideas in all respects by the way.

COUNSEL: I think, our terms of reference in what we are probing are with regard to Uganda and, I think, the witness is talking about Uganda and when did Uganda start. According to him, Uganda was started by the colonialists. So that is how he starts. He cannot talk about something which was not Uganda. I think, that is why he is there.

DR. MAKUBUYA: Mr. Chairman, also, I think, we do not have to agree with what the witness is saying. There will be a time for the Commission to make up mind on the evidence the witness is giving. So, I think, he is free to put his view on the record and hopefully we will have our own time to put our own view on record also. I would be very grateful if you would move into the relationship between the foundations you are laying and the problems we have been suffering. Yes, if you would move there, I would be very happy myself.

KAKOOZA: Now, during the colonial administration here, their way of - the education system they gave us here, that they picked some people, took them to school and taught things which they thought would serve them in order to carry on their colonial system here. And the majority of our people remained ignorant. And this work of educating some people a few people called the elite and then the bulk of the masses remaining in actual darkness. So you would find that the structure of ignorance in our society of rights, you find that, when a society is educated, the more a society is educated, the more it realizes its human rights, what makes a

man human. If you are not educated, you are not socialised in the norms of that society, then you do not know what are your rights and what are our rights. So, by educating a few people here and letting a big bulk of our population ignorant, this also as we see later on has contributed to the frustration of human rights in Uganda; that, even today, I think, very few people in Uganda here, if you ask them, 'What are your human rights,' very few would actually assimilate this and say, 'These are my human rights and these are not.' When it came to our independence, these were put in the Constitution, for example, there was an attempt to put rights - what was deemed as human rights - but how many people here in Uganda know or who had ever seen the Constitution of Uganda? How many of them have read it and understood that these are our package of human rights? So you would find that the ignorance which is prevailing in the country is giving advantage - is lending advantage - to the fascists to exploit this situation. And we do not know what actually are our human rights.

So ignorance or extreme degree of ignorance in our country - that is absence or lack of knowledge of what makes up human rights - in itself is an element - is an important element; unless you know what are your rights, then you cannot defend them. Unless you know what are your human rights actually you cannot defend them. But ignorance was part of the colonial system; that you educate the few who can serve you to carry on your system and leave the rest of the people in the darkness. These few, so long as they agree with you, their system will continue and then the rest will be led by those. But the leaders, if they are not serving the interests of Uganda, they are serving the interests of our masters, then they do not mind actually what goes on in their own country; so long as they fulfil the wishes of their masters. Now, with ignorance, then I add on what I would call lack of political education - lack of what government does, what do Governments do. Because we do not know - this is also an element of ignorance; we do not know what governments are supposed to do. And, because of that, you find that many things are done which are actually a violation of human rights. But then they are taken for granted that this is what is supposed to be done, because we do not know. A group of people are in power and they do what they do; because they do not know what are the demarcations of power; that this now belongs to me as a citizen. This is right. This is for me. This is a state.

Now lack of political education also is an element which must be considered when you are considering the Violation of Human Rights. Now, we talk about a major point which, in a way, belongs to the colonialists; but this is our own making; and this has affected us in post-independent Uganda. That many Ugandans, especially those who are educated, have not -to me, have not - played the role I would expect them to play in studying and knowing how to handle State powers. We have found that, despite the fact that there are some people who are educated here - career professionals in their country here - it is very, very sad to find that we have entrusted State Power in the hands of people who are, I think, are accidents - I would say they are accidents - in our political system. They are accidents in our political system. They

have not emerged because of their - because of - talents of managing society; but, for one reason or another, they have found themselves in State Power. And, because of this, you find that what they do actually because they are not prepared - intellectually and otherwise - to handle State Power, they have committed certain things which should not be committed by civilian governments.

Here I will give an example to explain this. If you are going to have something perfect in a country - if you are going to do something perfect, it must be done by somebody knowledgeable. So, when you are sick, you will find confidence in going to a doctor whom you know is qualified - when you believe is qualified -to - that he is competent to - cure your disease. So you surrender your body to him to treat that part. Now this is your doctor and many of us would not like to be in hands of incompetent doctors. We would like to be in hands of competent doctors. But, when it came to State power, a President or a Minister is in-charge of all the people of Uganda. The President is in-charge of all of us: doctors, engineers, what -farmers, all sorts of people. We are all under him. This Man who is the most Important Person in the country, who should be the most knowledgeable among ourselves; we have got in Uganda we have got the least knowledgeable - the least knowledgeable, have found themselves in State Power. Because, when we make demands on their performance, we found them lacking. So this violation of Human Rights may be a result of ignorance and irresponsible leaders whom we have entrusted with State Powers.

So this example I gave, we should, I think, actually it is our own fault generally as Ugandans that we have never considered that we should actually put - we should consider who goes into power - who is our Leader; so that we know. Is he a man who will lead us from one point to another or he is just a person who comes out and he says, `I am the President,' and he used to do what he does. If we are not responsible for putting people in power, then eventually these people will not be responsible for us. They will not be responsible for what they do. In the first place, we are not responsible for putting them in power. We are not responsible -meaning, we would not think carefully about what type of people we are putting in power. So, when they come to do mistakes - when they kill us, for example - they are not responsible. If we are the people who gave them power, we would have thought otherwise.

So I see people like - I will give you an example; in a country like Uganda and I have just been reminded that they are having people here, very well educated particularly. They know the history of Uganda. We are now about 14 million people. Makerere University has been here for a jubilee. I think, now it is celebrating - It will soon be 100 years. But how come that we have people - and here I am not ashamed to say this, how did we come to have Mustafa Adrisi as the Vice-President of this country? You know, I have used that example. I am not libelling him. But, I think, he found the way he was bearing himself and so on, I think, he had difficulty to understand the mechanism of State Power. But we had him there as Vice-President and all educated people submitted to Adrisi. As a Ugandan he is right; but, as a leader, I do not

think, that he was the most capable. I think, the advent of such people - how they come - is our own responsibility. We should bear that responsibility. I am not blaming Adrisi but, maybe, Ugandans as a whole we are responsible for the Leaders like Amin, like Adrisi and the rest of those whom we called irresponsible -

DR. MAKUBUYA: Ugandans did not elect Mustafa Adrisi.

KAKOOZA: Yes, we created the conditions. I am not saying, we put them in power. But I am saying, our conditions, we must be responsible somehow. How did he come to lead us, anyway? We should bear part of that.

KAKWENZIRE: You are saying it is the colonialists.

KAKOOZA: That is one aspect because he found himself in the army and the army which was a colonial army actually; at least, the bi-product of the colonial army. So long as he was a general and whenever he was free there was no harm because he can be a leader. But today I do not think that, that type of leader should emerge again the political scene because we should be responsible for what type of leaders. I am putting it to the people of Uganda that, if they were more responsible on what type of leader they put before themselves, then what we talk today would be different.

COUNSEL: In other words we have got a situation that we got Mustafa as a Vice-President to arise.

DR. MAKUBUYA: He is still explaining. I am assuming that he will come to a solution.

COUNSEL: How do you stop coups taking place?

DR. MAKUBUYA: He was elaborating on poor leadership.

KAKOOZA: And I am saying that, if we begin to categorise people that so-and-so brought so-and-so, I think, it would be unfair as Ugandans because for me here I am talking of Ugandans both those who are hearing me that I am putting on Ugandans to be responsible. It is when we ourselves become responsible, in actual fact to be alert - to become alert - on what goes on. Now how can you be definitely alert is when you are educated on what is going on. You are educated in national politics. Then you can make good decisions as to who would do what and who will not do that. So it has been our problem that we have not considered - we have always thought that politics is a game as people say. It is a game and anybody can be a President, anybody can be a Minister; that type of attitude which is still prevailing; without considering that the science of politics is to manage us, to manage society. It takes us from one point to another. Now, if you put a man who cannot do that and eventually ends up dipping in the hole; in the first instance we are responsible for making ourselves viable in society.

DR. MAKUBUYA: Okay Mr. Kakooza, now you are going into another point, I think, which

is general knowledge about politics. At first, you were talking about leadership, the quality of leadership and so on.

KAKOOZA: I cannot divide the two because I need to know - in which context I am talking about politics. You see I am not talking about going to university and learning political science. I am talking of national awareness which can be not necessarily of going to university and learning something. I am talking about this -

DR. MAKUBUYA: I am just trying to straighten the record. At least, you have made a point about the quality of leadership. That one I accept. You come next to talk about general awareness about politics and so on.

KAKOOZA: Yes, at least, being aware of national affairs.

DR. MAKUBUYA: Which is somewhat different from the quality of leadership.

KAKOOZA: No they are connected. Leaders come out of people. You get me. And my idea of politics is that we make a leader. You are a leader to lead us from one point to another. This is my idea of politics. That is why my next point is development; but I will come to that as a part of our problem. That, when a leader does not understand what I would call as laws of state dynamics. He does not understand what to do. We make ourselves when a man is ignorant politically and otherwise. We submit to such a leader. Then, when he turns around and begins to kill us, we should also be responsible because we are supposed to judge leaders as well. How do you judge? We should be aware - constantly aware and vigilant. So I am trying to - my point is to try to awaken the masses so that they become alert as to what goes on around them. This is my approach here. Because there has been some kind of apathy in this country; that, 'Me I am not in politics. I do not want to go into politics. Me I am a doctor. I am an accountant. I am not concerned'. Until that time that man goes there and kills an accountant, and he kills doctors. He kills engineers. Then you are aware that: 'Ugh, why did we appoint this man? This man can kill everybody'. But, when he was going into power, you did not participate in his election.

CHAIRMAN: But, when he comes to power with a gun, what can the accountants do to stop it?

KAKOOZA: Pardon!

CHAIRMAN: When he comes to power with a gun, what can accountants do to stop it? If he comes to power with a gun, what can accountants do?

KAKWENZIRE: There is a certain concept held here by the majority of people; most of them are not political, that actually the conflict between individual politicians has played a big part in the violation of the ordinary people's human rights. In fact, there is a popular concept among us, non-politicians, that, when elephants fight, the grass suffers. Could you comment on that?

KAKOOZA: Firstly I am saying that are you among the politic? Plato said man is a political animal and you are saying you are apolitical.

KAKWENZIRE: Not knowing much about politics.

KAKOOZA: But then if you draw the ancient knowledge, Plato said that men are all political animals. They are not apolitical anyway. You only assume that you are apolitical but you are concerned.

KAKWENZIRE: Yes.

KAKOOZA: Because, when a leader whether you have elected or not will be somehow affected actually you participate, you interact. You are only a man because there are people.

KAKWENZIRE: May be, so far most of the people left the field for a few people to dominate the scene of politics. And I want you to comment on the way these individual politicians who dominated the scene for the period we are investigating.

KAKOOZA: Then I wish to draw the attention why I laboured initially to talk about the colonial era; because to me, when I have seen the conflicts between people here among our leaders. Their conflicts were not conflicts about ourselves, how, for example, how to develop this country. For example, should we develop -conflicts about development. Should we start with the school or should we start with a hospital - kind of thing. It has been, for example, how many people who belong to a certain religion who should be in a Cabinet? How many people of one ethnic group should be in a Cabinet? What type of people of ethnic background or this background should be the chairmen of parastatal bodies? Now these are the issues. And these are not our issues. They are the issues of the colonialist. They are not ours.

For example, if you are talking about our culture and we are having a Minister, do we need to know his religion? Do we need to discuss his religion and his ethnic background; whether he is a Karamojong; or whether he is a Muganda, or whether he is what? For the issue is development. But now you will find that all the leaders who have been here have been bogged down in discussing these issues. Now, when they present us problems, they present us problems to discuss how many of these. How many Catholics are in the Government? How many protestants are here? Oh, we do not have a Moslem there. And these are our issues. So the man in power spends his tenure of Government not actually discussing problems of development where there are conflicts to exchange ideas about development. No. You start a school. Me I want to start a hospital. So we debate. Then, may be, we vote. We start with a school and then next is a hospital, like that. Development. If these are clashes of ideas, then it would be all right.

But these have been problems which have been inherited from our masters and we are still carrying them on. That, in the absence of political education, we have been campaigning causes not or our own

CHAIRMAN:

KAKOOZA:

but causes of other people. Now I want to move to the other cause of human rights; because, when do we fight? You find people struggling to get power and, in the process, we kill other people so that we may be in power to eat. Now, if I want to become the President, I will kill some people and I subdue them. Then I come into power. Then I eat with a group of people with me. We eat. And, in this process, we kill many in order to eat so that I may eat. Now what is the background of this? It is poverty. We are poor. We are very, very, very, very poor. Some of us are masquerading here that we are rich; some of us are saying that we are capitalists, we are what; but, if you go around the country-side - ten (10) miles from here - you will find glaring examples of extreme degrees of poverty. We are poor and backward. Therefore, in the struggle of the little of what is there, we commit many crimes, in the name of our stomachs. Because we struggle because we have no alternative way of sustenance. So we go in to do anything so long as I am - I will do anything - I am not saying, 'I'; I am using 'I' in the general sense; 'I will do anything for me to be in power, so that I can eat'. So extreme degrees of poverty and backwardness also are responsible for the violation of human rights here; because some people have been committing these in pursuit of wealth. They commit these. They kill people they remove some people, either grab their wealth or they grab their property; or they want to see that they are in power, they kill their opponents so that they can be sure of their cake; and this cake has always been shrinking - becoming very small. Now - so to me these are a few. Of course, I am not supposed to come here and lecture; but-

CHAIRMAN: I am sorry to interrupt you here. Would you say that it is the struggle of eating the easier way, because you can pursue wealth without violation human rights. Would you say that we would like to better our conditions economically or materially the easier way. When we are in power, we do not work hard to have better houses to sleep in, better cars and so on? But there are people who are wealthier even here but not by violating other people's rights.

KAKOOZA: I think, when people have not considered very well, first of all social development of a country, how a society is developed; for example, I will beg the commissioners and the people of Uganda to understand me well. I will use the example of Idi Amin - no, no Adrisi. I pointed out that not because I hate him. In fact, I like him because he is an example of how the people of Uganda have been exposed. You see he is good because he exposed us. He is not negative to me. I see him as positive. And as of late I have written about Lakwena. She is a challenge but she has exposed us that we are a society of witchcraft. And there are more Lakwenas among ourselves; there are more Adrisi's among ourselves. So I am using this because to me it is positive. He has exposed us. So I am not using it to malign or to destroy. But, if you make that man the leader today - you saw - his background is the army. He has been politicised especially in the colonial army. It will give you, Mr. Chairman, an example. When we were in the bush, one soldier who had served in the Uganda Army and I asked him that, 'What is the role of a soldier?' He stood up and he said, '*Afende*, the role of a soldier is to kill.' He stood up. He said, 'To kill. You charge'. that is the polite way of

putting it - to charge. He stood up on attention and he said, 'To kill.' So it means, now, if that man now comes to power, nurtured by the colonial army - he comes to the people in Uganda today; the independent Uganda, not the colonial Uganda; if it was the colonial Uganda, the Muzungu would tame him. But here is an independent Uganda. The man had a colonial military education and his idea about the army is stealing, maybe, killing. He is a professional soldier. He is a professional killer. He wanted to really boast that they are professional soldier - a professional killer. That means a professional killer. Now he comes into power. What do you expect - how do you think he is going to raise up wealth? He knows that, by stealing, he gets wealth by killing you, by eliminating you.

While I agree that, maybe, it is a bad way. It is not very easy. But it is a bad way of making wealth; because all man what he is supposed to do is to produce. All wealth must come through production. Because man is made to produce what - to produce what to wear, to produce our shelters, and we should make arrangement to assist ourselves to have life, to have good health. Now, when a society is still backward, it is very primitive, there is the idea of using nature - the natural instinct - to grab; he wants to get things from your friend and eat. This is a primitive way of looking at politics, when our ancestors were living in caves. That was their way of life. But, in 1987, when you use the same concept of coming to power by killing the rest, I think, it is very unpardonable.

DR. MAKUBUYA: Which leads us to solutions.

KAKOOZA: Now this is the fourth that backwardness and extreme degree of poverty also are contributing to this. So now we move to solutions which, I think, can be considered.

DR. LUYOMBYA: Before we move onto solutions, somewhere you talked of Ugandans shunning responsibility -

KAKOOZA: Yes.

DR. LUYOMBYA: Ugandans shunning responsibility, which I quite agree with you that one of our problems has been for us to shun responsibility where we would have been responsible.

KAKOOZA: Yes.

DR. LUYOMBYA: And you gave the example of many people in Makerere and many people educated. Would you like to tell us what your concept of education is?

KAKOOZA: While I would not -

DR. LUYOMBYA: If it is a wrong concept, it would be a force.

KAKOOZA: You see, it is different; to me it is a process of socialising people into the life span - the norms - of people in that country. When you bring up a child at home, we teach that child our way of life in that home; and then we send that child to school. Then we also allow the child to analyse a broader society until the various levels of education. And, I think, it is a good educational system of my concept of education is that - its that - which allows the individual to understand his environment - to understand the laws - the system which affects him . This is my way of education: an education which does not help you to understand the environment, then that is a very bad education, because it gives you false values; it gives you a false perception of events. So that is why I laboured much about the colonial education; because it was giving us - it was not assisting us to understand our own environment; it was just to understand them in order to serve them. We are here to understand our masters. It was an education which had made us to understand our masters; not to understand our environment. When you are educated in your environment - to understand a certain dynamics in your own environment, then, when you are producing in the process of producing - you are not at the mercy of the bosses; you are trying to manipulate some of the forces against you. But this is not the case. Many of us now are helpless. Our education here is making us more and more directly and indirectly rely on our masters. We think our masters have the solutions. We think that they can come here and solve our problems. But, on the contrary, they are telling us now that we should solve our own problems. But we do not have the educational tools - you are not adequately prepared to understand. So when we come - as one honourable Commissioner is saying, I think, we now move on to -the solutions because we will understand one another.

DR. LUYOMBYA: Just a little bit more. Would you need to go to university in order to be regarded as educated.

KAKOOZA: I think, my definition of education is not - I did not say that somebody educated should be one who goes to university education is a process and is phased. I began my education of - this is what we call primary socialisation. Then I went onto secondary - you go to school where you get a broader category of people and interact. Then an education is endless until you die. You are always exposed to new ideas and so on. So my idea of education is, when you understand -whether you are primary, whether you are what; but, so long as you can understand and interpret the environment and try to control it, then to me that is the idea of education. It is not classes. It is not institution, though they are there because man is organized that he knows how to handle his system that the higher you go the better. Now my mode of solutions which I am trying to propose - to talk about human rights is that: First, we should fight ignorance - all manifestations of ignorance amidst us. We should fight ignorance amidst us. Maybe, a little bit -maybe, I began with the second. You will excuse me Members of the Commission. I think, I read the second. But, perhaps, we should begin with the first one.

The first one is that we should mobilize national effort to remove most of the residue of colonialism. We should remove all the residues of

colonialism and we think as independent people. We should try to fight that mentality; that we still belong - we belong to - we are savage people; we belonging - to a certain country. Ugandans should begin to think like Ugandans as our ancestors used to think. They believed in themselves. They were not belonging to certain countries as we are trying to do here. We should try to fight all the residues of colonialism; so that we think as - we should look at ourselves as - masters of our political destiny. So this is the first. Is to fight. We are now we are independent for 25 years. I think, we should begin to think like independent people, like ourselves. We should not continue thinking as if we are merely still subject people, belonging to one country. We should think that Uganda is ours; Uganda is our country and we are independent and that we are responsible for our own destiny. We are responsible for what we do here. We advance with good policies or perish with bad policies.

So the second point which I was bring is that one of removing ignorance. that we should mobilize our people. We should make effort to fight ignorance among our people. Because the only way - we were talking about human rights here as an end; but human rights is a process. It is a process. Now people will not fight and protect human rights unless they are helped to understand what -foremost what - are their human rights. I posed here a question -I gave the example - of our constitution; that, in my experience, wherever I have been teaching and discussing these issues, I always give an example - I always come with the Constitution; and I ask people that, 'How many of you have actually read and understood our Constitution.' Then I ask, 'how many of you have just seen the Constitution - the colour; that is the colour'. And then many of the people I have heard that we have a Constitution but very few Ugandans have actually read and understood it. So in order for us to actually protect - to begin to protect - and fight for our human rights, first of all, there is a need for Government to actually carry on a programme to educate us in the language which we understand; so that, say, for example, that chapter concerning human rights in the Constitution which is usually put there that - the catalogue of human rights-

CHAIRMAN: It is Chapter 3.

KAKOOZA: Now this chapter should actually be translated in our own languages which we understand now. We should not leave it in English because, if you leave it in English, it is only people who speak English who will understand the human rights. But usually the big bulk of those who suffer as a result of this are the ordinary people who do not know. Therefore, once they know, they will begin now to question our leaders. They will have a kind of a yardstick to censor a leader that, at this particular time, you were about to transgress their human rights; that is against human rights. But, at the moment, we do not have that capacity. So, I think, we should get rid of ignorance, we should not wait to make more schools. We should speak now. We should start now and try to translate that chapter which you have said is Chapter 3; should be translated and be given - and make small pamphlets. These pamphlets

should be given to people free, the schools and in primary and it should be part of the training of our children in schools. As they are given exercise books and given other text books, they should be given these pamphlets which concern our human rights, as we print the East African Codes; as we print them and teach them to our children. So this catalogue of human rights should also be printed and be given free. It should not be taxed. It should be given free because that is the work of Government. So that we know what are our human rights; and, once we have gone maybe a few years you will find that people will be able to protect and fight. Because actually it is not a matter that a leader will automatically grant these or maybe he cannot guarantee that people will never actually transgress their human rights. But, by the fact that the populace is educated about their human rights, then they can question their leaders.

Now another thing which, I think, we should also do is that, in order to overcome these problems - the colonial conflicts, for example: religious, tribal and so on, I think, we should have our priorities right now. Our problem is Uganda today is not religion, is not tribe; it is development. It is our backwardness and poverty. This is our biggest problem. So, if we focus if our leaders focus - attention more on this that they looked about our food, about our clothing, about our health, about our housing, then these points really unite us. They make our national energy. We should mobilize our national energy towards these - the solution of these - rather than the solution of religious conflicts our tribal conflicts. Me, I think, that, if we continue emphasizing these at the expense of development, more and more Governments will come here and they will be still committing many, many atrocities; in the name of these conflicts, not in the name of development. So, if we have our priorities right - if we focus our national attention on development - we are all agreed. So we agree that we are poor. We agree that we are backward and we agree that we should develop. Now this is good politics. If the elders only just sit and discuss these, I think, this question of whether you are a Munyoro or a Muganda, I think, would not arise; because the need for schools: a Munyoro needs a school; a Karamojong needs a school, a Muganda needs a school and a Langi needs a school. So these are points on which we can discuss all of us, without questioning whether I am a Moslem, whether I am a Seventh Day Adventist or whether I am a Muteeso, or whether I am what. These are areas which we can look at - and I do not see how, if this forum we are discussing, education - for example, education; that the idea that, because I am a moslem, therefore, I need a different education; or whether I am animist - for example, I believe in trees and stones and snakes, then I need a different eduction. All of us need to develop. We agree we want to develop and our politics should be that; I think, then these ones should be phased out. Because, through this effort, we make our cake bigger and the fighting - the bigger the cake, the lesser are the conflicts.

Now, as regards this - I am very keen on - education; because this is impeding us. It is really regarding us. In fact, I would think that without enlightenment, without knowing, without political education introduced as a crash programme in this country, we shall continue

talking about this human rights endlessly. I would also wish to propose that we should - in order for us to understand because the word `human rights,' is very wide; but, in order for us to understand and actually begin to develop, we should - accelerate - even I do not know, but, if it was done today, I would be happy; that, at least, every Ugandan should be guaranteed a free primary education. So that he is able to read. Because how will you make people to understand - how will they understand - their human rights unless they read? But, if today we guaranteed every Ugandan a free primary education, at least, today - if we guaranteed this that every Ugandan, at least, can write his name, can read characters in his own language and know that this is my name, then, when we begin to mobilize people to development, the task would be easier.

Then - four - I have said that the people of Uganda should have a new definition of politics. It is important. Because I blame the people, as one Commissioner - I may put it that he - agreed with me that Ugandans have been shunning away from their responsibilities. So, I think, that the colonial definition of politics should cease and we have a new definition of politics; because the new definition then gives you your responsibility. Politics is a science of managing society. Now, would you say that you are not a part of this process? Don't you want the society to be managed well? And, if you have something to contribute to the better management of this society, wouldn't you do so -wouldn't you volunteer and contribute? So the idea of dividing people who are politicians and the people who are career professionals, I think, is a colonial division. For us, this country is ours; we are all concerned; and, when we became politically aware - we raise our political consciousness, then you will find that you will defeat the leaders - those - who have released fascism upon us. Because, for me, I believe that the human rights violation here has been the bi-product of fascism, bad leadership and so on. So these are my few solutions which, I think, can help. Now, perhaps, there was a question which was asked, which, I think, I should talk about. They said that, if you have a gun, what happens? People are armed.

CHAIRMAN: Right.

KAKOOZA: And, I think, I should say something about this.

DR. MAKUBUYA: Yes Mustafa Adrisi.

KAKOOZA: The idea of Mustafa Adrisi, Sir arising. Now, first of all, I will talk about this. I will give a background on NRM. I think, one of the few things which the NRM has brought to Uganda of 1987 is that we have broken that. We have broken the idea of a colonial army. We are trying to build an army which will reflect our national interests. First of all, we have abolished the idea of professional soldiers. We do not want to have professional killers. We are trying to create an army which is politicised in our national burden. They are politicised to know Uganda and to see that Uganda is their country. So we have broken - we broke, maybe, people have not recognized this but let me take the opportunity

to say so that the colonial army was broken; that now we are trying to, in a small way - in very humble beginnings, we are trying to create a new army which looks to Uganda. So our army now is politicised. We educate them on the affairs of the Nation. We educate them. It is a lesson. We do not only teach them to shoot; but we teach them Uganda; we teach them the geography of Uganda. We teach them the people who are found - the basic communities - in Uganda. We teach them about the wealth of our country and we teach them that they are supposed to provide security for us - for the rest of the country - to produce. They are not merely protecting lives and property but they are supposed to provide security, which is a pre-condition for production. So we are educating them that their role is to see that, first of all they guard our wealth - that our wealth is not threatened by other people; that again it is not squandered and so on; but they should create an environment where the people can produce. So they are supposed to be watchdogs, to watch and see that we produce - must watch our environment to produce; and again they protect the products of our labour.

Now this is the new army; we are politicising it in the values of Uganda, not the values of another country. That is why you may find that it is very difficult, for example, if a British Soldier comes here now, he will find it very difficult, unless he has stayed in Uganda; he will find that our soldiers now speak a different language from his. Because, for us, we talk about Uganda and for him he may be talking about maybe, that we should protect the railway taking coffee for him. But we say `Ugh, ugh, our role is bigger, than that. We must create security here so that our people may produce. So we think that, again, the myth of the military; we have also broken that. We have demystified - if I may use the word - the gun. As you have seen, we are trying to remove this fear of a gun; that there are some people who should be armed and others should not be armed. We think that, if we are all responsible for our security, people should understand the means to provide security. So that is why we are taking some people to our political schools; and, when they go there, we also expose them to the gun. And they handle it; they see it; that the gun is not the gun which is bad; it is the people behind the gun. So we teach them like that. They know the gun. And we say, if the gun is in good hands - people are politicised, who know how to use it - they will not again turn and use it against society.

So we have made some effort there. That, if this process is allowed - because this is an experimental process but, if it is allowed to mature - so that everybody knows the gun, then that division, that fear of the gun will disappear and you will simply look at it as a good tool which is to be used to protect ourselves; not one man to use it to make himself get a lion's share of our wealth or get into power. So we are trying. We are beginning to do that. But, as all new things are, we have our problems; but needs the blessing. But people must be aware of our intention that, in the end, all of us must understand- must be involved in the - provisions of security. And how do you provide security? That we should understand the means which we use to provide security. So, if we advise our people like that, I think, the incidence of - or the urge; we

shall first of all reduce the urge of people rushing for the gun, so that they can get access to wealth. Because they know that now all know the gun. We know the gun. So the use of it, I think, for oppressive purposes will disappear or would be minimised. They may not disappear, but will be minimised.

CHAIRMAN: Now, while you are on that, I think, what would you say to this that, instead of demystifying the gun, it glorifies? Is it not glorification of the gun?

KAKOOZA: The mystification means because what has been hitherto in this country is that there has been glorification of the gun. People feared because the gun has been used too for so many evils because it has been the tool for those who violated our human rights. So by demystifying it -that is giving this knowledge to every Ugandan, then those who have been thinking - who have been of the mentality - that, when you get the gun, then you will be eating; then we will check their urge. Because they will know that all of us can handle it and therefore do not tamper because you do not have a monopoly over us. By making the gun available - to everybody we actually reducing its impact because if everybody says 'if I get a gramme of sugar', if sugar reaches the country you find people talking about it, they talk about sugar, sugar but as soon as sugar is all over the place then people cease to talk about sugar because everybody is having it, is no longer an issue. So, we are not actually verifying it but we are trying to reduce its - that idea of creating terror coin of the gun.

CHAIRMAN: You are saying then that one of the solutions should be to make the gun available to everybody apart from everybody knowing about it?

KAKOOZA: Yes, to me I think that my experience of the 80's have actually convinced me that Ugandans wherever they are should be assisted. We should actually make, if we are going to make people responsible for their security then we should all be taught how to use the gun.

CHAIRMAN: What about possessing it?

KAKOOZA: This would depend because there is an element of economics that whether Uganda can buy, for example, we are 13 million people, whether Uganda can buy.

CHAIRMAN: Well that is different that is what the question means but as a matter of policy, as a matter of rights say like in Switzerland or a country like that.

KAKOOZA: Yes, I do not see any harm if you have the economic means but as far as we are concerned you have already heard that some of the Resistance Councils wherever they are they are going to be taught in the use of the gun. You have also heard that we are going to institute militias all over the country and this make up a small beginning on making people aware of the use of a gun. Now, if the gun is brought on the village and the villagers see their sons learning how to use it and then perhaps use the

DR. LUYOMBY

KAKOOZA:

gun to protect themselves against criminals and so on, I think, they will like it, they will defend themselves and on the other hand for example if our sovereignty and independence is challenged, I think it should be the duty of every Ugandan to rise up in arms and defend our country. It should not be a work of a few people. If our Independence is challenged, if a foreign country or power comes and attack us, I think, it is the duty of every one, everybody to rise up in arms, get mobilised and defend our country. So with these reasons I think it is a good idea to train every Ugandan to use a gun so that he can participate in the provision of defending our country.

DR. LUYOMBYA: I think Commander Kakooza, quite rightly puts it that if something is common it ceases to be an issue, taking your example of sugar that if it is in plenty people will not talk about it and I think if people understand all about the gun, how to use it, when to use it, it means in the long run that it will not be an issue. And, probably, there may be no necessity for everybody to keep a gun unless there has been a cause or a good need for keeping it. But Commander Kakooza, going back to Ugandans shunning off responsibility, this, to me, seems it was either through sheer ignorance that they are responsible for particular jobs or actions or sometimes fear and trying to defend themselves. They do not want to be involved for their own personal gains or for the sake of their own lives. What will you say about sacrifice, people learning to sacrifice for others or for the nation.

KAKOOZA: I do not want to limit all the population. I wanted to concern myself to reason. As I have mentioned, many other technical areas whereby we would try to look at the problems. If we had to talk about sacrifice then I think this goes back to our idea of a Ugandan. The question about love of our country. You cannot sacrifice for something which you do not believe in. When you are going to sacrifice for Uganda, you must believe and love Uganda that it is your best country, your home. As I mentioned earlier on in my submission that I had to decide between going into exile or to stay in Uganda and staying in Uganda meant that I had to fight for myself. In going into exile I would be alright, I would look for a job and I would earn my living, I would be alive but when I opted to stay and save Uganda, I said that Uganda is my home I think I better do something. I do not think I was alone, I was debating this in my heart but I said that I think if I do not stand up and say no, who will say no. So this one of talking about a degree, talk about nothing, the degree or partyism which must be enhanced.

And I think this is part of the politics of education; to educate our people; to think and believe that Uganda is their home and we are grateful that this is our land, our piece in the world, we should protect it and develop it for our own well being. So the idea of sacrifice comes there. Because - nationalism means what? It is - you sacrifice, first of all, your individual belief and so on; what you think alone; and then talk about your own country. You sacrifice your life for what you believe in. And then when we have enhanced that idea of nationalism, which, is by the way our ideology of NRM - the nationalism. Then you find that the people will learn to sacrifice. For example, with this war

which we fought in Luwero and elsewhere, it was a war of sacrifice; because as you have heard, I had never gone to any military training; it was only actually our bodies which we took in the bush; we took our bodies there and then we started struggle with the rest of other Ugandans whose nationalism had been enhanced. So the idea of sacrifice is important, because it is a part of that process of developing nationalism in our country.

COUNSEL: Commander Kakooza, do you not think that the main cause of violation of human rights in Uganda for the last 24 years has been due to excessive love of power?

KAKOOZA: That is when the person is conscious. I have said that our leaders - the leaders who have appeared on our political scene; to me, they were not themselves; they were by-product of a certain political system. So when we talk about excessive, then you must know what is good, not excessive; you must know. But here we have not even measure, we do not have the capacity measure whether this is excessive or not; we only learn of what is going on; some of us are still thinking that we are political. Now if you are political, how do you know that this is excessive or not excessive?

COUNSEL: I think I want to give you instances which have been enlightened by evidence given here. You start with 1966, the attack why was it attacked? Then you see the state of Emergency which you testified on in Buganda. Then you come to 1971 when there was a Military Coup; and subsequent massacres in barracks, in the North - Lango, Acholi, then in the West Nile, Buganda and other various places. Do you not think that the main cause was love of power at whatever cost.

KAKOOZA: As I mentioned - my own approach to this problem - for example, power itself is not an end. Because if you think that power by your definition - you are saying that power is an end itself; the love of power. But I do not think that -

COUNSEL: No; I am not saying it is right; but I am asking you - has it not been the main cause?

KAKOOZA: That is what I said earlier on, that if somebody is ignorant of what to do with power. For example, as a leader when we entrust you with State Power, we expect you to lead us from one point to another. I will expect that a leader may drive at too fast or too slow. But if you sit there and simply say, let me fight so and so and remove him from his palace, let me kill so and so and remove him; it is something else, it is not more social - it is lack of knowledge, lack of knowing what to do - it is a primitive kind of fascism which was believed on this. For example, if you are a leader, the removal - if you are really a ring leader - the attack on Mutesa's palace, did it help Uganda to develop? Did it alleviate backwardness here? But it was an exercise somebody thinking that by removing that man, I will be eating without many problems; nobody will be checking about my eating. This is the whole thing. You take the struggle between Obote. Amin removed Obote for the reasons

of self preservation; not that he wanted to remove Obote so that he could get a new social order; but through self-preservation, that my friend, if I remove this man, then I will stay alive and do whatever I want to do. Now when Obote comes back, what does he do? He does not make Uganda move. He raises what I explained as primitive fascism. I do not think that he was actually conscious; because if at all we look at this that it is merely excessive use of power, we are then saying that these people were rational, that they were understanding; and if we do that, that implies to me that they had some intentions. Because then you will find that even our own negligence, not to cheat our own people, we are also guilty on that. You get me? So I think that - for me, I think that when we shun our responsibilities, our political responsibilities, then these leaders, the uninformed, the ignorant, came on the political scene; and we are responsible, we, Ugandans, are responsible for those people. It maybe that I am trying to be a little bit academic but it is true. Otherwise how can you judge - I mean - you cannot explain how Amin by saying that Amin wanted power - that Amin wanted power so he came into power. I do not think that it is the idea of loving. But when I talk about Amin as a result of our irresponsibility, Amin arising on our political scene as a result of irresponsibility. If it is fit, but it does not fit in the category of merely loving power, because I think, if I could believe him when he said that - "Me, I am a professional soldier", that is part of his statement. He assumed that he was - he had not nursed that idea of getting into power until he was touched; until his actual survival was touched, then he moved. So the idea of excessive includes some process somebody has been thinking about that I should not get power.

CHAIRMAN: Well, I do not know how much you can speak for Amin on this, assuming his idea, but it would be interesting to hear from Amin himself. (Laughter). It may not be what you think.

DR. LUYOMBYA: I think there is in the biological terms, Commander, that if, a man called Charles Darwin who talked of the struggle for existence and survival of the fittest as a biological phenomenon. But probably the way you may try to acquire this survival which may force you to violate human rights or not. For example, if there is a cake which you want to eat and survive; you may survive eating that cake by removing all other competitors to the cake. But you may also survive eating that cake by growing the ingredients of that cake and making that cake. Probably we should appreciate that fact and carry it on that - the means used may make the difference; whether he will violate the human rights or not.

KAKOOZA: When you get Darwin - the survival of the fittest idea, me, I think that - what makes a man different from - we think that this is a law of the jungle - that is the law of the jungle; that is the survival of the fittest. So we think that the more we distance ourselves from the law of the jungle and apply human laws which governs human beings, the better for us. So I am saying - that is why we have been talking about primitive fascism. So when a man was still primitive, he was nearer to that level - those laws of survival of the fittest, the law of the jungle. But we think that people of Uganda of 1987 should try to distance themselves from

that and act as rational beings, that we are able to create certain conditions in which we can produce and better ourselves without resorting to that law of the jungle, the survival of the fittest. So just to talk about the idea of development; that if we develop - if we work for development, open up opportunities - you will find that this conflict of trying to eliminate one another or kill you so that he may eat; is reduced. That is why I talked about development as a way of enhancing human rights in Uganda. that the narrower the opportunities there will be the intensity of the conflicts; and that process, human rights will continue to be violated.

DR. LUYOMBYA: I think it should not only be reduced but eliminated completely and we look at other developmental ways of achieving survival.

KAKOOZA: The removal is a process. We should look at the man as developing. It is a process. We cannot say, we would just by, a stroke of a pen, introduce human rights here. But it is internal consciousness which must develop; what we must enhance. When I talked about education and schools, for example, of letting that Chapter 3 of human rights to be introduced in schools and be taught. I mean that the young children, the young generation will grow appreciating human rights; they will be understanding this. So when they grow and they assume some positions of responsibility in our country, they will be having something to fall on. But you find a man - if I do not know something - for example, you may find that if I do not know it, then I would not be to blame. So you see, I am talking of a process; I am not talking of that in our era we may eliminate that. But we are saying that we should - my solution was, first of all, on eliminating the mentality that we grow, that we are responsible. Then we try to fight ignorance by educating, by politicising our people, knowing. Then fight to bring up our children to educate them about that. So as Uganda progresses, continues into the 20th century, you will find that more and more people will be understanding human rights. Then, may be all those who will be here after us will enjoy a better level of human rights than we have enjoyed today. So I think it is a process when all of us are mobilised.

DR. MAKUBUYA: I think, there will be no questions.

DR. LUYOMBYA: Well, we were just on academic discussions.

CHAIRMAN: Commander Kakooza, it seems that you have not finished yet; well if you have finished, but we have not from this side. We had hoped that perhaps today you would wind up your evidence, which I think you have; but there are natural arising certain questions from the evidence you have given which we shall put to you seeking clarification on certain matters. Now it is a bit too late in the day to start doing that now. So I am sorry that we will have to ask you to come back next Wednesday at 9.30 a.m.; hopefully in the same place; we will be either here or in the Main Hall of this complex. So I think you are also tired now; perhaps more tired than any of us is; and you need a break more than anybody else. But in the meantime we thank you for what you have told us in evidence and in your views. But we have to adjourn the inquiry to continue with you again Wednesday next week at 9.30 a.m. in this place. Thank you.

CHAIRMAN: Commissioner, Learned Counsels, Ladies and Gentlemen, we are ready now to open the Session of today - the 9th of September, 1987. I am sorry that we are starting late because we have been waiting for the leading Counsel to come and lead the witness. But, I think, he has been delayed elsewhere. However, Assistant Legal Counsel - Mr. Cheborion - has arrived and he should now start to lead the Session. Counsel, I understand Commander Mutale Kakooza gave evidence last week up to Friday, when he actually finished his formal evidence. But we called him to come back today because the Commissioners wanted to ask him certain questions to clarify the evidence he had given. I believe, that is what we are going to start this morning.

COUNSEL: The Commissioners may continue asking questions of clarification and, maybe, other questions.

CHAIRMAN: Incidentally, this Witness is Number 156. Commissioners have you any questions to ask Commander Kakooza from the panel?

DR. MAKUBUYA: Mr. Chairman - Makubuya is my name. Mr. Kakooza I would like you to answer one or two questions from me. The first one relates to Vvumbula Armed Forces. May I know whether this Vumbula Armed Forces had a political programme?

KAKOOZA: We had a political programme, but this one, when we merged with NRA, we found that most of the objectives which we were fighting for were almost similar with those of NRA. So we abandoned ours and we willingly accepted to carry on this line, of NRA because the major objectives - what we call the political objects - of NRA were similar to those of Vumbula. So there was no use of - carrying on with ours.

DR. MAKUBUYA: Yes, but when you merged with NRA - before you merged with NRA - you were operating on your own and you must have had a basis for convincing the one thousand or more people who joined your force.

KAKOOZA: Of course, I said, when I was submitting about why I went in the bush, first of all the military force was against the forces of fascism which were operating in the country. We rejected these - I personally rejected these; and, when we started our struggle, this was foremost, that we wanted to struggle against the type of politics which was going on in the country. We went definitely in the bush. But, as we started to gather, we found that we had similar ideas about our struggle. So our line of struggling against fascism was the same as of the NRA was having. But NRA's was broader. So we thought that this broader approach was more useful in physique at that moment.

DR. MAKUBUYA: Okay. When you mentioned Kaaya's Farm which was being used as a dumping ground for bodies - the Commissioners have been to Kaaya's Farm before, but -how did you first know bout Kaaya's Farm?

KAKOOZA: Now this information was given to us by the people who were living in the neighbourhood; some people had stayed in the neighbourhood and came to report this to us. So an official team was despatched to go and

verify this with a camera and some reporters. So that is how we got to know it. We were informed by the wanainchi in the neighbourhood; and we responded by going there physically to report this.

DR. MAKUBUYA: Do you know whether this farm was again used as a dumping ground after this team had visited it?

KAKOOZA: It continued to be used. But, I think, after the visit - after one Red Cross Official had been taken to this area, then the dumping declined. And again I could not say much after that, because, at the beginning of 1984, we moved away in that area and then came to Bulemezi - Ssemuto/Kapeeka Area. So I could not know exactly whether they continued. But, after the Muzungu of the Red Cross had gone there, there was a decline in the frequency of delivering bodies there.

DR. MAKUBUYA: When you were talking about the causes of Violation of Human Rights, you mentioned lack of political education and what Governments are for and so on. But might you say that the Ugandans have had a type of political education which is negative to the extent that, when you get an office, you are supposed to use it - I do not mean you personally but as a manner of speaking, that, when a person gets into an office, he is supposed to use it - for his own good and so on; for God and his stomach and things like this. Isn't this some form of education also?

KAKOOZA: I associate education with some positive qualities, I associate education with equipping man with some positive qualities. I do not think that it equips him with wrong qualities. But, to answer your question, I do not think that, that is an education. My own observation is still in our history. The last 60 years of Uganda were of colonial history. We were a subject people. We were being educated to be a subject people and we are supposed to act as subjected people. So this education of 60 years was equipping us to serve a system which was there - the political system which was there: the colonial system. Now, after 1962, we got political independence. Then this meant that we were to be responsible - we had to assume responsibility. When you are being educated to be a subject people, it is not the same way when you are being taught to be an independent person; to be responsible - for your life; and then you can expand this to our political life. So what we have lacked is the political education which makes us responsible for our own country. We were taught to serve in a colonial system; and many of us served that political system very well; but, when it came to getting independence -and now we were going to be responsible for ourselves - then we have lacked that type of education which makes us responsible for our own political destiny.

DR. MAKUBUYA: Again, talking about the causes of violations, you mentioned ignorance of the leaders; that, in fact, the least knowledgeable have often found themselves in power. But I do not know whether you will agree that they might have had some kind of expertise. They have been experts in manipulation of the system and they have survived in power for a long time, in spite of all these odds.

KAKOOZA: Honourable Commissioner I would still think that, when you talk about expertise, that expertise is a positive word. When you are an expert, you are still doing something well. So I cannot call you as an expert murderer. So that one, I think, is a misuse of words, if I say an expert murderer; because murdering is very bad. It is bad against society. So the qualities you are talking about, those are negative qualities. You are using the word 'to manipulate.'

DR. MAKUBUYA: Yes.

KAKOOZA: All right. They have been manipulating; but manipulation is not good. It is because they have been manipulating the political system, not leading us; but merely manipulating, to stay in power and to serve the interests of themselves or of other people, not with us - not actually here - but somewhere. So, to me, I think, they have lacked leadership which was necessary. We talk of leadership which makes us move - develop. So, if they were manipulating, this was one of the weaknesses; that they were not leading by policy. They were not leading us by policy, by good reasoning, by good assessment of our problems, but they were sitting there to manipulate to stay there. And, to me, this is negative and eventually, when a man is sitting in a seat of power and in his own right he uses manipulation, playing one group against another, then, I think, sometimes it becomes a time when his manipulation do not serve him well and he resorts to terror.

DR. MAKUBUYA: Yes, again, talking about causes of violations, you mentioned poverty as a major cause; and you said that people have been committing crimes in the name of their stomachs. And you gave an example of one UNLA soldier who had joined the struggle in the bush and he said that the role of a soldier is to charge or to steal. Arising from this is the welfare of the soldier himself. You will agree that, if a soldier is underpaid, you expect him to charge; if he has no provisions, you expect him to charge. We were told in an earlier generation that the gun was the soldier's mother, the soldier's father and so on.

KAKOOZA: You talk of being paid.

DR. MAKUBUYA: Yes.

KAKOOZA: Now, when talking about an army - concept of an army, you must agree about the concept of an army. That concept of the army you have - you talk about -is not my concept of an army. And here even though I am supposed to talk here as Kakooza, not on behalf of NRM but the fact that I am having certain functions I am doing in NRM, I think, I would also say that it is not NRM's line, it is not NRM's concept of the role of the army, that idea of a mercenary, that you are paid - you must pay - in order to do what you are supposed to do. I think, it is the type of education, for example, we talk about. How do we, once the people of this country, define the role of the army? For example, we define - we are trying to define - it as a people who create conditions for us to produce; and after that you are also charged with a duty to protect the product of our labour. These are two functions. There is not idea of

saying, you must be paid adequately in order to do your work well. I think, if you are educated well in a society, it is not that society gets a little of what it has to compensate you for whatever you do. It is not a matter of adequacy.

Now I do not think that this is the idea of a gun; saying that the gun is my mother, then is what. This is wrong politics. That is when the army is not given the right education. The army, like ourselves, like any other Ugandan -whatever institution - must be given the right attitudes. It must be assisted to understand the values - our values - what we believe in as Ugandans. Then we give it a role. We give the army the role. That you are going, first of all, to see that there is peace when you are producing. We want to produce. That you create a peaceful environment for us to produce. And then we tell you also Mr. Army that, when we produce, you should also provide protection for our products. So he knows. And, as we produce, we give him part of our product to maintain him. It is our duty to maintain him. It becomes obligation as people of Uganda to maintain this army which is serving our interests. But the type of army you are talking about is the army which is not steeped in the values, in our own values. It is almost a mercenary army, serving other interests. So our task here, which, I think, must be addressed by all Ugandans, is that, when you are creating the army - an army -we should also educate it. We should also educate it as we are educating ourselves, as we educate our children about national values; and we assign the role to each of these institutions which serve us as a whole.

DR. MAKUBUYA: Yes, in talking about solutions, you mentioned that we have mobilized our people to fight ignorance and you gave an example that very few Ugandans have read and understood the Constitution. This may be so. But, isn't it also true that most of their lives are handled outside the Constitution as such it is insignificant in their lives. So they have no reason to bother about knowing what it says. After all, they see it pedalled by whoever has enough force to do it and so on. Why should they bother about the insignificant document?

KAKOOZA: Rightly so, that experience in Uganda has shown that some leaders hitherto in this country have been torpedoing whatever Constitutions they had. But, I think, that the problem is not that the question has been removed but the question is that people have not understood what is contained in those documents. If people know what is contained in those documents, then people would arise to defend. It is that this Constitution is not available to people. People do not know what is contained in that Constitution. Therefore, they are sort of - they are blind. So they do not know what to fight for, what to defend and not what to defend. They do not know what to support and what to oppose; because they are ignorant. If you are going to have somebody define the cause, it is upon you to educate your follower of what to fight for. And eventually this follower will defend that which he understands. So, because people do not understand or abrogated or what - torpedoed, to them they do not know what to do. They do not know what is there and I was referring to that human rights chapter which I was advised that is

CHAIRMAN:

KAKOOZA:

Chapter 3. Now this is very important at this moment. It is very important because we are having a Commission to seek to what extent that particular chapter has been ascertained or has been violated. Now the idea of having a Commission is a noble idea - first of all, it is a noble idea. It had never been in our political system. Now it is emerging. Now, if somebody had to read now the Constitution - the current Constitution -and relate the existence of this Commission, then his understanding is clearer; maybe, we have different thoughts now.

CHAIRMAN: I think, the point the Commissioner is making, Commander, is that, if the leaders themselves who are supposed to conduct the affairs of State according to the Constitution do not take it seriously. We treat it as if it is not of any more importance than Traffic Rules. And how do you expect the ordinary people to take it more seriously or to - because it does not protect then? The leaders who are supposed to educate the people to respect the Constitution don't treat it as a Constitution. It is amended like traffic rules. The way the Constitution of Uganda is amended would shock many people. I think, it is respect for the Constitution by the leaders far more important than merely educating the general public because everybody does not have to know the A - B and C of the Constitution.

KAKOOZA: My Lord, I think, that is the tendency; if we allowed the leaders to know and the masses not to know. It is a very bad tragedy. We should not, I think, encourage that. I think, we should make effort - my own submission here is that we should - make masses much more, more aware of what their leaders are likely to do. So that is when we can have democracy. When a few people in the society know and a big bulk of the population are kept in ignorance, then democracy is at risk; because the way of life is a way of struggle. We struggle with forces of nature. The more we subdue then, the more we will be better. Now, in this struggle of life exist on this earth, you will find that leaders come. The leaders emerge in the process of our production. They emerge on the scene. Some may be good; some may be bad. But, how do we censor those -how do we differentiate these -good leaders from the bad leaders? It is what we know about leadership.

I will give an example of our experience in the bush. Now, we had - we developed - when we were going to fight, we had - a Code of Conduct - a series of them. We had two: There was a General Code of Conduct; and then another one called the Operational Code of Conduct. Now, these two were supposed to guide us: First of all, to censor the leaders - the Commanders. But the first thing which was done was not to educate the commanders but is to call every soldier within the fighting ranks to understand this particular code which we were using to guide us; and then to control ourselves within the bush; and, perhaps, to control our relationship with our other people who were not actually not in combat with us; but who may be connected with out struggle. So this governed us. But we had to teach it. I personally participated in the teaching of this, that every soldier understood; these future actions as guidelines.

So, if we educate our children, for example, in the schools about human rights and we bring them to understand - it is part of their curriculum; it is part of their examination; they have to pass that document; they have to be asked human rights - about what to value in society; bring them as human beings, I think, later on a generation will develop in this country which can censor a leader. Here you cannot censor a leader. At the moment we have no mechanism of censoring a leader; because the man comes out - as you have rightly put it; he comes - and spells out the whole thing - Constitution. You hear the word 'Constitutio', but what he has thrown out -we do not know exactly what he has thrown out. Maybe, he has thrown out the clause which was saying that, when you are going to be detained, you should be given a warrant; when you are arrested, an officer would produce a warrant. You end up being put in a boot straightaway. Now you think, maybe, putting people in the boots is the way this Government is arresting people. But, if you know that, putting people in the boot -you come, you want to arrest me, but you put me in the boot - is inhuman and you are breaking human rights, then I will protest, wherever you will take me. Okay, you may even kill me because you want to kill me. But wherever you are I will be protesting that you broke my rights when you were arresting me and putting me in the boot. Because then I know that, when they are arresting people here, they present a warrant. I am not saying I am an expert on the whole procedure; but this is my idea.

KAKWENZIRE: You may know your rights - in fact, most people know their rights; at least, people know they should not be in boots - but you can know your rights and not have the means to defend your rights. I think, that is where the problem lies.

KAKOOZA: I think, this is where NRM comes in now. My Lord, I came here to view my personal - mere personal - opinions and my views; but, of course, as I said, I am wearing two hats -

CHAIRMAN: Yes.

KAKOOZA: I am supposed to extend my examples down there.

CHAIRMAN: Which is very fortunate. It is fortunate we have a witness like you.

KAKOOZA: But this is where NRM comes in. I did not come here - to advocate NRM Policy; but, I think, I should use this example. That the means are there. We have shown the means now. You see, we cannot allow a man to continue violating our human rights. We rise up. I protest. First of all, I protest as we did. We protested and eventually the man we were protesting against is not here. But we think generally you are right. If you think you are right, you have a cause to oppose you - a right cause, not a cause that I can express to you. But I am saying, 'Do not hold my human rights. 'So in this kind of struggle between you, then we take up arms and fight you; but, of course, until you come down and cool down and say, 'Now, I think, we better talk'. Then you change your methods of governing us. So the means we are talking about, these are the ones which NRM has shown that, when people are suppressed for a long, long time, time comes when they really get fed up and they

take up arms for a right cause and remove you. They remove the cause of their suffering; amidst them. So this is where NRM comes to guide the people that it is not a matter of - rights are not dished out on a plate, on a silver plate. It should not be like that because after all, it is human nature. We have to struggle. We have to participate all of us - participating - in this process. So the idea is not to sit there and just wait for the human rights to come and then be respected. We should be vigilant.

CHAIRMAN: I am sorry Commander. It is a follow up.

KAKOOZA: It is okay.

CHAIRMAN: It is a follow up. I think, Commander, human rights should not be begged. It is an inherited right. It is a birth right. It is not a favour from anybody -from a State or a Government. But the point which I think you have not answered against humanity. When you are asked questions you answer them briefly precise to the point; because you have given your views already in the evidence you have given. And I think I am also dissatisfied with your answer as to what should all the citizens do; because the people who violate the Constitution are not the ordinary people. They are the police who are supposed to enforce the rights. It is a law in this country that nobody should be searched - police should not search - without a warrant. But how many people's houses are searched without warrants? You ask somebody, `Where is the warrant?' "My warrant is the gun." An ordinary citizen is helpless. I think, this is the point the Commissioner is making. We should rise against such people. You should not be arrested without a warrant. Your house should not be searched without a warrant. You have a right to ask who is coming. It is always the police who should search, not the soldiers. But the very people who are supposed to guard and to protect the Constitution are the people who violate it. What the ordinary people ask; do they have to rise up every time and take up arms and fight?

KAKOOZA: No.

CHAIRMAN: We shall have so many wars.

KAKOOZA: No, no, no. I think, I am not understood. What I am trying to say, the era which we have gone through - I am talking about the era we have gone through. What you are - my Lord, you are - explaining is the era we have gone through. This has been the order of the day. But what has been the order of the day is not what is right. I think, by our being here, for example, is to look into - is to accord us the opportunity to look into - our past and we see, "Where did we go wrong?" And after from here then we start a new course. This has been the order of the day - I agree with you entirely; that people have used the gun. They have misused the gun. They have abused their offices. Agreed. This has been the era of the day. So, when I was proposing. I proposed that, first that we should not begin to educate our people. We should educate them that this, is not right, first of all. We are assuming - the honourable Commissioner is assuming - that people know. But my experience

when I have been teaching and addressing people, I always give them a test -talking to people - and I say: "Do you know your rights?" Some of us have been educated about our rights. It is important because we cannot - unless he can read, realize, this is what is due to me. *"Kumbe"*, this one you are violating my human rights by so doing. We are assuming that each one knows that assumption, I think, is erroneous, to assume that each one and everybody knows. The level of understanding our human rights - and I can extend it up to democracy - depends on the level of literacy in the society. If the society is literate - is aware - they can understand and then they can defend. They can voice their opposition. But the tragedy is that we are deceived. They can voice their opposition. But the tragedy is that we are deceived. A leader comes here and he deceives you and you have no way of checking whether he is actually telling you the truth or he is telling you lies. By educating -

CHAIRMAN: Mr. Commander, this is where I - I am sorry to - come in. What is important, not so much what you say as or but actually what you do.

KAKOOZA: Yes, that is right. There what they do emerges from what they know. Their actions emanate from what they know. Then you act. The more knowledge you have, the better are your actions.

DR. MAKUBUYA: Again, in solutions, you recommended that the Bill of Rights should be translated into all languages - as many languages as possible; and small pamphlets should be given to people, in the schools and so on. I think, you were talking about Chapter 3 of the Constitution. I admit that you are not an expert in these things. But, when I look at this Chapter 3 - Bill of Rights -there are more qualifications - more exceptions -than there are positive provisions. Do you now recommend that we translate these into the Bill of Rights; or would you first seek some improvement in it before you translated it? Maybe, it is known because - you know: every person shall have this; and that is in one sentence; and then, in the next twenty sentences, you are qualifying the right. And, at the end of the day, the services have been taken away actually. How will this kind of translating help our people?

KAKOOZA: Now you point out though rightly that, maybe, that Constitution is imperfect. I think, one already we have a Minister for Constitutional Affairs. I think, one of his major tasks is to see that we have a Constitution which reflects our aspirations. So, when I was talking of the Bill of Human Rights, I was also having in mind that one which has been universally adopted -

DR. MAKUBUYA: Yes.

KAKOOZA: By the U.N. and the O.A.U.

DR. MAKUBUYA: Yes.

KAKOOZA: That, since now you are sitting here and you are looking into this, whatever you will give us is the one which actually you think is good.

DR. MAKUBUYA: That is right.

KAKOOZA: And reflects that universally respected Chapter of Human Rights. Secondly, I understand that the tasks of the current Government will also include the re-examination. I think, there are certain leading students of this country who are busy now - or they are supposed to be busy - looking at that particular Constitution; maybe, we merge it with the new Constitution. But whatever Constitution will come, I think, it will include that Chapter concerning Human Rights.

CHAIRMAN: An improved one.

KAKOOZA: And an improved one.

CHAIRMAN: Okay.

KAKOOZA: And this improved one should be made available - to me, I feel that there are so many things which I should have been taught in our schools which, I think, are not as weedy as this one. So, with whatever we will come out, modified, improved and agreed it should be taught to our children. It should be taught to the people in the language they understand. So I was not actually advocating that particular Constitution; I am talking about the elements.

CHAIRMAN: Welcome.

KAKOOZA: Yes, the elements which contain them.

CHAIRMAN: Thank you.

DR. MAKUBUYA: There is a newspaper here which I want you to look at. You will answer one or two questions for me.

CHAIRMAN: Commissioner, could you say - for record purpose - what this newspaper is?

DR. MAKUBUYA: Okay, I can do it but. Yes, I am looking at the Economy Volume One - Number 21 of December, 19th 1979. It costs Shs 5/=. It is registered at the General Post Office as a newspaper.

KAKOOZA: Yes.

DR. MAKUBUYA: I think, the headline there says: 'Bad News - Akena Adoko is Back'. Why is this fellow bad news - or why was he bad news?

KAKOOZA: I think, if you are quoting a written document, I shall confine myself to what we wrote there; so the answer is contained there.

DR. MAKUBUYA: Yes.

KAKOOZA: And for purposes of answering your question, you will actually permit me to read those parts.

DR. MAKUBUYA: Yes, please.

KAKOOZA: It is - the headline was - 'Bad News - Akena Adoko is Back'. And the preamble says that: "It is a shock and killing news to report that a man whose name makes blood of every human freeze is back in town; and Hon. G. M. Buzaabo - Chairman of the National Renting Allocation Board - has allocated him the commercial promises formerly owned by Hassan. Fauza on Plot Number 32/2 - Kampala Road. Now, unless Mr. Buzaabo can tell the entire Nation that he did this allocation under extreme duress from certain quarters, it is difficult to believe that, among the certain candidates who were contesting for the premises, Akena Adoko was the most suitable. In Uganda Times of 8th December, 1979, Chairman Buzaabo was reported as having condemned Amin's system of allocating business because this created commercial and efficiency chaos.

Spy or Politician.

On hearing this news that Akena Adoko had been allocated premises on Kampala Road, the worried citizens wondered whether the Allocation Board considered Akena Adoko's application on grounds of a retired, efficient, intelligence officer or a politician who created a jargon which swallowed him. Some people have said that the allocation of premises to Akena Adoko is a cover up so that the former boss of the General Service Unit can re-establish a spying octopus which U.N.L.A. so badly needs.'

So, I think - okay, then I continued somewhere:

"Chairman Buzaabo was reported by Uganda Times of the same date that his committee was going to give special preference to patriotic Ugandans who are prepared to serve the Nation." I was quoting. "Now citizens wondered how patriotic is Akena Adoko," and we somewhere said, 'Is it fair and human to bring a man who is alleged to have made thousands of Ugandans rot in the General Service cells? So the General Service was the forerunner of the State Research Bureau,' and then we continued like that.'

So for us in Economy that was our stand against this man. To tell you Buzaabo had collected very valuable document concerning him and his business. And this man as you are here you are receiving reports since 1962; I think, either you have or you will get people who will tell you more about what happened in those G.S.U. cells. It was what we heard as a paper - what we heard -that horrible things were being done in these G.S.U. cells that we took this stand against this man. And I want to confine my resolutions to what we actually wrote.

CHAIRMAN: My point is this. I think, the idea of a spying octopus is not a new one and I would say that every Government needs a spying octopus. What is particularly objectionable about heading a spying octopus?

KAKOOZA: Well, while talking about General Service Unit - when talking about the

State Research Bureau - we are not talking about information gathering agencies - of the State. Here these ones have been carried out as units which actually turned against the people of Uganda. They were used as suppressive instruments against the people of Uganda. We are not talking about simply the setting up of information gathering agencies.

CHAIRMAN: But I think these are intelligence units also.

KAKOOZA: Yes.

CHAIRMAN: But what they turned out to be is another story.

KAKOOZA: It is like the army. That argument would cover the Uganda Army. It would cover U.N.L.A. It would cover U.D. But we are saying, U.N.L.A. is different from U.N.L.A., from the armies.

CHAIRMAN: Yes.

KAKOOZA: U.N.R.A. is different from U.N.L.A. from all other armies. So we are judged by what we do. U.N.R.A. was protecting the lives and property of the people. Today a bigger part of the Commission actually as I have is visiting sites where skulls - heaps and heaps of skulls - are gathered, are collected. So the idea of what you are supposed to be and not actually do must be distinguished. So we say that these were units or agencies of oppression. They were not used to support or to make the well being of Ugandans better.

DR. MAKUBUYA: Okay then the next question becomes, how one is to prevent an intelligence unit from - or becoming or agent of suppression. Because, first of all, you admit that Governments need these units. How are the people to ensure that these units do not turn into agents of suppression?

KAKOOZA: The same ones which have been given in this Commission that the only way we can forgive -we can accommodate - these people is that we say, they did these things out of ignorance. That is how we can forgive them; that they were ignorant; and from ignorance they became fascists. But otherwise we think -and by that we think - that the first thing to do now is to educate the people both those who are leading us today and those who will lead us tomorrow; because, for me, I think, it is a function of education. If you are given the right attitude towards a certain institution, your behaviour will change.

Still, my Lord, you will permit me to use N.R.A. as an example. That is all armies have been here. But, I think, the people of Uganda recognize some degree of difference from the previous armies. For example, our army is being politicised in national values. We are trying to create an army which can be responsible for its actions. For example, even a commander in N.R.A. unlike other armies where you are somehow responsible for your actions - or you are answerable. It is not a matter of saying they gave me orders. But also you must judge the situation and be responsible; and, to a certain extent of, your own actions. So I am saying that, when we educate our people -the more you educate our

people - the more you get better results. You will change these organs which have been organs of suppression and become organs of sustenance, who will sustain our political system and be useful to us. So I will stress the importance of education.

DR. MAKUBUYA: The other thing is whether really we can prevent the army from taking over. Is it possible to prevent an army from taking over power? Whatever these solutions you have proposed and so on; do you really believe that it is possible to -

KAKOOZA: I think -

DR. MAKUBUYA: Stop the Generals from taking over?

KAKOOZA: I cannot say that I can predict human action - whatever men can do in their own course of life. I cannot really commit myself to that. But I am saying and sometimes, how do these army soldiers take power? Why do they come into power? Usually they come - the soldiers rush - on the political scene at the height of a crisis. When societies have crises, then they emerge on the scene. But - and I would like to be understood clearly; I call upon your honour to understand me clearly - if we politicise our people, including the army, even if an occasion occurred where a soldier would emerge as a leader; then we would expect you as any other Ugandan to lead us the way we expect them to lead us. Whether he has guns or he has no guns, we think that we should continue to educate our people, create an environment in which even if a soldier comes into power, actually he can lead us the way we expect him to lead us. Many instances are there in the world that the idea of being a soldier does not necessarily make you a fascist because there are Governments which have been led by soldiers. And in other countries where serving in the army is compulsory - it is a part of life - we have seen that people have come from the army and they have assumed the highest posts.

CHAIRMAN: That is all soldiers would be allowed to get into politics. But what the Commissioner is talking about are coups which we hear about every other year in the Third World. Soldiers are taking power by unconstitutional means. They overthrow Governments. I think, that is what he is talking about. Let me give you an example. In Nigeria, in 1979 Constitution in Nigeria, one Clause prohibited coups; it made coups illegal. But, since that Constitution, I think, there have been two coups in Nigeria. How do we stop these. It is obvious -grabbing power by unconstitutional means. They cannot wait to go through the box.

KAKOOZA: A soldier is not a special species in our society. Nobody is born in a clan of soldiers. There is no clan of Soldiers. We are not born soldiers. We are part of the leadership. We are part of the country: One decides to make a career in the army and one makes a career in agriculture.

CHAIRMAN: No but in a special position against guns. We have the instrument of force -a monopoly of instruments which are owned by everybody but they turn to their own use. They use them against the very people who

buy these guns.

KAKOOZA: This is then a phenomenon of underdevelopment. This is where you find the problem of underdevelopment. Now, the role of the army - or how they behave - is not unique in the merit we consider the problems of underdevelopment. The tragedy is that the certain breaks which you find in the Government which are all over the developing countries in a general part of the bigger problem which is called underdevelopment. Now you can even find that some of the coups which we have experienced - some of them they - are not serving our own interests. They are not serving the interests of these people; but maybe, they are engineered outside - beyond - the interests of the actual citizens.

Now, as I mentioned earlier on, I said I cannot predict that they will stop. But, I think, we can reduce the frequency. What we need to do is to reduce the incidence of people who are actually unpoliticised to come into state power. The more we educate our people, the more we tackle our problems of development, the more all of us develop. Of course, development would mean you would have some problems as you go along: Tomorrow you may have a coup, the next day you may have a Government; but you have to continue going. And the more we have people who are enlightened - whatever may be their calling: be a soldier, be a farmer; because, when we talk of, 'this soldier is having a gun; the State has given him a gun; therefore, it is easy for him to come into power'. For us, for example, in the NRA we are saying that let us, first of all, demystify that. Let us make the gun understood. We teach people to understand the gun; that the gun is theirs; it is there to protect. Then we train some militia people. We train the villagers to take care of their defence. Now, I think, we are going to reduce that incidence. We are not saying it will not happen again. We are saying, we are actually reducing the incidence of such a thing; that the people may have now to reject that, whether you come in by a gun, people may take guns and they may also remove you.

DR. MAKUBUYA: Thank you.

COUNSEL: My Lord Chairman, I wish to apologize. I have been delayed. I have been held up in the court to do some interpretation and so on and so forth. I have just finished it. That is why I am late, my Lord.

KAKWENZIRE: My first question is, tribalistic tendencies vis-a-vis nationalistic tendencies, do you regard this as a source of conflict here in Uganda in the last 25 years?

KAKOOZA: I think, the leaders - the purpose of our leaders - here in Uganda has made them use our cultural differences to advance their own nepotism. The people of Uganda in general - and I am using the word 'general', that is minus the leaders - I think, do not have they are different in terms of language: as I say, *"iriyo maberi? or ibutu ningo?"* and I say, *'wasuze otya'*; another one greets in a different - *"agandi"*; but we are saying the same thing. That is a type of a difference. Perhaps, we are different in terms of dance; that some people dance with their hips - over spacing their hips - and others are different because they are dancing

with their chests. And then, perhaps, our various traditions and so on. But, when you consider these as political differences, we are all one: We are all one. We are poor people. We are colonial people. We are ignorant. We are helpless, mentioning all our sufferings.

So these are the major points about ourselves which have discouraged us. You must indicate how are we - socially, politically and economically. We are all in the same boat. But somebody comes and says that, `Your problem, is that, when you greet him "*agandi*", you are very different from saying, *'Wasuze otya'*, or, *'Osibye otya'*. That is very important. To me, I think, the politicians are using that and make us knock our heads all over around. So they have been using it. So, failure to have something to guide us, they have resorted to -as one Commissioner was saying - manipulation. This is mere manipulation. You manipulate because we speak different languages - dialects; then you think we are too much different. But, if you looked around at our interests, they are the same. They are the same - out interests. But, if you took development, I do not think that there is a difference - you will find a Karamojong arguing against or disagreeing with a Mukiga about development. Both of them need development. But, if you begin to use the Mukiga's language against a Karamojong language and use them to rule the two, then you are going to stress this type of tribalism. I do not know whether I should extend my -

KAKWENZIRE: May be, you have made your idea.

KAKOOZA: Yes.

KAKWENZIRE: But haven't leaders also fallen victims of what is this - the tribalistic tendencies existing? What I have in mind is leaders who progressively become visibly -or practise nepotism visibly because of prevailing situations. Take, for instance, a President choosing persons to work within a political climate which is becoming increasingly stiff. What sort of members he chooses normally do not have tribalistic tendencies creep in, much to the dismay of other people? We are talking of what has been working in Uganda.

KAKOOZA: Yes I know.

KAKWENZIRE: Yes.

KAKOOZA: But I have my own personal view of the whole thing of tribalism; because I was going to ask you whether I should labour to give you that personal view. Because we have seen that it is more selfish than tribalism. It is more of selfishness of some leaders here than tribalism. Because of my idealogy, tribalism is that we put you in power - you are a leader - and you use State power to promote the well-being of your tribesmen. What I see in Uganda is on the contrary; that, if say, for example, Obote has governed Uganda - out of 25 years of our Independence, I think, he has governed - about 14 or so. But I think then his own place would be now - if at all we are using tribalism at home, his people would be - the best; they would be having the best of

everything in Uganda. But, I think, these people in that district, they are also suffering, if not worse, they are suffering more: They do not have roads, they do not have schools, they do not have hospitals; they do not have - what they need to be assisted like any other district.

So, to me, I think, now there is a clique. He himself, with a clique of a few people around him, who may happen to be, maybe, some of them are his tribesmen; but it is a clique because it does not represent the tribal - the tribe is not enjoying as such. The tribe has not been enjoying as such. But it is this clique and a few people around him who actually amass wealth at the expense of national progress. So that is my own view about that problem and I have put it - if you look - I have put these views; this is a magazine - the Economy; and I wrote here an article 'Politics of Eating.' I published this, this year; now those who want to know what I think about tribalism and the rest of that. You see, this is part of the sectarian game: the tools in the hands of a manipulator. He uses tribalism, he uses religion, he uses party; but, in actual practice, this is mere selfishness used by the clique in power. So I have my observations, because, if at all there are times when your tribe should be enjoying at the expense of the others. But the situation in Uganda is on the contrary: Every inch of Uganda - you go in the villages - you will find the same thing: You find huts; you find them all over the place - no hospitals, no roads. I do not think there is a district which is shining; apart from here. Incidentally Buganda here is looked at as if it is ahead of the rest because it was a colonial centre. The Wazungus were administering this country from here. So, maybe, they made these facilities available for themselves so that they can sit here. But, generally speaking, the country-side is all uniform in any development. So I differ a little bit of you speaking of tribalism as such. It is selfishness within the ruling clique.

COUNSEL: Mr. Chairman, since the witness has mentioned this and he stated that what he is vividly putting these generally, I would request that it be admitted in evidence as an exhibit.

CHAIRMAN: Where is that?

COUNSEL: It is "Economy" number on policy of January, 1987.

KAKWENZIRE: Yes, as a matter of fact, I was looking at your article, though I have not had time to read it. But, taking the politics of eating, you know that is not only those in positions who want to eat but also those outside want to associate themselves to those in power to eat. And that is why sectarianism is highlighted or comes to be visible; in that you are Commander Kakooza, you are in a position. I know you and I want to make good of your office also to eat. People crowd around your office or around your home and in your area. It looks like sectarianism. That is why I was talking of labours falling victims of what of what already exists because, in the broader sense of eating; and this, I think, I warned it as one of the causes of conflict.

KAKOOZA: Granted - granted. I am not denying that the leaders have not fallen victims of this; because, as I submitted when I was here last week, I said, we ought to blame. Leaders are supposed to know what is right. You got me. And then, perhaps, guide our people as to what is right. But, if you have nothing to offer to the people of Uganda, maybe, you end up trying to win alliances or support for wrong reasons. People can even support you for wrong reasons. If there are a group of people here and we knew you are going to give us sugar and we see you now because you are going to give us sugar then you as a leader, if you think that this is a good support, then I say you end up being a victim of our own eating because you are looking on cheap popularity. You want to get the support of people who want sugar from you. It is not those who support you to lead the Nation, but you want to get the support of people who want sugar from you.Now, how can we deal with this?

(1) The opportunity base for this country should be widened so that people do not look only at people in power - meaning, who are sitting at the table or the Ministers that they are the people who are going to provide them with eating. The process here in this country is to produce or we must work; that is a fundamental function of man. We must work. We must produce. And so it is only when we do this when we can enlarge and widen our economic activities. But when we cease production, we do not work; then we want to go and visit every office of the Minister or President, to make up what we lack by our ability to produce, then we are going to end up with these problems. So, I think, with the establishment of these - of trying to educate the people -the masses - at the village level and so on, and particularly to educate them the function of production and trying to widen and to say to them that we are responsible for our own economy; we are responsible for our own lives; we have to work and to produce, bring goods on the market in the nation then we all share, then, I think, there is bound to be a change. There is a change from this idea of going to the office of a Minister, sit there and burn many hours there on his table, looking for the sugar. So, I think, it has been so. I agree. That is why I agreed with you. It has been so. But, I think, we should move from that narrow economic base to a wider opportunity base, whereby you can actually earn a living, sustain your life through your own labour and sweat.

KAKWENZIRE: My next question is - rises from earlier submission that you were released on the order of President Nyerere of Tanzania from Makindye. I wanted to ask you whether you can actually substantiate this or whether it was a hearsay -something you heard or something you could prove.

KAKOOZA: During our actual release - our release; I was not alone; with me there was a Minister now of Constitutional Affairs Honourable Sam Njuba; there was another fellow called Benny Kasule. Now I went to get a letter from the President of Tanzania, releasing me; but we were summoned by officers from the Tanzanian Army who came at Makindye and called for us. In actual fact, we went and they were in office and they briefed us as to what has led to our release. First of all, this Tanzanian Officer, gave us a talk about the politics of Uganda and

how the Tanzanian Government was doing this. And after that there were some Ugandan forms which we were given but these were different because they were asking us to sign and say that we will never try to overthrow the lawful Government of Uganda. This was the statement and, I think, I made that clear when I was submitting. But later on they told us that this act has come from - those orders had come from - their Government of Tanzania; and that the Government which was in power at that time was not favouring this. Actually that is what they told us that, after your release, you should hide; you should go somewhere and do not be in contact. Otherwise our lives were supposed to be in danger. So we went in hiding because we were warned of that.

KAKWENZIRE: I am seeking clarification since you were very much involved in the politics of struggle during that UNLF period. I am seeking clarification whether you regarded it as if Uganda was being ruled by two Presidents at that specific time.

KAKOOZA: I think, this is - unless you want only to know my actual feeling about that, I think, I mentioned right from the beginning that me I admired the Tanzania Government when they came here; when the soldiers came to liberate us here. But through that I do not know whether Ugandans are aware that our sovereignty - the so-called sovereignty - in the Constitution was broken; because they came in. Now foreign force came here but because of the intentions; the intentions were good. Then we accepted and allowed them. But the idea of sovereignty there was at risk. So, when they were here, they remained in-charge for some time of the affairs of Uganda; until they handed over power to those who had come. But they stayed here for some time. When I was at Makindye, we had those officers to oversee a few things which were going on and to administer a few things here. I think, at that time, we were more responsible to Tanzania than we were with the current regime of the Government which was here because we were supposed to hold elections and that was when the actual responsibility to Tanzanian Government could cease. But, otherwise, at that time, the Tanzanian Government was with much stress here; it was having responsibility here.

KAKWENZIRE: Also in connection with that, since you were very much interested in what was going on, do you know any other instances of foreign interference for the last 25 years of political instability, where powers or foreign interests took advantage of our instability to ruin our sovereignty or to do whatever they wanted to do for their own ends.

KAKOOZA: I think, I was clear that the Ugandan history of today for the last 25 years cannot be detached from its colonial past; and we are not alone. We are not an island. Many other nations - because we are land-locked, in the first place, many other nations - have always got interest in what happens here; some for our own well being; others for their own well being. I cannot say here categorically that I know - that I can off hand say that this particular nation. But, I think, to me what actually I understand is that Uganda's history for the last 25 years actually can

only be understood in its other context, that is in our colonial history. So the colonial powers which were here has also a bearing on what took place here.

KAKWENZIRE: There is a point you discussed dismissing one author's view that Professor Lule could not have been a better leader or something like that. There were some allegations that Professor Lule was acceptable to the colonial parent. Would you -

KAKOOZA: Well, those are views about Lule. I do not know what my Lord thinks about that statement. My view is, all I think about Lule are they respecting human rights.

CHAIRMAN: But you have already told us in evidence.

KAKOOZA: I think, also I have written particularly in the same journal I wrote why Y. K. Lule victorious today. To me what I wrote there represented what I thought about Lule and the forces which were at work at that time during Lule's tenure of office as Chairman of U.N.L.A. Now in that article I found that I think he was more of a subject of manipulation. Lule as a person, put him aside, but there were forces which were using him. Maybe, the British saw him as such and, may be, they thought that he could, perhaps, fulfil their interests; and then there were other people who were seeing him in a different category; but also they were looking at him from that angle. And there were the remains as a person as what he thought of Uganda. Now I have explained that also in that. So, I think, I would rather let the Learned commissioner actually read that and he could use it either in evidence that article what I said in answering that question I want to use that article, because my ideas are organized in that article and I would not like to say 'No,' than what I said there.

KAKWENZIRE: Yes, lastly my last question. You were Secretary to a Committee which was supposed to allocate abandoned Asian Property in 1979.

KAKOOZA: In 1979?

KAKWENZIRE: Yes. Looking back to the same, do you think that such committees should be there? You think these allocations should be made by Committees?

KAKOOZA: Well actually a certain idea of managing national economy by committees of that nature; but we should look at it from a social capacity. That there was an incident in the history of Uganda such businesses were allocated like that in 1973, and this process has been going on. Now, when we were elected, actually our work was to bring - to re-organize to see that we get rid of this idea of allocating businesses and so on. That was part of our mandate. But then we never implemented this; we never sat at all. But in terms of reference, we are supposed actually - after doing it and then solve it, we close it as a chapter in the national history; to manage our resources through such kind of committees. Personally, I do not agree with them; I think, we

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can do better than that. But we should, at least, remove that. We should bring that to an end and then start afresh. So I do not agree with them that we have to delegate and then this comes to an end and a committee should do that and that committee should, perhaps, do away with that method of doing business.

KAKWENZIRE: In your view, replace it with what; because you realize that this is one of the areas we must exhaustively look at and we move. We received evidence that those Abandoned Asian Properties have been a source of conflicts and subject to abuse of human rights. Do you have any views as to how this problem could be solved?

KAKOOZA: The whole process has been part of lack of insight into doing things. Honestly I do not see what is wrong with either - okay, I have seen a series of things - some shops were allocated to A - B - C on grounds, maybe, of friendship or what, not on competency and so on. But after ten or fifty years now today the idea of allocating business actually is empty. They are giving you a room - a space - so that you can do business. Me I think, if somebody is serious, we can pick up a committee and actually do away with this; either the State takes over - I think the State some of these buildings can be taken over by the State and so and rent them to whoever can apply and use them competently. They get other buildings. He can rent it or he can if at all it is also in agreement with the people of Uganda they can be sold to those who can buy them outside and they pay the owners. The other case, if we have Uganda Asians who are here and they are nationals - Uganda Asians who are nationals of Asian origin and they have property here they should be returned to them so long as they are here. But I object to the idea of having some people whose nationality is not known; they are not Ugandans. They are not Indians as we know them and we do not know where they belong; but the only thing we know about them is that they have property here. So, I think, Government should look into that and bring that to an end: Establish, first of all, who-is-who in the whole affair. Be honest about it -who-is-who in the whole affair. We need to know that the property and the economy of the nation is not handed to foreigners; it is in the hands of nationals, be it Asians, be African; but it must be in the hands of nationals. So I do not want to bog you down; but these are my ideas about these things; that we should be honest about it. But somebody is using it to bring confusion then we should look into it seriously; because, if giving you a shop means bothering me, then that is very serious. So our Government should look into that and bring that exercise to an end; then we start to build our economy afresh.

KAKWENZIRE: Now, taking into account the hazardous politics and knowing that when a regime takes over normally they do not abide by what was decided by previous regimes. Now you are saying that the Government should take a line and decide what to do which the other Government had done. Supposing another Government comes in and does not abide by what this one has decided -

KAKOOZA: I cannot really talk on behalf of Government which is not in existence. I cannot really know what it will do. But I think I should talk more or

what I know -I think, I should talk of this Government which is here in our time, which I can talk to. I think, what we know is that this Government should take a line - take a stand - in that Uganda should move. Our progress is being arrested by this idea of allocation; the idea of allocating lacks the seriousness of production. Me I am emphasizing `production;' I am emphasizing 'work.' I am not looking at the economy as a give-away gift - the idea of a gift - in that you are given things extends into the idea of falling into things. One Government comes and gives you a shop free; then you have fallen into things. Therefore, you support that Government because it has given you things. So that type of attitude, to me, I think should be dropped by this Government. Okay, the next Government I think should emerge from this talk; the next government should emerge from this. To me we have made a foundation and we think the subsequent Governments which will come in this land will build on more and more and make better; not only to say, `We are going to compete with the next Government'. We think we should make a foundation now and when another one comes on it makes a better foundation and Uganda continues.

DR. LUYOMBYA: Just to extent on that. Commander Kakooza, you cannot run away from thinking of a Government which is not yet in existence because one of our terms of reference is to prevent these atrocities and abuse that have befallen this country from happening again. So, when you talk about the Asian properties and the rest, you are quite in like to think of the other Governments that will come in future, not repeating the mistakes that occurred in the previous Governments. I just wanted to inform you about that.

KAKOOZA: Governments -

CHAIRMAN: I just want to add on what the Commissioner said. One specific incident which we are going to inquire into concerns the circumstances surrounding the mass exodus of citizens and other persons in Uganda which envisages I think what happened in 1972 or 1973 when both citizens and non-citizens of Asian origin in Uganda were expelled and their properties were expropriated. I think, this is specific. So we have to inquire into this and make recommendations to stop similar things happening in future. It is very much relevant.

CHAIRMAN: Commissioners, Learned Counsels, Ladies and Gentlemen. We are ready now to start this session of today, 10th of September, 1987. We are starting a bit late because there has been a delay when the Leading Counsel had to go to arrange for another witness who will come, I think, after Mr. Gandesha who is here to give us evidence. Let us start.

COUNSEL: My Lord Chairman, Lady and Gentlemen Commissioners, next witness is Mr. Gandesha; he will be witness No. 159.

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WITNESS NO.159: MR. HIMATLAL GANDESHA - AFFIRMED

COUNSEL: Would you state your names please?

GANDESHA: My name is Himatlal Gandesha.

COUNSEL: How old are you?

GANDESHA: I am 49.

COUNSEL: Where were you born?

GANDESHA: In Kampala, Uganda.

COUNSEL: So you are a Uganda citizen?

GANDESHA: Yes, I am Uganda citizen.

COUNSEL: What do you do?

GANDESHA: I am a lawyer by profession. And I have a number of property placed in Uganda.

COUNSEL: Where do you stay?

GANDESHA: At the Silver Springs Hotel; Mbuya.

COUNSEL: We understand, you are a lawyer; now would like to give us your background up to the time you became a lawyer?

GANDESHA: I studied here in Uganda, for primary, I went to the Shimoni Primary School. From Primary School I went to the Government - it was called Government Secondary School.

COUNSEL: Old Kampala or Kololo?

GANDESHA: Old Kampala up to 1953; and then when Kololo was opened, we were transferred to Kololo Secondary School on Lugogo By-Pass. After passing my secondary level, I went to U.K. for further studies. And I became a barrister at law at Lincolns Inn.

COUNSEL: That was when?

GANDESHA: I was called to the Bar in 1962. And after I was called to the Bar on the Independence Day I came back to Uganda. That was 9th October, 1962.

COUNSEL: Yes.

GANDESHA: Then I did my Chambering with France Wilinkson & Hunt, Barclays Bank Chambers, Kampala Road. And towards the end of 1963 I got my certificate of Practice. Then I started my practice early 1964 with my own Chambers in the name of Gandesha & Company Advocates. And my main practice was -mainly on properties and financial transactions. I chambered until 1972; I was frightened and I had to run away from Uganda. I went to U.K.; I stayed in U.K. until 1980.

COUNSEL: So, in other words, you went in exile?

GANDESHA: Yes.

COUNSEL: Yes.

GANDESHA: Even if I was a citizen, I had a pressure from one or two people who wanted my Silver Springs Hotel; and I was warned and they frightened me.

COUNSEL: That is very serious. Now would you like to tell us those people who frightened you, forcing you to leave your mother country?

GANDESHA: There was a chap called Ali who came to pick me up.

COUNSEL: Ali, has he got another name, please?

GANDESHA: No; I do not know his other name.

COUNSEL: What was he? Private man?

GANDESHA: No; he was from State Research. And I had to buy myself out at that particular moment, from my Chambers.

COUNSEL: You had to buy?

GANDESHA: He wanted some money to go to Entebbe. And he said, he was directed by Maliyamungu.

COUNSEL: Colonel?

GANDESHA: At that particular time I did not take things serious; because I thought it was a bluff. Till next day when I was going out; my Chambers were in East African Development Bank, First Floor. I was going to the left, and I passed a man whom I never knew. I went down and I went to check on Odeon Cinema. When I reached, my Secretary said, you better hide yourself; because you just crossed Maliyamungu; you did not know him and he did not know you. (Laughter).

COUNSEL: I see. So Maliyamungu visited your Chambers and asked for you?

GANDESHA: Yes.

COUNSEL: Was he in uniform when you passed him?

GANDESHA: No.

COUNSEL: Who was your Secretary then?

GANDESHA: Her name was Mrs. Patel.

COUNSEL: Is she here?

GANDESHA: No.

COUNSEL: So, what did you do as a result of that?

GANDESHA: From the Odeon Cinema I went round to see some of my friends. Just before that a month ago, very close friend of mine was missing.

COUNSEL: Who was he?

GANDESHA: His name was Frank Kalimuzo.

KAKWENZIRE: Did you say, you were going to check on your friend Frank Kalimuzo?

GANDESHA: He was my personal friend.

KAKWENZIRE: Yes. What I missed is - you said, you went to Odeon -

COUNSEL: No; he said, a month ago, his friend was missing.

KAKWENZIRE: I see.

COUNSEL: Yes.

GANDESHA: And there was a scare that people were missing.

COUNSEL: Oh, you mean people had started getting missing?

GANDESHA: Yes.

COUNSEL: Yes; now what did you do?

GANDESHA: I went to another friend of mine; his name was Idi Simba; he was a Director General of East African Development Bank, to seek advice.

COUNSEL: You mean you managed to go back to the building or you went to his home?

GANDESHA: No; I went to his house.

COUNSEL: I see.

GANDESHA: After that I decided to go temporarily away from Uganda.

COUNSEL: You mean, Idi Simba advised you to go away from here?

GANDESHA: No; he could not advise either way.

COUNSEL: Yes.

GANDESHA: It is just that I got scared.

COUNSEL: Yes, rightly so maybe.

GANDESHA: Then I went to the Manager of Lufthansa; and the flight was flying at night; and I just took off in the shirt and trousers, no nothing, just with a passport.

CHAIRMAN: Lufthansa - Air Lufthansa?

COUNSEL: Lufthansa.

GANDESHA: The flight was at midnight. In the afternoon I called my managers to meet me at the Delite departments.

COUNSEL: Ah, may be, now before you called your managers - managers of what? What kind of property did you have then?

GANDESHA: I had Odeon Cinema which I was managing; my Legal Practice; Silver Springs Hotel, Delite Cinema; Delite Apartments and other various properties.

COUNSEL: Yes; maybe it may be for some use if you tell us your property?

GANDESHA: My property consisted of -

COUNSEL: Well, we are not asking house-holds; real property.

GANDESHA: Yes; cinemas - the two cinemas -

COUNSEL: Oh, you mean, even Odeon?

GANDESHA: Yes.

COUNSEL: Yes!

GANDESHA: I have already said, Delite Apartments, Odeon Cinema, Silver Springs Hotel; and I was also running an institution called "Uganda Building Society". Now Uganda Building Society, we had a General manager called Mr. Chathra who used to be the Manager of Barclays Bank before he retired. Mr. Chathra had to leave the country because he was not a citizen. Because he had to leave I put Miss Kibuuka Musoke as the Managers Care-Taking. And I also handed over the Title Deeds, etc, to the East African Development Bank.

CHAIRMAN: Title Deeds of all?

GANDESHA: Of various Borrowers. In this society we were borrowing as well as taking deposits. And I gave a letter of authority to the East African Development Bank because it was the biggest deposit holder, to care take; which they did until I came back. When I held a meeting with my managers; I prepared our partners to an auditing firm called Sekabanja, giving him a full powers to look after the affairs of my businesses and properties. Then I left for Lufthansa.

COUNSEL: On which date?

GANDESHA: It was in November - I do not remember the particular date, but it was in November, 1972.

COUNSEL: It had not been your plan to go with your fellow Asians who had been expelled then?

GANDESHA: Not at all.

COUNSEL: Now where did you go?

GANDESHA: I went to Britain.

COUNSEL: Did you have property in Britain?
GANDESHA: No.

COUNSEL: Did you have any member of family in Britain?

GANDESHA: There is my father who has retired; he stays in Britain.

COUNSEL: I see. Is that where you went?

GANDESHA: Yes.

COUNSEL: Could we know the names of your father?

GANDESHA: Ghusalal Gandesha.

COUNSEL: Yes!

GANDESHA: After about four months I came back to Nairobi with a view of coming back to Kampala.

COUNSEL: Well, did you come to Nairobi to monitor the situation here?

GANDESHA: No, I wanted to come back; but I wanted to ring from Nairobi and see whether I can come by road.

COUNSEL: I see.

GANDESHA: I stayed in Nairobi for about three weeks; I was advised not to come

back.

COUNSEL: Who advised you?

GANDESHA: I spoke to Godfrey Lule who was the Solicitor General then. And I spoke to two of my staff. I also spoke to Sekabanja. Sekabanja told me, a lot of nasty things happened to him; that he was going to be chopped off.

COUNSEL: You mean Samson Sekabanja?

GANDESHA: Yes. And it was because of Obitre Gama who saved him otherwise he was going to be picked up from Silver Springs Hotel. And he said, he does not intend to go back to the hotel or anywhere else and he cannot manage the properties.

COUNSEL: Now did he tell you what had happened to your property, Silver Springs or other properties he was managing?

GANDESHA: Yes. They were either given away - Silver Springs Hotel was taken over by Uganda Hotels; Delite Cinema was given to Amin's body-guard - I cannot remember the name but somebody called Ddungu or something. And the body-guard also took Delite Apartments. Odeon Cinema was given to somebody called Farouk.

COUNSEL: Farouk - a soldier or?

GANDESHA: I do not know.

COUNSEL: Yes!

GANDESHA: Then I decided just to go back to Britain and start a fresh life; till the situation was better so that I can come back.

COUNSEL: I see. Now all these properties you have listed, were they owned by you or jointly by other people?

GANDESHA: The properties were owned by Limited Companies; all of them. Because I am lawyer; a lawyer would advise anybody to have a limited company; so your liability is within that particular property and not personal. So if a company is not doing well, you could put that company to that; and it does not affect your other businesses and your legal practice. And if by any chance you run bankrupt - you become bankrupt as a lawyer, you lose your licence, straight away - because you control clients' money, public funds, financing, etc.

COUNSEL: I see. So these properties were owned by a Limited Liability Company of which you were one of the share holders and others?

GANDESHA: Yes, me and my wife.

COUNSEL: I see. You mean your father did not make any investments in this

country?

GANDESHA: No, my father retired before Amin's expulsion. If you recall, there was - Britain had announced that they will go into quota system. At that time my father left the country and settled in Britain and obtained a British right. So he does not have to fall under quotas.

COUNSEL: Yes. But my question was - before he left, had he not made any investment in this country?

GANDESHA: No, my father with a due respect was financially badly off. He lost the business in 1955; in other words he went bankrupt.

COUNSEL: I see. Okay, proceed.

GANDESHA: So when I came in 1962, one of my reasons was to settle my brothers and sisters to get married. So I went back to Britain and started - this was after Kenya - and started afresh in a small town called Market in Kent. I bought a hotel called Prono-Rock Hotel; it was 90 bedroom hotel; it was run down - in fact it was closed. So the bank which had put the money in could not recover it. So we took over the existing mortgage and we agreed to put an overdraft to the property with our own savings, etc.; and that was our first venture, that was me and my wife. The hotel became very successful. And after two years, we bought another closed down hotel and we named it Palm Spring Hotel. It was in Campbell, Western Kent. Then we made a floating Night Club in New Marinor in the Channel Islands. Do you want me to go on or?

COUNSEL: No; it is okay. So it means you became a successful business man in U.K.?

GANDESHA: Yes, it was quite okay.

COUNSEL: So when did you decide to come back?

GANDESHA: I decided in 1979/1980.

COUNSEL: Why did you decide to come back?

GANDESHA: Because I think, I want to die in Uganda.

COUNSEL: I see. What reasons made you decide to come back to Uganda in 1979?

GANDESHA: It is a very difficult question. I think one is always drawn to where one was born and -

COUNSEL: No, you say - the question, we know why you left this country; yes? You went in exile. But the questions is, why did you decide to end exile in 1979?

GANDESHA: After Amin was out.

COUNSEL: I see. You mean the conditions - the country had become secure for you?

GANDESHA: Yes; I mean when Amin was out; I decided to come back and stay in a free country in my own country.

COUNSEL: I see. Now when did you come back exactly, do you remember?

GANDESHA: Sorry?

COUNSEL: Do you remember when you came back exactly?

GANDESHA: Which year?

COUNSEL: Yes.

GANDESHA: It was at the end of 1980.

COUNSEL: Now when you came back, what happened?

GANDESHA: When I came back I went to my properties; first one was Silver Springs Hotel.

COUNSEL: You mean, you just walked in?

GANDESHA: I just walked in with my head up. (Laughter).

COUNSEL: There was not person managing the hotel?

GANDESHA: It was bushy, you had to find buildings. The swimming pool had, to be blunt, three feet of soil and nothing else in it; the mosquitoes; there was no power; there was no water and there was no customers except trees. There was 150 staff which was staying there.

COUNSEL: You did not find any resistance?

GANDESHA: No. Some of my old staff were very pleased to see me. They are still there now.

COUNSEL: I see. Now how about other properties; did you just also walk in?

GANDESHA: No; I just went to Silver Springs; and others I engaged lawyers to investigate and find out what are the state of other properties.

KAKWENZIRE: How did you resolve it with the Uganda Hotels?

GANDESHA: The Uganda Hotels was under - at that time, there was Uganda Tourists -UTDC - or something -

COMMISSIONER: Yes, Uganda Tourists Development Corporation.

GANDESHA: Yes, it was then under them. I went to see - the Managing Director then was Mr. Jacob Ogwapit who is now with Kenya Breweries. Then I went to Ogwapit and, I said, "Now, this is the hotel which is mine; what do you want to do"? He said, "We want to get rid of it as fast as possible because we are losing a lot of money". So I said, "If you want to give it back, if you could check up" - he said, "We know that you are the owner; and we cannot manage it". So he said, he will discuss it with the Board. Then some time the Board wrote a letter that I could take it over provided I start paying the staff; and there were some liabilities which I was asked to take over.

COUNSEL: I see. So the property, that is, Silver Springs Hotel, was returned to you by UTDC?

GANDESHA: By UTDC.

COUNSEL: Right. Now as a result of investigation by your lawyers, what happened to other properties?

GANDESHA: He wrote a letter to the Ministry of Justice and Ministry of Commerce telling them that I am a citizen, I am back, and that I would like to manage my own properties. And that my property did not vest with the Custodian Board; if they managed it, it was only by mistake, that I was a citizen.

COUNSEL: I see. So as a result of this, were other properties returned to you?

GANDESHA: Yes.

COUNSEL: Did you obtain a letter?

GANDESHA: The Attorney-General accepted the view; that if you are a citizen of Uganda, the property does not vest in the Government of Uganda. And my lawyer had prepared legal opinion with all this, with all the various places and background, etc. And that legal opinion was accepted by the Attorney-General.

COUNSEL: So were you give a formal letter returning these properties to you?

GANDESHA: Yes.

COUNSEL: And I suppose there was no problem with the Uganda Building Society?

GANDESHA: No. Because there were nothing, but section which - Uganda Building Society was tortured in different sense, that small people had put in money and kept in writing letter to Custodian Board, to the Ministry of Finance; some people had to pay the school fees, but there was no reply. And all the deposit books of the Title Deeds; people wanted to get their properties released and, there were three folders of correspondence as to who should take decision. And it was bounced between the Ministry of Finance, Custodian Board, to Housing Finance, to the East African Development Bank and nothing had happened. So when I was asked to

take it over, we collected all the past books, we started releasing all the Title Deeds, we started calculating interest of the deposit holders and sorting the amounts out.

COUNSEL: I see. Now when you received the formal letter returning the property to you, what happened to those who had been allocated this property?

GANDESHA: We wrote to them that they become our tenants. And we appointed valuer to value and, settle rent.

COUNSEL: Did they start?

GANDESHA: Most of them yes, except one.

COUNSEL: Who?

GANDESHA: Jacob Lutaaya.

COUNSEL: Yes.

GANDESHA: Lutaaya filed an action in the High Court.

COUNSEL: What was Lutaaya and where was he?

GANDESHA: He was in the Delite Apartments.

COUNSEL: Yes!

GANDESHA: He filed an action; the court case lasted two years; and the judgement was given six months after that.

COUNSEL: Has it been completed?

GANDESHA: Yes; he lost the case.

COUNSEL: Where?

GANDESHA: In 1984; about two years ago.

COUNSEL: There was no appeal?

GANDESHA: He did not file the papers. So he was out of time. So the High Court Judgement remains.

COUNSEL: I see. So now you are managing your properties in Uganda; and you have no query of any kind?

GANDESHA: No; all my tenants are there; they are paying the rent and, there is no problem.

COUNSEL: I see. Now do you want to say, the manner in which your property was taken when you were in Britain, were you happy, was it properly done?

GANDESHA: I do not get you.

COUNSEL: Now when your property was taken, was it properly done, that is, the period you were in exile; you said, Samson Sekabanja -

GANDESHA: It was not.

COUNSEL: What do you say about that?

GANDESHA: If your own a property, you own a property; even if you are out of the country, or inside one country, there is no condition in our law that if you go out - I mean - it is theft.

COUNSEL: Would you say this was a theft in respect of other Asians that were expelled in 1972?

GANDESHA: Morally, yes. Those who were not citizens, then the government has got rights if they wish to exercise those rights.

COUNSEL: I suppose you had many Asian friends in 1972 in this country?

GANDESHA: Yes.

COUNSEL: Did you witness the manner in which they were expelled in the country; the way they were expelled in the country?

GANDESHA: Yes.

COUNSEL: What was it?

GANDESHA: It was inhuman.

COUNSEL: I see. When you say, it was inhuman, what do you mean?

GANDESHA: Do not just give a few days, say, you go, because of your colour.

COUNSEL: So you are complaining because of the few days that were given to Asians only?

GANDESHA: Also it was inhuman way of doing things.

COUNSEL: What are other things apart from the short period? You see, this Commission is probing all kinds of violation of human rights since 1962. And that you said, you came back in Uganda in October, 1962 to January, 1986; or any type of violation we are probing into. Do you think the expulsion of Asians amounted to violation of human rights? This is my question; you are a lawyer.

GANDESHA: Yes.

COUNSEL: Now would you elaborate on this?

GANDESHA: Well, human rights is right to own properties, right to live; these are the two fundamental things. I mean, that is in our Constitution. And if you say, you do not accept that, then you are violating the very document we work with.

COUNSEL: So you have mentioned, owning property and life. In this exercise of expelling Asians, you were there, some Asians lost their lives.

GANDESHA: Yes.

COUNSEL: Would you please tell us who?

GANDESHA: There are few, but - I do not know how many, but people -

COUNSEL: No, you can just mention two or three, those you remember.

GANDESHA: There was D. L. Patel - he was the owner of D. L. Press on Kampala Road. What I understand is that he was in Fairway Hotel having a drink; and he was picked up and he has been missing even since. There was a prominent lawyer, Anil Clerk; he was a Member of Parliament; he was picked up from his house; and nobody has heard of him.

COUNSEL: Did you try to find some details about how these people were picked up from Fair Way and Anil Clerk from his house?

GANDESHA: Well, what his wife said to a number of our friends - that two/three people came in his house and just took him; they asked him to sit in the car and away he went.

COUNSEL: I mean, were these soldiers, policemen?

GANDESHA: No, no; they were not in uniform.

COUNSEL: I see. Were they armed?

GANDESHA: Yes.

COUNSEL: Do you know whether any report was made to police and whether some investigation was ever made?

GANDESHA: Well, I do not know what - I mean, they are not my relation, but I would think that the wife made the necessary reports.

COUNSEL: Any other case of loss of life?

GANDESHA: I do not remember, there were few more.

COUNSEL: These Asians who were expelled, to your knowledge, were they given sufficient facilities to enable them to travel properly and start life

somewhere else? Say, money - were they allowed to take sufficient amount of money?

GANDESHA: The people left penniless; even if they had anything, they were taken over at the airport; the airport had a lot of security checks; and all the Asian ladies, anything they had, ornaments, money, gold, whatever they had, was taken off. When they arrived in U.K. there was nothing with them.

COUNSEL: Were they allowed to sell some of their property?

GANDESHA: No. In those 90 days, life was more important than the properties.

COUNSEL: You left in November, you said.

GANDESHA: Yes.

COUNSEL: And did you witness some of these people arriving, say, In Britain where you went?

GANDESHA: Sorry?

COUNSEL: Did you see these some of your friends arriving in Britain?

GANDESHA: Yes.

COUNSEL: How were they when they arrived?

GANDESHA: They were in miserable state.

COUNSEL: I see. And how were their early days in Britain?

GANDESHA: The first few days were bad; because they were lost people; but I think, in the camps they were looked after.

COUNSEL: Now we understand you are a Ugandan and you ran away because you were scared. Are there some other Uganda Asians, to your knowledge, who were expelled in this exercise?

GANDESHA: Yes, very few.

COUNSEL: Would you tell us their names please?

GANDESHA: Those who were here or abroad?

COUNSEL: Those who were here - Ugandan Asians and were expelled.

GANDESHA: One family is called Kotecha, is a Uganda citizen. And quite a number of families who were either here or abroad.

COUNSEL: Those who were abroad, do you know some of these who were abroad who tried to come back and were refused? Because if they were abroad,

they were not expelled.

GANDESHA: They were not refused to come back.

COUNSEL: No, I am talking about that period 1972 - were there some Ugandan Asians you really know who tried to come back and were refused by the government of the day?

GANDESHA: Refused by the Uganda Government?

COUNSEL: Yes.

GANDESHA: I would not know: because I have not discussed it. You see, what happened, everybody separated; some went to Sweden, some went to Canada; I was the only one in Kent. So we are all busy to re-structuring our life in education of our children.

COUNSEL: So what you are saying, the only example you can give to this Commission of Ugandan Asian expelled is Kotecha?

GANDESHA: That is one who is here right now.

COUNSEL: No, I asked you the Ugandan citizens the Asians who were expelled in the exercise - who were expelled in 1972 exercise.

GANDESHA: No, they were not expelled, they had to run away.

COUNSEL: Oh! So they just ran away because they feared?

GANDESHA: Yes.

COUNSEL: I see.

GANDESHA: Because at the back there is no board that I am citizen.

COUNSEL: And also their properties were taken over?

GANDESHA: Yes.

COUNSEL: After Amin, starting in 1980 was it easy for these who were expelled to come back and acquire their property to your knowledge?

GANDESHA: People applied, people went to all sorts of offices, that is that.

COUNSEL: So you do not have complaints after 1980 about this issue of Asians?
GANDESHA: As a citizen?

COUNSEL: Yes.

GANDESHA: I have a complaint.

COUNSEL: Make it.

GANDESHA: Because those citizens - Asians are not departed Asians they do not have to go walking down proving their rights. If it is true that I am a citizen like anybody else actually my salary is different but I am just like anybody else and I am not apologising that I was born here and I do not want to apologise to anybody in the world whether it is any foreign Government or anybody else I decided to become citizen I was not forced and I chose that truth and that Constitution is mine like anybody else.

COUNSEL: Are you aware of the Expropriated Property Act?

GANDESHA: Yes.

COUNSEL: Are you suggesting that because it even requires the Uganda Asian to make an application it is wrong, they should just come and assume their property?

GANDESHA: If you are a citizen you just come and write a letter and say look I am a citizen just like anybody else because you know in our Constitution or if you do this it says that everybody should be treated the same so I have the right to even own property like anybody else; there is no classification like in South Africa that if you are Asian you are No. 2 or you are No. 3, we do not have that classification unless we change our Constitution then you say, Okay, you are half-caste so you cannot walk on this street or you cannot do this, there is a difference between our Constitution and South Africa.

COUNSEL: So you are suggesting that even the Expropriated Property Act is discriminatory?

GANDESHA: It is very clear, it says it does not touch on citizens because it does not apply the citizens do not have to go through that process because it says that anybody's property taken over will be compensated except the citizen of Uganda. The citizen cannot get compensation even if he wants it.

COUNSEL: Yes, but the question is this in the natural practice are not the Ugandan Asian citizens applying, is that not what is in practice?

GANDESHA: Applying?

COUNSEL: For the repossession of their property?

GANDESHA: They are not obliged.

COUNSEL: You mean a Ugandan Asian comes and takes his property? Is that what is happening?

GANDESHA: It may not have happened but I think that is the law.

COUNSEL: You may not fear anything Mr. Gandesha, the question is this that there are many Ugandan citizens who went away because of fear but has it, has it been easy for them to take their property which they left here? That is my question. To your knowledge you may say that I do not know.

GANDESHA: That I do not know I have not checked with everybody.

COUNSEL: For you, you easily got your property?

GANDESHA: Not easily as such, I wrote and I accepted the legal position and following a legal thing. In the High Court there is a judgement saying that if you are a citizen it is not vested under the Custodian Board or in Government so the Court of law has already decided that.

COUNSEL: I think my Lord I leave this to be followed. Mr. Gandesha, you said you took over Silver Springs Hotel in 1980?

GANDESHA: Yes.

COUNSEL: Do you recall 27th August, 1982?

GANDESHA: Yes.

COUNSEL: Were you at Silver Springs?

GANDESHA: Yes.

COUNSEL: Do you recall a bachelor's party taking place there?

GANDESHA: Yes.

COUNSEL: Whose bachelor's party took place there?

GANDESHA: I cannot remember the names but there was a bachelor's party.

COUNSEL: I see. Did they hire your place and pay for it?

GANDESHA: Yes.

COUNSEL: Do you remember when this bachelor's party started?

GANDESHA: When it started I was not there I was in town I was out for lunch. After lunch I went to the hotel I think it was about 3.00 p.m. or 4.00 p.m. late in the afternoon.

COUNSEL: Now later in the evening was there any report you received or what kind of report did you receive?

GANDESHA: I was in reception when one person by the name of Kaggwa he said that look, there is a problem going on over the bridegroom and some other

person who was being taken away by some people. I said I do not believe it. So I went with him outside and as I was going, I talked to my two policemen who were based at the Silver Springs. I asked them what was going on? They said that we have checked their identity cards they were from Security and we were not supposed to interfere. I said let me talk to them. When they were coming out I stopped them and I talked to them. What they said to me is that this is security do not interfere and we have already briefed your two policemen and they were just going outside the hotel where a Land Rover was parked. So I asked the policemen that do we have anybody or somebody whom we can talk to in the bar or anywhere because I saw some soldiers pocketing some victims. They said there is Akena Adoko so I rushed and I told him that can you come and help me there is some problem there. So he came with me and we actually ran towards the gate and we shouted before they were in a distance and they stopped the Land Rover and they started talking in their language and they were both talking loudly and both were armed, they had guns. I asked him, "What is happening"? He said, "This is a security matter you should not get involved". There were a lot of other Bank of Uganda officials at that function and a number of people who were just staying near us. I talked to them, I said that look, let us find out and I went inside with Mr. Kaggwa and I asked him, "What do we do". Mr. Kaggwa said, "The wedding is fixed as well very shortly, do we cancel it or what do we do"? I said that hold on a bit of noise for everybody so that nobody does anything stupid and one of the receptionists was related to Kaggwa and I told him that I will brief her about any information I got. And Kaggwa kept on coming to me I told the policemen to inform Jinja Road Police Station because they were supposed to inform all other police stations and Officer in charge. Jinja Road Station came the next day as well and asked me, can you find out because nobody can believe it, there is no reason for it; he said he will find out. After four days I met him and I said, what happened? He said I did not know and nobody answered anything straight. Kaggwa kept on coming to me, I kept on asking questions; this went on for two or three weeks and that was that.

COUNSEL: These security people who took those people did you know them?

GANDESHA: Which security people?

COUNSEL: The people who came to the bachelor's party and arrested?

GANDESHA: I did not know them in my life.

COUNSEL: Do you think Mr. Akena Adoko knew them?

GANDESHA: I do not know whether he knows them or not.

COUNSEL: How many people were arrested?

GANDESHA: I think they were three.

COUNSEL: You do not remember their names?

GANDESHA: No, I never met them whatsoever in my life.

COUNSEL: I see. So are you suggesting that the only effort you did was to ring Jinja Road Police Station?

GANDESHA: No, I asked people around.

COUNSEL: No, other than asking people who were around there you seem to say you contacted Jinja Road Police Station?

GANDESHA: No. My policemen contacted.

COUNSEL: You did not?

GANDESHA: No, they came to see me, they went and reported what had happened because that is their duty to inform straight away.

COUNSEL: Oh! So after this incident you just left this matter to the policemen?

GANDESHA: Yes, the Officer in Charge of Jinja Road came and saw me and said he will try and investigate.

COUNSEL: Did you make any statements to the Police about this matter?

GANDESHA: No, because they never asked me, the policemen had already made the report.

COUNSEL: So the Jinja Road Police Station did not take any statement from you the proprietor of the place?

GANDESHA: No. They did not.

CHAIRMAN: Mr. Gandesha, you could hold on, the Commissioners here may have some questions seeking clarification.

KAKWENZIRE: We have on evidence from Mr. Kaggwa that you had promised to contact some people, in fact the impression I got that you were perhaps trying to contact some other people in higher offices as it was the order of the day, is that what you were trying to do?

GANDESHA: I wanted to talk to various people in case they knew what has happened but nobody said anything.

KAKWENZIRE: Who were the people you contacted?

GANDESHA: I think it was Officer in charge Jinja Police Station as a senior man there and he could find out in his own way, because he could know or he could not know this area normally he is briefed.

KAKWENZIRE: You have no other people you contacted other than the Officer in charge?

GANDESHA: No, nobody.

KAKWENZIRE: But when Mr. Kaggwa came back to you why would you not put it to him that he checks with the police?

GANDESHA: You know I was trying to find out what had happened or what was happening.

KAKWENZIRE: Actually in his evidence he said that you did not tell him much, you said you were trying but you did not tell him?

GANDESHA: I told him what I know I cannot create false stories or anything - what I knew I told him that they are checking, that is all.

KAKWENZIRE: But it was not actually, this one I am seeking your opinion, was it not actually the case that the police in most cases would not want to get involved if they knew that somebody had been arrested some other security forces? How was the officer in charge approaching the problem?

GANDESHA: He is the one who has access to all the authorities. Officer in charge can normally go to the Military Police he can go to that department and find out.

KAKWENZIRE: It seems odd Kaggwa and yourself did not actually make a statement at Jinja Road Police Station which gave me an impression that you were trying to use other avenues in following the problem other than the police because if you were using the police you would have made a statement?

GANDESHA: Our policemen who were on duty made a statement. The policemen did make a statement I said if you want any further assurances as to what happened was not correct we may go out of our way. But he said that no leave it to me he would check with the people of the department and come back to us.

KAKWENZIRE: Mr. Kaggwa told us that he did make a statement himself, I am asking you too? Could you recall whether, Mr. Kaggwa, made a statement to the police?

COUNSEL: No, after an investigation had been carried out by police but this started in this year or last year. There was no investigations by police for four years.

CHAIRMAN: (Inaudible) - still left he made a statement.

KAKWENZIRE: What is in mind is that if the officer in charge really interested in helping he would have tried.

COUNSEL: No, he is - (interruption) -

KAKWENZIRE: He was helping in his private capacity as a friend or he was doing a

police duty, that is what I want to clarify.

COUNSEL: The position is that as far as the police is concerned, although this took place in 1982 they have only started investigating it in 1986. For reasons may be which the police can explain if we call them, we shall call them.

KAKWENZIRE: Yes, yes. Among those people who were at the party did you know them? Did you have friends, among those people who were attending the bachelor's party?

GANDESHA: I did not attend neither did I go down.

KAKWENZIRE: I am saying did you have friends among them?

GANDESHA: No.

KAKWENZIRE: Did you know some of them in their (interjection) -

GANDESHA: I did not go to the party, no, I was not in the party. What happens when people book functions, is looked after by my Manager and my Managing staff or whoever is in charge of the function. I do not go to the function itself, I happened to be there in the reception that particular afternoon. I did not go down at all, it is Kaggwa who came to the reception and I rushed out to tell him.

KAKWENZIRE: Did you know Kaggwa?

GANDESHA: Kaggwa stays near there and I have seen him around I do not know him personally but I have met him, I have seen him around in the hotel a number of times.

KAKWENZIRE: So, in other words your trying to help was not prompted by the fact that these people were your friends, you were just helping because they were in your premises?

GANDESHA: Yes. Not even if I were in the street I would go it is only logical, I mean, what do you do?

KAKWENZIRE: On the expulsion of Asians, roughly I am sure you were interested to know how many Asians roughly were expelled from Uganda?

GANDESHA: All of them.

KAKWENZIRE: How many I do not know how many of them actually?

GANDESHA: I do not know, it is so long ago it must be about -

KAKWENZIRE: Roughly the Asians community.

GANDESHA: 80,000 or 100,000 is somewhere there.

KAKWENZIRE: 80,000 to 100,000 of those roughly how many would have been Ugandan citizens, you do not know?

GANDESHA: No, idea, it must be with Immigration Department, nowhere else, I do not have a clue.

KAKWENZIRE: Yes.

GANDESHA: I am a citizen and I can talk about myself.

KAKWENZIRE: You are a citizen? And I am sure you know of several other citizens?

GANDESHA: They are scattered all over the world, some may be citizens they have changed their mind they have gone into some other country, everybody is scattered all over the world.

KAKWENZIRE: Yes.

GANDESHA: Unless you gathered, it is very difficult to know.

KAKWENZIRE: In your opinion you think there are several citizens who have chosen not to come back?

GANDESHA: The question is everybody has a personal decision, this is a personal affair I would not know.

KAKWENZIRE: Yes.

GANDESHA: And I cannot speak for somebody else's mind or their own problems. It is very difficult for me to answer such.

KAKWENZIRE: Well, I assume you returned in 1980 and you have been moving around and meeting the Asian Community; you are also able to assess of those you had seen before 1980 and those who were here you could say if you have returned or many have returned or roughly.

GANDESHA: Those here or outside?

KAKWENZIRE: Those who are here returned in 1980, are they many compared to - is it a fair percentage who returned to repossess their property like you did?

GANDESHA: That is difficult we had those two big groups but you cannot go on asking whether you are a citizen Madhvani group is there Metha group is there, they are the two giants.

KAKWENZIRE: Yes.

GANDESHA: But you cannot ask somebody, what is your personal - he will say "mind your own business." This is a very personal thing or personal situation.

KAKWENZIRE: I was wondering normally when people fall into such kind of unexpected misfortunes we normally have some kind of consolidated

effort to either put on record, their problems or data, some memos, whether you kind of any source that could assist the Commission.

GANDESHA: People just read in the press any citizen outside or inside I believe can come to settle here and put their points that is the easiest way out.

KAKWENZIRE: Yes.

GANDESHA: That will show a very good gesture.

KAKWENZIRE: It is my view that when you have to leave like you left with passport and just pair of trouser and shirt -

GANDESHA: Yes.

KAKWENZIRE: And you had a family, to my view that you were subjected to a lot of inconveniences which would be of interest to the Commission as a way of how your rights were violated, would you be willing to discuss how this thing would oh -

GANDESHA: Very much.

KAKWENZIRE: Eh? Affected you and your family?

GANDESHA: Yes.

KAKWENZIRE: Would you please tell us how this expulsion affected you?

GANDESHA: Those things were in kaput for a while, it intoxicated the way you are and families scattered everywhere you had to start somewhere else. All over the world you do not know where you are, even up to recently some people have not found their own relations they do not know whether they are here or there, despite we have all these communications.

KAKWENZIRE: Yes.

GANDESHA: And even if you are dumped in Sweden or you are dumped into Australia, even if you are settling in a new country it is all right for people like me who are educated in the country but those who had never been abroad, persons who had never seen any other country, they knew Iganga, they have not even been to Nairobi. You take that family and you put them somewhere with a language they cannot understand, of course internationally, there is a lot of human touch, nobody would allow anybody to go without medicine or there is a lot of human touch. So people have survived.

KAKWENZIRE: And education of children I bet since most people went without money how did they manage?

GANDESHA: Working, wife is working, children are working, my son at the age of nine was helping in the hotel, painting, decorating and we built it up. I

said: "now let us not lose hope we have to start".

KAKWENZIRE: Now, because a lot of Asians have not returned either because they are not citizens or because they are citizens but they have made it elsewhere we still have Asians properties here which we call abandoned.

GANDESHA: Yes.

KAKWENZIRE: Would you like to give your views on how these properties should be handled?

GANDESHA: One thing, if you are an owner of a property whatever fellow you are, wherever you are that is your property. Now the good thing is that government should find a way, instead of giving them compensation to start joint ventures or the person who is here wants to buy it they negotiate and that is the only way out. Because we have got to build up our respectability and one should find a formula where a person who is occupying that is not his fault. It is the government of that day confused the people so that you can have display all the goods are yours. But if the country was developed not the fellow who was there not the fellow who was here that is not his fault as well the fellow who was here. So somewhere along, we have to for future generation, one has to come out with a formula where everybody should be happy and start recognizing that this is my roof so I should repair it, I should paint it, I should look after everything is mine and there are a law formula when assisted down and cast them out. At the same time I do not know why everybody is worried there is so much land government could say all right we give you all the raw materials you start building. People should understand to build themselves on what is theirs. If this is mine it is mine. If you should take out my shirt or anything else the tie is still mine. If you have taken it by mistake, because somebody said no take it, he has stolen it.

KAKWENZIRE: Now, my worry you can help me out again. Who should sell these properties or to whom should the proceeds go, proceeds of the property?

GANDESHA: And they have a consultation all over the place, must be compensated.

KAKWENZIRE: The original owner?

GANDESHA: Of course. They have not stolen it, they have built it.

KAKWENZIRE: Yes?

GANDESHA: That fellow is not a thief so if somebody takes it away you keep quiet. If some army fellows come, takes my taxi car away; get out this car I am now using it, I cannot do anything. But that does not mean I am going to be happy, so that my children and his children will be some peace, their children will be some peace so I have to walk as well as you wherever you want to go on grabbing, grabbing, grabbing.

KAKWENZIRE: So what you are saying whether you are a citizen or non-citizen you still

have a right to that property?

GANDESHA: Under our Constitution, yes.

KAKWENZIRE: And what you are saying is that those people should be allowed to sell or the government should sell on their behalf?

GANDESHA: Yes.

KAKWENZIRE: The Government sell on their behalf?

GANDESHA: The government has the power to sell them fully.

KAKWENZIRE: On behalf of the original owners?

GANDESHA: It is a legal technical or something like that.

KAKWENZIRE: It does not matter but the originals should be compensated.

GANDESHA: That is a normal procedure.

KAKWENZIRE: This is a very interesting situation.

COUNSEL: No, it does not really make much difference whether government is selling or the owner is selling that will be what is convenient. What he is saying is whether if somebody takes up your property he should compensate you.

KAKWENZIRE: Yes.

COUNSEL: Yes.

CHAIRMAN: If I may assist the Commissioner, they law is very clear. Our law is very clear on this the Constitution protects all persons not only citizens of Uganda. It is very clear that nobody is it article 13? Yes it is here. Because I was in a panel of Judges who had to deal in this thing not long ago in another case, it is article 13 yes, protection from deprivation of property. It spells out that no property of any description shall be compulsory taken possession of without compensation and this is for everybody not only citizens. So, it means that even those who are not citizens have a right, they are protected under this law to get either their property back or to get compensation for it.

KAKWENZIRE: Mr. Chairman, actually I am bringing up this not because I am ignorant of the law but because people who are supposed to know the law normally choose either to ignore or to -

CHAIRMAN: Yes, that is the problem - it is where the problem is lying.

DR. MAKUBUYA: Mr Gandesha, I would like to begin by saying, the Commission is very grateful for you to have come up. You are the first witness from the Asian community to come to us whether citizen or none citizen. Without going into this classification, you are the first person from that

community which was badly affected. As you rightly pointed out you had to leave not because you were affected by the expulsion orders but because the circumstances were such that you had to be a dare devil to stay around. So, I am hoping that other citizens from the community will take courage from you and they come up and testify on this. There is one thing though which is not clear to me about the 1982 kidnapping of the bride-groom and others from Silver Springs -

GANDESHA: Yes.

DR. MUKUBUYA: Could you explain the management system that was operating at the time?

GANDESHA: I am the Managing Director?

DR. MAKUBUYA: Yes please.

GANDESHA: The hotel is run by a Manager.

DR. MAKUBUYA: Yes.

GANDESHA: And we have Heads of Departments.

DR. MAKUBUYA: Yes.

GANDESHA: So, if there is a function somebody is in charge of that function. At this stage they do not come to me except I get a list what functions are booked for that particular month.

DR. MAKUBUYA: Yes.

GANDESHA: And how much deposits have they paid, how long the function is going to last, what are the requirements? Anybody walks in. This do not come to us at all anybody can go to the Reception and book a function.

DR. MAKUBUYA: Yes please.

GANDESHA: And then the function takes place.

DR. MAKUBUYA: Yes but I think the Commission was having problem with the particulars of these people do you know the names of the people who were kidnapped?

GANDESHA: The people who were in the function?

DR. MAKUBUYA: No, who were kidnapped. The victims.

GANDESHA: No, if a function is never booked by the people whose bride or bride-groom -

DR. MAKUBUYA: Okay, okay.

GANDESHA: There is always somebody, it was Mr. Kaggwa who had booked that is

the impression I had.

DR. MAKUBUYA: Okay, okay. So that in fact even if you had checked your records you might not be able to tell who it is?

GANDESHA: No.

DR. MAKUBUYA: Okay, what about the future? Our terms of reference require us also to look into possible ways of preventing the recurrence of these matters and these matters include in this particular instance something like the violation of human rights that took place in 1972 in respect of the Asians community and something like the kidnapping of the bride-groom from Bachelor's party. I think you will agree that these are very serious matters, whether we know their particulars or not but this is one occasion in one's life when he should be left alone and a chap has been picked. Could you make some contribution on how we might prevent this thing?

GANDESHA: Well what - (interruption) -

DR. MAKUBUYA: In the future.

GANDESHA: Well the ball is in the court of the Government; if it totally says that we do not have this sort of thing, people should not come and pick them up for example. That is number one. Number two that you should strengthen the police and say that they should have spelt powers to investigate any complaint must be thoroughly investigated like in any other country. You walk into the police station you are protected. Not like here where you just go and as everybody knows anything and nobody is interested in anybody.

DR. MAKUBUYA: But in the kidnapping case this chap has come up and say this is security. This is security matter do not interfere, how are we going to deal with this? There are two policemen in fact they cannot do anything, you call somebody from his room to help you he cannot assist, they take out the gun and they say this is security. How are we to prevent this? It is in fact our country and we have to build up some respectability for it.

GANDESHA: Now, if you have a CID -

DR. MAKUBUYA: Yes?

GANDESHA: If you have, you have a Special Branch, if you have.

DR. MAKUBUYA: Yes?

GANDESHA: It is all that strengthened, it can investigate without showing any gun to anybody. It can be arrest, it can take anybody to police station. This fellow faces law, you charge him in the courts of law. That is why we have this arresting law, not everybody has but High Court. That is why the arresting law is important. The process is there that process was created for years. Years for research, years for everybody is going

through all these things. You can never hear this sort of thing in any respectable country that you show a gun and you pick up, put him in the car and over you go. And if a CID had come he would have investigated, if he had been from special branch, he would have thoroughly investigated then we could not have been terrorised. I think you know that law legal process is taking place.

DR. MAKUBUYA: Okay, thank you.

KAKWENZIRE: Mr. Gandesha, you will excuse me for this rather personal question, I have never met you but throughout the 80s I used to hear something to the effect that Silver Springs was a very popular place for government officials. People like Akena Adoko, like late Oyite Ojok, and some other people, officers of the army and other VIPs. Now of course, it is very good business to have -(interruption) -

GANDESHA: It is not.

KAKWENZIRE: I thought they have the money to spend and it would be good business to have them spending the money on whisky and accommodation. I would like you actually to give an uninhibited opinion of how people in power operate, some kind of uninhibited view of our politicians and our military officers who were your customers.

GANDESHA: Our customers, anybody who pays money is our customer people come and people go. Kampala is a very small city.

DR. MAKUBUYA: Yes.

GANDESHA: Every hotel was full of even now, people come people leave the place. You can count of the places where you can go in the evening have not developed a little fantastic since all those years it is still the same but there are very few places to go and so people they board one place they can go to another place as they board there they will travel six places in a day and you will see the same group moving around here and there.

KAKWENZIRE: Silver Springs actually used to be a very favourite place in the 70's because of the cultural activities in there I used to go there myself, but in the 80's we used to get all those scaring stories that it was for the top and it is as if to say where the top goes you should keep away and -(interruption) -

COUNSEL: Were you connected with the security forces?

GANDESHA: No.

COUNSEL: And that is, she is asking you why senior officers were in that place, do you know?

KAKWENZIRE: Accommodated there. There was a general scare the ordinary people said, Silver Springs is for the Oyite Ojok, the Akena Adoko, I have been misinformed?

GANDESHA: But even you used to, if you said you stayed in there.

KAKWENZIRE: In the 70s, 1972 when it was very popular for cultural activities.

GANDESHA: Yes.

KAKWENZIRE: Then in the 80s, because ordinary people used to fear going out for one thing of security.

GANDESHA: With respect we have more ordinary people as our customers regularly than any big people. We always notice. You notice two three big people so in your mind, you say now that one, that one, that one are there. How many big people four, five twenty, thirty.

KAKWENZIRE: But in the early 80's it was.

GANDESHA: We used to accommodate thousand people sometime.

KAKWENZIRE: Yes.

GANDESHA: All right?

KAKWENZIRE: In the 80's there were some gazetted places like Nile Mansions where we had to keep away and Silver Springs; they would tell that is where the officers drink and if you are very sincere I know that if you hear that, that is where officers used to go a sort of -

GANDESHA: I think you were misinformed.

KAKWENZIRE: I was misinformed. So you have no personal opinion to give on your observation how politics were going in the 80's from these people?

GANDESHA: Customers change - sometimes you got this particular group of people coming.

KAKWENZIRE: Yes.

GANDESHA: Sometimes you got a different groups coming. Basically you get all walks of life, civil servants. The place is open, it is very wide. People come to play darts, we have motor club, we have weddings, every weekend there are activities. Sometimes we have 1,000 people, 2,000 people. We have this big show sometimes booked by people. Jazz Band this and that. The place is a public place, anybody can come anybody can go. As long as these people do not start kidnapping people, we are happy.

KAKWENZIRE: Yes, they happened to kidnap one from your place a move that could have scared people off maybe that is how the rumour probably started but Mr. Gandesha I would, as a practice here we seek views from people who were here when all these atrocities were being carried out do you not have some views to pass on the Commission as to what you saw

personally, violation of human rights. We have got evidence that there was a house across you known as Argentina where people used to be kept in large numbers, do you not have such examples of atrocities throughout the early 80's.

GANDESHA: Well, you want me to compare now and then?

COUNSEL: No.

KAKWENZIRE: No specifically then what - (interruption) -

COUNSEL: We are restricted up to January, 1986, so you talk just prior that date.

GANDESHA: Except this incident there was another incident where one particular fellow was picked in the same way but he was released after - then I found him there he came to the Hotel and he apologized and everything. Somebody complained about somebody and the fellow was just picked up that was another incident but besides that we did not have any.

KAKWENZIRE: What of the Army Officers who would come there would they (interruption) -

COUNSEL: I think Mr. Chairman, we leave him from there since he is not going to help us more than he has said. To me these are my observations.

KAKWENZIRE: Yes.

CHAIRMAN: No the Commissioner has a question.

KAKWENZIRE: Probably the Counsel is right because I thought Mr. Gandesha would have an insight some knowledge of what was happening from 1980 to 1985. You were the victim of the violation of human rights in the 1970's. In 80's some other people also became victims of violation of human rights and I thought you carry on from 70's to early 80's.

GANDESHA: Personally it is not good for me telling lies.

KAKWENZIRE: Yes.

GANDESHA: Or create stories.

KAKWENZIRE: Yes.

GANDESHA: If I saw something I would have told you but my nature in such I am busy developing my business. I am so much busy with my own things that I do not go around looking for what is happening, this and that and listen to gossips, this is a country full of gossips now and you can listen to all sorts of things but unless like in this incident you see it with your own eyes and I can say it but otherwise I cannot just say I heard this or I heard that when I do not know.

KAKWENZIRE: Yes.

GANDESHA: To just go round speaking rumours or otherwise we can sit here for the whole day.

KAKWENZIRE: Lastly those Asian properties have actually become a source of conflict for individuals fighting for them. Sometimes we have two people fighting for the same and we have one victim or the other have you witnessed such incidences?

GANDESHA: Yes.

KAKWENZIRE: Property being a source of conflict and sometime resulting by having death or exile like?

GANDESHA: Because you have a very mismanaged Custodian Board which issues letters some property which belongs to me, even your Deputy Minister of Finance goes around even allocating my property. We wrote a letter to him I said what are you doing with my property, you are allocating to so and so? He said I did not know this is your property. I said why do you not check? So, if Ministers and everybody make mistake without studying or reading, you know where you are. This is where the problem comes, that is where two people would start fighting because both want the same thing. The duty of the government is to show a way of building hundreds of other properties. So, you get land all that is waiting, in your eyes you could see housing estates running up. Instead people are too busy here how are we going to loot this so as this goes to so and so. Somebody will say I want that one there is no different system in Amin's and the same system is now. So, the same fellow somebody says I have already been to exile during Amin's time I am now back but I was in that shop, now why are you there? The other fellow also says I was given on such and such now you got out I am back. Other fellows also come somebody else comes in, there are five people who are now back right from Amin's time to the other one, to the other one - (laughter). So one regime goes the other one is now moved everybody wants to move in, so that the fights starts among ourselves. Now what do you do? You blame Asians but Asians are already wherever they are, they are not even bothered. Even if tomorrow the government says I want all these properties, I say, take it. I go and build again, I say I am a citizen, all you can do is deport me to Karamoja I will start developing all Karamoja. That is me, I am not worried, when I die I am going to leave all those implements here I do not think I am going to carry it to India or Japan or London or anywhere else. That Silver Springs is going to be here for ever but I want people to remember when I am not here that the Muyindi built this beautiful thing that is all. I can build in Britain, I can build in Canada I can build anywhere I chose here and I am here. Since 1980 I have been here doing my things and let us hope that all of us get together and start building more and more properties instead of using all this foreign exchange in all these, we want to save foreign exchange. Yet we cannot go on and on the subject - (laughter) - I am sorry.

KAKWENZIRE: This property thing I am interested, you said there is a lot of land, I also look at it, the land eh!

GANDESHA: Yes.

KAKWENZIRE: When you come to realize that the land belongs to somebody, the plot belong to people who got them may be from the Ministry of Lands and they are not developing them but there are people actually probably would have the money to develop but they do not know how to.

GANDESHA: You are saying the plots when they are allocated by City Council?

KAKWENZIRE: Yes.

GANDESHA: They are given for five years. In five years if you do not develop you lose it I think it is two years, in some cases five years.

KAKWENZIRE: Yes.

GANDESHA: But in two years if you do not put a foundation and move on it and then it goes to next guy. In Bugolobi, Kololo, the lot. These are the rules and if you had developed it you get your occupation permit.

COUNSEL: Mr. Chairman, I think whichever evidence we are getting from this witness in this aspect is irrelevant to our terms of reference.

KAKWENZIRE: No, I am sorry I may have to divert it but I just say may be the citizens if they do not know rights there where they - their rights to get land to build. Sometimes we learn from people who are knowledgeable in certain field but I agree with you that it is not strictly in the terms of reference.

GANDESHA: That is the reason why we have incorporated the Uganda Building Society was to develop housing estates and I think we helped over 200 people to build houses in 1970 up to 1972 I can give the whole list and I see these people when are you moving we going to build another house, if you say this house stayed with me during Amin's time? One example is Mrs. Kalimuzo has educated all her children those houses in Nakasero were built by us and financed by us. We gave him a loan of Shs 250,000 over ten years. He did pay it. Now that property is a very valuable asset for the whole family and everybody- should pass a legislation, everybody should build his own house under this regulation instead of people just stealing money from the banks give them compulsory loan and compulsory land everybody should have a own house.

KAKWENZIRE: Yes.

CHAIRMAN: Well I do not have any more questions now, all the points which I wanted clarified have been elicited by questions from colleague, my duty only remains to thank Mr. Gandesha for having come to give us the evidence he has given. With the exception, I will repeat what the Commissioner here said that Mr. Gandesha being the first Ugandan of Asian origin to have come forward to give evidence. I hope his

appearance will encourage others because we would like as many of them both who are in Uganda and elsewhere and outside to give us evidence, what happened and their views on how to prevent re-occurrence of such things, I thank you, Mr. Gandesha. You are free to go now.

COUNSEL: My next witness is Mr. Stanley Namakajo.

CHAIRMAN: Counsel, sorry could you suggest that let us have a break before we have the next witness. We shall break for 20 minutes and resume here at 12.30 p.m.

WITNESS NO.160: COLONEL S. J. NANYUMBA

(EVIDENCE GIVEN ON 19.9.87 LOST)

CHAIRMAN: Commissioners who were here early this morning and afternoon would be here by 2.00 o'clock but they have not arrived. But since this is a continuation of the session which we commenced this morning, I think we can start in the absence of the other Commissioners. I hope that they will turn up later. Now, yesterday, we heard evidence from Colonel Samuel James Nanyumba in the afternoon and we asked him to come back today to complete his evidence. He suggested 2 o'clock and we agreed. So we shall continue and complete his evidence before we start with the next witness whom I understand is also here. Counsel, let us proceed.

COUNSEL: Colonel Nanyumba, you are still on oath and yesterday, we adjourned so that you recollect certain matters you think are important to mention. Have you recollected the incident of take-over in 1971? Are there some officers you remember that were killed in this take-over? Because they were fighting or opposing?

NANYUMBA: Yes, I do remember some names of officers who are believed to have died in the coup of 1971. I would like to mention here a few like Brigadier Hussein, Colonel Arach, Colonel Albertino Langoya and some others.

COUNSEL: What do you know about them?

NANYUMBA: I knew them very well because Lt. Colonel Langoya was my Commanding Officer or the Commandant of the School of Infantry but when I say that they could have died at the time of the coup, the coup was violent and since then, they have never been heard of.

CHAIRMAN: At the time - well, I think this is common knowledge. People who were here were told that the coup was bloodless. And this can be checked from government records and newspapers. So what you are saying is that it was not?

NANYUMBA: I am saying that it was not bloodless.

COUNSEL: Yes, these people you have mentioned, where were they? Were they in Kampala because the coup I think took place in Kampala?

NANYUMBA: The unit that actively took part in the toppling of the government in 1971 was based in Kampala. Colonel Arach was Brigade Commander of the second Infantry Brigade in Mbale, Lt. Colonel Langoya was the Commandant of the School of Infantry in Jinja and Brigadier Hussein who had been then replaced by Colonel Arach, was pending another appointment which he had not taken over yet. So, it is my belief that they must have been picked up in Jinja.

COUNSEL: So they were picked up from Jinja and then slaughtered or got disappeared?

NANYUMBA: This is what I say that since the days of the coup, these names have never, or their bodies or themselves in person have never been heard of. I take it that they were killed.

COUNSEL: Did you know these officers: Enaru, Weyanga, Makuba, Lutoto and Ole?

NANYUMBA: Yes, I did.

COUNSEL: Where were they working?

NANYUMBA: We were together with Enaru, he was doing mechanical engineering and I was doing Telecommunication Engineering at Kyambogo. We joined the army together, we went to the same Academy and at the time of the coup, he was an instructor also at the School of Infantry, so was Weyanga. He was an instructor in Artillery. Lutoto was also an instructor at the School of Infantry. Who is the other one?

COUNSEL: Ole.

NANYUMBA: Ole was the Adjutant of the first battalion in Jinja.

COUNSEL: And how about John Matovu?

NANYUMBA: John Matovu was originally an instructor of School of Infantry and transferred to Army Headquarters as Staff Officer (A). That means (A) stands for Staff Officer, Administration.

COUNSEL: Now, what happened to them in 1971!

NANYUMBA: I will not be able to relate what happened to them because when the coup took place, I was in Kampala attending a course but I was then based in Jinja. Now the night of the coup, that is 24th January, I was staying with my cousin in Lungujja. That is where I was staying during the time of my course in Kampala. So it was not until the following day after the announcement that all officers should report back to their places of work that I knew exactly what had taken place.

COUNSEL: What did you learn on reporting to Jinja?

NANYUMBA: I did not report back to Jinja immediately because those of us who were in Kampala were told to report to Mbuya which was then the Army Headquarters.

COUNSEL: Yes, now, what did you know about these officers mentioned who were based in Jinja?

NANYUMBA: Those officers were colleagues at the School of Infantry and when I went back to Jinja, they were nowhere to be seen and they have never been seen.

COUNSEL: Yesterday, you said you were number 108, you said you were just a Colonel and the others with whom you were recruited or who were recruited after you became Lt. Generals. Do you want to say something about promotion in the army as you have known it?

NANYUMBA: Under normal circumstances, promotion of officers are effected by the Defence Council under the Armed Forces Regulations and Conditions of Service Officers 1969. You automatically qualify especially from Second Lieutenant to Lieutenant. There is a set period as to when you should be promoted to the rank of a Lieutenant and from the rank of a Lieutenant to Captain, is also automatic. A period is set. After you have attained the rank of a Captain, you should sit an exam to be promoted to the rank of a Major and you should serve if promoted at that rank for a certain period before you take another exam to be promoted to the rank of a Lieutenant Colonel. At one stage, that procedure was dropped and people were more less hand picked for promotion. I told you that in 1968, I was a Lieutenant in Moroto and in 1967, I was still a Lieutenant -the Commander of the Army in 1985 after the July Coup, was Lieutenant General Bazilio Olara Okello. When I was a Lieutenant, he was a Warrant Officer Class Two; a Non-Commissioned Officer. So I do not see if that is fair that a man I commanded should in the process come to command me!

COUNSEL: You say Lieutenant General Okello was a Warrant Office in 1968?

NANYUMBA: 1967.

COUNSEL: Now, maybe let me give you some names here and see whether you know them and the comment you may make about each of them. Did you know Brigadier Ali Fadhul?

NANYUMBA: Yes, I did.

COUNSEL: Yes, how do you know about him?

NANYUMBA: He was a Minister at one time, a Governor. At the end of the war in 1979, I think he had attained the rank of a Brigadier. Before that in 1971 before the coup, he was the Regimental Sergeant Major at the rank

of a Warrant Officer Class One but after the coup, he was immediately promoted from Warrant Officer Class One to Lieutenant Colonel and appointed Commanding Officer in Mbarara.

COUNSEL: That is a very big jump!

NANYUMBA: I think it is not a jump. It is a fall. (Laughter).

COUNSEL: Why was he promoted to such a rank from a Warrant Officer to a Lieutenant Colonel? Was it based on tribe, was it rewarding him or what? What do you think?

NANYUMBA: I think it was more of a reward than - I did not know his tribe. He spoke fluent Luganda, he spoke I think fluent Lusoga and Swahili. I do not know whether he spoke any English but it is my conviction that he took an active part in the overthrow of the government in 1971 and that is why may be he was rushed to that rank.

COUNSEL: How about the late Brigadier Charles Arube?

NANYUMBA: Brigadier Charles Arube was a drill instructor at the School of Infantry where I was at the time when he was there, I think he was a corporal or a sergeant; most likely a corporal. He was commissioned to the rank of a Lieutenant and the only course he attended - because I remember he was the Administration Officer in the school at that time. He attended a Drill Instructors' Course for about four weeks I think at the School of Infantry in U.K. Soon after, he was promoted to the rank of a Captain. After the coup, he was appointed Commanding Officer, Jinja, and then to the rank of Lieutenant Colonel and soon after, he was promoted to Brigadier and he became Chief of Staff.

COUNSEL: Did you know his educational background; not military but formal education?

NANYUMBA: It must have been very meagre. Maybe he could have - I do not know whether he was older than me but he might have gone up. By today's standard, maybe P.7 or S.1.

COUNSEL: How about Captain Ondoga?

NANYUMBA: Now, which one is this?

COUNSEL: Ondoga Nasur.

NANYUMBA: There was a Captain Ondoga, Nasur Ondoga who was one time Chief of Protocol in the President's Office. If that is the one you are talking about, I first met him in 1968 in Moroto and he was a barman in the Officers' Mess at the rank of a Private. That is all I knew about him.

COUNSEL: Were you surprised that he became a Captain and Head of Protocol?

NANYUMBA: I think it does not surprise me alone. It surprises a few of us or quite a number of us who are - I mean you should take protocol - there were so many foreign service officers who knew about protocol other than some barman in the Officers' Mess in Moroto.

COUNSEL: Would you say these kind of promotions affected the discipline of the army?

NANYUMBA: Indeed it did and not only discipline as such, administrative standards were lowered, morale went down because I will not imagine myself waking up today and I am a Major and the Private I was commanding is the commanding officer the following day! I am bound to be demoralized. Would you not?

COUNSEL: Well, I do not know. I have not been in the system.

NANYUMBA: You have not been in the system but you have been in some other system of some sort and there is some order of how you go up the ladder.

COUNSEL: Are you saying you will not obey such an officer if he is put above you?

NANYUMBA: That would be tantamount to mutiny.

COUNSEL: Were there such mutinies caused by such promotions?

NANYUMBA: Not as such but I remember in 1967 again, there was a massive commission of non-commissioned officers from the ranks of sergeant to Lieutenant. Then Onama was Minister of Defence. Those non-commissioned officers were called to Army headquarters in Mbuya and there is one time a man who was my O/C in the name of Major Angutoko who at one time commanded the School of Infantry and another Lieutenant in the name of Abudria. He was with Military Police. They were invited to take a photograph with these newly commissioned officers and they refused. They stood aside, they refused to take a photograph with these officers commissioned from ranks because they thought - it was their principle, it was one principle that they were not officers according to them. So the Minister went ahead, took a photograph with them and the two officers were dismissed the following day.

COUNSEL: Do you know what prompted this commissioning in 1967 as you have mentioned?

NANYUMBA: Well, I may try to guess. My guess might be wrong. He might have his own ideas why he did it. But I think he thought an illiterate army was one you could manoeuvre around. So that is why he got these old men, he gave them ranks which they never expected. So one would tend to do whatever he was told simply because he got something that he never expected to get.

COUNSEL: Have you a practical example of the problem of an illiterate army?

NANYUMBA: An example?

COUNSEL: Is it dangerous to have an illiterate army?

NANYUMBA: It could be very dangerous.

COUNSEL: Why do you say so? Do you think the illiterate army will just obey whatever command they are given?

NANYUMBA: An illiterate army would definitely take orders word by word. Although that is what is expected of a soldier, there are orders that which one could consider before just saying, yes Sir.

COUNSEL: Yes, I am asking, do you see any problem of having an illiterate army?

NANYUMBA: Yes, I do. I said, for instance, I cannot - there is what is a lawful command and an unlawful command. A man should be able to understand what is lawful and what is unlawful. But if he is illiterate, he cannot differentiate between the two and he might look at the officer giving him that order as some super star who cannot make a mistake. I do not know whether I answer your question.

COUNSEL: I see, okay. Let me ask this way, these promotions of illiterate army - commissioning of illiterate army was done by President Obote in 1967. Did it become a danger to him later? Or did it become a danger to the nation?

NANYUMBA: In what way?

COUNSEL: No, I am just asking you whether you think it became a problem to the country.

NANYUMBA: I think it did because in 1967, we had - there was mass promotion, 1971, same story; drivers, one wakes up one morning, he is a Major, so and so wakes up the following day, he is this and that and the other and we have all been here. We have seen what they did.

COUNSEL: Yes, although you may say we have been here and we have seen what they did, this is a Commission of Inquiry which was set up to get facts recorded rather than saying, well, we know what happened, therefore, we need not set up the Commission. So this Commission is going to act on the evidence given before it. So I am asking you to elaborate on these dangers by giving examples.

NANYUMBA: There was some Lieutenant Colonel who was Commanding Officer in Bombo popularly known as 'Butabika' - was it Juma or Musa or something. I mean I heard some of the things he did but I never saw him do it. We heard of American journalists in 1971 who disappeared in Mbarara. I forget the names of those journalists but I think they did. The Commanding Officer was Ali Fadhul.

COUNSEL: Yesterday, you said that the army you had in 1980 was balanced. Did you say that?

NANYUMBA: I said that the recruitment we did in 1980 was supposed to be balanced in that each region, according to population by district was allocated a number of people to be recruited from the recruiting centres. And I did mention one incident that I personally was in charge of recruitment in the North and I went to a place called Koboko but I did not find more than 40 people assembled for recruitment but I needed more than 100 and I think you do remember that?

COUNSEL: Now, what was the position before that - that is position as far as you knew, that in 1977 backward? I am saying 1977 because 1977, you left Uganda and you only returned in 1979.

NANYUMBA: Correct. I joined the army in 1964 and I was commissioned to the rank of second lieutenant in 1965 and the President then was late Sir Edward Mutesa and my warrant of commission actually bears his signature because he was Commander-in-Chief at the moment. The position was such that there were more both officers and men of the tribe of the Acholis and Langis. I am not saying that there were not any other tribes, they were there but I want to go a little further and say that this was not anybody's making because before Independence, a good soldier was supposed to be some tall fellow and huge and our brothers the Nilotics answered that description a little better than we down South. Secondly, even much earlier before Independence, even after Independence - I will mention my own tribe, a Musoga, would not look at soldiering as a profession. They sort of looked down upon it as a profession not to think about at all. So that created an imbalance which was not according to me, meant.

COUNSEL: So you are saying it was the people's attitude towards joining the army that caused this?

NANYUMBA: Yes, especially people in the South of Uganda.

COUNSEL: And did this become dangerous subsequently?

NANYUMBA: At that time, no.

COUNSEL: I am not saying that, that time but subsequently, did they become a problem of having unbalanced army caused by people's attitude?

NANYUMBA: May be I do not get the question but ..

COUNSEL: Initially, you said the people in the South did not like joining the army. People in North wanted to join the army and this was nobody's fault people are wanted to join, you are asked to join, you do not join, but I am saying, did this become dangerous afterwards? Because I would think what happened is that at one stage, they army was not balanced. It was formed up by one group say North and there were few from South. Did this become a problem to the country although caused by people's

attitude?

NANYUMBA: I think it did create a political problem in that politicians wanted a balanced army. Now, a man normally signs a contract of nine years. He will not be dismissed unless he commits an offence. So balancing the army would mean either enlarging it so as to be able to absorb some other tribes but if we were not as a nation tribalistic, it would not matter whether the whole army came from West Nile but simply because we have got tribalistic tendencies, that is why we so much think of a balanced army.

COUNSEL: So now what would be your advice - let us forget the past and think about the future. What would be your professional advice on this matter?

NANYUMBA: We got at one stage after 1979, fighting groups which were supporting a particular thinking, a particular party maybe. For instance, we had in the army people who were UPC, people who were DP, people who were all parties in the world you can think of. It is not wrong but because every individual is born with some political affiliation of some sort even if he does not practice it but the moment you touch some sensitive point, he is also touched. I do not know, for instance, whether at that time after 1980; officers were wearing the President's badge or party colours. An army according to me, is supposed to defend; one, the Constitution, two, the sovereignty of the State. Now, if we have warring factions within the army, then we shall have the same problems we have had. What I am driving at is, whereas soldiers should be politically aware of what is happening, they should not be alienated to one political thinking.

COUNSEL: How would you do that?

NANYUMBA: It is not easy. For instance, yesterday, I told you I was chief of political education at one time although I did not qualify. But under education, we were educating for instance, soldiers on the Constitution. We never touched anything to do with any party in this country. We just taught them the right of a citizen, the what, things like that but party politics was never discussed in any classroom.

COUNSEL: Would you think,a quota system would assist in balancing the army; that is at least we can know how many tribes are in Uganda and then even you can know the figures that this tribe is so many, this tribe is so many people. Do you think giving a quota depending on the numbers of people would solve this problem?

NANYUMBA: It would not solve it completely because whether I come from Ssese Islands or you come from whatever place you come, we might find that we agree on certain points on politics or we do not agree at all or we may come from Ssese Islands both of us but we do not agree politically. You are DP and I am UPC may be, so we shall not agree still but at least you might say I am your tribesman. That again I think does create even more divisions within the army. Because we shall know we are so many here and we shall keep to ourselves.

COUNSEL: So are you suggesting giving up the idea of having a balanced army?

NANYUMBA: No, I am not giving up.

COUNSEL: Because you see, we want your assistance as to what you recommend so that maybe we think about it and put it in recommendations we shall put in our report. That is why we are asking this.

NANYUMBA: Would you mind Legal Counsel to give me a chance to go and write this suggestion and present it in a form of a paper?

COUNSEL: We can abandon that. Now we come to death of Captain Magala. Do you know anything about it? Do you know Magala?

NANYUMBA: Yes, I knew Captain Magala very well. Captain Magala was recruited in the army in 1972 by then I was manning the base studio workshop at Republic House literally I was in charge of the technical department of the directorate of communication. So we wanted technicians and the Ministry of Defence gave authority to go and talk to Telecom. Technicians at Kyambogo and see if there were any who wanted to join the army. So four of them opted to join the army in 1972 but I think three of them went away and Magala remained. He was given some preliminary military training early 1972 and he was given a rank of a second lieutenant to enable him to attend a course I was going to attend. So we actually travelled together and we went to same school in U.K. in 1972 and came back in 1973. I did not stay long. I told you I went to France the same year in 1973. He remained behind in the workshop. When I was transferred from the radio workshop, he took over as the O/C and I was transferred to school of infantry and from school of infantry to India. That time I was in U.K. and India and Kenya. I do not know what happened to him but he kept on serving. He was still in service. Then, I think this was when I was in exile, he went for a course in Pakistan school of signals where I had been also and I think he did a two-year course and came back in 1979 at the end of the war. Now he got stranded in Nairobi because he did not know. A government had changed, there were new commanders. He did not know whether to come or to stay. Now at this stage, I do not know exactly whether he rang me or his mother came to me to say that your brother is stranded in Nairobi, he does not know whether he should come back or not. I said, "Okay. Fine, that is alright. I will talk to the relevant authorities", which I did. I talked to the Chief of Staff, the late Oyite-Ojok. I said, "This is one man I have worked with, I am a head of his department. I think I need him, he is stranded in Nairobi". He said, "It is okay, he should come back immediately". He came back, he was given a ticket from Nairobi to here with his family. I took him to Chief of Staff and the Chief of Staff said, start work immediately and he did. So as I was director of communication, he went back to his post as O/C radio workshop. So we continued and in 1980, I think early in May, I went on a delegation to China and North Korea and as I told you yesterday, I think I told you how we were told of a change of government in Kampala at the airport in Peking. We came back and got stranded a bit

in Nairobi, stayed two days then we flew to Entebbe. We were taken to meet the Chairman of the Military Commission in Nile Mansions after which - in fact we met the late Oyite first and then the Chairman of the Military Commission and in brief, he told us what transpired that President Binaisa had been removed from power and Military Commission had taken over and that was it. The following day, I went to my office as usual; not the office of chief of staff, no. After that, I called who was my second in command to brief me as to what had been going on in the office when I was away. He told me, "Oh! you see, Captain Magala was picked up by unknown people from his house and was killed. And that you also, you should be careful because there are some people looking for you". I said, "I see. Okay". I did not stop there because immediately he told me that I went out of the office, I drove straight to the Chief of Staff and I told him, Major Opwonya said Captain Magala was picked from his house and killed by unknown people and that I too should be careful because there are people who are looking for me also. So I said, "I want him to substantiate this and who are these people who are looking for me". The chief of staff said, "Okay, satisfied, I will call in the Director of Intelligence to investigate this matter". I went away. You can imagine, I was living in a state of fear and I was anxious to hear what the Chief of Staff had found out. I went back about after a week. I said, "Have you found anything from the Director of Intelligence as to who these people were who are looking for me and who killed Magala"? He said, "Forget about that fellow. He has got his own ambitions". Now, that alone, 'Forget about that fellow. He has got his own ambitions'

CHAIRMAN: Sorry, Colonel, I missed the name.

NANYUMBA: Major Opwonya.

CHAIRMAN: Opwonya?

NANYUMBA: Opwonya.

CHAIRMAN: Was he in the same section, the signals?

NANYUMBA: He was my second in command.

CHAIRMAN: I see.

NANYUMBA: I was not happy by that comment, 'He has his own ambitions'. It suggests a lot but then, if he had ambitions, what action was taken against those ambitions? Nothing.

COUNSEL: Yes, proceed.

NANYUMBA: I later on - because any occurance in the armed forces, there must be a board of inquiry to investigate the circumstances under which anything happens. Now, the commanding officer of the army headquarters where we were, - he is called commandant - he is supposed to initiate a board of inquiry. He should have initiated a board of inquiry to investigate the

circumstances under which Captain Magala disappeared. I went to the commandant to say that my officer is missing, a board of inquiry must be convened. That board was never convened.

COUNSEL: Who was the Commandant?

NANYUMBA: Say that again please.

COUNSEL: Who was the Commandant at that material time?

NANYUMBA: Captain Apiya. And that was the end of the matter.

COUNSEL: Did members of the family of late Magala contact you?

NANYUMBA: Yes, the mother came, the mother in fact has been to my house a number of times. The brothers of the late Magala do come to my house very regularly and it is the mother actually who confirmed to me that she had found the body of her son in Mulago mortuary.

COUNSEL: Well, that is all I wanted from this witness for the time being but he says he is going to give us a memo on the recruitment of the army which I hope he will submit soon.

CHAIRMAN: Colonel, I am going to ask you only one question which is very pertinent to our terms of reference. We are enjoined to inquire into all aspects of violation of human rights, detention and so on perpetuated by government security agents. Now, one of the aspects is whether protection was given to either individuals or groups who were perpetuating violations of human rights. Do you know of such protection, if so, to whom, and who provided the protection and in what circumstances? I do not know whether you will be able to enlighten us on this; whether there was such protection?

NANYUMBA: I do not have information to that effect but one thing I would like to say is that I was not an insider. I do not know whether that carries the sort of information I want to pass on to you. In the sense that such protection was I think protected in that it was only the insiders that knew who was doing what and who was protecting him.

CHAIRMAN: Who would you say were the insiders who would have such knowledge, who would provide protection or know who was providing protection and who were being protected?

NANYUMBA: When I say I am not an insider, I did not know the secrets that were at the top. By virtue of my rank at least I should have attended a few meetings but those few meetings I never attended. Those that I attended were routine meetings.

DR. LUYOMBYA: Are you suggesting that there were cliques within the army?

NANYUMBA: Yes, that is what I was suggesting.

CHAIRMAN: Who was creating those cliques?

NANYUMBA: I will give you an example. After the death of Oyite-Ojok, Brigadier Smith Acak was appointed Chief of Staff and as Chief of Staff, he used to call meetings of Brigade Commanders and Battalion Commanders but at one meeting, he said, "I do not trust some of you. So some of the things cannot be said here".

KAKWENZIRE: Let me first put a question connected with that one; the cliques, could you elaborate on the dangers caused by such cliques especially in the event of overthrow of regimes and subsequent violations of people's rights in the process?

NANYUMBA: I do not know whether that question was answered before. Okay.

KAKWENZIRE: Okay, let me be specific. When Smith Acak said I do not trust some of you, I think you mean among the high ranking officers, what sort of rift developed as a result of such attitude?

NANYUMBA: I think a live example did emerge during that period when Smith was Chief of Staff. There was what was called the uncoordinated movement of troops in Mbuya. I do not know whether you heard about them. It was announced on Radio Uganda that there was an uncoordinated movement of troops. That is why there was bang, bang, bang around Mbuya. But this according to me was not uncoordinated. In some official circles, it could have been termed as uncoordinated but it was not uncoordinated and this was a rift within the army.

COUNSEL: And in fact you are saying it ended by the government being overthrown on 27th July?

NANYUMBA: That uncoordinated movement? Yes.

KAKWENZIRE: Was the President aware of this rift?

NANYUMBA: Yes, he was.

KAKWENZIRE: Were there some attempts made to forge the gap?

NANYUMBA: According to what I remember, the President was not well informed about the troops that he was Commander-in-Chief and Field Commander of. I think they never fed him with correct information as to what was actually taking place. So I do not know whether he tried but if he tried, he failed.

KAKWENZIRE: I do not trust my memory very well but I seem to have seen you on T.V. at one point in what looked like the attempt to forge the rift with the President. Am I wrong or right? There was some kind of a meeting with army officers with the President when it looked to the ordinary man as if there was some crisis. Can you recall that?

NANYUMBA: Yes, I think you are talking about a party he threw at the Conference Centre and that was the time when there was the Women's Year Meeting in Nairobi. There was a Women's Meeting in Nairobi, I do not know what it was all about and the wife of the President was in Nairobi then I think - it is my guess - the President then had sensed that there was a crisis and that he should talk to the top commanders. What you are referring to is when I was introduced to him as Chief of Political Education; and he told me, he said, "you are Obote of the army." We should meet more often. If what you are asking, I was there.

KAKWENZIRE: My question was that was that an attempt to save the situation from getting worse; the rift?

NANYUMBA: It could be because I remember a few words he said. He said, "whoever wants the seat, he can take it but it is hot." And another comment was, "I am the Minister of Finance, I can give you whatever you want." That is suggestive.

KAKWENZIRE: Tell us more.

NANYUMBA: Now, what more?

KAKWENZIRE: About this crisis and how it had been building up and how it was resolved, whether such a remark attracted some consideration.

NANYUMBA: There are facts which I consider are not for public consumption. They were too political and I do not think that I should mention them here.

CHAIRMAN: Colonel, if that is what you think, we are empowered to hear evidence both in public and in camera, if the latter is considered to be necessary in the interest of security of the state. Since leading Counsel is the one who brings this evidence to us, the best thing would be for you -let him have a sort of pre-view of what this may be. Then he can put to us and then we decide whether we should hear it in camera or in public. I think that would be the best approach. Yes, carry on with any other things which you think can be in public.

DR. LUYOMBYA: What did you understand as a senior officer in that meeting; when the President said, 'the seat is hot and I am the Minister of Finance?' What did you understand?

NANYUMBA: Why I say it was suggestive is that I think the situation was getting worse and worse and he thought may be he would try to buy us but I think he was buying the wrong people. Because the real people who did the job, the lot he called in the Conference Centre were mainly staff officers at the army headquarters but the fighting force that eventually removed him was nowhere near Kampala.

DR. LUYOMBYA: Could the force to which he was talking not support him and quench the other one?

NANYUMBA: I beg your pardon.

DR. LUYOMBYA: After that plea, were you not satisfied with his plea to help him out?

NANYUMBA: I am saying his words were suggestive. There was nothing more to it and that is it. Well apart from the little that I said could lead to what eventually transpired which I will have to leave out; is this that Bazilio Olara-Okello was Brigade Commander in Gulu and he was dismissed by Smith on a Radio message and Bazilio replied and said, "I cannot be dismissed by the Chief of Staff. I was appointed by the Defence Council. It is the appointing authority that can dismiss me". So that is where the whole problem started.

DR. LUYOMBYA: Now, a little bit more about these cliques in the army. Possibly they contributed to some officers being left out of certain things and created an inside group and an outside group. Do you think they played any role in the violation of human rights by the national army of the time?

NANYUMBA: No, I do not think so. Division in the army created a fall in the fighting spirits of the soldiers at that time, many deserted and just went home. They thought it was not worth serving in the army with these conflicts among officers, men among men, tribe against tribe.

DR. LUYOMBYA: Going back to the death of Captain Magala, you told us Major Opwonya told you about grabbing him from his house and eventually being killed and this was confirmed later when his body was found by the relatives in Mulago Hospital Mortuary. You reported the matter to the Chief of Staff, the late Oyite-Ojok?

NANYUMBA: I did.

DR. LUYOMBYA: And the way you put it, it seems you tried -You talked of the intelligence officers and commander who should have held an inquiry and it was never held.

NANYUMBA: No, it was commander who was supposed to hold an inquiry and not intelligence officers.

DR. LUYOMBYA: Yes, but that inquiry was never held.

NANYUMBA: No, it was not.

DR. LUYOMBYA: Do you think cliques within the army could have assisted some people to carry out violations of human rights in that they had cover from somewhere else?

NANYUMBA: Yes, that question was asked before and I said unless you are in top most clique, you will never be able to know who was being assisted and who was covering who.

DR. LUYOMBYA: But Colonel you were in the army. You stand a better chance of knowing what was happening in the army than an ordinary civilian. So that is why we want you to assist us so that we can get nearer to the

truth if there is any truth at all.

NANYUMBA: Actually, I have said literally what I personally saw with my own eyes or what I heard. I cannot hide from you any information that is known to me.

DR. LUYOMBYA: So according to you, these cliques only demoralized men who were fighting in the field and forced some soldiers to abscond from the army but they did not contribute to violation of human rights?

NANYUMBA: They must have at one stage but I do not have any example that I could give that this was committed by so and so.

DR. LUYOMBYA: Okay. You told us at one time you were a Member of Parliament.

NANYUMBA: Yes, I was.

DR. LUYOMBYA: And you were appointed to represent the army?

NANYUMBA: Yes.

DR. LUYOMBYA: Did this surprise you? There were so many officers but you were appointed.

NANYUMBA: Very much. Well, there were only ten vacancies and they had to select ten. I happened to be among the ten.

DR. LUYOMBYA: Was it luck?

NANYUMBA: May be because I never applied or I never was asked whether I want to be nominated.

DR. LUYOMBYA: I see! About the period when you were on the Military Council. There is some homework I wanted you to clear for me. Are you in a position to do it now about the Military Council?

NANYUMBA: About the Military Council?

DR. LUYOMBYA: About the Military Council.

NANYUMBA: If I remember very well, I was asked to recollect some of the violations in a certain period and about the promotions in the army or airforce which I have already related.

DR. LUYOMBYA: Okay, to remind you, yesterday, you told us the role of the Military Council was to formulate policy.

NANYUMBA: Yes, I did.

DR. LUYOMBYA: But we were also told that there were lots of outcries and murders about that period and you, yourself you lost a brother called Patrick Isabirye who was gunned down. Was an inquiry made in the death of your

brother?

NANYUMBA: Well, the case was reported under the normal procedure but I do not know because it was not established as to who did shoot him dead. So it was taken as a routine police case.

DR. LUYOMBYA: I mean, did the police investigate the case to your knowledge?

NANYUMBA: I do not know but if they did any findings, they must have informed his last employer.

DR. LUYOMBYA: Who was his last employer?

NANYUMBA: Kampala City Council.

DR. LUYOMBYA: Now, going back to the issue. There were lots of outcries about violation of human rights and the role of the Council was to formulate policy. I wanted you to inform us about any concrete action you took as a Council about these outcries. You were the body which was to formulate the policy.

NANYUMBA: But I think I remember saying that these outcries did come to us as individuals in authority and I said that these were never discussed at any one time in the Council, but that the commanders were responsible to discipline their men in their course of duty.

DR. LUYOMBYA: But the commanders ultimately were responsible to the supreme body.

NANYUMBA: Yes, they were.

DR. LUYOMBYA: Yes. Did the supreme body do anything about the discipline of their -

NANYUMBA: I do not remember any officer being disciplined during that period.

DR. LUYOMBYA: So in short the Council left the matter in abeyance?

NANYUMBA: I did not say that, that the Council left the matter in abeyance. I said that by the time a matter should reach the Military Council, the relevant commanders at some lower level should have already taken action. Not that all matters should come to Military Council.

DR. LUYOMBYA: Well, Colonel, I am sure you realise that the lives of a population which you are looking after are directly your concern.

NANYUMBA: That I agree.

DR. LUYOMBYA: So the council at that time was directly concerned.

NANYUMBA: Yes.

DR. LUYOMBYA. If something comes to public outcry, surely you do not just keep quiet and wait for reports from commanders which were not forthcoming.

These were raised either individually or some other ways and so I think I am correct to say that the Council left the matter in abeyance because they never took any concrete action in spite of human rights being violated.

NANYUMBA: I agree that no action was taken by the Council but that no action at all was taken by any other organ.

DR. LUYOMBYA: Okay.

KAKWENZIRE: I just want to put one more question. There is something you may be trying to evade all along and that is what seems to be the Central theme of conflict; the struggle for dominance between the North and the South. The on-going struggle which actually culminated in the 1985 confrontation during which you were on the Military Council and it is my view that this conflict and subsequent confrontation have cost a lot of life and a lot of atrocities and -

CHAIRMAN: Suffering.

KAKWENZIRE: Suffering. I would like to hear your views having been at the centre of conflict.

NANYUMBA: I am not a very good politician at all but it is my view that all the conflicts we have had have not really been North-South conflict. At one time, it was a North to North conflict but I will attribute whatever we have had from as far back as may be 1966. In 1966, a few Cabinet Ministers were arrested and dumped in Luzira. I think they spent a good five years there under the pretext that I think they wanted to overthrow the government then; the Obote I Government. We had an emergency in Buganda. Then the Lubiri was stormed in 1966, the Kabaka went into exile. I am sure that that created a rift especially between the Baganda and the government then because it is my thinking that the Baganda loved their Kabaka. Then the Constitution was thrown overboard in 1967 and a new one adopted. And then, in the process, Brigadier Opolot who was Commander of the army was put aside; he also ended up in Luzira and Amin was appointed. A case came up in Parliament where the late Daudi Ochieng was accusing Amin of having stolen gold -either gold or ivory or both - and it was a hot issue in Parliament. Eventually nothing - but investigations went on and it was discovered that actually Amin did get some gold from the Congo now Zaire. It was now difficult for Obote to remove Amin and take him to a court of law. So according to me, I think that created a conflict between Amin and Obote and he would find it difficult to remove him. I do not know whether I am telling you what you want to hear.

KAKWENZIRE: You are educating me that the conflict has also been North and North or individual against individual.

NANYUMBA: I wonder whether that answers a bit of your question.

KAKWENZIRE: It answers a bit of my question. Only I want you to may be talk about

the period that hurt us most. In my opinion this is the culmination of it all in 1985. There was an untold suffering for both the Northerners and Southerners. I remember and you know much more than I do and you could tell the Commission quite frankly because probably you also want a solution to this terrible thing but I recall in fact I had to leave because it became so unbearable to see movement of troops and to hear so much fighting and to hear so many people reported dead, you do not know whether you are surviving, this kind of thing which is a period I want you to focus on?

NANYUMBA: What period?

KAKWENZIRE: I do not know, may be I am wrong again. We have had series of periods, part of the time I was not here but I remember that hot period which has continued may be the culmination, the peak of the conflict? I am thinking of your being on the Military Council and the thing switched from being a conflict of individual between Amin and Obote, between Langi and Acholi, and the conflict now declined to the Katonga battle, the Karamojong being brought in the war?

COUNSEL: What has brought all these troubles that we have been having you cannot say one period was the worse because another person may say this was the worst. Some people will say the 1966 was the worst others will say the 1971, now others will say the Luwero matter but do you have an idea as to what has been causing all these troubles? Is it struggle for power? Is it refusing to leave power when you should? Is it rigging elections? What are the cause to this?

NANYUMBA: But may be attached - right now I am not in active service I am not in combat so now a man not in combat, I am serving in Government. I do not know what the conflicts is all about now but I would imagine either two things, one, may be thinking that he is more qualified to run the matters of this country better than the other or refusing to accept that somebody else can run the country equally well or may be better than he can but the conflict which started after elections of 1981, according to me was a belief that the elections were not fair. The 1966 crisis I think was sparked off by the Government being finding a way of getting rid of the kingdom and was not done in a cool manner it was done a bit violently, that is the way I look at it.

COUNSEL: You mean to consolidate power?

NANYUMBA: That is it.

COUNSEL: Then 1971?

NANYUMBA: 1971 I think was not you mean the coup. The coup of 1971 was a conflict between two people according to me, that was a conflict between Amin and Obote.

COUNSEL: What do you say about the 18 reasons that were given, were they justified reasons or not?

NANYUMBA: The 18 reasons have always been given in all the African coups we have had and after listing all the 18 reasons but according to me the 18 reasons even if some of them were correct, it was not the reason why a government was toppled.

COUNSEL: Then how about the subsequent purges in the army in killings of various people say, Langi and Acholis and Itesot and so forth?

NANYUMBA: After the 71 coup?

COUNSEL: Yes.

NANYUMBA: This was as I said, it was a conflict between Amin and Obote. Amin definitely thought that the Langis and Acholis would resist his take-over.

COUNSEL: So are you saying that this was the feeling of insecurity that caused these purges of Amin because he finished the coup he was the President but why kill?

NANYUMBA: You see, when you kill one man you make a hundred enemies because you touch my father, you touch my mother, you touch my sister, you touch my children is it not? Now it haunts you in your mind that I think so and so is looking for my life because I killed his father. So, you go little further and kill a little more and the circle widens. So I think a stage came when Amin saw that he was surrounded by such tribes.

COUNSEL: Yes, but do you believe that all the killings that took place in this country during Amin's time were caused by Amin or his agents? Do you not think other people who were fighting him also contributed in killing?

KAKWENZIRE: I do not know.

MR. KAWANGA: Colonel, do you want to suggest that all the problems that we have had in this country have arisen out of conflicts between the individuals and then have spread over to the whole nation? For example you have cited the Obote and Amin conflict that was the cause of 1971 coup?

NANYUMBA: That is the only one I mentioned which involves individuals.

MR. KAWANGA: Okay. Thereafter we have had problems. In 1980 this was not a conflict between individuals but we had problems from 1980 to 1985 we want to find out why we keep killing ourselves and the Army is central in this thing and you being in the Army perhaps have an answer.

NANYUMBA: This is one thing I said earlier that the army as you have said has been at the centre of things or sufferings whatever but the Army I do not think acted in isolation, the Army has had a political leadership.

MR. KAWANGA: So it is the political leadership which had misguided the Army?

NANYUMBA: I think so.

MR. KAWANGA: If we solve our political problems then perhaps we shall have solved other problems the Army will not be a problem?

NANYUMBA: It is possible.

MR. KAWANGA: I see. You soldiers think fellow soldiers have human rights within your camps?

NANYUMBA: I think so.

MR. KAWANGA: I am asking this because of the amount of bullets with which you treat fellow soldiers in case of misunderstanding, punishment and that kind of thing, it really hurts, rough?

NANYUMBA: Yes, it is I know that.

MR. KAWANGA: Why?

NANYUMBA: Why not?

MR. KAWANGA: Why not because it does not happen elsewhere that is why we civilians say why?

NANYUMBA: Yes.

MR. KAWANGA: Okay, you say why not and we shall keep on asking each other. Now, I am looking I think from the civilian point of view?

NANYUMBA: It is easy, very easy to handle men mostly like you because it is easy to handle one thousand men much easier than handling may be five soldiers in the field all armed. So that is the way of instilling some discipline or something. Soldiers should not be handled with a pat on the back unless may be there is something very good and if that does not come unless you give him a medal.

MR. KAWANGA: Do you have a paper through which you go to reach the maximum punishment by way of handling somebody until you say no it deserves the last one?

NANYUMBA: Yes, we have.

MR. KAWANGA: And do you think this has been followed in the Army over the years these steps?

NANYUMBA: Up to sometime now is the area I do not know whether up too now but a system normally continues.

MR. KAWANGA: I am asking because I know of an incident involving Lt. Bukenya I do not know whether you have ever heard of such a person who according

to all reports was beaten to death by your punishment, I do not know whether this is normal or abnormal?

NANYUMBA: That is abnormal.

MR. KAWANGA: And how would you explain it? A senior officer being present when this happens?

NANYUMBA: I do not think that officer be senior as he might be or might sound has done any military law in his life or he can translate the Armed Forces Act, 1964 to mean anything to him. That I think does not appear in the Armed Forces Act, 1964 at all as a punishment for a soldier or anybody else.

MR. KAWANGA: It means even within the Army people were trying transgressing the Armed Forces Law?

NANYUMBA: I am saying that the incident of Lt. Bukenya who was beaten to death is not known to me so I cannot say that that was good practice by the Army, I am saying that if it was one then the officer be he senior or otherwise he has never seen the Military law at all because that does not exist either in the Armed Forces Act 1964 or in any of military law that a man shall be beaten to death unless by firing squad by a fully constituted Court Marshall.

MR. KAWANGA: Now let us look at army/civilian relationship. We have heard evidence in this Commission involving Mityana military - whatever it was - was it a detach or something? I mean soldiers were detaining civilians. They arrest them, they say they are bandits, they bring them, keep them of course at a police station but under their own custody and eventually apparently give them the final punishment. How did this develop?

NANYUMBA: This I do not know how it developed but I was as I said, Commanding Officer in Mubende which included Mityana Sub-district. The sort of acts you are mentioning are not known to me.

MR. KAWANGA: They happened about 1985. But what do you think could have led soldiers to have to arrest and detain civilians?

NANYUMBA: Well, we have heard cases every where not only soldiers but some other people who kidnap and ask ransom. Yes, it is possible that they were looking for a ransom.

MR. KAWANGA: These could classify as criminals and acting individually but if a detachment of soldiers can keep prisoners at a police station in large number, torturing them, starving them and this kind of thing.

NANYUMBA: It is not part of the duties the army is supposed to perform because I would not say that I would pass anybody committing an offence of killing and say, that is police case, I am not bothered. I will arrest the man and take him to a police station and then I will appear as a witness. But I do not have the authority to appear in court as a prosecutor

because I do not know the law. I am not a prosecutor but I can appear as a witness.

MR. KAWANGA: But you will bear with me that over the years, there has been a tendency to say that the police cannot handle crimes. It is the army which can do better. This was heard during the Amin days.

NANYUMBA: That was a display of ignorance.

MR. KAWANGA: Pardon.

NANYUMBA: That is a display of ignorance.

MR. KAWANGA: I see. So in your view you think it should not be the army it should have nothing to do with matters which are handled by civilians?

NANYUMBA: Yes, they should not. If it is a civil offence, a man should appear before a court of law and no soldier whatever rank I think by law is permitted to prosecute a man in court. I do not know but I think so.

MR. KAWANGA: Well, you will excuse me. I am asking this because this appears to be an on-going argument that the army is more precise, it gets the matter, things are done much more quickly and that the police spoils things. So they should handle these things. So I am trying to gain from you own experience.

NANYUMBA: That has happened but it is not the correct way of doing things.

MR. KAWANGA: Alright. Now - I came in late - but when I came in, you were talking about "I was not an insider. I was an outsider", and the Chairman said, who were the insiders and I would want to go back to this question. Who are outsiders and insiders in government?

NANYUMBA: Well, whoever is in government knows his inner circle to when he refers what he would classify as top security matters. That cannot be really defined.

MR. KAWANGA: Okay, and would you say that people in government would know whether they are insiders or outsiders?

NANYUMBA: I think the governments have known.

MR. KAWANGA: So in your case when you said you were an outsider, you knew you were an outsider?

NANYUMBA: I think I did know that I was an outsider.

MR. KAWANGA: Therefore you would know who are the insiders otherwise you would not classify yourself.

NANYUMBA: I would classify myself as an outsider by not knowing a few things I should have known if I was an insider.

MR. KAWANGA: And then you would not know the insiders, you would only know that you were just an outsider?

NANYUMBA: The insiders of course are headed rather by top officials who would know these soldiers.

MR. KAWANGA: I am asking this because you had the good or the bad fortune of being a member of the Military Council at one time and I would want to know whether you were considered to be an insider or an outsider.

NANYUMBA: In the Military Council?

MR. KAWANGA: Yes.

NANYUMBA: I think I was an outsider.

MR. KAWANGA: Since you were an outsider, I will ask you later on.

CHAIRMAN: Colonel, I think for the time being that is all we wanted to ask you but you may be recalled to introduce the evidence, I think there is something which we asked and you said you will bring and give to the Leading Counsel. But you may be recalled to put it on records of your evidence and if you are recalled, we still have some few more questions to ask you. So do not be surprised. In the meantime, I would like to say, thank you for having come and for the evidence you have given to us. Being such an experienced hand highly trained and educated soldier, you have given great enlightenment to us concerning the armies in this country. May I ask Legal Counsel to call the next witness please? It seems to be getting late but I think I have a reason for asking you to call this next witness. He has been here before; that is Mr. Namakajjo I think who is ready and I think he should be called. We told him to come back this afternoon at 2.00. He found another witness but I think let us start on his evidence even if we cannot finish and then we can continue with him tomorrow.

WITNESS NO.161: MR. JAMES KIRYANKUSA NAMAKAJO - SWORN IN

COUNSEL: This is number 161. Would you state your names?

NAMAKAJO: My name is James Kiryankusa Namakajo.

COUNSEL: How old are you?

NAMAKAJO: I am 39.

COUNSEL: Where do you live?

NAMAKAJO: I live in Mbuya.

COUNSEL: What do you do?

NAMAKAJO: I am a journalist.

COUNSEL: Would you like to tell us your educational background?

NAMAKAJO: I am a trained journalist and I have a Masters Degree in communication theory and another degree in communication and education.

COUNSEL: When did you qualify as a journalist?

NAMAKAJO: In 1967 from the London School of Journalism.

COUNSEL: And on your qualification, where did you practice your journalism?

NAMAKAJO: I worked with the Ministry of Information and Broadcasting until 1971 and I went to exile in 1972 and taught journalism at the Kenyan Institute of Mass Communication and also worked for the Ministry of Information in Kenya as a News Editor. I also worked as public relations officer of the East African Posts and Telecommunications - Extelecomms Section.

COUNSEL: Now, why did you go - you say in 1972, you went in exile. Why?

NAMAKAJO: I had been working in the Ministry of Information and Broadcasting from 1970 and at the beginning of 1971, to be precise, on 28th January, 1971, I was picked up from the Newsroom at Nakasero at the Ministry of Information and Broadcasting, put in what is known as APC - Armoured Personnel Carrier and taken to General Idi Amin's House on Prince Charles Drive which was later known as the Command Post. With me was the Director of Uganda Television, Mr. Aggrey Awori who had been picked up in the same operation. We were released later on that evening by General Amin's orders and those who had reported us to the army as people who should be arrested were instead arrested and they were taken to the Command Post when we were still there.

COUNSEL: I see. Who were these?

NAMAKAJO: Those were a photographer at the Ministry of Information and Broadcasting whose name I cannot recall and a certain John Kiremerwa who was also an employee of the Ministry of Information and Broadcasting at Uganda Television. They had informed the army that Mr. Aggrey Awori and me were members of the General Service Unit and since they were hunting down members of the General Service Unit, we should be arrested and we were indeed arrested.

COUNSEL: Were you a member of General Service Unit?

NAMAKAJO: Yes, I had been a member of the General Service Unit.

COUNSEL: What was your role in the General Service Unit?

NAMAKAJO: I was an Information Officer or an Information Researcher in the

department for a very short time.

COUNSEL: What kind of research were you doing for General Service?

NAMAKAJO: Perhaps I should give you the background to that connection. In 1965 while I was employed as vacation student in the office of the Prime Minister, I was recruited to join a group of Ugandans who were going for training in Israel to train in the skills of intelligence and related technical subjects. I forwent my formal education and opted to go for this course. It was an opportunity to go abroad in those days and you have enormous opportunities in future. I will not say that I was appointed by any political commitment or ambition. It was just an opportunity to go abroad and have more opportunities thereafter to further my education. So I campaigned to get on this list of those who were going for training without even knowing the implications of what it really was. Among a group of 28 that proceeded to Tel Aviv in May of that year.

COUNSEL: Do you remember some of these people you went with?

NAMAKAJO: Off hand, I would say most of these people are dead the only person that is still around is somebody by the name of Mr. Bongonyinge, most of these people have been killed. While in Israel the group was divided into various sections on speciality - (Interjection) -.

KAKWENZIRE: Where is Mr. Bongonyinge?

NAMAKAJO: Mr. Bongonyinge is in Kampala, I have seen him in Kampala, he is a businessman I do not remember his first name unfortunately I could find out and let the Commission know later. We were divided into various groups some were supposed to specialise in V.I.P. Protection that is the Body Guards and people like that. Others were supposed to be trained as Case Officers, these are people who were supposed to collect information, recruit sources of information and run districts and things like that gathering information of intelligence nature for the government and there were also others who were specializing in protection of installations. I think the term explains what these people do. Then there was my group which was supposed to specialise in classification and protection of information.

COUNSEL: Classification and protection of what?

NAMAKAJO: Of information.

COUNSEL: Which information?

NAMAKAJO: That means you would be responsible for archives and possibly gathering of information which is not of an intelligence nature. For example, when we came back I was assigned to the department which was responsible for press. I had been writing even before I was recruited and that is how I got to know these people I was writing in Uganda Argus and the People even as a student. I was always interested

in journalism and I think that is why they thought that this line would suit my interests. So when we came back I was assigned to what they called the Paper Section. In the Paper Section we received newspapers from all over the world and the Head of the department whose name now I remember was also in Isreal, Mr. William Nyero. Mr. Nyero was later killed in Mutukula. He would then puruse the papers, he with other officers who were more qualified than us, and mark the articles that he thought the Government would need and I remember some of the files we had, East African Community, Uganda relations with Rwanda, Uganda relations with Kenya and even diverse issues such as Vietnam we would follow how many more troops the Americans landing and the turn of the war and so on and so forth, Nyero and other senior officers would be responsible for - first of all I did not find the kind of information that we should preserve and also did something called "Precise Work" we would analyze information and pass it on to the Director of Intelligence and possibly to the President.

CHAIRMAN: Mr. Namakajjo, could you speak a little louder please because we just hardly hear you but people perhaps far away may be having difficulties since you are speaking so fast.

NAMAKAJO: I will try to slow down.

COUNSEL: How long was this course and when did you complete it?

NAMAKAJO: We completed the course in December we came back shortly after Christmas in Jerusalem and shortly after Christmas we came back to Uganda.

COUNSEL: That was end of which year?

NAMAKAJO: 1965, it is almost 22 years ago and I would like to appeal to the Commission to bear with me wherever my memory fails me some of these events took place a very long time back and since I have gone through many nasty experiences I want to condition my mind to forget a lot of things so that I remain sane but I will try my best to remember for the purpose of this Commission.

COUNSEL: So were you or was this a department of Government did you consider yourself a civil servant?

NAMAKAJO: The General Service Department was, what I understand started in 1962 or 1964 and there was always this crisis of legitimising it. There was always this crisis between the Permanent Secretary in the office of the Prime Minister who was then Kalimuzo and Mr. Akena Adoko who was the Head of Department, there was always this resistance against the establishment of this department. Around 1967 - I think it was around 1967 that the first officers were given Public Service appointments and those were very few and senior officers, the rest of the officers there were on what could be described as temporary terms but they were Nevertheless civil servants under the office of the Prime Minister and

later the Office of the President.

COUNSEL: When were you officially appointed in the Civil Service?

NAMAKAJO: I was never appointed in the Civil Service under General Service, I was appointed in the Public Service when I joined the Ministry of Information in 1970.

COUNSEL: So your being taken to Amin was because you were a member of General Service?

NAMAKAJO: Because I had been a member of the General Service. I had been a member of the General Service from when I was recruited to go for training in Israel in May 1965 because before that I was just a student working on vacation I returned in December as I mentioned earlier and in March, 1966 I joined Makerere at the Extra Mural Centre to try and pursue my studies. So I must say that I worked in General Service from January to March full time in that Section that I described then I went to Makerere up to 1967 then I went to U.K. for my course in Journalism. After Makerere I came back to the Ministry of Information.

COUNSEL: So strictly in January, 1971 you were not a member of General Service?

NAMAKAJO: I was not a member of General Service, that is true.

COUNSEL: When you were to Command Post did you see General Amin?

NAMAKAJO: Yes, I saw General Amin.

COUNSEL: And is he the one who told you you have been arrested because of being a member of General Service?

NAMAKAJO: No, when we were arrested there was a gathering at the Ministry of Information, General Service was a bad word, it was a disgrace to be a member of General Service and we were disgraced publically and other people gathered then we were taken it was very clear I had been arrested.

COUNSEL: Do you know why these people Kiremerwa were arrested, was it because is it because they had caused you to be arrested?

NAMAKAJO: Yes, because when we reached there, this particular day January 28th, Idi Amin was meeting International Press for the first time and he was meeting them on the verandah of his house the Command Post there were a lot of people there and when Aggrey Awori was arrested with a team of Uganda Television cameramen in the scuffle that ensued the camera was damaged so Amin had to be given an explanation why the Uganda Television could not film his first Press Conference and Aggrey Awori explained to him that your men have damaged the camera in an attempt to arrest me and Amin was very upset and asked who had ordered our arrest and for what reason and so on and so forth and he knew Aggrey very well, he knew me very well, I had interviewed him

on Uganda Television in November 1970 along with Aggrey Awori and others on Akena Odoko's Programme which was known as Topic for Discussion, so he knew both of us and he ordered for our release but I was not safe for a long time because within a few weeks I was arrested again not to be released for almost a year.

COUNSEL: Why were you arrested the second time and who arrested you?

NAMAKAJO: As I said, Amin released us on the 28th of January and I reported back to my work on the 29th at Nakasero and continued to work. The ADC to General Amin somebody who was known as Captain Vincent Ocima - the late Ocima, sent for me and he told me that the General wanted me to work with him in handling press matters, handling the press and so on and so forth and every morning they sent a car to pick me up to Command Post and to run around the country with Amin we would go from one barracks to another in the initial days introducing himself as the new Head of State he was not known as President then he was called Military Head of State and I worked along with General Amin from that time up to the 11th of February and I felt that from the little I had known that I had seen I concluded that this would be a very very bad Government I had a lot of friends in the Army I knew that people were being killed in Jinja there had been a massacre and it was common knowledge among people who knew actually at first what was going on, in Lubiri people were being killed, in Makindye and Mbuya the same things were going on and I was at State House a number of many times with Amin, Kibedi and others and officers would be talking with me exactly what was going on. It was very clear in my mind that there were so many criminals were going on and that I was better off to disassociate myself as soon as possible. So I fell sick and I told Captain Ochima that I was not able to come to work because I was sick. That time I was planning my exit. I think Ochima got wind of this and on the 17 of February he rang me at the house where I was staying which surprised me very much because I was already in hiding I was not at my house I had already vacated my house and I was hiding in somebody else's house then Ochima rang and said he wanted to talk to me and he said the Military Head of State wants to handle some information work there is a release that he wanted to make and you could help and I said, yes, I will be most obliged to be of assistance and he said he was sending his car. I said no, I will drive to your office and I drove with a friend a young boyhood friend of mine that I have grown up with to Parliamentary Buildings, Amin had then moved from Command Post into President's Office proper and when I reached the President's Office and rang upstairs and told Captain Ochima that I was there then he told me to wait by for him to come from upstairs. When I had sat there about 30 minutes somebody that I learnt later to be Itabuka who was then Lieutenant called me and got me escorted by two men from the ground floor to the third floor where his office was and started interrogating me. In the middle of this interrogation -(Interjection) -

COUNSEL: Where was this in the Parliamentary Buildings?

NAMAKAJO: This was in Parliamentary Buildings, that is the 17th February, 1971

less than a month after Amin had been in power. So in the middle of this interview or interrogation by Itabuka, Ochima came in and said they should not arrest me there is nothing wrong with me, he knows me and I had been cooperating with Government. So I left Itabuka's office and I am going back to the Reception he said I am still busy with the Head of State but I will call you shortly do not worry about these people. So I went back and sat in the Reception area. About thirty minutes later Ochima rang the Reception and talked to me on the internal telephone and said that he was too busy that I should come back in the afternoon and I said yes. As I was leaving the President' Office Wing of Parliamentary Buildings at the gate I was intercepted and arrested and I was not released until 5th February, 1972.

COUNSEL: Who arrested you?

NAMAKAJO: Members of the Armed Forces dressed in military uniform some of them had arm bands marked MP.

COUNSEL: You do not know their names?

NAMAKAJO: I do not know their names.

COUNSEL: When they arrested you, did they tell you anything, did they tell you the reason why they were arresting you?

NAMAKAJO: Yes, when they arrested me they put me on a Land Rover and we drove around Parliamentary Buildings. In these days it was possible to drive to Foreign Affairs and they kept signalling everybody that we have got him, we got him by the time they finished the round I had a convoy of four Land Rovers escorting me.

COUNSEL: Where did they take you?

NAMAKAJO: They took me to Makindye but before that they took me to my father's house and they said they were searching for guns and ransacked the house, broke every plate, tore every mattress and just destroyed everything that they could destroy.

COUNSEL: Who is your father and where does he live?

NAMAKAJO: My father is Mr. M.K. Namakajo and he lives in Mengo, he lives between Mengo and his farm at Bugerere he is still alive and well.

CHAIRMAN: Did they tell you why they were arresting you and what offence you committed?

NAMAKAJO: No, they did not quite tell me exactly why they were arresting me but they wanted a gun. They said that I had a gun and they wanted this gun. They searched the house they did not find the gun, they went to Kololo where I had another friend of mine and they searched the house of that friend of mine and they did the same amount of damage in the house and later on I was taken to Makindye. About two years later I was told

by Professor Mazrui who had gone to Amin and appealed for my release that Idi Amin told him that I had been arrested because I was found on the Fourth Floor of President's Office with a pistol, I had gone there to kill him, this is what he told me. I do not know whether that is what Amin believed what he was told then or it was only his regular lies to get out of the situation because Mazrui told me that Amin told him that you wanted to kill him in his office and I said it is not true at all.

COUNSEL: Yes.

NAMAKAJO: So I was taken to Makindye.

COUNSEL: What happened?

NAMAKAJO: And I stayed at Makindye until 28th February.

COUNSEL: Almost a year?

NAMAKAJO: No, 28th February of the same month, from 17th February to 28th February, 1971 the very end of the month of February from where we were transferred to Luzira.

COUNSEL: When you say we were transferred, what do you mean?

NAMAKAJO: A very big group of prisoners was transferred in trucks and buses from Makindye to Luzira.

CHAIRMAN: What did you see in Makindye, what happened there to you or other people?

NAMAKAJO: I beg your pardon please?

CHAIRMAN: What did you see in Makindye presumably this is Makindye Barracks?

NAMAKAJO: Yes, it is Makindye Barracks.

CHAIRMAN: Yes, what did you see happening there.

NAMAKAJO: Many people were being detained a lot of army men and Senior Officers with them.

CHAIRMAN: What did you see happening there either to you or to other people?

NAMAKAJO: No people were being beaten, a lot of army men senior officers even were being brought into Makindye from all over the country and they would be killed there throughout the day. There was a famous cell called Singapore, you may recall that when Obote was removed he was in Singapore and there was this inner cell which was infinistically called Singapore. The moment you landed in there it eventually meant that you had no chance of return like Obote he could not return from Singapore.

COUNSEL: Do you know some people who were taken in Singapore?

NAMAKAJO: I used to, it is 22 years ago almost Mr. Commissioner but I used to know some of the people, I know some of the survivors, I see Tibehika Mpambara is the one of those who were among these officers who were at Makindye at that time and they used to make them walk, not walk they were moved on their toes with their fists down and then crawl until the skin would get cut and bleeding and probably a lot of slashing on the back and kicking and all kinds of brutal things. I am sure you have heard of the brutalities and other things.

COUNSEL: That is what we want to hear from you.

NAMAKAJO: I do not think it is necessary these atrocities but - (Interjection)-

CHAIRMAN: Sorry, Mr. Namakajo, on the contrary what perhaps you think is common knowledge some of us may not know but what is more important is that we should have it on record of this Inquiry. We are sorry to have stretched your memory but it is necessary.

NAMAKAJO: Yes, Mr. Chairman. Well there was a lot of beating, there was a lot of bayoneting people would be bayoneted in the ribs, in the face in the course of interrogation sometimes not in the course of interrogation sometimes it would be just out of spite that officers would be grouped together, ten, 20 senior officers being canned and cut by bayonets by these very junior men privates and they would be telling them that your days are over you used to be proud where are you now officers? And things like that just all kinds of humiliating insults and acts of violence.

COUNSEL: Were you being given food?

NAMAKAJO: At Makindye there was a lot of food, there was no crisis of food I do not think they had developed that technique of starvation we even used to eat meat we used to use the same ration with the soldiers.

COUNSEL: Were doctors attending to sick people?

NAMAKAJO: Not at all, people with very grievous injuries died. During the time that I was at Makindye at least, ten people died of wounds in our cells not to talk about Singapore, Singapore used to be a death cell, you went in there you are killed and they used to kill throughout the day but mostly from about 7 p.m until about 8a.m there would be the beating and bayonetting people and trucks would come in and take the bodies in the night. I remember a few times that we were actually called in to pick up bodies from the cell and load them on the trucks.

COUNSEL: Did you accompany the truck or not?

NAMAKAJO: No, we stayed there.

MR. KAWANGA: Who started this place Makindye being a place of confinement? What was it before you were taken there?

NAMAKAJO: It was the Headquarters of the Military Police from what I understand.

MR. KAWANGA: But otherwise it had not been a prison?

NAMAKAJO: It had been a prison under the Kabaka's Government.

MR. KAWANGA: Converted into Military Barracks?

NAMAKAJO: Military Barracks some sort.

MR. KAWANGA: From 1971 onwards then it became a place of confinement and torture?

NAMAKAJO: Yes. But again mainly of military people. At that time when I was there, there were very few civilians they must have been only about 20 or 30 civilians compared to up to 100 people who were being brought in a day many of whom were killed on the same day.

COUNSEL: Tortured.

NAMAKAJO: Yes.

COUNSEL: Were members of your family allowed to visit you while at Makindye?

NAMAKAJO: Yes.

COUNSEL: Did they come?

NAMAKAJO: Yes, I remember one evening when my mother was there she had brought me some food and one of my brothers a fight broke out at the prison at about 6.30 p.m and there was a lot of gun fire until about 8 o'clock and the soldiers went on rampage and some of the prisoners I think tried to escape and there was a lot of fighting and my mother could not leave Makindye I think until 8 o'clock in the night. So, we did receive visitors.

CHAIRMAN: You talked of Army Officers brought in, what kind of officers where they?

NAMAKAJO: They brought in officers and men mainly of Langi and Acholi origin although there were others who were supposed to be close to the senior officers who were from other tribes but if somebody was known to be friendly to officer so and so was to be taken then his or was also taken around. So we had a few instances of people who were not Acholi or Langi but it was mainly Acholis and Langis.

MR. KAWANGA: I was going to ask specifically about Lieutenant Mpambara or whatever it was?

NAMAKAJO: Yes, Lieutenant Mpambara.

MR. KAWANGA: Why was he there because he was neither Acholi nor Langi?

NAMAKAJO: I think he was among those who were associated with Obote because of his brother Mpambara who was known to be very close to Obote.

COUNSEL: So on the 28th you were taken to Luzira?

NAMAKAJO: Yes, on the 28th we were moved to Upper Prison Luzira.

COUNSEL: While at Makindye, did they tell you why you were being confined and why you were taken to Luzira?

NAMAKAJO: Not at all. What I remember is that there was so much killing going on and it was a relief for anybody to leave Makindye. Somebody by the name Captain James Bogere who is since dead came and told me that he was going to try and move me from Makindye to Luzira and I said why do you not release me? And he said you just thank God that I can move you anywhere if you stay another day you may not live and he even tried to get his father - his father actually came to see me, to write a recommendation that I was mentally disturbed and take me to Butabika so that I could escape death. But later on, James was able to, I think, persuade some senior officers there that I should be moved with the officers who were being moved from there into Luzira and I was moved from Makindye to Luzira with a large group of officers.

COUNSEL: About how many?

NAMAKAJO: At least, 200 and in the subsequent months our group at Luzira grew up to over 500 in Upper Prison Officers and men 99 per cent Acholi and Langi. They were only three people who were not Acholi or Langi, that was Hussein -Hassan, I am sorry, his name was Hassan the Director of CID Wawuyo his Deputy and me.

COUNSEL: What were the conditions at Luzira then?

NAMAKAJO: I have since been at Luzira many times, I must tell you they were fabulous they were excellent.

CHAIRMAN: At that time?

NAMAKAJO: Yes, they were excellent officers had beds we had mattresses, we enjoyed special diet for a while actually because there was a period around July/August there was famine conditions deteriorated to the extent that they fed us with chicken mash but our sleeping arrangements were still good, there was a genuine shortage of food I think and we still enjoyed the library; Obote had built up a good library for the Ministers when they were there so they were allowed to read and there were very very good books at Luzira at that time and reflected the group that was there I think each Minister would request books and they used to buy them for them. There were lots of law books, lots of books on economics and medical books and so on and so forth. Conditions were generally good at Luzira at that time, medicine was scarce but there was no attempt to stop anybody from getting access to medicine, you normally met Medical Assistants not a doctor. I have mentioned

elsewhere that it was easier to see God - the expression at Luzira went than to see a Korean Doctor at Luzira it was extremely difficult for him to give you audience but he visited everyday for a few minutes and walked out without attending to people.

CHAIRMAN: There is a suggestion here before perhaps Mr. Namakajo goes deep into Luzira and then other subsequent events, it is now 5.45 p.m. Perhaps we adjourn and give him a rest also and we resume tomorrow morning. No, I have been reminded that we should have a break for lunch which we have not had. So I adjourn the Inquiry and resume here at 9.30 a.m tomorrow evening.

CHAIRMAN: Commissioner, Learned Counsel, Ladies and Gentlemen we are ready now to commence the inquiry the session of today 11th of September, 1987, as usual we are starting late and for various reasons, Learned Counsel should we start now?

COUNSEL: We continue with Mr. Namakajo. You remember we stopped yesterday when you were taken to Luzira and you said the conditions at Luzira were good now would you continue from there.

NAMAKAJO: Thank you, Mr. Counsel. I think I should correct the impression that I might have given that it was good, I am saying that it was better than the subsequent time that I had been detained there. Conditions were much better than they are now.

COUNSEL: Now, what happened when you were put in Luzira?

NAMAKAJO: I wanted to recoup a little bit before getting back to Luzira just to even my own memory, I am detained on the 17th February, taken to Makindye, I stay there until the end of the month 28th February -

CHAIRMAN: Sorry to interrupt, Mr. Namakajo, are you able to hear us really? No, may be if I could request you again to speak a little bit louder please.

NAMAKAJO: Yes, I was saying that I would like to recoup before I continue from where I stopped yesterday. I am arrested on the 17th of February, 1971, from the newsroom of the Ministry of Information and Broadcasting and I am sure that was 28th February, taken to Idi Amin's house and released by Idi Amin. I went back to my place of work and continue working for a few days until Captain Ochima started interfering and telling me that they need me to work with them. I wish also to mention that many of the pronouncements that were initially made by Idi Amin's government I participated in their drafting along with Kibedi and Captain Ochima. Then I stopped working on the 11th February, having been fully convinced that the government of Idi Amin was of a very definite criminal nature I decided to disassociate myself fully from these deadly people. In the interim period I was invited by Ochima to Parliament saying that they needed me to do some work but as it turned out it was a trick for him to get me arrested. He had already arranged MPs from Makindye in three Landrovers to come and pick me up which they did. I was taken to my father's house at Namirembe and the house

was searched, cups broken, mattresses torn by bayonets and a lot of destruction of property that did not even belong to me which I think constituted a violation of human rights for those people who were concerned.

Then I end up in Makindye from that 28th day of February up to the 28th the very day of February and in the interim period of Makindye I witnessed the most brutal killings, the most brutal form of torture, senior officers of the army were collected from around the country and brought to Makindye and tortured and beaten and humiliated. I also described how they used to make people walk on their feet. I forgot to mention to you that one of the other forms of torture was to make people walk on their ankles and murder went on every night. Day and night actually in this cell known as Singapore and bodies were loaded every night on trucks and taken. And in some instances we did load bodies ourselves on trucks at about 6.00 or 7.00 p.m in the evening. Then at the end of the month the prisoners were becoming more and more, we were over flowing more and more with prisoners. The prison was made to transfer some of the prisoners to Upper Prison Luzira. Mr. Chairman, I would like to mention that the list of those who reached Luzira is still at Luzira at the gate in the book of record there. I have since been back there and seen a very accurate record of who arrived from Makindye on that day and there is also a record at Upper Prison at Luzira of those who left on the 28th of December the same year, the people who were transferred to Mutukula. From the book that arrived at Upper Prison Luzira which was over - I am reminded well over 400 people. We were only two survivors. We were only two who survived the Mutukula massacre.

COUNSEL: You mean those who were transferred from to Makindye to Luzira were eventually taken to Mutukula?

NAMAKAJO: Not only those who were transferred to Makindye but more officers were brought in from Masindi, from Gulu, from Jinja and other barracks and brought there. The number kept swelling but by the time we were well over 400.

COUNSEL: You mean transferred from?

NAMAKAJO: From Upper Prison Luzira to Mutukula Prison Farm.

CHAIRMAN: You were one of those who were transferred to Mutukula?

NAMAKAJO: Yes, your Lórdship.

CHAIRMAN: You were over 400 who were transferred?

NAMAKAJO: We were over 482 if my memory serves me correctly and of those only Dr. Obote's driver and me who was a Mugisu survived the rest were killed, nobody else came out.

COUNSEL: Who was Dr. Obote's driver?

NAMAKAJO: I have a list of - I must also clarify that apart from those who were at Upper Prison Luzira there were 96 other people who were transferred to Mutukula from Murchison Bay Prison and those who were in Murchison Bay the 96 were members of the General Service Unit in fact it was officials who were in this Unit, General Service Department who had been rounded up at Republic House. They had been invited on radio by Major General Nyangweso for a briefing. I think people in Uganda in those days were very naive because these people kept clamouring for their salaries, demanding from the Military Government which had overthrown their government salary. So, it was put on radio that they should report to CPS. They reported to CPS everyday for about three days faithfully, they started with a large number of about three or 400 then they kept losing interest and even the political tension was heightening others lost interest in persuing this question of re-employment and their salaries and allowances and what have you but on the final day when they were asked to report to Republic House, they were 96 and all of them were rounded up and taken to Luzira.

COUNSEL: You mean those 96 were part of the 482 taken to Mutukula?

NAMAKAJO: No Sir. I am saying part from 482 which was in my group of Upper Prison Luzira there was an additional 96. The additional 96 joined us at Makindye from Luzira were taken to Makindye.

COUNSEL: Yes?

DR. LUYOMBYA: Legal Counsel it is not quite clear there are the 96 you are saying joined you at Makindye, already you had been in Luzira?

NAMAKAJO: No if you knew the geography of Luzira you would not doubt this. Upper Prison Luzira is the one on top, the maximum security prison.

DR. LUYOMBYA: Yes.

NAMAKAJO: That is where the 482 were, but the remand prison which is called Murchison Bay Prison, that is where the 96 were and we did not meet them or even know of the existence until they assembled all of us at Makindye on our way to Mutukula. Your honour I should probably describe the manner in which we were removed from Luzira.

CHAIRMAN: Describe.

NAMAKAJO: At Luzira, there are two gates with a spaces of about 20 yards, they would bring small groups of people from the prison cells and put them in that little space between the main gate and the inner gate and they would tie the prisoners with their hands behind and then move them on to the trucks. There was very, very heavy escorts and we were put in buses.

CHAIRMAN: What was the date?

NAMAKAJO: This is December 28th 1971. So, we were moved at about 6.00 p.m. I

think should be between 5.00 and 6.00 from Upper Prison to Makindye. At Makindye we stayed on the trucks, on the buses without moving and the whole place was surrounded and heavily guarded. I think the purpose of that stop over was to wait for night fall. When it became dark the buses headed for Masaka and eventually ended up at Mutukula. Mutukula used to be a Prison Farm run by the Kabaka's government prior to 1966 and I think even subsequently it was working until this skirmishes that took place between Tanzania and Uganda. So, at Mutukula they crammed into four buildings which were actually originally meant to be prison. From the comfort of Luzira where some people had even mattresses and two blankets and what have you, Mutukula was a shock it was like what Makindye was originally. There was no beddings, no individual plates, food used to be served on large sanias and what followed was the survival of the fittest.. About a week after we had got into Mutukula, it was announced to us that a screening exercise was going to take place to sort out those who had committed crimes and those who were innocent and this reference was to army officers and men and the members of the General Service the 96. Surely enough about a few days later a team of serious looking investigators did come in. These were an assortment of military intelligence officers and Special Branch Officers and I think we should find it on the record of the Police of Special Branch, the officers who were assigned the duty to Mutukula. I knew one of them as it turned out he happened to be a Kenyan and he went back to Kenya after all these turbulent days in Uganda somebody who was called Wanyama. So, statements were taken over a period of about three weeks from everybody and those also should be available on records in some place, they were not very serious questions, where were you born, where were you educated, where were you working, what was the nature of your work, how were you arrested. Simple questions and then your signature. So we believed there was a serious screening exercise and they even told us they were speeding the exercise because among those who have been detained with us there were musicians from the Army Band, and they were needed to celebrate the 25th January, first anniversary of Idi Amin take over of Government, and even drill commanders and people like that and even young pilots who were supposed to fly the fugas and the MIGS. Then a few days after this exercise, or I should actually say that during that exercise, they started taking small groups of people, I am talking about 15, 20, 10, to what they described as a Military Tribunal which was supposed to be taking place in Masaka and this procedure was proceeding according to rank, they took the most Senior Officers, right from Major, there.

Mr. Chairman, this reminds me something that I should mention that happened at Luzira that I had forgotten. When we were at Luzira on the 6th March, 1971, five senior officers were taken from Luzira, Colonels and Majors and they included a personal friend of mine by the name of Ayumu. We learnt later that Ayumu and this group of five officers who had been taken from Luzira were blown up the same evening in Lubiri Barracks. This day it should also be recalled, there was a visiting delegation from Kenya led by Njoroge Mungai the Foreign Minister the first delegation from Kenya I think to come to Uganda and they inquired what those big explosions were all about and they were told that they

were blowing up old bombs. This is on the record of International Visits Commission Report on Uganda of 1971/72.

But to go back to Mutukula, they started taking senior officers and then junior officers and then Sergeant Majors and then Sergeants and then Privates over a period of about a month. We started detecting peculiar things. Every morning, we would go and dig trenches along the Uganda Tanzania boarder and then we would dig more and more trenches and then dig things like mass graves and they would tell us to be for dumping rubbish, they were rubbish dump. Something very small happened that shocked me, as we were digging one of those trenches and we were about five feet below there, a very big mass grave actually about 20 feet by 20 feet and of about five feet. I collapsed from lack of food and tiredness and lack of water. And one of the soldiers said, "Why do you want to go there before your time?" Or words to that effect, "do not be in a hurry to get in there, you will get there anyway" and he struck me. We also noticed that every time they said those people who are going to be taken to Masaka we would dig the day before. So, we started collecting things and then we would not hear any vehicle that would come from them but they would be taken. We do not hear any bus how have these people gone to Masaka. Whenever a vehicle came there we would hear it ten miles away because it was a very quiet place, we could hear it for 15 minutes before it arrived at the camp the same as when it left but we would never hear any vehicle, so we started connecting the trenches and the tribunal.

Then another incident was when we went to dig a trench, near a trench that we had dug a few days before and it had been buried. So, what was the point of digging this trench and we spent two days digging. So anyway it pricked to us that something was amiss, something bad was happening. People started planning escapes, people started getting very nervous and I think the soldiers became tired of this exercise of hiding what was going on hiding the obvious as it were, so they started picking people from the cells. I am sorry let me correct myself there, they gave up that method when one incident took place. They took out 20 people and made them squat by their office which was within the same compound of the prison which was enclosed with barbed wires and chain link. Two rolls of chain link one inside another one on the outside about two yards difference in between as they were tying those people in squatting position about 10 of them stood up and ran. The topography of Mutukula is such that there is a hill on which the Prison Farm is, then there is a little valley which was a play ground and then on the upper side on the other side is Tanzania, the actual town called Mutukula is actually in Tanzania, I think it is on both sides of the boarder but since there was no Uganda administration in the area then it was just administered by Tanzania, there was only Tanzanians there. So these boys made a dash for the border which was barely 400 to 500 yards away and something very unusual happened. The soldiers opened fire first on all those who were still squatting and those they had tied who were unable to run. They were immediately mowed down, they ran following those who had ran and even cars followed and they shot those who were running. One person had managed to cross into Tanzania and

they drove a 504 Peugeot into Tanzania and shot that fellow there and brought the body back. From that day it became an open secret that people were being killed. So, they would call out people, take them to the trenches and kill them no bullets ever came back, we would not hear any gun fire. People started hanging themselves on the beams of the roof, they would ties their shirts around their necks in suicide bids. When this started we used to fight to prevent somebody from killing himself but things deteriorated so much to the extent that would just sit there and somebody would hang himself because who knows may be the choice he had made is better than what would follow, the hammer or the rope we resigned to the fact that somebody can take his life and it may be a good thing for him. People buried their heads into the pit latrines and died there. Bodies were hanging on the roof we would continue sleeping until they open the next morning they would carry the body down and take it for burial. Then people started refusing to come out when they were called out because it was obvious that they were going to kill them at least in one group in one house. So, a command was issued that these people have refused to come out we should lock them in and no food. So, a group of - because the number became known later of 177 people were locked up in this building and were not given any food for many days. At that time I must also mention that they had separated the Langi, Acholi from people of Bantu origin. The people of Bantu origin were confined in one house at one point during that period because the number had become less and less. It is only Wawuyo who had been Deputy Director of CID, is the only Bantu who was killed in the selective murder because there was also the blowing up of houses and so on and other people died in there but in the selective murder where they call you out and they took you to be killed, it is only Wawuyo who was killed on the same day as Michael Engena, the brother of Dr. Obote, they were taken on the same morning and they never came back. So, they locked the house and there was no food for those people for days and days at least five days.

Now, they had a few people selected to do manual work around from the group of 96. They had removed from the 96 the Acholi and Langi because these were basically civilians they were not from the army but they had separated the Acholi and Langi from the group of 96 and if you look at the final number that was released and I have the list here, you will find that they were now 60 and not 96. So, among these people who were working around cooking, washing the vehicles going for water on the trucks was a man called Simon Nsubuga was a singer who was famous for the song praising Obote, I do not know who were there in the 60s could probably recall some of his songs *"ekalulu ka Kabaka yekka", "ekalulu ka Obote yekka"* and things like that. He had been arrested for that role and he was also there. He was a cleaner in the Officers Mess and one day he came up with information to us to the effect that he had over heard a conversation on the air radio between the Commander of the Prisons and Kampala in which he was describing the mutiny of the prisoners on the fact that they had refused to come out and he was requesting for bombs to be brought in to blow up the prison, to blow up this building. We took this information rather seriously and we passed on this information to those people who were locked in that

COUNSEL:

NAMAKAJ

COUNSEL

NAMAKA

building, because we used to do some cleanings around the compound and we talked to them through the window and told them that bombs were being brought in to blow them up and possibly to blow all of us up. But at that time in any case we also knew we were going to die. Surely enough the bombs were brought in the next day and even this information was passed on it went round that the bombs had arrived, so it was any time. So, it was at any time, which I cannot quite recall I think it was the 4th March, 1972 those who had been confined in that house in that building some of them broke out using a spoon, which is the only tool they had in there I think they must have dug over many days and removed blocks from the building and in the night went for the chain link, cut it, cut the next one and escaped in large numbers. In the middle of their escape the guard heard and there was a lot of gun fire that night directed on the door of this building and on those who were escaping. Next morning we picked up eight bodies outside the compound of the prison those who were running who had already escaped from the compound of the prison. By that night the bombs were laid on the building and everybody was blown up except one person. In the rubble there was only one person alive and his name was Hassan, the only Asian who was with us, the man who was Director of CID prior to his arrest. So, we were ordered to remove bodies from mangling the rubble and pile them up for burial others were sent to dig a mass grave for - I am sorry I said 177?

COUNSEL: Yes.

NAMAKAJO: They were 117.

COUNSEL: Yes.

NAMAKAJO: And of that number Hassan survived by only a few minutes because when he came out everybody said "Oh, my God this is a devil, how can this man survive?" So Hassan who still had his golden watch and a gold chain around his neck, said; "I know you are going to kill me", he removed the chain and gave it to a young soldier who was standing next to him and removed his watch and gave it to somebody else. They looked very thankful but about a minute later, the fellow who had been given the watch said, "you think I am a masikini why do you give me your things, I do not need your things, why do you give us you think we are masikini?" And Hassan explained and I was seated right there by the steps of our building which was very close. Hassan explained that the chain had been given to him by his wife and I think the watch had been donated to him by the President of interpol in Japan at a meeting in Japan and these were presents so he wanted to pass them on before he dies, so the young man picked a piece of log and hit him on the skull from behind, Hassan dropped down and he died almost instantly from that clubbing. And instructions were given that we should put Hassan body first in that grave because he was kisirani and that we did. Only to be surprised at about two o'clock that an order had come from Kampala, Idi Amin wanted Hassan's body brought to Kampala and I think you all know then what happened after that the body was brought we had to go through all those bodies to get down to the bottom of the grave and in

this particular grave where he was there were over 80 people they dug two graves and the we dug out Hassan's body and it was brought. It was intact because he had not been short, he had not been beaten, he had no scratch except they fractured his skull from behind with that strong blow of the log.

COUNSEL: You said one grave had 80 bodies how about the other one?

NAMAKAJO: About that much and then the rest were in the second grave but the reason why I pointed out this is that Hassan's body could have been in the other grave which had less people but unfortunately we had to go through the dubious exercise of going through all those bodies to be able to retrieve his body from the bottom of the grave. From what I learnt later on that morning, the next morning, the morning after they had blown up the - Idi Amin was leaving for Europe, for West Germany on a state visit and subsequently to meet the People and he announced at the Airport, and this is on record in the newspapers and everywhere that prisoners who had been confined at Mutukula for the purpose of screening them had escaped and that those who had not escaped were being freed forthwith. Twenty two (22) on that night had managed to escape into Tanzania and they held a press conference explaining exactly what had been happening in Mutukula and that record you should also have access to it was in all newspapers and all over the world and the Tanzania government made a very big thing out of it, the student at Dar-es-Salaam after that they had another big press conference and they were hospitalized, some of them were hospitalized in Dar es Salaam for quite a while. Although I must say I expect to it , I have tried since to trace some of these people, most of them were killed in 1972 invasion of September, the same year which ironically was also launched through Mutukula, so they might have actually come back and died at Mutukula. So, Idi Amin gives the order and he announced at the press conference at the Airport that these people are released. Indeed the next day buses came -

CHAIRMAN: How many survived?

NAMAKAJO: 12+24+14+14. Buganda 22, Eastern Region 24, Northern Region 14, Western Region 14. Northern Region here describes West Nile, strictly West Nile and I have the list of those who were released, I wish I can turn over to the Commissioner. Most of these people have since died actually, 64 people were released, but again I must mention that from my original group of Upper Prison Luzira, it is only Obote's driver and me, I could find his name actually on that list.

CHAIRMAN: Counsel this will be tendered in the evidence as exhibit.

COUNSEL: As an exhibit?

CHAIRMAN: Yes. Sorry, Mr. Namakajo, what did you say about you and the driver?

NAMAKAJO: We were the only survivors from the group from Upper Prison.

CHAIRMAN: Yes.

NAMAKAJO: I will be able to identify the name later for you, Mr. Chairman. I must also mention here looking at this list immediately, I see that a lot of those people who were released who were working with General Service, later became very senior people in NASA and this may throw light to our understanding of the bitterness and probably the brutality to which they conducted their business having been subjected to all that suffering, people like Elias Mulawa who was featured later in my story when I am arrested at Bombo and Katikamu where he later worked as the NASA representative in the Luwero Triangle, Elias Mulawa. All these people, John Okot, David Kamuzi, Benedicto Ochieng and others. Moses Masaba they all became NASA again. So, we were brought back on the 9th day of February - (Interjection) -

COUNSEL: (Inaudible).

NAMAKAJO: Yes, I am sorry when I said March, it was February.

CHAIRMAN: In a bus?

NAMAKAJO: Yes, in a number of buses, there were two buses. One bus and a truck on which soldiers were, we were still under heavy escort.

COUNSEL: So, the date was 4th February, not March?

NAMAKAJO: Yes, and the burial took place on the 5th February.

COUNSEL: Yes.

NAMAKAJO: And for the subsequent four days there was no killing, we hang around the compound waiting for transport but even then we were still very, very nervous because we could not trust those people at all, we still could not trust them. But surely enough they brought us to Kampala and took us to Makindye where we had began from and we had on a parade and I also pass on this Munno as probably part of evidence there is a whole line of people there. Where photographer of Munno and Television also came and the late Charles Oboth-Ofumbi who was acting President in the absence of Idi Amin with another Charles Arube, who was the acting Commander of the Army accompanied by Mr. Ben Kanyangeyo, then Press Secretary to Idi Amin came to release us and they gave us a long lecture and told everybody, you stop your General Service activities, be obedient citizens, go on to your villages and do useful work and do not be subversive and so on and so forth. Apparently guerilla's movement had started in Tanzania and they were a bit worried you will see from the speech. I have also attached on a press cutting from Argus which reports the speech which was made by the late Charles Oboth Ofumbi and also Charles Arube who talked on security.

COUNSEL: Yes, my Lord I would like to tender this too as an exhibit but we cannot get the number because the file of the direct exhibit is being collected as

soon as it is brought we shall give them the number.

CHAIRMAN: Yes, Okay, you will number them subsequently when you get the numbers.

NAMAKAJO: I expect you would have it both Charles Oboth Ofumbi and Charles Arube were killed by Amin, the only person still alive from that ally of high proper officials of Idi Amin is Kanyangeyo Ben who is PS at the Ministry of Information Special Duties. So, I think that ends the Chapter on Mutukula unless you have questions to ask me regarding that, Mr. Chairman.

COUNSEL: So, what you are saying 82 people from Upper Prison, plus 96 from Murchison Bay Prison only 21 who escaped plus the 64 as survivors, to have been survivors of Mutukula?

NAMAKAJO: That is correct, Sir.

KAKWENZIRE: Yes, I wanted also to know the type of houses you were occupying, how big were they to accommodate all these numbers?

NAMAKAJO: We were very, very squeezed indeed, these were buildings meant probably for 70 people, 100 at the very most. There were only four buildings and all of us were in there. We were quite congested and then after they started shifting people around, the building became empty as days went by so this congestion was only for a short time really.

KAKWENZIRE: Yes.

NAMAKAJO: Because I remember some buildings were empty at the end of everything there was only that building which was blown up and our building which were occupied, the other two buildings were empty.

KAKWENZIRE: I did not properly get you, you mentioned a certain Mr. Wawuyo and one Hassan and I thought I heard you said Wawuyo was a Director of CID then -

NAMAKAJO: He was Deputy Director, madam.

KAKWENZIRE: Deputy?

NAMAKAJO: Yes.

CHAIRMAN: When you were being transferred from Luzira, to Mutukula via Makindye, were you told where you were going and why you were being taken?

NAMAKAJO: No, we were not told. We did not know anything at all as a matter of fact in one of the buses, may be one in which I was they had blindfolded those people.

CHAIRMAN: Some of the people who were here, me included, you can remember

because I was a lawyer in private practice then; a relative of one of the people who were in Luzira came and sought legal opinion and said that they had been told that those people were going to be tried by court of law and he wanted to secure legal representation of his relative, you did not know about, you were not told this?

NAMAKAJO: You are right.

CHAIRMAN: Outside it was announced.

NAMAKAJO: No you are right your honour, we were told that we were going for a Military Tribunal -

CHAIRMAN: Yes.

NAMAKAJO: In fact when we left Luzira we thought we were going to Mubende in the barracks, there were some rumours like that unofficial but words were going round that we were going to Mubende in the barracks to be tried. My relatives were also told the same thing that we were being transferred. I must say also by the way that in the nine months that we were at Luzira only two people got visitors. One soldier whose wife and mother came and my sister and my mother who had very special favour done for them by Minister Obitre Gama, who was Minister of Internal Affairs at that time and they came only once and for about three minutes like to reassure them that I was still alive and we talked across this glass and they left but otherwise nobody else in all the months that we were at Luzira received any guest which I think is also violation of human rights.

CHAIRMAN: Yes, from this photograph in the Munno - press cutting from Munno of that date, when you lined up at Makindye you appeared to have been fairly well dressed, I do not know whether this is because of black and white photograph, you were in trousers and in shirts. Apparently good looking shirts, well in good condition.

NAMAKAJO: Yes, Sir.

CHAIRMAN: How did this come about?

NAMAKAJO: This as I said, these were all General Service Officers who had been summoned, they were people with means they had good shirts and during the period that you are at Luzira you do not wear your clothes, so the clothes had been kept and they were given to us when we were leaving Luzira.

CHAIRMAN: Yes.

NAMAKAJO: So, the only time that we wore this clothes were at Mutukula the two months or one and a half months that we were there.

KAKWENZIRE: You mentioned that you were digging graves and trenches. I could understand the graves but what were the trenches?

NAMAKAJO: We were told that the trenches were for military operations that they would stand in the trenches to guard the camp against Tanzania's attack but as it turned out it would appear those trenches they put people to stand in there, the prisoners and bayonet them or - to minimize problems for them. You go and stand in there then you are hit on the head when you are already down there and you go. Because one of those trenches as I said was actually we found it buried a few days after we had dug it and it was a very long trench running tens of yards.

COUNSEL: Mr. Namakajo, are you now able to locate the areas where these graves were dug?

NAMAKAJO: Absolutely.

COUNSEL: Would you assist the Commission, if it is to visit this place, to identify this spot?

NAMAKAJO: Yes, Sir.

COUNSEL: Thank you very much. Now, what happened after your release?

NAMAKAJO: After my release I basically stayed home from February to September, 19th; a lot of things were happening within this period; they were still arresting people; people had started disappearing and there were lots of people in military prisons and I kept a very low profile; I kept in the house most of the time doing some reading and generally keeping to myself and recovering from that whole agony. I think if there were facilities for psychiatric treatment and care approved, I would have undertaken that kind of care; I think I needed it at that time. But basically I just remained very withdrawn, and on September, 18th or 19th, if you may also recall, there was an invasion of Uganda exiles from Tanzania -invasion of Uganda by these groups of people. I anticipated to see my brother who was working in Jinja and he is also in this hall, he drove from Jinja and he came to tell me as they have arrested a lot of people that you were with the Basoga boys who had been released in General Service, they have arrested a lot of them; a lot of UPC people are being rounded up, people whom they think would support the invasion or the invaders. So, he advised me to leave the country, I was very reluctant because I always feared to go into exile; I did not know what I could do in exile without money or anything! But still I had my car and I packed a few of my belongings; the Kenya border was still open; I drove up to Tororo and talked to an officer friend who assisted me to cross the border. A very peculiar thing happened at the border when I had just been cleared to cross.

COUNSEL: With your car?

NAMAKAJO: With my car.

COUNSEL: Yes.

NAMAKAJO: There was a big conference - I think University students from East Africa were holding a meeting in Nairobi, and I still had my Makerere University student card; my officer friend told them that I was going for this conference in Nairobi, I was from Makerere and I showed them my University card, and that way I was able to cross; but just before I crossed a group of people on these Israel semi-lorries drove in with exactly the same group of people who were at Mutukula. Among the many people who were at Mutukula, this group was mainly composed of those people who had been at Mutukula, and I was very, very nervous I thought I was going to be identified and arrested, but fortunately I managed to cross. And I must also mention that if it was possible for this Commission to trace those-who had been assigned duty at Mutukula, I do believe that Idi Amin used them again and again in the massacres. I have seen the photographs of the public executions and I do recognise the same faces that were at Mutukula, in Mbale executions, the clock tower executions, I still see the same faces! If you have any way of finding out the people who had been assigned to Mutukula to be able to follow up on the method that were being used by Amin - I think there was a special squad - I did not know the names of these people; there was one Muganda boy that I knew among them, was also called Nsubuga and he told me his home was behind Naguru, I have tried to trace him since without any success. I must also say before this Commission that there is fallacy that the Nubians were the only ones who carried out these atrocities; I must say that the group of people that was at Mutukula was very representative apart from Acholi and Langi - the Bagisu were there; the Baganda were there and a lot of West Nilers.

CHAIRMAN: Do you know the name of the Commander?

NAMAKAJO: No, Sir, and unfortunately I was not here through Amin's time so I could have probably seen these people after that; but I was not there. I do believe, and this I cannot get on, that a man called Johnson, who became famous later - when I saw his photograph I thought he was one of those Commanders at Mutukula.

COUNSEL: Now, where did you go in Kenya?

NAMAKAJO: I went to Nairobi and stayed with friends for a long time searching for a job. Eventually, I got a job with the Ministry of Information as a news editor, basically the same job that I was doing at Uganda Television with the Ministry of Information here; and I worked in the newsroom as a news editor for Radio and Television for quite a while, and later in the year about May, 1973, Uganda had known that I was working there, from what I understand, and they were a bit worried that I could put something in the news that would antagonise the relations between Kenya and Uganda. So, I was removed from the news room and since they did not want to get rid of me as I had not done anything wrong, I was transferred to the Kenya school of mass communications where I taught for about a year before getting a better job with East African Community, External Telecommunications Corporation as a Public Relations Officer. I worked at Extelecomms from 1973 to September, 1976 in that capacity. After that - in between there I went for a course in France for about a half a year, but still an employee of the

Community, but I left that organisation in September and went to USA to pursue further studies, and I was in USA until 1979 with all these changes in Uganda.

COUNSEL: So, when did you come back?

NAMAKAJO: I came back in April, 1979, soon after the fall of Kampala.

COUNSEL: Why did you come back?

NAMAKAJO: Came back from exile?

COUNSEL: Yes, you had gone away because - did you think the situation had improved in the country?

NAMAKAJO: Definitely yes.

COUNSEL: Now, what was your experience after you came back?

NAMAKAJO: Well, after I came back, the situation was still very fluid, even war was still going on in some parts of the North - there was actually still going on when I arrived here, because when they crossed Karuma, I was already in Kampala and I remember Oyite Ojok came to Apollo where we were staying and said to everybody; "well, if we do not come back, that is it, but we are going and we must cross today" and they went and they crossed; I was already here. So, I stayed around and the situation was dangerous, there was gunfire all over the place at night and the general security situation was not good. And since I had left America to go for Moshi conference, I did not actually return from America; I had not come to come home, but the time I left America we had only gone to Moshi and I was representing CDS Television, I had come with television cameras to film the war as their correspondent. So, I had actually come on assignment and also to participate in the Moshi conference; and I was prevented to participate in the Moshi conference because of a technical mistake that I made. On arrival I registered as a journalist, and journalists had been banned from going to the Moshi conference, although on the last day we were all invited in to film and to interview people and so on. But I was not allowed to participate in the Moshi Conference, which on reflection I think, was a very fortunate thing for me.

COUNSEL: Why?

NAMAKAJO: You know the wrangle that resulted from the Moshi conference and the haunting Moshi spirit and the splits I would probably not be here if I had been a participant in the Moshi conference.

COUNSEL: Yes, continue.

NAMAKAJO: So, I decided to go back to America and prepare myself to return.

COUNSEL: And when did you finally return?

NAMAKAJO: When I was in America somebody telephoned me and said "Namakajo, can you reach my family" - they were not on telephone but they were within New York - and tell them what? "Tell them that I am the President of Uganda" and that was Godfrey Binaisa; and I did that and a few days later a ticket was sent for me - Rugunda and a few others to come and work in the government. When I came back I was appointed Press Secretary to President Binaisa.

COUNSEL: Proceed.

NAMAKAJO: And I worked with him, I think it was July, for the rest of the year and up to February of the following year, in that capacity. Now, there was a lot of tension in Uganda as you all know during that time; we had the burden of the "no Lule, no work" movements, we still had the problems of the Amin group which was still resisting or pockets of their resistance here and there, and security in Kampala was absolutely unbearable, it was a very discouraging experience.

COUNSEL: Did you try to find out why the situation in Kampala was unbearable as you say?

NAMAKAJO: Yes, because of the bandits and criminal activities of armed people! It was difficult to tell, but we were compelled to issue statements again and again, -and explain that remnants of Amin's criminal Army were still lingering around and they were still armed and were causing insecurity in the country.

COUNSEL: But was that the true position?

NAMAKAJO: That was partly true; largely true actually. Again we have to look at it in terms of time; although in the subsequent months it became clear that most of this had been cleared, but there was also lawlessness from within our own Army.

COUNSEL: Did you try to find out why there was this lawlessness in your Army?

NAMAKAJO: Did I try to find out?

COUNSEL: Yes.

NAMAKAJO: No, but it was obvious that there was lawlessness and that a lot of it was being carried out by the people from the UNLA which a few months before had been received heroically by the people!

COUNSEL: I see, well, I am asking you this because it has been evidenced here to the effect that there was a plot by some people in government to overthrow the government in which they were serving. Did you know about that? And that they were causing the shooting, this and the other to make President Binaisa unpopular!

NAMAKAJO: Yes, this theory has been advanced again and again that this violence

was very well orchestrated and very well directed that it was designed to create instability so that Binaisa was an incapable leader. I have not been able to find any concrete evidence to show that this is what was happening. But it is true that there was insecurity. As to whether this was directed by certain individuals, I have never been able to know, but that theory I have heard again and again.

COUNSEL: Well, did you talk to the President of the day, Binaisa, and did you ask him what measures he was taking to curb up that insecurity?

NAMAKAJO: Well, Binaisa called in the Commanders very often, Tanzanian Commanders, the local commanders and he had many joint meetings - I mean there were so many efforts which were made to curb insecurity, because it was not good for Binaisa or for anybody who was serious minded! So, efforts were made to stop this insecurity, and the Tanzanians, I think made great effort to curb insecurity; and there were operations which took place around Kampala and suburbs to receive guns from the wrong hands, as it were. Because you know that when Amin's people ran away, thousand of weapons were left in Lubiri and other barracks, and they did fall into the wrong hands - this was a fact. So, there were efforts to recover these weapons, but there was also the feeling in some quarters that a lot of the violence that was going on was carefully manipulated by interested parties within the Army; but as I said, I have never ascertained that theory myself.

COUNSEL: Yes, now, what happened? You seem to say you were Press Secretary up to February, 1980; what happened in February 1980?

NAMAKAJO: In February 1980, I was transferred, as two were transferred, from the Office of the President to the Ministry of Foreign Affairs to go and work in New York as Minister Councillor in charge of information at our mission there. Certain things had happened; my car had been attacked while going to work in Entebbe, twice, one, early in the morning and another time in the evening. These attacks were believed to have been, probably assassination attempts. In the background of this, my father's home had been attacked and my mother killed.

COUNSEL: When was this?

NAMAKAJO: That was very early in August of 1979, a few months after I had been here. So, it was advised that unless I was looking for death, I should leave! So, an arrangement was made since I had not committed any crime to accommodate me in the government in a position that was approximately of the same level of seniority within the foreign ministry.

COUNSEL: Did you go?

NAMAKAJO: Yes, I went to New York and I assumed duties there, from February until late in April; I arrived here a few - I think a day or two before the first of May, and when I was there - in 1980 - and President Binaisa summoned me asking to come down, and a ticket was sent to me, he wanted me to do some work for him in the area of information and

propaganda, and I came down; he briefed me on the morning of May 1st - I am not very sure about that, whether it was the very day that ended April or the first of May. But I did have breakfast with him and he told me what he wanted me to do. Among the things that Binaisa wanted me to work on was the setting up of an office in Kampala that would work towards the organisation of elections - his own office, so that he can start his political campaign and the rest of it; and he wanted us to work on the documents would - formulate a policy that would represent plan of action for him and create a tangible platform for his election as President. So, I stayed around, Binaisa left for Mbale to address, maybe, a rally there, and I continued to work in my hotel room with a Secretary that was given to me and -

COUNSEL: You mean you decided to leave civil service?

NAMAKAJO: No, no, I was not a civil servant but I was a Presidential appointee -

COUNSEL: I see.

NAMAKAJO: Yes, Press Secretary to the President is an appointee of the President and it is a two year contract after which the President may wish to renew or get somebody else!

COUNSEL: I see.

NAMAKAJO: Even my appointment to Foreign Affairs was extension of the same appointment; they gave me a fresh appointment of two years.

COUNSEL: Yes.

NAMAKAJO: So, when Binaisa was still in Mbale, I think on the 2nd of May, as I was seated in my room with some visitors who included my father, somebody by name of Akbar Nekyon came to my room and he said that he wanted to talk to me, he was staying in the same hotel on the same floor at the end of the corridor. He asked me to go to his room -

CHAIRMAN: Which hotel is this?

NAMAKAJO: This was International Hotel which was subsequently named Apollo and so on and so forth. He came and he said that he wanted to talk to me, so I told him that I would come to his room. About three minutes later Mr. Nekyon came and said "Namakajo, I asked you to come and talk to me and it is something urgent" I said; "I am sorry I was winding up something urgent here, I was going to come" and he told me that there cannot be anything more urgent than talking to him, since anything that I could be doing should then be useless the next day. So, I went to Mr. Nekyon's room and he told me that he was coming from a party within the hotel at which people were celebrating the end of Binaisa's government. Mr. Nekyon is in Kampala, I believe, and he probably could recall these words; this is what he told me, he said that people had decided to overthrow Binaisa's government with use of military force, and that these people were in Roose's room - there was a Greek man

who is since dead called Rooses whose children are the ones running the Laquina Club now, I did not remember his first name but he was a famous man in Kampala for many, many years. So, this had been in Roose's room or suite - I think he had a hotel suite, and his children had several rooms on the same floor. So, they had a party in there, a very closed party, on which friends were celebrating the overthrow of Binaisa's government. A decision had been made, according to Nekyon, that Bazilio Okello takes over the government; put under house - arrest the Commander of the Army, Tito Okello, and Chief of Staff as temporary measure to cover them from being implicated in this truth, and that Bazilio Okello would then hand over the government to Obote. This Mr. Nekyon told me, and I hope he will come here to re-affirm that he told me this. So, he said; "is there anything you can do to contact the President and Tanzanian officials and others who could do something to reverse - this situation?" So, we sat on the phone together and I rung in a few places and among the people that I got on the telephone was Dr. Banarbas Kununka who had just been appointed, in a controversial situation to Minister of Internal Affairs replacing Mr. Paulo Muwanga. So I told the Minister of Internal Affairs about this, he looked for the Director of Intelligence who was Mr. Amon Bazira and he was travelling; he was not with President but he was with Oyite Ojok and they were in Kasese. Tito was somewhere else - all these people were out of town! So I said, may be, this renders evidence to Nekyon's theory, so would be away and this would take over, put them ostensibly under house arrest I suppose and bring in Obote! So, Minister Kununka I understand contacted the Tanzanian officers, and he asked me, he said - in the morning, actually, I want to see him at Nile Mansions, we did not sleep, we were very nervous at what hour they would strike! But I went to Nile Mansions in the morning to talk to him and he asked me what I thought was the best cause to take; and I said "I think the best thing is to expose this information as widely as possible so that they are aware that people are aware, and this may forestall their taking that action." We sent the message by road to Binaisa in Mbale and he also talked to Musuguri, Commander of the Tanzanian Army then here, and other people that we thought would matter; but we could not contact the Chief of Staff because he was no where to be seen. Dr. Barnabas Kununka also did another thing; he summoned Bazilio Okello and told him, just as if he was made - he summoned him and told him that we have heard this, that you had this party, that you are trying to do this and we know, but we have taken steps, you will not succeed. Bazilio Okello hit the roof,-he was extremely mad he threatened the Minister with critical violence and he told him that he must tell him immediately who told him that. So, the Minister told him "Namakajo told me"; I thought I would have it, Bazilio Okello used to stay in the room directly opposite mine at the hotel! And we had never talked; we saw each other everyday "morning, morning" and we have never sat for the moment to talk; and he had been staying in the hotel for a long time, even before I went back to America he was staying in the same room, in his room. So, next morning at 6.00 a.m soldiers came to my room and they did not knock - prior to that there had been a lot of shooting in Kampala in the night. In the morning when we woke up there were road blocks which we could see from Apollo Hotel which had been set up in the night all

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over town. So, me I was convinced that a coup that Nekyon talked about was taking place, and my father kept telling me to move and go in hiding! I said "where do we move, you see the road blocks, so it is better to stay put and see what is going to happen next." Now, what was going to happen next? A knock on my door and a group of soldiers bursts into the room, arms on the ready and said "where is Namakajo?" So, we said "which Namakajo?" This is Namakajo, that was my father and there are many; which one are you looking for; but somebody had written the name on his palm and he could not read it. So, I said; "I think you are looking for the Press Secretary to the President, are you not? That must be the man you are looking for; because me I am a visitor, I have just come from America and this is my old man, we are also waiting for these people they are in Mbale with the President." The fellows got convinced, they got out of the room and as they were going they talked to Bazilio Okello's son; he told them "no, no,, that is the very man," So, they came back and said "no, it is you we want." So, they put me and my father on a Tata truck and we drove through Kampala; thousands of people were on Rubaga road - hundreds of people were still on Rubaga Road, they were doing house to house search for weapons; and to cut the long story short I ended up in Lubiri; and I think that is where Kakooza's story starts from; then I found him in Lubiri! Can I have a rest?

COUNSEL: Yes, you can. My Lord, I apply for an adjournment, the witness wants a rest.

CHAIRMAN: For how long; 20 minutes, 30? It is about five passed twelve noon.

COUNSEL: Well, he suggests that he wants to go for lunch and come back at 2.00 p.m.

CHAIRMAN: I see; okay, very well then, but what do we do in between; that is between you and us?

COUNSEL: My Lord, I wanted to finish up with this witness before I could arrange for another.

CHAIRMAN: I see.

NAMAKAJO: If you have question regarding what I have said, I can continue.

CHAIRMAN: I think that is a good idea, before we break

KAKWENZIRE: It is not clear to me why Mr. Nekyon passed on this information to you; was he a friend of yours?

NAMAKAJO: Yes, he was a good friend of mine, but above all he was a good friend of Binaisa.

KAKWENZIRE: So, how had he landed in that party?

NAMAKAJO: I beg your pardon.

KAKWENZIRE: How was he in that party of people celebrating, I thought that people who were celebrating the overthrow would have been anti Binaisa?

NAMAKAJO: I think they assumed that since he is Obote's cousin he would be apart of the project; he would not be an outsider, but I think, as you have learnt later that Nekyon was really and seriously against Obote! As you know when Binaisa was overthrown he also left the country and he only came back recently; during the duration of Obote's second tenure in power, Nekyon was not in this country!

CHAIRMAN: Is he now the General Manager of Uganda Airlines?

NAMAKAJO: That is correct, my Lord.

KAKWENZIRE: What was he doing then, during this period after liberation up to that time he left?

NAMAKAJO: He had just returned; many people were lying around the hotel waiting for the dust to settle, and finding their way through that situation, to see what they could to next; he was among those.

KAKWENZIRE: Were they paying their own bills or they were government guests?

NAMAKAJO: I do not know, but the government was paying my bill.

KAKWENZIRE: You mentioned that you left with your father, was he also arrested?

NAMAKAJO: He was arrested and we went together up to Lubiri and I pleaded for him to be released; I said "this is an old man, he is 70 years, the person you are looking for is me, can you let him go?" And they refused for a long time but I kept pleading, then somebody said "leave the old man to go" somebody called Ongom who was, I think, the Assistant I.0 there. He said; "let him go" then my father refused to go, he said; "I am not leaving my son here, I must go with him, he also had not done anything; you better release him, if you do not want him let him go back to America or wherever, but do not put him in prison; he has been in prison before under Amin and it is very bad!" And they said no, they were not going to release me. So, I had to convince him now to leave and eventually he left.

KAKWENZIRE: And you have just skipped over something I thought was of very much importance to this Commission; that is how your mother died. Could you elaborate on it?

NAMAKAJO: My father's house was attacked by armed thugs or men.

KAKWENZIRE: Do you have it on record, when?

NAMAKAJO: I put in on record that this happened on the 8th of August - I can cross check that date because I can remember we had just arrived that day from the Commonwealth Conference from Lusaka, and I did not have a

telephone in my room, so when I arrived at the hotel I called my mother and I said "we are back - this was a Saturday and next day was going to be Sunday - so, I called her and she said "can you come over for lunch tomorrow?" I said; "I am working tomorrow", she said; "but you work everyday, you came from a trip, can you not find time to come and have lunch with me?" and I said; "okay, I will go to work and work half day, I will come to have lunch with you at two o'clock." And that appointment was never fulfilled because after I talked to her I went upstairs and at about 2.00 a.m. in the morning, the telephone operator of the hotel rang from the basement to my room - it was very high up - and told that I just received a phone call from a brother that your mother has just been shot dead! I said; "that cannot be true" she said; "it is very true". I dressed up quickly and ran downstairs and rang, and when they lifted the phone just the amount of crying that was in the house was enough for me to know that it was indeed true. So, she was shot!! They broke into the house - there were five people in the house, three old women and two young men; they did not shoot at anybody else, they shot only her in the house and they left.

KAKWENZIRE: They did not search the house and take property?

NAMAKAJO: They took a small suit case which had nothing in it. Just that.

KAKWENZIRE: So as it were, it was not house search for arms or anything, it was specifically for her?

NAMAKAJO: No; I think they came specifically to murder her; and they completed their mission and left.

KAKWENZIRE: Very sorry about that. Could you tell the Commission the composition of Binaisa's government and - the key personalities - I mean, it remains a mystery to some of us how governments were going at that time with no much fuss; Lule's government had; now Binaisa's government is gone, very helplessly.

NAMAKAJO: I think government remained; Lule was removed and government remained and they just replaced the President. It remained much the same government until much later when Binaisa attempted to institute changes that he thought would consolidate his own position and then he ran into trouble himself.

KAKWENZIRE: What are these measures he was trying to institute?

NAMAKAJO: Well, like transferring Muwanga from the Ministry of Internal Affairs; this was also inspired by this theory that the Learned Counsel was advancing here that some people were instigating trouble. Binaisa believed this theory and he decided to put another Minister of Internal Affairs. Doctors had been murdered at Mulago as you know, the Barlows and what have you; some people had been killed, my mother had been killed; police was unable, absolutely unable to investigate; in the case of my mother, when I woke up that morning, I mobilised up 200 troops and surrounded about two square miles of Mengo; and we

combed house by house and arrested and picked up a lot of arms from houses, from lodges, and people were not authorised to be in that area who were there; so a lot of people were arrested. And we do believe that we even picked up the weapons that the assassins used; and we took all these things in the Nile Mansions and few people; and all these people disappeared, we did not see them again; not even the evidence of a gun or anything. All those things disappeared. It was evident that -

KAKWENZIRE: To whom did you take them towards the authority in the Nile Mansions?

NAMAKAJO: Pardon!

KAKWENZIRE: Who was the authority in-charge in the Nile Mansions?

NAMAKAJO: He was a Tanzanian Commander whose name I cannot remember who was in-charge of Kampala security. For the matter of fact that when I rang, I rang him and told him this tragedy had taken place; and he mobilised the troops to go and search the area and comb the area and so many people were arrested who were supposed to be in barracks elsewhere and so on and so forth within the area. So they took these people in the Nile Mansions. There was a police post and I think it is still there at the Nile Mansions; these people were confined there they were supposed to be there; I did not even know whether there was not a cell under the Conference Centre; but they kept these in some place and they disappeared, they were not even seen again. Nobody could give us any information as to how they were released. They said, well, somebody gave an order - all the prisoners who were there had - there had been many prisoners there, not only these; so they were all released. Then when we followed it, they said, no, no, they were transferred to Kigo. I remember taking the trouble, I went to Kigo, and there was a parade of all the prisoners there to see if I was able to identify any of the people that I had seen that night. And it was absolutely futile.

KAKWENZIRE: You have just said that you could not find evidence of a deliberate attempt to perpetuate insecurity. Could I be wrong to suggest that that is one piece of evidence.

NAMAKAJO: I have no evidence.

KAKWENZIRE: Could I be wrong to suggest that a failure to punish or to investigate something is a piece of evidence of an attempt to perpetuate insecurity? I mean, it is just coming to me now that that could be used?

NAMAKAJO: You are probably right Madam but I also like to point out that some of these things were supposed to be investigatable at the police. And the police was absolutely handicapped; there was no police to speak of; police men had run away; I think sections of the police had been disbanded; there was no system of investigation. I do not know whether you would have expected the army to investigate crimes. But I went to Old Kampala, I made a statement, everybody in the village made a statement, and I think the files are still there. I went there several times and asked any leads. They said, we have been investigating, no lead at

all. I mean, police was working, but they were handicapped, they could not arrest armed peopled, for example. And I do not know whether that was also a part of the design to bring insecurity or not. I wonder.

KAKWENZIRE: What about on defence side?

NAMAKAJO: It makes a lot sense for one to say that there were deliberate moves to creating insecurity. Because in 1971, one of the points that Obote advanced that he had been overthrown was that Idi Amin was behind the kondos prior to his overthrow as a method of de-stabilising the country. So it is a sizable theory. But Obote never presented any evidence to show that Amin was involved in kondoism as such. So I am saying, I have had this theory again and again regarding the period prior to the overthrow of Binaisa, but I have personally no evidence; and I think hearsay, will not help this Commission.

COUNSEL: Probably this is because, after Binaisa had been overthrown you were in prison, so you could know the drastic change that the people experienced here by way of security. Maybe if you knew, then -

NAMAKAJO: I did not know; I was in Prison. I did not know that Binaisa had been overthrown for about five days.

KAKWENZIRE: In your view, how were the armed forces being managed and controlled at this particular time?

NAMAKAJO: Can you allow me to touch on that subject when we return in the afternoon?

COUNSEL: Yes.

DR. LUYOMBYA: Mr. Namakajo, when you were summarising your submission yesterday, you said that Ochima seemed to have laid a trap for you when you were arrested from the Parliamentary Building. Yet yesterday when you were narrating your story, it seemed, Ochima was on your side all along; and he invited you to Parliamentary Building; and you told us, Lt. Itabuka took you to a room for interrogation; and it was Ochima who saved you from him.

NAMAKAJO: What I explained about that was that, here was Itabuka blundering into an arrest which had already been arranged; and he was told to keep off. So I was immediately disentangled from him and I was asked to go back down and sit as they were waiting for the jeeps to come from Makindye to pick me up.

DR. LUYOMBYA: What makes you really sure to have that conviction?

NAMAKAJO: That what?

DR. LUYOMBYA: That Ochima really was arranging all of this?

NAMAKAJO: Who else could have - he called me and I was arrested there. And I was indeed required by the Military Head of State as Ochima had told me;

and if anybody had taken me, he would have got me out in a minute. I was down there waiting for him, maybe ring and say, come at two. I leave and they arrest me. And there is no effort by the so called Head of State or his aide Ochima to get me released. What else could I believe?

DR. LUYOMBYA: Yes, alright. I also wanted to know more about this General Service Department. As you told us, you were summoned by Amin to his Command Post; and it seemed it is because of your connection with that department. A number of people - Ugandans were not happy with that organisation. And in fact some have suggested that it should not be disentangled from organisations like the State Research Bureau. How could you react to that?

NAMAKAJO: First of all - point of correction. I did not say that I was summoned by Amin to Command Post. I said that I was arrested at Nakasero from the News Room and taken to Amin's Command Post under those circumstances and then he released me. That is what I said. Now from what you are saying, I do not know what you want to say. You are saying that -

DR. LUYOMBYA: I wanted you to tell me more about the activities of this department, because the general public was not happy with the activities of that department. For example, there were detention and spying links going on. And people were being arrested from time to time.

NAMAKAJO: Did you hear that they were being arrested by the General Service?

DR. LUYOMBYA: Well, this was Akena Adoko's department.

NAMAKAJO: What do you want me to say? You want me to make an emotional statement and say, General Service was a bad organisation, it should not have been excluded from the lists of the oppressive machinery that have been set up in this country in the last 20 years? I will say, yes, it should not have been.

DR. LUYOMBYA: Did that department - you were an insider, more close to it than ordinary Ugandans?

NAMAKAJO: I will not call myself an insider, I was 17 years old when I was working there; I want you to keep that in mind. I was only 17 years old, I had left school without even finishing my 'O' Level, I was just nothing. I could not have been an insider or even a senior person at any level. And yesterday I described in no certain terms, the level of my involvement and what my assignments were and the nature of my training. I do not think, you could have described me as an insider. But you also know that a commission of inquiry was set up, I think, by Idi Amin to investigate the activities of General Service during Obote's time. You are also aware that it was one of the 18 points that were cited by Idi Amin. It was certainly an unpopular organisation; and at that time I must say that Ugandans could afford to enjoy the niceties of democracy; to the extent that they were irritated by the mere existence of an

organisation that was supposed to be spying on people, trying to follow people in their private life and violate the privacy of the individuals. I have not seen it very frequently said or heard it or seen it written anywhere that General Service was going on all over the place arresting people and throwing them in car-boots; and it had kept a private prison or anything like that, I have never read anything like that anywhere; I have never known it even from personal experience. But I am saying that General Service was bad. And I am saying, it was bad in the context of the time; when you look back you see angels in General Service as compared to the State Research and probably subsequently NASA. Because I do not think anybody - many people can recall the Towellis of General Service or - you know - those names. I remember there was a case, maybe the Lord Justice would also remember - there was a General Service Officer who drew a gun in a Bar in Kitintale and he was taken to court. There was that much discipline I think in those days. But even then people were still outraged because they did not want this interference into their private lives; they did not want to see that there is somebody following you and so on and so forth. But if you say that it was grossly involved in the violation of human rights, then you probably have more information than I have.

DR. LUYOMBYA: Do you believe that it was involved in the violation of human rights?

NAMAKAJO: To that extent; the extents have been described; they were following up people which I think could be violation of one's rights. But then, please, let us also be serious and say that, you cannot run a state without an intelligence service. With your permission I am also going to say, when the NRM Government came, they said, they will never set up an intelligence service, the people of Uganda have suffered under the hands of these so called secret agents; they will never set up one; the people of Uganda themselves, the police and they find all these subversive elements and deal with them. Do you want me to tell you that three have been established by the Statutory Instrument.

COMMISSIONER: What statutory Instrument is that?

NAMAKAJO: I do not know the legal and technical terms; but then there have been set up; and you as a member of the NRC, I am sure you are one of those who voted for the budget of the three intelligence services.

DR. LUYOMBYA: I agree you cannot run a state without a security organisation, but it is what that security organisation does and if it is controlled, that may make the difference. And the atrocities made in various governments which followed the Obote one period, especially, as popularly called today, may not be compared to what the General Service did; for example, they did not put people in the car-boots, but still the society was not happy.

NAMAKAJO: I agree with you entirely, Sir, on that one.

DR. LUYOMBYA: Alright. I will take the contribution you have given as far as you are concerned, the extent you knew as far as violating human rights were

concerned by this organisation. This Commission is also given the task of looking into abuse of office. You were in Binaisa's government; and it seemed you were close to the President then. Did you note any abuse of office?

NAMAKAJO: Mr. Commissioner, can I also be allowed to answer that question in the afternoon? Because I thought we had agreed that I will only answer questions arising from what I had said.

DR. LUYOMBYA: Alright.

KAKWENZIRE: There is a question also I want to put. You touched on the role of bitterness when people were imprisoned and subjected to extreme torture. You mentioned that when those people came and re-absorbed in the government machinery, that there are high chances and you quoted some examples, that such people can dish out similar brutality to those who fall in their hands. I would like to have your opinion on this because I consider it of very much importance to this Commission because I have also noted it individually. Could we have your opinion on record on this one?

NAMAKAJO: Yes, basically I have already advanced my opinion on this I have said that looking at the list of the people who were released with me the 64, who had been employees of General Service and looking at the record of some of those who were later recruited in the new intelligence services, it was NASA, that had Elias Mulawa as one of the Deputy Directors and who eventually was actually the Director of Intelligence in the Luwero Triangle. Elias Mulawa, I believe he is in this country I have seen him in this town many times, he is still in this town and in this country and others. You will find that - they were Nyoto, I can say Nyoto, Ochieng, Kambu all these people. Many of those people were in NASA, if you have a list, I know you have a list of the employees of NASA because there must be some kind of list. You will find that these are the same people that I saw working for NASA and they were quite senior, some of them and they were bitter and I think psychologically that if you have been victimized subjected to suffering unless you are a very strong person you are going to go home and take it on to your wife, your children, other people in society and so on and so forth and that is what I was saying. There is sense in which this people were bitter and they pass on the bitterness to other people. There was also this psychological fear of being over thrown second time and ending up in Mutukula again. That fear was also there.

COUNSEL: But may be, Mr. Namakajo on that issue, how come, is it true there have been people who were working in General Service moved to State Research from State Research moved to NASA and from NASA now they may go in the new intelligence system, are you of the view that this has happened actually in this country?

NAMAKAJO: I am not aware, Sir, all I have said regards these people that I was with at Mutukula that I knew and I knew most of these people from prison not from working with them or anything but I know them from

Mutukula and even in the subsequent days after we had been released a lot of people who hang around Kampala and could not go home, I did know because I had better means than many of these people so I got to know some of these people personally and individually and I also know that they became big people afterwards. About other people who were in State Research, I am not aware, I was not here when State Research was set up. I came back after it had collapsed and I do not know who is in the present intelligence services.

KAKWENZIRE: Do you visualize the situation for instance when intelligence unit could serve all regimes?

NAMAKAJO: I beg your pardon?

KAKWENZIRE: Do you visualize a situation where the intelligence service, which is as we agreed necessary for government, do you visualize a possibility for having intelligence unit or units serving all regimes rather than going with regimes?

NAMAKAJO: You are talking about in the fashion of M1 5, M1 6, FB1 and these intelligence services of developed countries?

KAKWENZIRE: Yes.

NAMAKAJO: I think that is absolutely impossible under our circumstances.

KAKWENZIRE: Why?

NAMAKAJO: Because if we cannot even have a continuous standing army how can you talk about an intelligence service. We have not been able to have a single army, a consistent army since independence almost every President comes with his own army. How can we talk about intelligence service which is supposed to be the most valid group within the government machinery to any President.

COUNSEL: I think the question is how can we achieve what other, developed countries, have achieved in that aspect?

NAMAKAJO: We have to resolve our political problems first and I think we are still in the struggle to plan these all our problems and we go on in this contradiction until we finally resolve our problems, get over our tribalism, get over our religious basis get over all these backward thoughts and dispositions and forge national unity and forge a brotherhood of man that would permit people to work together without being conscious of soundful tribe soundful party affiliation and so and so forth but I think this will take a hell of time before we reach that time.

KAKWENZIRE: What you are highlighting is what bothers me and bothers the Commissioners and many other people but actually it is mostly the brutalized. The people who had had it rough who take up arms and as you said they are so anxious about their safety about not running in the same situation again I recall correctly when Obote said I will never leave this country again, I will die here if it means - a kind of revolution

that is here so it is something, it is a matter for this Commission to address ourselves to that, that you are subjected to brutality, you are tortured and then you take up arms and you have this fear and then you perpetuate the same thing and you fall in that kind of vicious cycle. This is where I needed your view but you have said it is a hopeless situation for the time being.

NAMAKAJO: Yes, that is all right these things will resolve themselves as time goes by. I do not think it is a kind of thing that you can decree or set policy for and say tomorrow we are going to do this, it arises from the political maturity and social maturity of the relations among people that you can achieve at time whereby you can work together in concordance, I do not think you can decree or just wish it away and say this is a bad government it does not bring about this. It cannot be brought about ahead of its time I do not think.

KAKWENZIRE: But I think you will perhaps want to. Okay, let me suggest that there are certain provisions in government like being a head of Police Station or being the security organ to arrest people would you suggest that personalities chosen to man those jobs should be screened to look at how your past has been, whether they have not gone through extreme torture in order to put them in such positions, I definitely fear such people myself.

NAMAKAJO: Yes, definitely and I must say that the situation is not as hopeless as I might have made it sound may be because you used the word hopeless, I do not think it is absolutely hopeless. Today we have probably the first year's attempt by Ugandans and they tell us everyday on the radio and we put it in practice. We want to forget about the backwardness idea. Let us do something that is different may be there are genuine let us give them time. May be they are going to accelerate the coming about of this situation that we are describing where people be one. So, I am not saying it is absolutely hopeless but I am saying it cannot come ahead of its time. We have to work towards it in a systematic way and in a natural way it cannot be imposed.

KAKWENZIRE: But what you do, you are still in brief, if you find for instance a man you were with in Makindye walking on fours and now he is in charge of Makindye would you screen him on that count alone or would you not?

NAMAKAJO: That is one of the things that have surprised me a lot in my life because I talked to Elias Mulawa when he was in Bombo but we have not come back to that we have not reached that stage but I did talk to Mulawa when he was there and I could not believe that he would bring himself about in a situation whereby he would do exactly what went on in Mutukula in his own life time that really flabbergasted me but it happened.

KAKWENZIRE: There are also certain people now who have gone through too much torture but perhaps there is a possibility that you may want to revert in a note, you may wish to refer what happened to you, I do not know.

CHAIRMAN: Let us have a little time to break, the break which the witness had

requested. A request which I have seen fit, so we shall adjourn Inquiry and resume here at two o'clock this afternoon.

Lady and Gentlemen, we are late in resuming at two o'clock which we had given ourselves. We should start this afternoon session now as we had suggested. Now, when we adjourned earlier today, Mr. Namakajo, you reached a stage where you had been arrested and taken to Makindye again where you had been before in the 70's, that is where we left off, could you continue from there please.

NAMAKAJO: My Lord and the Commission, I would like to make a very brief statement before I actually continue on that track, regarding Mutukula. I have been in and out of detention a number of times as you realize by the time that I complete my testimony before you but I am of the belief that Mutukula for me symbolizes the worst that man can do in this world. I have seen the skeletons that have scattered across our country, in the so called Luwero Triangle. I have also known of killings that have taken place in prison in my presence but I would like to emphasize that Mutukula in my mind symbolizes callousness of a very different nature that you bring unarmed people, people who have not resisted against your government in anyway, manner or trial but you pull them from a barrack confine them for almost a year and then take them to death camp and indeed massacre them. I think that mind which was the architect of Mutukula is a very very strange and criminal mind indeed. Probably more criminal than the mind that have designed Luwero because they find all kinds of excuses for Luwero. War was going on this and that and the other but there is no explanation that one can advance to justify in the remotest way the Mutukula massacre, that is all I wanted to go on the record of this Commission, Mr. Chairman.

CHAIRMAN: Can we now move on to the events from your second visit to Makindye.

NAMAKAJO: Yes, it was actually Lubiri, I was arrested and taken to Lubiri from Kampala International Hotel to Lubiri. In Lubiri I found near the quarter guard at a building at - when Lubiri was still Lubiri it used to be the Ministry of Education, there must have been at least 100 prisoners in that house. Shortly after my arrival there I was removed and taken to the main building in Lubiri what used to be called *"Twekobe"*, and there were offices for the army commander there and the Intelligence Officer whom I think his name was Ongom interviewed me and it is in that office that I for the first time I saw Mr. Ronald Kakooza. Apparently he had been brought there earlier in the day from another prison he had been arrested the day before me. After being questioned and the little argument that I narrated earlier in the day about my father being asked to leave them he was saying no, I will not leave my son here. Then I ended up by convincing him that he should leave in any case one tribe in a family was better than two, so he left. Kakooza and I were ordered to go back to the prison cell. On the way from *Twekobe* to that building that I described earlier we were supposed to frog-jump roll on our stomachs and we were being beaten all the way up to the cell.

Now, I cannot quite recall your honour how many days passed before

we got this very vicious beating from one officer who came to visit the cell at about 6.30 or 7.00 p.m in the evening. Earlier in the day somebody had been beaten to death and Kakooza and I had dug three graves behind that building and we indeed buried him in one of the graves. We kept pleading for his mercy and he said you must be joking, you dug three graves this morning and indeed buried somebody in one of them did you not realize that the other two were for you, this troubled us a great deal. We were beaten so profusely to the extent that Mr. Kakooza collapsed, he became unconscious. When Kakooza became unconscious the officer continued to beat me with a lot of anger which was a bit surprising to me because if you are unleashing punishment, I do not know why it could be personal. It appeared as if he had personal anger in the manner in which he was administering this punishment.

COUNSEL: Was this beating accompanied by accusation against you?

NAMAKAJO: Yes.

COUNSEL: What were the accusations?

NAMAKAJO: Well the accusations were many but they typically centred around the idea that Kakooza in his paper had accused certain people of plotting to overthrow the government and that is Kakooza's information. Your honour I must say in all honesty that I had never, in my life seen Mr. Kakooza anywhere. I had been reading newspapers for quite a long time and I had been subject of ridicule and insult in Mr. Kakooza's paper but I had never seen Mr. Kakooza. For a long time, Mr. Kakooza was very anti-Binaisa's government and very pro-Lule and he regularly published insulting stories and a lot of falsehood as it were. Now it was more surprising thing that I had been back together with Kakooza and I had been accused of being the source of his falsehood and all sorts of alarming stories that he used to print.

Now, during the period that I was away in America between February and May apparently Mr. Kakooza had made up or come to good terms with Binaisa's side of politics and had established friends as he admitted before you here and the then National State Security or something like that NSS and as I learnt later there was a lady by the name of Kigongo who was an employee of that organization who had passed on this information to him. I was not in this country when the story was published that caused Kakooza's problem, I was not even in this country but here I was being asked why I fabricated this story. Now, I cannot tell up to now,-probably it is understandable why nobody said Namakajo you said that Bazilio Okello was going to overthrow the government and that is why we are beating you. Nobody said it. Only they said I gave Kakooza false information regarding a plot which he published that involved the various personalities that he mentioned here which included Bidandi Ssali, Kintu Musoke and I do not know who the others were. I cannot quite recall who the others were. But this is the accusation that was labelled against me and nobody ever said Namakajo you said this. Either there was a concerted effort to bury that story or that information was not passed on to the authorities of the prisons, who were keeping us in Lubiri. It is also true if you may all recall after

Binaisa had been removed from power the first statement that was made, there was mention that Namakajo and others had been campaigning to spoil the names of the Tanzanian troops in Uganda and had been giving false stories to the press that people in State House, the press secretary to the President and others had concerted stories to implicate the Tanzanian army in atrocities in insecurity bla, bla; but when those stories were published as I said, Sir, I was not in this country. So, this man as he was concluding his flogging he said he was going to bring a pistol with a silencer and shoot us. Up to now I have never known why he thought it was important to have a silencer because we were in a barrack and it was at night by that time it might have been about 7.30 he had been beating us for about half an hour. Nobody could have asked him why did you fire a shot but he said he was going back to pick his pistol with a silencer and come and kill us.

When he left I attempted to escape by climbing on the beam of the roof and I attempted to kick the corrugated iron sheets from the roof and pass through and jump outside Lubiri because this house building is right on the perimeter of Lubiri. Fellow prisoners, your honour, pulled me down several times and I hurt my face, I landed on my face, cut my mouth and I was bleeding through the nose and the rest of it. And I must say this, for me it was also very instrumental, I have known that people in this country prefer to die in a docile way than to fight for their survival. I was pulled down and in subsequent instances where I have been very close to death. Fellow prisoners have called the authorities, that I want to bring them trouble I want to escape, I want to do this. The docility of the people in this country is shocking. I was even surprised to know that there were people who were capable of carrying out guerrilla war fare successfully, to have that courage. Over the years arising from my experience with people under the greatest moment of hardship. I was almost convinced that our people are very very docile and they cannot struggle for their freedom. However, the man came back with his pistol.

KAKWENZIRE: (Inaudible) - the jail.

NAMAKAJO: We were at least 100.

KAKWENZIRE: At this moment tell us some of the names.

NAMAKAJO: I did not know anybody apart from Kakooza.

COUNSEL: Yes, proceed.

NAMAKAJO: So, he came back the gate had been locked by a young guard and that guard had told me that he was going to go to Kisenyi and disappear for a night so that man will have to break that door in order for him to have access to kill us and indeed that man saved our lives. I did not know his name but I heard Kakooza mentioning the name, I read in a paper that Kakooza told this Commission the name of that man.

COUNSEL: Is it Kazibwe?

NAMAKAJO: I did not know the name at all. So, the man came tried his best to get in, he tried to call us so that he can shoot if we appear and we were hiding. So, next morning when they came for inspection, we complained to the duty officer that we had been badly beaten and he could indeed see and that we needed some medical treatment. He called in a medical orderly who kindly accepted to take us to his clinic about 600 yards away in what used to be called the Lubiri Secondary School and he treated us. I also negotiated with that young man to help us and take us to Mulago and declare us very sick. So, he said he could not do that he had no authority to do that because an order to take anybody from the barracks to Mulago can only come from Mbuya Hospital. So, I asked him; can you not take us to Mbuya Hospital? He said go back to the cells let me see what I can do. About an hour later he came, he said I can take you to Mbuya Hospital.

My Lord, Mr. Kakooza had been very seriously injured on the head at that time. So we proceeded on foot; Kakooza, me and the guard, into Kisenyi and that young man commandeered to use military language a car ordered a civilian to stop and he put us in his car and took us to Mbuya. When we reached Mbuya, there was a Tanzanian doctor in-charge of clinic or the hospital and we explained to him what exactly happened and he felt very sympathetic and he agreed to give an order for us to be taken to Mulago Hospital. I do not know whether Mr. Kakooza informed you that I was also with him in the hospital here. So, from Makindye to Mbuya, we were ordered to go; but this young man again said, "I cannot take you straight there without telling my Head of Department or Section", So we went back to Lubiri; but he still was able to secure the authority to take us to Mulago on his own; and he took us there and locked us in and he organized two guards - two armed guards - to be with us round the clock.

I cannot quite recall - I have tried to recall - for how many days we were in Mulago but we were there for few days, I think. And one early morning, at about 6.00 a.m, they came for us - two land rovers. They escorted us from the hospital into the vehicles and took us back to Lubiri. Kakooza described this movement as being from Mulago to Kampala Road - Clock Tower. That is not true, my Lord. We went through Makerere, Aga Khan School, Old Kampala, Rubaga Road and to Lubiri, very early in the morning. We were told as we were leaving Mulago that we were being taken to State House because the President had ordered our release. So, to a certain extent, in my mind I said, "This may or may not be true." But BBC the previous night had a report concerning Kakooza and I and the local papers were carrying the story. They said, "Maybe, these complaints have softened their hearts." So we proceeded. But to our dismay we ended up in Lubiri.

At about ten o'clock in the morning, we had been there only a few hours a land rover came in on which Dr. Barabus Kununka was with a T-shirt - an under shirt - and without shoes; and we were asked to climb the same land rover and proceed. There was no way we could have been proceeding to Entebbe for release in this manner with the Minister with his bare chest and without shoes and there was a drum of petrol on the

vehicle. In my mind, I concluded the moment had come. But we were driven along Lubiri into Makindye. And, I think, the events as they were described by Mr. Kakooza before you stand true. I do not think it is necessary to repeat what happened. And we remained there. We did not even know Binaisa had been overthrown. To my surprise, Dr. Kununka was released the same day after the beating. They came for him and I thought they had killed him because subsequent days we did not see him. So we thought they had killed him; but, apparently he had been released the same day. So Makindye was the same Makindye. So there was a lot beating, a lot of punishment, a lot of humiliation and this time hunger as well. No food, no access to anybody; and a lot of sick people with very little medicine; hardly was anybody taken for medical attention anyway. But, if somebody favoured you, he could take you for the girl to dress you - the wounds - at the clinic. So we stayed there until - I left Kakooza there. Kakooza was still sick because his wounds had not been healed and his wounds, in fact, had become septic because in Mulago they had opened it up but they had cleared the hair and cleaned the wounds and it became bigger from this cleaning; and, before he received enough attention, he was brought back; so this very huge wound now became very septic and he was in a very bad state.

COUNSEL: Did you say you left him there?

NAMAKAJO: Yes, I left him there.

COUNSEL: How come?

NAMAKAJO: I took my liberty to escape from Makindye. Your honour, the best I can say is that I reclaimed my freedom and left Makindye. I would not like to get into the details of how that happened because I was assisted by people who still live in this country and may help me again, may be of help to me or other people. But I escaped and Paulo Muwanga did not know that I had escaped after they had taken over the Government; because Ambassador Vapenyi was our Ambassador to the United Nations at that time. He told me when he returned to New York - He had run to America; he - told me that - well, on their way here, when they had been called in by the new Government for briefing the Ambassadors, he met me in Intercontinental where I was staying. When they got here, they were given a briefing saying that, "We have Namakajo in Makindye and they were all dumbfounded because they had seen me in Nairobi." So apparently information had not been passed on from lower echelons to the higher echelons that I had escaped.

COUNSEL: After or before?

NAMAKAJO: Yes, Sir, a few days after.

COUNSEL: After.

NAMAKAJO: Yes.

COUNSEL: While at Makindye -

NAMAKAJO: I escaped on the 17th. The Government was changed on the 11th.

COUNSEL: While at Makindye, did you see or know a person by rank of a captain - Captain Magala?

NAMAKAJO: Yes, I saw Captain Magala.

COUNSEL: What do you know about Captain Magala?

NAMAKAJO: Several captains were brought into Makindye when I was there. I believe there was also a captain by the name of Walusimbi. I have since inquired about this person. Nobody seems to know who he is. But this Captain Walusimbi told me that he was the son of Dr. Walusimbi from Kayanja and he was very close to Magala. If he could be available, I think, he could explain better than any of us because they spent more time together than we spent with them. All I can say is that Magala was brought in and he told us that he had been brought in because initially they thought that he had hidden the keys to the Communication System, they had accused him of having tinkered with them - spoilt them; sabotage or something; and he was brought in for that purpose. That he had prevented them from using the equipment or when they needed to use the equipment, during the overthrow of the Binaisa Government.

I can also tell you that Magala was shot in front of me and I can also tell you that Magala bled to death before our very eyes and we pulled his body through the corridor of that quarter-guard cell up to the outside, and then the soldiers took over. And we went back inside and we washed the floor on which there was a lot of blood. I never saw Magala again. I do not know what happened to his body.

KAKWENZIRE: We have it on evidence that actually the day Magala was shot that he and Ronald you and others had been lined up to be shot. Is that correct information?

NAMAKAJO: Yes, that is correct.

KAKWENZIRE: And how did you escape being shot?

NAMAKAJO: By luck.

KAKWENZIRE: It was luck?

NAMAKAJO: I do not know but, I think, by sheer luck.

KAKWENZIRE: What were the circumstances under which you survived? Just for clarification purposes.

NAMAKAJO: Can I decide to answer this question. It is painful for me to go through those moments. If it can be avoided. I would rather avoid it. People died and they died and some of us were lucky. There is a sense in

which, I think, if one says I was lucky in the sense that I was lucky on that instance and I escaped from that; there is a sense in which, I think, you are burning out your luck that you are thinking you are very lucky or something. I would rather not talk about those things.

COUNSEL: When did you come back from exile?

NAMAKAJO: I was away until 1982 - November.

COUNSEL: Why did you decide to come back in November?

NAMAKAJO: In November and for about a year - it was a very painful thing for me to be in exile at any given time; and I had been in exile for a long time before as I told the Commission this morning. I never wanted to be in exile at all. I wanted to raise my children in this country and I wanted to contribute to what was going on here. I still believe that I could contribute and have self fulfilment in this country better than I could fare in any other social situation. So there are all kinds of stories when you are outside: Uganda is stabilising; elections were rigged. Yes. But the Government has consolidated itself. The Western countries are supporting the Government. There is stability. Why are people handing up and becoming renegades? And then you have your people at home. You have a father who is seventy some years that you wish you will have the opportunity to bury. You have other relatives that you think you can assist to look after. You have these urges - you know; "Go home." And, after all, what crime did you commit? Why don't you go home? So one day I made up my mind that I should come home. I was living in Ethiopia. I had a nice job. I was Information Officer at the United Nations Economic Commission for Africa; but I decided. I said, "I will go home. And I drove in my car from Addis Ababa to Kampala without an incident and I was received fairly well on my first day by friends. I also called -

COUNSEL: What date did you arrive back?

NAMAKAJO: Dates in Uganda - I cannot quite recall but it was some time in November. I think, it was the end of November, 1982. Yes, I telephoned Dr. Anyoti and told him I was here. I had telephoned him once from Addis Ababa and said I would come -I am likely to come. Are you likely to give me a job? He said; "You will be most welcome. There are jobs here. We do not have enough people. Come. I will give you a job." So, when I arrived, I told him. I said, "I am here" He said, "Very nice. This evening there is a party on which I am a Guest of Honour" There was East and Central African Football Matches, I think, going on which had been taking place in Kampala. And he had given -I think, he was hosting - a party in honour of the journalists from those countries, who had been covering these events; and this party was supposed to be at Fairway Hotel.

So Dr. Anyoti came to Apollo and picked me up with my wife and took us to the party in his own car. And, when we were at the party, my presence raised eyebrows. People were talking, "Namakajo is here.

The guerrillas are around." This and that and the other. I decided to make a quiet exit from the hotel back to my hotel; and, as I was walking out with my wife, I was intercepted by army soldiers who said they had been sent to take me to Nile Mansions. I told them that I had come with Dr. Anyoti and I was going to go up and tell him that you are taking me. They said, "No. We are taking you." Now another Minister that was known to me came from behind and I explained to him very quickly. I said, "Look here, they are taking me. Can you do anything?" And Anyoti had explained to him the circumstances under which I had come and the Minister explained to them that, "We know of the presence of this man. He is under the care of Dr. Anyoti. There should be no problem. Who wants him and for what reason?" And the young private told him that it was not for him to answer those questions. His instructions were to take me where he was taking me." And the Minister protested and he said, "Mr. Minister, if you want him, come along; but we have to take this man." So this Minister run back upstairs and rung Dr. Anyoti that I was being taken. Of course, I was resisting and arguing. I said, "You have to lift me from here or something. I am not going to go walking. I am going to cause a scene." There were lots of visitors.

So Anyoti was contacted and his body guards gave him a walkie talkie. He talked to these people who had been sent for me and he said. "What is the matter? We knew this man was coming; he is coming for a job and he is a friend. Why are you arresting him? In Luo, I suppose that is what they talked. In the mean time, as I was resisting, there was a man - Captain - who came to enforce the arrest; somebody that I understand was from Makindye; the man who was in-charge of Makindye. I forgot his name right now; but a notorious figure. I do not know probably you know some of these names, a captain who was quite notorious at Makindye in those days - Otim. I think he is called Otim. He had also come to make sure that this arrest is effected. So Anyoti talked to him and everybody else on the walkie-talkie and they left me. And from that day I did not go back to Apolo; I went underground until I was reassured by telephone that I was safe and then I started appearing again under very low profile slowly. Eventually I was given a job at the Ministry of Information to establish a new department. It was not a substantive appointment in the Public Service; and that is one of the things that disappointed me. I was asked to create a new department based in the office of the Minister, which was supposed to do almost exactly the same thing that I had been trained to do in the General Service. That was to monitor radio stations from all over the world; write precise of these radio reports; newspapers for vet/anything that may be of interest to Uganda; write a synopsis of these stories and pass them to the Minister and then probably subsequently to the President. I was given the mandate to create this department and I was given three type-writers and secretaries and a few officers were transferred from the Minister's office into my department. Most of them were established officers but my position was never legalised because Anyoti said, I had come in between the Budget Year. They will legalise my appointment and establish this department in the new Financial Year which was coming up in July. July came. It was not legalised and I was quite

CHAIRMAN:

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disappointed. So I did hang on for quite a while until I thought it was a hopeless situation and I left Government and I went and I established my office where I am up to now at William Street.

CHAIRMAN: Well, earlier on I thought I heard something about this place in Luweero-Katikamu- and so on. I thought you mentioned that.

NAMAKAJO: That came later on, my Lord.

CHAIRMAN: I see. Yes.

COUNSEL: So did you settle peacefully at William Street?

NAMAKAJO: Yes, for me more than a year I was on William Street for the whole of 1984, without any problem; 1985-January, February, March and then in March I run into some problems.

COUNSEL: March, 1985.

NAMAKAJO: March, 1985. I would like to go back a little bit before I leave Radio Uganda. Before I move into William Street. Certain things happened that brought a rift between me and Dr. Anyoti and others that I knew in the Government. One day, when I was in my office at Radio Uganda, a certain pastor -Kyambadde - who is the Head of the Seventh Day Adventists Churches in Uganda, and, I believe, he is still also here in Uganda came to my office and said, "This man is a friend of my father - he had been a friend of my father -for many years." He came to me and he said, "You know Namakajo, we have a problem at the school - what is the place called - Kireka. They have a church and their Headquarters on the top of Kireka Hill." He said, "there were bodies that had been dumped very close to the school compound and they are constituting a hazard - a health hazard to the boarding school which they are running there. Do you know anybody in the Government that I could talk to get these bodies removed; or to give us permission to bury them?."
So I said, "Talk to the Minister of Education on the same basis as you are telling me; it is affecting the health of the children. Write a representation to the Minister of Health and see what happens." So he said, yes he was going to do that; that he was going to take my advise. But I did not stop there; I said, "I better talk to some friends of mine about this." So I went to Dr. Anyoti's office and told him the story. And Dr. Anyoti said, "This cannot be going on. Namakajo you cannot be telling the truth. "You want me to bring the pastor?" He said, "No, no, no but I do not believe it. Have you been there? You call yourself a journalist. How can he tell you something and you take it for gospel truth?" I said, "Dr. Anyoti, you must be correct." So I went up to Kireka and saw Pastor Kyambadde. I said, "I want to see the dead bodies." And his daughter volunteered to take me down the panya road and see the bodies. Indeed, since the last time that Pastor Kyambadde had come to see me and the time I went to visit, there were even fresh bodies - more fresh bodies, bodies that had been dumped there the day before; women, children, young men, battered bodies, amputated bodies and rotting bodies. And I went back to Dr. Anyoti and I told him this is what

I have seen and I can take you there. And Anyoti told me, "Do not talk about it to anybody else. James, you are my friend. A lot of people were against your working in this Ministry and I gave you a job on personal understanding and I took a great risk. Your appointment in my office has antagonised me with so many friends; now you want to bring me more problems. Do not talk about it to anybody."

I told him that I will talk about it; that it is my duty to talk about it; that, after Mutukula, I cannot see another Mutukula and I keep quiet. I said, "I am going to talk about it. Dr. Anyoti in the presence of a friend of his by the name of Yoga Adora who was the Editor of the People Newspaper ordered for his type-writers and withdrew his staff from my office. But he did not sack me. He took his type-writer and he took his staff but he left me at Radio Uganda. So I thought it was logical for me to make a quiet exit. But, indeed, I talked to other people and there was a visiting television team from Australia which was here in Kampala- a friend of mine, a senior producer from a sister Ministry of Australia. I took him and his crew to the site. We filmed those bodies and I testified on camera that I had seen these bodies and that I had taken them there.

My image was blotted by camera technique and this film was distributed all over the world as a testimony of violation of human rights during Obote's time. Anyoti who had known about these bodies and he knew that I had talked about them, for him it was natural to deduce that I am the one who took the Australians there. Another unfortunate thing that had happened, I had taken the Australians at Nakasero to get them accredited to get the local press card. The then Director of Information Services - Mr. Epenu - was not there and the Assistant of Epenu said that he had no authority to issue press cards to foreign journalists especially whom they wanted to enter military camps. They were supposed to go to Jinja to film the passing out parade of the first team of Ugandans who had been trained by the Australians and British Training Teams in Jinja. This is what they had come to do. So they needed their accreditation to be able to do that. So I went to Anyoti and I said, "You know Epenu is not here and this young man who is there says he cannot issue these press cards. Can you instruct him because this ceremony is tomorrow; it was a Friday and the ceremony was supposed to be on Saturday? So Anyoti directed and they accredited these people. And, when he knew that they were the ones who filmed that and finally had argued with him about these bodies, it was very clear to him that it was my connection that brought about this. Mr. Chairman, I can present that film to this Commission as part of the evidence.

Subsequently, after the overthrow of Obote, we have gone back with the same Australian Team and filmed that same scene, after those dead bodies had been burnt; and many, many more skulls were there - many, many, many more than there were when we went there the first time. I can make those two films available to the Commission. So I quietly made my exit out of the Ministry of Information. Anyoti was embarrassed. He could not sack me; but, in any case, I did not have a substantive appointment. So there was nothing to worry anyone. I could not complain anywhere. And, for the one year that I was there, I

CHAIRMAN:

COUNSEL:

NAMAKAJO:

COUNSEL:

NAMAKAJO:

must say that I was not given any salary or any allowances except for once or twice I was given petrol for my car. And among the witnesses who worked with me is the Information Officer of the Commission who was one of the people I was working with. He would probably testify to the truth of this and I survived mainly on family resources. And again, without wanting to assert oneself when you are trying to adjust to any society of people that consider you hostile and unfriendly and because you are an enemy, I went slowly.

CHAIRMAN: Use the microphone. Is it all right?

COUNSEL: What happened in March, 1985?

NAMAKAJO: Finally I went to William Street I established my News Agency and carried on my work until March, 1985. I had a friend of mine who was visiting me from Kenya. I lent him my car. One night he was intercepted at a road block and taken to Makerere Nursing Home with the vehicle.

COUNSEL: Makerere Nursing Home is now the present Kisekka Foundation Hospital.

NAMAKAJO: I am not aware of that. It used to be Dr. Kisekka's Hospital before and it had been turned into a prison. Now, for the subsequent events, I have made a statement to the police, which I thought was for this Commission way back in June of 1986, and I wish I could read that instead of recounting from memory, on what happened. I would like to mention before I start reading this statement also that my relations with Dr. Anyoti and what he symbolised; were also restrained by an open letter that I had written to the President urging him to release 13 journalists who had been detained in Luzira without charges; I think, one or two had appeared in court on sedition; and I had written an open letter to the President. There were, at least, 3 editors - I think, including the Editor of Munnansi - and others that I cannot remember off hand. This had also terribly angered Dr. Anyoti and other friends of mine in Government. So, when this incident that I am going to narrate to you happened, there was no love lost and there was nobody who could assist me. I had burnt all my bridges as it were.

I was arrested on the 13th of February, 1985, at Makerere Nursing Home. I had gone to this place to look for a Kenyan friend of mine who had been arrested two days earlier. This place was being run by the Military Intelligence and was under the command of Captain Otai. I was arrested by a Private by the name of Okello and locked up there until the 28th of February - please mark that date of the 28th of February, 1985. When I together with Bon Angur, my friend from Kenya and other prisoners were transferred from Makerere Nursing Home to Katikamu Headquarters of the Special Brigade which was commanded by Lieutenant Colonel Ogole - John Ogole. I was incapacitated in Katikamu until the 15th of March, 1985, after which I together with other prisoners, numbering about 300 were transferred to Bombo. I stayed in Bombo Barracks from March 15th until the 5th of

July, 1985, when I was transferred to Luzira with about 200 other prisoners. I stayed there until the 10th of August, 1985, when I was released in the General Amnesty by the Okello Regime at the City Square.

While I was at Makerere Nursing Home I and other prisoners were severely tortured and beaten by Private Okello and several other security personnel. Several people would be brought in at night, beaten and robbed and the next day they would be set free. These were operations which were carried out around Kampala. You were arrested. You were taken there. You were beaten. Your shoes are taken. Your jacket is taken - money and what-have-you and then, in the morning, you are released. Now these were people who were detained there not for political reasons; some of us were considered to be political detainees. My shoes and clothes were all robed from me; and, for the duration that I was there, we received only one meal per day. My friend Bon Angur was badly tortured and his leg was broken; his tooth was knocked out during one of the interrogation sessions.

Among the people who tortured me was a young fellow by the name of Sunday Emmanuel. This Sunday Emmanuel is believed to be around and possibly in N.R.A, who was a computer and defector from N.R.A. There was also another N.R.A defector called Mukwaya and several others whose names I cannot recall. There was also a Kenyan Luo Boy who was related to Captain Peter Owili. This fellow several times told me that, if I gave him money, he would talk to Peter Owilli to release me. He told me he was his brother. In Katikamu we were locked up in over crowded rooms. There was hardly any food or water to drink or bathe. For the duration of our stay there, we hardly had a bath. There was one meal a day, consisting of some beans and posho. A lot of people died from torture, starvation and lack of medical attention. During my stay, at least, five people of Katikamu died out of sickness; about ten more died of starvation. In one particular instance, a person was buried alive in the names of Moses Wamala.

I and Ben were being interrogated by a certain officer from the office of the President by the name of Ayo who was an Intelligence Officer of NASA and Pamela one of the famous girls from Busoga and Tom Turyagenda when Captain Ocaya came and requested for a Land Rover from Mr. Ayo, after sometime Pamela and several soldiers came back with soldiers in a Land Rover with a man that we learnt later to be Moses Wamala. The physical state of Wamala was pathetic. I overheard Pamela report that he had been blown up by a grenade which he himself had detonated in the car which was bringing him to Katikamu for detention. His feet were blown off and he was yelling with pain and begging to be killed. Captain Kiiza who is presently in the Upper Prison Luzira Ocaya and Ayo, carried on interrogating the man under a tree where he was lying, he was lying there bleeding profusely from his injuries. He kept on begging them to shoot him so that he dies quickly. An order was given that he should be left to suffer until he dies on his own. I do not remember exactly who gave this order but I heard this order being given. After a while a soldier came with a

stick and measured this stick against Wamala's body. This was an indicator that they were going to dig a grave for him. Minutes later he was carried away by soldiers still screaming and we never saw him again he was not taken to the cells and I believe that he was buried alive. I understand the Government Pathologist has been to this site to examine the grave of Wamala I am not sure but I think I was told that this is what happened.

Bombo, dozens of our fellow detainees died due to reasons I have already mentioned. There was also regular beatings carried out by the soldiers especially the Sergeant Sokolo and a youngster called Nsamba a NASA officer, these two are at Luzira. The Sergeant Major Sokolo - sorry, another Sergeant Major whose name I cannot remember but since Sokolo is there he will tell you. Before our transfer to Luzira several groups of people were removed by Sergeant Sokolo and a man called Fred Mugisha who is also at Luzira stansible to be released. Some of those people were actually released. For example, Charles Bitarabe, he works with the Ministry of Finance and he is willing to testify before this Commission, my Lords, and others were released but most of the others were killed. Among the second, there was a group of 17 people which included Joseph Nsamba, these people had been arrested in Lyantonde area at the home of Mrs. Buzabo and were accused of being guerillas and they were also taken there with Mrs. Buzabo, I should also tell you about them. They were taken from Bombo to Ndejje Road and executed in a quarry, this we were told by one of the soldiers who became friendly with us. We heard the shots because this was very close to the barracks. The soldiers told us that when they came back one soldier by the name Semanda, came back with a shirt of one of the deceased men in his pocket. I challenged him by saying that the soldiers killed those people. He denied but I pointed it to him that he had the shirt of one of the people they had taken. So later, he threw the shirt in a pit latrine it was seen by one of our prisoner colleagues and we again pointed out to Semanda that we had seen the shirt he had thrown the shirt into the toilet despite the fact that he told us that he had come from Masaka with that shirt. So we confirmed that these people had been killed. Then there was one incident whereby five prisoners attempted to escape from the Bombo Barracks they dashed for the main road, two were shot, one was captured alive and two disappeared and we were told later that one of those two reached the offices of the International Red Cross at Nakasero but the one they caught alive was stoned to death before our very eyes and we buried him in one of the shallow graves in front of the prison where we were kept. If you want to go and look at that place there are hundreds of skeletons buried in front of this building over many years of the Luwero Triangle War, many, many people hundreds of people were buried in that little area of about 200 square yards. That is my experience at Katikamu/Bombo and then we were later transferred to Luzira after which we were released by President Okello on the 20th August, 1985.

COUNSEL: You say this is a copy of the statement which you made?

NAMAKAJO: Which I made to the Police. I can furnish it to you if you want I have

another copy.

COUNSEL: There were names you mentioned people who escaped the Mutukula massacre whom you found at - did you say Katikamu, who are these?

NAMAKAJO: Mr. Chairman, I talked about Mr. Elias Mulawa, the way I understood it when Lieutenant Colonel John Ogole set up the so called Special Brigade it was supposed to be totally independent of the Command of the Army and the work of the Intelligence Services. So people were nominated from this different department to work within as part and parcel of the Special Brigade so that they do not have to take recourse to any other establishment in the course of their work. So Mulawa had been posted there as Officer representing NASA on Special Brigade, there was also a policeman, a Special Branch Officer who was attached there, I believe he is at Luzira also. Somebody by the name of Okoth was also attached there and Mulawa was working as Intelligence Officer representing NASA there and they had deployed Military Intelligence Officers, NASA Officers and Special Branch Officers in the Luwero Triangle.

COUNSEL: Were there some kind of trials at Katikamu, were you presented to a tribunal?

NAMAKAJO: From what I understand a tribunal was set up headed by the late Namiti who was from the Military Headquarters and I think the Head of Legal Department of the /Army and Mulawa was a member of that committee and so was somebody from the President's Office by the name of Nathan Engena and others from Army Headquarters that I did not know and this Commission was supposed to review the cases of prisoners and probably carry out the release necessary after screening them. A few people were released as I said but the bulk of the people remained there, nobody was ever called to testify before this tribunal but we know that the tribunal reviewed the statements which were made by the prisoners and from time to time people like Mulawa and Kamugisha and others used to come and take additional statements, asking a few questions which are actually needed in the Tribunal and they kept on reviewing cases. I had an opportunity to talk to Namiti after the change of government, in Republic House, and I said what was the Tribunal all about? And why did you not release me, what had I done? He said, look, we made recommendations and Ogole would not release people. In my particular case there was a lot of pressure on the Government to release me through friends of mine in this country and overseas, appeals were made, I have a whole file of telex messages which were sent from as may as 36 International Journalist Associations, Human Rights Committees and Associations around the world. The Secretary General summoned Otunu twice and appealed for my release. The Secretary General sent messages to the President and I am told that at one point when Ogole was in a meeting with the President he asked why I could not be released and Ogole said that he was going to release most of these people anyway but he wanted to complete this screening exercise. There were other people who were pressurising, the Germany Ambassador, the Deputy Germany Ambassador of the time also told me

that the visiting group of MPS from Germany when they visited President Obote they also raised my issue and the issue of so many other detainees and again the President promised that these cases were being looked into although I am told that Minister Kirunda who was with the President specifically said that the case of Namakajo is clear, we have investigated, we are going to proffer criminal charges against him related to treason and the rest of it although no charges were brought against me.

CHAIRMAN: Mr. Namakajo, I think Commissioners will ask you questions arising from what you have said so far and then perhaps afterwards we would like to have some ideas from you first of all as to what, in your opinion, have caused the experiences through which you and other Ugandans went over the years which concern our Inquiry and secondly, perhaps what you think should be done to prevent the re-occurrence or continuation of such things.

NAMAKAJO: Mr. Chairman, I wonder whether we can reserve those aspects for the next session?

CHAIRMAN: Yes.

NAMAKAJO: I am a bit tired.

CHAIRMAN: Well, I will consult with my fellow Commissioners but I think they have no objection. We shall, I think have a break now and resume next Wednesday at 9.30 a.m, again we will resume with Namakajo. So, the inquiry is adjourned until 9.30 a.m next Wednesday.

CHAIRMAN: Commissioners, Ladies and Gentlemen we have been waiting for a quorum to be present in order to start today's inquiry of the 16th September, 1987 we are now in a position to take seats although the Leading and Assistant Counsels are not yet here. You will recall that when we last adjourned last Friday, Mr. Namakajo had completed giving his evidence but we told him that he would still have to come back this morning to answer questions from Members of the Commission of certain clarifications. However, I am informed that Mr. Namakajo has brought a film to which he referred in his evidence about bodies of dead people he had seen dumped at Kireka near the seventh Day Adventist School. He also said in the evidence that he mentioned this to the then Minister of Information, Dr. Anyoti. So, I think we should start this morning's inquiry by viewing that film. Now, Mr. Namakajo.

NAMAKAJO: Mr. Chairman, the question of showing the Commission this film, is first and foremost to highlight the fact that violation of human rights was going on and I witnessed this particular dumping place and that I also had arguments about this with a friend of mine in the government urging them to do something about this I also would like to emphasize that nothing was done about it except that I was victimised after that. I was kicked out of the Ministry of Information in the manner that I describe by my officers being withdrawn from my office, typewriters being taken

away and me being left virtually alone in the office until it was obvious enough for me to know that I was no longer wanted around, Mr. Chairman, it is my belief also that my subsequent arrest could also have been a result, could also have been influenced by the fact that this film which was filmed by the Australian Sixty Minute Team had been seen world wide and the Uganda Embassies across the world from Canberra, London and USA, Washington and New York, they all complained that these things were false that the film which the Australian Sixty Minutes Team had presented to the world were clippings from the old films of Idi Amin, that this could not have been going on in Uganda at all, so I thought that the point should be noted and it was the first effort on international scale to show atrocities to a wide audience in the world that there were atrocities at least going on and this film was a good concern to Milton Obote, the Ugandan High Commission in London, Mr. Shaffiq Arain. I do understand that after issuing a statement in London he actually flew in with a copy of this film and it was reviewed on the fourth floor of the President's Office in the presence of several government officials. It was a thorn on the side of the government, apart from that (Inaudible)-

CHAIRMAN: Yes, Mr. Namakajo, on the contrary I think we should be grateful to you that a film like this one, actually reveals even other episodes of violations of human rights. We have not heard anything of the period you have mentioned 1979 on film at least to not one that this Commission has had a look at. Yes, Commissioners, Learned Counsel, Ladies and Gentlemen now that we have reviewed the film which Mr. Namakajo has kindly brought and shown to us we should resume the formal receiving of evidence. Now, as I said earlier this morning when we last adjourned on Friday, Mr. Namakajo, had completed giving this evidence but we asked him to come back to answer questions which Commissioners may have to clarify this evidence and also to give us his view on the causes of what has been happening and how they could be prevented from happening again in the future.

NAMAKAJO: Mr. Chairman, I wish to repeat for the benefit of Commissioners and the Counsel who have just come in that the main reason for my making this film available to the Commission was to show that human rights were being violated throughout the period. This documentary which is showing three segments covers a period of seven years. 1979, the initial filming and then 1983, 1984 and then the latest in 1986. I was also compelled to bring this film before the Commission to clarify the point as to why I left the Ministry of Information. As I said earlier before this Commission, after I had been told about I went to Dr. Anyoti, who was my boss and friend and I told him about the existence of these bodies and he told me to keep quiet not to talk about it, it will create problems for you and for me who is your friend I have accommodated you in this Ministry almost out of personal favour and there are many people who did not want to give in, even come back to Uganda because of your role with Binaisa and what have you but if you stir up trouble. You will jeopardize your own situation and bring problems to friends of yours like me.

I told Dr. Anyoti, I said; "you know, I am going to talk about it, you know my history very well, I know all the atrocities that I went through, Mutukula and Makindye and what have you. It is my moral obligation to talk about those things to expose them." And I quoted from him from Nkrumah when he wrote that; "Those who know and do not expose oppression are worse than the murderers hired in our names." None of this moved Dr. Anyoti. I was as soon as I said this; removed from the office in that style of withdrawing the staff and the typewriters and what have you. But to make matters worse for myself I suppose, was an open letter I wrote to President Dr. Milton Obote asking him to be compassionate and release 11 journalists including three editors of National Newspapers who had been incarcerated in Luzira without charges. Two of them had appeared before the court and had been cleared of any libel charges but they were detained while leaving the court house. So, I appealed to the President to release these fellow journalists. It was carried by most of the papers in Uganda and in Kenya and it was an item on BBC African Service. This did not amuse the government very much and I think that structure also was another contributor to my being absolutely detained on the 11th of March of the same year. That is all I wanted to say about this film, Mr. Chairman.

CHAIRMAN: My Commissioners you were here when Mr. Namakajo was giving evidence and again this morning added a bit on to what he said and he has commented about the film and if you have any question to put to Mr. Namakajo by a way of clarification of his evidence.

COUNSEL: My Lord, other questions I wish to put to the witness.

CHAIRMAN: It is very well then.

COUNSEL: While you were at Katikamu, did you see some people you knew who are still there?

NAMAKAJO: Yes, there are many people that I knew who were brought to Katikamu and to Bombo and the other people that I got to know while I was there because I was there for quite a long time. I want to particularly site two instances that would further throw light on the nature of callousness an inhuman actions of our people at Katikamu. There was an incident whereby a group of women, a few women with about 11 children were rounded up by soldiers, who had gone to draw water from a well. They heard children screaming in a bush and they drew their guns surrounded the area and pulled out these children with their mothers. They brought them to Katikamu. As I told you in my submission earlier there was hardly any food in Katikamu, there was hardly any water just a cup of water to drink and was hardly any room where one could lie down and sleep. People used to spend nights in sitting or squatting position. Sometimes the little space that there was, was allocated among friends so that somebody can sleep an hour then squat all night and then have that little space occupied by others during the night to catch some little sleep but the mothers were there starving, with their children starving and I had occasion to ask Captain Kiiza who was in charge of the prison and Captain Kiiza is in Luzira as I speak. I asked him why he was

keeping the children and the mothers, and one of the mothers was an expectant mother. He said; "these children are children of bandits, they should suffer." I was terribly moved by this answer and I saw there was no sense in continuing to appeal to Captain Kiiza to his reasons but one day those women and their children were whisked away and we never saw them again and this part has lingered in mind all these years to what really happened to those women and their children who had been branded children of bandits.

Another instance that I would like to cite before this Commission concerns, a former Magistrate, Mzee Kyabaggu, who was actually an assessor from what he told me in the case of Professor Kyesimira treason trial of Professor Kyesimira. Kyabaggu was an old man, well in his 70s and very frail he was brought there; from what he told us because of his role, his recommendation in the High Court in the case of Professor Kyesimira's trial. Kyabaggu was a sickly person, he never received any medical attention, he never had adequate food for the period that we were with him over five months. He never had proper condition of sleep and his conditions greatly deteriorated. We were able to get some medicine, smuggled in and we tried to help in the case of Mzee Kyabaggu but it was too late. It was too late his life was unredeemable at that point. We were transferred to Luzira and three days after we got to Luzira Kyabaggu died.

Mr. Chairman, I am raising this issue for two reasons. The first one was to demonstrate how the legal process was fronted in those days. Somebody an assessor can be arrested for making a recommendation in a case. The second one is to show that there are many other people who died not because they were shot but because the conditions were such that people could hardly exist under those conditions so that one also was tantamount to murder, a form of murder that has to be recognized in this Commission, to neglect people from having access to medicine, from having access to adequate food. Kyabaggu was never beaten but he died because the conditions were extremely difficult. And there was an instance if you want me to cite other instances of Israel Tiryomwe from Kigezi, was a young teacher and a volunteer. A popular volunteer in his home area he was picked up from Kabale by military intelligence people and NASA people. He told me - (Interruption) -

CHAIRMAN: Sorry to interrupt, Mr. Namakajo, why do you say a volunteer, a volunteer in what?

NAMAKAJO: Within the community, he ran several volunteer services, organizing Sunday School, looking after the kids, he was a very humane person from what I understood from him and the people that he came with. He was doing voluntary work he was not paid even for the teaching, he in fact established a school in Kigezi I do not know the exact village but he did establish a school with the assistance of the Catholic Church. Isreal was brought to Katikamu he was suffering from gout and high blood pressure, his feet were swollen, his breathing was very bad and he never received any medical attention. The charges against him or the allegations against him were that Isreal had recruited guerillas in Kigezi

area on the pretext that they were going to join a football team in Kampala. I must mention in conclusion that Isreal was dying from lack of medicine, if he stayed longer he would have died there of lack of medical care and food but your honour, Isreal did not die of lack of food and medical attention, he was executed about a mile from Bombo barracks on Ndejje Road along with 27 others. After his execution, soldiers came back to the primary we were told that those people were going to be released. Now, we had classification of individuals and their cases in Bombo in our own minds. Somebody accused of having recruited guerillas, that is very serious, most serious than probably somebody who was arrested because his trouser is a guerilla but he himself did not belong to the one. So, when we looked at the list of the people that were taken, we will find that this was the most serious cases according to your own classification of detances but we were told that these people were going to be released. We started doubting and we got very scared that execution had resumed. Before I got into Katikamu myself I understand they had taken several groups of people who never came back, they were taken to Mityana side and executed. You may recall about the 30 bodies which were lying on Mityana Road, I am told that some of these people were collected from Katikamu Prison. When the soldiers came back from carrying out what they thought was execution one of the young soldiers by the name of Ssemanda was having a shirt of one of the prisoners in his pocket. I said that you must have killed those people" He said, "No, no, no, those people have been released." I said; "No, Ssemanda you have killed those people, I can see so and so shirt in your pocket" He said; "No, no, no, this is my own shirt I came with it from home today because after work I am going to change it without going home. I am going out." He felt very uncomfortable and he walked away. Ten minutes later we saw the same shirt in our shallow pit latrine, he threw it away. This incident my honour confirmed our fears that our friends had been killed. As we have known later they never reached home. As we came out on the 10th of August, 1985, their relatives and friends were anxiously awaiting at the City Square and we told them that these people had been released or taken months and months back but they never reached home. Your honour, there were many groups that were taken like that before I got there, I do not think I am competent to talk about them but this time was regularly, they would be taken or told that they were going to be released and they never reached home.

COUNSEL: Now, do you think there was any foreign influence or assistance to government agencies in violating human rights as you witnessed?

NAMAKAJO: I have written a letter I think a month ago, I wrote it to the Chairman of this Commission drawing his attention to the role of external forces in the violation of human rights in Uganda. I was talking about military and paramilitary co-operation between the agencies of terror in this country and the secret services of other countries, the military establishment of other countries.

I was urging the Commission to specifically look into this aspect because it is very easy to get Ugandans from their villages and arrest

them and say; "look you have committed violation of human rights you incarcerated somebody without warrant of arrest, without any good reason." Buy your honour the torture gadget which were in State Research were not made by Idi Amin or his co-hearts. These gadgets were imported from United Kingdom, from U.S.A. and possibly other places. I thought that it was important for me to draw the attention of the Commission to this aspect. We are aware that there were groups of foreigners at State Research in Nakasero, who came to fit in the proper gadgets, the communication equipment and to train Amin's killers in the art of torture, interrogation and such deadly skills. I did say that this should also explain those elements and these foreign institutions that had contributed to the building up or to providing material support and training the agents of death.

In conclusion, I would like to say on this particular point that I do not have any special information to offer the Commission except that in my letter I draw the attention of Mr. Chairman, and the Commissioners to the fact that some of these things have been well researched by others I cited a book by two American Journalists Tonny Avergan and Machoney, by the Title War in Uganda, which I want to offer this Commission as a present for the Commissioners to read and see careful work which was done by these two journalists who were able to get into State Research very early and were able to carry away documents which were incriminating various international agencies in the activities of Idi Amin. There is also a Ugandan scholar by the name of Mahmood Mamdani in his book, Fascism and Imperialism in Uganda, he also eloquently illustrates the co-operation between the various intelligence agencies of the developed countries and the death machines of the dictators in Uganda. So, I call upon the Commissioners to look into this aspect and document as an important aspect in the violation of human rights in our country.

Finally, Mr. Chairman, I would like to draw your attention also to a group of two hundred Journalists who came into Uganda immediately after the fall of Kampala flying out of Dar es Salaam. I cannot recall the exact date but it is around the 20th of April 1979. This group of Journalists came in and went to State Research Bureau and other government agencies and helped themselves to a colossal amount of documents classified and those true documents which could help this Commission in doing its work more effectively. I still say it is possible for us to take the list of those Journalists and to appeal to them to return these documents because I do not think any one of them could have lost the documents. When I was still Secretary to President Binaisa I had intended to do exactly that so that we get these documents back here for our historical record. I still think you are in a position to make this appeal and have these journalists return these documents. A friend of mine by the name of Israel Wamala at BBC once showed me a document from State Research. These were extracts from the surveillance report on Ben Kiwanuka hour to hour recording of his movement prior to his ultimate death. It is very well documented and according to Wamala even the comments were surprising that those people were able to say remarks at the bottom of the report and make

recommendation to the Director general whoever was their boss on the next action to be taken. Now, these documents, Mr. Chairman are scattered all over the world but I think we can get some of these documents. Thank you Mr. Chairman.

CHAIRMAN: If I may comment on one or two things which you have just said. First of all you referred earlier to one of the assessors who was in the trial of a treason case against Professor Kyesimira by coincidence I was the Judge in that case in which the accused to the case was acquitted. Now, what surprises me having heard what you have just said is that nobody brought to my attention the fact that the assessor was arrested which should have been done. Either his relative or friend or somebody who knew about it. This is the first time in fact I am hearing that the assessor was arrested and died in Luzira.

NAMAKAJO: Mr. Chairman, I am surprised by your reaction because - (interruption) -

CHAIRMAN: No, I am not - no, Mr. Namakajjo I am not saying that he was not arrested what I am saying is that I wish it was brought to my attention because I was the trial Judge in that case.

NAMAKAJO: I did not know that, Mr. Chairman.

CHAIRMAN: And if I had been informed perhaps I would have taken appropriate action.

NAMAKAJO: I did not know that you were a Judge in the case, Mr. Chairman, but the case of Kyabaggu was highly publicised in Uganda and overseas.

CHAIRMAN: Yes.

NAMAKAJO: His arrest was highly publicised in Munnansi and other papers I am surprised that you did not know about it.

CHAIRMAN: Yes, then secondly about the Journalists, the 200 or so Journalists who came and took away documents. Certainly I hope our investigation team will be able to trace from appropriate government offices who these Journalists are. If they took documents, as you said they did, it is certainly very important that these documents should be returned to Uganda.

COUNSEL: Now, you have given us your experience, what the witness had done, do you have any suggestions as the causes of this violation of - (interruption) -

CHAIRMAN: Sorry, sorry Counsel. I am sorry to interrupt there. What we thought was that, I think let us have briefing from the Members of the Panel here and then, because that is the next stage, if there is any clarification sought on matters to be explained on the evidence.

KAKWENZIRE: Mr. Namakajjo, you are free to answer the Commission on the importance of examining a role of external forces towards what

happened here. Early on in your evidence you brought it up to our attention that actually at the tender age of 17 you went to train in Israel as a member of the General Service Unit I thought or I think it is of much importance to the Commission that you highlight the role of Israel because it has come up also in other evidence which had come to this Commission that Israel has actively participated in what was going on in this country in the cause, in attacks here and there and actually deciding who should rule us at other times. Now, you could assist the Commission first of all by highlighting on what sort of training Israel was giving to our General Service Unit, then you could if in actual knowledge contribute to what had already been brought to us for instance that it was Israel which built the State Research Bureau as early as 1960s, I think it was completed in 70s and the Commission has already visited the State Research Bureau and I was personally horrified by that tunnel for which purpose I do not know. Now, if you have any comment to make in the role of Israel towards the violation of Human rights here.

NAMAKAJO: Commissioner, I cannot claim to have any extensive personal knowledge of what was going on between the State of Israel and Uganda even at the time that I worked for the government. I described the nature of training that I received. I also described before this Commission the type of training that others received and I had gone to Israel with. Whatever I can say is really what had been published again and again by more knowledgeable people. We have been told that the Israelis were very involved in the planning and the actual execution of the coup that overthrew Milton Obote in 1971. I can tell you that I did see Colonel Parlev who was Military Attache of Israel riding on the tanks that rolled through Kampala on that afternoon of January, 25th 1971 when people were jubilating the overthrow of Obote's government. I did see Parlev. We also knew that the Israelis were very close to Idi Amin for one year and a half. I do not think they moved from Uganda until May, 1972 and they must have known about the massacres that were taking place in the barracks and in Mutukula all those things took place when they were still very close confidants of Idi Amin. They must have been among those who turned a blind eye to those activities. But as you know the Israel connection with Amin did not last too long then Amin got himself new friends but in the period they were here they did everything possible to assist the government to enhance its position, the new government to take root in which I think it is a normal thing for a friend to do. The role of Israel has caused further concern because you know Israel is a small state, it is not a rich country and it is bank rolled by the United States of America and we are also told that many of the activities that Israel has been involved in has not been limited to her own international interest but that it has also been used as a conduit of US finance and influence in other developing countries. It has also been used to gather information on behalf of United States of America in those countries where others have taken it in confidence. The image of Israel in those days was that of an ex-colonial country which had succeeded where others failed for the Arabs are in the desert and they never did anything and here are determined people who turned the deserts green. This was a very impressive thing for a developing

country like ours. So, we were anxious to emulate the example of Israel probably people thought that the deserts are turned green by dollars not by human masses. Because Libya has also turned the deserts green but at that time it symbolized the superiority of Israelis and the laziness or whatever of the Arabs. It should be remembered that Dr. Milton Obote had very close relations with Israelis himself; prior to Uganda's Independence it is on record that he also visited Israel during that period that Kiwanuka was Prime Minister of Uganda, Milton Obote went to Israel with a group. His collaborators and we were told that they received substantial assistance to help them to run the elections that were to follow. I think the rest of the stuff is on public record.

KAKWENZIRE: Any comments on State Research, that tunnel in particular. Do you know anything about it, how it was conceived and what purpose it was meant to serve?

NAMAKAJO: I did not know anything about State Research until I had left this country. I did not know about the existence of that building but I am told it was built during Obote's time. I did not know it, I had not seen it. I had not seen it at all until I came back in 1979. But you know that was only Solo Bonny, Israel Company was constructing a lot of buildings around the country and one of the methods of winning favours or friendship of high ranking officials of the government was for Solo Bonny to build the house for you. They built a house for Mohammed Hassan, the man I described who died in Mutukula. A block of flats which is still standing in Kololo and they built a whole line of flats for Akena Adoko, they built a house for Erunayo Oryema, the late Minister of Internal Affairs. All those we know, we have those in public record that they had these methods others such as Charles Oboth Ofumbi and so on, they gave them chicks from Israel which were flown in and with all the gadgets and equipment for hatching and what have you. They were using those methods to win friends and influence people as it were.

KAKWENZIRE: Would you suggest these people who received such gifts were their agents, is that what you want to suggest?

NAMAKAJO: No, I am not suggesting that.

KAKWENZIRE: Why were they receiving such huge presents?

NAMAKAJO: Because Israel needed them to be on their side, to support their projects, to win favours as it were and these were all very influential people. I want also probably to make another comment about Israel regarding one man by the name of Otika. Otika was a Higher Executive Officer with the Ministry of Defence working directly under Mr. Charles Oboth Ofumbi who was then Secretary for Defence. Mr. Wilson Otika was a very close friend of Mr. Oboth Ofumbi. Now, Otika was with us in Luzira and in Mutukula and he died there. He told me that on the 25th of January the day of the take over, because of all the disturbances that had gone on the previous night, he walked into this boss's house. Otika was staying close to Radio Uganda and I am told, Mr. Oboth Ofumbi was staying very close on Golf Course, he walked in there - let me

retrace my steps a bit Commissioners.

There was a meeting in Parliamentary Building on the night of the 24th of January, which was attended by the Commissioner of Police and other high ranking officials in the Police and the Army and Intelligence Service. Idi Amin, I am told came and surrounded the building and all these people ran in different directions. The late Oyite Ojok ran from the building and crossed into Otika's house which was very close to Radio Uganda and spent a night there and in the morning Otika, not knowing the conflict involved, he went to the house of Mr. Oboth Ofumbi who was his boss and personal friend and told him that Oyite Ojok was in his house. Mr. Oboth Ofumbi was in the company of the same Colonel Barlow very early in the morning it was about eight and immediately the Israelis talked on radio call trying to call people to arrest Oyite Ojok. Mr. Otika was extremely perplexed, he did not know what was going on and he rushed out. They allowed him to walk out and he walked back to his house, he found that Oyite Ojok had actually left his house. But sure enough a team of soldiers came to Otika's house and did not find Oyite Ojok there. Otika was arrested and he was never released until he died. Now, they tried to trace the steps that Oyite Ojok had taken, I cannot recall how, but they were able to know that Oyite Ojok had run from Otika's house to a house in the area that we today describe as Kisementi in a flat that belonged to a young employee of Uganda Railways Corporation whose name was Akena. His father was Mr. Akena who was the Head of the Immigration Office. We are later told that that young Akena took Oyite Ojok and put him with the car on the wagon and rode the train outside this country. I have got so many other theories of how Oyite Ojok escaped to Tanzania and so on and so forth but some of these people were arrested and brought; the bigger Akena was also killed, I am told during the same period but let me just retrace my steps. Oyite Ojok was picked from Otika's house by an Asian who was running a Radio Repair Shop on Norman Cinema. That Asian was also arrested. All those people were brought to Makindye when we were there and the British Government fought tooth and nail and got this Asian released because he was carrying a British passport, all the others were killed. Originally the reason why I wanted to talk about this was to show again the role of Israelis that as earlier as 25th the Israelis were in charge of the situation according to what Mr. Otika had told me.

KAKWENZIRE: To come back to my question actually you have made it even more interesting by mentioning Oryema and Oboth Ofumbi both of whom we are inquiring into circumstances surrounding their murder by Idi Amin. Now, when you talk of their connection with Israel I would insist on it being elaborated upon possibly in the hope that it can fill in the missing link in our earlier inquiries on the murder of Oboth Ofumbi and Erunayo Oryema. Something that hits me immediately is that the presents or the favours were going to - Hassan who was head of CID and then Akena Adoko who was Head of what, intelligence, is it?

NAMAKAJO: Yes.

KAKWENZIRE: Then these two gentlemen who were also holding very senior positions in

government especially where our security was concerned, now do you see yourself in any connection on any motivation for the Israel's interest?

NAMAKAJO: Madam I think everybody is free to make deductions from fact.

KAKWENZIRE: What about you who were ignorant concerned with our security at that particular time in our history.

NAMAKAJO: I was never concerned with security Madam, I have made this very clear before the Commission. I worked for a period of three months in General Service and I went for further studies and during the period that I worked there, I worked in the paper section, what was called the paper section, which was doing research on newspapers. Vetting newspapers and identifying articles, materials and could be used for, could assist somebody to make policy for the government and I want to tell you also something that it may not be well known by people without technical knowledge in intelligence that 80 per cent of intelligence is gathered from overt sources. So, our department was fairly important but it did not indulge in any secret operations or anything like that, that is where I was concerned. Finally I would like also to remind you, Madam, that I was not here when Oryema and Ofumbi were killed, I have no idea at all about how that happened.

KAKWENZIRE: Eventually when Commissioners make their deductions they want to be assisted by some views of other people. Do you think Amin eventually victimized all those people who seemed to have been collaborating with Israel?

NAMAKAJO: It is obvious Madam.

KAKWENZIRE: My other question also arises from one interesting submission you have made that your friend Israel Wamala who worked at BBC has some information that may be of much help in the murder of Benedicto Kiwanuka, is your friend still at BBC.

NAMAKAJO: Yes, I should clarify about that. Some BBC Journalists returned from Uganda after collecting these papers from all over the place especially State Research and I was passing through London and we were just talking casually and he said that his boys; he was the deputy head of BBC African Services at the time, he said that these boys brought back a lot of material and this kind of material is surprising that Amin's agents were capable of this level of work and the seriousness with which they took their work and the level of analysis was surprising to him. We were talking about it casually. I must mention that this is seven years ago.

KAKWENZIRE: But could we get to him if we want to?

NAMAKAJO: May be if you want to contact him he will be more than happy to assist especially to return the documents, which could be BBC African Service has. I do not think any document should be with him. These documents I think belong to the stations.

KAKWENZIRE: Thank you, our investigating team will take note of that. I also had a question to ask on Katikamu, what sort of prison was Katikamu? Was it a conventional prison was it something hastily constructed? What sort of environment was it?

NAMAKAJO: The building in which we were confined at Katikamu was a house that formerly belonged to the Magistrate of the area. It was a simple house three bedrooms and a kitchen behind and all the rooms were overflowing with people including the kitchen whose doors and windows were fortified by our keepers and it was most uncomfortable, people used to sweat until sweat would reach the roof and start drizzling like rain.

KAKWENZIRE: I have met also some other inmates the prison of Katikamu actually I saw one lecturer who emerged from there terribly thin with kwashiorkor how did yourself come out? What was your state when you came out, it would be of interest to hear it from you and put it on record.

NAMAKAJO: I cannot say that I was in any good state, madam, but I must say I survived it much better than others. One should take into account that in order for one to survive a situation of hunger and torture a lot depends on how well equipped in the first instance at the time of arrival in a place like that. I am a sizeable person, I have a lot of energy and a lot of people came there in much wore shapes than me and their chances of survival were much less than mine. The other aspect I think is a psychological aspect. I have always been prepared for that kind of eventuality arising from my roles that I played on the issue of my country and the belief that I hold. I was psychologically prepared more than most people that were there and that probably contributed to my surviving the way I did.

KAKWENZIRE: It was a belief late in 1985 actually that Katikamu was receiving hundreds of prisoners in that one house, it now leaves perplexed as to what was happening. Were the inmates being killed on daily basis to give room to the others who were being brought?

NAMAKAJO: Not in the period that I was there, Madam, people were dying of hunger and wounds arisihg from beating during interrogations. I would be telling a lie if I said during the time that I was at Katikamu people were taken out and killed, I would be telling a lie but people died of causes related to tortures and lack of medical attention and lack of food.

KAKWENZIRE: You probably said this but I could have missed it. On average how many people would be in that house?

NAMAKAJO: About 300.

MR. KAWANGA: Before you continue on this one you said you would be telling lies if you said people were taken out and killed but I thought you gave us the incident of Israel, whoever it was, was he taken out at that time?

NAMAKAJO: That is at Bombo, Mr. Commissioner.

MR. KAWANGA: Bombo?

NAMAKAJO: Yes.

MR. KAWANGA: I want to benefit from your long stay. To begin with I must congratulate you upon your luck which you still want to keep to have survived for long but I want to know, you have given the instance of the Israelis and the role in the take over by Idi Amin and obviously from what you said they must have known of what was going on, do you think they assisted or advised in what actually took place this kind of treatment which was given to Ugandans under their person they had supported or you think Amin was doing it entirely on his own?

NAMAKAJO: I cannot say I am sure that they assisted him but I can for certain say that they made the conditions possible for him to perpetuate this kind of crimes. They were able to supply him with arms, uniforms, and food rations for his soldiers. They certainly assisted him to sustain his system. So directly or indirectly they did assist him and that is why I was saying that guilt should also pass beyond the borders of this country.

MR. KAWANGA: Now, later on you have given instances of your stay at Katikamu in that Magistrate's house, besides the house itself what was taking place around the house? How was the outside of that house kept?

NAMAKAJO: We had trenches dug all round the hill. This was on a hill and which I think the *gombolola* Chief's house was on top and it had been converted into the headquarters of the so called Special Brigade, headed by Colonel John Ogole and there were trenches dug all round. I think all round but as far as I could see there were trenches, very deep trenches and soldiers used to be there day and night to guard that place and those trenches. There were a lot of tents, there must have been at least 400 to 500 soldiers and officers at any given time and they would move from there and go and carry out operations and come back. They also had various detaches from what we learnt, in Luwero and other places.

MR. KAWANGA: Where were the women kept? Were they kept together with you in that house?

NAMAKAJO: No women were kept separately in one room.

MR. KAWANGA: But within the house?

NAMAKAJO: Within the same house.

MR. KAWANGA: And where was torture taking place? Is it within the house or people used to be taken out to some other different places?

NAMAKAJO: Within the same house was an office which was the living room of the house and they used to take statements from people in that room and torture would take place there, within the same building. You would hear people screaming and being beaten, everybody if somebody was taken for an interrogation we would all be on our toes and trying to listen

what they are doing, was being done openly there was no -

MR. KAWANGA: Yes, what kind of implement of torture were being used?

NAMAKAJO: Well apart from sticks, in Katikamu really they were beating people, they were not using this terrible method of torture. They were just beating people and beating them very hard with sticks, with wires.

MR. KAWANGA: Yes.

NAMAKAJO: But in Bombo, after we moved to Bombo interrogations became most systematic as I said because the tribunal was taking place and they were trying to up-date the files so that they can be reviewed by the members of the tribunal.

MR. KAWANGA: Yes.

NAMAKAJO: So, from time to time they took people and beat them. I remember one man was taken from the cells by Sokolo, somebody by the name Sokolo who is also in Luzira and taken to one of the abandoned buildings. There were two ropes which had already been mounted, this poor fellow was tied, his two legs were tied on those ropes and the ropes were pulled up and he was tortured in the most critical manner. He was beaten, his private parts were beaten and he was being asked to admit certain things. I cannot know the details of exactly what they wanted from him but he came back and described to us all these tortures that had taken place on the hands of Sokolo and his friends. There were few cases like that they were not too many. As I said Bombo and Katikamu most of the deaths were caused by sheer hunger and those conditions of heat day and night, disease that were contracted by people in that whole situation and the fact that there was no medicine.

MR. KAWANGA: Yes, okay. You being an immate of these various places of confinent what can you say about heads of Government being aware that these kind of things were actually taking place in the various places of confinent in the country. If you are President you delegate people to do certain things but how could then the head of state know that these kind of things are taking place?

NAMAKAJO: Your guesses are as good as mine, Mr. Commissioner.

MR. KAWANGA: So, can I stress the question and say that perhaps the people who are given the responsibilities of keeping prisoners invented their own method of torture which are not known to the people who put them in these positions?

NAMAKAJO: That is quite possible, Mr. Commissioner, but I must also mention that in my case I was able to smuggle out letters. I did write to President Obote, I wrote him a very long letter. I reminded him about Mutukula. I reminded him the circumstances in which his brother Engena had been killed in Mutukula and I told him very similar things were going on.

Years before I had talked to Obote in Dar-es-Salaam and described to him how his brother Engena had been killed and he wept, he stood up and ran upstairs and did not come downstairs for three days. I thought I could appeal to his emotions that I had seen at that time when I described to him how his bother was killed. I do know that my letter was delivered to his office. I wrote to other people in the Government Akena p'Ojok and others but nothing was done.

Akena p'Ojok when I came out after the coup, he was still in Kampala during Lutwa's time, he told me that it was so futile for me to have written those letters. In the first instance in his case there is nothing he could do to influence Obote because he was considered an outsider. The second instance Obote had no power really to influence Ogole, that Ogole had all the powers in his hands. I also recited here on the previous occasion the fact that Obote had raised our issue with Ogole and they had said that they were processing. Ogole said, "I will not entertain individual cases, I am going to complete my investigations after we have all the files together then we will make decision and people may be released or taken to court or whatever but I am not going to listen to individual appeals." I am talking about the German Parliamentary Delegation appealed on my behalf before the President and I was told that he took the steps but they were futile. They were futile, the best they could do in the end was to remove us from Bombo into Luzira and we were very grateful indeed because in Luzira one's chances of survival were much higher than in any of those military detention camps.

MR. KAWANGA: Do you want to suggest that they reached a stage where Ogole could even refuse orders from Obote?

NAMAKAJO: It seems to me that is true.

MR. KAWANGA: And finally this question of interrogation by torture you must have been subjected to it so many times, do you mean it yields result? That as a result of torture you get at the information that you actually want?

NAMAKAJO: I have no way of knowing that; all I can say is that it brutalizes the victim and the unleasher of the violence.

KAKWENZIRE: May be connected with that something that is running in my mind as you gave us your very tragic story I just get caught up but I am sure you have thought about it or dreamt about it or gone over it, over and over again about what happened to you. You were a victim of almost all regimes concretely can you bring it as briefly to the Commission as to who was behind your arrest, who tortured you in the three specific cases? May be it would make our work lighter, some of it seems to be personal conflicts; others seem to be political; interference; others seem to be arbitrary decisions I would want if you would summarize it in your own mind to put it as briefly as possible.

NAMAKAJO: I would say that every instance when I had been arrested it had been political. It has been political, there is something about this country that I have learnt over the years. I have learnt that vendetta, - fitina plays a

very prominent role in the lives of our people especially in the lives of the members of the middle class of this country who are for ever struggling with one another for the new positions that do exist at any given time in governments and institutions. There is always that competition for the little that there is. People have allowed themselves to degenerate the level of becoming sycophants of leaders in order for them to share in whatever little that there is because leaders indeed do this patronage. The struggle for this patronage has caused great suffering to people in this country.

People who have surrounded leaders protect the leaders and the positions of the leaders like their own positions. Because in many cases; they are not deserving so they want to hold on to the little they have for them to say leaders should not go and any attempt to remove them affects directly then social and economic standing in society and that is why they fight tooth and nail and make sure that there is no change. They will crash anybody on their way who may be posing obstacles in their quests for honour, wealth and what have you. A related element that I also want to point out here is what had been described by writer as the "Ntigi Forest Complex". Ntigi is a forest in Tanzania where trees are very short from the forces of the environment and hardly any tree can rise beyond the expected level. The natural conditions militate upon the situation in such a way that it is eliminated. I do not mean to be philosophical at all here before you Commissioners but I do believe that mediocrity in this country has caused a lot of suffering. People who are worried that others are going to power over them are too ready to cut them down. I think the rest can be filled in by everybody.

KAKWENZIRE: Okay, you said you do not want to be philosophical but I want to take you up again, when you say that people of this country must struggle for what is right, must speak and yet you give us very terrifying evidence of what happened to somebody who speaks. So what is the situation? Where lies the answer?

NAMAKAJO: I did not get that very clearly are you asking me for information?

KAKWENZIRE: It is a contribution towards solutions. Well any fight against fascism and mediocrity and what have you. The ills of a backward society. You have painted a very elaborate picture of what happens to a straggliest who speaks and in the end of this people are very keen to cut such a person to size. In fact your testimony would serve us a frightening evidence of what would happen to people who may want to highlight such problems that you have exposed. What I am seeking is what could be done in a situation like ours to curve fascism and at the same time to guard yourself against being heard.

NAMAKAJO: Madam, this Commission is concerned with the violation of human rights. It is unfortunate in my view that this Commission by the very nature of its establishment was charged with a limited responsibility of investigating one aspect of violation of human rights and that is the brutalization of people, the arrest of people without an arrest warrant, the legal confinement of people and aspects such as those and then we all

have the hope that the results of a Commission like this will indeed contribute to the decline if not the total stoppage of violations of human rights continuing in this country. It is my considered view that nobody would be able to stop violations of human rights in this country by talking for years and years of highly publicising the atrocities that have taken place in our country before. That is why I have personally been very keen to enumerate or to illustrate the clue some events or acts that take place in those prisons. I do not think for me is a very useful exercise to hear endless stories of how people were tortured and beaten. I think solutions should be found in other areas and in my view solutions should be found in the area of stamping out social and economic injustices in our society. It is my view that it is the human rights of everybody in this country to have food and we all know that there are people in our country who go hungry or who do not have adequate food, they may have had food but not adequate food. I think the rights of those people, the human rights of those people are violated. Every family is entitled to adequate shelter and we know that there are families in this country that do not have adequate shelter. I think it is the human rights a fundamental right of every child in this country to have access to education and health care. But we also know that millions of our children do not have access to education, health care and they have no opportunity have no chance of even having equal opportunity. For as long as this situation of injustice continues to prevail in our country I think that section of the brutalized and the dehumanized people who have been denied their fundamental human rights food to shelter, to education and what have you will continue being available. Very readily available for others to use to carry out those atrocities in order for them to protect the interest of the members of the middle class who are normally the rulers. The children who have grown up without food, without enough shelter will continue to be turned into monsters. No amount of talking about violations of human rights will deter them. The *kadogos* that have been that you have all seen who have come out of Luwero and other areas will leave with us for the next 40, 50 years. They brutalize people, they are our children, we have to tender them and nurse them carefully so that they can continue to be good citizen but they can constitute a monster. They may constitute a monster in this country the children who are denied in the 60s and in the 50s are the children that you have seen in those armies, whether it is UNLA, or Uganda Army before that, these were children of this deprivation and I am saying until and unless the leadership in this country and by leadership I am talking about doctors and lawyers, the engineers, the educators the opinion leaders - until they gather the courage and master the energies to establish a new social order that is fair and just to the majority of our people, solutions to the violation of human rights will continue to elude us. Well thank you.

DR. MAKUBUYA: I am sorry, Mr. Namakajo to take you back but I think there is some confusions on the record which you might clear up as I understand if you worked for the General Service Unit for only three months in the paper section then you went for further studies. I have a book here by Mr. Akena Adoko at Page 89, if you can look at Page 89, this gentleman named you as a former General Service Officer. I think you better state categorically whether that is true or not, what the true situation was.

Eventually we will have to make a decision on this matter. They are hard but that is one of our jobs. We have got to make decisions with those matters.

NAMAKAJO: I thought I have made it very clear before this Commission. This is about the sixth time that I am being asked about this General Service. If somebody has something under their sleeves, they better tell me. I am very very frank. I am very honest and I am very proud of the roles that I have played in my life. I do not look back and regret anything that I have done in my life. I do not understand the continued insinuation regarding my having been a member of the General Service Department. I have been very open, I have written about this in articles. I have described the role of African Intelligence Services in Africa now and I have quoted my own experience. I do not think there is something sinister about my having been there. So, I really do not understand the point that the Commissioner is making under the circumstances.

DR. MAKUBUYA: Yes and what and what are other -

NAMAKAJO: Akena said in his book that throughout Lule and Binaisa, Muwanga and Obote's time the security department had been headed by officers trained in General Service such as Mutesasira, Maseko, Amon Bazira, Benson Ogwang and now Dumba. And Dumba, by the way, is a survivor of Mutukula. Mr. Ben Dramadri, the Principal Private Secretary to Binaisa and to Obote, is a former General Service Officer. So was Binaisa's Chief Press Officer, James Namakajjo, who is the contradiction?

DR. MAKUBUYA: No, there is no contradiction, my friend, and there is no insinuation. There is evidence on record by other witnesses who have a different view of the General Service, and I think it is important if we are to reconcile your position for example. What you are saying today that you have nothing to regret and the evidence which describe General Service as a spying octopus which is very sealing, which sent shock waves in the minds of many Ugandans and so on. There is no insinuation, the evidence is on record. Okay and we shall have these problems of reconciling your positive view for example in the negative view of other responsible Ugandans who have appeared before us. So, there is nothing under my sleeves I can assure you. Okay, it is a question of -

NAMAKAJO: Mr. Commissioner I made it very clear.

DR. MAKUBUYA: Yes.

NAMAKAJO: Before this Commission that the General Service could have very well contributed to the violation of human rights. I also described instances where I thought it could or may have violated the human rights of others. I also said that I was aware of the sensitivity of people in this country over its role. It was cited among the 18 points that caused the overthrow of Obote's government. I said I am terribly aware of this and I have also described my role there. Now, what I do not understand exactly is, you want me to say that General Service was bad which I have already said but you also want me to say I suppose that James Namakajjo, you are

very bad, you worked there. Let me say that to you then.

DR. MAKUBUYA: No, I do not want you to say anything, oh! I just want a contribution on the record which will assist the Commission to reconcile those who take a negative view and those who may seem to take a positive view.

NAMAKAJO: I am saying that I agree far and large with those who take a negative view -

DR. MAKUBUYA: Yes.

NAMAKAJO: Of these intelligence services because they have been on oppressive.

DR. MAKUBUYA: Yes, and my friend, let me say this also I have not asked you for the fifth time. I am asking you for the first time. Let us understand each other on that one. The other thing is this, it relates to what you said. You mentioned that it was unfortunate that the mandate of this Commission is limited to investigating past violations, imprisonment without trial and things like these. You think that these limitations of the mandate is somewhat unfortunate and as far as you are concerned perhaps the mandate should have been extended to focus on stamping out social economic injustices in this country and you cite the right to food, the right to shelter, right to education. Our difficulties for the record I would like to say first of the record, that our difficulty here have been at much power thrust hold of human rights. Today in the world of human rights we have three classifications. In fact we have three generations of human rights, civil and political rights, economic culture and social rights, which I have been talking about and then there is a third generation including things like rights to environment, rights to a clean environment and so on. The difficulty we have in Uganda and this is where I think that it is not unfortunate - the difficulty we have in Uganda is that we have not even tried to enforce seriously the very first generation of human rights. Okay, before we can talk about your rights to education, we must recognize you as having a right to exist as a human being. If the government itself runs services and forces which do not, for example, recognize that you have a right to exist as a person then we cannot talk seriously about your rights to education, your rights to health care and so on and so forth. So, it is quite important, in fact since our independence we have failed to enforce even those basic things like freedom, leaving you alone, let you be poor but can we leave you alone. We have not yet been able to do this. It is very important to begin at the beginning accept you as a person with freedom to be left alone and so on and then we can go on to see if we have the resources to give you education and so on and so forth. But In Uganda we have not yet even done that very essential enforcement of human rights. So, I do not think it is unfortunate that our mandate is limited. This is the beginning and we can go into other things after we have become serious of our political and civil rights. I just want to clarify that about terms of reference.

NAMAKAJO: The reason why I said it was unfortunate, Mr. Chairman, was because I said that solutions I saw these brutalizations, these lack of respect of the freedom of others as arising initially from the violations of fundamental

human rights of a different nature and I am saying they are separately tied in my view there is no saying if we start at this we will be able to deal with that and that is secondary. In fact my suggestion is contrary, absolutely contrary to what he is suggesting. I am saying the beginning the most fundamental thing is to resolve social injustice and then we can talk about the necessities of democracy and in most cases as you have seen here most of the people that have come before you have been really the members of the middle class who are sensitive about their rights. Who are aware of what is their rights. People who cherish even freedom of expression but you know there are millions of the people in this country who have never yearned to say anything. So they cannot be concerned about freedom of expression. I do not know whether I am understood correctly under these circumstances.

CHAIRMAN: Mr. Namakajjo we have understood properly. Well between what the Commissioner said and what you have said - the question of priorities. What should we give priority first? Is it sharing limited resources or is it first of all the rights to exist. I think the two can be married we can find a medium ground somewhere. I have been advised that at this stage may be we should have a break and resume again with Mr. Namakajjo.

NAMAKAJO: Mr. Chairman, I do not wish to say anything of no use before this Commission unless you have other things to ask me and I am prepared to answer them now.

CHAIRMAN: No, may be there are few more questions to come from the Commissioners after which may be we shall be able to finish with you. So we shall carry on for a little while before we break.

DR. LUYOMBYA: Mr. Namakajjo, I am interested in your suggestion of a new social economic order if as one of the ways we may possibly avoid violation of human rights in this country and indeed in some other parts of the world where there have been violation of human rights. One of the difficulties is really to understand man. Why man behaves the way he behaves. Is it the constitution of that particular leader, is it the environment which has played a role in making that particular individual behave the way he has behaved. The same goes with the leadership and that we have had in this country. We all know the atrocities that were committed during the Amin's period and many other periods some of which you have highlighted to this Commission. Somewhere along your submission, you were talking about a group of journalists in UK or working with BBC who were impressed by the reports and gathering of information and analysis of information by Idi Amin's agents which they did not expect, if that is correct. You told us that you, Wanume Kibedi and I think, Ocima, participated in the drafting of Amin's earlier statements. What perplexes me is, who really inculcated this idea in Amin? Was it Amin's original thoughts? Was it somebody's thoughts? Do you know anything about the formulation and authorship of Amin's earlier statements that you participated in drafting?

NAMAKAJO: Perhaps I should have been very, very specific about that aspect of the documents. I have told you - I have told this Commission that I was

arrested at Nakasero in the news room and taken to Amin's house. I have also said that I was ordered to report to Amin's house every morning. This was an order; this was under intimidation; and everything you can think of; I tried to resist it right from the word "go." But nevertheless, I was collected for several mornings until I said, "I was sick"; and after that I was called in and I was arrested. Now regarding the documents that I might have participated in; they were particularly three documents. Following the first press conference of Idi Amin on the 28th of January, Kibedi, Ocima and I, sat together and composed a release from the press conference what the man had said. And you all know what he had said. And this release which we put together was used for Radio Uganda News that evening. That was one document. Second document; we went -I went as a reporter in the Ministry of Information vehicle with cameramen from the Uganda Television to the Entebbe Air Force place, on the 7th - am I correct about? I think it was on the 7th - I can check the dates - of February, when Amin, for the first time, went to the Air Force Base to inspect it. He made his address and, I was taking notes; and it was my responsibility to write the Radio story of the story of the Ministry of Information regarding that occasion. From there - after Amin had talked to the Uganda officers and men of the Air Force; and I think this is of interest to you; we were walking from one section to another section. There the Israelis were lined up to receive Amin; Israeli pilots and what have you, people who were attached to the Air Force - Israelis were attached to the Air Base. And Mr. Kyemba had just returned from Dar-es-Saalam and joined Amin's government. As we were walking from the Uganda side of the Air Base to the Israel side with Amin - and that is why I get very sensitive sometimes about this kind of inquiry; what were you; and that kind of thing - Kyemba turned round and told me, Namakajjo, what are you doing here? You were General Service. I told him, "Kyemba, do not be stupid; you were close to Obote than anybody; if anybody constituted a danger, it should be you." And Amin overheard this conversation; and he told him; he said, "Kyemba, do not cause problems; leave those people alone." And Amin told me, after this, you must come to the State House; there is a delegation from Congo, I want you to write a report about that. I had one car with cameramen; I think some of the cameramen are still at the Ministry of Information; they can testify to this. And if I recall correctly I can name names. So we moved from the Air Base to the State House. I sat down and wrote my report of the speech he made at the Air Base; and Ocima picked it and read through it; and he said, this is very good. So I gave it to the people I had come with who had to take the few materials to be processed before the 7.00 o'clock news. Ocima volunteered to bring it back to Kampala that night. And you know, there was cash in those days. So I was on standby to write the second story of the delegation which was coming from Congo - it was called Congo in those days before it was renamed Zaire. This delegation was headed by Prince John Barigye; and it included people like Captain Onzi and Captain Mki M-k-i I do not know whether that is how it is spelt; and somebody by the name Luyombya. So we waited for this delegation; and they did not come for a long time. Now 8.00 o'clock news came on T.V; and we all kept quiet and listened in the living room, which we call No.5 at the State House. Amin was terribly unhappy with what I had written. At that time Kibedi had also arrived

from Kampala, and he was waiting for that delegation from Congo. So Amin said, Namakajo is a bad man; I think Kyemba was right; I told the people at the Air Force Base that Akena Adoko was a big thief; he used to earn Shs.187,000/= (one hundred and eighty seven thousand shillings) a month; we caught the cheque in the General Service; and you did not say this in your report. I told Amin and I said, "you know, not everything you said was put in there; but I tried my best"; he spoke about an hour and a half. He said, "no, no, this was important; but this man is your friend, that is why you are covering him". So I apologised and I said, "I will telephone and they will include in the next bulletin". And that I did. So that is the story about the second document. The third document was - briefing when Barigye finally arrived with his delegation; I sat on the briefing and I took notes. Then Kibedi got sensitive and said, these things are not for Radio, these things are not for the press. And Amin said, "I asked him to be there; let him put it on the Radio". That is my third document. And from the State House on that day, I never worked until I was called and arrested at Parliamentary Building. So these are the only three documents that I participated in. So if I gave the impression that I wrote the Eighteen Points or anything like that, I am sorry.

DR. LUYOMBYA: No, no, it was not that impression; you did not give that impression; but I wanted to know - I am trying in my mind to find out the authors of the statements that Amin put out; whether it was his original ideas or whether somebody else contributed in the ideas that Amin was putting forward. I am not blaming you for anything.

NAMAKAJO: In my view, most of those documents were authored by Wanume Kibedi. Most of the documents that were supposed to be released as official documents, I think, were written by Mr. Wanume Kibedi.

CHAIRMAN: Sorry, Commissioner - even I may ask - do you know who wrote the Eighteen Points?

NAMAKAJO: No, Sir.

CHAIRMAN: Learned Counsel, we, on this side, have asked our questions and we have finished. Unless you have anything more to find out from Mr. Namakajjo; that would seem to be the end of his evidence.

COUNSEL: I think he has covered what I wanted to ask from him. I wanted to find out the causes; and I think, in my view, he has. And I was going to ask him about remedy or prevention, and I believe, this has also been given by his suggestion of new economic social order. So I think, I have got what I wanted from him.

CHAIRMAN: Yes. Okay, Mr. Namakajjo, it remains for me only to say that, we thank you very much for having come to give the evidence you have given to this Commission. You have been most enlightening; I think you had some of the knowledge which few people perhaps have in this country with regard to January/February, 1971; and about the Mutukula incident. We also thank you for having brought the film which you showed to us

NAMAKAJO:

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NAMAKAJO:

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earlier in the morning; and if you have any more documents which you think are relevant to this Commission, could you please turn them over to our secretariat. I would also like to remind you to try to trace and identify some of those 200 journalists to whom you have referred; if you have any information, you give it to our investigators so that we can contact them. Well, thank you very much for your evidence.

NAMAKAJO: Well, I wanted to show you this film related to some of the things I have talked about earlier. That shows - two copies of that film were sent to me by the Australian. One is the professional gauge haematic for use for television; and one for the domestic use, which is that gauge there. And I gave the Uganda Television their copy; and I asked them again and again before they could screen it; they have never done so. I have reasons to believe that elements there were no people to protect human rights. Because I do not see any reason why I have never been put on television.

CHAIRMAN: Now that you have spoken about the film, I will perhaps start by saying that, Mr. Namakajo, we would like to request you to make your film - the film available to one of the technicians we have so that we can have it dubbed; we would like to have a copy; if you can permit us; if you will not be violating any copyright.

NAMAKAJO: You are most welcome; but I wanted to use your good offices, Mr. Chairman, to see, if Uganda Television could, since this Commission is going to screen that film. They have the professional copy which I handed to the Director of Television about a year ago; they never used it. I also want to point out, Mr. Chairman, that apparently there has been black out on my contribution before you on Radio Uganda. I am also surprised about that.

CHAIRMAN: I see. Well, we have seen the film here this morning; I do not see anything which somebody will like to exclude from the view of people of Uganda. I will certainly recommend that the Uganda Television should screen this film for the public. Because we have seen it; I think it is a good record of what happened. I do not see why anybody would want to keep it off -to keep secret. So we have the U.T.V. representative here; we urge him to go and try to use the influence and get the film screened. If it is necessary for us to intervene, we are willing to do so. As to the blacking out of your appearance on Radio Uganda, I do not know; we have to find out the reason why.

MR. KISUULE: I told you, Mr. Chairman, this morning, I think I explained to you this morning.

CHAIRMAN: No, Radio Uganda.

MR. KISUULE: Yes, it was the same thing.

CHAIRMAN: Yes.

MR. KISUULE: That is the story I told you about, this morning; about the real implications which we were trying to reply.

CHAIRMAN: Yes. Mr. Kisule, you told me only for my hearing; the rest of the Commissioners were not yet here.

MR. KISUULE: Which you can also transmit, Sir.

CHAIRMAN: Would you like to go on record to -

MR. KISUULE: No, I would urge you to transmit this, (Laughter).

CHAIRMAN: Mr. Namakajjo, Mr. Kisule briefed me; well, that may be part of the reason - one of the reasons why part of your evidence has been blacked out. He advised me as to what happened. I will inform the rest of the Commissioners since Mr. Kisule does not want to go on record. But I will ask him to let you know also. Could you tell Mr. Namakajjo direct what happened?

MR. KISUULE: I told him.

CHAIRMAN: You did?

MR. KISUULE: Yes.

CHAIRMAN: Well, I will take it up with the appropriate authorities in Uganda Television and Radio Uganda. We shall adjourn the inquiry for 30 minutes; we shall resume here at 1.30 p.m. this afternoon.

CHAIRMAN: Commissioners, Learned Counsels, Ladies and Gentlemen, Counsel let us resume the Session of this afternoon. And shall we have the next witness?

COUNSEL: My next witness is Mr. Kayondo.

CHAIRMAN: Counsel, this would be Witness Number 162. Is that right? Correct me.

COUNSEL: It is 162.

WITNESS NO.162: MR. DAVID BONEFASI KAYONDO - SWORN IN

COUNSEL: Would you state your names, please?

KAYONDO: My name is David Kayondo.

COUNSEL: Benefasi.

KAYONDO: David Bonefasi Kayondo.

COUNSEL: How old are you?

KAYONDO: I am 39 years old.

COUNSEL: You are a Banker with the Co-operative Bank?

KAYONDO: Yes.

COUNSEL: Where do you live?

KAYONDO: I live at Buziga.

COUNSEL: Would you let us know your educational background?

KAYONDO: I have a B. Sc. Agriculture of Makerere University and then an M. Sc. in Agricultural Economics from the University of Nairobi.

COUNSEL: For how long have you worked with the Uganda Co-operative Bank?

KAYONDO: It is 12 years now.

COUNSEL: And what is your position now?

KAYONDO: My position now I am the Secretary to the Bank.

COMMISSIONER: What!

KAYONDO: I am the Bank Secretary.

COUNSEL: Do you recall 27th August, 1982?

KAYONDO: Yes I do.

COUNSEL: Why do you recall it?

KAYONDO: This was a Friday and it was a day on which I was arrested along with others.

COUNSEL: I see. So, on this day, you were arrested.

KAYONDO: Yes, please.

COUNSEL: Where were you arrested and what were you doing?

KAYONDO: We were at a Bachelors' Party at Silver Springs Hotel that is where I was arrested.

COUNSEL: I see. Whose bachelors' party?

KAYONDO: Norman Kuluwa.

COUNSEL: How did you happen to be at this bachelor's party?

KAYONDO: Norman Kuluwa had been a close friend of mine and I have been among the people who had been making the arrangements for the wedding.

COUNSEL: Who was Norman Kuluwa or who is Norman Kuluwa?

KAYONDO: Norman Kuluwa was the one who was going to wed.

COUNSEL: There were some details about him.

KAYONDO: Well, I came to know Norman Kuluwa in 1975; by then he was working in the defunct East African Community in the Meterological Department. Then we got to know each other and he became a close friend of mine. When he came back in 1977, we stayed together. We continued to be friends and then later in 1979 - 1980 - we were allocated business premises together and another colleague of ours. So he was a close friend of mine and a business associate.

COUNSEL: I see. Under what names were you running this business?

KAYONDO: Outspan Enterprises apparently it is still there, as a business.

COUNSEL: Where do you operate it?

KAYONDO: It is on Market Street, Plot 3/4.

COUNSEL: Who was the third partner in this business?

KAYONDO: Mr. Nkera.

COUNSEL: Who is Mr. Nkera?

KAYONDO: Mr. Nkera is also another friend of mine. He works with the Bank of Uganda.

COUNSEL: So he was getting married the following day.

KAYONDO: The following day.

COUNSEL: To whom?

KAYONDO: Esther - I do not remember the other name.

COUNSEL: Where did you decide to hold the bachelors' party? Where?

KAYONDO: We held it at the Silver Springs Hotel, the Swimming Pool.

COUNSEL: Silver Spring - Kampala, along Luzira -

KAYONDO: Along Luzira -

COUNSEL: Port Bell Road.

KAYONDO: Port Bell Road.

COUNSEL: I see. Now, when did the Bachelors' Party start?

KAYONDO: It started at around 5.30.

COUNSEL: Now what happened and when did it happen?

KAYONDO: What happened is that the party started at that time. People started coming. I was there with my wife with other people. Then we started drinking; later we started dancing. Now, when it was around seven - well, I do not remember exactly the time, but it was getting dark - I was on the floor dancing. Then someone called - I came to know him later as - Lira-lira; he approached me -

COUNSEL: As who?

KAYONDO: Lira-lira. He approached me and he introduced himself as a security officer and he said that he wanted to take me to Mbuya Barracks for a short interview and he would then bring me back. Well, I said, "No. Why do you want to take me to the barracks?" Luckily enough, Mr. Charles Olet who was, at that time, the Commissioner for Customs and Excise happened to be there. So I went to him. I said, "You know this man wants to take me and I do not know why he wants to take." Mr. Olet happened to know him. They talked together. The gentleman insisted that I should go with him. Then a scuffle developed. Then Norman came up and Amoti and asked what was happening.

COUNSEL: Sorry, stop here. So Norman Kuluwa came and who?

KAYONDO: And Amoti.

COUNSEL: Well, Amoti, what is his other name? Rucharekere.

KAYONDO: Rucharekere.

COUNSEL: Yes.

KAYONDO: So they came up to ask what was happening. Then other security men also came in - quite a number.

COUNSEL: You mean there were some security men enjoying this bachelor's party?

KAYONDO: Yes, yes, yes.

COUNSEL: You had invited them.

KAYONDO: No we hadn't.

COUNSEL: But they had joined you.

KAYONDO: Yeah. Prior to that man's coming, there had been other two security men; and that was Matiya Okaremu; that one had joined us earlier with another one whom I came to learn later that he was called Karamojong. So Matiya also with that one, they joined us. They pretended that they had to intervene; asking Lira-lira why he wanted to take me - where he

wanted to take me and why he wanted to take me. So they talked in Luo. Now it seems later, I think, Lira-lira convinced them that somehow I should go with him. Now the Normans said, "We have to go with him, if you are taking him." So they led me to the land rover which was outside and Mr. Charles O'let volunteered to accompany me. Then a few minutes, I saw Norman Kuluwa and Amoti being brought. They also were put on the land rover. Then entered the land rover. We did not know exactly where they were going to take us at that time; but, anyway, we ended up at Nile Mansions.

We were taken in a room - I think, it is 322; I think that is the room. So they just said that there were a few problems which would be solved in a few minutes and then we would be let free. But then, after five (5) minutes or so, they called in Mr. Charles O'let and, I think, they started rebuking him why he was in our company and so on. Then later someone came and said, "You are now under arrest. Take off your shoes," which we did, "and show all over the money and whatever you had - we had in our pockets." And then he brought us a paper for us to list the things which we were surrendering to him. And then another ten minutes passed. Then they came, they said - somebody called, I think, Dr. Onen he said, they wanted to go and search my house. At that time, I was living in Kololo Hill Drive. So we got out and entered a saloon car and then two land rover accompanied us. We went to my house. I think, that was at around mid-night or some minutes passed mid-night because people at home were already asleep. Anyway, we went to my house. They searched it. Then, after searching it, they brought me back to Nile Mansions; in Nile Mansions.

COUNSEL: When they said, they wanted to go and search your house, did they tell you why they wanted to search your house?

KAYONDO: Yeah. They said they suspected I had guns and that, if I have them, I should tell them before we go to the house.

COUNSEL: I see. May be, here to ask you, when this Lira-lira came to you, did he happen to know you?

KAYONDO: No that was my first time to see him.

COUNSEL: Now, when he said he wanted to search you, did he know whose house he was going to search?

KAYONDO: No, apparently, he is not the one - who - he did not come among the group which searched my house.

COUNSEL: What about Onen?

KAYONDO: Onen came. He was the leader of the group; but then, at the time of our arrest, Onen was not at the party; we found him in the Nile Mansions.

COUNSEL: Yeah, but, at the Nile Mansions, did Onen know you?
KAYONDO: No I did not know them.

COUNSEL: Did you introduce yourself to him?

KAYONDO: No.

COUNSEL: He simply said he wanted to search your house.

KAYONDO: He said, "Now, we want to go to your house." They searched the house. They got nothing except some newspapers: Citizen and so on; anyway, we came back to Nile Mansions and we spent there three (3) nights. The following Monday in the evening we were then - in the Nile Mansions, we had been asked to remove our shirts; so some time in the afternoon on that Monday, Onen came, returned our shirts; asked us to dress, then we moved in groups of two and taken out and put on a lorry, asked to sit. Then we were there and there about - either 33 or 39 of us. We were put on that lorry and then driven away towards Port Bell; but then when we reached the Silver Springs, we thought we were being taken to Luzira; but then, when we reached the -

COUNSEL: No here, please, before you even - you moved from the Nile Mansions, a search had been conducted at your house.. Was anything found a gun or guns?

KAYONDO: Nothing was found.

COUNSEL: Now, when you are taken to Nile Mansions, after the search, were you told why you were continued to be detained at Nile Mansions?

KAYONDO: No we were not told and I did't make any statement. I was not asked.

COUNSEL: How about your friends - Kuluwa and Rucharekere?

KAYONDO: Their houses were not searched; but they were made to make some statements. Then another thing, may be, I left out is that, when we got to my house, they asked me whether I knew Henry Mugisha. I said, "Yes. I knew him. He was a customer of the bank," and that was all. And they then said, they thought he was my friend. I said, "No he was just an acquaintance but not very closely friendly to me," and that was all.

COUNSEL: Yes.

KAYONDO: Anyway, that following Monday, we were put on a lorry and taken to a house which used to be known as Argentina.

COUNSEL: Now, but, before you leave this Henry Mugisha, was Henry Mugisha connected with this party or wedding?

KAYONDO: Yes, Henry Mugisha was supposed to have been the bestman; Amoti Rucharekere came in as a substitute.

COUNSEL: I see. Why did you say he was supposed? Did he fail -

KAYONDO: Yes, he - he

COUNSEL: What happened?

KAYONDO: He had ran away.

COUNSEL: When did he ran away?

KAYONDO: He run away may be, two weeks before the wedding, some time in July, I think.

COUNSEL: I see. Did you know why he run away?

KAYONDO: Yes, he had to run away because he had been tipped that they wanted to arrest him.

COUNSEL: I see. Did he give you the details?

KAYONDO: No he didn't.

COUNSEL: Now you can move with your story.

KAYONDO: So, when we got to Argentina House, we found there more soldiers who were guarding the house. So we were asked to get out of the lorry. We got out of the lorry and then we were asked to go. Before we entered the house, we were asked to undress. We undressed and remained in under pants. Then they asked us one-by-one to enter. You know, they would first beat you, using iron bars, then you would go - you would enter the kitchen. Inside there we found, I think, about 11 people and we stayed in that house for about three weeks and a half and then one day, I think, it was a Friday, the Lira-lira came in with another security man - I do not remember his name but he was a lieutenant, I think; he came in and he addressed us. He said, "The following people whose names I am going to read, their cases have been investigated and it has been found out that it is only jealous *"fitina"*. So the Government had decided to give them a police bond and they were going to be taken to Central Police Station where they will be given a police bond and then they will be reporting later. Then for the remaining group that their cases were being still investigated and they were going to be transferred to Makindye, Barracks." Anyway, he had the names - Lira-lira read the names and 11 of us, my name was the last on the list, we got out; we were put on a lorry. When we got out apparently our clothes had been stolen; so they have us anything that was available to put on. For the other group, there were not enough clothes; so they were just put on another lorry as they were in their under pants. Now, instead of taking us to the Central Police Station as they had said, we ended up in Mbuya Barracks. Again, as we were entering, we were beaten. So we were put in a cell again and there in Mbuya, we spent there a month -I spent there a month - and that is where I was released from on the 20th, I think, of October.

COUNSEL: October.

KAYONDO: October, 1982.

COUNSEL: Was it October or September?

KAYONDO: No, October.

COUNSEL: October. Okay, I will take you back to give us some more details. Now, while you were at Nile Mansions, are there some other people you know that joined you in Nile Mansions as prisoners?

KAYONDO: Yes.

COUNSEL: Could you tell us these people?

KAYONDO: Yes, as we had just come back from my house - from searching my house -Fred Banya was brought in. He had been arrested while going to his home at Kabalagala. Then later at mid-night a lady was brought in by the name of Betty and the husband was called Ivan - the husband was also killed some time back in 1984. We found there other prisoners whom I knew: There was Sula Kiwanuka - Haji Kiwanuka; there was Male, there was Kizito Mubanda; there was Okwera - Charles Okwera and some others I do not really remember some time back.

COUNSEL: I see. Apart from this Betty, is Betty the only woman you had at the Nile Mansions?

KAYONDO: Yeah, she is the only lady we had at the Nile Mansions. But in Argentina we found there - there was - another lady by the name of Cissy.

COUNSEL: Cissy who?

KAYONDO: It is Cissy - is it Kagodo? Kagodo I think.

COUNSEL: Any other woman?

KAYONDO: No there were two women only.

COUNSEL: I see. Now would you tell us the conditions while at the Nile Mansions? Were you well looked after? Did you sleep well, properly? Did you have bedding? Did you have food? We want you to tell us the conditions at the Nile Mansions.

KAYONDO: Well, at the Nile Mansions, there were beds. I remember there were two beds in that room in which we were; but we were meant to sleep on the floor; and others - in fact, that very day when our group was brought in, they said they had brought in V.I.P. prisoners; so these ones who were found there - the Haji Kiwanukas and so on slept on the verandah. Anyway, later the following day they joined us.

COUNSEL: Yes.

KAYONDO: Now for food, I think, we ate - yeah, if I can remember correctly we ate -

twice: Yes in the Nile Mansions.

COUNSEL: During the period you were there.

KAYONDO: During the period I was there.

COUNSEL: How about washing - bathing?

KAYONDO: "Washing", we could bathe because there was water in the bath-room.

COUNSEL: Was there any kind of torture carried out in your presence?

KAYONDO: Yes.

COUNSEL: Please, tell us.

KAYONDO: Well, adjacent to the room where we were, there was another room which was serving as an office. That is where someone would come in, he calls in a prisoner and he goes there for interrogation and torturing as well.

COUNSEL: What kind of torture was being carried out there?

KAYONDO: Beatings.

COUNSEL: Did you undergo this torture?

KAYONDO: Yeah, I was just beaten once at the back.

COUNSEL: By what?

KAYONDO: By an iron bar.

COUNSEL: Who beat you?

KAYONDO: It was Karamojong.

COUNSEL: You mean Karambjong was a name or the man was a Karamajong?

KAYONDO: I do not know. I think, that was a nickname; but I did not know his right name.

COUNSEL: You mean they were calling him Karamojong?

KAYONDO: Right.

COUNSEL: What about your other colleagues?

KAYONDO: Amooti was beaten and Betty, Fred Banya was beaten also. These were beaten more than we were beaten ourselves.

COUNSEL: I see. Did you find out why they were beating them severely?

KAYONDO: Because Fred was taken for interrogation but another problem, I think, in room five something, either on the fourth floor or fifth floor, and that is where they were beaten. Now Amooti was also taken for interrogation.

COUNSEL: Did you talk to them to find out which charges they had been charged with?

KAYONDO: Yeah, the charges were that they knew where Henry was and that they are the one who had escorted him.

COUNSEL: I see.

KAYONDO: And his family.

COUNSEL: I see. So they were arrested and beaten because Henry Mugisha had left Uganda.

KAYONDO: Right.

COUNSEL: Okay. Now, when you were taken in a lorry, say you were taken to Argentina, what is Argentina? It is a country? What is it? We do not know it.

KAYONDO: Argentina is a house. It was a private house in Mbuya. For sure, I do not think, I would know where its location because of the circumstances in which we were taken.

COUNSEL: But can you tell us some important place where - you know, if you are directing us how would you direct us to reach that place?

KAYONDO: As you are approaching Silver Springs Hotel, there is a road called Solent Avenue, that was the road we took. And we did not get to the house as such. It was along that road that the lorry was made to stop. We stopped and then we were led to the house which way, may be, about 100 yards away.

COUNSEL: I see. Now what was the condition of the house -this - Argentina?

KAYONDO: The conditions were really very bad. You see, we stayed there in underwear. Those underwears got torn. We were not being given food; if it was given, it was not sufficient. They would bring in some posho and some tinned beans. Then, on top of that, that kitchen was too small for the number because at one time we were about - we were 52 of us; one was a soldier who was taken out later and then another one was killed there. That one I witnessed his killing. Then we were not supposed to talk. We were not supposed to stand up. You know the house was surrounded by soldiers. However, what actually saved us was that there was water in the kitchen. So we drank that water; otherwise when the tap got dried up, you know, some people would be forced to take urine.

COUNSEL: Was any torture carried out at this place?

KAYONDO: Yeah, a lot of it.

COUNSEL: Yeah, please, tell us all these details and who was carrying out these tortures and so on and so forth.

KAYONDO: You see, the tortures were being carried out by the soldiers. If, for example, they happened to hear any noise coming out of the room, they would open the door; and they had a captain -somebody called "Captain", and they would ask who was making the noise. Now out of fear, you know, the prisoners would just say, "You," and then they would take you out and they beat you. I remember that one who was killed; it took them just three minutes. They beat him within three minutes. He fainted. Then, when he fainted, they brought him into the room and he died there. We spent with the body the whole night. Then the following morning, I think, that Lira-lira came and he said, "I hear you have a sick man here," and that was already a dead man. Anyway, we were made to lift the body - we lifted - the body; put it in a garage then the following evening, at around ten at night, Lira-lira came for it and we put it on the land rover. It was taken. Then another torture I witnessed myself is that we were meant to go to ease ourselves once every day. And we would go one-by-one. Now, you knew, there were very many soldiers. So we would just go straight to the toilet; if you happened to look at any of the soldiers, then they would beat you. Another torture is that they used to come - the officers from the Nile Mansions because that prison was meant for Nile Mansions; they would come - to interrogate some prisoners. Those would be beaten thoroughly.

COUNSEL: You mean during the interrogation.

KAYONDO: During the interrogation - there was another room there but for me I was not interrogated.

COUNSEL: Was the place well ventilated?

KAYONDO: No it wasn't. They closed all the windows. They were not meant to be opened.

COUNSEL: Even the ventilators.

KAYONDO: Even the ventilators - and because of the heat actually we developed boils.

COUNSEL: Were you getting doctors? There were doctors coming to see those who required medical care.

KAYONDO: No, there were not. We had been deceived. We thought that that gentleman whom they were calling doctor; we thought he was a doctor. Apparently, later we came to find out that he had been nicknamed doctor because of his torturing system.

COUNSEL: How about Lira-lira - is it a proper name or he has another name?

KAYONDO: Lira-lira, yes he had another name. I think, he was called Ọlupot.

COUNSEL: Now, who was in-charge of this Argentina House?

KAYONDO: What we were told is that the soldiers who came to guard us those used to come from Kireka Barracks. Now permanently there was stationed an old man they used to call Mzee.

COUNSEL: What was the behaviour of this Mzee? Was he a good man?

KAYONDO: What I remember was that, when we were taken there, our first night there, he came in and he said, "You know." He felt very sympathetic with us. He said, "These are the problems men have got to go through. If you are lucky, you are going to come out; if you are not, you will die" Apparently, that very day, anyway the previous Friday, a group of 13 people had been taken away from that house under the pretext that they were being released. They have never been seen.

COUNSEL: Did you know any of these 13 people that were taken away?

KAYONDO: Yeah, I know someone called Rutembesa.

COUNSEL: Rutembesa.

KAYONDO: Yes.

COUNSEL: Who was Rutembesa?

KAYONDO: He was a businessman in town.

COUNSEL: Yes. Did you know where he operated his business?

KAYONDO: Yes, he operated his business on Kampala Road. He was - I was told that he was - arrested on Kampala Road.

COUNSEL: Yes.

KAYONDO: Just in front of the courts.

COUNSEL: Yeah, you mean, when you came back, you have not checked on him?

KAYONDO: When we came back, he has never been seen.

COUNSEL: He has never been seen?

KAYONDO: He has never been seen.

COUNSEL: Yes.

KAYONDO: Along with another 12.

COUNSEL: So, when you were taken to Mbuya, were you told why you were detained there for over a month? Because you were being promised you have been released.

KAYONDO: Yes.

COUNSEL: Yes. Why were you detained there for a month? Did you find out?

KAYONDO: When we got to Mbuya Barracks, we used to get some visits from the Nile Mansions. We were prisoners of the Nile Mansions. Now they would come just to look at us and promise that we would be released any time; but then later - you know they kept on bringing in more people. So we all turned to be - as they were calling us guerrillas. At that time, we had gone there 11, I think, eventually the number got to around 200. Now some time in September that year, they brought in some people to identify us; people who had been arrested from the frontline. So some people would be picked up. They would then be taken to Luzira. Now my group and others we continued to stay there until, I do not know what happened, when they decided - because that very day when I was released, the barracks was also emptied. All of them were taken to Luzira Prison.

COUNSEL: Yes. How did you gain your freedom?

KAYONDO: It was just in the morning when someone - he was an intelligence officer - from Mbuya Barracks - called Smith he came in. He said, I was wanted at the Quarter Guard. So I was taken and he said, "We are waiting for some transport. We want to take you somewhere." Anyway, a land rover came. They put me on and I was brought to Nile Mansion - Room 211. I spent there the whole day. They gave me food. They sent for clothes from my house. Then later in the evening Captain Peter Owili put me in his car and he took me home.

COUNSEL: Whom did you find in this Room 211?

KAYONDO: 211 I found there Morris Okello. He is the one who received me and some other soldiers. In fact, those soldiers, when I got there you know -I was very shabby; I was in a very bad state. So they started beating me.

COUNSEL: You mean beating you.

KAYONDO: Yes.

COUNSEL: Yes. Why?

KAYONDO: Because they were saying I was a guerrilla.

COUNSEL: I see.

KAYONDO: Anyhow, it is Morris who came and stopped them. He kept me there. He is the one who gave me food and he sent for my clothes. Then I sat at the verandah. I was full of lice. Anyway, I sat at the verandah. Then

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later the Captain came. He looked at me. Then he said. "So you are the man we have been hearing about"; because, you know, a lot of approaches had been made on my behalf to all sorts of people but, anyway, he released me that day.

COUNSEL: Now what were the conditions at Mbuya as compared to Argentina? How do you compare the conditions?

KAYONDO: I think, the conditions in Mbuya Barracks were better - far better - than the ones in Argentina because, for example, when we were brought in from Argentina, we were given sufficient food. Some of us - those ones - who were sick we were taken to the clinic; because, at that time, when my group came in, we were very few. We were 11 prisoners; others were soldiers. So, when they saw us, they wondered how we had survived in Argentina. So we were well treated. But then later when the number increased, things became very bad because they started - you know - beating us also.

COUNSEL: So, when you were released, did you find out whether any money had been paid towards your release?

KAYONDO: Apparently no money had been paid; what was paid was I think taken.

COUNSEL: To who? By who?

KAYONDO: My wife gave someone some money. Some soldiers used to come to pretend that they were bringing me food. She would give them money; otherwise, there was no substantial amount of money paid.

COUNSEL: Did you find out who caused this pressure for you to be released? Is it your employer?

KAYONDO: No it was not my employer.

COUNSEL: Yes.

KAYONDO: Because, in fact, my employer had given up.

COUNSEL: Yes.

KAYONDO: They had tried the Minister at that time because I was told that -

COUNSEL: Who told you?

KAYONDO: By my colleagues at work- you know - when they heard that I had been arrested, then they called a Management Meeting because I was a senior member of staff; and the Minister had asked management to stand for me. And that was Rwakasisi, I am told, he had asked my Minister to ask Management of the Bank whether they were ready to stand for me. Now, when the General Manager at that time called a meeting, I think, they found it difficult. They said I was a good worker during the office hours but they did not know.

COUNSEL: What do you mean - to stand for you because we shall find out? You mean your Directing Manager was - your Manager was Mr. Dan Bireju.

KAYONDO: Oh, yes, he was Dan Kireju.

COUNSEL: Yes. So he was asked to stand for you?

KAYONDO: Yes.

COUNSEL: Did you find out "standing for" meant - what that meant?

KAYONDO: That it meant to stand for me that I got released.

COUNSEL: And did you say that this was -

KAYONDO: To assure them that I was not a bandit.

COUNSEL: Right. That is all, my Lord. Incidentally, have you seen these people with whom you were arrested with, namely: Norman Kuluwa, Amooti Rucharakare, Fred Banya?

KAYONDO: No I have never seen them; actually their group was about - they were about -we were 49, so that was about - 38. I have never seen them.

DR. LUYOMBYA: Where were they separated from you? Was it at the Nile Mansions, Argentina House or?

KAYONDO: Argentina House.

DR. LUYOMBYA: Argentina House.

KAYONDO: Yes.

DR. MAKUBUYA: Yes, Mr. Kayondo, I must congratulate you on your luck because many other people have not survived this kind of thing. But, in any of these three detention places, were you allowed some time in the sunshine.

KAYONDO: No, we were not allowed.

DR. MAKUBUYA: I see. No exercise or anything.

KAYONDO: No.

DR. MAKUBUYA: You know, you mentioned that, when you were in - was it Mbuya, yes, when you were in Mbuya, they brought in some people to identify you.

KAYONDO: Yes.

DR. MAKUBUYA: Yes, I am not sure what this was about! Who were these people who were brought in?

KAYONDO: The people who were brought in, these are the people whom they were

calling former guerrillas who had defected or who had been arrested. So they would be brought in and we would then be paraded and they would be asked to identify their colleagues.

DR. MAKUBUYA: When you were first taken to Nile Mansions, those people asked you - they said they were going to search your house. Did you direct them to your house or did they know already?

KAYONDO: No I directed them to my house. I went with them.

DR. MAKUBUYA: You also mentioned that you found - on the 20th of October 1982, when you went to Nile Mansions, Room 211, you found there Morris Okello.

KAYONDO: Yes, I did.

DR. MAKUBUYA: Did you know this Morris Okello before?

KAYONDO: No that was my first time.

DR. MAKUBUYA: How did you know his name?

KAYONDO: I came later to know it.

DR. MAKUBUYA: Okay. You also said that Captain Peter Owili took you in his car to your house. Who is this?

KAYONDO: Captain Owili was the officer-in-charge of that room.

DR. MAKUBUYA: In-charge of 211.

KAYONDO: 211 and he is the one who released me.

DR. MAKUBUYA: And drove you to your house.

KAYONDO: Right.

DR. MAKUBUYA: Yes. How does he explain your imprisonment or release?

KAYONDO: They just said, it was unfortunate, mistaken identity.

DR. MAKUBUYA: That is from Peter Owili.

KAYONDO: No, not from him alone and the others.

DR. MAKUBUYA: Yes, but -

KAYONDO: When I was being released they were apologetic.

DR. MAKUBUYA: They were somewhat apologetic. Of course, I have some difficulty with the last part which talks about the role of your employer. In most of these things it is the employer who was picking it up and so on; in your case, it does not seem to have been the case..

KAYONDO: No.

DR. MAKUBUYA: Yes. Have you found out something about the role of your employer when you were away?

KAYONDO: No the role of my employer, they really tried to make approaches also. They approached the Minister. Ministers were approached.

DR. MAKUBUYA: Yes.

KAYONDO: My Minister was asked to write a report. He wrote a letter.

DR. MAKUBUYA: Who was the Minister then?

KAYONDO: Mr. Kanyomozi.

DR. MAKUBUYA: Yes. And still -

KAYONDO: They tried.

DR. MAKUBUYA: According to your information. But then what they could not give was the guarantee that you were not a bandit.

KAYONDO: The guarantee. They couldn't.

DR. MAKUBUYA: That you were not a bandit. Then why couldn't they say so? You had been working with them for how many years then? Is it nine (9) years or so?

KAYONDO: That was nine (9) years.

DR. MAKUBUYA: Yes and they knew you why couldn't they? Why do you think they couldn't swear?

KAYONDO: I said they knew me in the office but in my private life as they said, they did not know what I indulged in.

DR. MAKUBUYA: Incidentally, were you the Bank Secretary then?

KAYONDO: No I was the Agricultural Development Manager.

DR. MAKUBUYA: Okay. And you became a Bank Secretary.

KAYONDO: Just this year, I am still acting.

DR. MAKUBUYA: Okay, okay. When did you resume work after these traumatic experiences?

KAYONDO: I resumed in January.

DR. MAKUBUYA: January, 1983.

KAYONDO: 1983.

DR. MAKUBUYA: Yes, and how were you received at the bank?

KAYONDO: Okay. They were happy. In fact, someone from the President's Office came and interviewed me.

DR. MAKUBUYA: After you had resumed.

KAYONDO: After I had resumed.

DR. MAKUBUYA: About what?

KAYONDO: About my experience and asking all sorts of questions. Apparently, they also wanted to know the whereabouts of the Normans.

DR. MAKUBUYA: Yes. It sounded as if they didn't know what had happened to them.

KAYONDO: Yes that is what it sounded like.

DR. MAKUBUYA: I see. Thanks.

KAKWENZIRE: Mr. Kayondo, I have seen Mr. Henry Mugisha around. Have you had an opportunity to talk to him about why they were looking for him?

KAYONDO: Yes.

KAKWENZIRE: Why were they looking for him?

KAYONDO: I think, it is that he had some problem - a house problem - with the late Dennis Ochwo. Ochwo happened to be living in his house which Mr. Mugisha had bought in Kololo, Mackenzie Avenue, I think. Now he bought it out of auction. Now Dennis Ochwo bidded for it; but then Henry was the higher bidder. He got it. But then Dennis was staying in. Later I am told Henry, another Dennis you know was asked by Henry.

KAKWENZIRE: To leave.

KAYONDO: To leave the house.

DR. MAKUBUYA: Yes naturally. It wasn't his house any more. Goes out.

KAYONDO: Dennis refused but Henry went ahead to make arrangements to get him another house, which he got; and he paid for it, I am told. But then - well - Dennis moved out but the grudge stayed; and apparently, the man who arrested us was his brother. That is Matiya Kokalemu.

COUNSEL: Brother of who?

KAYONDO: Brother of Dennis.

KAKWENZIRE: Still it sounds to me that you should all be branded with Henry Mugisha. Were you friends or did you have interest in that kind of conflict? Had you assisted him, for instance in trying to remove Ochwo?

KAYONDO: No what I know is that Henry was a close friend of Norman and he was going to be his bestman. Because of Norman, Henry came to be an acquaintance. He is a friend; otherwise, I didn't know anything. Even at that time personally I did not know Kokalemu. I did not know Dennis Ochwo. I had never seen him.

KAKWENZIRE: It remains a mystery to me.

CHAIRMAN: Mr. Kayondo, your evidence has been clear enough to us. So we do not need to bother you with any more questions. I would like to thank you for having come and for the evidence which you have given on this matter. Thank you.

COUNSEL: The witness, at the moment, that is the brother of E.B. Rukyalekera.

WITNESS NO.163: MR. MUHAMOOD RUKYALEKERE - AFFIRMED

COUNSEL: Would you state your name, please?

RUKYALEKERE: Muhamood Rukyalekere.

COUNSEL: How old are you?

RUKYALEKERE: I am 38 years.

CHAIRMAN: Counsel, I did not get the second name properly.

RUKYALEKERE: Rukyalekere.

COUNSEL: Where do you live?

RUKYALEKERE: I am a businessman.

COUNSEL: Where?

RUKYALEKERE: I am operating from Crusader House.

COUNSEL: What kind of business?

RUKYALEKERE: Import and export.

COUNSEL: Now, do you remember the 27th of August, 1982?

RUKYALEKERE: I do remember.

COUNSEL: Why do you remember that date?

RUKYALEKERE: That is when my late brother was picked and since then I have never seen him.

COUNSEL: Who is your brother that was picked up that day?

RUKYALEKERE: Called Edward Balintende Rukyalekere.

COUNSEL: Edward.

RUKYALEKERE: Balitende Rukyalekere.

COUNSEL: Why was he picked up and were you present?

RUKYALEKERE: He was picked up at the Silver Springs. Personally I was not present. I was at home.

COUNSEL: Do you know what he was doing at Silver Springs?

RUKYALEKERE: He had gone there to be a bestman of his friend who was going to wed the following day. He was attending the bachelors' party of his friend.

COUNSEL: Who was his friend?

RUKYALEKERE: Incidentally I know one name only. He was called Norman.

COUNSEL: When did you know about the arrest of your brother?

RUKYALEKERE: At around ten o'clock at night.

COUNSEL: The same day?

RUKYALEKERE: The same day. I was telephoned.

COUNSEL: Who telephoned you?

RUKYALEKERE: His wife - my late brother's wife.

COUNSEL: You mean they were together.

RUKYALEKERE: She was present when the husband -

COUNSEL: She was present when the husband was taken up.

RUKYALEKERE: Yes, please.

COUNSEL: Yes. What did she tell you?

RUKYALEKERE: She told me that, "Your brother has been taken and I do not know where your brother has been taken. But they have been beaten up badly."

COUNSEL: Now, when you say, "they", it means they were many. Did she tell you who others were?

RUKYALEKERE: She told me my brother, plus the bride-groom to be plus the driver who was called Wamala -

COUNSEL: Wamala.

RUKYALEKERE: Then the master of ceremony who was working in the Co-operative Bank. He was called David -

COUNSEL: Kayondo.

RUKYALEKERE: Kayondo.

COUNSEL: Yes.

RUKYALEKERE: And then Banya - something to do with Banya.

COUNSEL: Yes, this driver Wamala, whose driver was he?

RUKYALEKERE: He was my brother's driver.

COUNSEL: Did your brother have a motor vehicle?

RUKYALEKERE: Yes, please. It was a Mercedez.

COUNSEL: Now what happened to the Mercedez? Did she tell you what had happened to the car?

RUKYALEKERE: They had driven it. The thugs had gone with it.

COUNSEL: So they put the people on the vehicle.

RUKYALEKERE: On the vehicle, yes, please.

COUNSEL: Now, on receiving this information, what did you do?

RUKYALEKERE: Unfortunately, that night, I couldn't do much because that time the prevailing conditions could not allow me to travel at night. So I had to wait until in the morning.

COUNSEL: You mean, there was a lot of insecurity during that time.

RUKYALEKERE: Yes, please.

COUNSEL: Now what did you do the following day?

RUKYALEKERE: The following day, at about seven - I drove to town with a friend of mine called Cris Kaijjuka and we were trying to trace where these people had been taken. And this friend of mine knew; at least, he had enough connections as far as Nile Mansions was concerned.

COUNSEL: Yes, what did he do?

RUKYALEKERE: When we went there, we were told -

COUNSEL: You mean, you went to Nile Mansions.

RUKYALEKERE: Yes, please.

COUNSEL: Yes.

RUKYALEKERE: When we went there, we could not get the right person to direct us and we could not have risked further asking this and that because the arrests looked very serious. And earlier on we had been warned not to interfere with things to do with the arrest.

COUNSEL: When you say, "earlier", what do you mean, "earlier"; and why, "earlier?"

RUKYALEKERE: Yes see, earlier on, actually three (3) months before this incident happened, we were picked with my brother from Chez Joseph by one man called Captain Otim who was in-charge of Makindye Barracks. He took us to Makindye and he alleged that our vehicle which we were driving - it was a BMW; he alleged that - that vehicle had been used by the man called Museveni and he had seen it fuelling on a petrol station on Obote Avenue. So he was arresting us, trying to ask where we - how we - had known that gentleman called Museveni. So we were there for three (3) days. We never ate. But, incidentally, one man by the name - incidentally he is dead now, he was called - Lieutenant Kato; he did a lot and we were released after three (3) days. So, when we were released, this Captain Otim told us, "if you leave this place and you have seen what has been happening at Makindye Barracks, never do anything to do with security. So, when we went to Nile Mansions, we feared to ask anybody we didn't know.

COUNSEL: Perhaps, you would like to tell us what you saw at Makindye when you were there. What did you see?

RUKYALEKERE: When we were at Makindye, I realized - we were a couple of people; we were about close to 20 - 30; but every day vehicles would come; pick up about five people and those would never come back. And when we were asking those we found in, they said, "Oh, those have been taken to be killed." So, for us, we knew, may be, our fate was almost the same. So we were waiting. But, luckily enough, we were released after three days.

COUNSEL: What kind of treatment did you get at Makindye? Good treatment.

RUKYALEKERE: It was not the best; but we were not beaten badly.

COUNSEL: How about the others you met there?

RUKYALEKERE: Some were with wounds; some were with bruises all around; some with

blood stained on their clothes. So I do not know whether some were shot at or something. I do not know. But they looked they had been tortured somehow.

COUNSEL: Did you get food?

RUKYALEKERE: They were giving us kawunga but for us we did not get for three (3) days.

COUNSEL: Okay, now this is the first time you went to Nile Mansion, you didn't inquire much. So what did you do?

RUKYALEKERE: So what we did is - because this friend of mine, Chris Kaijjuka, knew Captain Otim - so we went and looked for Captain Otim.

COUNSEL: Yes.

RUKYALEKERE: And we got him and he told us, these gentlemen who had been picked from Silver Springs were in Nile Mansions.

COUNSEL: Yes.

RUKYALEKERE: And because me already I knew him as a bad man, I left it to my friend to find out. So we separated because we knew they were in the Nile Mansions; that was the first thing I was looking for. So what we were looking for next was to get somebody who would assist in having them released.

COUNSEL: What did you do?

RUKYALEKERE: I went to a man called Eriabu Wavamunno in his office and we telephoned Chris Rwakasisi.

COUNSEL: Who is Eriabu Wavamunno?

RUKYALEKERE: He works in Spear Motors.

COUNSEL: Yes.

RUKYALEKERE: And we rang Chris Rwakasisi, the then Minister of State.

COUNSEL: Why did you ring Chris Rwakasisi?

RUKYALEKERE: Just to be assisted because this was his personal friend; may be, he could have assisted as far as releasing my brother was concerned.

COUNSEL: What was the response? Did you get Rwakasisi?

RUKYALEKERE: We got Rwakasisi on the phone.

COUNSEL: Yes.

RUKYALEKERE: And personally I did not listen to the phone but I was told because I was

sitting next to Eriabu; and he told us that he had known of the arrest. They were looking for a gentleman called Henry Byamugisha; but then the gentleman who had been arrested was his great friend by the name of Rukyalekere. He knew it was a misidentity. So he told us that, since this is a misidentity, it is up to us to release him. "So you better leave it to us. Do not interfere with State Security Matters." So that is where we ended.

COUNSEL: Yes.

RUKYALEKERE: So from there as far as Eriabu was concerned this is where the story ended. So I tried again with my friend - Chris Rwakasisi; we looked for the wife and -

KAKWENZIRE: Chris Kaijjuka.

RUKYALEKERE: Chris Kaijjuka.

COUNSEL: Yes.

RUKYALEKERE: So we connected with the wife and of course, that day ended - that was on the 28th. So, on the 29th I really could not do much. I only met the wife of my late brother and she told me that she had connected with a certain Captain who was known by the name Wacha and, I think, his second name was James Wacha; and this gentleman was trying his level best to assist as far as releasing my brother was concerned. Unfortunately, while the wife was interested in her husband being released, this gentleman called Captain Wacha was not a Captain, may be, he was connected with a Captain; but I came to know that he was not a Captain; but he only managed to - I think, he was beseeching the woman instead; because hardly one week had gone by, the lady was moving with him. And incidentally when I asked the wife, I said, "What is going on?" She told me, "You do not worry, this gentleman is going to assist. He is going to do his level best." So, since I had been warned not to interfere much and I had already tested the cells, so I kept little bit away.

COUNSEL: Yes.

RUKYALEKERE: So three days later, since the lady convinced me she was doing her level best; so I went to the then Deputy Minister of Information who was called Matiya Kisembo - he comes from our village and just to look for assistance. I went to his house three times that day.

COUNSEL: Yes. Did you get him? You mean, this Matiya Kisembo was a Deputy Minister?

RUKYALEKERE: Yes, please.

COUNSEL: Deputy Minister of what?

RUKYALEKERE: Deputy Minister of Information and Broadcasting.

COUNSEL: You mean he was your M.P. of the area.

RUKYALEKERE: And he had stood against my brother.

CHAIRMAN: In what election?

RUKYALEKERE: In the 1980 Elections.

COUNSEL: In which constituency?

RUKYALEKERE: Hoima West.

COUNSEL: Yes, did you get to your M.P.?

RUKYALEKERE: After trying the first time, I failed; the third I managed to wait. That was around five o'clock. I waited at his house because I knew him personally; so I said I will have to wait for him until he comes. So at about 5.30 he came.

COUNSEL: Where was his house?

RUKYALEKERE: This was near Crested Towers. It was the house of the late Babiiha.

COUNSEL: Yes.

RUKYALEKERE: So, when he came at 5.30 I was sitting behind with his wife because I knew them as family friends, although they were not on good terms politically. So, when he came, I had already briefed the wife that, in case, I do not see him this evening, please, let him know what has happened -what has been going on with my brother. So, when he came, he found me seated behind his house; he didn't greet me. He just walked back. He was with the late Rugadya -he was an M.P. And, when he didn't talk to me I said may be he was thinking of something else. So I went and followed him up in the sitting room; and only to be told that I was not welcome in his house because I am a guerrilla and I was dealing - he was not ready to deal with guerrillas. So he told me he couldn't help. I should get out of his house.

COUNSEL: You mean, when he said he couldn't help. Had you already talked to him about the arrest of your brother?

RUKYALEKERE: No, no, I had left a message with his wife and his wife had talked to him already.

COUNSEL: Yes.

RUKYALEKERE: Yes, please. So, when he found me there, he knew exactly what I had gone for.

COUNSEL: Yes.

RUKYALEKERE: So, when he told me that he could not assist; he told me, he had nothing

to do with my brother; let me try elsewhere; he told me to leave his house. And he had gunmen - policemen - guarding him; so I feared and I thought, if I continued arguing with him, he would arrest me too; because things had changed from what I had expected.

COUNSEL: Yes.

RUKYALEKERE: So I left his house and I went away. So from there I really, since this gentleman I thought he would help, I thought, may be, they may follow me up. So I gave it up; everything I gave it to my wife because I thought I was also risking my own life.

COUNSEL: You mean sister-in-law. You left it with your sister-in-law.

RUKYALEKERE: Yes, please.

COUNSEL: Yes. And what happened?

RUKYALEKERE: As far as what?

KAKWENZIRE: About your brother.

COUNSEL: And his driver and so on and so forth.

RUKYALEKERE: As far as I am concerned, those four days, all I knew he was in Nile Mansions; but shortly after a friend of ours told us that they had been transferred to a house called Argentina in Mbuya.

COUNSEL: Yes.

RUKYALEKERE: And there was one lady incidentally she was working with the Vice-President, she stays in Bugolobi - she is one of -

COUNSEL: Emerida.

RUKYALEKERE: Emerida yes -

COUNSEL: Yes.

RUKYALEKERE: Somebody told me that that lady could assist because she was working with the Vice-President and the Vice-President was aware of their arrest. I went to her. She told me, "Okay, I am going to assist you and I am going to find out what is happening to them." In fact, she is the one who told me that they were in Argentina House then.

COUNSEL: Yes.

RUKYALEKERE: So, when they were in Argentina House, fortunately that time, my brother sent us a small chit, requesting for capsules because all his body was swollen up; he had wounds all over and told us that we can give all we had as far as money is concerned we send this very person who

brought the chit and so that he could receive some treatment.

COUNSEL: Who was the messenger here?

RUKYALEKERE: Unfortunately he was a soldier. I did not know him. I could not trace him.

COUNSEL: Did you keep that chit with you? Do you have it?

RUKYALEKERE: Unfortunately, I didn't. I gave it to the lady -his wife. I do not know whether she would still be keeping it by now.

COUNSEL: Oh, yes.

RUKYALEKERE: And in the same chit, he was telling us, he did not have even an under pant. They were just naked, lying on the floor. So we got a panty and the medicine we sent it. But since then we never communicated with him. We never sent anything again.

COUNSEL: And you have not seen him again.

RUKYALEKERE: And I have never seen him again.

COUNSEL: How about Wamala?

RUKYALEKERE: I have never seen him again. I have not even heard of him.

COUNSEL: How about Norman Kuluwa?

RUKYALEKERE: Even I have not heard of him also.

COUNSEL: Did you know Stephen Banya?

RUKYALEKERE: I knew him very well.

COUNSEL: Have you seen him again?
RUKYALEKERE: Stephen Banya is around.

COUNSEL: No Fred Banya.

RUKYALEKERE: Fred Banya I knew him very well but, since he was arrested, I have never seen him also.

COUNSEL: How about Mudoviko?

RUKYALEKERE: I have never traced it.

COUNSEL: Where is the wife of your brother?

RUKYALEKERE: The wife of my brother, right now, she, is in Britain. She had problems with that Wacha because the same man continued concubining with her, I think, for two years; and eventually, I think, she realized she had made a

mistake; and she knew that everybody knew that her husband had been killed. So, I think, she realized she was in the wrong direction. So she escaped to Nairobi and, from Nairobi, she escaped to U.K. where, I understand, she is there as a refugee.

COUNSEL: I see. How about Captain Wacha? Is he around?

RUKYALEKERE: I have seen him around - about three weeks ago.

COUNSEL: Is he in the army or what?

RUKYALEKERE: I think, he was not a Captain. He was just an informer of some sort. What I knew is that his old brother, I think, was a Lieutenant in Makindye. So since as things that time were prevailing, if your brother was something, you could be as powerful. So he was also - I thought, I knew he was also - powerful. So I didn't do much because I knew I would also be risking.

COUNSEL: Did your brother have children?

RUKYALEKERE: Yes, please.

COUNSEL: How many?

RUKYALEKERE: He had three and they are under my care.

COUNSEL: Boys - girls?

RUKYALEKERE: He had two girls and one boy.

COUNSEL: Are they in school?

RUKYALEKERE: Two are in school, one is still a kid. He is in Nairobi. He left one kid with his wife - who is in London and that boy is now about five years. I think, he should be in a nursery or something because I have not seen him since.

COUNSEL: So you are taking care of two.

RUKYALEKERE: I am taking care of two.

COUNSEL: How old are they?

RUKYALEKERE: One is in S.4 now and one is in P.6 now.

COUNSEL: I see. So that is what you know about your brother. Do you have a father?

RUKYALEKERE: Yes, please.

COUNSEL: Is he here or in Hoima?

RUKYALEKERE: He is in Hoima.

COUNSEL: Did he also make attempts to find what had happened to his son?

RUKYALEKERE: He did but old as he is he couldn't do much because these things were at a high level. It seems to him.

COUNSEL: I see. Right.

CHAIRMAN: I would like to follow a bit more about this soldier who brought you a chit. Did he ever come back to tell you what was happening?

RUKYALEKERE: He didn't come back because I remember we gave him some money which I can't remember the amount; but we gave him some money for what he had done to bring the chit. But he never turned up again.

CHAIRMAN: Do you know whether your brother received the articles which you sent?

RUKYALEKERE: I don't think he received them; may be, he received them, because we never communicated again.

DR. MAKUBUYA: Well, I am just wondering whether you reported the disappearance of your brother to the police!

RUKYALEKERE: I reported the disappearance of my brother - at that particular time, I did not report it; I only did it with the army; that is when I contacted this Captain Otim and he told us he had disappeared. So I knew that he was not in the hands of the police. He was in the hands of the army.

DR. MAKUBUYA: And you thought that it was not necessary to tell the police.

RUKYALEKERE: Well, may be I wouldn't say it was necessary; but I don't remember reporting it.

KAKWENZIRE: You told us that, since Rwakasisi had promised to help, we had realized it was mistaken identity. Did you try to contact him again as to what he was doing?

RUKYALEKERE: I told Eriabu, me I couldn't talk to him; but, when Eriabu talked to him, he told him, he should continue waiting. He is going to decide his fate.

KAKWENZIRE: This Wacha, what is he doing now?

RUKYALEKERE: He is a businessman.

KAKWENZIRE: Where about?

RUKYALEKERE: At that time, he was owning a Wimpy on Kampala road. I don't know whether he still owns it or not; but, I think, he is a businessman right now. I wouldn't know where he is not - what he is doing.

COUNSEL: Is he the son of this Mzee Wacha - the old man?

RUKYALEKERE: Yes, yes - Ben Wacha.

CHAIRMAN: I know you say Ben Wacha whom I know. He is not old enough to have a son of that age. Do you mean another Wacha or Ben Wacha? Is he?

COUNSEL: It is this man.

CHAIRMAN: You said Ben Wacha - the last name you mentioned.

RUKYALEKERE: Yes, the father, I think, is called Ben Wacha.

CHAIRMAN: I see.

RUKYALEKERE: But the son was James Wacha.

CHAIRMAN: I see, mybe another one.

COUNSEL: You mean the Mzee who was a Presidential Commissioner.

RUKYALEKERE: Yes, something like that. He was in Uganda House.

COUNSEL: I think, Wacha Olwol.

CHAIRMAN: Well, Mr. Rukyalekere, I think, these are all the questions we have for you from the Members of the Commission. We thank you for having come to give - for the evidence you have given. We are sorry that you have had to tell us about the disappearance of your late brother now presumed dead. But it is necessary exercise to assist us in the task which we were given to do. Thank you.

RUKYALEKERE: Yes, please.

CHAIRMAN: Thank you.

RUKYALEKERE: Thanks.

CHAIRMAN: Yes, Counsel!

COUNSEL: Well, the other witness was here briefly, Mr. Nkera, of the Bank of Uganda. He went. I understand he had another commitment in the bank. Then he went back. He will be available tomorrow.

CHAIRMAN: Well, it is now about 3.30 p.m. may be the proper time to break off for lunch and, perhaps, for the day and also we have had nothing ready. Okay, the Inquiry is adjourned to resume tomorrow here at 9.30 a.m.

CHAIRMAN: Gentlemen Commissioners, Lady Commissioner, Learned Counsels, Ladies and gentlemen, let us commence the Session of today - the 17th of September, 1987. Leading Counsel, I understand, you start the Session by calling a fresh witness.

COUNSEL: Yes, my Lord.

CHAIRMAN: Let us proceed.

COUNSEL: My next witness is Mr. Emmanuel Kirenga.

WITNESS NO.164: MR. EMMANUEL KIRENGA - SWORN IN

COUNSEL: Now, would you give your particulars, please?

KIRENGA: My name is Emmanuel Kirenga.

CHAIRMAN: Sorry. Excuse me Counsel. What number is Witness Mr. Kirenga, please?

COUNSEL: Number 164.

MR. KAWANGA: Two.

COUNSEL: Is it four? Yes he is 164.

MR. KAWANGA: Rukyalekere is what?

COUNSEL: He is 163.

CHAIRMAN: Yes, let us proceed.

KIRENGA: I am an advocate in practice - in private practice.

COUNSEL: Age.

KIRENGA: I am aged 49. And I have been practising law since 1966 here in Uganda and I have lived here all that time. So I have been through the Regimes of Obote One, Idi Amin -that interim period before elections; then Obote Two; Tito - Lutwa's Regime and then the present one. In 1980, I was elected as a Member of Parliament for Mubende Central on a Democratic Party Ticket. I served as a Member of Parliament from December, 1980, up to the coup of 1985 in July; when Obote was overthrown and Parliament was dissolved. So these are the brief particulars concerning me.

COUNSEL: Yes, Mr. Kirenga, this Commission was set by the Government to probe

into all sorts of Violations of Human Rights into Uganda since 1962 to the date when NRM took Government - that is 26th January, 1986. Do you have any experience in respect of violation that you want to give to this Commission?

KIRENGA: There are so many. I do not know where to begin and where to end; but I could just pick up a few.

CHAIRMAN: Sorry, if it could be of assistance here. Mr. Kirenga, you are a lawyer with such a long experience and a person of your education. You would be a very, very crucial witness to this Commission with regard to the subject of the inquiry. So we would like you to tell us as much as you know or can remember. May be, perhaps, you could start chronologically to make it systematic. Perhaps, you would also be assisted if, perhaps, you have been given the Terms of Reference to refresh your memory.

KIRENGA: I think I know them.

CHAIRMAN: You know them.

KIRENGA: Well, I would say that Obote One's Regime was not so bad in terms of the violation of human rights; although there was the dreaded General Service. But my experience of the violation of human rights is relevant to the period from 1971 when Amin took over up to his overthrow. In that period, people were disappearing daily and my experience was a tension we had - everybody of us had - of thinking that you are probably the next victim. If you drove your car, you would have to look in your mirror to see whether you are being followed; because most of the arrests were done by kidnapping actually. It was not arrest in the real sense, it was kidnapping and then followed by death. Maybe, I better give one particular incident which I remember in 1974. My colleague - the late Gafa - who was an advocate was staying at Rubaga. He told me that late at night a vehicle came on Nabunya Road. Stopped. Dropped there something and then proceeded. Then the next morning they heard that there was a dead body on the road and it happened to be of a soldier. So that morning we discussed what to do. His neighbour was called Bitature who was working in the Community. He had just come back. He also came to my office for consultation. We advised that the best thing would be to go and report what had happened. So Bitature heeded my advice and went to his home - because he heard that soldiers were already at his home - at Nabunya Road, at Rubaga. While we were still talking, the soldiers came.

COUNSEL: You are also staying at Rubaga.

KIRENGA: Yes but a little further from the scene. So, while we were still there, then the soldiers came and arrested the late Gafa. They took him to Lubiri - to Malire Barracks. But before that he was taken to his house. I also followed. I found the place was besieged by so many soldiers under the command of Major Gala. He was called Major Gala from Malire. But I didn't branch off. I just went to my home and then started telephoning

for help. Then, when I came back, I inquired, they said, Bitature had been taken in a boot of a car to Katwe Police Station. So I went to Katwe Police Station and I found him in the cell. There was Inspector of Police, Rukuba - Sam Rukuba. He told me that he had been put there by Major Gala. Then, when I came back in the afternoon, I was told that he had actually been removed from the cells by the same Major Gala and taken away; never to be seen again. I heard that he was killed in Malire Military Barracks. That was hearsay but I had a report about it.

As for the late Gafa, he was taken to Lubiri and he was saved by the fact that he had a securicor man who was guarding him. He said he didn't come out of his house. So they went for the securicor man from securicor office; arrested him and also killed him. Late Gafa was released. We didn't know the motive of bringing the soldier to the road near those two houses; but the result was that, at least, Bitature was killed and the securicor officer who was guarding that Gafa was also killed. That is one incident I witnessed in part. Another one was on the day before the 1972 invasion September - I think, it was September, 16th. I was just driving a vehicle with four friends around Parliament. In fact, it was a new vehicle I wanted to buy from Indians who were going away - a Mercedez Benz. Then, when I reached here near the city offices, I saw so many vehicles after me. They told me to stop. Then I heard one saying, "Yes, we have got them; please, bring in more reinforcements." So, within a few minutes, we had about 12 vehicles full of policemen from Naguru. We didn't know until later that the Commander was Ali Towili. He was the one commanding the operation. We were lined up to be shot. A big crowd gathered around here. We didn't know what was happening. So, before they could shoot, then Ali Towili said, "No, no, no. Don't shot here. Let us put them in the boot and take them to Naguru." Then there was consultation with somebody else. Then he said, "No, no, you go to Parliament. Let them go in the vehicle. Don't put them in the boot".

So we were taken to Parliament. In our presence, Ali Towili rang Amin. He said we hear some of these people arrested are advocates. What do we do with them? Then we heard Amin saying "You do what you want." So we were in detention for some hours. But, in the end, we were released. We came to discover that there was a vehicle which had escaped - which had crossed - from Tanzania, a Mercedez Benz - with five people; coming to, maybe, assassinate Amin. But what saved us is that we were four; if we had been five, they would have shot us at sight. So they wanted to get information concerning the fifth. In the process they found actually that we were innocent. We were released. But that was just a narrow escape. Note the other people I was with on that day were Mr. Swan who is now the Solicitor General in Kenya; the late Gafa, Mr. Kataama, a businessman. Yes, there were four of us on that day. The next day we heard that the guerrillas had invaded Uganda through Mutukula. May be that was probably understandable. I was arrested. Also I do not remember the day. I was taken to Nakasero State Research Centre by Ali Hassan.

COUNSEL: Which year?

KIRENGA: Probably 1977, or 1978. He told me that he was in-charge of internal security. I was questioned for some hours. But I was inside there. The experience was terrible because I did not know that I was coming back. There were small boys going round and round. It was a very busy place. But they were questioning me about how we do our law; how we do the practice. In the end, there was a file he wanted to know about. Then I said, "I can bring it if you release me. I will go and bring it?" They said, "Okay. You will bring it." That was a Friday. He said, "You will bring it. Can you bring it on Monday?" I said, "Yes." So I had a chance of going out. I went and made a photo copy of it. I just asked a friend to take it for me. I didn't want to go back again. And when he got it, he was satisfied.

COUNSEL: Which file was that?

KIRENGA: It was of some claimants who had been paid - they were accident victims. They had been compensated by National Insurance Corporation. So, when they came to us, we paid them. We were defending the corporation. So we paid them their compensation by cheques. We understand when they were going to collect the money, they were arrested by the officer. The money was taken from them. Their damages were taken from them. So Ali Hassan wanted to destroy the file concerning their claim. But then I did not give in the original. I just made a photo copy and the matter ended there. Nobody followed it up. But the questioning was not about that. It was about so many other things which I answered and then I was released. So, at least, I had a brief experience of the place.

COUNSEL: Where in State Research were you put?

KIRENGA: Nakasero.

COUNSEL: Yes, there is a tunnel. Were you in the tunnel?

KIRENGA: No, in the offices, where you go there is a reception. Then you go to the right. I was taken to the right. Then down. Then Ali Hassan's office was on the left of the corridor. That is where I was for many hours.

KIRENGA: The other experience I had was in Malire. I was invited by a soldier who had a case. He said I should go and get instructions from there. So I went on a certain Saturday then and I was arrested there inside. I was again with the late Gafa. They said we were trespassing in Lubiri. So we were taken to the Quarter Guard. All of a sudden, we saw the place was surrounded by soldiers. They said they were going to deal with us because we were trouble markers. We tried to explain, they could not listen. The man who was in-charge was Mukili. He was second-in-command -Alayi Mukili. So he said we were going to be shot. We pleaded. There were some soldiers who pleaded for us. So, in the end, he said, "I am pardoning you today; but go and tell lawyers never to interfere with the soldiers."

COUNSEL: You mean, had you interfered with the soldiers or you had gone there as an advocate.

KIRENGA: I had gone there as an advocate but even the soldier who called me was nowhere to be seen. Everybody feared to surface. Everybody thought there was danger; but they said, "Lawyers were trouble markers. Should never talk to soldiers". So, in the end, before pardoning us, he ordered us to swallow a very hot cup of tea within a second. He said, if you do that, you are going. So we did it. It was so hot. The tongue was burnt. After that, he said, "You can go."

COUNSEL: Did it have sugar?

KIRENGA: Yes, there was sugar; but I remember the one who helped us was Captain Kimumwe. He really pleaded for us. So, when we came out of the building, those soldiers said, "What? Are you free?" We said, "Yes." They said, "You are lucky because their instructions were to take you." We said, "We had been told to walk back." So we walked back. That was - we were there from nine o'clock on Saturday up to one. And again we thought that was an escape. That was during Amin's time. I was lucky not to go to Makindye. I never experienced it during that time. But was seeing so many things happening. So probably that is what I would say about Amin. But, when I experienced future times of later years, I found Amin's Regime was not as bad as we were saying at that time when Obote Two came.

COUNSEL: I see. You are comparing the two.

KIRENGA: Yes it was not as bad as we were saying at the time.

COUNSEL: Why do you say so?

KIRENGA: Because his killing was not indiscriminate. He would pick up his victims. They would disappear but he wouldn't go killing families. I never experienced wives or children being killed during Amin's time, except in the North, I think, the Acholi and the Langi had it rough at that time. But in other areas not a few there were many but they were selected. So there was discipline. There was a kind of order, I think, during Amin's time; orders were coming from the top; whereas during this Obote's time every soldier had powers to do what he wanted. So children would be killed; wives would be killed, old men would be killed. But, during Amin's time, I did not see that. Except for those who were being killed were usually the top ones - top men, the most educated people, doctors, lawyers were killed, accountants; whereas in Obote's time, it was anybody who happened to belong to an area which he didn't want. It was actually a massacre - no it was a -

COUNSEL: Genocide.

KIRENGA: Genocide. In Obote's time, it was genocide; whereas, during Amin's time, it was a calculated killing of victims who were wanted for one reason or another.

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COUNSEL: Yes, can you tell us your personal experience during Obote Two or during the UNLF Government?

KIRENGA: During Obote's time, I was arrested in 1982 and taken to Nile Mansions. I was picked from my office at about 9.30 by two men. Then I was taken to a vehicle which had no numbers - a Land Rover. Then they told me they were taking me to Nile Mansions.

COUNSEL: Did these two men identify themselves to you?

KIRENGA: Yes, they said they were Special Branch.

COUNSEL: Did they say what their names were?

KIRENGA: Yes, one was Peter Ojwok; another one was Otoya. I think that is what he told us anyway, I read their identities - Omala Otoya. So when I arrived in the Nile Mansions, I went to a certain room; I think, three hundred - I do not remember the number. But I had noted it in my diary which I have not brought. It was three hundred something - three twenty or twenty one. So I was questioned about what I had said in my office that morning. I could not remember what I had said.

COUNSEL: Who questioned you?

KIRENGA: I found some other man there. I didn't know their names. One group would come. They say, "We are going to give you some treatment, unless you tell us." They started reading from a statement. They said, "Did you talk about Kawanda?" Then I remembered. I said, "I see". Yes. We were talking about Kawanda because we heard that guerrillas had blown up an army lorry and a Land Rover and they killed some Ugandan troops. That was in 1982, I think, in March when Kawanda was attacked by guerrillas. So my driver was late. He was living at Kawempe. He was late in coming to do his duties. When he came late I asked him why he was late. He told me of the incident; that there were no taxis because Kawanda had been attacked. Not at that time, there was a UPC Chairman from Mubende who had come to consult me about a certain case. So, after hearing what we were discussing, he went and made a report.

COUNSEL: Who was that UPC man?

KIRENGA: I do not remember his name now. He was in Mubende proper, not Mityana but he was from Buwekula. So he went and made a report that we were discussing about guerrillas. Then they said, "But, when they told you, did you smile?" I said, "No I didn't smile." They said, "No you appeared to be happy". I said, "No, we were just." They said, "Did you use the word "interesting?" I said, "I never used it; but, even if I did, the word interesting, when you are told of an incident like that, it doesn't mean that you are supporting." They said, "No, but." So I was questioned all the morning. They said, "Please, you know more about guerrillas. Tell us." I said, "I didn't know anything more apart from the

report I had heard." So at about 2.00 p.m., I told the one who was in-charge, that is Ojwok, that I was interested to hear what Obote was going to say in Parliament. He was going to open Parliament that day - the Parliamentary Session. So I said, "My seat will be empty if he doesn't see me there." Oh then they said, "Eh, this man is good. He wants to hear what Obote is saying." So they started smiling. They said, "may be, we can release you on bail." I said, "Yes, I can come back tomorrow." If you release me, I will go and listen to what Obote is saying." Then they said, "This man is - *yi mujuri, muntu mujuri".* Then I was actually released and I came to Parliament.

I found the D.P. Group was about to stage a walk out when Obote was going to come; but the matter was solved. So later then Hon. Ssemogerere took the matter up with Major John Upor who was then the Head of Nile Mansions - Major Upor John; and he said, "No you do not have to go back because this is true. Our troops were attacked this morning and we lost some. The vehicles were blown up. So, as a Member of Parliament, you are entitled to know what was going on." So I didn't have to go back; although they came again to arrest me. Then I said, "No. I had been cleared." Then they went back and that was the end of the matter. It was very difficult to visit my Constituency because it was in Luwero Triangle. In fact, I visited it a few times about four times; and, on those occasions, I was going for fund raising; I would not go to address any meeting. D.P. was not allowed to address any meeting.

COUNSEL: Who said D.P. could not be allowed to address any meeting?

KIRENGA: It was not said in so many clear words; but, even if you called it, I think, it was clear that it would be disturbed and those people who attended would probably be arrested; because every D.P. was regarded as an enemy at that time, as a collaborator with the guerrillas. The only chairmen who were recognized were UPC Chairmen; D.P. Chairmen were not recognized. So I thought that, if I had courage to hold a meeting and it was attended, anyway, then I would be putting those people who attended into trouble. It was obvious. I remember in 1982, after - that was after - the Lubiri attack; the attack on Lubiri by Kayiira. The road to Mityana was closed and people who were in Mityana were asked to - the prominent people were asked to either cross or be arrested. There was a list taken around. So most of the D.P. Chairmen crossed.

COUNSEL: You mean crossed to what?

KIRENGA: To UPC but some were all the same arrested, if they didn't sign the paper in time. They were taken, although they had actually crossed; but this crossing was not genuine. It was just to save their skin.

COUNSEL: This crossing was not genuine. It was just to save their skin. You mean people, other members of other parties, were forced to join the ruling party by signing documents.

KIRENGA: Yes.

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COUNSEL: Do you know some who signed the document?

KIRENGA: Yes, for instance, my chairman -Mugenyi, Chairman of Mubende Central -signed and crossed; but he told me that actually there was no alternative. But the paper was circulated for about two days before the meeting. So, when there was a meeting in Mityana, those who had not crossed were arrested.

CHAIRMAN: Sorry Mr. Kirenga, what did the paper say? Who circulated it?

KIRENGA: By the UPC Leaders in Mityana - in Mubende District.

CHAIRMAN: What did it say?

KIRENGA: It was a paper - you would put your name as having crossed; say if you crossed to UPC, you write your name; then you sign that you have crossed. So it was a long list of those who were crossing. Now, if your name was not among those, then you were in trouble. But I wasn't there. These were reports given to me by people.

CHAIRMAN: Was it spelt out on paper?

KIRENGA: Yes, yes.

CHAIRMAN: That, if you didn't cross, you would be in trouble.

KIRENGA: Actually, the accusation was not that you didn't cross but that you were a collaborator or you were sympathising with the guerrillas. So you would be branded a guerrilla.

DR. LUYOMBYA: Sorry, clarification. Where did that paper originate from and who was actually circulating it?

KIRENGA: The UPC Chairmen these small chairmen in Mubende District. They were everywhere especially in my constituency - Mubende Central North East; that is Mityana Constituency and in Mubende Proper - Mubende West.

DR. LUYOMBYA: Did it originate at the UPC Secretariat or -

KIRENGA: No it was from -

DR. LUYOMBYA: Or somebody just wrote it up in your constituency?

KIRENGA: It was from Mityana, I think but I wasn't there at that time. So what I am saying is what was told to me by my leaders - the D.P. leaders - in the area.

COUNSEL: Yes.

KIRENGA: So some signed some refused; to sign and some escaped actually and left the area, rather than sign that paper.

COUNSEL: You had started mentioning people who signed. You mentioned Mugenyi. Is there another you remember?

KIRENGA: In fact, let us say most of the leaders in Mityana signed - most of the traders; although I wouldn't - but what I am saying is just hearsay because I wasn't there. I was just being told.

COUNSEL: Are there some people you know who refused to sign and they were arrested?

KIRENGA: For instance, a big trader in Mityana, called Ssekitoleko, he was arrested when he didn't sign and he was taken in the barracks in Mubende. I think, he was released much later. Then another one called Beriya Kizito, he was my leader in Bukuya; he refused to sign. He was - that one was - imprisoned for a long time. He was taken to Mubende; then to Katabi; then to Makindye. Then he was released after about a year - from 1982 or 1981 or 1983; and many others I can not remember.

COUNSEL: Are there people who ran away as a result of this exercise?

KIRENGA: Yeah, my secretary - he is called Bukenya - he ran away. I think, he went to hiding in Masaka Area. He was a teacher. He got probably - a job in Masaka; but, when I met him, he told me that he had to escape. He came and saw me in Kampala and he told me that he did not want to cross; so he had to escape.

COUNSEL: Yes.

KIRENGA: Of course, a story is well known of Youth Wingers killing people. In my home area there was one called Kayiinja. He was a youth winger. He killed so many people - that is what I hear - but, in the end, he was also killed by guerrillas, I think. There was another one called Ddamulira; that one escaped from Mityana. We do not know where he is. But he was a notorious youth winger. There was a *Gombolola* Chief called Kuku. He was a *Gombolola* Chief of Bulera, Namutamba; that one killed so many people. He was burying them alive. No, no, he was burying them in a mass grave near my home. Then, in the end, they found dogs were biting off some pieces of bodies and pieces of arms. Toes were everywhere. So, in the end, they decided to close the pit and they resorted to other means of killing. But then that man was also killed when he was transferred to Busujju. He was killed also by guerrillas. That is what I heard. May be that is a bit I can say about Obote Two Regime.

COUNSEL: Yes. Did you have colleagues or partners in your firm and would you say what happened to them as regards human rights?

KIRENGA: Yes I remember my colleague, the late George Bamuturaki Advocate. He was a Member of Parliament for Kabarole. I do not remember the exact name of the constituency. But that was a part of Kyenjojo in Kabarole District. He was picked up in 1982 from around here in

Kampala and taken to Nile Mansions. I was then in Britain; when I came back, I found that he was there - he was there - for three days and then he was released. We asked him what happened. He said, "No he was kept under ground in Nile Mansions. They never asked him anything at all. They kept him for three days; then they just told him to go after three days. Then, after one or two months, he was killed at Kiseminti when he was having a drink with a friend of his called Okawo who was the General Manager of the National Housing Corporation.- he was killed by soldiers; but they do not know who those soldiers were; but they were the artillery - the Artillery Section - which was commanded by Ageta that is the rumour we heard; but we don't know exactly what happened.

COUNSEL: Well, Mr. Kirenga, where have you been residing all this time you have been in practice?

KIRENGA: Well, at my house at Rubaga until 1982 when the Lubiri was attacked. I had to escape from there because the area was insecure.

COUNSEL: Insecure in what sense?

KIRENGA: After the Lubiri attack, there was a massacre of people around Rubaga by the soldiers from Lubiri. So, when I had means of escaping, I just escaped from there; I went and stayed with friends. Then afterwards - after about two weeks - I went back; after one month; it was after one month. Then I went back. That was about May, 1982. But then one night I was attacked by soldiers. They were about 25. I think they were from Lubiri. They went about asking for my place. Some people said they did not know where my house was; but, in the end, they managed to locate it. I had entered my house at 5.00 p.m. because it was so dangerous to move around. But then at about 7.30 that is when they came and surrounded the place. Then at 8.00 they started shooting. They were trying to enter. But then I had a guard who was very brave. He fought them for two hours; but the bullets were so many being fired every minute. I had a friend who was living nearby. He was a soldier. He organized a rescue from the Central Police Station. They sent many policemen - many vehicles. They came at about ten. They found they were actually almost about to enter; but, when they saw them, they talked to them. They said, "We are police. You go away. We have now come to guard this man. You go". They walked away. So the policemen told me that they didn't want to exchange fire with them; but, since they were members of the same security forces, that was okay; because all they were interested in was to save the situation. But next morning I couldn't stay there. I just packed up and went. that was 1982. I stayed with friends. My family was scattered until I was given a house.

COUNSEL: What do you mean, your family was scattered?

KIRENGA: Well, where I was given refuge, there was only one small room. So my children had to stay in other places. That kind of thing. But afterwards I got a house from the Government in Kololo and I stayed there until the Liberation of January, 1986. But even there I was attacked by soldiers also from Lubiri. That was 1983.

COUNSEL: You mean at Kololo.

KIRENGA: Yes.

COUNSEL: Yes.

KIRENGA: They came also numbering the same number. Then this time they managed to enter because they shot at the door and it became ashes. They entered.

COUNSEL: I see.

KIRENGA: But I was lucky, my house was not badly damaged; it was damaged during the take over of Lutwa or by Lutwa. I lost some electrical installations, curtains, all the property inside; but it was very mild compared to what others had suffered.

COUNSEL: Now, Mr. Kirenga, you have told us what you experienced and some of your friends. Could you suggest why these violations have occurred in Uganda? Do you have an answer to this?

KIRENGA: Yes, of course. It was even written about. We were talking about it in Parliament. I don't think that anybody would really say that he didn't know what was happening; if the area was a bush. It was actually a bush. The brave people who managed to stay were the priests at Rubaga and the nuns and then those who were in estates like the estate where Semogerere stays; like Ben's Estate; like the Cardinal's Estate. But the others who were in individual houses most of them had to go - to escape - until later on when they managed to come back. And those who stayed - who had the courage to stay - some of them were killed.

COUNSEL: Is this damage still evident?

KIRENGA: Yes, in fact, let us say between Pope Paul's Centre and Rubaga Road. All that area was very badly damaged, houses have not yet been repaired; anybody going there could still see the damage. They found me there. I hid but then they found me where I was hiding in the end. They took all my property. But we pleaded with them. In the end, they didn't kill me. But the attack was at one; they went to my home up to four - 4.00 p.m.; getting out all my things. But, in the end - in the morning - we found some of the things dropped; my passport was found near the Lubiri- Somebody brought it to me. It fell. Another one was found near Buganda Road Primary School. The people who brought it said that these people were sharing my property; after that, they went shooting, up to Lubiri. that is how we came to know that actually they were from the Lubiri. This is during 1983. I was a Member of Parliament by then. But then, I think, a month or two months later, my neighbour Ssembatya - who was a Member of Parliament - was attacked and this time there was no way of escaping. He was killed. That is my experience in Kololo.

COUNSEL: I see. So, when did you go back to Rubaga?

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KIRENGA: In March, 1986.

COUNSEL: I see. What did you find at Rubaga? How did you find Rubaga?

KIRENGA: Well, the area was very bad. It was another - I do not know, when people talk about - Luwero Triangle, they restrict the area to Mubende, Mpigi and Luwero itself; but, I think, Rubaga should have been included in - Luwero Triangle. The damage done there was the same as Luwero Triangle, especially along Nabunya Road. For instance Walusimbi's houses; late Ssebalu's house. All those were really damaged. Repairing them is as expensive as building new houses.

COUNSEL: When you say "damaged", damaged by who?

KIRENGA: The roofs were taken. The doors were removed. The iron sheets were taken. It was just a structure - but not mine but those neighbours were left with structures - which had no windows, no doors, no plumbing materials; no electrical installations. They were just structures.

COUNSEL: Is Rubaga near a barracks?

KIRENGA: Near what?

COUNSEL: Near army barracks.

KIRENGA: Yes - Lubiri Military Barracks. In fact, soldiers were staying in those abandoned houses and then at night they would go and rob around the area; not only Rubaga but other areas like Kabowa, Nateete, Najjanankumbi, even Ndeeba. Ndeeba at one time it was not occupied, at all. People had run away from there. That was -

COUNSEL: Do you know whether this was known to the Government - I mean to Top People in Government?

KIRENGA: I think, there are many reasons but in Amin's time was - well, let us say, in Amin's time and in Obote's time, the damage was - the violation of human rights was done to remove the threats to the regimes of the time. Amin was killing his opponents because he believed that they were trying to overthrow him; Obote was killing the people around here because he believed that they were supporting guerrillas. So he wanted to weaken the guerrilla movement by killing them or robbing them, intimidating them. So, in other words, if there had been no threats to those Governments, probably, the violation of human rights would have been much less. But, once there was a threat, the answer to that was far in excess of what was expected. So, I think, in a nutshell, each persecutor was persecuting people so that his Government would be safe.

COUNSEL: Is that the only cause you think?

KIRENGA: Well, the other one was, of course, I think, it was the personnel who were in the army were the wrong characters. If you take Amin's Army at that

time, I think, it left a lot to be desired; they had the wrong characters there; in Obote's time it was even worse because, I think, they recruited into the people - just to fill numbers of one particular area. So even old people, young boys, illiterate people, robbers all these went into those armies; and once they were there they did what they wanted because they were the wrong characters. That is another factor although it is by no means the only one.

COUNSEL: Yeah, you have talked about the army. Is it the only army that has been engaged in violation of human rights as a Government agency?

KIRENGA: Yes.

COUNSEL: Aren't there other agencies rather than the army who have been involved in these violation?

KIRENGA: Yeah, well, by "army", I mean, I think, this State Research was part of the army. For instance Farouk was - Major Faruok, Farouk Minawa who was heading the State Research; that was part of the army. If you come to Makindye, it was part of the army; if you come to Naguru, it was part of the Police; but this was para-military. If you come to NASA in Obote's time, I think, that was also - you can regard all those powers as part, they were armed. By "army", I do not mean the regular army; I mean the armed forces. For these powers were using guns. They were given guns officially. But, of course, may be that is too much of a generalisation. They had also people who were not really strictly speaking army people, like politicians: like Rwakasisi, like Kirunda like all those who were victimising their opponents, for political reasons. So, although they were not part of the army, they were using the army.

COUNSEL: How do you explain the role of people like Kayinja? Who was Kayinja? Was he an army? Was he a police? What role was he playing?

KIRENGA: In fact, that is very vague; the role of the Youth Wingers was not defined in our laws. So if your property was taken or you were assaulted by the Youth Wingers, you could not receive indemnity because they were not paid by - they were not Civil Servants, they were not employees of the Government. They were employees of Obote.

COUNSEL: Were they not being paid to your knowledge?

KIRENGA: Yes, they were terrorising the citizens up-country and even in the city; but in the city the situation was much better; but up-country it was Youth Wingers.

COUNSEL: Were they armed?

KIRENGA: Yes.

COUNSEL: How did they gain these arms?

KIRENGA: That we do not know because I wasn't inside the UPC; but I believe if I will only go on to say they were armed by the elders of the party. That one I do not think really is an answer to that one because it is just speculation. May be, they were armed and they were not being prosecuted for possessing arms. If you possessed a fire-arm without a licence that is an offence; but these people were going with them in public and may be they would arrest them. Those would be in the army looking for guerrillas officially when they were armed. So their role was vague actually. We did not know who they were. Their role was not defined. They were not part of the army. they were not part of ordinary people but they were somewhere in a special class of their own: That is the Youth Wingers and the Chairmen what we used to call the functionaries - UPC functionaries.

COUNSEL: What was the role of the chiefs?

KIRENGA: Chiefs were also part and parcel of the party because they misused the party in power.

COUNSEL: You mean they were appointed on party lines?

KIRENGA: Yes - yes. If any chief was suspected of not supporting the party, he was removed and then replaced by a staunch supporter of the party.

COUNSEL: Do you have instances?

KIRENGA: I do not want to call them, I think I can say in the whole of Uganda that was the case: Every chief, during Obote's time, was a UPC Supporter. I think it was categorically; that everywhere every chief was a UPC supporter. I do not know what was in the other areas; but I heard also up-country, it was almost the same thing. I cannot think of any place where a D.P. chief remained unless he had crossed. Even senior officers like the DC's you have to be dismissed because you were suspected of supporting D.P. in the elections.

COUNSEL: Do you have some examples of D.P. - those D.Cs - who were dismissed?

KIRENGA: I do not remember their names but they were there at that time. I think, there is one - I do not remember them. There was one who was in Mubende. He was dismissed. I don't remember their names but the incident was well publicised at the time. The D.C.s who were thought not to be sympathisers of the UPC were removed and they were replaced by hard-core supporters of the party for the purposes of, may be, of assisting the party in the elections of 1980. But I am not in a position to mention their names. But that is not in dispute. It was even spoken about in Parliament so many times.

COUNSEL: Did you or have you experienced during the period that you have covered - that 1966 to the day that NRM tooke over - did you see any discrimination based on say tribe or race or religion, by Government or Government agencies?

KIRENGA: In Amin's time there was discrimination based on religion and tribe; but in Obote's time,, it was based purely on tribe. If I may elaborate, in Amin's time, the sympathy or rather the favour was with Moslems. I remember two of them were killed during that time. That was Shaban Nkutu who had been an M.P. and Ali Kisekka who was also an M.P. So you could just mention them on your finger tips about two or three; but most of those who died were christians - who were kidnapped. Amin, of course, he was a Moslem and everybody who was a Moslem was always favoured. And tribally we could say that that was the time of Nubians; if you had a Nubian subordinate, you couldn't give him orders at that time. He was taking orders directly from the top. That is a generalisation, of course; but, in Obote's time, it was tribe; religion was not so important as tribe. You can say that the conflict or rather the disadvantages were the people from - let us say from - Buganda, from the West and from some parts of the East and from West Nile but the others, you could say, had an advantage over the others, based on their tribe.

COUNSEL: Could you give an explanation of this kind of discrimination?

KIRENGA: During the - to give what?

COUNSEL: You said the discrimination during Obote Two was tribal and you have said people from Buganda were known -

KIRENGA: No, in other words, if you happened to belong, let us say, to be a Luo, you had an advantage; if you were arrested, you would be released. You could disobey orders, unless you were a hardened D.P. then you wouldn't be favoured. Similarly, if you were from Teso, you had also an advantage over the others. But, if you happened to be let us say from Buganda or from Ankole, you had to explain yourself more than would have been with others necessary.

COUNSEL: Yeah but don't you think that this was a political rather than tribal in the sense they thought may be the Baganda were not supporting the Government of the day; or the Banyankole were thought not to?

KIRENGA: Because I was seeing it at road blocks; they said, *Kabila gani*, meaning what tribe. If you reached a road block and you spoke the language, you would pass; even if you were a D.P. but you spoke Luo, you would pass safely; whereas, if you were a U.P.C., you had to explain so much to show that let us say, if you were a UPC and you were from, let us say, Buganda or from Ankole, you had a lot to explain, to convince them that you were really a good man, by showing that you were a UPC. So, even if you were a UPC if you happened to come from a wrong area, you were not all that safe. But that is, of course, generalisation and, at the same time, you would find let us say soldiers from these areas like Buganda they were more harsh than these from the rightful places at the time, just to try to impress their bosses.

COUNSEL: Now, what do you say about the expulsion of the Asians in 1972? Do you have any comment?

KIRENGA: I think, it was done inhumanly. These were people who had been here for many years, to be given a period of 90 days was very unfair to them; to be told to go without any compensation, without paying them for their property was inhuman. But, on the other hand the topping in a way to participation in trade by African much later, Africans, I think, benefited as a result of the exercise. You can now see them on Kampala Road, owning shops. You can see them importing goods from abroad. Before 1972, they didn't know how to go about these things.

COUNSEL: I see. So partly it was good, partly the way it was conducted was bad and a violation of human rights.

KIRENGA: Yeah and there was discrimination in that even the Asians who were Ugandans were expelled, although they were actually Ugandans. So partly it was bad, partly it resulted in some good things.

COUNSEL: I see. Now there was also a mass expulsion in some areas. Did you know about it - of Rwandese - people of Rwandese - origin and do you have any comment, say from Rakai and Ankole?

KIRENGA: I raised this in Parliament at the time. It was expulsion by UPC functionaries of people of Rwandese origin and the people who were not of Rwandese origin but who were not supporters of the party. Pure Banyankoles were also involved. They were expelled. Citizens were expelled. So, in other words, it was - of course, the whole thing was - done brutally as we pointed out in Parliament at the time.

COUNSEL: Yeah, but you as a Member of Parliament did you try to find out the causes of these expulsions?

KIRENGA: Yes because these were suspected of supporting Museveni at the time. They thought that his army was full of people from Ankole and what not. So they branded them Banyarwanda when they were not Banyarwanda - some were, some were not. But even if they were Banyarwanda; some Banyarwandas are citizens of Uganda by birth, by virtue of the fact that their territory was included in Uganda in the demarcations in the early 1900. So it was an illegal act done against both those citizens and non-citizens; because even a non-citizen should be treated humanely. I think, to answer the question, the reason was the suspicion that these people were sympathisers of the guerrilla army.

COUNSEL: Now, when you say they should be treated humanely, what do you mean? Weren't they treated so?

KIRENGA: No they were told to go, leaving their property behind; and some died of starvation, some of illness. So, if you were owning property and you were told to go without having the right to take your property, that is inhuman. Even expulsion in itself, is inhuman.

COUNSEL: Now you have told us of what happened and may be you suggested causes and why these things happened, do you have solutions so that there is no recurrence of such violation or it is minimised? Do you have

measures and suggestions that should be taken to minimise violation of human rights in Uganda?

KIRENGA: I think, the experience we have gone through should be a good lesson to all of us, like it was in Germany after World War Two. I think, there should be tolerance; people should be told to be tolerant to each other, even if they don't agree with each other politically. People should be taught morals. I think, religion should resume its role in society as an important aspect of moulding people's behaviour towards each other in society. So, in other words, we should try to be good people; because, if you are a good man, you are going to be, if everybody is good, the society would be better; but, if you have ideas of revenging, of hatred for other tribes or hatred of other religions, of wanting to eliminate and not wanting to give other people a chance also to participate in Government, then these evils will stay in our midst. But, I think, the start made by this Government is good in that enemies are being - not enemies really but opponents are being - tolerated. They are being told to come and join the others. Having elections is another way of ensuring that people's views are expressed and that the Representatives carry out the wishes of those they represent. In other words, democracy is part of the solution; a democratic process is part of the solution to these problems. Then the army, I think, the army should be told to play its role properly; if the soldiers can be taught good behaviour like they are doing. And, if this keeps on like this so that the risks of oppression are much less.

COUNSEL: Yeah. But you see one of the first cause you say of these violation was these regimes or Heads of Regimes were threatened; or they thought they were threatened. How do you remove this threat -this feeling of being threatened and you want to hold on the power?

KIRENGA: Because the other threats were by - were - armed conflicts. If the threat is by an armed conflict, then, of course, it has to be answered in a similar way; but, if the threat is by, let us say, giving speeches and giving press conferences, that is a natural thing. The answer to that should be in a similar manner: if somebody attacks you in the press, you can answer back; but, if he attacks you by force, then you may have to use force. So, I think, even those people who want to use force should think twice before they use force again. That is what I was saying. In Germany they decided never to solve their problems by torture, by war. They decided on the methods of how to solve their problems. That is that the Germany Members of Parliament told us.

COUNSEL: Yeah, but how do you keep this resolve of not using force?

KIRENGA: By determination and making sure that each one of us knows that is what has been agreed upon. If I know that you are not going to use force, I also am not going to use force. So each one of us should know that we have agreed that is how our problems are going to be solved. And then, if you are determined to stick to those rules and agreements, I think, that should be no problem.

COUNSEL:

KIRENGA:

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CHAIRMAN:

MR. KAWAN

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COUNSEL: Do you think the structure of Government we have had has added problems on violation of human rights; and, if you think, so, do you have a solution to that?

KIRENGA: You mean this present government?

COUNSEL: Structure - kind of Government we have as per our Constitution.

KIRENGA: That has no problem. In fact, whatever Constitution there is there is no problem at all. It is the people who misuse the Constitution who bring problems. Even the 1967 Constitution as it is, if it is well used, wouldn't result in violation of human rights even violate the Constitution.

COUNSEL: Thank you, Mr. Kirenga.

CHAIRMAN: Mr. Kirenga, that is not all. You could stay a little longer. There may be questions from Members of the Panel to may be explain or to seek further explanation or clarification of the evidence, and views you have expressed.

MR. KAWANGA: Mr. Kirenga, fortunately, you are a lawyer who has been here since 1966 and there are views that some of our problems started in 1966; and, according to you, it is this feeling that whoever is in power, when he feels threatened, has to resort to violence to preserve himself in power. And now you may blame somebody who wants to preserve himself in power; but, I think, even the one who wants to remove someone who is in power should be blamed. Now what do you think we should do about people who try by violence to remove those who are already in power?

KIRENGA: That is a difficult -

CHAIRMAN: If I may add, when there are other means by which - means other than violence, say elections, for instance, which - we would remove such people.

KIRENGA: Yes that is a very good question and interesting too. If there are means of expressing one's views of removing a government which is unpopular, then people should use those means. I think, in every regime, there are means of removing a government. For instance here, if there were chances of having elections and then those elections are fair, then we should use elections to remove the Government, if that is our desire. But, if the elections - as it happened in 1980 - were useless, it is just a kind of exercise too just for the consumption of the international community, then I would even support those who use other means to remove that Government, especially if it is oppressing the people and there is no means of removing it otherwise. Hence the NRA struggle, I think, that was justified from what we came to see. If they had not fought, I think, we would be having another very oppressive regime, probably worse than we experienced. So, in some instances, it may be justified like it was in this struggle which brought this government into power. But, if there are means of expressing one's views, then - mind you, not everyone who wants to come to Government should necessarily come to

Government. You might try to remove the Government when you are worse like, for instance, those people FOBA; if they think that they can use force to capture power, they shouldn't be allowed because we have seen them. They are so bad and our Government is good. But, if like Obote's Government was - if it was murdering people, raping, burning houses then that one should be removed by elections, if it is possible; if it is impossible, then by other means.

MR. KAWANGA: Yes, but don't you think that now it has become part of our national ethic that Governments have to be removed by force? It started in 1966. It happened in 1971. Then it continues in 1979 - 1980 - 1985 - 1986. How do we reverse this trend?

KIRENGA: I think, it is already reversed in that all these were struggles too with a hope that a popular Government would emerge and that the society would be better. People would sleep in their houses; that people would not be tortured; that they would not be imprisoned; that they would not be killed on the streets by the army; that they would not be interned in State Research or Makindye. Now, if these things had been abolished, I think, one would say there should be an end to violence; and then we establish a society whereby there would be a kind of agreement on the democratic process of solving our problems. You can't go on fighting all those years or you can't agree that we will always be fighting. There should be a means -a peaceful means.

MR. KAWANGA: Yeah, the solution is that, if we have achieved what we have wanted, then there is no need for changing the government; it should remain in place.

KIRENGA: Yes by force.

CHAIRMAN: Any further force is not necessary because if we have arrived -

KIRENGA: At what we wanted. But, even if you want a change in that Government, then there must be some means within the rules governing that Government if we wanted some, change, not necessarily by violence. For instance, the party in power can have a means of electing their Chairman or removing him. The country as such will be given - there will be a Constitution; otherwise there should be some Constitution. In that Constitution, these things should be spelt out. Unless the Constitution is abused and the rules are not followed, then other considerations should be thought of. But, if you stick to the rules of the Constitution, then I think, the constitution is the best governor - is the best arbiter of all these conflicts.

MR. KAWANGA: But don't you think that individuals within a system may refuse to be removed; and, as a result, they resort to violence to stay where they are, even if it doesn't mean to stay a President or anything? I will take the example of Idi Amin. In my view, I think, Idi Amin overthrew the Government because he felt he was personally -

KIRENGA: Jump upon him then -

MR. KAWANGA: How do you stop a thing like that happening and then he gets into power not because he has any qualification whatsoever for being President; but because he wants to preserve himself, he seizes power and abuses it?

KIRENGA: I think, this kind of education would be important. If we educate people morally, scientifically, socially we teach them how to be good, how to behave towards each other, how to observe the law governing the country, then even this idea of trying to preserve oneself would not arise. For instance, if Amin's life had not been threatened - if Obote had followed the law then there would be no need of Amin being threatened. But he was threatened may be because he was going to be killed illegally or murdered.

CHAIRMAN: Mr. Kirenga, if I may assist the Commissioner, from what has been written and, perhaps, some of us have read, Amin felt threatened because he was suspected to have been implicated in the murder of a senior police officer. So he had to strike to save himself being accused of this crime. How do you solve that kind of situation?

KIRENGA: I can't say that I am going -

KAKWENZIRE: May I also give my contribution that it was not only that threat but there were also other international forces, I think, that wanted to change the Government at that particular time. We have been, I think, receiving evidence of the role of Israel other forces which had increasingly become very unhappy with Obote. So Amin didn't only come on the scene by his own making alone. It is my contribution.

KIRENGA: Yeah, of course that time, even the country was ripe for a coup - in 1971; and also Ben Kiwanuka was in prison; Ssemogerere was in prison; the General Service was everywhere, trying to spy on people. The economy was deteriorating and robbers were everywhere: in fact, I remember in 1969, they had groups of armed robbers going in groups of about 30 - 50, terrorising villages like Kazo, like Kikandwa here. So the atmosphere was ripe. But I cannot answer that question in that you cannot predict what might happen. Somebody might stage a coup to preserve himself; or he might stage it to preserve society. He might do it for the good of the whole Nation. That one would depend on the circumstance of the future.

MR. KAWANGA: But would you think, for example, if nationals of this country were to be sure about how long a certain leader stays in power, that it would give people chance of saying, "Okay, give him a chance to come to the end of his term and then wait for another one." Would you think fixing a definite period would be of any use, stopping these political turmoils?

KIRENGA: Partly, it could be useful - partly and partly that leader should make sure that he is doing good things so that people do not become - they don't mind even if a period does arrive quickly. For instance if let us take the example of Obote, even if he said he was going to stay there for a limited time, but, if he was killing, raping, doing all those things, then even people's patience probably would become exhausted before the time expired. So, fixing a period is a good thing - in one way - but, at the

same time, behaving well - serving the Nation well is another way; so that people don't have to say, "When will that time come?" Even if it doesn't come, they will still be happy.

MR. KAWANGA: Now you compared Obote Two and Amin's period; and, according to you, you said, "Well, this Amin's period was better in that Amin's killings were selective; while the ones of Obote were indiscriminate". Personally I hate all kinds of killings whether they are selective or indiscriminate. But why do you think we should even engage ourselves in comparing which of the two regimes was better? Why shouldn't we just try to hate whatever kinds of killings that took place and try to - not - to exonerate anybody because one is less than the other one?

KIRENGA: I am not exonerating anybody; I said the lesser of the two evils. Suppose you were to have the men come and you had a referendum here and people were asked to vote for one or the other but no third one; I am sure Amin would beat Obote. But, of course, if they were given a choice not to choose any of them, they would reject both. But the two were evils and one was worse than the other. That is what I would say. I was not saying that -

CHAIRMAN: Mr. Kirenga, if I may come in here. That would depend on what part of Uganda you were speaking about.

KIRENGA: Yeah, but if you had the votes of the whole country - if you had all the votes, I am sure, Amin would score better than -

CHAIRMAN: If you go to the North, well a lot of people died during Amin's time; the answer may be different.

MR. KAWANGA: Could be.

KIRENGA: Yeah, but, if you compare in terms of numbers, the people killed, there are much fewer than the people Obote killed. These are in almost, I think, could be about a million; whereas, I think, Amin could have killed about 300,000.

MR. KAWANGA: All right.

KIRENGA: Obote killed about a million or more.

MR. KAWANGA: Okay, let us zero down to those Banyarwanda period - and I think, in this one you can assist us because, to my knowledge, your constituency contains quite a number of people of Rwandese Origin. But you remember the period when the Banyarwanda were chased - or the people of Rwandese origin were forced out of the country. The intentions with which it was done in the Western Region as distinct as from let us say other parts of Uganda where people of Rwandese origin existed. What do you think was the basic reason for turning against the people of Rwandese origin? It just cannot be enough saying, "Oh, these people were against - they were pro-Museveni because you know Museveni was from the West; but the vehemence was greatest in the West". What do

you think was the basic reason for chasing out the Banyarwanda?

KIRENGA: I still stand by my answer but I can say it was exarcebated by some officials who happened to come from those areas who were very big in U.P.C: People like Kagurusi, like Rubaihayo, like Rwakasisi, like - there are some who are already charged; there were some officials who were from Ankole and they were big in UPC so they even thought that they were threatened even in the electoral roll. So they wanted to reduce the number of the voters from there. But, of course, this bias was probably more pronounced in Ankole because they were more there - more than in Buganda in especially those parts like Isingiro. But, in Buganda, I think, the relationship has been very good. But even in Ankole it was good; it was a few people who were doing that kind of thing. It was not a popular uprising. It was UPC supporters who were victimising Banyarwandas or people of Rwandese origin because these were not supporting UPC They were either DP or UPM.

MR. KAWANGA: I see. So, according to you, the whole victimisation is politically motivated.

KIRENGA: It is politically motivated because many Banyankole were forced to flee.

MR. KAWANGA: You don't think there is any other ethnic reason for this?

KIRENGA: Yeah, this is also there - there is ethnic differences in Ankole - I think, these were known between Bahima and Bairu.

MR. KAWANGA: Yes.

KIRENGA: But you will find that, in Ankole the - well, I think, you know the politics of Ankole, Bairu were divided; the Catholic Bairu were D.P; the Protestant Bairu were U.P.C. Then all the Bahima whether Protestant or Catholic were D.P. and all the Banyarwanda all people with Banyarwanda origin were most of them citizens were either D.P. or U.P.M. So, in other words, you would find that the grouping was the Bairu Protestants were against the Bahima and the Banyarwanda because they were almost the same in structure and other things. So that could be one of the reasons. But then the majority - that is the Bairu Catholics were on the side of the oppressed; so they were with the rest because they were also discriminated against. But, when I say U.P.C., I do not mean everybody; I mean some of them who were bad.

MR. KAWANGA: Yes and do you think, in your view, that, therefore, the ethnic conflict is not of tremendous importance in this Banyarwanda affair; it is the political motivation behind it and, that if you deal with this one, you will have dealt with the problem?

KIRENGA: Yes, that is what I think.

MR. KAWANGA: I see. Now, on the basis of what has happened in Ankole to the Banyarwanda, do you think a similar thing can happen say in other parts of Uganda where minorities or -

KIRENGA: It has happened in Teso, Lango: I think, people from Ankole, let us say Banyarwanda, Banyankole, Baganda - people from this area have been chased from there. They are now refugees. So this kind of tendency is not desirable. It can happen but it should never happen. People should be taught that Uganda is one country. You can live in any part of Uganda where you want: a Munyankole should be able to live in Koboko and Arua should be able to live in Kisoro or Rwampara in Ankole -like that. So, like in Britain, you will find Scottish people are in London, Irish people are in northern rather than southern parts of it. There is no discrimination at all; although there may be some bias - natural bias like it is in Belgium between French Speaking and Flemish speaking sections. But again this is not desirable. It should be abolished; it should be discouraged so that it dies a natural death.

CHAIRMAN: Yes, how do you discourage it or abolish it? Abolishing might be difficult. How do you discourage it?

KIRENGA: By, may be, political education; telling people that they are all equal before the law; that all citizens are equal; that even those who are not citizens are human beings. They should be treated fairly. I think, education should be telling them - telling people what they should do. It is always necessary. So mass rallies can be of help and then preaching in churches can be of help; and then, probably - and, our legal process should be strengthened; so that if one breaks the law he should be punished. If somebody loots somebody's property because he is not of the same tribe, he should be punished; because the law is there. He is breaking the law. So there should be strict observance of the rule of law and enforcement, not only that the enforcement should also be fair to everybody. So, I think, in the end, we can have a better society.

MR. KAWANGA: Yeah, but with me what bothers me is that people will always find reasons for discriminating against somebody. Okay, today, it may be religion, tomorrow it may be tribe, the other day, it may be class: you know - economic classes. I am giving examples. You are the one, for example, who gave the example of religious discrimination during the Amin Days. It was there rather than being tribal, it became religious; but also the tribal element was there. Subsequently they became tribal in the West against Banyarwanda but it didn't exist in Buganda at that time. Now it is tribal in the North. You know there is always discrimination coming up and it is of importance in society.

KIRENGA: I think, the solution to that -

CHAIRMAN: If I can just add a bit; I think, up to the - well this was reported common knowledge up to the 1985 change of Government, in Bugerere, Mukono District as a whole a lot of non-indigenous people were expelled: Their houses burnt, looted and so on. Up to now, I mean, there are reports and cases and so on,. they can't come back.

KIRENGA: That one should be discouraged. There should be fair laws where everybody is equal before the law. If some laws are discriminating

against one society, then, if there is a chance to revenge by taking the law into their hands; but, if the laws are fair to everybody and they are enforced fairly, I can't see why anybody should complain and try to think that one community is bad. Because if every requirement is told that this is the law and all of you follow it you are equal before the law - there should be no need for resorting to violence, even if there is a change of government. But what I suspect, may be, is that in that eastern - in Bugerere, for instance, is that some of those people were chairmen of U.P.C. They were U.P.C. functionaries. So, when there was a change of Government, the masses rose against them because they were the ones who had been imprisoning them looting them; bringing the army to point out those who are sympathisers with the guerrillas. That is what was happening. But, of course, what was unfair was that it even went beyond the particular individuals who had been involved in the torturing of those people and included even those who were oppressing. I think, that was unfair on that part of whoever was taking the law into his own hands. I don't say that they were doing the right things; but they were doing wrong and also doing it unfairly. So, I think, treating people fairly and telling them to stick to the rule of law, removing discrimination, removing favouring one section against another will, in a way, limit the chances of prejudice of one society - part of a society - against another. Like here in Buganda, there is no need; all people were suffering at the hands of Obote. So there was no need of saying, "This was a Munyankole. This was a Munyarwanda. This was a Mutoro." Because all of them were oppressed. But, if one section had been - like in Bugerere, had been favoured by the Government, then there was that risk of an uprising, if there was a change. So, in other words, there should be equal treatment.

KAKWENZIRE: But actually I don't think that an ordinary peasant of Northern origin was enjoying any favours from the government.

KIRENGA: If he was a soldier - yes.

KAKWENZIRE: No the Chairman was talking of the people, I think, from - who were living in Buganda but some associates, I think, of - Northern origin. Am I correct, Mr. Chairman?

KIRENGA: No they were of Eastern.

KAKWENZIRE: Of Eastern.

KIRENGA: They were Samyas and, I think, from Tororo.

CHAIRMAN: Eteso, Samias, Japadhola and so on, mostly Easterners.

KIRENGA: I don't approve of that kind of discrimination of uprising against some people because of their tribe. That is wrong. And, I think, the Government should educate the masses about that; that they are the same people. After all, they inter-marry; they belong to the same Nation. People should be discouraged to do that kind of thing.

KAKWENZIRE: Now, it is my feeling that no amount of preaching can alleviate what seems to be a result of, may be, backwardness - they call it "backwardness," but I call it some kind of "Inferior Social Economic Order."

KIRENGA: But, personally, I find that, if somebody has gone to school say elementary school; he has had - he has been taught - God's Commandments; he has been, may be, to better societies; he has seen how other people behave, he is better. He gets a better education than if he has not had the experience. For instance, if he doesn't go to churches; he doesn't - in other words, if somebody is taught, he is better off than the one who is not taught. I think, we should try our best.

MR. KAWANGA: On this one, you are the one who has given examples which astound. You gave the example of Kagurusi. I happened to have gone to school with Kagurusi in the same school and I think we went up to Makerere. You gave example of Rubayihayo. Surely, by any standard of training he is a whole doctor in agriculture. Now, if these kinds of people can still succumb to this kind of feeling, what can education offer?

KIRENGA: I was also shocked when I saw what they were doing. In fact, other time, it appeared Members of U.P.C. who were in Parliament were - those who were Gentlemen were - in the wrong places there. This was a group of thugs, although some of them had been educated. May be, they had been indoctrinated to behave like that in society; that is how they could preserve themselves into power. But I am surprised that they behaved like that.

DR. MAKUBUYA: I wanted to pursue this idea of mass expulsion a little bit more; may be, you may -

KIRENGA: Of Asians.

DR. MAKUBUYA: Well it is not only Asians.

KIRENGA: I see of Banyankole.

DR. MUKUBUYA: For example Obote in 1966 displaced people by what took place and he grabbed - some people lost their property without compensation; Amin expelled Asians and you said that, that was an inhuman act in one part. But, at the same time, you said, it opened the eyes of Ugandans at least, in the Business World to understand how to import things and how to go about business; understand who Mr. Foreign Exchange is and so on and so forth. So, in that way, you claimed that one part was bad; another part was good. And others were advocating that some Ugandans benefitted from Amin expelling Asians. And then people of Rwandese origin were expelled.

KIRENGA: Of Rwandese origin and not of Rwandese origin but suspected.

DR. MAKUBUYA: Or suspected to be of Rwandese origin - were expelled. I wonder whether there was anything good in these other expulsions as far as

whether individuals were concerned or the Country was concerned as a whole, besides the Asians!

KIRENGA: Besides the Asians, nothing else good resulted from the expulsion; in fact, even for the Asians, I didn't say - partly it was good; I said it resulted in something good. You can do a bad thing and then a good thing results from it; but you don't say the act was good. The act was bad but then the result was - part of the result was good. It is a philosophical argument.

DR. MAKUBUYA: In other words the -

KIRENGA: I condemn the act but I welcome some of the results.

DR. MAKUBUYA: So, in other words, you are saying that sometimes the End may justify the Means.

KIRENGA: Ah, no. But I don't support that view that the End Justifies the Means.

CHAIRMAN: Yes that is the corollary: If you welcome the results -

KIRENGA: Yes.

CHAIRMAN: Although you condemn the means, it means the End Justifies the Means.

KIRENGA: Yes, of course, this is true in ordinary experience. Take the recent Liberation War. We had bitter experiences but, since the war was through, now we say it was fought; although the experience we went through was bad: Like the Luwero Experiences - the what. So you can say, fighting is a bad thing but sometimes it can liberate you. So, in that case, you can say it is good. But I don't know! Anyway, this is just an argument. But I still stand by my statement that the expulsion was bad; but, incidentally, after it was done, we found there was something good out of it; although the same result could have been achieved by legalising these matters - by bringing some laws. The same result could have been achieved, without necessarily expelling them; or, if you expel them, you expel them humanely; send them to their countries humanely; but probably the same result of Africanising Trade would have been achieved. You didn't have to resort to this inhuman act. But then whatever method was used, in the end, the Africans benefitted anyway.

DR. MAKUBUYA: Couldn't they have been taught how to trade better and go about these rather than going about it in another way?

KIRENGA: But it wouldn't have been so quick. It would have taken some time; like now in Kenya, some Asians are refused trading licences and they are given to Africans. But, if you compare the two countries, the Africans here are much better off. They are more experienced in trading than, for instance, those Africans. So this was quicker and worse in the way it was carried out; but the results were very, very quick. They were achieved

within a very, very short time. But I condemn them.

DR. MAKUBUYA: It was short and sharp.

KIRENGA: Yes. In fact, they say, 'Nobody else could have done it except himself'.

DR. MAKUBUYA: Yes, there was this element of outcasts in society either on individual basis or groups and examples have been highlighted, for example, a group has oppressed another group and then the oppressed reacted against that group; and, in so doing, they involve others who were not originally involved in that conflict. What would you advise in dealing with this sort of problem -social outcasts?

KIRENGA: I don't get that. What do you mean by, 'Social outcasts? You mean these -like what?'

DR. MAKUBUYA: Well, take a village there is an individual X who is not wanted by that society.

KIRENGA: Oh, I see.

DR. MAKUBUYA: Or a group of people not wanted in a particular area.

KIRENGA: Me I am a follower of the rule-of-law: If he is entitled to be there and he is not a law breaker, he should be there. I think, society should be told or taught to tolerate him. For instance, you hear of people being chased from a village like it - that he was a musezi in Buganda - that is a night (what they call them a night dancer) or something. Yes. That may be just a suspicion. He may not be. Then you may find that he is chased or they might say that he is a witch doctor. If there is a proof that he is, he should be tried - now that we have got these resistance councils; and, if he is tried, he should be punished and told to stop what he had done. But nothing should go beyond our laws. We should restrict ourselves to the rule-of law: Anybody observing the laws, should be tolerated, no matter how you are prejudiced against him. That is society. It is like abroad: You may find a black is not wanted in a certain area; but the law protects him. He will have to be in that area of the whites, although the whites don't want him. And this is what we should also do: Even if you don't want the particular person, if he is entitled to be there, let him be there so far as the law permits.

DR. MAKUBUYA: Now to go to something different, you talked of chiefs - that chiefs were U.P.C. supporters and some D.P. chiefs were dismissed. I am sure I am quoting you correctly.

KIRENGA: Yes.

DR. MAKUBUYA: But do you think there is something wrong if a particular Government puts people who understand their policy to run the affairs on their behalf.

KIRENGA: You see, there is -

DR. MAKUBUYA: Just as these UPC's put their chiefs there?

KIRENGA: Well, I don't know the present trend; but, at least, in the past, we were taught - and I believe - that a civil servant should support any Government which is in power. If that Government is removed, he should support the next one which comes to replace it. He should not be victimised; and a chief is a civil servant. So, I think, the role of a chief should be like that of a civil servant: Like a Permanent Secretary, like an Under Secretary, like a doctor - a doctor should not be dismissed because - from the hospital because - Government has changed. He should remain and do his duties but serve the Government of the day. But these were not - even all those who were dismissed were not -opposed to the Government; the only crime is that they had been associated with a party. I remember in Buganda in 1980 Elections, in fact, everybody was opposed to Obote. So the opposition was almost unanimous. Because I remember, for instance, in my constituency, the UPC could not hold a rally because nobody would come. Everybody was either DP or UPM or CP. But, when UPC came in power in 1980, they suspected all those; and then brought in these functionaries who were diehard UPC's. Could do anything under the sun to advance the objectives of the UPC, including killing. So these were people who were chiefs; like the Gombolola Chief I have quoted who was killing people, burying them alive because they were not supporters of the Government. This was wrong.

DR. MAKUBUYA: Would you advise civil servants to keep off politics?

KIRENGA: And it depends upon the order-of-the-day; it depends upon the Policy of the Government. But, I think, it is desirable that civil servants - because civil servants have also parties which they support; but they - don't have to show it in public. But they should support the Government-of-the-day without going out of their way to address rallies. They should do their duties but they should leave that to the politicians. Like now in the country, that should be the role of the D.A's but an ordinary civil servant should not go indiscriminating the people; because that is not his duty. His duty is to do his work as a civil servant.

DR. MAKUBUYA: But of course that may also be dangerous: if somebody is supporting something and does not show it but continues to serve as a civil servant, you may be breeding acts of sabotage indirectly - sabotage, a sort of Cold War going on.

KIRENGA: I don't agree because even if you shout, you can shout that you are supporting when you are not actually supporting: Like it is obvious even today; you can see those who are vocal now are, in fact, the past opponents and they may not actually necessarily be supporters. Those who are quiet may be even supporting more than those who are shouting. So it depends upon a particular situation. But, being quiet, does not mean that you are opposed. You can like your Government but without going out of your way to preach. You can be supporting actually quietly; wishing it the best chances in future but without addressing rallies. That is what most of the masses are doing: They are supporting now, for

instance, but they are not all the time talking. But whatever the Government does, they are happy - they are happy - with it; but they don't have to shout.

DR. LUYOMBYA: We are trying to look for a permanent solution to these problems rather than taking it that it will depend on the order-of-the-day.

KIRENGA: The permanent solution, I think, is a Constitution - a Constitution should spell out the role of the civil service, the role of the judiciary, the role of - whatever is important should be defined and all these things should be known properly by everybody; so that we don't have to change them every time a Government changes. So a Constitution is very important. As I said earlier, Obote violated the Constitution not that the Constitution was bad but because he was not even following it. Although it has some loopholes, but, he never followed it; he was just violating it. For instance, killing is murder. If the Constitution had been followed, the killers should have been prosecuted. Robing is an offence; raping is a criminal offence; looting is an offence - that is theft. All these things which were being done, were against the Constitution and against the laws; but they were tolerated because they were being encouraged for other motives in breach of the law. So, I think, an observance of the rule of the law is, probably, the best safeguard of these important matters to our lives.

KAKWENZIRE: Let me first finish with the Rwandese Expulsion. My fellow Commissioner had asked you a question you didn't answer; may be, you better answer it and we get off from there. He had wanted to know whether there were some positive results arising out of the Expulsion of the Rwandese from ankole and expulsion of Easterners from Buganda.

KIRENGA: There was no good result. I think, I answered that, expect bitterness. And may be highlighting the plight may be what should have resulted would have been to observe or rather to examine the laws governing, for instance, citizenship. I know many Banyankole who were expelled in the allegation that they were of Rwandese origin; whereas, in fact, they were citizens. So may be, the good thing which could have resulted from it was to - because I remember at one time I had to explain to Parliament about the status of a Munyarwanda in law. Either he is a citizen or he is not. Some are, some are not. But that one was not known. Some people could not believe it that some were citizens. So, may be, this one gave us an opportunity to point this out; that, for instance, the Banyarwanda from Bufumbira are Byanyarwanda; the Banyarwanda from Ankole, from Kamweezi in Kigezi all these are Banyarwanda, unless they crossed; but, if the demarcation found them there, they are as Ugandans as an Itesot from Kaberamaido or a Muganda from Mawokota. So this was -

CHAIRMAN: Sorry - to correct you; if he is from Kaberamaido, he would be a Kumam.

KIRENGA: He is a Kumam. Yes.

CHAIRMAN: Yes.

KIRENGA: Thank you very much, Mr. Chairman. Well, this gave us an opportunity to explain the status and the role and the need even to change the Constitution and, let us say, recognize as citizens those who actually should have been citizens. If somebody regards himself as a citizens but because of the Obote's Laws he is not a citizen, then the Government should come in and regularise this aspect. But I still emphasize that nothing good came out of it, apart from opening the eyes of those whose interests led to the problem which existed.

KAKWENZIRE: This particular problem is among our Terms of Reference and I hope we shall have my contribution to it. But, on the issue of citizenship, I could tell you that properly and legally Ugandan citizens of Rwanda origin by marriage and registered. But I visualise a situation whereby you get somebody in power who just doesn't want to abide by the law - an experience which we have seen and which we are likely to continue to see - and such a person just puts the law aside and he says: "Go."

KIRENGA: There is no way you can guard against that because even a Muganda - if Obote had continued to stay, I think most Baganda would also find themselves in exile. So, even those who think they qualify as citizens, can find themselves being expelled; depends upon how bad the regime is. So the only safeguard is that the regime should observe the laws and then change them, for instance, the law regarding citizenship is very unfair. It should be amended.

KAKWENZIRE: I also wanted to point out to your attention that there are some other side arguments advanced, I do not know, correctly or incorrectly, that the expulsion had some economic benefits for those who reaped the remnants of the property from these expelled people.

KIRENGA: Yes.

KAKWENZIRE: Do you want to comment on that, in terms of land, cattle and houses and what-have-you?

KIRENGA: Yes, I would agree with that. It is like a robber, grabbing a car. He becomes richer. That is an advantage to him. I think, the two things are almost the same. But it cannot be justified because -

KAKWENZIRE: Yes see, I want you to reconcile your earlier assertion on Asians and the Rwandese just for straight record for us to be able to understand your views on this.

KIRENGA: I condemn both that they were inhuman; but this one of the Rwandese was not done by - it was done by - thugs. Actually this was not even an order of the Government. It was just political thugs doing it and then being tolerated; because the Government denied it. If I can remember, they didn't make any particular announcements; but they were encouraging these thugs to grab property and to intimidate. I don't think that there was anything good that came out of it; whereas with the Asians that is these people were expelled. I don't support the expulsion; on the other hand, they had been monopolizing trade of the Africans. I don't

think you can say, Banyankole who were expelled and the Banyarwanda who were expelled that they were dominating the economy. They were not. They were just peasants. Although some were richer than others, this was no argument for robbing them; in the same way as you cannot justify a robber robbing from one area, using money to build shops and enriching that area. That cannot be justified. If the profit is obtained by illegal means, it should be discouraged.

KAKWENZIRE: My other question is that you had not commented on the rigged elections as a violation; if you knew that the elections were rigged. I would like to hear your views.

KIRENGA: That was a violation of human rights in that the people were deprived of the right to have their own Representatives.

KAKWENZIRE: Were elections rigged?

KIRENGA: Yes. Although I was elected, it was because in Buganda the support was so massive that rigging them would have resulted, I think, in violence. Because quite honestly I was doing the campaigning and UPC could not have any rallies at all. It was impossible to have any rallies. What they were doing was to go speak in loud speakers through the towns. But, if they called a rally, nobody would turn up. So, if they declared that they had won, it would have been obvious that they had rigged. But where the support was sixty to forty, rigging was possible without resulting in violence. In Buganda, I think, there was only one seat which was stolen or rigged: and that was the one of Mubende South East. But the others were not rigged.

KAKWENZIRE: Mr. Kirenga, is there a way through which this Commission can come to a concrete and substantiated proof that elections were rigged? You realize that it is one of the -

KIRENGA: For instance -

KAKWENZIRE: Causes advanced to have sparked off subsequent struggle which resulted in violation of human rights.

KIRENGA: By making inquiries - for instance in that seat of that is - Bukemero or Bulera and Kikandwa; that Constituency, I think, is - South East. That one was rigged because the results were counted - the results from each polling division were counted and - rigging. Then we had seats like in Lango where Nekyon was refused supporters in nomination, they were intimidated so that he could not even be nominated! Then - each one was different from the other, but there were some where supporters were very vigilant and they prevented the rigging. But I am sure the party officials have these evidence, they can be called I am not a party official; they can give this evidence, such as Kitariko the Secretary General, like the President General of the party Ssemwogerere -

CHAIRMAN: Sorry, Mr. Kirenga, to add on what the question the Commissioner has asked, still on elections, this is very important item in our inquiry; now,

you as a lawyer you know this better than, perhaps, anybody else or many other people. Under the National Assembly's Act and so on, are there no remedies for redress in cases where a losing candidate was dissatisfied with the results?

KIRENGA: The remedies are there; within 30 days or 21 days, I am not sure of the days, after the elections you have to file a petition. Some filed; some DP candidates filed petitions but others found it was useless because the government had already won and it would not have changed the government, so they lost interest.

CHAIRMAN: I think in all seriousness you would agree that somebody who was dissatisfied ought to have filed a petition, and many petitions were filed; some were completed and some were not. I am speaking through my knowledge in the High Court as a Judge or one of the Judges who presided over, at least, one of the petitions.

KIRENGA: Yes, okay, let us look at those which were filed first. I think if I remember not more than seven were heard. I think they heard about four in all those four years, they were never fixed for hearing but they were just being postponed.

CHAIRMAN: Well, evidence would have to come first to show why this did not proceed; some which proceeded were completed, but they had different reasons.

KIRENGA: It depended upon what the result was likely to be because there was even frustration in the High Court.

CHAIRMAN: We need evidence about that one, because I am speaking as a Judge who decided one of them, I threw out the petition; it is because the petitioner was a UPC man. That is why it was quick.

CHAIRMAN: Well, I do not know; we need evidence with this, not just say opinions.

COUNSEL: I think this witness cannot provide that answer. That answer can only be provided by me and the investigators who may try to find witnesses.

KIRENGA: But the other aspects where people lost interest I think it is very valid. There was Wangoola who had defeated Luwuliza-Kirunda. That one had filed, then he escaped when he saw his life was in danger; he left the country. Then I remember others who said - for instance the Attorney General Mulenga told me what was the use of - we were just pursuing a dead objective. It is just useless. If the Government has won, then it has elected even military people. The President had the right to enlarge the majority by nominating military people by having specially elected, by making sure that those who are on the side of DP run out of the country. So even if we had petitions, you would not change the government.

CHAIRMAN: But Mr. Kirenga, I think in my view that was wrong. It is the rule of law you are talking about and the Constitution. The people ought to insist on their right according to the law. You cannot be robbed and say it is

useless to report, it is useless to seek court redress. That is a wrong attitude. That would force people to abandon legal means and use other means.

KIRENGA: Yes, that is why - hence the fights.

CHAIRMAN: But what I am saying, I am taking specifically about election petitions that they ought to be pursued.

KIRENGA: I agree that they ought -

CHAIRMAN: Yes, it is for the court which should decide whether the petition is useless or not useless.

KIRENGA: But the way they looked at it they said supposing they had won, would they have altered the government?

CHAIRMAN: But in some cases the petitions succeeded, in some cases they failed.

KIRENGA: Yes, I agree with you that, that remedy was there but people regarded it as useless. The government would not have been changed even if all those people had petitioned and succeeded. Although there was a kind of rule of law, the judges were not interfered with. The judges were free and independent but the atmosphere was not even good.

KAKWENZIRE: So how did you feel cheated of your right to, -

KIRENGA: To form the Government?

KAKWENZIRE: Yes.

KIRENGA: I personally was not cheated because I won in my constituency but as a party and as a nation, we felt that was immoral for somebody who had been defeated very badly to form the government and what followed of course, was very bad because Obote knew that he had no support of the people. So that is why he oppressed them because he knew they did not support him. And that is why some Ministers were saying openly, "You refused to give us votes. Okay, you will see." I felt very bad but then we stayed and did the best we could out of the circumstances. In other words, we came in Opposition although we were the majority which was immoral and wrong but there it is. Probably there was no other way.

KAKWENZIRE: What was the working relationship like in Parliament?

KIRENGA: In Parliament, it was good. UPC Parliamentarians and DP Parliamentarians were shaking hands, joking with each other but after that it would be very bad. If you came from the same district, you would chat very well when you were here but if you went back, he would be on you. He would welcome you if you were here but not when you were back at home. That is why most MPs were arrested whenever they went home like Kyesimira, like Katalikawe. At home, they were more dangerous because they had support but here they were welcome because

they were almost toothless to face bull dogs.

CHAIRMAN: There was evidence given here by Principal Private Secretary to the President -former - that facilities were provided to Members of Parliament - forms of transport; that vehicles were given to Members of Parliament. Do you have any comment on that?

KIRENGA: Who said that?

CHAIRMAN: Mr. Ekochu.

KIRENGA: Well, I do not want to call him a liar but certainly he was speaking about UPC MPs. but not about the others. We only got allowances for attendance and our salaries. That is all. We were never given any vehicles. UPC were given Pick-ups; I do not know of any DP MP who got a Pick-up or got transport of any kind whatsoever. But if you crossed, you would get a Pick-up. For instance those of Busoga, most of them got Pick-ups. Well, unless I did not know but me I never got anything anyway. So that was a wrong statement - it was right in so as far it referred to UPC Mps. but not to others.

KAKWENZIRE: How much were you compromised of as spokesmen of the People's rights?

KIRENGA: No, we spoke. We spoke in Parliament; in fact I think that was the only way either you would speak in Parliament or you would call a Press Conference and brief the international community on what was happening. I think those were the only means of communication. But in Parliament, we spoke. I think Hon. Sabiiti - although he was staying at Rubaga which was very dangerous, he used to attack soldiers like Sokoro openly and we thought he was committing suicide but there he was! He spoke and many others did the same and I think it had some results because these people were being attacked. The embassies were telling them that they were overdoing things and they had to defend themselves by explaining that this was not the case, that this was justified; things like that. I think that Parliament was very right because there was always an attack from the side of the Opposition.

KIRENGA: I think that Parliament was very right because through it we could speak against the violation of human rights. These mass killings, all those things were raised in Parliament at the risk of the Members who were uttering these things. There was no compromising of one's right to speak for his electorate.

KAKWENZIRE: Did you not fear for your life?

KIRENGA: We did.

KAKWENZIRE: In that fear, were you not compromised?

KIRENGA: You would fear but then take the risk.

KAKWENZIRE: You have just said before the Commission that you could not visit your constituency. In five years, you went there three times. Did you feel you were really representing the people of that constituency?

KIRENGA: Yes, by remote control method. These leaders would come and we hold meetings of whatever we wanted. I mobilised my constituency from my office here. In fact even the elections which were going to take place, I had organised the constituency so well that I was going to win but the problem was that it was so risky. The murders were going to be so many. These people were planning to murder. That was our fear. But as far as knowing what the people were thinking knowing their needs, their problems, that one we had means of knowing them. They would come and stay here. We talk, sometimes we would go there secretly but it was very dangerous I agree and it limited our ability to represent the constituencies properly. There was a limit but it was not full limit. It was partial.

KAKWENZIRE: This Commission has been hearing evidence from the people of Mubende and it is my belief that they had it rough. Did you compile some data on what the people in your constituency were going through which you can present to the Commission?

KIRENGA: There were generalisations because - but I can just say that they were being killed; many people were killed. I do not want to say constituency but I can say the district. People of Kiryokya for instance, at a wedding party were killed and some bodies were being dumped at Nyanzi railway station. There was Mityana Police Station which had a lot of people in the cells. Everyday they were being taken to be killed by a certain soldier called Rukyugana. I saw him, he was having a scooter there one day when I went there. We were having coffee and people feared. They thought he was coming to take all of us but he just passed and we were relieved. Everybody was fearing him like death because he was killing everyday. There was Captain Babu who was in-charge of Mityana - that one killed so many people. So the worst violation was killing. Then there was imprisonment, then there was robbing of property, then there was denial of facilities because economic activities were not going on. Farms became bushes including my farm. I had lost everything on it. Most of my supporters became poor because facilities were being given only to UPC supporters. So all those violations were discrimination. Discrimination was there but the most important violation was murder on a scale we never witnessed before in our history.

DR. LUYOMBYA: Just an addition to what the Commissioner has been asking you. Have you been to your former constituency?

KIRENGA: Yes, I have been there many times.

DR. LUYOMBYA: You know there are some violations of human rights and killings. For example, we have been told about the Kiryokya and people being attacked at a wedding but there are many others which we may not have been told about but you having gone back to your constituency, you may know more of others who were killed in cold blood because of this

reason and that and you might have compiled a list or somebody within your constituency has compiled a list of those violations which might not have reached us and that list would be of assistance to us if you can have it compiled in your constituency.

KIRENGA: It will be compiled. In fact I had instructed my supporters to compile a list and they are doing so. I will ask some of them to come and give evidence because I do not want hearsay. It is better if they come and relate the experience they went through which they know about. I have been reading about what they said but that is very little compared to the actual thing. Things were more serious than what has so far been adduced to this Commission.

CHAIRMAN: How soon are you likely to get us this list Mr. Kirenga?

KIRENGA: May be in two months' time.

DR. LUYOMBYA: You seem to know Rucugana and we heard much about him. Have you seen him -

KIRENGA: I saw him once, not lately. I have not seen him lately but I have seen Babu in court. He is on a charge of murder. Of murdering the late MP of Mubende West; Sebugwawo but Rukyugana, I do not know whether he was arrested or whether he ran away. That one I do not know, I saw him only once. In case I met him, I would not recognise him because I saw him only once and in a scared mood. Everybody was saying you should keep quiet because we do not know what he was going to do next. But I think he has a lot to answer if you got hold of him.

CHAIRMAN: Mr. Kirenga, I think that we could go on for quite a long time but we have to save time. Particularly with regard to some of the views you have given, we thank you very much for having come to give us your evidence and views which you have expressed. They will go a long way in assisting us in the inquiry and recommendations. Thank you. Perhaps I may say, you could also encourage your fellow colleagues in the profession. We have seen very few of them so far before this Commission; the lawyers I mean particularly senior lawyers. You are the only one after Kawere so far. So you could go and encourage them to come. We would like to hear from them and hear their views.

KIRENGA: Yes, my Lord, I am very grateful..

CHAIRMAN: Any other professional; not only lawyers but outside, even doctors and so on.

KIRENGA: Much obliged my Lord. I will do that.

CHAIRMAN: Next please.

COUNSEL: Next witness is Mr. Charles Olet.

WITNESS NO.165: MR. CHARLES CHRISTOPHER OLET - SWORN IN

COUNSEL: Would you please give your particulars?

OLET: My names are Charles Christopher Olet. I have been working as Commissioner Customs and Excise until the post was abolished during the last Budget and it is now redesignated as Director General being now occupied by somebody else. Being now occupied by somebody else, I am talking of the post of Commissioner has been abolished by law and the law amended was inserted in director general of Customs and Excise.

COUNSEL: But in other words you are a civil servant?

OLET: I am a civil servant.

COUNSEL: How old are you?

OLET: I am 53 years old.

COUNSEL: And where do you reside?

OLET: I am staying in flat No.7 Dundas Road, Kampala.

COUNSEL: Throughout these 53 years, have you lived in Uganda?

OLET: I lived in Uganda until 1962 when I proceeded for further studies in the United Kingdom and I came back in 1967 July.

COUNSEL: You mean you had training in these Customs or it was -

OLET: I went to train as an accountant having been appointed in the Civil Service on the second of January 1958. That is when I started working in the Treasury Department. And then when I left for further studies, it was what in those days they termed leave without pay but basically I was still a civil servant.

COUNSEL: How many years did you spend in United Kingdom?

OLET: From September 1962 to July 1967.

COUNSEL: So when you came back, you joined Treasury?

OLET: I re-joined Treasury and I was posted for a few months to the Ministry of Health.

COUNSEL: As what?

OLET: As senior - in those days, they had abolished the accountancy part of it. It was Senior Executive Officer, Accounts. And then after a few months I was promoted to Chief Executive Officer and then later on, I also served in the Ministry of Defence for one year.

COUNSEL: When was that?

OLET: That was from 1969 up to the time of coup 1971. It was just over one year really.

COUNSEL: Yes, please tell us.

OLET: And then in 1971, I rejoined the Treasury; came back to Treasury because all accounts staff are actually under the Ministry of Finance but they are posted for duties in all these other Ministries. So back in the Ministry of Finance which is in the Treasury Department, I was posted to the Inland Revenue Division of the Treasury Department. That is when they had just started implementing the graduated tax laws. And then in 1972 while in Inland Revenue, I was appointed to head the division. I became the head of Inland Revenue and then in 1978, that is when I started acting in the post of Chief Accountant until when Mr. Kabaziguruka died. That is when I also started acting as Commissioner Treasury Officer of Accounts. In 1981, in May I spent a summer term in Cambridge University doing senior management course and when I came back in August, I was transferred at the same level from Treasury to Customs and the reason they said was that earlier on I was instrumental in the implementation of the Sales Tax laws which were basically copies from Customs laws. So the laws would not be quite different from what I had already introduced. So I continued working from September 1981 up to December 1986 when I was asked to go on leave. I completed the form and sent it in the usual way that when one is going on leave, he has got to complete a form to inform everybody but I was told that it was not necessary to complete the leave forms. I was only given a letter to go on leave until I am told otherwise. So I am still on leave since last December and for all other purposes, I am still a civil servant as such.

COUNSEL: You mean you had accumulated leave or -

OLET: I had accumulated leave, that is why I completed a form but I was told that this was not (inaudible) - I was being given.

CHAIRMAN: Now Mr. Olet, you perhaps have been told, you have been summoned here to give evidence on an incident set up in that Silver Spring hotel in 1982. But you are an experienced person, a senior civil servant who has been in this country for sometime. You know the government set up this Commission to probe into various violations of human rights by government agencies since independence to 25th or 26th January 1986. So while you were specifically summoned to give evidence on the other incident, you are at liberty also to give any kind of evidence you know of violation of human rights. So bear this in mind please Mr. Olet. Now may be let me start you with what you were summoned for; that is that incident. On 27th August, 1982, where were you Mr. Olet?

OLET: That was I think a Friday when I was invited to the kasiki party in Silver Springs Hotel and the person who invited me was David Kayondo who was working with the Co-operative Bank and he was the one who was being close to me and he invited me especially because I was a host to another close friend of his who was a Kenyan and the Kenyan Mr. Felix Amani was my brother-in-law. He is married to my sister. He had come to Uganda for a holiday and he was actually staying with me and being a close friend to Kayondo, John Nkera and Norman Kuluwa, they invited me alone to attend the party which was the prevailing party to Norman Kuluwa. We arrived at Silver Springs at about seven in the evening and while there we were met by David Kayondo who took us to the place where the party was taking place, which was in the swimming pool sector of the Silver Springs complex. So at about 7.30 or just before eight, there was somebody who came. He looked strange and he was behaving strangely and all people paid attention to him. So I found out and said, who is this other man? And one of the fellows said, he is a soldier called Kokolemu. So I thought he was also a guest here but apparently, not very many people knew him. But later on, I recognised him anyway in the uniform. So that evening, soldiers came in - I said soldiers, we probably say security men because they were in civilian dressed but they had guns. They came in about four or five of them. So when they arrived and then there was that consternation you could see in people's faces and shortly afterwards, David Kayondo came to me and said," look, I am being arrested." I said," No, it cannot be!" He said, yes. So I looked around those who were near him, I could pick up two or three faces. I could recognise. One of them was a fellow called Okabo and he was popularly known as A.B.C. Okabo what those letters stand for, I did not know. Then another one was a young man called Daniel Areng and later on I learnt that he was also known as Lira lira namely because he was most of the time drinking the enguuli popularly known as Lira-lira. So I intervened on behalf of Kayondo, I said," but why are you arresting this man?" They both almost in chorus told me," It is not your duty. We are security people we are doing our duty." So I said," No, you just cannot come to a party and take people like that. There are other places where you could have arrested them." And soon thereafter, they also arrested Norman Kuluwa. And so I got so disturbed and so annoyed that I followed them. We walked with them where they were going and the two were bound on to a Land Rover and I also jumped on to the Land Rover because I wanted to find out where they were taking them. I wanted to plead with these people if they could leave the gentlemen.

COUNSEL: Mr. Olet, only two were arrested to your knowledge or there were others?

OLET: There were others. For example Eddie Rukyarekere was one of those also on the same vehicle. I think on our van there were two or three soldiers and then there were about three or four of us who were not in the - (inaudible) - and other people and soldiers and probably other people arrested in the same place travelled in a Peugeot vehicle which was being driven by Okabo A.B.C. So we were all bundled to the vehicle and they started driving and we all ended up in Nile Mansions third floor. Then we entered one of the rooms there. I cannot remember the number; that

was in the third floor because we walked the stairs. We were all asked to take off our shoes. So in other words, I also became arrested in the meantime because I came with them. Why did I have to disturb them? So we were asked to take off our shoes, to take off watches and we all sat on the ground. In the meantime, there were other - probably call them prisoners. There were other people. Some were lying down, some were leaning against the walls of the building and a couple of them were crying. And when we were told to sit down with shoes off, et cetera, we were asked not to speak to each other. So we sat there for one hour and we had nothing which was really going on except we were looking at the agony other people were suffering; because occasionally even when we were there, the soldiers would come and beat up the people who were there before but none of our group. So after about an hour or so -

KAKWENZIRE: Excuse me. You initially went to find out what was happening to your friends and you ended up being arrested also?

OLET: Yes, because we were all being treated together. I jumped on the Land Rover because I wanted first of all to find out why they were being arrested particularly these two people whom I knew very well. And I wanted to find out why they were being arrested and at the same time trying to plead with those soldiers if they could release these fellows.

KAKWENZIRE: Did you try to plead for yourself to be let off?

OLET: No, I did not try because we all sat there. So in the meantime, we were sitting there, my guest the Kenyan, drove back to my house and there he found a nephew of mine who was there because my wife had been out of the town. In fact she had gone visiting in the village. She was not there. So my nephew was visiting the house. So when the man arrived, he said," where is your friend? Where is Mr. Olet?" So he said," He has joined my friends, they have been taken away." He said, "Where could they be taken?" He said," I do not know. I am a visitor here. I do not know where people are normally taken. May be they are at the police station." Then the boy started asking him questions as to who had arrested. As he was hearing, he could describe and so on. And I think they discovered that could only be Nile Mansions because later on I heard that the two of them drove to Nile Mansions and after that one hour, we were sitting there, one of the soldiers singled me out. He said," You come, put on your shoes." So I put on the shoes and they gave me back my watch and then I was taken to a room two doors away. There I found that Okabo A.B.C. with that Daniel Areng, the two of them cursing so much about me . I together with my nephew as well as Amani my guest from Kenya. They were seated there. That means they had heard of this, they traced me into Nile Mansions. So the two Security fellows started cursing and saying I am a friend of the bandits and if I am not careful, I will end up the same way. So I told them that these are close friends and as far as I am concerned, they do not have anything at all by way of banditry connection that you are talking about. We move about with them, we know them. They said," That is the reason why your are going about with them because you are part and parcel of them. So they said," Next time where we get you in action, that is when you will

probably forget what you have done tonight." I said," What sort of action?" He said," Yes, you should be a bandit as well. That is why you associate with them. So whatever I was saying seemed to be nothing to them. So they said," Your people can take you now." So I left. That was about eleven or so at night. So when I went, the following morning I started alerting or tracing the people. One of the fellows I talked to was a captain, engineer Abili. I think he later died in the helicopter incident and he had been an engineer in the Ministry of Works before he joined engineering division of the army. So he simply told me that if you are a bandit, he would not be of any help but I started making him to understand that these gentlemen were not bandits as such and that the way they were arrested, it showed that they had nothing to do with banditry but he insisted that I was a bandit. So, I had to leave him alone. And then another person was somebody called - also a captain, Edward Otim. He was - I did not know whether in-charge of Makindye or - apparently, he had something to do with Makindye as well as Nile Mansions. So I arranged to talk to him and explain to him that I had friends who were arrested. Could he do something to help? He said I should give him a couple of days. He will try and trace. So I gave him all the particulars because I was telling him that one of those arrested was a bridegroom who really was due to get wedded and by way of illustration or through my pitying the whole situation, I told him about himself because I knew he was talking of also getting married. So I thought he would feel it as a bridegroom also. So I gave two or three days. In the meantime, both Mrs. Kayondo and Mr. Nkera John came to see me at home quite often regarding the arrests. So I was also briefing them as to what I was doing to try to save these people. So after I cannot remember the duration - but after sometime - because I kept on talking to this Otim very, very often and literally each time I see him, I talk about it and I knew he was playing darts in Silver Springs Hotel. So I used to go there purposely to meet him, to press on him what was happening. So the last time when he told me, one of your friends has been released but I tried to trace the other one, I cannot. So I asked him". Which one is released?" He said," it was David Kayondo who was released." But I said," What happened to the other one?" He said," You see they were transferred to some other places." And nobody has been able to explain to me what happened and I think that is all I know of the incident.

COUNSEL: Yes, now after you had been told that Kayondo had been released, did you see Kayondo immediately or it took some days?

OLET: Yes, I saw him immediately and he was looking really wrecked. I mean he was then, he looked even frightened. He was in very, very bad shape.

COUNSEL: He looked as somebody who had been tortured or starving?

OLET: Yes, both. In fact I did not want to talk about his experiences there with him.

COUNSEL: And as for the others, have you seen them again?

OLET: No, I have not seen Norman and I have not seen Eddie. These are the

two people I knew. There might be other people there because I was not familiar with the whole group who were there especially in the party.

COUNSEL: I see! Now should I take it that the impression you gained at Nile Mansion was that these people had been arrested because they were bandits?

OLET: Well, it is difficult to say because during the time when I was doing this investigation, trying to plead with different people because by no means did I restrict myself to the names I have mentioned. Literally anybody I saw who was in authority or who was in the security, I would mention the incident and ask for assistance if they could trace my friends. And another thing is to say that some of the soldiers, the reports they were getting, some of them were false and that actually gave me heart by telling them that if you know that the results were false, then you should have done the investigation before actually either doing the arrest or when you arrest, you treat people humanely and do the investigation and when you are satisfied, you either take them to court or release them or whatever it is. So the false reports were definitely many. Some of them were rivalry, some of them were jealousies, some of them were all sorts of things because I used to overhear them particularly when they were playing darts in Silver Springs. I used to overhear them talking of - Oh! they have been reporting this and that and if we had not done our investigation before that, so and so was going to be hurt for nothing. So I would not like to say that the impression that my friends were bandits or not bandits.

COUNSEL: Now Mr. Olet, I come to the other area which I told you. You are free to tell us whatever you know about other violations. Now just to assist you, do you know of any mass killings by government agencies during the period which this Commission is covering?

OLET: Mass killings that I know I would say are hearsay or I say what I hear. It is not to have myself witness what I witnessed also when I was the head of Inland Revenue division in the Treasury. In 1973, one Friday, one of my officers was arrested by the name of Lwanga. He was the licensing officer. He was in charge of the Kampala licensing office. He was arrested by one of the soldiers during Amin's time. So the news did not reach me until Monday morning when I went to the office. They said, "Oh! your officer has been taken". I said "By whom? How?" and so on. So what I did was to go myself to Makindye and try to ask people there and I had some names there. I cannot remember but the people I could contact in Makindye. I tried to find out, one of the officers said that I should not have gone there in the first place because I myself was risking. I said," Well, but this is my officer. Even that very Monday morning, the wife had come to the office and I had to do something to find out what. So the man told me," You go back. I will let you know this afternoon." So in the afternoon he came and he told me that I looked for this man everywhere, I could not find him but they told me some people were taken away on Saturday night. They do not know where they went and Lwanga has never been seen since that time and I found it difficult to explain to the wife who had been there. So the only thing I

did was to report to both the Permanent Secretary, Secretary to the Treasury as well as to the Minister. In the meantime we had to do what we could do first officially by way of helping the family and secondl organise friends also to contribute money at least to help the family in tl meantime. And that was one occasion. On another occasion, it was when we had to avoid an arrest; that was in 1978. This time the Commissioner for Treasury and my officer in-charge of the Inland Revenue who - because at that time we had just wanted that department into two divisions; one was the Accounts Division and another one was Inland Revenue Division. In fact, now it is split into two. We got now Inland Revenue Department and Treasury Department which deals mainly with the accounts. So my officer-in-charge of the Inland Revenue came and told me that Juma Butabika wanted to arrest him; because he came and asked him to transfer some vehicles into his names and he refused. So he said, he was coming back to pick him up. So what I had to do was to tell him that, okay, you go away, do not go to your house and do not stay in the office, you stay with friends for few days. You ask your Secretary, when they come to lead them to me, we shall know how to handle them. Because with these soldiers, particularly at that time, handling them - if you found them not very angry you could probably make, do with a bit of praising them. So Juma Butabika arrived at about 10 o'clock; he was led into my office and I had to suspend all that I was doing and then I welcomed them and I said," This must be a very, very important thing that has brought a very, very big man like you into this small office; and we are all very busy doing the government business. And I am sure what has brought you is also something to do with the government business. But you see, there are some of these junior officers who do not know - I am sure also even in your own place, you have got these junior officers who do not understand A, B, C, D - if you can tell me what your problem is, I will be able to help. So in the meantime, though he was wearing a very serious face, he sort of loosened; and so by the time I started asking him what had brought him and so on, I had already given him a cup of tea; and since he accepted to take it, and I saw him rather loosened, then he brought up the subject of what had brought him; and he said," You see, I have these vehicles and I wanted to transfer them into these names and so on. I had the permission from His Excellency to do this and that." I said," Yes; actually, His Excellency had also said that there are very many people who are stealing these things. As a matter of fact, the other day we were attending a meeting and he said that we should not allow anybody to deceive us that he had authorised this and that." Because Juma Butabika had also brought the names of the President that he had given him the vehicles. So when I told him that he had also said; if at all, we could not have been to the President or things like that. So then he said," Well, if he said so then I do not think I will transfer them into my names because when he comes to hear of it he will not like it." And I said," Well, I think that may be the case, but the whole thing still remains with you." So from there, he started changing the subject to the extent that he even invited me to go to Bombo where his office was. But I accepted rather with a regret because I never went at all. So that was another occasion when I came close to losing another officer; but somehow we managed to fight it. But as to the mass killings; I was only hearing - as a matter of

hearsay that they are so many people killed particularly in West Nile during Amin's time and also during Obote's time. During Amin's time, we had our officers in-charge of the local office in Arua who had to go - rather to come to Kampala through the Sudan and through Zaire to escape; and even in both 1985 and 1986 - no, particularly 1985 - we again had border customs officers and immigration officers who had to come back through Sudan, Nairobi and through Zaire; they had to walk to find ways of coming through. But the mass killings that I should have known as such did not take place as far as my witnessing was concerned. But hearing, there were many; there were very many.

COUNSEL: Have you ever witnessed heaps of corpses, say, in your area? Incidentally, where do you come from?

OLET: I come from Lira Town. My house is situation 3 km from the town centre.

COUNSEL: And you have never seen corpses - many corpses heaped which could not be explained as to how they have been brought?

OLET: I saw some - en route - in fact on two separate occasions; one was - there is a river before you get to Kakoge - I think - I do not know whether it is a branch of River Sezibwa, I am not sure; but this is the big swamp before you get to Kakoge. I saw some bodies there one time when I was going up North. And another time was near Nakasongola junction. That one also I saw a body. And then on another occasion, I saw bodies near Karuma between Karuma bridge and a junction going to Arua - in fact that portion was National Park; it is in the National Park, and portion of the road between Karuma and the junction of Pakwach Road. But other bodies I saw, it is not within the period which you stipulated to me.

COUNSEL: I see.

OLET: Yes. Because it is this February when I took the body of a cousin of mine who was shot somewhere - he was working for the Railways; he was shot near Dakabela near Soroti; he was on the Railways itself. So we managed to retrieve the body to Tororo and from Tororo he was brought here; and that is when I took the body up to Lira. That is when I saw some bodies again in February of this year which is not within the period you are talking about.

COUNSEL: I see. Have you witnessed kidnapping by government agencies? I am just getting it through....

OLET: Yes, I understand. You see, when you are talking of kidnapping, sometimes it is difficult to say; because a lot of times, when you go to public places, you see some people or some body being led away; sometimes if you know a person, you can follow it up; if you do not know a person, probably that is the end of the matter; whether he is later released or not released it is different. And one other thing is - it took me a long time to - I mean, since 1971, to start really going to public places. Because that is where most people were being picked; either for the

reason or no reason. You go to a bar, you are being picked from there; you go to a restaurant, you go to a hotel, that is where they were being picked. So it has been rare for me to go to these hotels; and as a matter of fact, Silver Springs was one of the rarest one. I had not been there for a long time until that occasion. And there after, I continued going just trying to check on my friends. And one other thing is, when I told my friends that I had not been to State House in all my life, they could not accept it. Because they said, "But so many officials go there." I said, "Well, I am an official, I go there on government duty if any; but if there is nothing taking place there, so what." They said," but there are parties there," And I said," Yes, I am not invited." Even if there are occasions there when cards are sent officially for me to go to, say, State House or what, I have never been there; except, last time I went to State House - I mean, the only time I have been to State House was - I think it was in July or August of last year. This time President Museveni wanted to see all the Revenue Collecting Commissioners in the State House. And that was the first time. And I happened to find that there were two of us who were going to State House for the first time. And the other person was Sam Musoke who is in-charge of Inland Revenue. He did say that it was his first time to go there. So we were all looking around trying to see what State House looks like; because we had never been there. So going to public places had been one of my last lights if I put it that well.

COUNSEL: I see. Have you witnessed any kind of discrimination, be it political on political grounds, tribal or religious grounds? Would it, that kind of discrimination has existed in this country?

OLET: Yes, it has. Though it has existed, unfortunately, no one would accept that it is there. Because the functionaries will not want it to be said as such. I am not very good in political analysis because politics has never interested me as such. But I hear people say, political parties in Uganda are run on religious grounds. That will again be in the eyes of the beholders as such, because I find so many protestants who are in D.P. and, I find so many UPC's who are catholic contrary to what is generally believed. But religion discrimination, if you like to call it 'discrimination'; I know of some associations which are based on religion. Because somebody came and told me that, do you know of an association of top catholic public figures? I said, "I do not know". He said, "Yes it exists; there are so and so who are members and if you like we could take you there." I said," What is the main purpose for this; because you cannot take me to find it from there." But then, that was may be the intention that I should find out why or the purpose. He said," You will find out from there." So I said," I am not interested." I just left it as such. And they have talked of rather on top of discrimination, I will talk of "favours".

COUNSEL: No, may be, let me correct you here. The discrimination we are talking about is not, for instance, that catholics or protestants or Moslems have an ideal organisation for a mere religion. The discrimination we are trying to find out or; discrimination by government or government agencies. That is the kind of investigation we are probing; we are not probing into, say, religion, moslem religion, catholic religion or muslim,

it is organised itself for its own people. So we are talking about discrimination by government and government agencies.

OLET: Yes; may be I have not come across any; probably because of the way I have been behaving; because I am not a sort of somebody who discriminates. So I have not seen any; I have not come across any. And when you talk of government agencies, probably the Public Service Commission would have done away with any discrimination on appointments, on merits and things like that. Well, I have not come across any.

COUNSEL: Have you any evidence on abuse of office with those areas?

OLET: Abuse of office! I think this one needs a bit of thought. I think the only one I remember was concerning me with - I do not think that, that is an abuse of office - because this was a threat by both, Kirunda and, should I say, Obote himself. It was started in my official capacity as the Commissioner of Customs; several things had arrived at the airport and Kirunda wanted these things to be released without paying the taxes and I refused. These things were belonging to the party, UPC. So when I refused, he rang me up and he started abusing me on the phone, that, "Who am I? What do I think I am?" So I said," You see, we have got the laws to implement; so if you think you can get it without it, you have got the police, you have got the Special Force, you can send them to get those things by force. But if you think that you are following the law, the best you can do is to ask the Minister of Finance who has the powers under the law to exempt the goods which have arrived. And better still he has the powers to exempt without assigning any reason. So all you need is, let him sign a Statutory Instrument and we will obey". So he wrote a letter with all sorts of abuses; and then in the afternoon I got a copy of the Statutory Instrument which was signed by the President who happened to be the Minister of Finance also exempting these articles. But meanwhile the same Minister arrived from abroad with several cases and he refused my officers from the airport to examine them to ascertain if certain things were taxable. I do not know whether these are the sort of abuse of offices you are talking about.

COUNSEL: Yes.

OLET: We at the airport had as many as I think twelve different security agencies. When I say twelve - some might be combined, but they were operating individually. Like, if you talk of the police, we had the normal civilian police; in those days we used to call them "the blue"; and then we had the Special Branch; and then we had the CID; and then we had the Naguru. So these were operating separately. And then we had security from the Uganda House and; we had security from the Army Headquarters; and then we had two Tanzanians who were reporting directly to the Vice President, Muwanga; and then we had security from Entebbe Air Base; and then there was also security from Brigade Headquarters which was in Entebbe there. So all these were operating individually and separately. We were having all these because our staff at customs did not have any uniform to identify themselves. So all the

travellers used to talk of "customs in Entebbe is very bad". Because the actual customs staff would do their normal examination, where taxes are due or where this and that and, they will tell you, go and pay and so on. Immediately there after a security man of another agency will pick you up; and the normal civilian would not know whether they are the same customs people or the security and so on. So a lot of travellers had it rough there; because whoever had the money had to be taken from him. And this money was taken in the name of the State; but the State never received the money, they were being taken by the security people.

Again we had smugglers, particularly of gold, who were being escorted by soldiers; either on their own or on behalf of some Ministers; so none of the customs people were supposed to handle the checking would be allowed in there. Because the man is escorted straight inside the aeroplane. and thereafter nobody else is supposed to go inside to check on him or whatever it is. So these were some of the abuses by those powers. This included on one occasion when by some coincidence a soldier, I think he was in-charge of Entebbe Air Base, was taking ivory out; and this, he had brought the crates - when the plane had already landed and he was off loading - that was Sabena - So by some bad luck for the captain or of the soldier, the crate arrived being carried by an army truck; and it was the army who was supposed to off load from the truck and on to the aircraft. And these fellows are not used to handle the crates. So one of the crates just fell off the lorry and the contents came bare - (Laughter) - and there after everybody started gazing around - sorry, soldiers chased everybody away - and they off loaded the pieces of ivory back to the truck and drove away with it. So nobody knew what happened thereafter with those same things; it could be that they were again taken back to that place.

COUNSEL: Yes. Any other type of abuse you might -

OLET: Yes, I think being mainly in money place, I should also mention something about how money was being squandered; government money that is, both Uganda shilling and the foreign currency. There had been a lot of purchases which were paid for by Government that would not go for Government use. This had been so quite a lot with the Ministry of Defence; I witnessed this during the Amin Period and Obote Two. Where somebody would make orders - consignments - say blankets. When these blankets arrive, they would be taken straight and sold to the public. And another case I heard of was when in the Ministry of Information, one officer who was trading received consignments of goods in his name, care of Ministry of Information and what he did was to let the Government pay the tax on it, while he took away the goods. He said, these are goods for Ministry of Information; and they happened to be mainly films because he too was in business of selling films and so on. So the Government paid the taxes and he took his films and sold them. And in 1976 -

COUNSEL: Who was this officer?

OLET: I can't quite remember; either - I have been telling you that these are the talks. Where I know the names, I will definitely bring it up. Like the one who brought blankets and sold them; not only one because even Tito brought blankets from Tanzania and he sold them. And -

COUNSEL: And then cleared as Ministry of Defence.

OLET: Yes, care of the Ministry of Defence and then he sold them. And another one I heard of, although I could not prove it, was where Muwanga was bringing matooke on lorries and these lorries would go to Republic House and he would ask his Permanent secretary to pay for these. And they said that is why one of the Permanent Secretaries, I think, they had to depart company because he refused to pay; that, I think, was Peter Uganda who refused to pay. And then he had to be transferred away from there. And, I understand, when payment was effected subsequently, the subsequent deliveries of the same matooke was taken to the open market and sold. During 1976/77 when there was this coffee boom, I think, this is a lot of time when a lot of foreign exchange went out without goods coming in. Because the Bank of Uganda was just an agency - receiving and paying; the authority rested with the Ministry of Finance. So that a lot of money went out and without any goods coming in. And as late as 1983/84 Uganda was importing a lot of air; in that the containers alleged to be carrying so many goods arrived empty. And the money, therefore, was pocketed so the country was losing foreign currency without benefitting.

COUNSEL: Yeah, but how did this happen when we had your Department?

OLET: Yes, in fact, that is where I am coming in. That, when I started doing sample checks, that is when I started discovering it; and a lot of people did not like it; and the matter went to the UPC Caucus Meeting and I believe it was also mentioned in Parliament that the method was introduced for safeguarding or for checking for delaying the traffic was not appropriate because what I did was that it is difficult to check what has come at the border; because we haven't got the facilities.. So what we said was that, all the goods which have come in containers can only be sighted at the border. By 'sighting', I mean you open; you have a look, ascertain that those approximately have been brought in. You receive those and vehicles were to come straight to Nakawa at the terminal. That is where you verify things in details. When we did this without first advance notice we discovered a lot of things; we even found a couple of guns brought in by some Europeans. And we found one construction firm here; it declared that they were bringing food and yet the bulk of what they had brought had been high duty goods like whisky and many other spirits. And then we found a lot of watches concealed in the side of all the containers because these are high duty things when you can just have a small box or a small compartment well, except that you would have hidden a lot of things there. And we also found a lot of textiles, clothing brand new, declared and second-hand clothes with very low duty and so on.

So these were mainly being pursued by the MPs, I think, three, four of them were UPC MPs but then they were also clearing agents. They were clearing agents. So it was disturbing them that they couldn't do what they wanted to do; because some of them were also importing certain things personal to them. They didn't want to pay tax on them. So, when you say, 'When the Customs people are there,' we might as well say at certain times, these fellows were and continued to be toothless bulldogs. We had officers in Mbale and Tororo who were importing beers and they would go with army trucks and would load all the beers and that came from Kisumu in Army trucks and say, 'These are for the army. They are not taxable'. And the soldiers were, therefore, guarding them. So these were ways through which government continued to lose the money on tax and this famous Kilama was the one who was really doing quite a lot of that - most of the beers coming from there; and we had one case where a civilian also went and did the same thing but by using the army. In other words, he cornered the soldiers and gave them money that, 'You come and escort my beer. So, since the Customs people are not armed, and, since they had really limited power as such, they would rather keep away from the danger zone.

COUNSEL: Thank you very much.

CHAIRMAN: Mr. Olet there may be questions from the Members of the Commission to ask you clarify certain things.

OLET: Yes.

MR. MAKUBUYA: Mr. Olet, I would like to take you back to the arrest from Silver Springs and what I note is that this was the man's bachelor's party.

OLET: Yes.

DR. MAKUBUYA: I will, for the sake of argument, even admit, you say you knew they were not bandits; but,even assuming they were bandits, isn't it unusual to collect them from the bachelor's party especially the bride-groom?

OLET: Yes, it was unusual. They had lots of other occasions I suppose to interview them or to collect them, I suppose.

DR. MAKUBUYA: You see, what is bothering me is whether this is not some form of torture itself that we will pick you from your bachelor's eve. The arrest is okay. I can understand it; if they have something against you. But what about coming on your bachelor's party? Why cannot they wait for example?

OLET: I wish I knew because I was also outraged at what had happened; that is why I had to jump on the land rover and go with them.

DR. MAKUBUYA: Okay. I note also that you have been to State House only once in your life. I find that this is quite unusual in view of the fact that State House is a symbol of nationalism and things like this. You never felt the urge to go to State House.

OLET: Not at all particularly in the seventies -

DR. MAKUBUYA: Yes.

OLET: Where people would be in public places, when it is a Government function; because in State House you can only go at an invitation of somebody there, or for public function again when you are invited; or if not, it must be something private between you and somebody who is resident there.

DR. MAKUBUYA: I wonder whether you would like to see State House being more accessible to the public!

OLET: Well, I think, it depends on what you really mean. State House is not within my search. One must have a reason for going there. For example, when you say you go there now they will ask you at the gate; "What do you want?" You say "I want to see the State House." They will say, "No. You are not allowed."

DR. MAKUBUYA: Yes, I want to see the Seat of Power. This is a public property.

OLET: I would rather put it this way that, if one has a reason for going there, he can go. But, for me, in the seventies, I think, it would have been more dangerous. You see. It took me a long time to really start going to public places - I mentioned this to you - and a number of people were even picked up from the Golf Club; and I should have joined the club a long time; but I joined Golf club last year.

DR. MAKUBUYA: Okay.

OLET: I think, prevention is better than cure.

DR. LUYOMBYA: Let me follow on that a little bit. There is one of the witnesses - while having a discussion with this commission - blamed much of the suffering of Ugandans to Ugandans themselves; and one of the reason projected was that we are too docile and we let things just pass; try to keep away from trouble, and, in so doing, we have suffered. I wonder what you may comment about that!

OLET: Well, in a way, you could say so; but still I would not expect the whole population to rise and do the same thing in order to correct things. It needs leadership. And so one comes up and says, `I am a leader. Can we do - A, B, C, D?' So, if you are not followed, then you cannot. So it is a matter of leadership. We know of politicians of all shades who would be promising people a lot; but, when it comes to delivering they wouldn't. And the whole thing might come back to what you may term the Animal Farm where the population is being told that we are more equal than. So, I think, the whole thing comes back to leadership. When you talk of, 'you are docile', you are what, I think, it all comes back to the set of people. If you are a politician, you must do it for a reason: just like someone aims from the very start who would like to be a professional of A - B- C - D - E and he sticks to it. So, when one is a

politician, he should be made to be responsible for his acts. So my answer is that all of us cannot do it at the same time. It needs leadership.

DR. MAKUBUYA: I am wondering whether you could make general assessment whether Customs and Excise Law was reasonably complied with in the time we were investigating, particularly by Government authorities.

OLET: No - no, they were not. The laws were there -

DR. MAKUBUYA: Yes, please.

OLET: But they were faulty. I have already mentioned some but others are where somebody from the Ministry of Information would come up say, "Look. We have got radios and these radios are to be distributed in such-and-such an area and either the Minister of so-and-so or the President will be there at such-and-such a time. So let radio go there even if taxes have not been paid of them. You better release them from the bond." So I have done that twice and I would even say, up to now, the government Department or Ministry has not paid. You see. And we have cases where we saw those pressures. I mentioned one of Kirunda and UPC and so on. Those are the pressures. You find that you can not work according to law. And, at least, there are other cases where the powers to defer payment on reasonable cause would be given; for example, when the World Bank gave money to the country for - I think, in short I would call it, it was - foreign support because mainly it was for importation of either spare-parts or things like that.

When the spare-parts or raw materials arrived here, rather than going to vicious circle, we said, "Look. The factory had closed down, because of lack of raw materials; and obviously, the company has no local money. The company is not liquid. So they cannot pre-pay the tax on raw materials imported." So what we could do is, `let us keep the things in the bond - the store there. We will release in bits. You manufacture and then you pay the tax'. So this we kept on doing with a lot of companies, just to make them start running. At least, it would give back the employment of the people who were there in the factory; and, not only that, the badly needed goods in the factory, would go to the local population.' So we kept on releasing goods in bits as per powers given to the department - to defer and administer this. But, if you want to know how much Government institutions have defaulted or have abused this, you will need to have a look at the long - long list of tax defaulters, which, I believe is still available in the Customs Department.

DR. MAKUBUYA: You mentioned the presence of so many security agencies at the airport, for example; and I am wondering how you might go about this. Because, as far as many of the members of the public are concerned, the only authority they know of is either immigration or customs; and, having cleared these two, you find you have another, persons, several cordons and so on. They seem to be asking the same thing. You know. It is here. As customs people cannot prevent other agencies from operating there -

OLET: No.

DR. MAKUBUYA: But how might we protect customs officers such that the public will know customs is over now it is somebody who is dealing with you. Because I think really customs people need this protection; and yet - I do not know with these cordons! I have closed by bag. Then somebody else asks me. I have gone to the car outside the airport, then somebody follows me to the car -

OLET: Exactly.

DR. MAKUBUYA: I have left the airport, then somebody follows me up to Najjanankumbi. My friend, how are we to protect them - as far as I am concerned, it is still the customs pursuing me? How are we going to protect customs?

OLET: Well, the Uganda Airlines they have been issuing some letters - would I say these airmail letter - to the travelling public that, "Can you tell us how you have been checked at the airport - how you went through this?" Most of them came back saying: Customs, customs, customs! Mainly because they cannot be identified. So what I suggest should be done is to make known to everybody who is a customs man. To this end, give them uniforms immediately. We have been trying to get uniforms to the staff and some of them liked it; others didn't like it for their own reasons as well; because you cannot say, 'customs staff are saints as such'. They too wanted to hide behind some other people.

So get customs to be properly dressed in uniform and assist on their continuing wearing uniforms every day. Anyone who has come to work without a uniform has got to go away. And then, secondly, any customs officer - any agency, NR Agency - whose work is not at the airport should not go to the airport when not on duty, especially again in uniform. In other words, you only wear uniform when you are on duty. We know of cases where some airport staff work 24 hours `work' 24 hours in that they are not supposed to be at the airport; but you find them there hanging around.

DR. MAKUBUYA: Yes.

OLET: So keep people there at the airport when they should be there. And then there is this question of collusion between the travelling public as well as the staff: let them be customs, be them airport staff or Ugandan Airline Staff or whatever other staff, for their own good. So this also we would also need to be eliminated through the training: Make them aware of their responsibilities to the Nation. Make them aware of their responsibilities to the Nation. So these are some of the things which could be done to improve the airport. But probably let us reduce the number of security people at the airport because others are there; you can see them that is law. You see a policeman in uniform.

DR. MAKUBUYA: Yes.

OLET: That is obvious - I mean, if he is there, one is assured of being handled in the legal way.

DR. MAKUBUYA: Yes.

OLET: But those who are not in uniform and more so who tend to interrupt people onroute - whether Najjanankumbi or Bayitaababiri - all those should be kept off.

DR. MAKUBUYA: Thank you.

OLET: Thank you Sir.

MR. KAWANGA: I was being asked a question which after all answers had become almost irrelevant; but I will ask it all the same. I was wondering during the period of Amin people of Acholi and Lango origin had a lot of problems in this country.

OLET: Yes.

MR. KAWANGA: I was wondering why the same officers of your time survived that whole period! How did you survive it?

OLET: First and foremost, living in two places only: in the house - in your place of work. That is all.

MR. KAWANGA: So, in a way, a person like you, your life was extremely restricted.

OLET: Yes - very, very, very restricted.

MR. KAWANGA: You didn't have extracurricular activities. You didn't visit friends and so on.

OLET: Well, when you are visiting a friend, that would probably be any time up to six o'clock; because, after six; because, after six is again dangerous being on the road -

MR. KAWANGA: Do you think -

OLET: And I told you that I restricted my movement in drinking places, including - I told you, I joined - the Golf Club last year only.

MR. KAWANGA: Do you think this has affected your family and your family life: anyway your children and so on in a way?

OLET: Yes, I would say so because I would have loved to go sporting with my children especially there was one who was very keen on tennis. I could have gone playing tennis with him; but I couldn't. I would have liked, at least, to go out with my family and say on a Sunday afternoon. You sit in a bar whether I am having a small drink; my children are having their sodas and so on. At least, that is an outing. You see! And places where

people would go like Entebbe Botanical Gardens and things like that. You see! But one would fear to go to these public places.

MR. KAWANGA: Yes.

OLET: Yes.

MR. KAWANGA: So really you spent eight years of fear in Uganda.

OLET: Indeed, and you see it took me a long time to start really going out again. It took me a long time to start going out.

MR. KAWANGA: I am sorry that even the only occasion when you tried, you ended up being arrested in the barracks.

OLET: That is the thing.

MR. KAWANGA: Now, let us go to Nile Mansions. You go to Nile Mansions. You are told to remove your shoes.

OLET: Yes.

MR. KAWANGA: Now you said you saw some - you found some - other prisoners.

OLET: Yes, they were there.

MR. KAWANGA: They were being beaten.

OLET: No, when we arrived, they were not being beaten; but they were beaten by a soldier in our presence later on.

MR. KAWANGA: Why?

OLET: Well -

MR. KAWANGA: So he just came and started beating them.

OLET: No because, as I told you, two or three of them were crying.

MR. KAWANGA: I see.

OLET: And, when we started murmuring, that when we were told - we were reminded - that we are not supposed to be talking to anybody or to each other.

MR. KAWANGA: With what were these people beaten?

OLET: There was some sort of a stick; in fact, one had a stick, looking like this common reed, people use for fencing. And another one had, I think, something which could be made of hide or something like that; because it was quite flexible.

MR. KAWANGA: I see.

OLET: Yes.

MR. KAWANGA: Now you also talked about your knowing A-B-C/Okabebo. Right!

OLET: Okabo.

MR. KAWANGA: Okabo and Lira-Lira.

OLET: Yes.

MR. KAWANGA: You had known them before.

OLET: Yes - facewise.

MR. KAWANGA: I see!

OLET: But they were not acquaintance; they were not what - you see, my policy with the armed fellows over the years is know them. Keep your distance.

MR. KAWANGA: Thank you.

CHAIRMAN: Well, I think, that is all from us. Mr. Olet's evidence has been clear enough and it didn't need any questions of clarification. All what remains is for me to thank you for having come and for the evidence you have given touching the matter - Silver Springs and the other information you have given to the Commission. Thank you very much.

OLET: Thank you too. The only thing which I should probably mention here, though it should have been at the beginning is, I have been trying to come here for the last one-and-a-half weeks; and I want it on record that the way people have been summoned to come seems not to be quite straight forward. I was telephoned and I hurried here. They said, 'You come at 8.30.' I was here at 8.30 and I waited until 10.00 [ten o'clock]. I didn't see anybody. So I went away. The second time, again I was telephoned; and I told them, 'I am not coming until I have seen it in writing. You send me a written summons'; and none arrived. So I didn't come. And yesterday again I was telephoned that I should come here first thing in the morning - before that, I was asked to come lunch-time and because he works at lunch-time. I came though I didn't have anything in writing; and I found that you had adjourned. But I had the opportunity to meet you, Chairman, in the corridor. And yesterday, when I was asked to come, again I insisted - written invitation which I got yesterday evening I came here. So, I think, for the purpose of those who seem to want to allocate their time at a particular time they should be given adequate notice; so that, when they come here, your time and your time as a witnesses should not be wasted. Thank you, Sir.

CHAIRMAN: This is a valid point which you have raised. I think, we shall improve on the exercise. It is very important that witnesses should come when they

are required and give evidence; and shouldn't hang around. Otherwise, others may be discouraged. I hope there will be an improvement on that. We are sorry about what happened.

OLET: Thank you.

COUNSEL: But, I think, I must comment on allocating witnesses time when they should come. I think, as to the question of summoning them, they should be summoned by proper summons. But the question of allocating them time that, `You come at ten," and expect him to be handled at ten or eleven, sometimes there is problems, in that a witness comes and spends three days and that witness might have been summoned for the past two days. He cannot give evidence. So, I think, those who are summoned should bear with us if they are summoned that, in turn, they may be told to come here at eleven; they may find another witness continuing for the whole day. So I think, they may be given an explanation that this witness is continuing. But, otherwise, allocating time that Mr. Olet will give evidence at ten and gives evidence at ten or eleven, it may not be practicable, my Lord.

CHAIRMAN: But, I think, still - Counsel if a witness is summoned to come and he finds another witness already giving evidence, it should be possible to estimate how long one witness is going to take. You tell him to go back - the one who has just come - and tell him to come later; so that he doesn't sit here hours on end, days on end, waiting to give evidence. Certainly, I think, we do not have a licence to waste peoples' time unnecessarily.

COUNSEL: No, My Lord, this would depend because I may not gauge how long. It is a question of time. But we shall try, my Lord. We shall try.

CHAIRMAN: Now I see Counsel has already stood up and handling his files.

COUNSEL: I am sorry.

CHAIRMAN: I think, we deserve a break at this time. It is 2.30 by my watch, may be, we adjourn for lunch or tea as the case may be. Counsel it seems to be the consensus here that, since we have been at it since early, may be, we should adjourn now and come back tomorrow - so that -

COUNSEL: Very well.

CHAIRMAN: I am sorry. You informed us early that there is a witness waiting. We should apologize on his behalf. Let him go home now and come back tomorrow. He will be the first witness to start with.

COUNSEL: Thank you, my Lord.

CHAIRMAN: It is adjourned until tomorrow at 9.30.

CHAIRMAN: Commissioners, Counsel, Ladies and Gentlemen, I think we are already

late this morning to start the session; it is now 10.30 a.m., the 18th September, 1987, let us start today's hearing.

MR. SEKANDI: I am sorry, Mr Lord, I had a small problem really, but my next witness is Mr. Nkera.

WITNESS NO.166: MR. JOHN NKERA - SWORN IN

COUNSEL: Would you give your particulars, please?

NKERA: I am called John Nkera, working with the Bank of Uganda.

COUNSEL: My Lord, this is witness No.164. How old are you?

NKERA: I am 39 years old.

COUNSEL: Where do you reside?

NKERA: I reside at Nakasero Hill.

COUNSEL: Would you like to give us your background, Mr. Nkera?

NKERA: I was born in 1948 in Kigezi District now called Kabale District. I studied in Rukungiri Kinyasano Primary School for the whole of my primary school; went on the Junior Secondary School at Kigezi High School, that is up to 1963. In 1964, I moved to Ntare School where I completed my `O' Levels in 1967. In 1968 I moved to Uganda College of Commerce for my `A' Levels which I completed in 1969 and then proceeded to Makerere from 1969 to 1973. After graduation, I worked briefly with the Treasury for a couple of months before I joined the Bank of Uganda which I am still up today working.

COUNSEL: Mr. Nkera, you have been summoned here in particular to the incidents that took place at Silver Springs Hotel in 1982. But as you know, this Commission was set to probe into violation of human rights in Uganda since 1962 to 1985 and it appears you have been in Uganda throughout, may be you will assist this Commission in some of the incidents that you have witnessed. But I think we start with 27th August, 1982. Mr. Nkera where were you on that day?

NKERA: I left the office rather late at about 6.30 to 7.00 p.m. and we had a Bachelor's party for one late Norman Kuluwa which was to take place at Silver Springs Hotel. From the office, I went straight to the Hotel where I arrived at about 6.45 p.m.

COUNSEL: Where was in particular this bachelor's party?

NKERA: The bachelor's party was held just below the main building; that is around the swimming pool.

COUNSEL: Is there anything which happened that you want to report to this Commission?

NKERA: Yes. On that day my friends were kidnapped and since then some of them I have never seen them again.

COUNSEL: May be, let us start with your friends, when you say your friends were kidnapped, who were your friends that were kidnapped on that day?

NKERA: One Mr. David Kayondo, one late Norman Kuluwa and Amooti Rukyarekere.

COUNSEL: These were your friends, were there others that were not your friends that were kidnapped to your knowledge?

NKERA: Well, there was another friend who was picked from another different location but who joined the same group of people on the same day.

COUNSEL: Who was that friend?

NKERA: That was Fred Banya.

COUNSEL: Now, in some details, would you let us know how this happened?

NKERA: When I entered there were a few people and we joined in. As I entered, I tried to greet or to sort of congratulate the late Norman Kuluwa on his Kasiki and looked a bit cold and sort of not very enthusiastic as you would expect somebody behaving on his bachelor's party; he seemed to be worried about something. I moved on and started chatting with two friends of mine I had come with from the Bank of Uganda; we just kept on chatting on general issues. Later I noticed somebody who was standing by, he did not look very friendly to people, he looked dull, he caused a sort of raw and later I was told that he was not an invited guest and his presence was making people worried. Later at about 7.30 or 7.15 I was told

that this was somebody called Matia Okalebo, who was supposed to be an Intelligence Officer and was residing in the same neighbourhood as Norman Kuluwa. Then about 7.30 they started music -before I get to that point, we had been alerted that this man's presence was worrying and Norman did not wish to be so much identified as his bachelor's party. So, about 7.30 music started, people went on the floor to dance, I was still standing with Mr. Kaggwa - Tonny Kaggwa an architect, we were chatting and after a couple of minutes when music had started, David Kayondo who had gone to dance, rushed back to us and said he had been approached by somebody who wanted a lift and when he insisted to ask a lift to where, the man said he was taking him to Mbuya. Then Mr. Kayondo asked why, he said he was wanted by some big people in Mbuya Barracks. So, we started asking the man and then as we were standing there, we insisted, Matia Okalebo approached us, he was asking what was happening, so did Charles Olet, then a couple of minutes some other two guys were having a scuffle with Norman Kuluwa and Amooti Rukyarekere they said they were also taking them. So, in just a few minutes, we were all put in a turmoil. I remember Matia Okalebo drawing a gun challenging these people who were arresting, I begged him not to use the gun because we got scared in case he started firing; I think he was trying to deceive us that he was on our side and I think he succeeded. Later as they were trying to move out towards the gate, the wife of one Amooti Rukyarekere screamed and said I know it is you Matia Okalebo who has caused the arrest of those guys. So, they were taken into a Land Rover and it did not take long before they drove off.

COUNSEL: What did you do?

NKERA: Well, before we left the place, one Charles Olet approached me ;- I approached him rather, we discussed and he said we leave him with the responsibility that he knew some of these guys, he was going to take up and pursue the matter and he asked us for the time being not to approach any other people, that he will handle it effectively and he asked me to go on checking on him. The following day - that night we were so scared, I remember I stayed the night at Tonny Kaggwa's house with my wife until the next morning when I approached Mrs. Kayondo to find how to go about this thing. Then the first thing we had to go and see Mr. Charles Olet. We saw

him later in the day, he said he was pursuing the matter and he asked us to check on him again on Sunday. On Sunday when we went back -

COUNSEL: Did Mr. Olet tell what had happened to your friends?

NKERA: He said he had followed them up to Nile Mansions and he had seen the officials there and they had promised that they would look into the matter and he should keep in touch. Then he asked us to come back on Sunday, which we did. I remember going there early in the morning and I was shocked when he told me that my friends had confessed as bandits and he told me not to bother him again on the case.

COUNSEL: Who told you they were bandits - who told you they had confessed?

NKERA: That was Olet. I felt completely put off and confused, because I did not believe what he told me.

COUNSEL: What did you do?

NKERA: Well, we sat down - family and friends - we started planning what next course of action. The people were five, so you can imagine it would not be easy for all of us to approach it from the same point. We agreed whoever knows any contact to go ahead. For me, some friends put me in contact to a girl supposed to have been one of the Secretaries of either Oyite Ojok or Paulo Muwanga or she was in a very close circles of those people, who they said she had ever assisted some other people and if I approached her, probably she could do something for us. We were later put in touch with this girl, Imelda Kamya, who volunteered to assist. She went on checking on these guys, she would come and report back on a daily basis. In fact, for that matter, there was a spare ramshackle car, a Volkswagen, put it at her disposal and a cousin of mine to drive her either between Nile Mansions, Republic House chasing the case of these people. But all the time she would come and tell me they were still in Nile Mansions - she had a lot of stories on each day. then eventually I think after a couple of weeks, she managed to convince, I think the late Chief of Staff to write a letter so that David Kayondo and Norman Kuluwa could be produced to his office. She obtained a photocopy of the file copy of the same

letter. I cannot swear it was the one, but I read it, it was addressed to the O.C. Nile Mansions, One Captain Odong if I remember asking for these two to be produced before the Chief of Staff. So, we waited for this to be done and nothing happened. Later we were told that these guys had been transferred to a notorious place known as Argentina House. It was after about two months when we were told that David Kayondo had been transferred to Mbuya Barracks and the fate of the rest was not known and we feared they were dead. Later David Kayondo was released and he came and told us of their ordeal and he confirmed that indeed the other three had been killed.

COUNSEL: This Kayondo, was he employed at the time he was kidnapped as stated?

NKERA: He was employed in the Co-operative Bank.

COUNSEL: Did you approach his employers and informed them about what had happened to their employee?

NKERA: Yes, actually I forgot about that. Before I moved to Olet's house, I went straight to Mr. Kireju's house, that was the General Manager of Co-operative Bank whom I found having breakfast, I briefed him full in details what had transpired and I told him that these people were very close to me and I did not expect that they would have been arrested in connection with any banditry activities because they wee too close to me that I would have known if they were involved in any criminal activities. So, I sort of convinced him that he should go forward as a General Manager, as the employer of the Co-operative Bank to make effort to approach the Ministers and see if he could get these guys released. He promised he would do that and he asked me to ask the wife of Kayondo who works in the same Bank to go on approaching him. Later I used to ring him almost on a daily basis and he promised me he was taking it up with the Minister of Co-operatives and Marketing.

COUNSEL: Yes, did you stop there?

NKERA: Later I came to learn that he had written a letter appealing to the Minister for the release of David Kayondo.

COUNSEL: I do not know whether there were any efforts by the Minister to have him released.

NKERA: If they were there, I am not aware of them.

COUNSEL: Anything more? When Kayondo was released, did you talk to him and what did he tell you, how did he appear?

NKERA: He looked really very thin and sickly his legs were swollen, his hair almost off the head; he looked to have gone through a terrible time.

COUNSEL: Did he tell you the various places he had been to and the conditions he had undergone?

NKERA: Well, they had gone through the Nile Mansions - apparently they did not stay there long as we had been made to believe by this Imelda Kamya and he told us how they were tortured in Nile Mansions particularly Fred Banya, whom they beat so much, trying to make him confess that I had been given foreign exchange to bandits going to Kenya, which he refused or denied. Then later when they were transferred to Argentina, Norman was terribly tortured with iron bars and David Kayondo thought that by the time he left, the man probably was not even in a proper mental state because of torture.

COUNSEL: Generally, do you have any other evidence on the violation of human rights?

NKERA: I do not have a detailed evidence as I have - do you mean on another case or -

COUNSEL: On other aspects - murders, kidnapping, raping, false imprisonments.

NKERA: I have suffered like any other Ugandan - most Ugandans, I think, in 1981, one of my brothers was shot in Kabale, he was a student.

COUNSEL: Shot by who?

NKERA: By a soldier.

COUNSEL: Why was he shot and who was your brother?

NKERA: He was called Patrick Ruhira, he was a student. He was walking home and some drunkard soldier, I think, mistook him for somebody he had a quarrel with and he opened fire and the young man died; he was in Senior V. The man who killed him was later released and the person who financed it also released - who had paid the soldier to kill, I think, somebody else, was also released. So, that is one particular close case of human rights violation the same as this one.

COUNSEL: Who was the man that shot your brother and he was released?

NKERA: It is sometime back and his names are out of my mind.

COUNSEL: Anything more?

NKERA: Well, besides my family and friends, really this country has experienced - had a tragic experience since Independence, since the last 20 years. There have been brutality, we have seen people dying in Makindye, Nakasero, Military barracks all over the country, and I think -

CHAIRMAN: Counsel, sorry to interrupt. Surely, you are supposed to tell us what you know, preferably your personal experience or of your relatives, not a generalised hearsay.

NKERA: I thought I was answering what he was asking me.

CHAIRMAN: The type of example you have given us was very good in case of your brother and the other one, but not what you have heard unless you can tell us the source.

NKERA: I do not think I am capable of telling you other detailed incidence, but I know so many friends have ever been tortured in barracks; I may not have the details right now -

KAKWENZIRE: Counsel, I wanted to take back the witness a little. This brother of yours whom you said you cannot recall the person who killed him, was the case a police case?

NKERA: It was a police case.

KAKWENZIRE: Where was it reported?

NKERA: It was reported in Kabale; it appeared in the Magistrate's Court.

KAKWENZIRE: And you do not remember even the person who financed the soldier and the person they were supposed to kill these are much of interest to the Commission.

NKERA: Well, I would get the names to you if it is called by the Commission.

KAKWENZIRE: How long were these people in prison?

NKERA: Couple of months.

KAKWENZIRE: What was their sentence like, was it supposed to be couple of months or what-

NKERA: No, it was not a sentence, they were released in the Magistrate's court.

KAKWENZIRE: Would you like the Commission to open up that case again?

NKERA: I would not mind.

CHAIRMAN: Please, you give in particulars and all the relevant information to the Legal Counsel. Secondly, you have got friends and relatives who went through bad experiences, if you could give a list of such people to the Legal Counsel where they are and how they can be contacted.

NKERA: Okay, Sir.

COUNSEL: In your work in the Finance and now in the Bank of Uganda, have you witnessed any abuse of office by people who have approached you or people with whom you are working?

NKERA: Well, particularly during the Obote's time, even during Amin's time, I could see a lot of public funds squandered.

CHAIRMAN: Which section did you work in the Bank of Uganda?

NKERA: I have worked in the Bank of Uganda for about 15 years and most of the years I have been in three departments. I spent

about eight years in Exchange Control, about three years in the Research Department and now I am in Foreign Department - Foreign Operations Department. So, I could easily say that during this time I have experienced that this country has had its resources particularly foreign resources - foreign exchange - misused by people in power.

CHAIRMAN: Misused how?

NKERA: Let us say, companies which are owned by Ministers - former Ministers, they put you on pressure, they obtain the foreign exchange and then you are not sure whether this foreign exchange is going to bring value to the country.

KAKWENZIRE: Could you tell the Commission your designation in the Bank?

NKERA: I am now working as an Acting Deputy Director of Foreign Operations Department. I started as a Banking Officer like any other young man joining the Bank and grew through the ranks up to where I am now.

KAKWENZIRE: What were you working as the last - prior to 198 -

NKERA: Say, the last three years?

KAKWENZIRE: Yes.

NKERA: I have been a Senior Principal Banking Officer, I have been an Assistant Director up to early this year then I was made Acting Deputy Director.

COUNSEL: Yes, would you like to give us more details about that misuse of foreign exchange by people pressurising people in the Bank?

NKERA: Let us say, particularly during the time of auctions where I would say Ugandan economy was open to anybody who could come in and open up a company and start transacting business and sometimes these foreign companies would be backed up by our own Ministers and they would pressurise to such an extent that these companies get money and these companies would be untouchable, of course, by the system to check on them. That is why I cannot give you factual evidence that company 'A' got one million dollars and they bought goods

valued at, let us say, half a million; because they would have docked all the documents to show that they have accounted for the money.

COUNSEL: Anything else?

NKERA: That is all.

CHAIRMAN: Mr. Nkera, there may be a few more questions from members of the Commission here to elucidate or explain some aspects of your evidence.

NKERA: Pardon me, Mr. Chairman, I did not get the last bit of your question.

CHAIRMAN: I see, you have not finished yet, you stay a little longer because the members of the Commission have questions to ask you or clarify certain things or seek more information regarding the evidence you have given.

NKERA: Okay.

KAKWENZIRE: This is in connection with your evidence in the murder of your friends, there are a few things which I want to be reconciled for final analysis. To your knowledge, is Imelda Kamya a sister-in-law of David Kayondo?

NKERA: No, she is not, but the father-in-law of Kayondo is called by the same name. He is Mr. Kamya from Mukono, I think.

KAKWENZIRE: You have said you put to her an old car for her use, did you also give her some money to bribe certain people?

NKERA: Well, occasionally she would come and say that these boys need some money for a weekend, for a drink, but at no time did we give any sizeable amount as ransom, because we had agreed in principle that this may not help. But many points of time she went on taking money.

KAKWENZIRE: In her evidence to the Commission, I have forgotten I do not remember he mentioning this letter from Oyite Ojok, did she Counsel?

COUNSEL: No.

KAKWENZIRE: She did not mention this letter from Oyite Ojok and yet it is of such interest to the Commission. She told us she was dealing

with some of the lesser officials - lesser in importance as compared to the Chief of Staff - she was dealing with boys in Nile Mansions whom one of them she knew as a former driver.

NKERA: Then I think she is a liar.

KAKWENZIRE: This letter from Oyite Ojok did she keep it or she gave you the copy?

NKERA: I had kept the copy but somehow during the wars, there was looting and it got misplaced somewhere in the house. I had it up to the time when Mr. Kayondo came out, he also looked at it.

KAKWENZIRE: Initially, she must have played a bigger part in the release of Mr. Kayondo on the strength his being a brother-in-law, and you realise Kayondo is the only survivor almost of the group. Again the other approaches you made none of them seems to have worked. Charles Olet again in his evidence told us how he tried very much to convince the authorities that these people were not bandits. And here, you are saying that he told you that they had actually confessed that they were bandits. So, this is where I want some kind of reconciliation of evidence. Are you telling the truth?

NKERA: I took an oath here and I think I am respecting it.

MR. KAWANGA: I did not hear your last remark.

NKERA: I took an oath here a few minutes ago and I abide by that.

COUNSEL: Maybe, perhaps after how many days did C.C. Olet tell you about this confession; was it about two days or three days or was it about a month?

NKERA: The incident happened on Friday evening, I saw Olet on Saturday, I saw him again on Sunday and that is when he told me his hands off.

KAKWENZIRE: Did he tell you that he himself had been mishandled?

NKERA: No.

KAKWENZIRE: Being branded as one of them?

NKERA: No.

MR. KAWANGA: How well did you know Charles Olet, was he your friend?

NKERA: I would not say a personal friend, but as I told you, I worked briefly in the Treasury in 1973 before I joined the Bank, so he was a senior officer there. I came to know him as one of my senior officials and of course, being in the Bank of Uganda, we were under the Ministry of Finance, we had a lot of official interactions - very many committee meetings or telephone calls on official matters. So, we knew each other quite well.

MR. KAWANGA: But you were not friends, you were business -

NKERA: You can say official acquaintance.

KAKWENZIRE: There is another inconsistency in evidence regarding yours and Kayondo's in relation to the Bank Manager, Dan Kireju. You have just said that the Bank Manager did write the letter to the Minister of Co-operatives and I think in Mr. Kayondo's evidence he said the Bank Manager would not stand for him. So, I want that clarified a bit to know who is inconsistent.

NKERA: You know, it is a bit of time if I appear to be inconsistent with Mr. Kayondo, I would ask your excuse and I would say probably my memory has lapsed and Mr. Kayondo's could be more correct.

COUNSEL: No, I think what you have told this Commission is that when you rang Dan Kireju, he told you he had written the letter to the Minister; that is information from the Manager or did you see the letter yourself?

NKERA: I did not see the letter.

COUNSEL: Or you were informed.

NKERA: He said he was taking action.

COUNSEL: And I think, as far as Kayondo's evidence is concerned, is that when he was released he found out that there were some effort but they were told can you stand for him; I think that is what Kayondo reported.

KAKWENZIRE: In your view, the fact that Kayondo survived and others died, was it sheer luck, was it some efforts made -

NKERA: I would say it is a combination of the two, Mr. Chairman.

KAKWENZIRE: In that your efforts could have reached some officials concerned?

NKERA: Not mine alone because many people were approaching different circles; probably it permeated through the system and somebody decided to release him.

KAKWENZIRE: To your knowledge, did anybody pay a ransom?

NKERA: Not to my knowledge.

KAKWENZIRE: We have heard from you and others, people who were involved in the arrest, torture and what have you, have you seen any of these people around?

NKERA: You mean people who have been tortured?

KAKWENZIRE: No, the people who arrested them and who tortured them and those names have come up here.

NKERA: No, not since the change of Government. But after the July coup of Tito, I met somebody called Lira-Lira who was one of the abductors on a Nairobi street while I was walking with Mr. David Kayondo.

KAKWENZIRE: Did you have a chance to shake hands?

NKERA: Yes, we did shake hands with him.

COUNSEL: Did he tell you what he was doing in Nairobi, was he on a visit?

NKERA: Well, we did not want to talk to him so much.

DR. MAKUBUYA: You have mentioned that Uganda has suffered tragically since Independence, but specifically, have you ever been robbed of anything?

NKERA: Yes, I have ever been attacked by a gang of robbers and that was in 1978; and we had been told that Public Safety Unit should be approached if we have a problem of that nature. I remember driving there in the morning wearing pyjamas because that was all I had. These people came later after 30 minutes and they took the few remaining things in the house.

DR. MAKUBUYA: Which people?

NKERA: That was the Public Safety Unit.

DR. MAKUBUYA: The P.S.U.?

NKERA: Yes, Naguru.

DR. MAKUBUYA: Where were you living then?

NKERA: I was living in Ntinda. On the same day, I think, we tried to follow up the matter - me and a young brother of mine who was at Makerere University -and in the process my brother was arrested and put at Kira Road Police Station and beaten up. He was released after a few hours after I had made a lot of appeals to very many people.

DR. MAKUBUYA: Have you ever witnessed anything like looting?

NKERA: Well, I have been looted twice; that is the robbery and then during the coup of July, I think, I was looted bare.

DR. MAKUBUYA: July when?

NKERA: July 1985.

DR. MAKUBUYA: Where were you living?

NKERA: I was living at Kimathi Avenue, Kampala.

DR. MAKUBUYA: Who looted you?

NKERA: Soldiers.

DR. MAKUBUYA: Were they armed?

NKERA: They were.

DR. MAKUBUYA: Have you ever gone through a road block?

NKERA: Many times.

DR. MAKUBUYA: On what road, for example?

NKERA: Say Entebbe Road, Jinja Road, Masaka Road.

DR. MAKUBUYA: And what has been your experience over the years through these road blocks?

NKERA: Rough.

DR. MAKUBUYA: What do you mean?

NKERA: You had to pay for your way to pass, you see people either being slapped and mishandled in a very inhuman ways.

DR. MAKUBUYA: Who was manning these road blocks?

NKERA: These were government soldiers.

DR. MAKUBUYA: Have you been happy generally in Uganda over the years?

NKERA: No.

DR. MAKUBUYA: Why not?

NKERA: Because of the situation, it could not make me happy. Let us say, you pass through a road block, you have to pay money, you see somebody being slapped even if you are not slapped yourself, I do not think you can be happy in that type of situation.

DR. MAKUBUYA: What is wrong in paying money at a road block?

NKERA: You are not supposed to pay money.

DR. MAKUBUYA: Why not?

NKERA: If you are paying money to government at a road block, then you should get a receipt; if it is money going to the Treasury.

DR. MAKUBUYA: System of informal tax.

NKERA: I would not call it informal tax, it is looting from the population.

DR. MAKUBUYA: How can you avoid these things for the future; is it possible to avoid them and how might we avoid them?

NKERA: I think it is a responsibility of every Ugandan to evolve a system to guard against such development in future.

CHAIRMAN: What system would you yourself suggest?

NKERA: I think it is a combination of many aspects. You can look at political structures which can protect our private lives, properties; government structures, proper police, disciplined army and systems of checking of such offenses are committed and offenders are brought to book.

CHAIRMAN: But all that have been contained in the Constitution - the various Constitutions we have had; what has been the problem? All that you have mentioned, protection of property, offenders are supposed to be brought to book and so on.

NKERA: I think the Constitution has been there in book and people have not been able to protect this Constitution. We do not have the power to protect the Constitution.

KAKWENZIRE: So, how are the people going to get power to protect the Constitution.

NKERA: The people should be able, for example, to effect change - to effect proper change in government when it is necessary.

CHAIRMAN: How should change be made?

NKERA: Elections.

KAWANGA: Unfortunately, everybody who has come around, the first thing he does is to take the Bible and swear to protect and defend the Constitution so help me God; the following day he does not. How do we handle that?

NKERA: I think it is a duty of Ugandans to sit down and work out a system of how to handle such situation.

KAKWENZIRE: Can all Ugandans sit down at any given time?

NKERA: When I say, all Ugandans, I mean through representatives. I believe somewhere there will be some time when a Constitution is drawn up and that is the time.

MR. KAWANGA: Have you had the misfortune of having some of your friends - people you know very well - who has gone to school, take up responsibility and abuse it. They have got the necessary training and preparation for being responsible people.

NKERA: Yes, we have seen PH.D's going to be Ministers, we have seen medical doctors being Ministers and abusing all the powers they are given.

MR. KAWANGA: What underlies this tendency to abuse office?

NKERA: I think it is both the up-bringing probably of an individual and the system he operates in.

MR. KAWANGA: So, you think if a proper system is in place, it can help in curtailing these excessive abuses?

NKERA: I think you are correct.

KAKWENZIRE: My point is on the peoples responsibility. Do the people have power against the gun?

NKERA: Yes, you have the power to rebel against a state machinery.

KAKWENZIRE: In what way?

NKERA: Like the way Luwero Triangle came up.

KAKWENZIRE: So, you are suggesting that the people must be armed?

NKERA: Sure.

MR. KAWANGA: Apparently, a similar thing is happening in the North-East, can we continue affording this kind of thing? Some people in the North-East have taken up arms, they are opposing the

Government, are they right?

NKERA: In my view, I do not think they are right because I think they are trying to bring back the systems we have gone through which we are talking about right now.

MR. KAWANGA: But they are Ugandans and in your view that is the kind of system they want for Uganda.

MR. NKERA: Then it is the duty of those other Ugandans to make them see sense.

MR. KAWANGA: We have tried to see each other's sense for the last 20 years by this kind of way and we have not ended. People come from Tanzania, they go across to Uganda liberating us, they go up to Arua and they establish a government and we call it the National Liberation Army. The following day, we want another one to come and sweep those across the tables. In 1985, the Basilios come from the North, they come to liberate us from the regime of murder and terror; one year later we want to sweep them across because they are not doing it very well. Now, how do we end this kind of thing?

NKERA: I think to end that we have to draw up a Constitution acceptable to all people and guarding against such possibilities in future.

CHAIRMAN: Mr. Nkera, your evidence has been clear enough I think from a few questions the Commissioners have asked you, we have been able to learn the kind of ideas you want from Ugandans. I would like you to go back and encourage Ugandans of your calibre and so on - friends - to come and give evidence before the Commission; not only about the experience they have had - the last experience - but also what they think should be a solution.

NKERA: Thank you very much, Mr. Chairman.

CHAIRMAN: Next witness, please.

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